

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



Planning Committee

Agenda

Monday, 2nd December, 2024
at 9.30 am

in the

Assembly Room
Town Hall
King's Lynn
PE30 5DQ

Also available to view at:

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



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PLANNING COMMITTEE AGENDA

Please ensure that all mobile phones are switched to silent

DATE: Monday, 2nd December, 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 4 November 2024 (previously circulated).

3. DECLARATIONS OF INTEREST (Page 5)

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 Chair 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. INDEX OF APPLICATIONS (Page 6)

The Committee is asked to note the Index of Applications.

9. DECISION ON APPLICATIONS (Pages 7 - 68)

The Committee is asked to consider and determine the attached Schedules of Planning Applications submitted by the Assistant Director.

10. DELEGATED DECISIONS (Page 69)

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

11. TREE UPDATE REPORT (Pages 70 - 72)

The Committee is asked to note the report.

To: Members of the Planning Committee

Councillors B Aota, T Barclay, R Blunt, A Bubb, R Coates, M de Whalley, T de Winton, P Devulapalli, S Everett, D Heneghan, S Lintern (Vice-Chair), T Parish (Chair), S Ring, C Rose, 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 5th December 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 Chair, items may not necessarily be taken in the order in which they appear in the Agenda.
- (2) An Agenda summarising late correspondence received by **5.00 pm** on the **Wednesday before the meeting** will be emailed, 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 before **5.00 pm** two working days before the meeting, **Wednesday 27th November 2024**. Please contact borough.planning@west-norfolk.gov.uk or call (01553) 616818 or 616234 to register. Please note that you must have previously made representations in writing on the application that you wish to speak on to be able to register to speak.

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.

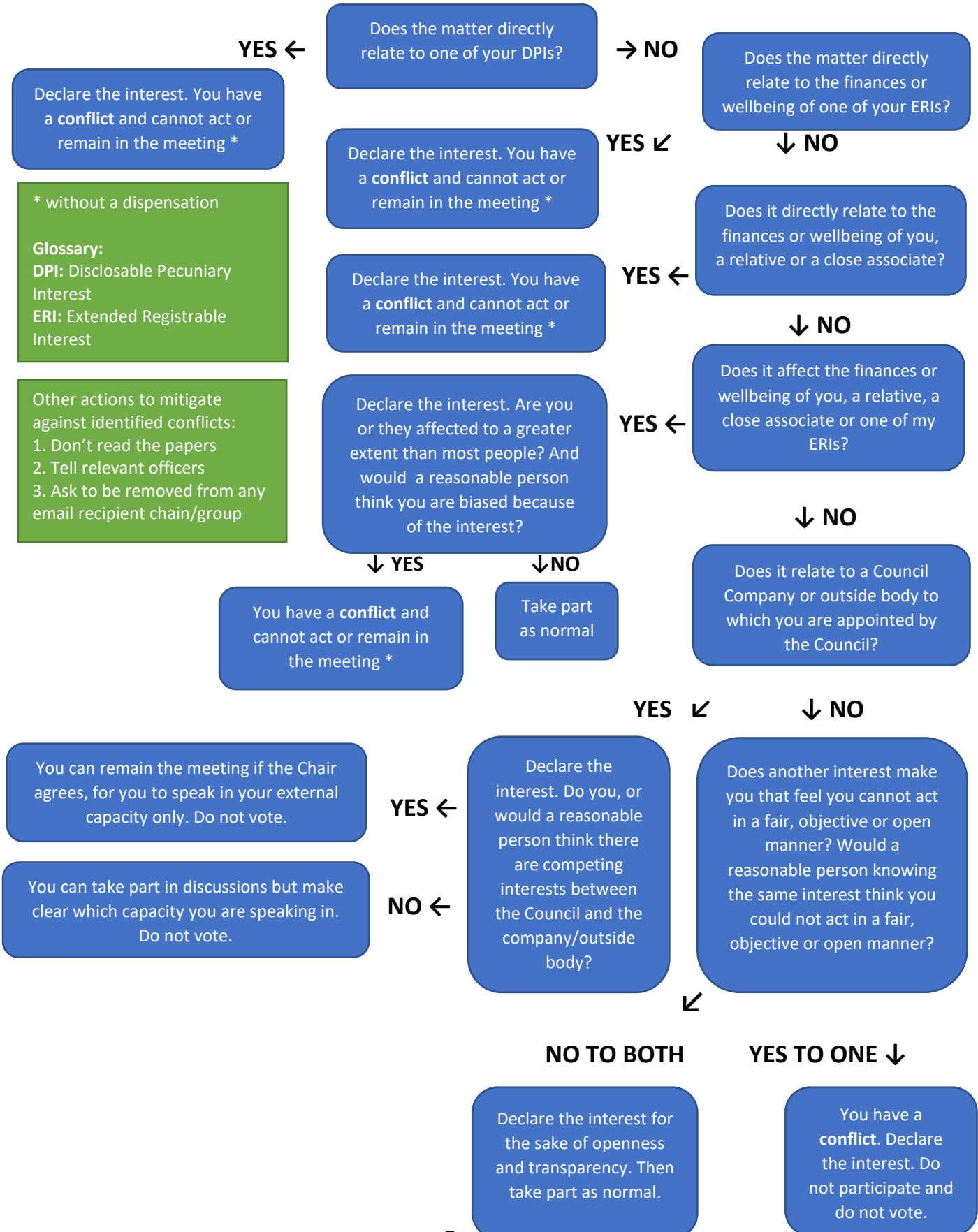
For Further information, please contact:

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

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



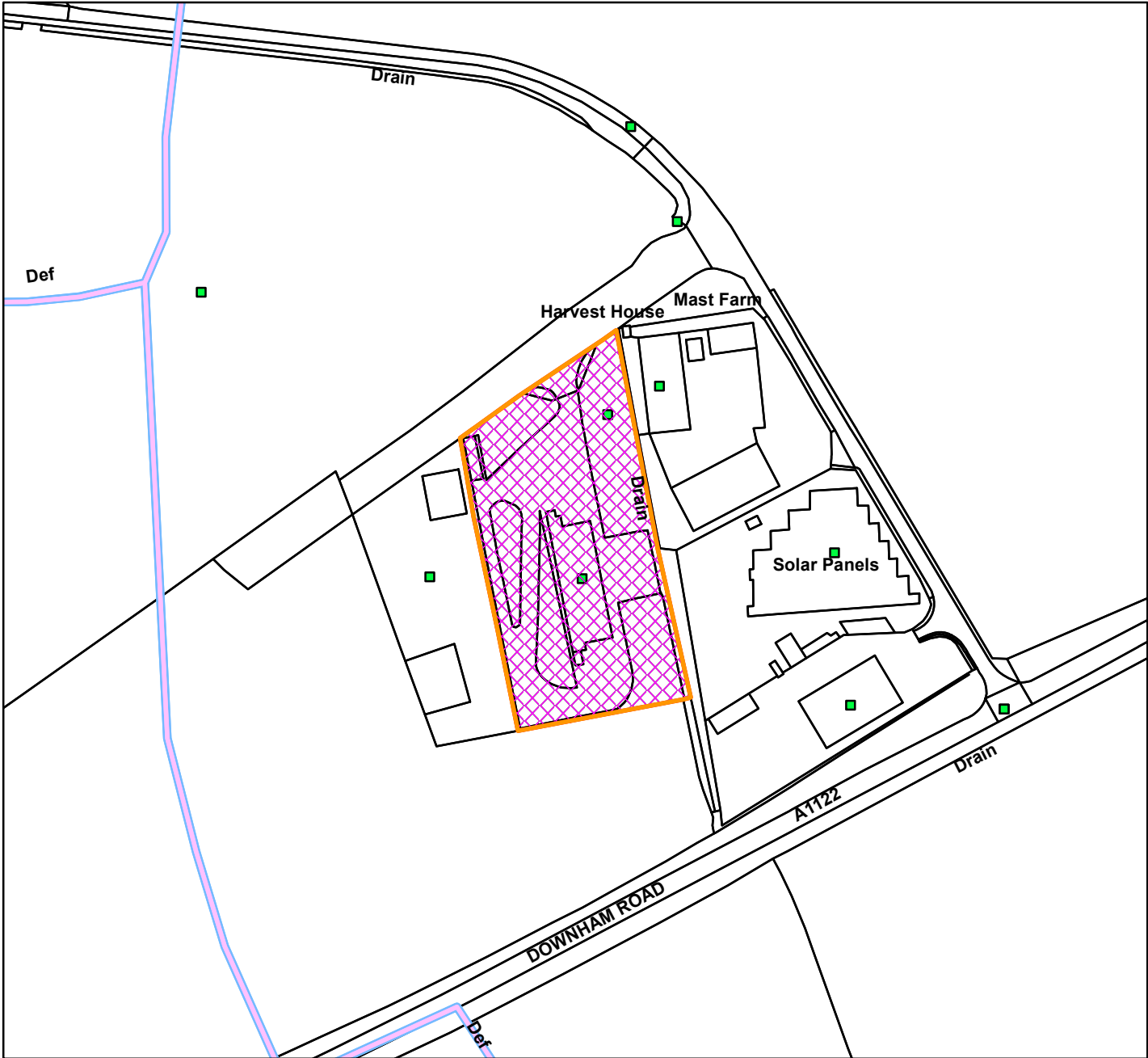
**INDEX OF APPLICATIONS TO BE DETERMINED
BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 02 DECEMBER 2024**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/1(a)	24/01869/F SJC Trailers Ltd, 6 New Road, Crimplesham KINGS LYNN, Norfolk PE33 9FH Removal of Condition number 3 attached to planning permission 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access.	CRIMPLESHAM	REFUSE	7
9/1(b)	24/01692/F Land Behind 32 Winch Road, Winch Road, West Winch, Norfolk, PE33 0ND The erection of a cottage and garage on a former brown field site.	NORTH RUNCTON	REFUSE	15
9/1(c)	24/00143/F White Cottage, 19 Wodehouse Road, Old Hunstanton, HUNSTANTON Norfolk, PE36 6JW VARIATION OF CONDITIONS 1 AND 4 OF PLANNING PERMISSION 23/00598/F: Demolition of existing dwelling and construction of replacement dwelling	OLD HUNSTANTON	APPROVE	33
9/1(d)	24/01121/F Land To The East of West End Cottages High Street, Thornham, Norfolk Construction of new holiday let and car park to serve holiday lets	THORNHAM	APPROVE	57

24/01869/F



SJC Trailers Ltd, 6 New Road, Crimlesham, Kings Lynn PE33 9FH



Scale: 1:2,500

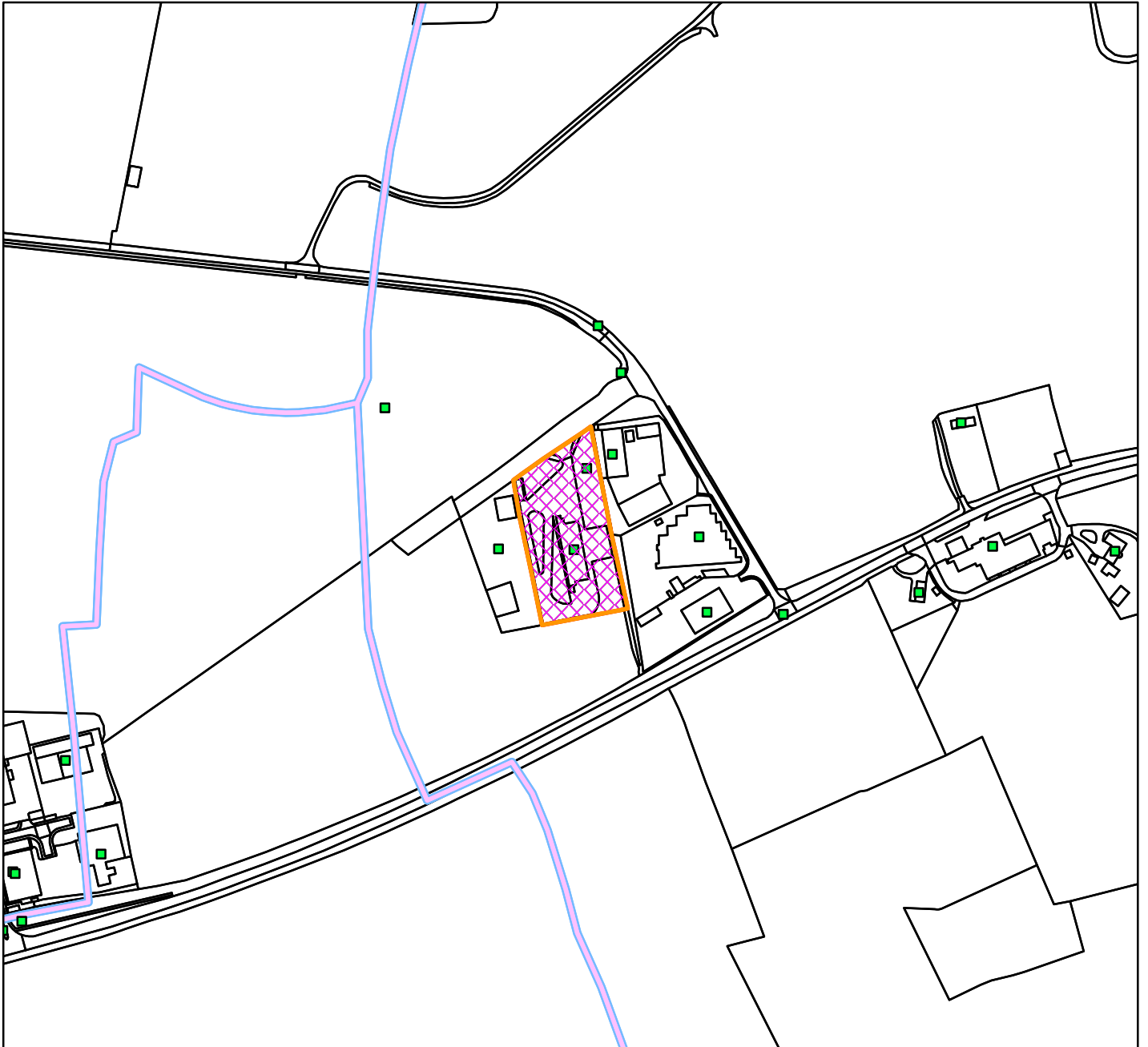
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	18/11/2024
MSA Number	0100024314

24/01869/F

SJC Trailers Ltd, 6 New Road, Crimlesham, Kings Lynn PE33 9FH



Scale: 1:5,000

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	18/11/2024
MSA Number	0100024314

Parish:	Crimplesham	
Proposal:	Removal of Condition number 3 attached to planning permission 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access.	
Location:	SJC Trailers Ltd 6 New Road Crimplesham KINGS LYNN PE33 9FH	
Applicant:	SJC Trailers Ltd.	
Case No:	24/01869/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 12 December 2024

Reason for Referral to Planning Committee – Application called in by Cllr Moriarty

Neighbourhood Plan: No

Case Summary

The planning application seeks the removal of condition no.3 attached to planning consent 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access at SJC Trailers Ltd, 6 New Road, Crimplesham. Condition 3 stated that the development should at all times be used in association with the site and it shall at no time be sold/ let/ used for any other business or commercial purposes.

The application site is within an established commercial area off New Road, to the north of the A1122 (Downham Road). The site is within the settlement of Crimplesham which is categorised as a Smaller Village or Hamlet in the adopted Local Plan. As such the site is on land designated as countryside.

The site has been operated by SJC Trailers Ltd. who store trailers and trailer parts for repairs/upgrades and supply. The applicant hopes to build and occupy the building recently granted consent, but also to subdivide the site and allow the existing building to be occupied by another operator (a similar type of business) within the approved land use.

Key Issues

- Principle of Development
- Access/ Highway Safety
- Other Material Considerations

Recommendation:

REFUSE

THE APPLICATION

The planning application seeks the removal of condition no.3 attached to planning consent 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access at SJC Trailers Ltd, 6 New Road, Crimbleham. Condition 3 stated that the development should at all times be used in association with the site and it shall at no time be sold/ let/ used for any other business or commercial purposes.

The application site is within an established commercial area off New Road, to the north of the A1122 (Downham Road). The site is within the settlement of Crimbleham which is categorised as a Smaller Village or Hamlet in the adopted Local Plan. As such the site is on land designated as countryside.

The site has been operated by SJC Trailers Ltd. who store trailers and trailer parts for repairs/upgrades and supply. The applicant hopes to build and occupy the building recently granted consent, but also to subdivide the site. To sell part of the site to an operator that runs a very similar scale of operation to SJC Trailers. The applicant would retain the north eastern part of the site, where the approved new building is to be constructed and allow the existing building to be occupied by the other operator within the approved land use.

SUPPORTING CASE

Thank you for the opportunity to provide comments on the application. The following comments are made in support of the planning application, in addition to those already set out in our planning supporting statement and the Transport Note provided by Rossi Long, both submitted as part of the planning application.

The planning application is not proposing any additional buildings or structures, as the new building was proposed in May 2024 under planning reference 24/00476. All that is being proposed is who will use the existing building and the approved 250m2 building.

No objections have been received from the local area and the Parish Council supports the application. Furthermore, Councillor Moriarty supports the application and has called the application in to be heard at Planning Committee should the application be recommended for refusal.

The Highway Authority comments on this current application have not yet been received, but comments on the previous application recommended refusal on the grounds that 'the proposed development would intensify the use of the existing junction on a stretch of classified highway which carries significant traffic movements, usually at speed....' These comments also note however that there has been a reduction in traffic using the junction since the VOSA testing centre (previously on this site) closed in 2016-17.

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The application is supported by a report from a Highway Consultant that states that as a result of the planning application, the uses on site would broadly remain the same and would operate within the same land use planning category that was previously approved. Consequently, vehicular trip generation would be similar to at present. The report identifies that appropriate visibility splays are provided in both directions from New Road onto Downham Road and that the latest 5 year Personal Injury Accident Record at the New Road junction shows only one slight personal injury, and that no serious or fatal accidents have occurred.

Although we recognise that there will be a slight increase in the use of the New Road junction as a result of this application, it will not result in the impact that the Highway Authority state in their response. Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe.' In our opinion the proposed removal of the planning condition would not result in these highest levels of impact.

It is therefore considered that the proposal complies with relevant local and national planning policies, and the removal of condition 3 is justified by the advice contained in the NPPF about the appropriate use of planning conditions in decision making.

PLANNING HISTORY

24/01280/F: Application Withdrawn: 12/09/24 - Removal of Condition 3 attached to Planning Permission 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access. - SJC Trailers Ltd

24/00476/F: Application Permitted: 09/05/24 - Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access. - SJC Trailers Ltd

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: OBJECTION

Having reviewed the Transport Note submitted for this application we continue to recommend a refusal to this application in line with our comments for planning reference 24/01280/F.

With respect to their Transport Note a summary of our view to this is as follows:

The reference to the site use as a VOSA vehicle testing centre (Para 1.5) has been covered in the previous letter for 24/01280/F. That use has been lost the permitted use is now that approved under 24/00476/F. During the time the New Road junction facilitated access for the VOSA vehicle testing centre the A1122 experience significant recorded accidents, were as the permitted use of the site now finds a significant accident reduction as supported by 4.0 of their Transport Note, which is reflective to reduced slowing, stopping, and turning movements.

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The Transport Note mentions (1.7) that due to economic viability the applicant is seeking to sell the application. Our interpretation of that is; it's not required. The reuse by a 3rd party can only therefore result in additional traffic utilising the junction. Sections 3.6 – 3.8 clearly show this to be the case when correctly, in our view, assessed against the current permitted use of the site.

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.

REPRESENTATIONS None received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM12 - Strategic Road Network

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:

- Principle of Development
- Access/ Highway Safety
- Other Material Considerations

Principle of Development:

This application seeks to remove condition no.3 of planning consent 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access at SJC Trailers Ltd, 6 New Road,

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Crimplesham. As such the principle of development has been accepted, and is in line with the NPPF, and policies CS06 and CS10 of the Local Plan.

Access / Highway Safety:

The access to the application site is via New Road, an access road of sufficient width for two way traffic and with adequate visibility splays onto the A1122.

The NPPF in paragraph 114 states it should be ensured that 'safe and suitable access to the site can be achieved for all users'. Policy CS11 of the adopted Local Plan refers to the need for development proposals to demonstrate that they have been designed to: ... Provide for safe and convenient access for all modes...' Policy DM12 of the Local Plan outlines the Council's approach to the impact of development on the Strategic Road Network. The policy states – '...New development served by a side road which connects to a road forming part of the Strategic Road Network will be permitted provided that any resulting increase in traffic would not have a significant adverse effect on: ... Highway safety...' Policy DM15 requires that 'proposals should demonstrate that safe access can be provided..'

The reason for condition no.3 of planning consent 24/00476/F was *'To ensure the LPA retain control over the use of the site which otherwise would result in an increased use of the highway junction which is without a right hand turning facility and a location where previous accidents have been recorded. This is in accordance with the NPPF and policy CS11.'* The Local Highway Authority have had historic concerns regarding the New Road junction with the A1122. The applicant has submitted a Transport Note as part of this application to seek to address these concerns.

The applicant states in their Transport Note that a combination of the existing and new uses on site would not generate a significant number of vehicular movements to/from the site during the course of the day, as both the existing and proposed operations generate significantly less traffic than the previous VOSA testing station that operated from this site. It is understood that the vehicle testing/ training use ceased in 2016-2017.

In assessing the highway safety of the junction of New Road and the A1122, in terms of the personal injury accident record at this junction, for the most recent 5-year period 2017-2022, inclusive, only one 'slight' personal injury accident occurred in 2018, and no 'serious' or 'fatal' accidents are recorded. The very low number of personal injury accidents during this 5-year period indicates that there are no inherent significant safety concerns to take into account in the local area. Therefore, there are no highway safety reasons for this application to be refused. Their view is that the evidence shows that the proposed sub-division of the site would not have a significant impact on highway safety, and that the suitability of imposing condition no. 3 on the planning permission in the first place must be questioned and based on this evidence, the condition fails to comply with the advice contained at paragraphs 54 and 56 of the NPPF and should be removed.

The Local Highway Authority reviewed the Transport Note information, and their views are detailed in full above. However, in summary, they state that the previous use of the site as a VOSA vehicle testing centre has been lost, and that when this was in use the A1122 experienced significant recorded accidents. The current use of the site has seen a significant reduction in accidents due to reduced slowing, stopping and turning movements as a result. They state that any justification of the proposal, for economic viability reasons, is not sufficient to justify the resultant increases in traffic movements utilising the junction.

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Notwithstanding the information submitted within the Transport Note the Local Highway Authority continues to recommend a refusal to this application in line with their comments for planning reference 24/01280/F. In terms of highways safety, the variation proposed fails to accord with the NPPF and policies CS11, DM12 and DM15 of the adopted Local Plan.

Other Material Considerations:

Ecology - Natural England had no comments in response to the consultation.

CONCLUSION:

This application seeks to remove condition no.3 of planning consent 24/00476/F: 'Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access' at SJC Trailers Ltd, 6 New Road, Crimbleham. In terms of the principle of development this is broadly acceptable, and was agreed under the extant planning consent.

The applicant has sought to provide additional information, as part of this application, to support the removal of condition 3. Stating that the proposed use of the site (for SJC Trailers and a second operator) would not give rise to an unacceptable volume of vehicle movements. That in fact movements would be less than that of a previous use of the site (as a VOSA testing centre). The Local Highway Authority does not accept this argument and refers back to the historic accident records at the site. Their view is that the nature of the A1122, and the junction with New Road, is such that an intensification of use of this junction would be detrimental to highway safety and therefore would be contrary to the policy framework.

For the reasons detailed above, Members are respectfully recommended to refuse the application as the proposal is contrary to the NPPF (paragraphs 114 and 155) and Local Plan policies CS11, DM12 and DM15.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The removal of condition 3 of planning consent 24/00476/F would enable the subdivision of a commercial site, to allow additional operator(s) to utilise the site. This would result in an increase in vehicle movements to/ from the application site which would result in additional traffic utilising the highway junction at New Road and the A1122. The junction is on a stretch of classified highway which carries significant traffic movements at speed. The increased use of the highway junction which is without a right hand turning facility, and is at a location where previous accidents have been recorded, would lead to conflict with the passage of through vehicles and would be detrimental to highway safety. The development is therefore contrary to the NPPF in general but specifically to paragraphs 114 and 115 of the NPPF and Local Plan policies CS11, DM12 and DM15.

Land Behind 32 West Winch Road, Winch Road, West Winch PE33 0ND



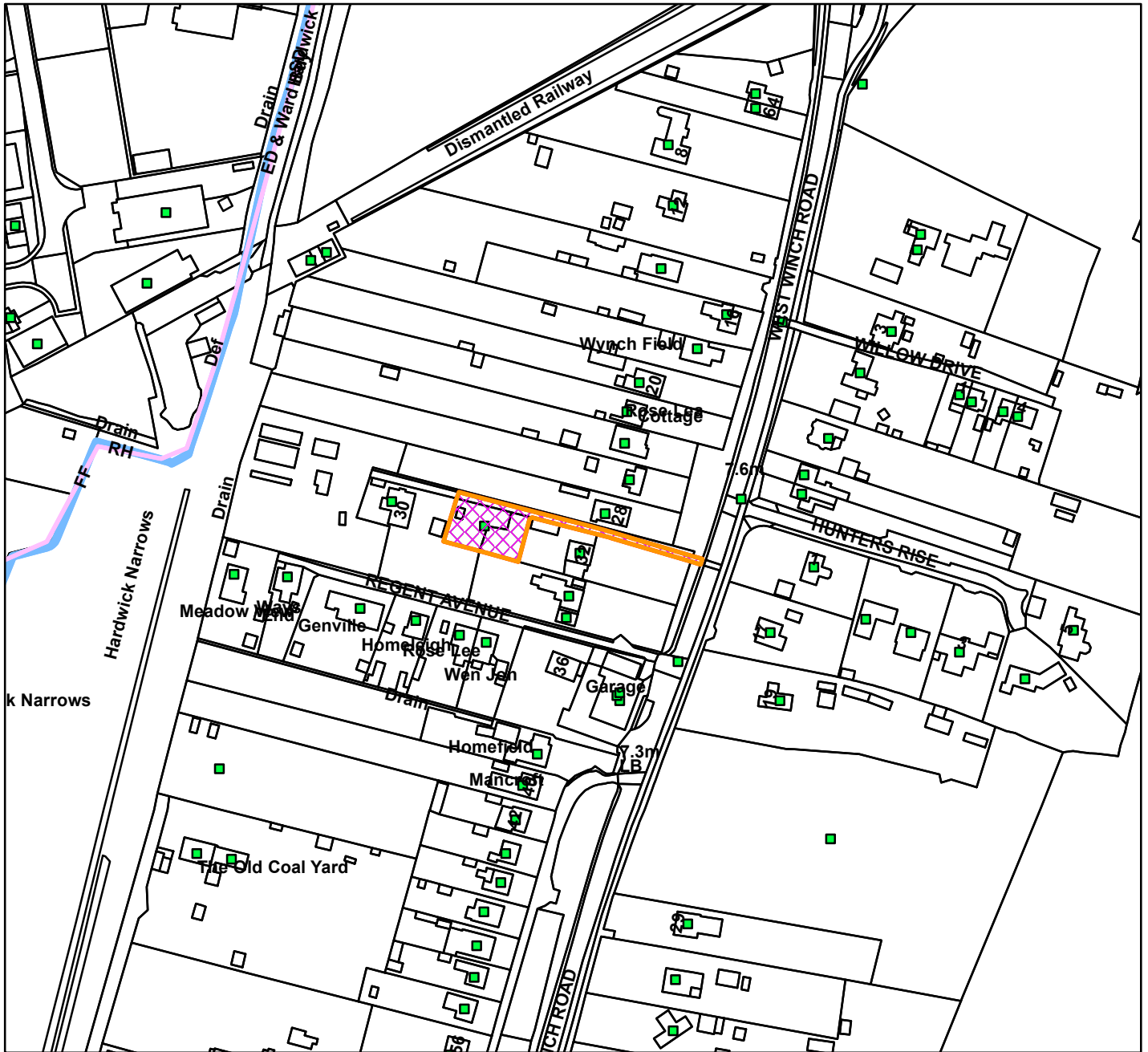
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/11/2024
MSA Number	0100024314

Land Behind 32 West Winch Road, Winch Road, West Winch PE33 0ND



Scale: 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/11/2024
MSA Number	0100024314

Parish:	North Runcton	
Proposal:	SELFBUILD - The erection of a cottage and garage on a former brown field site.	
Location:	Land Behind 32 Winch Road Winch Road West Winch Norfolk PE33 0ND	
Applicant:	Mr John Wood	
Case No:	24/01692/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 16 December 2024

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

Neighbourhood Plan: Yes

Case Summary

The proposal is for the erection of a cottage and garage on land immediately west of No 32 Winch Road, West Winch, PE33 0ND.

The site is approximately 850sqm, located in-between No 32 (to the east) and 30 (to the west). At the time of the site visit there was a small lean-to shack, digger, skip, miscellaneous cones, bricks, and piles of rubble on the site.

West Winch is designated as a Settlement Adjacent to King's Lynn within Policy CS02 of the Core Strategy 2011. The site is located within the development boundary of West Winch, shown on West Winch and North Runcton Neighbourhood Plan (WWNRNP) area and Inset Map E2 of the Site Allocation and Development Management Policies Plan (SADMPP) (2016).

Key Issues

- Planning History
- Principle of Development
- Highway Safety and Parking Provisions
- Form and Character
- Neighbour Amenity
- Other Matters

Recommendation:

REFUSE

THE APPLICATION

The application is for the erection of a cottage and garage on a site immediately west of No 32 Winch Road, West Winch, PE33 0ND.

The application site is approximately 850sqm, located in-between No 32 (to the east) and 30 (to the west). The site would share the same access with the existing bungalows, which egresses on to the A10. At the time of the site visit there was a small lean-to shack, digger, skip, miscellaneous cones, bricks, and piles of rubble on the site. The Applicant has submitted evidence to support their claim that the land is brownfield: a former builder's yard. However, the Council consider the land is residential amenity land and has evidence in support of this.

There is recent planning history on this site. Notable, a previous Outline application (reference: 19/00250/O) was refused before Planning Committee in line with Officer's recommendation and a further Outline application (reference: 19/02177/O) was refused and dismissed at Appeal (reference: APP/V2635/W/20/3256924).

West Winch is designated as a Settlement Adjacent to King's Lynn within Policy CS02 of the Core Strategy 2011. The site is located within the development boundary of West Winch, shown on West Winch and North Runcton Neighbourhood Plan (WWNRNP) area and Inset Map E2 of the Site Allocation and Development Management Policies Plan (SADMPP) (2016).

SUPPORTING CASE The Applicant has submitted the following:

Application Owing to problems which arose with the previous application because of staff leaving etc., which protracted the time frame causing time constraints to be missed, this new application enables the proposals to be presented to Members and endorses the contents of the Design and Access Statement.

Points of agreement Planning: Officers have reached their independent professional judgement on their application and must not subscribe to any statement or reports which are contrary to their own genuine professional opinions (RTPI Code of Professional Conduct 11-13 February 2023). Therefore, the following matters can be considered agreed:

- the principle of development on the site is considered acceptable subject to accordance with other policies of the Local Plan.
- The layout and design of the property is considered acceptable with adequate spacing between existing houses. The scale of the dwelling is modest, and the appearance reflects the wider street-scene. It is considered the layout and appearance of the development is acceptable.
- The design and appearance of the dwelling is acceptable. It is considered that issues such as overlooking to neighbouring dwellings could be further mitigated through appropriate boundary treatments and landscaping which can be conditioned.
- Points of disagreement
- The existing storage observed on site should be considered as ancillary to the main dwelling and does not hold permitted class uses in its own right. Covered in DAS and a specific bundle of evidence and sworn affidavit will be submitted sufficient to establish use in law. This Builders Yard is a legal established use and traffic generated from it must be taken into account.

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- DM12 designates states that new development served by a side road which connects to the strategic road network will be permitted unless any increase in traffic would have significant adverse impacts on the national and strategic role as a road for long distance traffic. However, Planning Officers should not be relying on DM 12 as this only applies outside of the settlements specified within Core Strategy policy CS02 (West Winch specified).

Therefore, the only policy which can be set against the proposal is E2.2 a 1. No development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. The argument centres around a theoretical increase (or decrease) in traffic that results from building one new house and removing an existing builder's yard. Planning Officers argue this could be 6 traffic movements a day (or less if traffic from the builders' yard is discounted).

The National Planning Policy Framework states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 115. An examination of accident records does not suggest any difficulty with impact on highway safety and the traffic impact of this application is not judged to be severe.

A fundamental, underlying principle of the Planning System is that it should be applied in a Fair and Consistent manner. This is regularly upheld in Planning Appeals. The Borough Council has recently approved 300 new dwellings to access the A10 420 metres from the application site. It has approved two applications of Permanent Park homes and 17 New dwellings (now developed) 460 metres to the south of the application site. Planning Officers are duty bound to respect, promote and encourage equity and inclusion and the principles of the UN Universal Declaration of Human Rights - yet this application seems to have been singled out despite the fact that it does not offend any policy or policy wording and there is no evidence presented to show that it would result in any significant increase in traffic onto the A10 that could be construed as causing undue interference with the safe and free flow of traffic or ability of the A10 to carry long distance traffic efficiently.

Having examined national and local planning policies in context with the facts, it is clear that this application is without exception compliant and surely should be approved.

PLANNING HISTORY

24/00555/F: Application Refused: 16/09/24 - The erection of a cottage and garage on a former brown field site (Delegated)

19/02177/O: Application Refused: 21/02/20 - Outline application: Proposed new bungalow (Delegated) (Appeal reference APP/V2635/W/20/3256924 Dismissed)

19/00250/O: Application Refused: 01/04/19 - Outline Application: proposed new Bungalow (Committee)

RESPONSE TO CONSULTATION

Parish Council: SUPPORT with summarised comments:

After initial concerns about access, the applicant responded by reconstructing the ramp and widening the surfaced road. This work was completed several years ago. In the Parish Council's opinion this has removed the road safety issue.

The Parish Council have previously confirmed that the site has been used as a builder's yard for many years and that it was previously used in a commercial capacity by an antiques business. Given the mainly residential context the Parish Council believe it would be beneficial for the neighbours if the current usage ceased, the site was cleared and the proposed dwelling was permitted.

Request policy clarification (Policy E2.2) as there have been a number of refusals relating to access onto the A10 and intensification of use, whilst other applications in both North Runcton and West Winch have been approved.

The Parish Council support the Arboricultural Officer's condition request and ask the Council to use site specific neighbourhood plan policies when considering the scheme: WA03 (Protecting and Replacing Natural Features), WA04 (Providing Sustainable Drainage), WA05 (Providing GI Management Resources), and WA07 (Design to Protect and Enhance Local Character).

Local Highways Authority: OBJECT

In this respect the application is therefore very similar/same in its highway considerations as the previous planning reference 24/00555/F.

The Local Highway Authority therefore refer the LPA to comments made for that previous application and continue to recommend that the application be refused for the reasons given. The Local Highway Authority would also give strong consideration to the findings of the Planning Inspectorates decision for planning reference 19/02177/O which would have been reviewed during the period which the applicant claims to have been utilised as a builder's yard.

Previous Comments under Planning Reference 24/00555/F

Following the LPAs conformation that the existing storage observed on site should be considered as ancillary to the main dwelling and does not hold permitted class uses in its own right, the Local Highway Authority submit the following comments:

The proposed development accesses onto the A10 via a narrow single vehicle width private drive. The A10 is a strategic route in Norfolk's Route Hierarchy and within Policy DM12 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016)(SADMPP).

The A10 carries a very high volume of traffic which is subject to a 40mph speed limit and there have been several recorded collisions in the proximity of the access. The Local Highway Authority consider an approval of this application would ultimately lead to increases in conflict and interference with the passage of through traffic on this strategic route. Being caused by additional vehicles, slowing, stopping, waiting, and turning into and out of the site.

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It is observed that the applicant refers to the use of the land applied for as a builder's yard. However, as the land is considered to be ancillary by the LPA and does not appear to enjoy an independent permitted class uses relating to a builder's yard. It is view of the Local Highway Authority that the level of traffic generated by an additional dwelling (which is typically 6 trips per day according to the national TRICS data base) should be considered as additional.

It is also noted that the Design and Access Statement indicates that the land has been separated from no.32 by an act of sale and has listed traffic said to have accessed the site. However, examination of the list does not suggest a level of traffic that a dwelling would be expected to generate on a daily basis. We would also return to the position that the land is not considered to hold such a class use by the LPA.

Norfolk County Council as the highway authority for the A10, has consistently sort to resist development that would increase vehicle movements of the nature described above from private drives. All inspectors' decisions have been found in favour of this authority's stance when challenged at appeal. We would also refer to the planning inspectorate's decision for the nearby application for 17/01677/O at NO. 66 which was dismissed on highway safety grounds. And we also refer you to the very relevant appeal decision for this site considered under planning reference 19/02177/O where reasons 5-10 would appear to remain relevant in this case.

As we believe an approval of this application would ultimately lead to conditions to the detriment of safety and efficiency on the A10 We therefore recommend the application be refused for the following reason:

The proposed development would intensify the use of an existing narrow access on a stretch of classified highway which carries significant traffic movements. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs, but the intensification of that interference which this proposal would engender would be detrimental to highway safety.

Water Management Alliance: NO COMMENT

Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to conditions related to site characteristics, submission of a remediation scheme, implementation of approved remediation scheme, and reporting of unexpected contamination, and an informative for asbestos.

Natural England: NO OBJECTION subject to securing appropriate mitigation related to Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS).

Arboricultural Officer: NO OBJECTION subject to conditions for Tree and Hedge Protection, Tree Planting, and Access Construction Specification (if a new access is proposed.)

REPRESENTATIONS None Received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

Policy E2.2 - Development within existing built-up areas of West Winch

NEIGHBOURHOOD PLAN POLICIES

Policy WA03 - Protecting and Replacing Natural Features

Policy WA04 - Providing Sustainable Drainage

Policy WA05 - Providing GI Management Resources

Policy WA07 - Design to Protect and Enhance Local Character

Policy WA10 - Adequate Provision for Cars

Policy WA12 - Adequate Outside Space

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
- Highway Safety and Parking Provisions
- Form and Character
- Neighbour Amenity

- Other Matters

Planning History:

The application site has recent planning history, which is a material consideration to this planning application.

The site was originally subject to an Outline application with access and layout reserved, for one dwelling in 2019 (reference 19/00250/O), which was refused at Planning Committee in line with Officer's recommendation. Following the determination of this Outline application, an Enforcement investigation was carried out (reference 19/00169/UNAUTU) to investigate whether the site was being used as a builder's yard and it was concluded that no material change of use has occurred. As no breach was considered to have taken place during this Enforcement investigation, the site remained to be amenity land to No 32 Winch Road.

A subsequent Outline application for one dwelling was submitted later in 2019, which was refused under Delegated powers. This refusal decision was appealed by the Applicant (appeal reference APP/V2635/W/20/3256924) and the Inspector refused and dismissed the appeal as "the proposed development would have a significantly adverse effect on the free flow of traffic and highway safety."

A more recent Full planning application was submitted for the erection of a cottage and garage, which was refused under Delegated powers (reference 24/00555/F). This application is an identical submission for the application to be heard within a democratic setting.

Principle of Development:

West Winch is designated as a Settlement Adjacent to King's Lynn within Policy CS02 of the Core Strategy 2011. The site is located within the development boundary of WWNRNP area and Inset Map E2 of SADMPP (2016). Development is generally permitted within the development boundaries in accordance with DM2 of the SADMPP (2016). However, this is subject to other local planning policies.

The application site is located along the A10 and therefore subject to Policy E2.2 of the SADMPP (2016). In their supporting case, the Applicant makes comparison of the proposed development against the development of West Winch Growth Area (WWGA). However, these developments are not comparable as WWGA is a strategic planned development and the development of the site is subject to a separate policy (E2.1 of the SADMPP (2016)).

Brownfield:

Paragraph 123 - 124 of the NPPF gives consideration for the development of suitable brownfield land. First, it is important to establish whether this land is lawfully brownfield.

The NPPF defines 'brownfield' or 'previously developed land' as: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where

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the remains of the permanent structure or fixed surface structure have blended into the landscape."

The Parish Council and Applicant have claimed the land has previously been used as a builder's yard and an antique business before that. No information has been submitted regarding the antique business. The Applicant has submitted information in support of this site being used as a builder's yard within the Design and Access Statement (D&AS) (Page 8 - 11) and during the application process. On the basis of this information, the Agent argues the land should be considered as 'brownfield'.

The evidence within the D&AS includes a list covering an array of matters between 32 West Winch and J C Wood Limited Builders from 30 April 2013 - 30 May 2023. Further supporting information includes invoices from William George Sand & Gravel Ltd (dated 30 April 2024 and 30 September 2023 and Skippy Skip Hire (dated 17 October 2023 and 29 August 2023) and land registry showing the sale of the land on 18 December 2020.

As per Paragraph 191 of the Town and Country Planning Act 1990, to ascertain whether "(b) any operations which have been carried out in, on, over or under land are lawful...he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations and other matter." The determination of whether the application site is brownfield land as a builder's yard via a Full planning application is incorrect procedure and the Applicant should apply for a Lawful Development Certificate to prove lawfulness.

Nevertheless, the Council do not consider the land is lawfully a builder's yard and therefore not brownfield land. In 2019, an Enforcement investigation was carried out on the application site, and the Enforcement Officer closed the investigation with the summary that that no material change of use had occurred in April 2019. Therefore, the land remained lawfully as amenity to No 32 Winch Road in April 2019.

During the submission of the Outline planning applications 19/00250/O and 19/02177/O, there was no formal submission of the application site as a builder's yard. In fact, the application form of both applications state that the existing use of land as 'Garden'. Furthermore, aside from one sentence in the Appellant's Statement of Case, which reads "a redundant garden which has been used for storage and a builder's yard for six years" which is discussed by the Inspector in paragraph 16 of the Appeal decision, there was no additional evidence submitted as part of the Appeal process that the site was a lawful builder's yard.

To claim that the land is now a builder's yard, the Applicant needs to demonstrate a change of use has occurred for a period in excess of ten years to avoid enforcement action, as per paragraph 171(3) of the Town and Country Planning Act 1990. However, as mentioned above, the Council did not consider a material change had taken place on the land in April 2019. Therefore, it is impossible for the Applicant to demonstrate that the application site has lawfully been a builder's yard for a period of over ten-years as the Council deemed that no change of use occurred in April 2019. At most, the Applicant would only be able to demonstrate that a change of use of the land to a builder's yard for just over five years (from April 2019 - December 2024). The Applicant does not address that matter of the Enforcement investigation and Inspector's decision within the D&AS, nor justify how the application site would now be considered a lawful builder's yard.

The lawful use of the site therefore falls outside the NPPF's definition of 'brownfield' / 'previously developed land' and is not considered brownfield land.

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Regardless of whether the Applicant could, or could not, demonstrate the land as brownfield by virtue of an unlawful change of use, the land would not be considered 'suitable brownfield' per the NPPF, as the development of this site would give rise to highway safety concerns contrary to Policy E2.2 and DM12 of the SADMPP 2016 and Policy CS11 of the Core Strategy 2011.

Self Build and Custom Housing

The application is for a self-build dwelling.

The NPPF explains in footnote 29, that the Self Build and Custom Housebuilding Act 2015, (as amended recently by the LURA), places a legal duty "to give enough suitable development permissions to meet the identified demand". The requirement that permissions need to be suitable means that the need to grant planning permission to meet demand for SB&C housing plots does not eliminate the need to consider the suitability of the site in other respects.

The potential self-build nature of one dwelling proposed attracts limited weight and does not outweigh the harm caused by this proposal or the primacy of the Development Plan, particularly regarding the impact on highway safety as per Policy E2.2 of the SADMPP 2016.

Highway Safety:

Policy E2.2 of the SADMPP Plan (2016) sets out requirements for development within the built-up area of West Winch:

"A development boundary for West Winch is shown on the policies map. (This is distinct from the strategic Growth Area identified in Policy E2.1) Within this development boundary the general Development Boundaries Policy DM2 will apply with the following provisos:

1. Along the existing A10:

a. no development resulting in significant new traffic or accesses onto to the A10 (excepting that provided under growth area Policy E2.1) will be permitted in advance of the new West Winch link road opening. Significance in this instance refers to effect on the capacity and free flow of traffic on the A10 and its ability to accommodate the existing traffic and that arising from the growth area, and both individual and cumulative potential impacts will be considered;

b. new development should generally be set back from the road and provide for significant areas of planting adjacent to the road in order to avoid extending the continuous developed edge to the A10;

2. Special care will be taken in the vicinity of the Countryside Buffer indicated on the Policies Map to maintain a soft edge to the countryside beyond and avoid a hard and prominent edge to the developed area when viewed from the West;

3. Areas to the east of the A10 will preferably be associated with the growth area, and accessed through the growth area rather than directly onto the existing A10 road."

Policy DM12 of the SADMPP (2016) reiterates this: "New development, apart from specific plan allocations, will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of this Strategic Road Network."

Policy CS11 of the Core Strategy (2011) further supports these policies: "Priority will be given to: Improving the strategic networks serving passenger and freight movements to, from and through the borough (including via the port) and including the introduction of measures to reduce congestion, and improve reliability and safety of travel within the A10, A17, A134, and A47(T)/A148/9 corridors."

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Development along this section of Winch Road, West Winch, has consistently been resisted by the Council and Inspectors, as development is recognised to increase vehicle movements detrimental to the highway safety of a Principal travel route. Regarding the development of this application site, paragraph 10 of the Appeal decision summaries that "...the proposed development would have a significant adverse effect on the free flow of traffic and highway safety" against Local and National Planning Policies.

In paragraph 5 - 10 of the Appeal decision, the Inspector discusses the impact of an additional dwellinghouse on this site on the highway (A10).

The Parish Council consider that the works to the access would resolve highway safety concerns. Paragraph 7 - 8 of the Appeal decision discusses the existing access to the application site. In the D&AS (page 7-8) the Applicant has shown works to the existing access, namely surfacing to the top of the access joining the A10, to support the additional use of the access. Contrary to the opinion of the Parish Council, the Council and Inspector deem that the works to the access do not overcome concerns related to the additional traffic movements, of approximately 6 trips a day, which would ultimately disrupt the free flow traffic from the A10.

The A10 carries a very high volume of traffic which is subject to a 40mph speed limit and there have been several recorded collisions in the proximity of the access. The Local Highway Authority deems the development of this site for one dwelling would increase interference and conflict interference with the passage of through traffic on this principal route, ultimately caused by additional vehicles, slowing, waiting and turning into the private access. These conditions would be to the detriment of highway safety and efficiency on the A10.

It is also noted in the D&AS that the application site has been separated from No 32 by an act of sale and has been used separately by the Applicant for "his own business namely as a builder's yard". Regarding the information related to the sale of the application site from No 32 Winch Road in 2020, the Council give it no weight in the determination of this application. As established above, the land is lawfully amenity land. Moreover, the listed traffic associated with the site as a builder's yard (D&AS page 8 -11) does not suggest a level of traffic that a dwelling would be expected to generate on a daily basis.

Considering the above, the proposed development is considered to fail to meet Policies DM12 and E2.2 of the SADMPP (2016), Policy CS11 of the Core Strategy (2011) and provisions of the NPPF.

Form and Character:

The application site is located to the west of No 32 and east of No 30 Winch Road, both bungalows. Winch Road is characterised by predominately linear development of mixed scales and designs. There is evidence of some dwellings to the rear of the established linear form along Winch Road.

The proposed dwelling would be a chalet cottage-style dwelling, approximately 6.8m tall (3.4m to the eaves), 13.4m wide and 6.6m deep, finished in old farmhouse facing brick on the front and rear elevation, green horizontal timber cladding on the east and west side elevations, and clay pantiles to the roof. On the north (front) roof slope, three evenly positioned dormer windows are proposed, and two velux windows and solar panels are proposed on the south (rear) roof slope.

The proposed garage would be of similar design, finished in facing brick on the front and south elevations, and timber cladding with a brick plinth on the side elevations. The garage would be approximately 6.9m deep, 4m wide, and 4.5m tall.

The proposed dwelling would be placed centrally on the application site, approximately 4.5m from the south boundary, 9.5m from the west boundary, 6.6m from the north boundary and 7.7m from the east boundary, with the garage site to the east of the proposed dwelling, hard on the eastern boundary.

Considering there are dwellings that deviate from the linear pattern which differ in design and scale, the proposed dwelling and garage is considered to be acceptable. In respect to design, form, and character the proposed development would meet Policies WA07, WA10, WA12 of the West Winch and North Runcton Neighbourhood Plan, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Impact on Neighbour Amenity:

The site is approximately 19m west from the rear elevation of No 32 and 16.6m east from the front elevation of No 30. The proposed dwelling would be 26m from the rear elevation of No 32 and 25.8m from the front elevation of No. 30. Given the height, orientation, and siting of the proposed dwelling it is unlikely to have an overbearing and shadowing impact. Furthermore, given the placement of windows and doors it is considered there would not be any overlooking impact to the neighbours' immediate private amenity spaces and any impacts can be sufficiently addressed by suitable boundary treatments.

The proposed garage would be sited hard on the eastern boundary and unlikely to have an impact to No 30. The garage would be approximately 19m from the rear elevation of No 32. Given the distances, height, orientation, and siting of the garage, impacts in respect to overbearing and shadowing would be limited to No 32's rear garden. As an ancillary building with no windows, there would be no overlooking impact from the garage to surrounding neighbours.

The proposed development would have limited impacts to No 28 to the north-east and No 34 to the south-east.

In respect to impact on neighbours, the development would meet Policy WA07 of the West Winch and North Runcton Neighbourhood Plan, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Other matters:

In response to the applicant's supporting case:

The Applicant makes comments suggesting that the application site has been met with bias with the Council. Planning applications are determined in accordance with Local and National Planning Policies, evidence, and other materials considerations, such as recent Planning and Appeal decisions.

The Applicant refers to UN Declaration of Human Rights The Applicant refers to UN Declaration of Human Rights (now European Convention on Human Rights (ECHR)). The interference with the ECHR rights of any proposed occupiers to respect for private and family life and the home is a qualified right and must be weighed against the wider public interest in the upholding of the law, including planning law which aims to provide safe and convenient access to all transport modes and protect the status and function of the

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borough's strategic road network. This legitimate aim is only able to be upheld by resisting this inappropriate development.

Balancing the Applicant's rights against planning policy and the wider public interests, the interference of their rights is considered to be proportionate and justified.

Biodiversity Net Gain:

The proposal is for a self-build and custom dwelling and therefore exempt from providing BNG.

Norfolk GIRAMS:

The site does lie 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'). 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. An appropriate assessment was undertaken in this regard, and a mitigation fee of £221.17 was paid by the applicant.

This addresses Natural England's comments.

Trees:

In relation to Policies WA03 and WA05 of the WWNRNP, a Tree Survey, Arboricultural Impact Assessment, Protection Plan, and Method Statement was submitted by the Applicant due to the proximity of neighbouring trees to the access and within the boundary of the application site. The Arboricultural Officer considers that subject to conditions for tree and hedge protection and tree planting, the proposal would have minimal impact on the retained trees whose root protection area falls within the application site.

The Arboricultural Officer requested a condition for access construction specifications, should works to the access be proposed. Works to the access are not proposed by the Applicant, and therefore, this condition is not relevant to the proposal.

Irrespective, the proposal would be detrimental to highway safety and is recommended for refusal.

Flood Risk and Drainage:

The application site is located in Flood Zone 1, which has a low probability of flooding. The application site is approximately 0.09ha and the development of this site would comply with standing advice from the Environment Agency.

The proposed dwelling would have limited impact on existing drainage infrastructure, in accordance with Policy WA04 of the WWNRNP.

Contamination:

Conditions were requested by Environmental Quality due to the use of the land as a builder's yard. As discussed in length earlier in the report, the Council do not consider the land to be a builder's yard.

CONCLUSION:

This application is for the development of one self-build dwelling within the development boundary of West Winch. However, the site is accessed via a principal route (A10) where development, as a result of the intensification of the use of an access directly onto the A10, would cause disruption to existing pattern and free-flow of traffic. Development along the A10 which results in significant adverse effects on the free flow of traffic is resisted under Policy DM12 and E2.2 of the SADMPP 2016.

The applicant deems the site is brownfield land as a former builder's yard. However, the applicant has ultimately failed to provide substantial evidence that the land has been a builder's yard for a period of ten-years and therefore this argument holds little weight. Since the submission of the previous planning applications and Appeal decision, where highways matters were fully considered, there has been minimal change made to the planning application. Therefore, in the absence of evidence to demonstrate otherwise, the development would lead to highway safety issues.

It is thereby recommended that Members refuse the application as the scheme fails to accord with the provisions of the NPPF, and the adopted Local Plan policies CS01, CS02, CS06, CS08, CS11 of the Core Strategy (2011) and DM2, DM12, DM15 and E2.2 of the SADMPP (2016).

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposed development, of one dwelling, would lead to the intensification in the use of an access on to the A10, which is a busy principal traffic route. The development would cause undue interference with the safe and free flow traffic on this important traffic route, to the detriment of highway safety and ability of the A10 to carry long distance traffic efficiently.

The proposed development is therefore contrary to the NPPF, Policy CS11 of the Core Strategy 2011 and Policies DM12, DM15, and E2.2 of the Site Allocation and Development Management Policies Plan 2016.



Appeal Decision

Site visit made on 25 March 2021

by **E Brownless BA (Hons) Solicitor (non-practising)**

an Inspector appointed by the Secretary of State

Decision date: **Tuesday, 18 May 2021**

Appeal Ref: APP/V2635/W/20/3256924

Friars Bungalow, 32 West Winch Road, West Winch PE33 0ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Wood against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref: 19/02177/O, dated 17 December 2019, was refused by notice dated 21 February 2020.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters save for access and layout reserved for future determination. In addition to access and layout, the submitted plans indicate the scale and appearance of the proposed dwelling. On this basis, I consider the plans as indicative only insofar as they do not relate to matters of layout and access.
3. The results of the 2020 Housing Delivery Test (HDT) were published on the 19 January 2021. The results show that King's Lynn and West Norfolk Council delivered 94% of its housing requirement over the preceding 3 years. The main parties have been afforded the opportunity to comment on the implications of these results for this appeal and I have had regard to their comments.

Main Issue

4. The effect of the proposal on the free flow of traffic and highway safety.

Reasons

5. The appeal site is a parcel of land that lies to the rear of an existing dwelling, Friars Bungalow. Friars Bungalow has an existing driveway which joins the A10, West Winch Road at a right angle. This access presently serves Friars bungalow and a further dwelling. The appeal scheme would introduce an additional dwelling which would share the use of the existing driveway and its access onto the A10.
6. The A10 is designated as a strategic route as part of the Strategic Road Network for the Borough within Policy DM12 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan (2016)(SADMPP). It has strategic importance for the carriage of high volumes of long-distance traffic. It is a single carriageway route that is street-

lit and subject to a 40mph speed limit at the point of the access. Evidence forming part of the appellant's Transport Statement indicates there have been several collisions in proximity to the access that have resulted in personal injury.

7. I note that the access is already in use and vehicles have to cross the flow of traffic to enter and egress the site depending upon their direction of travel. The proposed development would have the potential to generate six additional two-way vehicular trips over the course of a day. To my mind, the intensification of the use of the access would result in an unacceptable number of additional vehicle manoeuvres, including slowing, stopping, turning and waiting within a live carriageway which would be detrimental to the free flow of traffic and highway safety on a strategically important highway where the free flow of traffic is a critical factor in its efficient operation. The submitted accident data establishes that a number of incidents were as a result of a vehicle manoeuvring into or out of a driveway and waiting within the carriageway.
8. I note that the appellant has altered the slope and width of the access, installed a new surface at the point where the access meets the highway and removed vegetation to ensure visibility splays would be achieved that would accord with the minimum standards set out within the Design Manual for Roads and Bridges. However, I am not satisfied that the improvements to the access go far enough to overcome the concerns regarding the additional vehicular movements that are detrimental to the free flow of traffic. Moreover, reference to the traffic being slowed due to the nearby traffic lights or 'punctuated' due to vehicular traffic entering the petrol station forecourt reinforces that the A10 carries a considerable volume of traffic as a principal route and there is already a significant amount of vehicular traffic which crosses the flow of traffic within the vicinity of the appeal site.
9. Reference has been made to the nearby petrol station, other driveways serving more than one dwelling and other approved developments in the vicinity. However, their presence, and an absence of incidents by the appellant accessing the A10 to date, do not justify the increased use of the appeal access which I have found would conflict with the free flow of traffic, highway safety and efficient operation of a principal route in this location.
10. Accordingly, I conclude that the proposed development would have a significant adverse effect on the free flow of traffic and highway safety. The proposal would therefore conflict with Policy CS11 of the King's Lynn & West Norfolk Borough Council Local Development Framework - Core Strategy (2011) and Policies E2.2 and DM12 of the SADMPP. Among other things, these policies seek to provide safe and convenient access for all transport modes and protect the status and function of the borough's strategic road network. Similarly, the proposal would conflict with the highway safety aims of the National Planning Policy Framework (the Framework).

Other Matters

11. The 2020 Housing Delivery Test for King's Lynn and West Norfolk Council indicates that it achieved 94% of housing delivery measured against its housing target over the last 3 years. This is considerably more than the 75% benchmark used to define substantial under delivery in the Framework.

12. As the Council's five-year supply of deliverable housing sites is not in dispute and as the latest Housing Delivery Test result is greater than 75%, neither of these considerations results in policies which are the most important for determining the application being considered out-of-date in the context of paragraph 11 of the Framework.
13. The appeal site lies within the settlement boundary of West Winch and in proximity to a major employment area. It is accessible to Hardwick Retail Park, a petrol station, a public house and public transport links. Notwithstanding the proximity of these services, facilities and employment opportunities and the potential for future occupants to access these by sustainable transport modes, based upon the evidence presented to me, there would be additional traffic movements generated as a consequence of the appeal scheme.
14. Matters concerning the impact of the proposal on the living conditions of neighbouring occupiers are matters to be considered as part of a reserved matters application. In this instance the absence of harm is a neutral matter that weighs neither for nor against a proposal.
15. The appeal scheme would make efficient use of an under-utilised garden. An additional dwelling would make a modest contribution towards housing supply.
16. My attention has been drawn to the use of the existing access for the purpose of accessing a 'Builder's Yard' with vans, trailers and two trailered excavators. It is suggested that the existing use of the access has been ignored. However, no similar argument has been referred to within the appellant's transport statement, nor is there any detail concerning the number and types of trips that are undertaken. Moreover, it is not referenced by the Council nor the Highway Authority. In the absence of any substantive evidence I am unable to reach the view that there would be 'little change' to the use of the access. Moreover, there is a contradictory suggestion as to whether the Builder's Yard would continue to operate if planning permission were to be granted for the appeal scheme. In the event that access to a Builder's Yard was also required along the existing access, this would add further weight against the proposed scheme in terms of its impact on the free flow of traffic and highway safety.

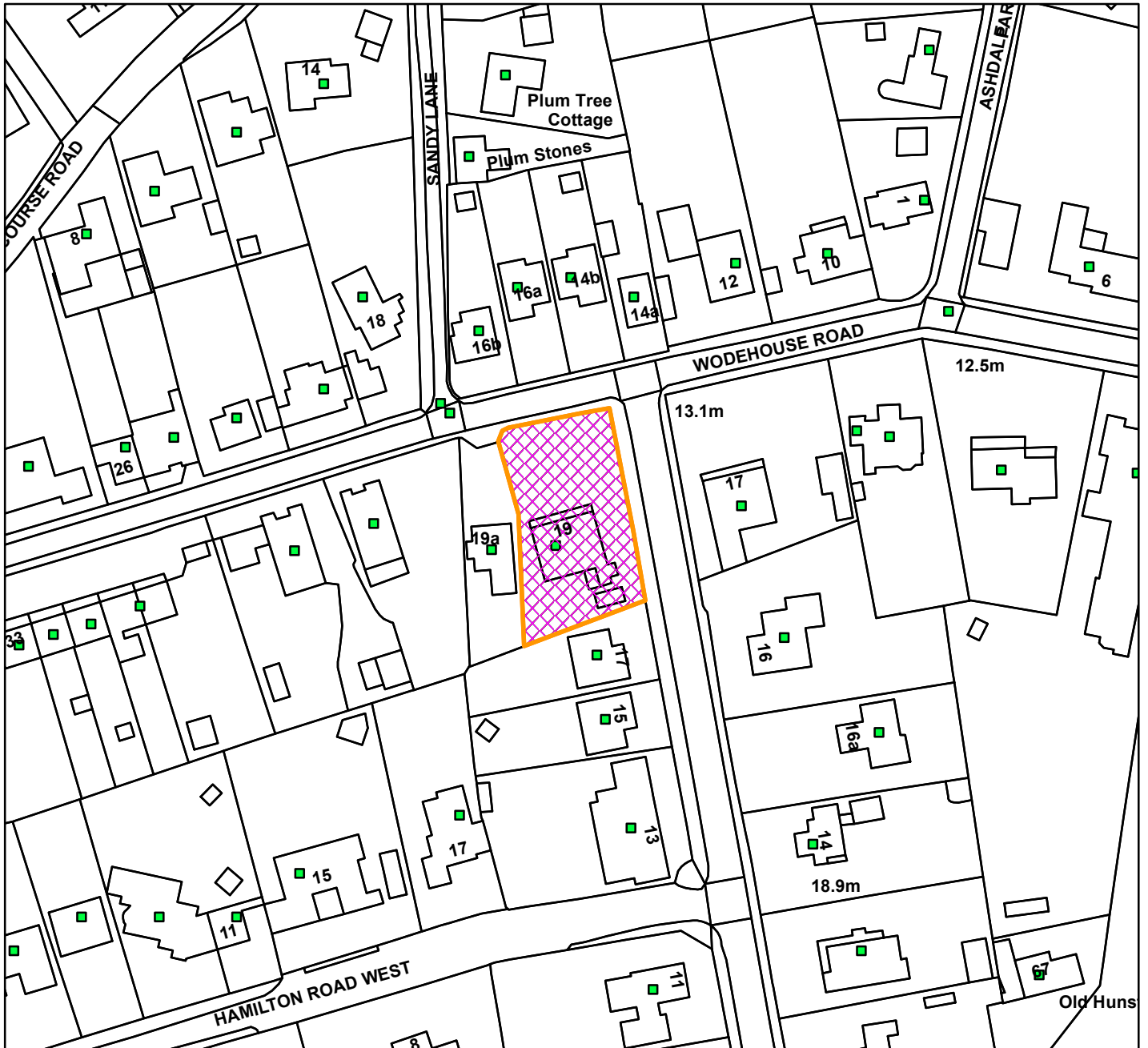
Conclusion

17. The proposal fails to accord with the provisions of the development plan and national policy. There have been no material considerations put forward that would justify a decision other than in accordance with the development plan.
18. For the reasons given above, the appeal is dismissed.

E Brownless

INSPECTOR

White Cottage, 19 Wodehouse Road, Old Hunstanton, Hunstanton PE36 6JW



Scale: 1:1,250

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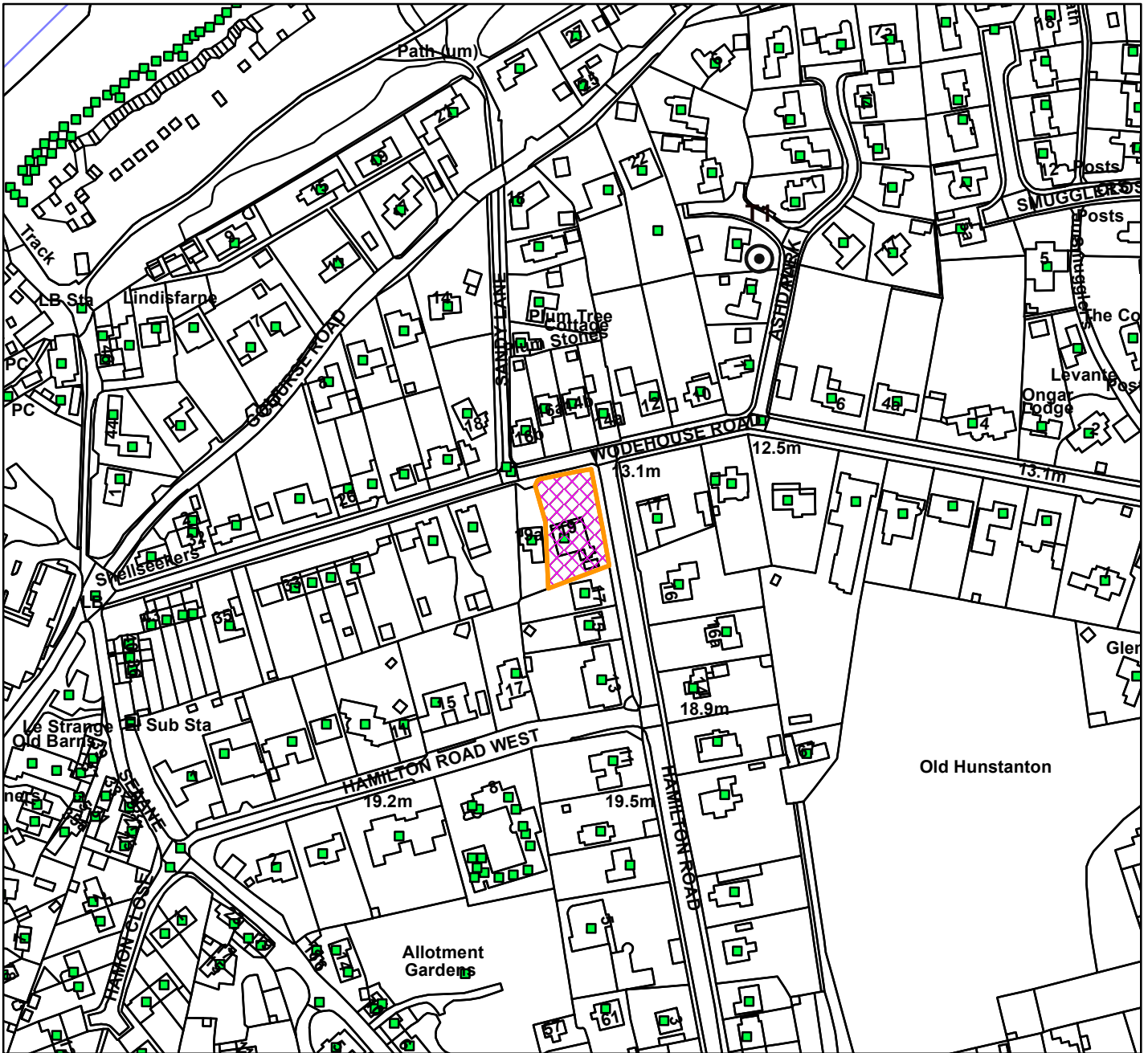
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	19/11/2024
MSA Number	0100024314

24.00143.F



White Cottage, 19 Wodehouse Road, Old Hunstanton, Hunstanton PE36 6JW



Scale: 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	19/11/2024
MSA Number	0100024314

Parish:	Old Hunstanton	
Proposal:	VARIATION OF CONDITIONS 1 AND 4 OF PLANNING PERMISSION 23/00598/F: Demolition of existing dwelling and construction of replacement dwelling	
Location:	White Cottage 19 Wodehouse Road Old Hunstanton HUNSTANTON PE36 6JW	
Applicant:	Mr & Mrs H. Middleton	
Case No:	24/00143/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 25 March 2024 Extension of Time Expiry Date: 11 November 2024

Reason for Referral to Planning Committee – Called in by Councillor de Winton and referred by the Assistant Director – Environment & Planning

Neighbourhood Plan: Yes

Case Summary

The application site is situated on the west side of Hamilton Road at the junction with Wodehouse Road within Old Hunstanton. The site is set within the development boundary for Old Hunstanton and is outside of the Old Hunstanton Conservation Area, and also outside of the Norfolk Coast National Landscape.

The application seeks retrospective consent under Section 73A of the Town and Country Planning 1990 (as amended) to vary approved plans for the development approved under: 23/00598/F for a replacement dwelling following the demolition of the existing building. The development has already commenced and been substantially completed.

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Any other matters requiring consideration prior to determination of the application.

Recommendation

APPROVE

THE APPLICATION:

The application site is situated on the west side of Hamilton Road at the junction with Wodehouse Road within Old Hunstanton, forming a prominent corner plot. Neighbouring dwellings are located to the west and south boundaries and the locality is residential in character. The site is set within the development boundary for Old Hunstanton and is outside of the Old Hunstanton Conservation Area by approximately 133m to the east, and also outside of the Norfolk Coast National Landscape.

The application seeks retrospective consent under Section 73A of the Town and Country Planning 1990 (as amended) to vary condition 1 and 4 of planning permission 23/00598/F, which is a Variation of Condition 2 of 22/01744/F for the "demolition of existing dwelling and construction of a replacement dwelling". Condition 1 relates to approved plans. Changes to the approved plans include but are not limited to the elevations, site levels and landscaping as well as the access to Hamilton Road. Condition 4 relates to retaining existing trees and hedges.

The development has already commenced and has been substantially completed.

SUPPORTING CASE

The Applicant has submitted the following (summarised):

When purchasing the site, the Applicants intention was, and remains, to create a family home in an area where they have many close family connections so that they can visit frequently with their three children as they grow up. The Applicant is relatively local to Old Hunstanton, living in Lincolnshire, and spent his childhood summers growing up on the North Norfolk coast, it has always been a special place for him. He still has two Aunts who live in North Norfolk, one in Old Hunstanton, and with both parents having passed away it is important to him to maintain a close relationship with those family members, and even more so with three small children.

The original application (Ref: 22/01744/F) was approved on 10/02/2023 and the dwelling has been built in accordance with that plan, notably in terms of dimensions, levels and position on the site. This has been verified by an independent survey conducted by PDC formerly Plandescil dated 22/03/2024, which is available to view on the planning portal. Also, of note, is the fact that the dwelling is not in a AONB or Conservation Area.

The current S73 variation of condition application seeks permission for the following minor amendments to the original application:

1. Reconfiguration of window and bifold door on first floor and addition of second window onto the balcony and resulting removal of chimney.

The resulting alterations to the balcony to accommodate the first floor window/door reconfiguration only slightly extends the length of the balustrade by 20cm and reduces its width by 60cm, which will not result in any additional privacy concerns beyond the previously approved position.

2. Addition of basement room (in the already approved footings of the dwelling) and addition of low level window.

Contrary to the objections raised, the original approved application 22/01744/F was always a three-storey building: lower ground level (partially submerged), ground floor and first floor. The addition of the lower ground floor room utilises an existing void space that already existed as part of the footings for the house. This has resulted in no additional digging, has not resulted in any changes to the structural configuration of the dwelling and has made no difference to the external appearance of the overall property. Due to the partially submerged nature of this room, there is no overlooking of any neighbouring properties.

3. Revision to driveway configuration with the addition of an in-out driveway.

Highways have already confirmed they have no objections, and it has been confirmed that the visual splays are no worse than the access arrangements according to the approved plans and enhanced versus the previous dwelling access onto the highway.

4. Alteration to rear garden due to engineering and drainage.

Due to Engineering advice received during the groundworks phase there has been a retaining wall installed adjacent to the Western boundary in order to resolve what could have been a soil erosion and drainage water run off issue for the neighbour at 19A Wodehouse Road. The approved plans show the garden from the top corner of the plot along the Western boundary sloping gently down towards the lower patio area. The Applicants have been advised that that arrangement was not suitable from an engineering and drainage perspective as it would result in runoff soil and earth in a downpour (see Structural Engineers report as part of the application). Therefore, the current retaining wall has been built in order to better retain the soil between the two sites. This is in line with the solution which the neighbouring property at 19A also has implemented in order to deal with the sloping back garden. As a result of this alteration a retaining wall was not required all the way along the boundary of 19A which would have led to increased overlooking and a taller boundary fence if built per the approved plans.

As per the current application, the Applicants have proposed planting hedges at the top of the retaining wall on either side of the steps in order to provide a privacy screen for the neighbour. The Applicants are happy for this to be made a planning condition.

5. Alteration to upper patio area.

The addition of the screen brick wall to the West end of the upper patio area has been constructed to provide privacy for the Applicants and the neighbour. Without this wall the balustrade already present along the rear decked raised walkway would continue along that edge of the patio area and provide no privacy or noise screen. In order to soften the appearance of the brick wall it has always been the Applicants' intention to grow creepers on the outside of that wall in order to make it a 'green wall'. Additionally, the Applicants have proposed blocking off the small additional area of upper patio on the inside of the screen wall in order to ensure it cannot be occupied. It should be noted the front corner of the prior property before demolition was in close proximity to the neighbouring property and was actually taller than the screen wall that has been built.

6. Alteration to lower patio area and position of steps down to lower patio area.

The size of the lower patio area has been reduced significantly and the approved swimming pool has also been removed. Additionally, the approved swimming pool and lower patio area were at a height of 15.53, c.550mm higher than the as built patio at 14.98m, and therefore the as built arrangements provide more privacy for the neighbour. Of note, the as built lower patio is no closer to the boundary than the approved swimming pool.

The steps down from the first floor patio to the lower level patio have been moved across by approx. 2 metres to the Western edge of the patio areas. Whilst these are closer to the boundary than as approved, they remain within the approved footprint of the patio.

PLANNING HISTORY

23/00598/F: Application Permitted: 31/05/23 - VARIATION OF CONDITION 2 OF PLANNING CONDITION 22/01744/F -Demolition of existing dwelling and construction of replacement dwelling - White Cottage, 19 Wodehouse Road, Old Hunstanton

22/01744/F: Application Permitted: 10/02/23 - Demolition of existing dwelling and construction of replacement dwelling - The White Cottage, 19 Wodehouse Road, Old Hunstanton

09/01835/RM: Application Permitted: 16/12/09 - Reserved Matters Application - Erection of dwelling - 19 Wodehouse Road, Old Hunstanton

07/02273/O: Application Refused: 02/01/08 - Erection of dwelling. - White Cottage, 19 Wodehouse Road, Old Hunstanton - Appeal Allowed 13/10/08

RESPONSE TO CONSULTATION

Parish Council: OBJECT

Latest comment, all responses available online:

1. Old Hunstanton Parish Council repeats its observation made on 30 July in connection with the previous application, viz. that it appears that this latest 'Variation of Conditions' is, in reality, an attempt to legitimise development by stealth and should properly be treated as a new application. There appear to be no material amendments to the previous 'Variation of Conditions' application.

2. Had the initial application, including all of the variations including the boundaries, external levels and landscaping, OHPC would have objected to the application and questions whether it would have ever been approved?

3. Local residents and neighbours are objecting, and the planning enforcement officer should make the applicant adhere to the initial agreed plans, in particular for a two storey building instead of a three storey building, which a site visit indicates it is, and, generally. We note, with approval, the current position as set out in the observations made by, the immediate neighbour to the west of the property.

4. To allow a 'Variation of Conditions' to cure breach(es) would create a wholly inappropriate and dangerous precedent for the future and badly damage the credibility of BCKLWN Planning (and potentially OHPC).

Highways Authority: NO OBJECTION

Latest comment, all responses available online:

Thank you for the amended consultation received recently relating to the above development proposal, which removes the obstructive wall introduced previously, leaving the in/out arrangement alongside the gated access to the lower level parking.

**Planning Committee
2 December 2024**

Whilst this arrangement is clumsy, I would find an objection difficult to substantiate, given the level of use associated with a single dwelling.

A condition is recommended and would be attached to any approval regarding the access to be widened and the specification confirmed.

Public Rights Of Way: NO OBJECTION

Arboricultural Officer: NO OBJECTION

Latest comment, all responses available online:

I previously objected to the proposals to remove the existing attractive healthy Robinia pseudoacacia tree that was being proposed for removal.

The applicant has submitted a revised Landscaping drawing that now shows this tree as being retained, with the Eucalyptus tree shown as being removed. This is detailed in drawing MID02.01.25. The drawing is much clearer, and this proposal is now acceptable, I have no objection to this proposal.

Community Safety and Neighbourhood Nuisance: (summarised for clarity - full responses available online)

CSNN did not comment on the previous planning applications but note that they would not support a swimming pool as previously permitted as well as raised outside seating/socialising areas higher than previously approved, given the likely noise impacts from their use on residential amenity.

The garden alongside the boundary with 19a appears to be lowered. However, the elevated patio/seating areas appear to be bordered by railings rather than a solid barrier. There is nothing in place to help attenuate noise (and overlooking), therefore the railings should be replaced by a higher, solid barrier to mitigate noise impacts on residential amenity. Concerns over people noise disturbance to neighbours, including from the use of the external shower on that elevation (west).

Recommend that a planning condition be attached to any consent issued to prohibit the alteration of the fire places (gas) to prohibit any solid fuel heating (to comply with Policy DM1, core policy CS08, and the NPPF, para 180).

REPRESENTATIONS (summarised for clarity)

Comments on Latest Submission

EIGHT public **OBJECTION** comments from **SIX OBJECTORS** regarding:

Impact on Neighbour Amenity

- The western elevation and raised terrace are closer to the boundary than approved. The increased area is not acceptable as it comes closer to the boundary.
- The repositioning of the stair from the terraces to the side of the dwelling closer to the boundary is unacceptable and overlooks neighbouring dwelling to west. Not resolved via amendments.

- Given the current state of the previously approved green roof areas and existing planting, it is unlikely that the proposed additional planting will minimise any potential overlooking into the neighbouring property.
- It has previously been stated that and approved that the dwelling would be no nearer than 5m from the boundary with the western neighbour. Terrace projection to the west is not 5m away from the boundary and overlooks neighbour's kitchen below to west.
- Previous application had a slope along the western boundary and no retaining wall. A retaining wall has now been built on the western boundary.
- The first-floor balcony looks straight into neighbour's upstairs bathroom, kitchen window and side door.
- Key issues: Lower ground floor that raised the level of the land at the southern side, Taking the neighbours 6ft fence down and replace it with a 9ft fence to accommodate the change in land levels, Change the windows, Extend the balconies, Add a BBQ area that gives the neighbours no privacy, Extend the lower patio which is very high, Move the steps to the boundary, Put in an extra dropped curb on highway land.
- Fenestration on eastern elevation, due to increased height as a result of the lower ground floor, overlooks eastern neighbour to their kitchen, first floor bedroom and garden

Landscaping and boundary treatment

- Latest submitted plans do not address previously raised issues. Putting a hedge on top of the retaining wall does not address the levels of the land or the fence (which is not replaced like for like as it was originally 6ft).
- The rear garden fencing was six foot in height (erected in October 2020) and the fencing between the two properties was four foot in height (erected in 2011). The rear garden fencing provided privacy for the occupants of 19A Wodehouse Road. The four feet high fencing maximized the available light through the window to the kitchen area of 19A Wodehouse Road.
- The boundary fencing alongside the garden areas at the rear of 19A has a high point of fourteen feet (adjacent to the White Cottage retaining wall) and nine feet high for the rest of the garden area. These increased fencing heights, compared with those shown in the photographic evidence in the Structural Report, were in order to accommodate the elevated land levels as a result of the construction of a three-storey dwelling compared with the two-storey dwelling approved by BCKLWN Planning.
- Putting a 2.5m hedge on the western side boundary will block out light to neighbour's kitchen.
- Impact from western terrace projection would not be addressed by the addition of plants.
- All of the boundary fencing shown in the two photographs filed by Atelier Associates in support of their clients retrospective as built Application was purchased and erected by the current owners of 19A Wodehouse Road. The fencing was erected on land which formed a part of the land title relating to 19A Wodehouse Road. All maintenance work carried out on the fencing shown in the two photographs has been undertaken and paid for by the current owners of 19A Wodehouse Road.
- Western boundary fence was taken down without consent/consultation with owner at 19A.
- In the passageway between the two properties a new wooden fence has been erected by the Applicants, at their own cost, on the same land as the original fencing.
- The new boundary fencing now covers the entire length of the boundary between the White Cottage and 19A Wodehouse Road land titles.

Land Levels

- Levels have changes significantly across site, no longer level garden through the rear of the properties.

- The Structural Report the author confirms that the Land Levels at the front of each of the two properties in 2022 was 14.680m. A previous third-party report filed by the Applicants confirmed the floor level for the Lower Ground floor at White Cottage in March 2024 was 13.700m.
- The level of 14.680m remained constant throughout 19A. The Structural Report identifies the land levels for each of the three elevated land tiers at White Cottage.
- The retaining wall at 19A Wodehouse Road is in respect of a slightly raised lawn area rising up from the agreed land level of 14.680m. This compares with the land level in the upper and adjacent garden of White Cottage which is estimated to be at least 15.900m. The two constructions are not connected to each other in any way.
- Does not dispute that the engineering report submitted states that the levels between houses is the same at 14.680. However, this level used to carry on to the Hamilton Road exit in the form of an in and out drive. The level of the drive into Hamilton Road is now 13.60. The 1 metre difference is no problem for the western neighbour, but the earth was taken away from this site and transported to the southern garden due to the drop from the walkway at the back door (around 5ft). This was done to try and justify the retrospective lower floor.
- This amount of mud up against western neighbour's fence also caused it to buckle and break. The builders removed the mud from against the fence and proceeded to erect a retaining wall at a right angle with their own - This shows that land is not the same between the passageway between the two houses and caused a height difference between the gardens - 19a having a 9 ft fence in this area but on the number 19 side looking 6 ft.

Drainage

- Drainpipe currently discharges water onto balcony/terrace area.
- The proposed additional retaining wall to create an effective and safe drainage system is only essential for White Cottage because of the materially elevated land levels created during construction.
- A drainage system was installed all the way to the north garden in Wodehouse Road. The house before the new build never had any drainage issues or any drains and pipes covering the whole garden. Neighbours have lived at 19a since 2011 with no drainage problems.

Process

- A variation of conditions was also passed on 01/06/2023 and was illegal and misleading to the public and BCKLWN as it still did not reveal the lower ground basement.
- Latest application (24/00143/F) seeks approval for a number of elements. The dwelling is now three-storey with an unapproved lower ground floor.
- BCKLWN allowed an extension of time for this application 'to assist the applicants'. This incorporated a reduced and re-designed two storey scheme which was considered acceptable by the case officer. It was stated that on the northern and eastern boundaries, the dwelling faced onto roads and there were therefore no neighbour impacts in these directions. However, eastern neighbours consider they are overlooked.
- Retrospective nature of the application - variations of planning conditions is not appropriate. * Previous application (23/00598/F) stated that the development must be carried out in accordance with listed approved plans.
- Applicants must 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. The application should be refused without hearing at Planning Committee due to the differences from approval to the as built dwelling.

- This retrospective application does not seek to address the breaches of the previous planning approval. An identical application (24/00143/F) was given a delegated refusal by the case officer and line manager without hearing at Planning Committee in June 2024.
- It is not disputed between the parties that the planning award made in favour of the Applicants by BCKLWN Planning was for a two-storey building. The Planning Officer Connor Smalls confirms this fact in his report dated 10 February 2023 under the heading "Form and Character".
- BCKLWN have not independently established the lower ground floor dimensions nor independently established the external levels.
- In June 2024 11:13 this application was recommended for refusal by the case officer and his manager with Ward Councillor Tom de Winton agreeing it does not have to go to planning committee.
- Applicants then decided to go back to previously approved plans, removing retrospective elements that had been built. The lower floor retrospective basement had to be retained as the house would need to be removed to omit. Nothing was put on the portal to say what happened to these plans.

Other comments

- Both of the expert opinion reports put forward by the Applicants in support of their as built retrospective application have recognized the three-storey or three land tier formation constructed to accommodate the White Cottage dwelling.
- First application was unsuccessful (22/01744/F) in terms of design, size, scale, concerns over neighbour impact to west as well as potential concerns to the south and east.

ONE public **SUPPORT** comment:

- As a very close neighbour, no objection to amendments.

Previous rounds of submissions received **THIRTY-ONE** public **OBJECTION** comments from **TEN OBJECTORS** and **ONE** public **SUPPORT** comment.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 1 - Village Development Boundary

Policy 7 - Design, Style and Materials

Policy 6 - Infill Development

Policy 8 - Height of Replac / New Bldg

Policy 9 - Water and Drainage

Policy 14 - Prot and Enhanc of NE and La

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

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

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Any other matters requiring consideration prior to determination of the application.

Principle of Development:

The principle of development for a replacement dwelling has been established within the planning history for this site and the previous permissions for a new dwelling. The most recent consent is under ref: 23/00598/F which this application seeks to vary.

The application also falls within the development boundary of Old Hunstanton, where the principle of development is supported.

Rather than a point of principle, this application turns on the impact of the changes to the previously approved scheme, including how that complies with development plan policy, particularly the Neighbourhood Plan.

The NPPF provides the national policy framework for new development. Whilst it should be read in the round, there are some areas that should be highlighted in relation to this development. For instance, the NPPF supports high quality development, and that new development should provide a high standard of amenity for existing and future users. Finally, of particular relevance is that it is stated that the Local Planning Authority should seek to ensure that the quality of approved development is not materially diminished

between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Form and Character:

As outlined there is extant planning permission for a replacement dwelling on site under application: 23/00598/F.

This application relates to minor changes to the ridge height of the dwelling, minor changes to the design and fenestration of the dwellinghouse, and changes to the land levels and landscaping on the site. These are summarised below for ease of reference.

Dwellinghouse:

Overall heights:

Ridge heights of the dwelling vary due to its design and changes to the land levels. Based on the previous permission, the main ridge height of the approved dwelling was 23.584m AOD (approximately 8.3m - 8.92m tall). The main ridge height of the dwelling under this planning permission is shown at 23.670m AOD (approximately 8.35m - 8.95m tall). That is an addition of approximately 86mm, which is considered to be non-material in the context of the two developments.

An extract of an independent third-party survey was submitted which corroborates the ridge height of the plans subject to this planning permission. The third-party review suggests that this minimal increase is within a reasonable building tolerance and would not have an overall visual impact.

It is considered that these minor changes would not be noticeable in the street scene and has limited impact to the overall proposal.

Changes to the *North* elevation:

- At the lower ground level there is a new high-level window, serving a new store which measures approximately 43m².
- The decking on the front elevation has been reduced in depth by 0.4m.
- A balustrade rail to replace previous screening around the ground floor decking area.
- A chimney has been omitted and in its previous location, a French door and one panel of glazing is proposed on the first floor. As a result of this, the first-floor balcony extends west-wards by 0.2m and is bound by a balustrade.
- There is a gas fireplace and flue at ground floor to the front terrace area.

Changes to the *East* elevation:

- Insertion of one lower ground level window, serving the approved garage.
- No changes to ground and first floor fenestration.
- Brick pillars to support the covered green roof, in front of the entrance door. Balustrade railing to bound this area.
- Changes to gabion wall to the lower section of the dwelling, to a flint and brick wall.

Changes to the *South* elevation:

- No changes to fenestration.
- The decking on the front (east) elevation has been reduced in depth by 0.4m.

Changes to *West* elevation:

- No changes to fenestration.
- Balustrade railing to first floor balcony and ground floor covered area (north) and adjacent to utility room door.
- Omission of chimney, as per changes to the north elevation.

These changes are not considered to materially affect the overall design of the dwelling and visual impact on the street scene. Impact on neighbours is considered in the section below.

Land Levels and Landscaping:

Landscaping has also been added across the development as a result of changes to the land levels, mainly to the west of the site.

Along the north boundary, an existing hedge, grassed land, and trees are to be retained. To the immediate north of the dwellinghouse itself, previous plans showed a raised terrace and swimming pool. These have now been removed from the plans.

Land levels to the north of the site remain 14m AOD and grassed. There are trees to the front of the site which are to be retained. The following changes to the north are proposed:

- Change in alignment of the foot path from the north boundary of the site leading into the site, joining the driveway and patio area via repositioned steps.
- The north-east driveway area to the lower ground floor area would be defined by the eastern patio wall and curved 2m brick and flint wall to the east (closest to the roadside the wall is below 500mm height for highway visibility purposes).
- Stairs from the patio to the decking area are now proposed to the west of the patio, as opposed to centrally as previously approved.

Heading along the west-side of the site, the land levels as previously approved from north - south were: 14m AOD, 14.6m AOD, 14.82m AOD, 15m AOD, 15.53m AOD, and 15.9m AOD. Now proposed, land levels are now shown as: 14m AOD, 14.60m AOD - 15m AOD to the west of the dwellinghouse, and uniformly raised to 16.4m AOD (on average) across the upper garden level, respectively. Levels have been supported by an engineering plan which consists of sections and outlines that the levels as built aid surface water drainage to prevent run off towards the neighbour (west).

To the west boundary, a closed boarded fence, approximately 1.8m tall has been erected for the full length of the boundary. This however drops in accordance with the adjacent land level (as outlined above), so it steps down from rear to front along that western boundary.

Decorative planting is proposed in front of the north elevation of the dwelling (facing Wodehouse Road), with an additional 2.5m hedge further back along the west elevation (*Eleagnus ebbingei*, a relatively fast growing evergreen hedge). These changes to the landscaping are to provide mitigation from the constructed step down to a lower level adjacent to number 19A. The step down is created through construction of a retaining wall.

Round to the south/rear of the site, the previously approved seating and patio area (previously approved at 16.45m AOD) have been removed from the plans. To the south of the dwelling would be the rear upper garden all shown as grass at the level of 16.4m AOD (average), as stated above. The rear garden was previously approved shown at 16.22m AOD, sloping down to 15.9m AOD to the west. Although the seating and patio area to the rear of the dwellinghouse have been omitted, hard surfacing remains, shown tight around the rear elevation of the dwellinghouse, connecting to the driveway to the east. This hard

surfacing would be at 16.45m AOD, same as previously approved. A gabion wall is proposed to the east of the upper rear garden, separating it from the driveway to the east. Along the south boundary an existing 1.8m close boarded fence, with additional trellis in places, remains.

Lastly, along the east of the site, there have been some changes to the access and in turn, the landscaping. Namely, the northern access point has been widened to serve the two levels of driveway. The lower-level driveway would have a gated access. Instead of steps connecting the lower-level driveway to the higher-level driveway, this would be achieved by sloping land from 13.60m AOD to 15.53m AOD (north - south). Hedging remains to the rest of the eastern boundary.

Further landscaping is proposed within the site - such as decorative planting around the north curvature of the patio and along the east elevation, 1.6m hedges to the east and west of the steps to the rear garden and planting in (4x *Trachelosperum jasminoides* 5L and 2x *Solanum laxum* 'Album 5L') and around (2x *Trachelosperum jasminoides* 5L and 3x 'Emerald Green Globe') the screen wall to the northwest of the dwellinghouse. The Arboricultural Officer did not object to the landscaping plan. As such, landscaping will be conditioned accordingly to ensure they are planted in accordance with approved plans.

The changes to the land levels and landscaping would be different compared to approved, however, are not considered to detrimentally impact visual amenity from the public domain.

Neighbourhood Plans and Local Plan Policies:

Key neighbourhood plan and Local Plan policies in relation to the form and character of this proposal include the following:

Policy 6 Infill Development requires that "Infill development within the settlement boundary of Old Hunstanton must respect local character and the amenity of neighbouring occupiers; and must not harm highway safety. Development in Old Hunstanton must not appear cramped or inappropriate in its village setting".

This development is considered to respond to this criterion. It is also important to consider the need to consider this scheme against the extant proposal, and that it is only the amendments to the approved scheme that are being considered.

Policy 7 Design, Style and Materials states that "Residential development should be of a design, style and constructed of materials to ensure that it respects local character. The use of traditional materials, including sustainable locally sourced materials and the use of sustainable construction techniques will be supported".

The materials used within the development are in accordance with that approved as a result of previous discharge of condition applications. As such, the materiality of the development is as agreed, and the changes outlined in final scheme are reflective of the previous approval from a visual consideration. In addition the materials in the area are mixed, so in any case it is considered to conform to this policy.

Policy 8 Height of Replacement and new Buildings states that "The height of new and replacement buildings must be in keeping with the height of adjacent buildings and the character of the surrounding area; and must respect the amenity of neighbouring occupiers".

The height of the as built dwelling compared to the previous approval has been addressed above. Plans also outline the dwelling compared to the original demolished dwelling. This

proposal is therefore considered in keeping with extant and previous approval. It is also important to note that across the site the levels drop by approx. over 2m from south to north.

Lastly, Policy DM15 of the Site Allocation and Development Management Policies Plan 2016 and Policy CS08 of the Core Strategy 2011 promotes high quality design, which responds to the character and context of places, without being detrimental to neighbour amenity.

Minimal changes are made to the dwelling, which would not materially affect the appearance of the dwelling and on the setting of the locality, as established under the original permission. Furthermore, changes to the landscaping are considered in keeping with the contemporary design of the dwelling. Impact on neighbour amenity is discussed further in the report.

Overall, the changes outlined, as a result of the various iterations of the scheme, are acceptable in terms of visual impact and form and character. Also proposed is additional landscaping which would further soften the visual impact of the dwelling. Landscaping and boundary treatments would be conditioned accordingly.

As a result, it is considered that the dwelling now presented, would not be a significant departure from the previously approved scheme, and would be in keeping with the dwelling and in turn its setting and locality. These changes are not considered to alter the previous positive assessment of the form and character of the dwelling as permitted.

Therefore, the proposal is considered acceptable in terms of form and character and in accordance with Policy CS08 of the Core Strategy 2011, Policy DM15 of the Site Allocations and Development Management Policies Plan 2016, Policies 6, 7, and 8 of the Neighbourhood Plan.

Impact on Neighbour Amenity:

Based on the final submission as described above, it is considered that there would be no adverse impacts on neighbours to the north, east and south, comparing the changes to the previous approval, and given separation distances and orientation.

The minimal increase to the height of the dwellinghouse would also have a negligible impact on surrounding neighbours. Aside from the insertion of windows to the lower ground level, which would not have an overlooking impact due to their positioning, fenestration remains unchanged and the difference in the width and depth of approved balconies would have the same impact as existing. Lastly, with appropriate boundary treatments and landscaping, which would be controlled via condition, neighbours to the north, south and east would not experience detrimental impacts, in respect to being overbearing, shadowing, and overlooking, as a result of the changes.

Dwelling to the west:

The neighbouring chalet bungalow (No 19A) to the west is the one which is most affected by this development, and a more considered judgement is required based on the changes made. The assessment is made based on the final submitted plans.

In terms of siting of the dwelling and fenestration to the west elevation, these remain unchanged and as approved. The dwelling therefore remains approximately 4.6m - 5.3m from the west boundary, which is considered acceptable as per the previous consent and would not result in any negative shadowing, overbearing and overlooking impacts.

It is noted that No 19A have a kitchen window and door on their east elevation. Comments have been raised regarding the impact of the close boarded fence and proposed 2.5m tall hedge adjacent to No 19A's kitchen window. Due to the orientation and position of the neighbour's window, the neighbours would always experience shadowing to the window. Furthermore, it is within the applicant's right to erect a boundary treatment up to 2m under their permitted development rights, which the LPA have no control over. A balanced judgement is required to weigh the shadowing impact from the additional 0.5m hedge height, above a potential 2m closed boarded fence, and privacy to No 19A offered by the hedge. It is considered that shadowing as a result of the hedge would not be as detrimental as the loss of privacy, without the hedge, and is therefore considered acceptable.

As outlined above, the previously approved pool and terrace area has been replaced with a lower-level patio area. The patio area is set away from the western boundary by approx. 1.6m moving to approx. 1.9m towards the neighbouring dwelling. The patio curves to the north, with steps descending down/north to ground level. This patio is set at 14.98m AOD which is lower than the approved terrace around the pool which was at 15.53m AOD, by approximately 550mm. This arrangement would be a betterment when compared to the previous scheme.

Additional decorative landscaping and a balustrade is included to the northwest, around the edge of the patio. In terms of neighbouring impact, the patio is lower than previously approved by approximately 550mm and would also include some screening from proposed decorative planting. Additionally, the patio would be ahead of the front elevation of No 19A's dwelling, adjacent to their parking and turning area. Whilst the neighbouring dwelling has habitable rooms with windows to their north elevation, the terrace would be in line with the neighbour's parking area as outlined. Therefore, this is considered an acceptable relationship in regard to amenity.

Immediately south of the patio is the terrace area. The ground floor terrace has been reduced in depth by 0.8m, which would not result in any adverse impacts to the west. However, to the west of the ground floor terrace, a notable addition is a brick planter/screen which has been built. The planter/screen wall extends the built form towards the west by 1.4m and would be 1.4m - 2m from the western boundary and is approx. 2.6m - 2.9m tall as the land height changes to the north. Landscaping is proposed in and around the planter, which would help visually soften and screen the impact of the wall and the terrace from No 19A.

The brick planter/screen, whilst not directly opposite No 19's kitchen window and door, it is in close proximity (as outlined above). The balanced judgement is required to balance the impact of the built form encroaching closer to the west boundary, and the brick planter/screen wall providing some screening from the terrace area to views to the west. It is considered that the screening would not detrimentally harm the private amenity of No 19A. The planting to both the walls and the upper area within the wall, would visually soften the impacts of the wall. Moreover, the installation of planting within the wall would restrict users of the terrace from to No 19A's amenity space, which would be further screened by a proposed 2.5m hedge along the western boundary. Overall, the balanced view is that this element is acceptable in respect to overlooking and being overbearing, and there would be limited additional impact compared to the previous approval with the benefit of some screening which would also be softened by planting.

Concerns were raised with the repositioning of the patio to ground steps to the north elevation. The steps have an approximate 1.1m tall wall either side. The stairs are positioned ahead of the front elevation of No 19A, where there are dining room, bathroom, and bedroom windows. Due to the angle, positioning, and approximately distances (2.2m) between the steps to No 19A, views into the neighbour's habitable rooms when ascending

the steps would be limited. Furthermore, the steps are used as an access point connecting the patio to the dwellinghouse only. As such, the repositioning of the stairs is not considered to detrimentally overlook No 19A's amenity space or habitable rooms to an extent that would warrant a refusal of permission.

As outlined above, the greatest changes to the scheme are to the western side of the site in respect to land levels. Once again, a balanced decision is required in this regard, considering the as approved, and as built situation. The submitted Structural Report prepared by Harrison Shortt Structural Engineers Ltd, provides information.

In terms of the consented planning scheme, Section A-A (between the side of the No 19A's dwelling and the side of the new dwelling) demonstrates that No 19A's land level remains at 14.680m AOD and the consented scheme at 15.53m AOD. Section B-B (to the southern garden area of No 19A and the new dwelling) remain the same as the pre-development situation which is 16.00m AOD at No 19A and 15.9m AOD at the application site.

Compared to revised planning scheme, Section A-A (between the side of the No 19A's dwelling and the side of the new dwelling) demonstrates that No 19A's land level is similar to the revised scheme at this point. At Section B-B (to the southern garden area of No 19A and the new dwelling), the land levels in the rear garden would be 16m AOD in No 19A's land, and 16.2m AOD on the application site.

To assess the difference in land levels, Officers have also considered the relationship prior to development on site, which allowed for overlooking of the side of No 19A, as land levels were generally higher. As approved and as built, land levels adjacent to the dwelling of No 19A and the new dwelling, and from their rear gardens, are relatively similar (see above). Therefore, it is duly considered that the change in land levels is not materially worse than the as approved relationship. Taking a balanced view, supported by evidence, the changes to land level is considered acceptable, subject to a condition related to boundary treatment.

The engineering plan further demonstrates that the changes to the land levels as built would aid surface water drainage through a more level garden and would prevent run off towards the neighbour (west).

As a result of changes to the land level, the elevated transitional walkway along the west of the dwelling has been shown to be slightly higher by 0.2m and now includes balustrading to match that of the rest of the dwelling. However, this element is mostly as approved and acts as a walkway to access the utility room and rear garden space, and will in time, be fully screened by the proposed 2.5m hedge along the west boundary. Therefore, based on the extant approval, this element is considered to remain acceptable and would not result in any additional overlooking impact detrimental to No 19A's amenity.

Finally, considering the changes to the scheme outlined above, it is considered there would not be a detrimental shadowing impact to No 19A which would warrant a refusal.

Overall, it is therefore considered that neighbour impact as a result of the proposed development would be acceptable. Therefore, the proposal would be in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policies 6 and 8 of the Neighbourhood Plan, and the NPPF.

Highway Safety and Parking:

NCC Highways raise no objection to the latest proposed parking arrangement. This includes utilisation of the existing dropped curb to the south of the site then linking north, past the

eastern side of the dwelling (screened to the roadside by hedge) with an existing dropped curb back onto Hamilton Road. There is then a curved wall separating an additional new entrance to the north of this. This includes a new enlarged dropped curb, low level brick wall (below 500mm) closest to the edge of the road/path with gates opening inwards. This leads to a gravel parking and turning area and lower garage area below the dwelling.

In addition, ample parking is available. The house has 5 bedrooms which requires 3 spaces, which are catered for. In regard to Policy 9 - Water and Drainage, of the Neighbourhood Plan, the driveway areas are gravel which is permeable and in accordance with this policy. Therefore, the development is in accordance with Policy 9 of the Neighbourhood Plan as well as Policy CS11 of the Core Strategy 2011, DM17 of the Site Allocations and Development Management Polices Plan 2016 and the NPPF.

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

Biodiversity Net Gain (BNG)

The associated full application was received prior to BNG becoming a requirement for small sites in April 2024. In addition, this is a Section 73A application and is therefore exempt from BNG.

Neighbourhood Plan

Neighbourhood Plan Policies of some relevance not already discussed within the report are addressed below.

Policy 1 Village Development Boundary - the site is within this area but is also a replacement of an existing dwelling.

Policy 4 New Housing as Permanent Dwellings is not relevant, as this application relates to a variation of condition only, amending details linked to a previously approved replacement dwelling. The previous dwelling had unrestricted occupancy.

Flood Risk

The application site is within Flood Zone 1, the area with the lowest risk of flooding. In addition, the site is shown not to be at risk from surface water flooding.

Removal of Permitted Development Rights

Permitted development rights were not removed as part of the original consent. However, given the amendments to the dwelling and land levels on the site, it is considered appropriate to remove permitted development rights to protect residential privacy and the amenity of the locality.

Therefore, permitted development rights regarding the enlargement, improvement or other alteration to the dwelling house, additions to the roof of a dwellinghouse, and provisions for incidental buildings are proposed to be removed via condition so that the LPA may retain control of development in the interests of potential impacts on neighbouring amenity.

Community Safety and Neighbourhood Nuisance Comments

As outlined within this report, the swimming pool has not been built and permission is not sought for its retention within this application.

CSNN did not comment on the previous planning applications but note that they would not support a swimming pool as previously permitted as well as raised outside seating/socialising areas higher than previously approved, given the likely noise impacts from their use on residential amenity. However swimming pools and social areas within residential gardens are common, and it is unlikely such an objection could reasonably be sustained.

Levels and the changes within this application are addressed above. The outdoor terrace areas are also addressed above, and changes are compared with the previous approval which did not include large screens or barriers to attenuate noise. The dwelling is permitted as a replacement dwelling within the same use class as the original. It is therefore not considered reasonable to request further screening to control noise. In terms of an external shower, this is not shown on the latest plans. However, the installation of a tap externally for such as use would not be development. Further, if a more substantial structure was constructed this may require separate consent but would be assessed at the time. A condition to prohibit the alteration of the fireplaces (gas) to prohibit any solid fuel heating would not be reasonable and we must assess the development as presented.

Conditions

Consideration needs to be given to which conditions still meet the six tests when reimposing them on a permission.

Previous conditions relating to materials are not included as these have been discharged and the development constructed.

The previous tree protection condition wording is not included as works are substantially complete and new site plan shows one tree to be removed and the rest retained with no objection from the Arb officer. Therefore, the wording is updated to reflect the retention of trees shown on the latest plan.

Conditions are included regarding landscaping to ensure that it is maintained and replanted should it die within five years to ensure it is established. A boundary treatment condition is also included to ensure that full details are provided regarding the western boundary notwithstanding submitted plans, so this can be considered in further detail as well as the restriction of permitted development rights for the property discussed above.

Parish Comments

In relation to the latest Parish Council comment and objection, first, Section 73 (or S73A) of the Town and Country Planning Act 1990 can be used to make a material amendment by varying or removing conditions associated with a planning permission. As noted on the .Gov website there is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission (that being the description). Therefore, the submission of this application is considered valid in that regard.

The changes compared to the previously approved plans have been outlined in some detail above. The number of storeys remain consistent throughout the planning applications, consisting of a lower ground level basement, and a ground and first floor above ground level. An assessment of form and character is made above and considered acceptable visually. Impact on neighbour amenity is also addressed above and public comments/objects are addressed within this report where not already addressed in other sections of the report.

Finally the retrospective nature of the application (in relation to some of the changes made) is a valid form of planning application and a long-established part of planning law. The application has been assessed on its own merits notwithstanding the fact that the dwelling has been constructed.

Third Party Comments

Most of the points raised have been considered in the main body and assessment set out within the report.

Issues of form and character and neighbour amenity have been addressed in detail within the above report which focuses on an assessment of the final submitted scheme. This includes an assessment of the levels on site, boundary treatment (which includes a condition for further details to be submitted notwithstanding approved plans) as well as other elements such as the lower terrace, stairs towards the western boundary and western projection with brick wall to the ground floor terrace. The distance to the boundary and neighbouring dwelling to the west is discussed above and an assessment is made of proposed additional landscaping.

A condition would be included on any approval to ensure than any landscaping planted would be maintained or replaced if it should die for 5 years to ensure it is established.

Many issues have been resolved over the course of the application, as addressed within the above report. The latest plans as submitted are detailed above and included an acceptable access in highways terms as well as the reduction of the first-floor balcony and addition of landscaping etc.

The use of the building is permitted as a replacement dwelling (C3 residential). Therefore, any use outside of this would likely require separate planning permission. Any noise or nuisance beyond what would normally be associated with a residential dwelling may be considered a statutory nuisance subject to separate legislation outside of planning.

The objection from Norfolk County Council Highways has been withdrawn based on the final plans submitted which have reached an acceptable scheme in that regard.

The Arboricultural Officer is content that the correct tree is now to be retained and therefore raises no objection. This is shown on the latest submitted plan.

Civil Matters

Some objections raised relate to civil matters. Damage and removal of the previous fence as well as ownership are civil matters outside of the scope and control of this application.

People already living in the property would be outside of the control of the planning application but may put the development in breach of planning conditions where the trigger point is prior to occupation.

The right to light is not a planning consideration and would be outside of the scope of this application. Consideration of overbearing, overshadowing and overlooking is considered within impact on amenity.

Covenants are outside of the scope of planning and would not be attached to limit development through a planning application. Appropriate conditions are included within this recommendation.

Process

In terms of process, substantial responses have been sent to individual objector(s) in terms of the process surrounding this application. However, where points have been raised within correspondence within this application, they are addressed below.

In terms of previous applications, the lower ground floor/basement has always been included on approved plans. Both the original application: 22/01744/F and subsequent variation: 23/00598/F were approved. The dwelling was described as two storeys as the dwelling would be two storeys above ground with a lower ground floor/basement mostly below. It is important to note that due to the sloping levels from south to north, the northern part of the dwelling is higher above ground than the south. There has however always been access to the lower garage under the main dwelling within approved plans. The change within this application is the addition of the store area to this lower ground floor/basement area extending further westwards than approved, creating a new room (as well as external levels outlined above).

On this basis, as outlined above, the form of the dwelling within this application is very similar to the previous approval. The current dwelling continues to have a first floor, ground floor and lower ground floor/basement.

As per the explanatory text above, the application would fall under Section 73 (73A) of the TCPA 1990. The description for development is, and was originally approved as, "Demolition of existing dwelling and construction of replacement dwelling". Therefore, the submission of this application is considered valid in that regard.

Further, it is normal process to allow extensions of time for applications in order to seek to address issues. Whilst this application has seen several amendments, negotiations have been ongoing to try and reach an acceptable situation. Further plans and supporting evidence have been submitted and the LPA has had to consider the nuance of the situation including the changes from the approval, what could be built out as per the consent, as well as the original relationship on site prior to works taking place, as outlined within the above report. This application: 24/00143/F has never been formally refused, or a formal decision issued.

The applicants did propose to revert part back to approved plans during the course of this application however, the final submitted scheme and plans focuses on the constructed development so a decision can be made on this with some changes and mitigation as outlined above. This balanced judgment is why an officer recommendation of approval is now before members at planning committee.

In addition, while the application seeks retrospective consent, this is a valid method of applying for planning permission and the LPA cannot reject this outright as a matter of principle. Officers have assessed submitted information and plans, these have been updated during the application with a supporting structural survey and plans. The LPA would not carry out independent surveys on an application such as this and assesses the information submitted within the application.

The neighbourhood plan is addressed within the above report.

In terms of enforcement action, details of enforcement action are sensitive and not published online. In addition, any formal action would not be taken until a planning application is determined.

In terms of uploading plans and correspondence online, there is sometimes a delay while these are uploaded. In addition, negotiation can take place to ensure that plans are suitable for consultation.

The location of drainpipes would not be controlled within this application, as there would be no need to provide these details, and connection to a particular soakaway would be controlled through the building regulations. Further, building regulation requirements are outside of the scope of this planning application.

Objectors can comment at any time and the contents will be taken into account up until a recommendation/decision is made. Comments received after the agenda is published, by 5.00pm on the Wednesday before the meeting, will be reported to the committee in late correspondence.

Concerns relating to sifting panel are not relevant as this application is subject to call-in by the local ward councillor and referred by the Assistant Director.

In terms of CIL, although the CIL regime is linked to planning, it is separate legislation and has its own requirements. Statutory CIL duties don't start until the planning application is granted, as per CIL regulation 8, at which point CIL will measure the approved plans. They will then issue a Liability Notice showing the calculations for the CIL, in accordance with CIL reg 65. This is sent out as soon as possible after the decision is issued, which is generally within 5 days of the application being granted. The CIL team don't measure any plans prior to approval - if the application is refused, withdrawn, or if revised plans come in before permission is granted, this is wasted work. However, all of the plans are available and measurable online for public information.

CIL appeal decisions have confirmed this approach, whereby inspectors have previously requested scaled plans in order to determine the liability accurately rather than taking site measurements.

CONCLUSION/PLANNING BALANCE:

Overall, the principle of this development was established within the previous consent for a replacement dwelling, in this residential area. This application seeks minor amendments to a scheme which has been built out but differs in some respects from the previous approval.

In terms of the form and character of the development, the dwelling as presented within this application is considered acceptable based on the extant permission and the changes do not alter the previously positive assessment of the design, form etc of the dwelling.

In terms of neighbour amenity, it is not considered that there are any additional adverse impacts within this application beyond the extant consent, for properties on the north, south and east sides.

A more balanced decision has been made in regard to the western neighbour and relationship, but it is considered that subject to a suitable condition on boundary treatment, and an assessment against the former relationships and approved levels, it is acceptable, as described within this report.

Highways impact as well as parking are also considered acceptable, as are other matters outlined within this report.

Overall, the development is therefore considered to be in accordance with Policy CS08 and CS11 of the Core Strategy 2011, DM15 and DM17 of the Site Allocations and Development

Management Policies Plan 2016, Policies 6,7,8, and 9 of the Neighbourhood Plan, and the provisions of the NPPF 2023.

RECOMMENDATION: APPROVE

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing no MID02.01.03 Revision Q. Floor Plans + Block Plan
 - Drawing no MID02.01.04. Revision L. Proposed Elevations.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Trees and/or hedgerows shall be retained in accordance with the details as agreed by the Local Planning Authority within: PROPOSED LANDSCAPE PLAN, Drawing Number: MID02.01.25.
- 2 Reason: To ensure that the existing trees and hedgerows are retained within the development of the site in accordance with the NPPF.
- 3 Condition: The development hereby permitted the proposed on-site car parking/servicing/turning area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason: To ensure the permanent availability of the parking areas, in the interests of satisfactory development and highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.
- 4 Condition: The use hereby permitted the vehicular access indicated for improvement shall be upgraded/widened in accordance with the Norfolk County Council residential access construction specification 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.
- 4 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.
- 5 Condition: Landscaping shall be carried out in accordance with the details as agreed by the Local Planning Authority within: PROPOSED LANDSCAPE PLAN, Drawing Number: MID02.01.25.

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.

- 5 Reason: To ensure that the development is properly landscaped in the interests of the amenities of the locality in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016, Policy and the NPPF.

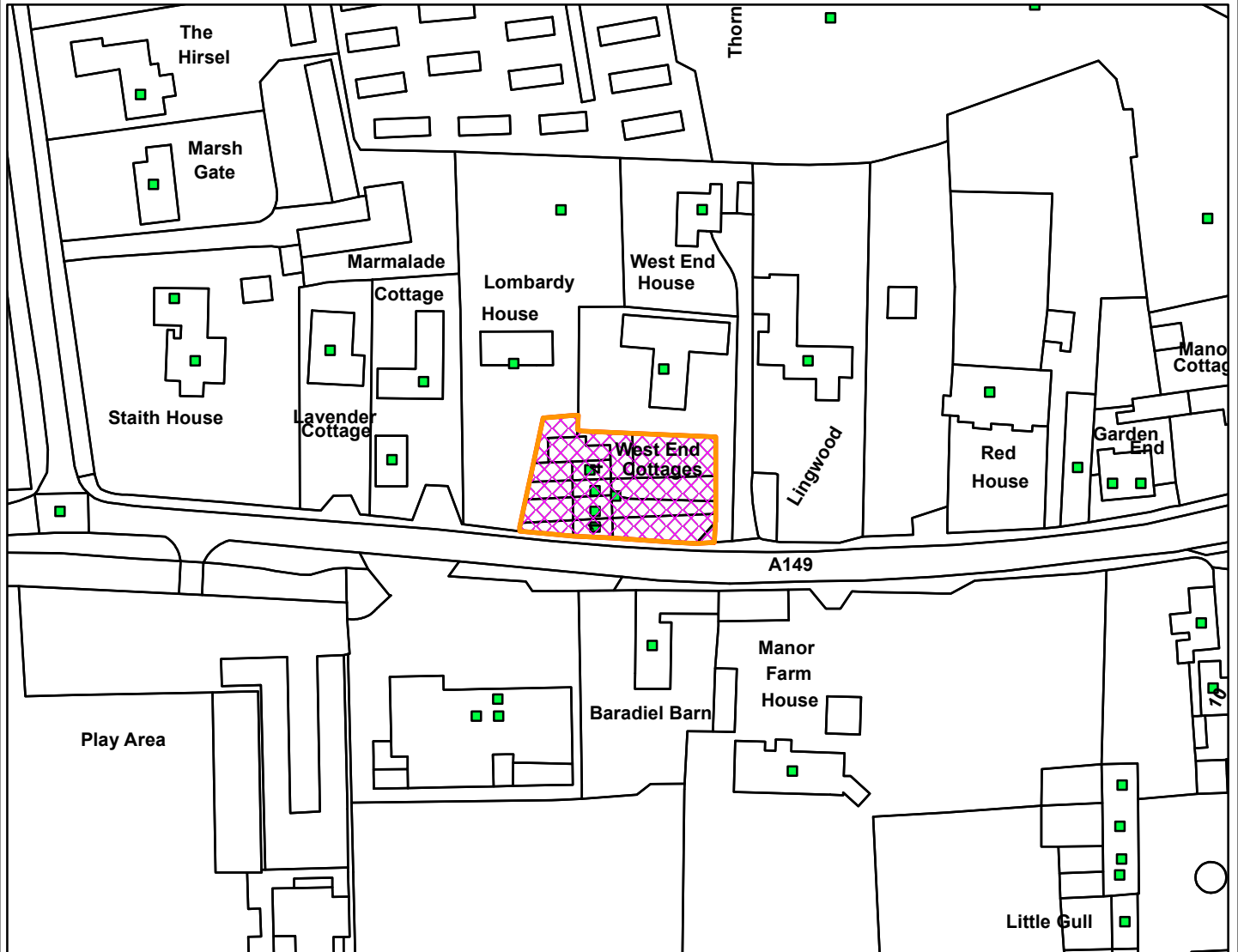
- 6 Condition: The use of the western terrace projection hereby approved shall be permanently retained as shown on plan: MID02.01.03, Rev Q with planting and shall at no time be used as an additional area of terrace.
- 6 Reason: To protect the residential amenities of the occupiers of the adjacent property in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policies 6 and 8 of the Neighbourhood Plan and the NPPF.
- 7 Condition: Notwithstanding the details shown on the approved plans (including the west boundary), within one month of the date of this decision, a plan shall be submitted to the Local Planning Authority for approval in writing indicating the positions, heights, design, materials and type of boundary treatments (including those separating the rear garden adjacent to the west boundary identified on Dwg MID02.01.03 Rev Q.

The boundary treatments shall be carried out in accordance with the approved plans/details approved in writing within two months of approval by the Local Planning Authority. The approved boundary treatments shall be maintained and retained in perpetuity.

- 7 Reason: To ensure that the development is compatible with the residential privacy and amenities of the locality in accordance with Policy CS08 and DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house, additions to the roof of a dwellinghouse, and buildings etc incidental to the enjoyment of the dwellinghouse, 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 if otherwise allowed by the above mentioned Order, in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.



Land to the East of West End Cottages, High Street, Thornham



Legend

[Empty legend box]

Scale: 1:1,250

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/11/2024
MSA Number	0100024314



Land to the East of West End Cottages, High Street, Thornham



Legend

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Scale: 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/11/2024
MSA Number	0100024314

Parish:	Thornham	
Proposal:	Construction of new holiday let and car park to serve holiday lets	
Location:	Land To The East of West End Cottages High Street Thornham Norfolk	
Applicant:	J Thompson	
Case No:	24/01121/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 27 August 2024 Extension of Time Expiry Date: 8 November 2024

Reason for Referral to Planning Committee – Referred by Sifting Panel as the officer recommendation is at odds with the views of the Parish Council.

Neighbourhood Plan: Yes

Case Summary

The application seeks full planning consent for the construction of a one-bedroom holiday let on land to the east of West End Cottages, Thornham. The application site currently comprises an area of cleared land/hardstanding with parking bays provided immediately adjacent to High Street which serve the existing terrace of dwellings known as West End Cottages.

The application site is within the Thornham Conservation Area boundary and West End Cottages (within red line) are marked as important unlisted buildings within the Conservation Area Character Statement.

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning consent for the construction of a one-bedroom holiday let on land to the east of West End Cottages, Thornham. The application site currently comprises an area of cleared land/hardstanding with parking bays provided immediately adjacent to High Street which serve the existing terrace of dwellings known as West End Cottages.

The application site is within the Thornham Conservation Area boundary and West End Cottages (within blue land) are marked as important unlisted buildings within the Conservation Area Character Statement.

West End Cottages is a terrace of four dwellings positioned with gable end facing High Street. The application site comprises an area of bare earth/hardstanding, split east-west by close boarded fencing and with a mix of other boundary treatments (trellis topped, hit and miss boarding, wicker weave etc.) along boundaries. The area was historically used as residential land associated with the dwellings at West End Cottages however in recent years vegetation has been cleared and the use of the site as garden land has ceased. The terrace of dwellings maintain individual garden spaces on the other side of the properties, to the west.

The building is proposed with a ridge height of 4.6m and eaves height at approximately 2.7m. The land levels on site, which decrease by around 0.5m from the road edge into the site would further reduce the impact of the building when viewed from the road.

The single store building would be constructed in brick with areas of chalk and flint as well as a small section of timber cladding between windows on the front elevation. Traditional clay pantiles are proposed on the roof, with inset roof lights on both roof slopes.

The holiday let would provide one double bedroom, with a kitchen/lounge/diner and en-suite, positioned along the east boundary of the site approximately 15m from the east elevation of West End Cottages. A parking court, providing a total of 6 spaces is proposed within the site, alongside space for bin storage and will serve all units.

Hedges are proposed to form the front (south) boundary as well as to soften the edges of the parking areas and provide definition to retained/proposed amenity spaces and garden areas.

Surrounding buildings are mixed in age and character, with the large, detached dwellings immediately north providing a significant contrast compared to modest character and traditional proportions of the donor dwellings known as West End Cottages.

SUPPORTING CASE

None received at time of writing.

PLANNING HISTORY

21/00157/F: Application Withdrawn: 15/04/21 - Proposed construction of a dwelling with associated parking and rearrangement of existing parking - East of West End Cottages

20/00110/O: Application Refused: 02/04/20 - Proposed construction of duplex apartment with associated parking - West Hatch Cottage

Planning Committee
2 December 2024

07/01356/F: Application Refused: 23/08/07 - Two Storey extension to dwelling - 4 West End Cottages

RESPONSE TO CONSULTATION

Parish Council: OBJECT to the application on the grounds of overdevelopment and overcrowding. The car parking area is also inadequate. This is contrary to the neighbourhood plan policy H1.

Highways Authority: NO OBJECTION, recommending conditions, with the following summarised comments:

- The proposal revises the current parking arrangement to facilitate turning and re-entry to the public highway in a forward gear, which is beneficial to all users, however visibility remains below the current guidance.
- Whilst there is an increased use attributable to the new dwelling, the removal of reversing onto the public highway at this location would be considered to weigh in favour of approval, allowing all cars to turn within the site.

Environmental Health & Housing - Environmental Quality: NO OBJECTION regarding contaminated land

Conservation Officer: Provided comments in **SUPPORT** of the application, recommended materials and joinery detail conditions are appended to any consent. The comments can be summarised as follows:

- West End Cottages are an important part of the street scene and are non-designated heritage assets.
- The scale, design and materials proposed for this scheme are all appropriate and sympathetic to the character of the area, and could feasibly be interpreted as a row of outbuildings, serving the cottages.
- Design would benefit from being repositioned immediately adjacent to the roadside to completely reflect the plan form of the village.

REPRESENTATIONS

ONE Letter of **SUPPORT** comments summarised as follows:

- High quality design and improvement to this part of the Conservation Area
- Improved parking provision (and thus highway safety)

ONE letter of **OBJECTION** comments summarised as follows:

- Further noise and traffic to this part of the village which has grown rapidly in recent years
- On-street parking causes traffic hazards
- Noise impacts during construction

Planning Committee
2 December 2024

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM11 – Touring and Permanent Holiday Sites

DM15 – Environment, Design and Amenity

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Policy HA1 Development Affecting the Conservation Area

Policy HA2 Unlisted buildings and features of historic interest

Policy D1: Design principles for new development

Policy H1: Housing development within the development boundary

Policy EMP1: Existing and new businesses

Policy EMP4: Tourism Related Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Other material considerations

Principle of Development:

The application site comprises an area of residential curtilages belonging to the row of terraced dwellings known as West End Cottages and is surrounded on all sides by residential development of various designs.

The application site is wholly within the development boundary for Thornham which is categorised as a Rural Village within the settlement hierarchy set out in Policy CS02 of the Core Strategy (2011).

Holiday accommodation within existing settlements is controlled by Policy DM11 of the SADMPP (2016) which supports proposals for new holiday accommodation where they can demonstrate:

- A suitable business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area;
- A high standard of design in terms of layout, screening and landscaping ensuring minimal adverse impact on visual amenity and the historical and natural environmental qualities of the surrounding landscape and surroundings;
- The site can be safely accessed.
- It is in accordance with national policies on flood risk & is not within the Coastal Hazard Zone indicated on the Policies Map, or within areas identified as tidal defence breach Hazard Zone

The application site is within Flood Zone 1 and therefore in a suitable location in regards to flood risk policies.

Policy DM11 goes on to state that small scale proposals for holiday accommodation will not normally be permitted within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) (*Note: AONBs are now known as National Landscapes*) unless it can be demonstrated that the proposal will not negatively impact on the landscape setting and scenic beauty of the AONB or on the landscape setting of the AONB if outside the designated area. Proposals for uses adversely affecting Sites of Special Scientific Interest (SSSIs) or European Sites will be refused permission.

A detailed business plan has been submitted in support of the application which details how the site will operate alongside existing holiday lets at West End Cottages and would provide tourists small-scale accommodation in proximity to the Norfolk Coast and its wildlife and historical sites as well as in easy access to Hunstanton, Kings Lynn and Fakenham.

Access has been detailed and has been agreed by the Local Highway Authority, discussed in additional detail below. The GIRAMS fee has been paid upon submission of this application and the proposal would not be considered likely to lead to significant adverse impacts on the Norfolk coast RAMSAR/SAC/SPA/SSSIs which are in proximity to the site. This is in line with Policy EMP 4 of the Thornham Neighbourhood Plan.

Thornham Neighbourhood Plan does not have a principal residence policy or similar, and the policies are silent on principle of holiday let accommodation. It is evident that there is potentially some economic benefit would comply with Policy EMP 1 of the Thornham Neighbourhood Plan as well as policies CS08 and CS10 of the Core Strategy (2011).

The principle of the development is therefore considered acceptable and complies with Policies CS01, CS02, CS08 and DM11 of the Local Plan. Full consideration of the design of the proposal and impacts on the form and character of the area including the Conservation Area and National Landscape takes place in the section below.

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Conditions are recommended to ensure that the holiday let is held in association with the existing cottages & that the parking areas are made available for the use of the group of dwellings and at no point separated.

Form and Character:

The application site is within the Thornham Conservation Area and the Norfolk Coast National Landscape. The existing cottages are considered to be non-designated heritage assets/important unlisted buildings and the plaque on the West End cottages is specifically listed as an undesignated heritage asset in Policy HA2 of the Neighbourhood Plan.

Thornham Parish Council objected to the application, considering that the proposal represents overdevelopment and overcrowding of the site which is at odds with Policy H1 of the Thornham Neighbourhood Plan. Policy H1 of the Neighbourhood Plan sets out that proposals for residential infill development will be supported where, amongst other things 'The proposed development is of a scale, density, layout and design that is compatible with the character and appearance of the part of Thornham in which it would be located and does not result in a cramped or urbanised form of development;'

Thornham Conservation Area Character Statement discusses the alignment of High Street which changes frequently along its length. The change in orientation of buildings and walls along High Street and gives the space between buildings a sense of enclosure & a somewhat urban quality when compared to the village's intensely rural surroundings. The continuity of the street scene and roadside frontages is maintained through use of linking walls and the use of a limited palette of local building materials.

The proposal includes the positioning of the building with gable end fronting the roadside. The proportions and style of the building give the impression of an ancillary outbuilding which accords with the tight-knit grain of development in Thornham discussed above. Furthermore, there is a benefit provided to the street scene as a result of the rearrangement of the existing parking area as part of the proposal. The immediate front boundary would be softened by the planting of a hedgerow to define visibility splays, and this would shield the view of parked vehicles which is of some benefit to the street scene compared to the harsh appearance of the existing site conditions.

There are various examples of traditional properties within Thornham which have smaller gardens & which are often perpendicular to the highway. There are further examples of buildings set around more intimate courtyard spaces. The provision of a new building in this position is not therefore considered to lead to any significant divergence away from the traditional layout, spacing or character of this part of Thornham.

The Conservation Officer supported the application, stating that the scale, design, and materials proposed for this scheme are all appropriate and sympathetic to the character of the area, and could feasibly be interpreted as a row of outbuildings, serving the cottages. Whilst comments regarding relocating the plot to be immediately adjacent to the roadside edge are noted, this would impact on visibility splays and is not therefore feasible.

Conditions are recommended to ensure that sample panels of the proposed stonework are provided prior to external materials being constructed on site. Conditions are also recommended to ensure that full details of proposed hard and soft landscaping to ensure that boundary treatments and hard surfacing details are appropriate for the locality.

Overall, whilst comments from the Parish Council are noted, given the existing density and grain of development across the High Street in Thornham, the proposal is not considered to constitute overdevelopment of the site and is considered to comply with the NPPF (2023), Policies Cs08, Cs12 and DM15 of the Core Strategy (2011) and Policies H1, D1, EMP 4, HA1 and HA2 of the Thornham Neighbourhood Plan.

Impact on Neighbour Amenity:

The application proposes the construction of a single storey building adjacent to the access track/driveway serving a dwelling known as West Hatch. Given the single storey nature of the proposal, no significant impacts in regard to overbearing, overshadowing, or overlooking of this dwelling are likely. The angles involved between the proposal and this adjoining dwelling (north) are such that any privacy impacts are unlikely, and existing close boarded fencing along this shared boundary would further mitigate any impacts.

Distances between the proposed holiday let and the dwellings are approximately 15 metres which is sufficient given the single storey nature of the proposals, and the positioning of the parking area etc immediately adjacent, to limit adverse privacy impacts on the donor dwellings.

The application would result in the loss of historic garden area for West End Cottages; however, these dwellings retain gardens commensurate to their accommodation to the west and of a scale which is suitable for the character of the area. Conditions are recommended to ensure that the holiday let, and the additional parking proposed as part of this application are linked in ownership & management to the existing holiday lets to the west of the site.

A third-party representation was received which raised concern surrounding increased noise and disturbance associated with the proposed use. The holiday let proposed under this application is a single bedroom unit and given the scale of the proposed use and the existing density of development in the vicinity, any significant increase in noise and disturbance is considered unlikely – either during construction or post-occupation. It is not considered necessary to control the submission of a construction management plan for a scheme of this size, however an informative can be used to ensure the applicant is aware of the separation legislation controlling noise nuisance.

Overall, the impact on neighbours is considered acceptable and the proposal complies with Policies CS08 and DM15 of the Local Plan and Policies H1 and D1 of the Neighbourhood Plan.

Highway Safety:

The existing site layout includes a total of three marked parking bays on site - immediately adjacent to High Street, requiring vehicles to reverse onto the highway to enter/exit each bay. The Local Highway Authority has responded to consultation stating that the proposed scheme provides an overall highway safety benefit through the provision of a formal turning area off-highway. The proposal also increases the total number of parking spaces available to 6 in total, which further provides a highway benefit of off-road parking.

The proposal therefore complies with the aims of the NPPF (2023) in regard to highway safety, as well as Policies CS08, CS11, DM11 and DM15 of the Local Plan and Policy EMP 4 of the Neighbourhood Plan.

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Other material considerations

Specific comments and issues:

Biodiversity Net Gain

The application is considered to be exempt from BNG under the de minimis exemption given the existing site conditions & development area.

Flood Risk

The application site is within flood zone 1 and flood risk impacts are therefore unlikely.

Contamination

The Environmental Quality team raised no objection regarding contaminated land. The subject site is considered suitable to cater for the proposed use in line with Policy DM15 of the SADMPP.

Planning History

Application reference 20/00110/O was refused in 2020 proposed the construction of a large two storey independent residential dwelling along the north boundary of the application site. The application was ultimately refused due to concerns of scale and inappropriate design as well as lack of amenity space. It is considered that there are fundamental differences when compared to this application, and as discussed above, the scale & design of the proposed holiday let are considered acceptable.

CONCLUSION:

The NPPF reiterates the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application proposes the construction of a holiday let unit within the development boundary for Thornham and within close proximity to various services and tourism-related uses.

The scale, design and materials proposed for the scheme are all appropriate and sympathetic to the character of the area and accord with the requirements of the NPPF (2023), Policies CS08, CS12, DM11 and DM15 in regard to street scene character, heritage assets and the National Landscape and would provide highway safety benefits through the provision of off-road parking spaces that do not require vehicles to manoeuvre within the public highway.

Overall, the proposal is therefore recommended for approval and is considered to accord with NPPF (2023), Policies CS08, CS12, DM11 and DM15 of the SADMPP, and Policies H1, D1, EMP1, EMP4, HA1 and HA2 of the Neighbourhood Plan.

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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:
 - TH003.02.02 B
 - TH003.02.03 A
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement on Drawing No. TH003.02.02 Rev B shall be reduced to a minimum width of 4.5 metres in accordance with the Norfolk County Council residential access construction specification 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
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement, in accordance with the NPPF (2023) and Policies DM11 and DM15 of the SADMPP (2016).
- 4 Condition: Prior to the first /use of the development hereby permitted the proposed access/on-site car parking/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, in association with the proposed dwelling and the existing dwellings shown in red on dwg no. TH003/02/02 Rev B.
- 4 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety, in accordance with the NPPF (2023) and Policies DM11 and DM15 of the SADMPP (2016).
- 5 Condition: The holiday let (identified in red on Dwg No TH003/02/02 Rev B) hereby approved 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.
- 5 Reason: This permission is granted because accommodation is to be used for holiday purposes only in accordance with the NPPF and Policy DM11 of the SADMPP (2016). The condition is necessary to ensure that the site is not occupied as a permanent residential dwelling where the requirements for external amenity space etc may have different implications for the development.

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- 6 Condition: No development shall commence on any external surface of the development until sample panels 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.
- 6 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, Policies CS12 and DM15 of the Local Plan and Policies H1, HA1 and D1 of the Thornham Neighbourhood Plan.
- 7 Condition: 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.
- 7 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, Policies CS12 and DM15 of the Local Plan and Policies H1, HA1 and D1 of the Thornham Neighbourhood Plan.
- 8 Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include hard surface materials, boundary treatments, any refuse or other storage units etc. Soft landscape works shall include planting plans, including the provision of a front boundary hedgerow, 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.
- 8 Reason: To ensure a satisfactory external appearance of the proposed landscaping in accordance with the principles of the NPPF, Policies CS12 and DM15 of the Local Plan and Policies H1, HA1 and D1 of the Thornham Neighbourhood Plan.
- 9 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 9 Reason: To ensure a satisfactory external appearance of the proposed landscaping in accordance with the principles of the NPPF, Policies CS12 and DM15 of the Local Plan and Policies H1, HA1 and D1 of the Thornham Neighbourhood Plan.

Planning Committee - 2 December 2024

Previous Committee:	04/11/2024
Upcoming Committee:	02/12/2024

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

(1) To inform Members of the number of decisions issued between the production of the 4 November 2024 Planning Committee Agenda and the 2 December 2024 agenda. There were 112 total decisions issued with 107 issued under delegated powers and 5 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.

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(4) Major applications are assessed against a national target of 60%. Failure to meet this target could result in applications being dealt with by Pins who will also receive any associated planning fee.

RECOMMENDATION

That the reports be noted

Number of decisions issued between 24 October 2024 and 19 November 2024.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	5	4	1		5	100.0%	60%	1	1
Minor	39	33	6	38		97.4%	80%	1	1
Other	68	63	5	65		95.6%	80%	1	0
Total	112	100	12	103	5			3	2

Planning Committee made 5 of the 112 decisions (4.5%)

PLANNING COMMITTEE

DATE 2nd December 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 May 2024, along with a summary on some of the other aspects of the work in relation to trees in the last 6 months.

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 there are two types of tree work applications.

2.3 Notifications for work to trees in a Conservation Area have to be responded to within 6 weeks, if responses are not received within these timescales the work is deemed to be acceptable and can be carried out.

2.4 Works to trees protected by a Tree Preservation Order (TPO), when the target date is 8 weeks.

2.5 Five days written notice is required where protected trees that have died or need to be felled due to their very poor condition. These are also recorded as applications under the suffix TDD. Replacement trees can then be enforced if suitable.

2.6 Tree and Landscape related consultations to planning applications have a target date for response of between 8 or 13 weeks to ensure applications can be dealt with within the requisite time period.

2.7 There is also a requirement to respond to discharge of planning conditions with a specified time period, so as not to unnecessarily delay commencement of approved development.

2.8 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 protection given to the trees by the TPO lapses, and the only way to protect the trees is to begin the process again.

2.9 Of equal importance are the pre-application appointments and meetings both for tree work applications and planning applications, as well as responses to the general day to day tree related enquiries by members of the public. Trees are very high profile and members of the public and many local organisations look to the Council to provide help and guidance on tree matters. Officers always seek to use these enquiries as an opportunity for the promotion of good tree care and support for internal and external stakeholders and interest groups.

Table 1 – Breakdown of tree related applications and work received between 01/05/2024 and 31/10/2024.

	Numbers
Planning Applications	
Planning Applications considered	152
Pre-Applications considered	29
Applications to discharge tree and landscape conditions	42
New Tree Preservation Orders	
New TPO's - Date Served	10
TPO's confirmed without objection, or objections withdrawn	5
TPO's with objections received confirmed by Planning Committee	2
TPO's with objections yet to be confirmed or not confirmed	3
Tree Work Applications/Notifications	
Conservation Area Notifications approved	105
Conservation Area Notification Refused (TPO Served)	0
Conservation Area Notification Pending	34
Tree Preservation Order applications approved	69
Tree Preservation Order applications Refused	6

Partially refused	2
Tree Preservation Order applications appealed	0
Tree Preservation Order application pending	13

3.0 Details of TPO's Served and Confirmed since May 1st 2024

- 3.1 10 TPO's have been served since 1st May 2024. 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 the TPO is confirmed.
- 3.2 Since 1st May 2024, 5 TPOs have been confirmed under delegated powers with 2 confirmed at Planning Committee in November 2024.
- 3.3 There have been no appeals relating to decisions regarding works to protected trees, and we currently have no appeals in process.

4.0 Recommendation

- 4.1 That members of the Planning Committee note the contents of the report