

**PLANNING COMMITTEE**  
**5<sup>th</sup> February 2018**

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE  
PUBLICATION OF THE AGENDA AND ERRATA**

**Item Number 8/1(a) Page Number 9**

**Third Party:** Has been in discussion with the Agent regarding amendments to the balcony detail and location. The plans have been revised through negotiation and dialogue and suit both parties and are reflected in the amended plans before you. We are not able to attend Planning Committee and thought it appropriate to confirm that both parties are satisfied.

**Item Number 8/2 (a) Page Number Late pages**

**Agent:** Submission of revised drawings that address the point raised regarding the ground floor FFL and surface water flooding risk. The amendments can be summarised as follows:

- The ground floor FFL has been raised to be +30.45 AOD from +30.30, this ensures it is a minimum of 150mm above external ground levels on the site. We understand the criteria for this relates to the highest point of ground on the site, not necessarily to ground immediate to the building. Accordingly the landscaped area to the far NE of the site (previously the highest point) has been reduced in its level to be +30.30 AOD. Design site levels (shown in red and bracketed) are amended to suit – the black site levels are those existing for reference.
- The upper floors have their FFLs amended to reflect this, however the overall height and massing of the building is unchanged. The adjustments being possible within the overall building framework as currently submitted. A level has been added to the section to describe the ridge height of the current submission.
- Ramps have been added to the main and service entrances that address the FFL change. The ramp for the residents to access the bin store and cycle store is internal, the main entrance one is external. The pedestrian ramp that links to the car park has been slightly amended and has adjusted levels to suit. Therefore we can be confident that accessibility is fully maintained.
- As the landscaped area to the NE is now lower than the pavement on Church St, railings have been added.

**Amended conditions:**

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

Proposed Site Layout Plan 55\_15\_P\_10 Rev B  
Proposed Ground Floor Plan 55\_15\_P\_11 Rev C  
Proposed First Floor Plan 55\_15\_P\_12 Rev C  
Proposed Second Floor Plan 55\_15\_P\_13 Rev D  
Proposed Roof Plan 55\_15\_P\_14 Rev C  
Proposed East and South Elevation 55\_15\_P\_15\_2 Rev C  
Proposed West and North Elevation - 55\_15\_P\_15\_16\_2 Rev C  
Proposed Section A-A Elevation - 55\_15\_P\_17 Rev C

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

11. Notwithstanding details in respect of the submitted Drainage Strategy (Barter Hill, 6590, October 2017), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:-

1. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration from the 1 in 100 year return period, including allowances for climate change, flood event. A minimum storage volume of 46m<sup>3</sup> will be provided in line with the submitted calculations.

2. Detailed designs, modelling calculations and plans of the drainage conveyance network in the:

\* 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.

\* 1 in 100 year critical rainfall plus climate change event to show, if any, the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) with the development.

3. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures showing the routes for the management of exceedance surface water flow routes for the management of exceedance surface water flow routes that minimises the risk to people and property during rainfall events in excess of 1 in 100 return period.

4. Finished ground floor levels of properties shall be set at 30.45m aOD with flood resilient construction methods on the Church Street elevation of the building incorporated up to 30.9m aOD.

5. Details of how all surface water management features to be designed in accordance with the SuDS Manual (CIRCA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason: To prevent flooding in accordance with paragraph 103 and 109 of the NPPF.

**LLFA:** In response to the suggested amended condition for the surface water drainage scheme they have commented as follows:

- As discussed 150mm above all surrounding ground levels provides a level of protection against ponding in extreme events or in the event of failure/blockage of a drainage system. It is concerning that the FFL will be lower than the adjacent existing road, but when it is not possible to provide any freeboard, flood resilient construction is better than nothing as this will protect the building from water ingress in the event that water ponds against it.

**Item Number 8/3 (a) Page Number 27**

**Third Party:** 2 further letters of **OBJECTION** from the occupiers of a neighbouring property. Their comments can be summarised as follows:

- I propose that as regards our opposition to the application, Planning Committee Members rely solely on our “personal statement”, with attachments, submitted to the Borough Council on 17 January, as well as on the comments made on the application by Burnham Market Parish Council subsequent to its meeting on 20 November, reiterated on 21 December, by the Open Space Society (Part 1) dated 16 January and by Gemma Clark of Norfolk Coast Partnership on 29 November.
- We would like the report to committee amending on the grounds that there are a number of significant omissions from it, one of them totally critical to a proper

understanding of this case, and that it contains a number of material, doubtless inadvertent, misrepresentations and misquotations, which in the interests of accuracy and even-handedness should be corrected prior to formal consideration by the Borough Planning Committee.

- Specifically, the letter from the then Borough Planning Officer (BPO), dated 6.4.1992, that I found in the microfiche records on 5 January and sent to you that same day, and referred to both in a letter I wrote to you on 15 January and in my Personal Statement dated 18 January (both on the planning portal), has been entirely omitted from the committee report.
- The BPO's letter makes it clear that the current application site was indeed intended to be landscaped and that this can therefore only have been in the context of the landscaping requirements of planning application 2/88/4257/F for Woodside, contrary to the main assertion in paragraph 5 of page 5 of the committee report. It is the single piece of hard evidence that turns the strong circumstantial evidence of the landscaped, softening, screening vocation of the application site that emerges from figures 5, 8, 10 and 12 of my Personal Statement into fact.
- The Parish Council did NOT object on the basis that the land was "designated Open Space" (sic). The exact Parish Council quotation is: "Historical evidence will show that the Open Space referred to in this application was designated to be for landscaping to soften the street scene".
- Open Spaces Society (OSS). The Planning Officer merely notes: "Objection on the basis of information submitted by the objecting neighbour." The implication of the Planning Officer's report is that the OSS objection is unfounded on the grounds that the application site is not a "designated Open Space". This fails to mention the actual objection by the OSS, namely: "Even if the land has not been used for public access, it seems clear that it has made an important contribution to the visual amenities of the area, as an open space, softening the development of Woodside."
- The Planning Officer's report contains the Applicants' latest supporting statement (23 January) in its entirety. Our own supporting statement of 17 January, which rebuts numerous fallacies, misconceptions and inaccuracies in the Applicants' original supporting statement of 15 January, does not appear in the report. It would be much fairer if both the Applicants' and our supporting statements, as objectors, were attached as annexes to the Planning Officer's report in full.
- It was the Local Planning Authority's duty to agree a landscaping scheme with the developer prior to the commencement of any operations on the site. The LPA of the day failed to do so. Notwithstanding that, the Borough Planning Officer was still trying in April 1992 to agree further landscaping of the application site. Our objection is that the Applicants should not be allowed to change the appearance of this plot, the application site, in a way that is clearly entirely contradictory to what the Borough planners intended.
- We do not believe that "the change of use to garden land" per se "would degrade and undermine the secluded nature of Woodside". We believe that the creation of a gravelled, enclosed car park undermines the secluded nature of Woodside. If it were actually a landscaped garden providing softening and screening rather than a car park, we would not be objecting.
- The committee report omits to make it clear that the requirement for re-landscaping originates from the Parish Council in its communication dated 27 November 2017: "The Parish Council... would observe that to reflect the original intention... any plans must include a partial replanting programme which would restore some landscaping to the roadside entrance to an street scene in Woodside".
- The report fails to mention as a planning consideration the incontrovertible evidence that on 6 April 1992 the Borough Planning Officer of the day wrote to the solicitors acting for the purchase of 1 Woodside requesting a discussion with the purchaser to "improve the appearance of the land which I assume he will be acquiring, running

down to the Docking Road. There is clearly still a need for some landscaping treatment here.”

- Google Street View imagery clearly shows that there is a fence between the garden space of Plot 1 and the open space between the garden space and the Docking Road, but that there is no fence between the application site and the Woodside driveway. This plot of land was therefore always unfenced, hence open, and partially planted until recently cleared and enclosed by the Applicants. It was not “private”.
- The report states that the site was “originally transferred to No. 1 and has never been publicly accessible”. The land was acquired (purchased) by No. 1, had been open for 25 years until the Applicants fenced it in and was therefore publicly accessible to anyone who wished to do so.
- The report states that “the change of use to garden land... doesn’t result in adverse impact on the amenity of others”. This is at best a value judgement. The Planning Officer does not live in Woodside and will not have to suffer the consequences of his decision. We as residents of Woodside for the past 25 years most definitely feel that this is an adverse impact on our amenity.
- The application site had until recently been open, not enclosed, and the site was clearly meant to be landscaped. The applicants have left themselves little room for their claimed softening scheme, the fence being a mere 19 cm from the kerb, compared with 45 cm on the opposite side of the drive. If the application site is to be enclosed, hedging would be a far more sympathetic way of doing so.
- The additional car parking space that has been created by the Applicants is incongruous and out of all proportion to their typical parking requirements and is not an option available to any other resident.

**Item Number 8/3 (b) Page Number 35**

**Amended condition:**

2. The development hereby permitted shall be carried out in accordance with the approved plans:

- \* Drawing No. 5596/401E, Site Plan as Proposed
- \* Drawing No. 5596/402E, Floor Plans as Proposed
- \* Drawing No. 5596/403E, Elevations as Proposed
- \* Drawing No. 5596/404E, Elevations as Proposed
- \* Drawing No. 5596/405D, Block Plan
- \* Drawing No. 5596/406, Site Location Plan
- \* Drawing No. 5596/407 Site Plan as Proposed

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

**Assistant Director’s comments:** The planning history refers to an Appeal Decision relating to Ref 2/98/1197/F (attached).

**Item Number 8/3(e) Page Number 72**

**Third Party: 1** letter of **OBJECTION** which can be summarised as follows:

- We still have concerns with regard to the removal of two large mature trees T18 (Horse Chestnut) and T20 (Norway Maple). T18 (described as being in poor condition) is not being replaced like for like, but with two very small Ligustrum Japonicum. T20 (described as being in reasonable condition) is not proposed as

being replaced at all.

- The effect of the removal of T18 (9m height) and T20 (11m height) will be to allow clear uninterrupted views of / from the main two storey gable end of the proposed dwelling, including overlooking of our garden from the proposed first floor bedroom 3.
- We therefore request that T18 is replaced with an indigenous tree species capable of growth to an equivalent size of T18.

**Agent:** Following comment from the neighbouring property known as 'Whippets' I can confirm that the applicant is willing to replace tree T18 with an indigenous tree capable of growing to an equivalent size.

**Item Number 8/3(g) Page Number 90**

**Agent:** With regards to the proposed conditioning my client would need condition number 5 relaxed slightly as currently it would preclude the possibility of holding an evening service on Christmas Day or Good Friday / Easter Monday etc.

**Assistant Director's comments:** It is considered reasonable that the recommended hours of use condition is amended in order to allow for evening services on Bank Holidays.

**Amended Condition:**

5. The premises hereby approved shall not be used between the hours of 22:00 and 08:00 on any day unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

**Item Number 8/3(h) Page Number 102**

**Agent:** We have been contacted by one of the Common View neighbours who raises concern in respect of dormer windows which they say will overlook them. They also say the screen of laurel trees and shrubs on the boundary have been cut down in height and thinned but having checked this with the applicant he confirms that they have not been touched and certainly not cut or thinned. However, the applicant will be providing established evergreen trees on the boundary to reinforce the screen between this site and the Common View properties. Accordingly we trust that a condition can be added for a landscaping plan to be submitted and approved by the LPA prior to occupation. We would envisage 3.6m high trees and these be placed where the shrubs are thinnest and where the screen tapers down towards Common Road.

**Parish Council: OBJECT** and make the following comments:

We believe it [the report] is in part inaccurate, and there are sections which are misleading and incomplete. We are requesting a deferral on this basis to ensure that the Committee has the full facts at their disposal. Given the time I have I will make the points as succinctly as possible.

Case Summary – the land is not “undeveloped” – it was a garden until the property changed hands in November; this garden was completely razed, including trees, within a week of that occupation.

The Application – “Thought to have been used as a garden” is misleading as above. It

suggests that no one can recall its previous use.

Supporting Case – Snettisham is not a Village to the east of the A149! The Parish is almost equally divided by it, and there are several hundred residents to the west. Ironically this proposed development itself is in fact to the west. We do not regard “thought to be sufficient” (regarding plot size) to be relevant – very subjective and we disagree entirely, especially in context. There are not any chalet style properties adjacent – the only two storey dwelling has velux and end-gable windows, not dormer ones, and is therefore not comparable.

Regarding drainage, “the applicant has stated that it is not possible [sic – my underlining] to connect to a public sewer” is again not sufficient reason for not doing so. Guidelines in the documentation state that HMG now considers that all new dwellings should be required to have mains drainage, and that cost is not a reason not to do so – BCKLWN insisted on this for the nearby development at Golden Pheasant Drive. The new development approved to the north of this site (eight dwellings – 16/00263) will have mains drainage. Our attempts to ascertain from Anglian Water the nearest location of a mains has not been unsuccessful, but we are led to believe that it is around 30m away at most. Applicants’ statements should not be accepted without supporting evidence.

Though not in the version sent out for public consultation, the Neighbourhood Plan as currently drafted includes that garden size should be at least equal to the footprint of the dwelling.

We note that we are not alone in objecting on grounds of overdevelopment – Norfolk Coast Partnership does so too. (This again casts doubt on the “thought to be sufficient” above – by whom is this thought?)

Mention is made of our draft Neighbourhood Plan, and the reference to policies within that plan tend to suggest support for the application. The overriding policy (NP01) is that all residential development should occur on one site, and that no infill should be allowed outside that allocated area. This is not NIMBYism, as the proposed number of dwellings in the Plan is higher than the last LDF. Two more dwellings outside that allocation will encourage us to reconsider the number we are proposing, agreed in principle with BCKLWN. We are dismayed that the overriding principle on which the whole Plan was based was completely omitted. It is also noted that there is no reference in any conditions to second home status, and any applicable covenant being even considered.

Form and Character – “It is noted that the proposed plots would be smaller than that of 36a” – a redundant statement as they are in the garden of 36a! – “however, the neighbourhood does display examples of development in a tighter formation” – we dispute this, and I attach a map below – particularly noticeable in relation to garden size.

Trees – as noted above all trees were summarily removed before the application was submitted.

Other considerations – the “not possible” comment from drainage above has now become “not viable”. My earlier comments stand, but we note the inconsistency.

Finally, the conditions proposed are contradictory and nonsensical:  
2 states the drawings must be adhered to, but 3 then states the drive to the new plots should be 4.5m throughout. Which is it? The drawing shows it reducing to 3.7m.  
3 also states that the drive must be perpendicular to the highway, which by my understanding of the word implies the demolition of the present bungalow!

Conditions must be enforceable and self-consistent, surely?

We are very concerned that as this is the final chance for consideration of this application that there are so many issues, factual, logical and some extremely subjective. Any decision to proceed with this application would, we believe, not reflect well on BCKLWN's Planning process.

We therefore request deferral and rewriting of this report. If not I would request that this document be referred to all councillors on the Committee. We will be attending to object on this basis, should the discussion go ahead, along with residents.

**Additional conditions:**

8. Condition Prior to the 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 finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

8. Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.

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 that the work is carried out within a reasonable period in accordance with the NPPF.

**Assistant Director's comments:** The comments of the Parish Council are noted. However, by not allowing for windfall development within Snettisham and concentrating development on one allocated site, as suggested, would be contrary to the NPPF, the Development Plan and the priority of boosting housing supply. On this basis the Parish Council's comments cannot be supported.

The Parish Council comments that Conditions 2 and 3 are contradictory. Condition 3 is enforceable and provides for the private driveway, notwithstanding the tapering of the driveway to 3.7m on the approved plans, to be 4.5m wide for its complete length.

On this basis, officers do not consider that the application needs to be deferred at this stage. However, the matter will be debated and ultimately it will be down to Members to decide whether or not to defer the application should that be proposed.

**Item Number 8/3(i) Page Number 110**

**Agent:** Submitted revised alternative indicative layout plan.

**Assistant Director's comments:** The aforementioned plan is indicative only and has not been consulted upon. It demonstrates how the site could be developed bearing in mind all matters are reserved.





# The Planning Inspectorate

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Your Ref:  
TP/572  
Our Ref:  
T/APP/V2635/A/98/1014981/P2  
Date:  
17 MAR 1999

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 & SCHEDULE 6  
APPEAL BY K & M CONSTRUCTION  
APPLICATION NO: 2/98/1197/F**

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of the King's Lynn and West Norfolk Borough Council to refuse planning permission for the erection of a detached dwelling on land to the south of Homelands, High Street, Docking. I have considered all the written representations together with all other material submitted to me. As you know, I inspected the site on 9 March 1999.
2. The development plan comprises the Norfolk Structure Plan 1993 and the recently adopted King's Lynn and West Norfolk Local Plan. This site lies within the identified village boundary where Policy H5 in the former and Policy 8/2 in the latter indicate that housing development will be limited to individual dwellings or small groups of houses which enhance the form and character of the village and its setting. In addition, Local Plan Policy 9/22 promotes respect for visual and residential amenities and Policy 4/18 indicates that development which damages the appearance of its built surroundings will not be permitted.
3. From my inspection of the site and the surrounding area and from the representations made, I consider the main issues in this appeal to be the impact of this proposed dwelling firstly, upon the character and appearance of Docking and its rural surroundings and, secondly, upon the amenities of adjoining residents.
4. Docking is a linear village and most of the existing dwellings front High Street and the roads which radiate out from it. The appeal site is accessed via an unadopted track and a private drive and currently forms part of the front garden of Homelands, a large modern house erected in replacement for a former agricultural dwelling and included within the settlement boundary. The Council say that the settlement boundary does not, in itself, constitute an allocation for development and I share that view. Homelands is a significant distance from the rear of development along High Street and the only other dwellings here are a bungalow to the west, dating from the 1950s, and Whippets, a relatively recent bungalow permitted on appeal. These three dwellings are well spaced from each other and there is open agricultural land to the west and a farm yard and open land to the east.

PLANNING OFFICE

5. You seek to draw support from the appeal decision permitting Whippets. However, that bungalow is much closer to High Street than the appeal site and the Inspector made clear that he had allowed that appeal on its merits. Furthermore, that decision was nearly ten years ago and the appeal site is considerably smaller and further away from the village core. Whilst no objection is raised to the design in itself or to the proposed materials. I share the Council's view that it would constitute further tandem development along the private drive where the loose-knit nature of development is in contrast to the more close-knit nature of development in the village core. These dwellings extend into the rural surroundings of this part of the village and this proposal would consolidate this group and harm the openness which currently exists. The site is seen in views from between established dwellings on High Street and this increased density extending so far out from High Street beyond both Whippets and the bungalow to the west would not enhance the form or character of the village here but rather it would be harmful. I am convinced that this harmful impact to the currently open character and appearance here would be so serious, as well as conflicting with policies for its protection, that it constitutes a compelling reason by itself for resisting this appeal.

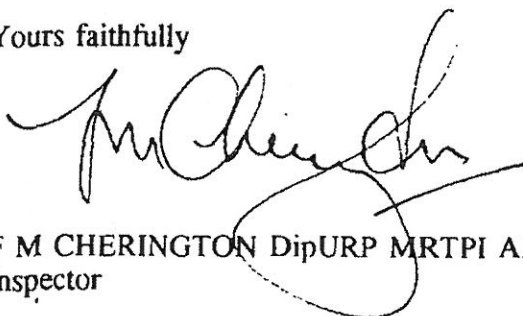
6. Turning to the second main issue, I agree with you that the potential increase in traffic from this dwelling would not be significant in terms of use of the unadopted track but it would represent a significant increase in traffic along the private drive past Whippets and the bungalow to the west. However, given the nature of the boundaries, the width and surface of the drive and the location and outlook of those bungalows, I am not persuaded that any loss of privacy or disturbance would be to an unacceptable degree. Nevertheless, it does reinforce my conclusions on the unacceptability of this proposal on the first main issue.

7. The Council also argues that the drive is unsuitable in its present form to serve further development. Although it is lengthy and of only single vehicle width and the unadopted track is poorly surfaced, I note that the Highway Authority do not object to the principle of a further dwelling here but recommend conditions. The Council is also concerned about the matter of precedent and whilst I share that concern, given the spacious nature of development here, each proposal must be considered on its individual merits and, as you say, a maximum of five dwellings is permitted off a private drive. You also refer to the houses on Bradmere Lane and whilst they extend further out of the village towards the north than does the appeal site, they are of some age and do have frontage to an adopted highway rather than a private drive such that I see little similarity with the appeal site.

8. Having regard to all these factors, since I have concluded that this proposal would harm the character and appearance of this part of the village, as well as being in conflict with well founded policies for its protection, your client's appeal should be resisted. I have considered all the other matters raised in the written representations, including the changes introduced into this revised scheme and the suggested conditions. However, I find nothing which outweighs the main considerations that lead me to my decision in this case.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss your clients' appeal.

Yours faithfully



F M CHERINGTON DipURP MRTPI ARICS MBEng MIAS  
Inspector