

PLANNING COMMITTEE
29 July 2019

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

Item no. 8/1(a) Page No. 9

Agent: Amended plans received (Drawing No. IHL-1810/02/04 Revision B) to show level access showers in affordable bungalows (opposed to baths) in response to request from Housing Enabling Officer.

Third Party: OBJECTION – since objection to the previous application the same set of problems has worsened. More parked cars causing access to the area being more difficult; still no mention of another doctors surgery or school; and impact upon wildlife.

Housing Enabling Officer: No further comments

Amended condition (change in bold for ease of reference):

2. The development hereby permitted shall be carried out in accordance with the following approved plans: IHL-1810/02/01 Revision A, IHL-1810/02/02 Revision A, **IHL-1810/02/04 Revision B**, IHL-1810/02/05, IHL-1810/02/07, IHL-1810/02/08, IHL-1810/02/10, IHL-1810/02/11, IHL-1810/02/13, IHL-1810/02/14, IHL-1810/02/15, IHL-1810/02/18, IHL-1810/02/19 Revision A, IHL-1810/02/22, IHL-1810/02/23, IHL-1810/02/26 Revision A, IHL-1810/02/27 Revision A, IHL-1810/02/29 & IHL-1810/02/SO2 Revision A.

Item No. 8/1(b) Page No. Late Pages

Agent: The traffic count data we have already sent for Furlong Drove showed a total of 902 HGV movements. We have spoken to 2Agriculture who have confirmed that 98-99% of this traffic is associated with the two sites (mill and storage) as would be expected in a village which would not usually attract many HGV movements.

Item No. 8/1(c) Page No. Late Pages

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Third Party: OBJECTION – One item of correspondence received raising the following points:

- Object to the application to build five houses on a plot which currently only has one house.
- Neighbourhood is being overrun with small houses crammed onto plots which are only used by holiday makers.
- I would refer the planners to the Neighbourhood Plan dated 15/7/19 which has been diligently put together by the Parish Council.
- To put five houses on this plot is clearly against the Neighbourhood Plan.

Assistant Director's Comments: The original adopted Neighbourhood Plan dated 30 November 2015 is the relevant plan to be considered at this time when considering planning applications. Brancaster Parish Council has started a review of the adopted plan but this has not been out to formal consultation and is some way off an Examination. There are changes to

policies 2, 4, & 5 in particular which may be relevant in a future reserved matters application on this site, but the revised plan is given very little weight in decision making at present, given its very early stage in the process.

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Environmental Health & Housing – CSNN: NO OBJECTION provided this work is undertaken by a competent contractor I do not have any objections to this application.

King’s Lynn Civic Society: A letter of **OBJECTION** has been received and the matters raised can be summarised as follows:

- Very disappointed to see that the Council have decided to demolish this interesting, unusual and increasingly rare structure. Once features like this are gone – they are gone forever.
- In spite of the stated reason that it is ‘unsafe’, it presents no immediate danger to anyone as it is completely enclosed with secure fencing. The proposition that it is collapsing seems to relate to a photograph taken some time ago. The fact is that the Borough Council, who have had possession of this structure for, we believe, at least 20 years, have apparently done nothing in that time to survey it in detail, understand how it originally looked and operated and consider how it could be utilised in future. Since it was listed in 2003, we feel Officers and Councillors have been entirely complicit in allowing the kiln to become overgrown.
- Another reason we understand has been cited for the proposed demolition is that it is preventing sale and demolition of the site. This is clearly untrue – the permitted scheme for the Inchcape dealership retained the kiln.
- We remain confused about how the structure came to be ‘de-listed’ last year – when it had only been added to the national listing system a few years before.
- In our view, the fact that this is the only survivor of a number of former kilns around Lynn, a town where bricks and brick-making are a key part of our historic development story, make its retention even more important.
- The brick kiln and structures like it should be regarded as an asset – not a planning constraint. In 20 years, Borough Councillors and Officers do not appear to have given any thought as to how the kiln could be properly incorporated into a sustainable plan for the site. There are not even clear drawings of the structure.
- As far as we understand, there is no clear evidence that spending money on demolition will raise the value of surrounding land – and no proper appraisal has been undertaken of the works required to make the structure suitable for long-term sustainable retention.
- By owning the land, the Borough Council have made the kiln a public asset. Now, rather than giving serious consideration to how it could sustain and grow the town’s heritage ‘offer’, it is proposed to spend public money on demolishing a structure that has stood in South Lynn for more than 150 years.

Assistant Director’s Comments:

Whilst the Civic Society’s comments are noted they raise matters which are outside the remit of this application, which is not a planning application. The application is submitted under the prior approval process for demolition under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 11. The demolition is permitted development with the only considerations for the application being whether prior approval is required for the method of demolition and the proposed restoration of the site. Any decision by the Borough Council to demolish the brick kiln and the reasons behind the demolition are not considerations of this application.

Third party: OBJECTION – One item of correspondence received raising the following points:

- The driveway to the static caravan is directly looking into the kitchen window of neighbouring dwelling. There will be visitors coming and going at all hours, and with the positioning car headlights will shine into the dwelling. Visitor's cars wait outside this window before entering the field. Photographs have been supplied to illustrate this.
- The sited static caravan had utilities installed prior to any planning application.
- The caravan is not sited on garden land/ curtilage but on the adjoining paddock land. The use of this land has been established as paddock for some time with post and rail fencing which has been replaced by close boarded fencing. Paddocks/ small holding land adjacent to dwellings is a feature in the village.
- Why is there a need for space for 6 cars as stated on the form?
- The applicant has said that they would rent out their bungalow and live in the caravan themselves.

Assistant Director's Comments:

The positioning of the access into the application site is adjacent to the driveway of the bungalow next door. However, the bungalow is the first dwelling along Holders Lane, which serves a number of additional dwellings, therefore traffic already passes down this track. The application is for one holiday unit and the traffic implications of this are likely to be limited. The Local Highway Authority has not raised any objections to the proposal either in terms of the traffic generation of the proposal or the parking provided.

Notwithstanding the existing use of the land, this planning application is seeking consent for the use of the caravan for holiday accommodation. The replacement of the fencing is permitted development and therefore does not require planning consent in its own right.

The use of the caravan will be controlled by planning conditions attached to the consent to prevent the caravan being a person's sole or main place of residence, and that the accommodation shall only be used for short stay accommodation (no more than 28 days per single let) and the owners / operators shall maintain an up-to-date register of lettings / occupation and shall make this available at all reasonable times to the Local Planning Authority.

Agent: The Applicant has withdrawn the application.

Parish Council: The Parish Council has reviewed the amendments and do not have any further comments to add.

Third Party: THREE letters of **OBJECTION** (one of which was submitted by letter and email) regarding (summarised):

- object as the 3rd business plan produced does not justify the development or the proposal. It is not planned on a sound financial basis in accordance with Policy DM6. We also reiterate previous objections in earlier correspondence.
- Mobile homes have been on site since 2015 which is 4 years rather than 2 years as suggested.

- The site is up for sale which does not demonstrate intention to the business to succeed under Policy DM6. There have been 3 varied business plans submitted with or without full costs accounted for, have varied in content and have not been comprehensive. Query eggs sales and ostrich costs.
- Remove dog walking field or add conditions to limit its activities (i.e. Dog walking to be by appointment only; no more than one individual to walk a maximum of two dogs at any one time; hours of dog walking to be constrained to the same hours of opening as the livery business (see existing Condition 5); no dog exercise or play equipment to be placed on site for use by dog walkers). Important to prevent intensification.
- Tie the permission to Mrs Wilks and not Wilks Place - It has been stated in the planning committee report that the objective of the application and for granting planning permission is to enable Mrs Wilks to provide a home and livelihood for her family. This will not be applicable to a new owner of the site; the report states that a supporting justification for granting the application is Mrs Wilks tragic personal circumstances. We are extremely sympathetic to these but, again, they are not applicable to a third-party; the property has been for sale since May this year, indicating an intent by Mrs Wilks to move on; and given the above, we consider it to be inappropriate to allow a third-party to benefit from planning granted under these conditions. Further it is important to know what activities are taking place on the site and who is in control of the business and this is vital in protecting the amenity of residents.
- Tighten conditions applying to commercial storage - From the available business plans and online advertising there is evidence that the applicant intends to offer commercial storage for more than just motor vehicles (horse lorries/trailers and caravans). We therefore request that all commercial storage on site be limited to Building C on the block plan. We further request that other on-site activities related to commercially stored items be prohibited by condition to prevent residential amenity issues.

Environmental Health & Housing – CSNN: NO OBJECTION subject to same conditions as previously but with the following conditions with suggested changes (emboldened for ease of reference):

Condition 7: Within 1 month of the date of this decision, the front gates **and second (inner) set of gates** shall be repositioned as per the approved plans (Drawing No. 18/8/2095/1 Revision C) with the access gates or other means of obstruction hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.

Condition 8: The commercial storage of motor vehicles shall be contained within Building C only, as defined on Drawing Nos. 18/8/2095/1 Revision C and 18/8/2095/3 Revision B, **and shall be for a maximum of five motor vehicles only. Building C shall only be used for the storage of motor vehicles and shall not be used as a workshop for maintenance/repair etc.**

Additional Condition: Motor vehicles shall only be delivered to or collected from the site between the hours of 0800 and 2000 Monday to Saturday, and the hours of 0900 and 1900 on Sundays and Bank/Public Holidays, strictly by appointment only. Owners/customers are only permitted on site to inspect their vehicles between the hours of 0800 and 2000 Monday to Saturday, and the hours of 0900 and 1900 on Sundays and Bank/Public Holidays.

Plus informative notes in relation to stables and the Environmental Protection Act 1990.

Whilst the Dog Day Care element of this proposal has been removed, our comments are based on information from the applicant which states the dog walking field will be rented to and used

by one person who will not travel to the site by motor vehicle and will exercise two dogs at a time with a maximum of nine dogs. Your discussions with our Principle Officer concluded this would be difficult to control via condition, hence the requirement for the EPA informative to make it clear that formal action can still be taken regarding impacts on residential amenity regardless of planning consent.

Assistant Director's comments:

The dog walking use is a commercial use included in the business case; and the ability to control this use is addressed in the main report. In accordance with Policy DM6 it is the business that justifies the granting of temporary permission rather than the individual; and planning guidance generally discourages the use of personal permissions. The condition applying to the commercial storage is addressed below.

In terms of the additional conditions proposed, the second inner set of gates already exists, so this request is not necessary.

Clarification regarding the number of cars to be stored and no works of maintenance and repair is considered to be acceptable and the condition may be amended accordingly (see below).

The restriction proposed for the delivery times of motor vehicles to be stored would have issues with enforceability, as it would be extremely difficult to make a distinction between different vehicles visiting the site for differing purposes.

The informative notes may be added to any permission as requested

Amended condition:

8. Condition. The commercial storage of motor vehicles shall be contained within Building C only, as defined on Drawing Nos. 18/8/2095/1 Revision C and 18/8/2095/3 Revision B, and shall be for a maximum of five motor vehicles only. Building C shall only be used for the storage of motor vehicles and shall not be used as a workshop for maintenance/repair etc.

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Agent: The proposal is considered to be in accordance with the key issues stated within the planning committee report, for the reasons stated below:

Principle of Development – acceptable, being within the development boundary.

Form and character – being of similar scale, height and massing of adjacent properties.

Impact upon neighbouring properties – there being no significant impact and limited opportunity for overlooking, nearest habitable window being 11m from the side elevation.

Highway Safety & Flood Risk: No issues.

The proposal offers the opportunity to improve the street scene, removing the existing unsightly garage and moving vehicle parking to the rear of the properties, to achieve an attractive sustainable dwelling.

In accordance with policy CS08 the proposal is of high quality design, responding to the character of the area, providing a single dwelling of similar scale and proportion to those surrounding. Set back from the adjacent properties, the street scene will retain its form and character, with the existing development pattern remaining dominant.

The proposal is not dissimilar to other infill development across the borough and in the locality, where a number of examples of infill development can be found within the Westfields estate,

where bungalows have been inserted between houses, completely changing the character of the development, with significant overlooking, whereas this proposal aims to provide a dwelling of similar scale and proportion and is not cramped.

In accordance with DM15 the proposal will protect and enhance the amenity of the wider environment, utilising an existing site with minimal impact on the neighbours. Meeting all criteria listed within policy DM15.

The scale, height, massing, materials responds sympathetically to the setting, being similar. The proposal having no significant adverse impact on the amenity of others, and therefore should be approved.

In accordance with NPPF para 127 the proposal provides a development which will function well, is visually attractive, with a layout allowing for landscaping, is sympathetic to the local character, allowing innovation such as appropriate increased density, will be attractive and welcoming, and optimise the potential of the site to accommodate and sustain an appropriate mix of development.

There will be minimal impact on the adjoining properties the nearest window to the adjacent (donor) property is intentionally a bathroom, with obscure glazing, which option for restricted opening, so prevent any possible over-looking to the rear of the donor property.

Only one bedroom window is located to the front elevation, this being 8m from the boundary and 11m from the donor property.

When assessed in line with generally accepted design guidance, this window is in a location not considered to overlook the adjacent dwelling. Taking a 45 degree sight line from the centre of the window (representing a 90degree arc - the generally accepted field of vision), this intersects the side of the existing dwelling, demonstrating no overlooking to the rear.

Opportunity has been offered to reduce the width of the bedroom window to 1200mm wide, to further reduce the potential for overlooking.

Correction: P 133 – Supporting Case. A Design & Access statement had been received and the summary is outlined above.