

<b>Parish:</b>	<b>Castle Acre</b>	
<b>Proposal:</b>	<b>Proposed dwelling</b>	
<b>Location:</b>	<b>Adj To Lime Kiln Cottages Cuckstool Lane Castle Acre Norfolk</b>	
<b>Applicant:</b>	<b>Derek Hales Ltd</b>	
<b>Case No:</b>	<b>18/01053/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr C Fry</b>	<b>Date for Determination: 3 August 2018</b>

**Reason for Referral to Planning Committee** – Contrary to Parish Council comments

**Neighbourhood Plan:** No

### **Case Summary**

The application site is contained within the development boundary and Conservation Area of Castle Acre. The site also forms the setting of the Scheduled Ancient Monument, Castle Acre Castle.

Castle Acre is a Key Rural Service Centre accordingly to Policy CS02 of the Local Development Framework Core Strategy

The site contains a number of trees, a garage which is overgrown with vegetation and the northern boundary is formed by the wall to the castle.

The proposal seeks consent to erect a dwelling.

### **Key Issues**

**Principle of Development**

**Impact upon Heritage Assets**

**Arbroicultural Implications**

**General Form and Character Issues**

**Impact upon Neighbour Amenity**

**Highway Safety**

**Other Material Considerations**

### **Recommendation**

**APPROVE**

## THE APPLICATION

The application site is in Castle Acre, a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy.

The existing built form on Cuckstool Lane comprises of two storey cottages constructed from flint, red brick and render with pantile roofs. There are also single storey dwellings on the southern side of Cuckstool Lane that are constructed from red brick and flint. The properties heading in a easterly direction get progressively closer to the Lane. The lane narrows to single car width heading in an easterly direction towards the site.

The site contains established trees along the southern and eastern boundaries of the site and the northern boundary consists of the wall to the Castle.

The proposal seeks consent for the erection of a chalet style dwelling with pitched roof dormers facing onto Cuckstool lane with a single storey rear projection. The property will be constructed from flint with red brick quoin and banded detailing.

The entire footprint of the dwelling and garden is contained within the development boundary. The land outside of the boundary, outlined in blue on the accompany plans is owned by the applicant, but does not form part of the application.

## SUPPORTING CASE

The application has been supported by a Heritage Design and Access Statement:-

- High Street, Bailey Street and Stocks Green have a strong urban character and these linear spaces also have a strong sense of enclosure. The rest of the village is more rural in character
- Castle Acre has a number of historic character buildings and a large part of the village is designated Conservation Area. The predominant building material is rough knapped flint with orange/red brick quoin and also red brick itself.
- Castle Acre benefits from a range of services including a school, good bus service, a shop, pub and other employment.
- The applicant wishes to develop the site to provide improved views of the castle walling from Cuckstool Lane.
- The pre-application proposal has addressed the reasons to as to why an application would likely to be refused by reducing the site area to the dwelling within the development boundary to the east; by demonstrating that historic groups have mutually agreed upon the positioning of the building and providing additional information in respect to highway commuted.
- At the same time it was considered that a small-scale, low profile construction would minimise the impact of a new dwelling upon the Castle's Rampart.
- The proposed building reflects the form and character of a small traditional cottage. A limited number of window openings aligned with dormer windows above enhance the vertical proportion of the fenestration.
- Local materials are to be used in the construction of the dwelling.
- Consideration has been given to the neighbouring properties in so far as to the scale of the dwelling.
- In order to determine the location of the dwelling, given the conflicting sittings referenced by the Historic Environment Service and Historic England. It was decided to place the building in the south-east corner of the site to minimise

overlooking/overshadowing of neighbours, and principally to provide the best view of the castle perimeter wall for walkers travelling along Cuckstool Lane and hence provide a benefit to the public.

- The highway will be widened to accommodate vehicle turning.
- The Highways officer has requested during the application an adoptable turning bay for general highway traffic and this was incorporated into revised plan 3381.04G
- The turning head has been re-positioned and reduced in size, such that it does not become a parking area for visitors to the castle, and facilitates turning for the parking associated with the proposed dwelling.
- The applicant's ownership of the red/blue-lined areas has been confirmed with the Land Registry
- Two rooflights on the rear elevation have been substituted with dormer windows
- The dwelling has been moved backward from the road such that a boundary hedge can be planted across the frontage.
- The site is within easy reach of the village centre.

## PLANNING HISTORY

There is no recent relevant formal planning history

## RESPONSE TO CONSULTATION

**Parish Council:** *latest comments* **OBJECTION** Castle Acre Parish Council object to the revised plans submitted. It seems to the Council that each revised plan so far has thrown up more problems and confusion about the proposed site which is adjacent to an historic monument and therefore in a very sensitive position within the Conservation Area.

Reasons for the objection are listed below:

- Highways have requested a turning bay in Cuckstool Lane because of the narrowness of the lane. It has come to the Council's attention that the bungalow called Narside, on the opposite side of the road to the proposed dwelling, added a brick wall during building work on its approved extension (16/01408/F) that brought their front boundary out by about 1 metre onto Highways land, without, it is believed, formal approval. This reduced the width of the highway, affects vehicle movement and added to flooding along the lane. The Council requests that Narsides' brick wall is moved back (or replaced by a hedge which is more in keeping with the Conservation Area) before finalising the position and size of the turning bay in Cuckstool Lane.
- In the Parish Council's opinion, the parking area, which incorporates the turning bay, now re-positioned to the east of the proposed dwelling, is still not big enough to be able to drive in, turn around and exit onto the road without reversing - a current planning authority rule. Noted that this area is within the property boundary of the proposed dwelling which may put drivers off from using it as a turning bay.
- This part of Cuckstool Lane is subject to flooding as the current system cannot manage the volume of water in wet weather. The revised plan suggests that the turning circle is tarmac surface that would exacerbate the flooding. The drain in front of Lime Kiln Cottage must be linked into the main drainage system and extra drains added as necessary for the dispersal of water. Both of these actions must be stated as planning conditions.
- The boundary has been reduced to leave an area of land around it to the north and the east. The plans show a proposed hedgerow to the eastern boundary of this area which

will effectively cut off access to the land between the red and blue lines on the plans. How can the landowner (which may be English Heritage) access this land?

- The Design and Access statement states that “the applicant’s ownership of the red/blue - lined areas has been confirmed with the Land Registry.” The Parish Council request that confirmation be sought as to who would own and maintain the area between the lines which at the moment is planted with various unmanaged trees and includes access to the castle wall. English Heritage should also confirm the boundary lines.
- Special care needs to be taken in setting and softening the proposed development into the landscape. Part of the proposed application states this development would open up the views to the rear wall of the Castle. The Council calls for fixed covenants that any trees planted on the plot should not restrict that view and a perimeter hedge be planted and never be removed. This hedge must not exceed 1.05 metres in height. The proposed picket fence surrounding the much smaller boundary of the proposed dwellings is incongruous with its natural surroundings and should not be permitted within the Conservation Area.
- The proposed dwelling is in an area of un-managed trees which may be the feeding ground for Daubenton’s Bats, often seen in this area of Castle Acre which is near the River Nar. Before any felling goes ahead, the Parish Council asks for a study to ascertain whether bats are using these trees.
- Various amendments have been made over the course of the application. The original site drawing showed a symmetrical building with two dormers at the south-east elevation. One of these has been removed which now makes the building unbalanced. The dormer should be reinstated.
- The Parish Council has sympathy with the new letter of objection from the neighbouring property of Lime Kiln Cottage in respect of being overlooked from the dormer windows to the rear of the new property but also notes the recent submission from Cuckstool Cottage in favour of this revised application.
- The National Planning Policy Framework 2012 or The BCKLWN Core Strategy 2011
- The BCKLWN Site Allocations and Development Management Policies Plan 2016
- Policy ENV 13: the design does not protect the quality and local distinctiveness of the rural built environment.
- Policy PPG1: the application does not meet the policy’s criteria, being out of scale and out of character with its surroundings.
- PPS1 – the design does not ensure a satisfactory external appearance.
- Policy 9/29 – the application does not meet a high standard of design or protect residential amenity.

*original comments without the turning head* – **SUPPORT** Castle Acre Parish Council supports the application of the proposed development on this unique site. The proposal is in keeping with the characteristics of the older houses in the area with one exception of the skylights on the rear elevation, to keep the design in keeping with the traditional buildings these should be changed to Dormer windows. Conditions are requested in regards to the eastern boundary at Cuckstool Lane there appears to be different boundary measurements. Cuckstool lane is subject to flooding as the current system cannot manage the volume of water in wet weather. Water flows down Bailey Street and floods area around the plot. The drain in front of Lime Kiln Cottage has a pipe which comes to an end on the proposed developments land, thus currently using the plot as a soakaway. Once built on, the proposed dwelling will exacerbate the problem. This drain needs to be linked into the main drainage system and extra drains added as necessary. Vehicles have limited turning space in Cuckstool Lane, the new dwelling should not reduce this space. The current proposal does not include details of electricity supply, the removal of the trees and the opening up of the view of the Castle Wall, the overhead cables and the pole will become more obtrusive and inappropriate. Soft landscaping needs to be taken into account and the positioning of such

trees should not restrict the rear wall of the castle. Covenants should include that any trees planted on the plot. Any current hedging must be retained on the eastern boundary and not replaced at anytime by a wall or fence. There is currently a flint wall to the western side of the garage which is proposed to be demolished – this needs to be reviewed by the heritage bodies. Construction works avoid noise, dust and disturbance as well as road closure the builder must have a “good neighbour policy” during construction.

**Highways Authority:** *latest comments* **NO OBJECTION** subject to conditions

*Original comments* having visited the site I have concern that the width of Cuckstool Lane is in part insufficient to allow for two cars to pass which can result in a need for reversing on the carriageway when two cars meet or need to turn. Additionally the Highway junction of Cuckstool Lane with Bailey Street, historically has visibility splays below the adopted standard.

As the site I note that the applicant proposes some carriageway widening, however this does not mitigate against the general narrow road conditions in my view as traffic generated by the application would have needed to passed the potential points of conflict on approach to the site and it offers little benefit the general road users given that only 3 dwellings are found beyond. Visibility at the private point of access would be obstructed by the proposed dwelling position and there is limited space offered behind the parking spaces across the carriageway in which to manoeuvre into and out of the spaces freely.

However, having visited the site it is evident that Cuckstool Lane is without the benefit of any formal turning area and service vehicles and visitors can only turn in private driveways. Therefore having had to resort to reversing back to the junction I can see that there would be large benefit to the general road user of the application could incorporate a turning head to an adoptable highway standard. At this stage I therefore recommend that the applicant be asked to provide a revised plan which provides turning for general highway users and improves the parking and associated manoeuvring area.

**PROW Officer:** **NO OBJECTION** footpath 3 is in the vicinity of the site.

**Arboricultural Officer:** **NO OBJECTION**

**Historic England: comments**

*Latest submission in regards to the turning head and reduction in redline arrangement* don't quite understand how this comes about, keen to ensure that the conifer trees outside of the red line are removed – can this be conditioned.

*Original submission* the application lies partly within the Scheduled Ancient Monument known as “Castle Acre Castle, town defences and Bailey Gate”. The area would once have formed part of the outer works of the Castle and to the rear of the plot is a well preserved section of the castles defensive outer wall which stands to a height of some 8-10m. The land in front of the castle wall, along what is Cuckstool Lane is likely to have been on the line of the castle and towns outer defensive earthwork. The plot of land is heavily overgrown and the view of the wall and of the wider castle is currently obscured by a thick planting of conifer trees planted along the southern and eastern boundaries. At present we are of the opinion that the development area has an adverse impact on the setting of the castle and the Conservation Area. A carefully considered development would therefore have the potential to enhance the setting of the castle.

The development would have the potential to impact upon the significance of the castle, through a development within its setting. Any development would also need to be aware of the potential for buried archaeological remains at the site relating to the castle and be mindful of the impact of the foundations upon any surviving below ground archaeology. The development therefore has the potential to have a direct impact upon the significance of designated heritage assets. Part of the development is also within the scheduled monument and in addition to planning permission Scheduled Ancient Monument Consent would also be needed.

**Environmental Health & Housing – CSNN: comments** This location is not in an area of concern for us in terms of surface water drainage, however I have noted the comments from the Parish Council and a member of the public, both of whom indicate a connection between the surface water drain on the road and the site itself. I note in your site photos that there is a kerbside drain on the road in front of the access gates to the north east of Lime Kiln Cottage, which is the property to the south west of this proposed site, however the utilities database indicates that surface water drains only run along Bailey Street. I therefore recommend that NCC Highways are asked to provide comment on this aspect specifically, as they may advise this is simply a blockage they were unaware of that can be dealt with by them, or they may advise that the site drainage design/layout requires amending to address the issue. It may be their responsibility or it may fall to the landowner. It may be a very old system that requires updating and amending.

Either way, if the pipework leads from the road onto the site, then this will need to be taken into consideration in the design and layout of the plot, and possibly incorporated into the surface water drainage scheme for the site, unless NCC Highways advise this is not required. A surface water drainage condition may be required.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION**

**Conservation: NO OBJECTION** whilst the property now only has one dormer on the front elevation, the proposal is not entirely symmetrical as the door is offset, conditions imposed in regards to sample panel door and window details.

**Historic Environment Service: NO OBJECTION** subject to archaeological conditions.

## REPRESENTATIONS

Since the introduction of the turning head

**3** letters in **support** of the application

- On-street parking beyond the first dwelling on either side results in significant obstruction.
- A choke point exists with the electricity pole and the corner wall of the house opposite.
- Unless a large turning area is intended, a turning area only caters for those visitors who miss or ignore the cul-de-sac signs at the entrance to the street and are seeking to park and visit the castle.

In regards to the original proposal without the turning head

**4** letters in **support** of the application

- The proposed site is currently rough and not maintained.
- The big trees at the front are a danger to my bungalow and house next door.

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- The proposed house would enhance Cuckstool Lane
- The site already had residential use in the mid-20th century.
- Development in keeping with the characteristic of older houses
- appears to be a slight confusion over the location of the eastern boundary
- It would be good to remove the electricity pole
- the house would be better still if it were set back and it would then be easier to manoeuvre in the road
- Localised flooding and perhaps soakaways aren't suited.
- It would be sympathetic to the setting of the Castle.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to the pre-application are:-

1. Principle of Development
2. Impact upon Heritage Assets (including Aborigicultural Implications)
3. General Form and Character Issues
4. Impact upon Neighbour Amenity

5. Highway Safety
6. Protected Species
7. Other Material Considerations

#### *Principle of Development.*

Castle Acre is designated as a Key Rural Service Centre in the settlement hierarchy. Within Key Rural Service Centres, limited growth of a scale and nature appropriate to secure the sustainability of the settlement, will be supported in line with policy CS06 - development in rural areas.

The strategy for development in rural areas is to promote sustainable communities and sustainable patterns of development to ensure strong, diverse, economic activity; maintain local character and a high quality environment, focus new development in Key Rural Service Centres and ensure employment, housing, services and other facilities are provided in close proximity.

The original plans included as part of the application site, land that is to the east and to the north of the site, but outside of the development boundary. Consequently the proposal has been amended that this land is removed from the proposal and the whole application site is contained within the development boundary of Castle Acre. The site is also contained within the Conservation Area, and adjacent to a Scheduled Ancient Monument.

Accordingly, subject to other material considerations the proposal could be supported in principle.

#### *Impact upon Heritage Assets (including the Arboricultural Implications)*

The site is contained within the Conservation Area and forms the setting to the Castle, a Scheduled Ancient Monument and Grade I listed building. The rear boundary wall of the site also forms part of the Scheduled Ancient Monument. Castle Acre's Conservation Area Character Statement refers to the site of the castle "being in elevated and commanding views over the River Nar valley. Its setting is one of undulating grass banks interspersed with the remnants of chalk and flint walls... Trees provide a backdrop for the ruins and the area around the village hall provides a viewpoint for the castle walls, the River Nar and its surrounding countryside".

Whilst not specifically mentioned within the Conservation Area Character Statement, Cuckstool Lane, where the site is located, leads off Bailey Street and is to the south of the Castle. Evidence from Tithe Maps identifies properties on the southern side of Cuckstool Lane but none on its northern side. However, by the first OS Maps of 1791, significant development on Bailey Street and development on the northern side of Cuckstool Lane is evident. Albeit difficult to see, it would appear that there are structures on the site's frontage and at depth.

Today, the site contains established trees on the southern and eastern boundaries, the western boundary contains close boarded fencing and the northern boundary is part of the castle wall. The site was overgrown at the time of the site visit. A garage/shed is partially hidden by the overgrown vegetation. The Castle Acre Footpath 3 runs along Cuckstool Lane and beyond the site to the east.

Development on the south side of Cuckstool Lane contains both single and two storey dwellings. The property opposite the site is a two storey cottage constructed solely from red brick and pantile. Off-set but also opposite the site's entrance is a 1960s infill bungalow.

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Properties to the west of the site, on the northern side of the lane, are two storey cottages constructed from flint and brick with low ridge heights. The properties immediately adjacent and opposite the site are hard onto Cuckstool Lane. Cuckstool Lane narrows in its width to single car width in line with the site for the rest of its length.

The development proposal is for a 3 bedroom detached, 1 ½ storey dwelling and would be constructed from brick, which will have a brick plinth, quoin and banding detail with pantiles. The main material used in the construction of the dwelling will be flint. The property is sited close to the front of the site following the removal of the trees on the roadside boundary, although taking into account the Parish Council's comments that there should be some landscaping to the front of the site, a hedge will be planted behind a picket fence. A detached garage will be provided to the west of the property between the proposed property and the neighbour's driveway. The property will benefit from a rear garden area. The flint wall referred to by the Parish Council will be retained in the construction of the detached garage. Beyond will be a post and rail fence as annotated on the site plan and on the eastern and northern boundary there will be a picket fence. A turning area constructed to NCC requirements will be provided and a slight increase to the width of Cuckstool Lane.

In line with section 72 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, the Local Planning Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, and s.66 requires the Local Planning Authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it poses.

In line with paragraph 192 in determining planning application, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 requires great weight to be given to the assets conservation, the more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of grade II listed building, park or garden should be exceptional.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The Heritage, Design and Access Statement states that the siting of the dwelling is as far as possible from the castle rampart to reduce the impact of the new dwelling upon the heritage asset. It was also considered that a small-scale, low profile construction would also minimise the impact of the new dwelling upon both the Monument and the Conservation Area. Turning to the design of the proposed dwelling, the dwelling is said to reflect the form and character of a small traditional cottage. The use of a limited local palette of materials and a limited number of window openings aligned with dormer windows draws reference from properties in the locality.

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The proposal results in the loss of trees which form part of the setting of the Castle Wall and as referenced earlier, tree belts are specifically referenced in the Conservation Area Character Statement in respect to the setting of the Castle. However the trees on this site are overgrown conifers and self-seeded sycamore trees and the arboricultural officer has commented that the trees are not worthy of serving a tree preservation order and their loss could be accommodated.

Historic England has stated that the removal of the overgrown conifers and self-seeded sycamore trees would better reveal the Castle Wall. It is therefore concluded, both in regards to the arboricultural and historical implications, the loss of the trees leads to less than substantial harm rather than substantial harm to the significance to the Conservation Area and can be said to be an improvement to the Significance of the Castle and its wall.

Historic England has also commented that the proposal is in keeping with what they stated at pre-application in so far as the proposal is a single 1 ½ storey building, in a vernacular style which would be in keeping with the village. They did ask for the garage to be removed from the scheme, to allow greater permeability of the plot and to improve the visibility of the wall behind and this has been secured.

Historic England did comment that they accepted development within the area of the scheduled ancient monument i.e. the larger red line original application site, but this area has since been removed from the application, because it is located outside of the development boundary plan maps. This area is now outlined in blue on the accompanying plans, as it is in the applicants control and to ensure the wall is better revealed it considered reasonable to impose a separate condition in regards to securing the details of the landscape maintenance of the blue area. Such a condition will act to ensure that vegetation does not grow wildly and block views of the wall. It is also considered that in order to retain views through to the wall, permitted development rights under classes A (extensions and alterations to the dwelling), B (addition to the dwelling house roof), C (other alterations to its roof), and E (erection of incidental outbuildings) are removed by way of condition.

No reference is made to the setting of the Conservation Area from Historic England. However, the Conservation Officer comments that they have no objection to the proposal, and whilst the design has only 1 dormer window, the design of the property is not completely symmetrical as the door is in an offset position. Subject to a sample panel condition including tiles and door and window details the officer has no objection to the proposal.

Neither Historic England nor the Conservation Officer state that they have an objection to the turning head arrangements in terms of its impact upon these designated heritage assets.

#### *General Form and Character Issues*

The proposal is not considered to be an overdevelopment of the site, with a commensurate private amenity space to the dwelling in line with that of the locality.

There will be the loss of the trees which will affect the character of Cuckstool Lane. The loss of the trees appears to be acceptable, but in order to continue the green verdant character of the lane, the southern boundary hedging as shown on the plan, shall be secured by way of condition as part of a soft landscaping scheme.

### *Impact upon Neighbour Amenity*

There are no residential neighbours immediately to the north or east of the site. The neighbour to the west is adequately separated from the dwelling by 11.4m (gable of proposed dwelling to eastern elevation of the neighbour's property). At this distance and given the 1 ½ storey scale of the proposed dwelling there would be no detrimental overbearing and overshadowing issues experienced by this neighbour. The windows at the rear of the proposed property at first floor serve bedrooms. Outlook from the eastern most window in the proposed property will not be achieved over the proposed single storey rear projection into this neighbour's garden area. The window closest to this neighbour will not afford direct outlook into any habitable amenity space and outlook would be towards the rear of their garden. This neighbour raises concerns in regards to being disturbed by vehicles using the turning head, but it is considered that given the position and given the position and nature of the turning head there will be minimal disturbance caused to amenity.

The neighbour opposite, Narside, is not directly opposite the site and are separated from the front of the proposed dwelling by 14.24m at their closest point and 11.4m from the start of the turning head. Given the separation distances and the orientation of the dwelling in relation to this neighbour, there would be no detrimental impact upon this neighbour's amenity by being overshadowed, overlooked or through overbearance.

The neighbour to the south east (Cuckstool Cottage) is in close proximity to the proposed dwelling but there is no direct overlooking, from ground floor or first floor windows that will serve the proposed property, into a Cuckstool Cottage. Being sited to the north of this neighbour there would be no overshadowing caused by the proposed property. The house is sited close to this neighbour but as referenced by virtue of not being sited directly opposite, these neighbours will not experience detrimental overbearing issues. If anything, this neighbour will experience less overbearing issues by virtue of removing the established trees that flank the roadside boundary.

There will be some disturbance caused during the construction period of the property. However given the scale of the proposal it is not considered necessary to request a construction management plan in this regard.

In all, based on the current proposed siting there would be no detrimental neighbour amenity issues.

### *Highway Safety*

The highways officer initially objected to the scheme. The officer commented that the width of Cuckstool Lane is in part insufficient to allow two cars to pass which can result in the need for reversing on the carriageway when two cars meet. Additionally the highway junction of Cuckstool Lane with Bailey Street historically has visibility splays below the adopted standard. As originally presented the proposal only involved the widening of the carriageway but this did not mitigate against the general narrow road condition as traffic generated by the application would have needed to pass the potential points of conflict on approach to the site, and it offered little benefit to the general road users given that only 3 dwellings are found beyond. Visibility at the private point of access would be obstructed by the proposed dwelling position and there is limited space offered behind the parking spaces across the carriageway in which to manoeuvre into and out of the spaces freely.

However, having visited the site the officer now states that the provision of a turning head would offer additional highway safety benefits that would allow him to support the scheme.

The applicant has since revised the scheme and provided a turning head.

The Highways officer has no objection to the revised scheme as presented.

### *Protected Species*

The site contains a shed that is overgrown with ivy, a number of mature trees and is adjacent to a County Wildlife Site. As a result a phase 1 protected species report has been carried out.

The phase 1 report has concluded that the presence of bats could not be ruled out as they could hibernate in the shed. It was considered that the removal of the shed could be carried out under a watching brief. Enhancements include the provision of two bat boxes or bat features to be installed on the new house.

Removal of trees should be undertaken during the period of September- February. Should this not be possible, nesting bird surveys will need to be undertaken by an ecologist to ensure no active nests are present. Two bird boxes are to be installed on the new house or garage.

Records of adders within 1km of the site are recorded and the habitat on site has some low potential to support reptiles. The adjacent habitat has high potential to support reptiles. It is recommended that site clearance be undertaken under the watching brief of an ecologist, during the April to October period.

Great Crested Newts are unlikely to be using the site, however should a great crested newt be found during the works, work should stop and an ecologist be consulted. If site clearance is undertaken under the watching brief of an ecologist, as recommended above for reptiles and bats, then this possibility would be covered simultaneously.

The need for an EPS License is referenced and it is unlikely that one will be required. Accordingly it is not necessary for the LPA to carry out the tests of derogation.

Norfolk Wildlife Trust commented on the pre-application that they would not object formally to an application on the site.

### *Other Material Considerations*

Environmental Health was consulted as a result of the comments made in respect to localised surface water drainage issues. The environmental health officer has stated that there may well be a blockage in the surface water drain in the road which would need to be brought to the attention of the highways department. The highways officer has noted this issue but considers that such issues can be addressed in the technical details required for the off-site highway improvement works.

In regards to archaeological implications, notwithstanding that the site has been partially disturbed through the presence of buildings on the northern edge of Cuckstool Lane as evidenced in the first edition of the OS Maps, the site includes a section of the outer defensive ditch (the substantial castle bailey ramparts and a 8-10m tall medieval defensive wall are to the rear of the site). Elements of this ditch are still recognisable and there is a high potential for buried remains. Accordingly conditions are imposed in regards to a written scheme of investigation detail the programme of archaeological works, provision made for the analysis of the site investigation and archiving of such results.

The Parish Council's comment in regards to a wall being built at Narside on highway land is noted, and this will need to be investigated by the Highway Boundary Team. This does not prejudice the merits of this application.

## CONCLUSION

Members will need to consider whether the proposal is of a suitable design and whether developing the site causes harm to the significance of the Conservation Area and Scheduled Ancient Monument.

In your officer's view the design, siting and scale of the proposal is not considered to cause significant harm to the designated heritage assets and such harm is outweighed by better revealing the Castle Wall with a traditional form of dwelling seen within the Conservation Area. The proposal also brings some form of highway benefit through the provision of a turning head by enabling cars to comfortably leave Cuckstool Lane in forward gear. Conditions imposed in regards to the removal of permitted development rights for the erection of outbuildings and extensions, roof alterations, along with landscaping management conditions will ensure that the significance of the Castle's wall and Conservation Area is safeguarded.

There are no other outstanding matters that have not been addressed in the scheme or that cannot be addressed by way of condition.

The proposal is therefore recommended for approval subject to the following conditions.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:-  
  
Dwg.3381.04.H dated 17th August 2018
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

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- 4 Condition: Prior to the installation of the roof tiles hereby approved a sample of the tile to be installed shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 5 Condition: Notwithstanding details received the following items shall be detailed on plans on a scale of 1:20, prior to their installation:-
- Windows and Doors

The development shall be carried out in accordance with the agreed details

- 5 Reason: In the interests of safeguarding the characteristics of both the Conservation Area and Scheduled Ancient Monument.
- 6 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration of a dwelling house, the enlargement of a dwelling house consisting of an addition or alteration to its roof, any other alteration to its roof, or the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 6 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.
- 7 Condition: Notwithstanding details received, prior to the first occupation of the dwelling hereby approved full details of the height and appearance of the fencing to be erected on the northern and eastern boundaries shall be submitted to and approved in writing to the Local Planning Authority. The fencing shall be erected in accordance with the approved details prior to the first occupation of the development hereby approved.
- 7 Reason: For the avoidance of doubt and to safeguard the character of the Conservation Area and the setting of the scheduled Ancient Monument.
- 8 Condition: Prior to the first occupation of the development hereby approved, full details of both the hard and soft landscaping scheme for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours and hard surface materials. Soft landscape works shall include planting plans (including the hedgerow details as on the southern boundary of the site), written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. All hard and soft landscape works shall be carried out in accordance with the approved details. 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.

- 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: A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for the area outlined in blue on plan dwg.3381.04 rev H shall be submitted to and approved by the Local Planning Authority prior to the occupation of the dwelling hereby approved. The landscape management plan shall be carried out as approved.
- 9 Reason: To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 10 Condition: Prior to the first occupation of the development hereby permitted a 2.4m wide visibility splay (as measured back from the near channel edge of the adjacent highway carriageway) shall be provided across the whole site's roadside frontage the splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 10 Reason: In the interests of highway safety.
- 11 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- 11 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 12 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on drawing no. 3381.04 Rev H have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in this condition shall be completed to the written satisfaction of the Local Planning Authority.
- 12 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- This also needs to be a pre-commencement condition as these fundamental details need to be properly designed at the front end of the process.
- 13 Condition: The development hereby approved shall be carried out in accordance with the recommendations (including enhancements) and conclusions section 4 of the Protected Species by Denny Ecology dated September 2017, specifically in regards to the protection of bats, birds, reptiles and great crested newts.
- 13 Reason: In order safeguard protected species in accordance with the provisions of the NPPF.
- 14 Condition: No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:

1. An assessment of the significance of heritage assets present 2. The programme and methodology of site investigation and recording 3. The programme for post investigation assessment of recovered material 4. Provision to be made for analysis of the site investigation and recording 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation 6. Provision to be made for archive deposition of the analysis and records of the site investigation 7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

- 14 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 15 Condition: No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 14.
- 15 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 16 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 14; and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 16 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.