

AGENDA ITEM NO. 9/1(h)

Parish:	Wereham	
Proposal:	Proposed construction of 4 residential units in existing footprint of agricultural barn benefiting with prior approval including the demolition of existing agricultural barn.	
Location:	Holme Oak Stoke Road Wereham King's Lynn	
Applicant:	Mr. G. Gott	
Case No:	23/00848/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 3 August 2023 Extension of Time Expiry Date: 7 September 2023

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

Neighbourhood Plan: No

Case Summary

The application site is 0.22ha in size and lies to the southeast of the village of Wereham, to the south of Stoke Road/ A134. Wereham is categorised as a Rural Village in the adopted Local Plan. The site lies partially within the development boundary, but the footprint of the proposed building is outside of the boundary line as defined by Inset Map G114 in the SADMPP 2016.

Members will re-call an application was presented to Planning Committee in March 2023 for the residential development following the demolition of the existing barn complex (planning reference 22/01893/F). The application was refused by Planning Committee, in line with the Officer's recommendation to refuse the application. This decision will be balanced against the extant fallback position established under planning permission 21/01872/PACU3, for conversion of the buildings to four dwellings.

The application seeks full planning consent for the demolition of the existing barn constructed of brick and corrugated metal cladding/roofing, and the construction of four new dwellings with associated parking and amenity space on the exact footprint of the barn to be demolished. The dwellings proposed are single storey, two-bedroom homes, identical to the proposal approved under the Prior Approval application.

The site currently accommodates a bungalow, which sits to the front of the site, and a large barn to the rear which has been most recently used for the storage of agricultural machinery. The buildings are set back into the site with a concrete driveway to the front accessed directly from Stoke Road/ A134. The site is surrounded by agricultural land to the south, existing residential development to the east and west, and to the beyond Stoke Road/A134 to the north with agricultural land.

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Key Issues

Principle of Development and Site History
Highways and Access
Form and Character
Impact on Neighbour Amenity
Ecology
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is 0.22ha in size and lies to the southeast of the village of Wereham, to the south of Stoke Road/A134. Wereham is categorised as a Rural Village in the adopted Local Plan. The site lies partially within the development boundary, but the footprint of the proposed building is outside of the boundary line as defined by Inset Map G114.

The site currently accommodates a bungalow, which sits to the front of the site, and a large barn to the rear which has been most recently used for the storage of agricultural machinery. The buildings are set back into the site with a concrete driveway to the front accessed directly from Stoke Road/ A134. The site is surrounded by agricultural land to the south, existing residential development to the east and west, and beyond Stoke Road/A134 to the north with agricultural land.

The site is located in Flood Zone 1 as indicated on the Council's adopted Strategic Flood Risk Assessment.

The application seeks full planning consent for the demolition of the existing barn, which is constructed of brick and corrugated metal cladding/roofing, and the construction of four new dwellings with associated parking and amenity space on the exact footprint of the barn to be demolished. The dwellings proposed are single storey, two-bedroom homes, identical to the proposal approved under the Prior Approval application.

The site layout proposes a shared access with the neighbouring bungalow to the north, along the west the application site. Parking provisions for the proposed units would be along the western elevation of the proposed building. All four plots have areas of private amenity space, screened by a 1.8m timber fence. The building itself would have a very minimal alteration from the existing barn, being the same approximate size and finished in similar materials of brick, vertical timber cladding, and metal sheeting.

The application is supported by plans indicating the retention of existing trees on site along the east and west boundary. These trees are protected under a Tree Preservation Order as a group of trees, the Tree Preservation Order includes the full width and depth of the plot of land.

SUPPORTING CASE

The four units will be located within the existing barn's footprint. The existing barn on site benefits from extant approval 21/01872/PACU3 which allows for the change of use of the

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barn into four dwellings and it is therefore submitted that the principle of four units under the same footprint of that already approved, in this location, has already been established.

The Court of Appeal in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 confirmed that development under Class Q of the GDPO is a fallback position ie that it is a material consideration for planning applications that permitted development rights under Class Q can be exercised. It confirmed that the fallback position can be given material weight in determining subsequent planning applications.

In order for a fallback position to be realised, the development must be a 'real prospect' and it was confirmed in the 'Mansell' case that Class Q permitted development rights constitute a real prospect. With this in mind, the development approved under 21/01872/PACU3 is a material planning consideration and should be considered as a fallback position in the consideration of any subsequent planning applications. 21/01872/PACU3 therefore establishes the principle of residential development of four dwellings in this location.

The scale, design and layout of the proposal will reflect the extant Class Q permission in its entirety meaning that there will be no additional visual impact arising from the proposal. It will however be a significant improvement on the barn conversion approval given that the proposed demolition and rebuild will allow for 4 higher quality energy efficient homes.

A previous application for 3 dwellings involving the demolition of the existing barn was recently refused by the Planning Committee. These dwellings were displaced elsewhere within the site and concerns were raised in this regard by both Officers and Planning Committee Members. Noting the comments raised in the consideration of the previous application the proposal has been amended to reflect the extant approval on site and accordingly all previous objections have been overcome.

PLANNING HISTORY

23/00033/TPO: TPO Work Approved (Delegated decision): 23/05/23 - 2/TPO/00538: T2 T4 T5 - Holly stumps - remove as eyesore. T11 Scots Pine - Remove as dead - Holme Oak

22/01893/F: Application Refused (Planning Committee determination): 03/04/23 - Residential development involving the demolition of existing barn complex. - Holme Oak

21/00139/TPO: TPO Work Approved (Delegated decision): 10/12/21 - 2/TPO/00538: T1 Horse Chestnut Tree T2 T4 T5 Holly Trees - Take top out. T3 T6 T8 T9 Sycamore Trees - Cut back lower branches. T7 Pine Tree - Take top out. T10 Pine Tree - Cut back lower branches - Holme Oak

21/01872/PACU3: Prior Approval - Approved (Delegated decision): 15/11/21 - Notification for Prior Approval: Change of Use of Agricultural Building to four Dwellinghouses (Schedule 2, Part 3, Class Q) - Agricultural Barn To The Rear of Holme Oak

21/01574/F: Application Permitted (Delegated decision): 16/09/21 - Site access to be widened from site boundary and to utilise the existing drop kerb to allow for improved access - Holme Oak

21/01220/PACU3: Application Withdrawn: 22/07/21 - Application to determine if prior approval is required for proposed change of use from agricultural building to four dwellings (Schedule 2, Part 3, Class Q) - Holme Oak

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16/00501/OM: Application Withdrawn: 17/06/16 - Outline Application: construction of 28 dwellings - Land At The Row, Wereham

RESPONSE TO CONSULTATION

Parish Council: OBJECT

Comments summarised below by officer

Wereham Parish Council considered the above application at an Extraordinary Meeting on Monday 20th June 2023, and they wish to OBJECT unanimously to the application for the following 5 reasons:

1. DM12 / Highways Issues: Traffic generation, vehicular access, highway safety.

All applications for this site, should always be refused permission in relation to DM12 for this site. The entrance and exit to the site are highly dangerous for any vehicle, coming out onto the A134 where traffic exceeds the speed limit consistently with a blind bend and pedestrian crossing within stopping distance of cars at that speed. Children are collected nearby for the local high school and this is the main crossing area for a large part of the village at The Row and Queens Close.

Wereham Parish Council would like to point out that they were unable to object to the PACU application due to the process.

2. DM2 / Outside of the Development Boundary for Wereham.

The development boundary should be adhered to. This sets a precedent for Wereham and the whole of West Norfolk. The Parish Council strongly feel that boundary lines were put in place for good reason especially along the back line of all the houses and agricultural buildings which benefit from large areas of land/gardens along Stoke Road. These boundaries help avoid development encroaching on the countryside.

3. DM5 / Enlargement or Replacement of Dwellings in the Countryside.

The character and beauty of this countryside needs to be protected. There is no shortage of or housing need in Wereham due to the lack of amenities. The proposals for replacement dwellings are not of high-quality design and will not preserve the character or appearance of the street scene or area in which it sits especially with the number of cars on the site. This is a proposal which will oppress and adversely affect the amenity of the area or neighbouring properties.

4. Deficiencies in social facilities.

From this September 2023 in take at the catchment schools for Wereham were oversubscribed by 17 places and Downham Market Academy (Secondary School) oversubscribed by 60 places. It will soon be impossible to gain a school place without driving 30 minutes given the additional 200 homes in Stoke Ferry and 500 plus in Downham Market. There are no dental places in the local area for new residents and the doctors at Boughton and Downham Market are stretched.

5. DM15 / Loss of sunlight, overshadowing/loss of outlook; loss of privacy; noise of disturbance; physical infrastructure; nature conservation. Layout and density of building design visual appearance and finishing materials.

Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. The proposal will impact on neighbouring uses and further occupiers of the proposed development. It doesn't sensitively or sympathetically respond to the local setting and pattern of adjacent streets including spaces between buildings, it is not of high-quality design. It is not considered to represent a sustainable development.

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Also point out an error in the Access & Design statement on this application and request it is corrected.

A second response from the Parish Council clarifies some additional points –

- This is not infill development and there are no existing infill developments along Stoke Road.
- The PC are concerned due to the nature of other agricultural buildings alongside most of the properties along Stoke Road having large gardens that this will set a precedent.
- Four small gardens placed around a building is not a typical farmstead and does not reflect anything similar in the borough.
- Mr Day would not be affected by the development due to his property being on the other side of the A134.

Highways Authority: NO OBJECTION subject to conditions

There is a previous approval for this site for 4 dwellings in connection with planning application 21/01872/PACU3. Given that this application would generate a similar level of traffic the Local Highway Authority believe that it would be difficult to substantiate an objection on the basis that additional previous approved access arrangements are also provided. Recommend conditions are attached regarding access, visibility splays and the parking/ turning areas.

Internal Drainage Board: NO OBJECTION

The proposal uses an existing footprint of a building, so will not increase run off. The Board do not have any objections to the application.

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

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

Due to the age of the property on site there is the potential for asbestos containing materials to be present. With this in mind, Environmental Quality recommend an informative is attached.

Natural England: NO OBJECTION subject to GIRAMS payment.

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

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

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effective mitigation to be implemented at a strategic level to provide the best outcomes for the designated sites. As such, we advise that a suitable contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable.

Providing appropriate mitigation is secured to avoid impacts upon the European site(s) occurring there should be no additional impacts upon the SSSI interest features.

Arboricultural Officer: Recommending Conditions, with the following comments:

The following matters are of concern:

1, Access driveway for car parking areas to the west of plots 1&2, which appears to be within the root protection area of T9, Sycamore and T10 Pine, trees to be retained. This could be addressed with the use of a non-dig driveway using cellular confinement system.

2, The small garden area for plot 3&4 which will be completely dominated by trees T13 - T16, and the patio doors to these gardens which will lead to more hard surfacing within the root protection areas of the protected trees. Thought should be given to the garden areas for garden 3&4, these gardens will be gloomy and dominated by the trees. This area was not shown as garden in the approved application 21/01872/PACU3 and there were no patio doors opening out onto this area shaded by the large trees.

3, I understand that it is proposed to be rebuilt using the existing foundations, which would not impact the trees. I am slightly concerned about this can we add a condition to say existing foundations must be used? Removing the existing and digging new foundations would have a significant impact of the longevity of the protected trees.

4, The boundary fence shown is within the root protection areas of trees, potentially very harmful to the trees. This could be addressed within an Arboricultural Method Statement, detailing how the fence can be erected minimising damage to tree roots.

Historic Environment Service: NO OBJECTIONS, subject to conditions

The proposed development is located in an area where in 1959 a late Roman coin, pottery and loomweights were recovered. More Roman coins and other Roman items have been recovered in the immediate vicinity, suggesting the presence of buried remains of Roman settlement. In addition, cropmarks of ploughed-out Bronze Age burial mounds have been recorded a short distance to the north, suggesting this is the location of a Bronze Age cemetery. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development. Archaeological trial trenching of a larger area, partially including the present development area in 2017 identified structural and other evidence of the former Wereham Hall within the proposed development area. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205. We suggest that the following conditions are imposed:

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme

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shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

and,

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A) and any addenda to that WSI covering subsequent phases of mitigation.

and,

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

A brief for the archaeological work can be obtained from Norfolk County Council Historic Environment Service. Please note that we now charge for our services.

REPRESENTATIONS

FIVE OBJECTIONS, comments summarised as follows:

- Ecology survey needs to be carried out. Site has potential to support roosting bats and nesting birds.
- Not infill development
- Current application does not benefit from permitted development rights (Class Q) and therefore a fall back position does not apply as it does not have a greater architectural merit or betterment.
- Noise and light pollution from additional cars in the countryside
- Proposal does not reflect design policies or an outstanding innovative design
- Loss of privacy to future occupiers
- LPA can demonstrate five year supply of land
- Poor design: layout of gardens does not respond sensitively to locality
- Increase carbon footprint by demolishing and rebuilding
- Suggested conditions for grant of approval: development is limited to the footprint of the existing barn, boundary fence erected near the barn, archaeology supervision during excavation.
- Highway Safety: A134 is a major road, poor visibility, number of traffic movement.

THREE SUPPORT, comment summarised as follows:

- The existing building is derelict and an eyesore.
- Development would form an extension to existing developments along The Row and Stoke Road.
- Architectural style is similar to typical farmstead and be in keeping with a rural footprint.

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- No objections were raised by the Local Highway Authority
- Impact on neighbours was assessed during the Prior Approval application.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM1 – Presumption in Favour of Sustainable Development

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main planning considerations are:

- Principle of Development and Site History
- Highways and Access
- Form and Character
- Impact on Neighbour Amenity
- Ecology
- Other Material Considerations

Principle of Development and Site History:

Site History:

The most recent application on this site, which was refused at Planning Committee (planning reference 22/01893/F), was for three modern, two-storey dwellings with domestic proportions following the demolition of the existing barn. The dwellings would be approximately 3m taller than the existing barn. Cumulatively, the proposal which was refused

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was significantly different to the existing barn and application for a barn conversion and would have a much greater visual impact.

The proposal under this planning application seeks to replace the existing barn with a building which is marginally smaller, finished in materials similar to match the existing barn. The internal arrangements of the four proposed dwellings would be identical as the proposal approved under the Prior Approval application (planning reference 21/01872/PACU3).

Policy Context:

The application site lies partially within the development boundary for Wereham, but the majority of the site and proposed dwellings lay outside the development boundary on land designated as countryside in the Site Allocations and Development Management Policies Plan (SADMPP) (2016). As shown on Inset Map G114 in the Site Allocations and Development Management Policies Plan (SADMPP) (2016). Certainly, the footprint of the dwellings proposed are outside of the development boundary and therefore in the countryside.

At the local level, development outside of the development boundaries will be subject to Policy CS06 of the Core Strategy 2011 which aims to resist such development unless essential in relation to a rural enterprise. Policy DM1 state planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.

The Council's Policy DM2 of the Site Allocations and Development Management Policies Plan 2016 states that the areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including:

- farm diversification (under Core Strategy Policy CS06);
- small scale employment (under Core Strategy Policy CS10);
- tourism facilities (under Core Strategy Policy CS10);
- community facilities, development in support (under Core Strategy Policy CS13);
- renewable energy generation (under Policy DM20 of the rural economy or to this Plan);
- rural workers' housing (under Policy DM6 of this Plan); and
- affordable housing (under Core Strategy Policy CS09)

The scheme submitted does not fall within any of these criteria.

In policy terms, the Local Plan provides a clear steer that development such as that proposed, in the countryside, is contrary to the development plan.

However, the extant planning consent on the application site for prior approval for the change of use of an agricultural building to four dwellinghouses (planning reference 21/01872/PACU3) constitutes a material consideration under the fallback principle. The conversion of the barn subdivided the existing agricultural building into four two-bedroom single storey residential units of equal size. Minimal external changes were proposed to the barn including the insertion of doors and windows to facilitate the conversion in the extant permission.

In the Design and Access Statement, the planning agent has argued a 'fall-back' position of the extant Prior Approval application under planning reference 21/01872/PACU3.

The status of a fall-back development as a material consideration is not a new concept and has been applied in court judgements such as Samuel Smith Old Brewery v The Secretary

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of State for Communities & Local Government, Selby District Council and UK Coal Mining Ltd [2018] EWCA Civ 489. This decision states that for a fall-back position to be a 'real prospect', it does not have to be probable or likely: a possibility will suffice. It is also noted that 'fall-back' cases tend to be very fact-specific and are a matter of planning judgement. Examples are given within the judgement where for instance there may be an old planning application which is still capable of implementation or where it could be argued that the impact of that which was permitted development would be much the same as the impact of the development for which planning permission was being sought.

The concept of 'fall-back' is also considered more recently in Michael Mansell v Tonbridge & Malling Borough Council [2017] EWCA Civ 1314 where approval was given for the redevelopment of the site of a large barn and a bungalow to provide four dwellings. The judgement covers more than one aspect of the decision but makes reference to Class Q of the GDPO as a 'fall-back' position and reiterates the comments made in the Samuel Smith Old Brewery case that the council should satisfy itself that there was a 'real prospect' of the fall-back development being implemented, although it was again reiterated that the basic principle is that 'for a prospect to be a real prospect, it does not have to be probable or likely; a possibility will suffice'.

In this circumstance, it is considered there is a real prospect that the permission under planning reference 21/01872/PACU3, could be implemented as the permission does not expire until November 2024.

The impact of the proposals as set against the extant planning permission must also be considered. The development proposed in this application is marginally smaller in size to the proposal under the Prior Approval application (planning ref 21/01872/PACU3), with minor amendments to the fenestration and materials. Parking and rear amenity space is also shown within the application site to serve the proposed dwellings and will provide a more comprehensive and coherent redevelopment of the site. Planning conditions can be introduced to further improve and add to the coherence and balance any areas of wider potential harm to the landscape, and design matters e.g materials and boundary treatment. The extant permitted development scheme lacked a sense of coherence in design and layout, the proposals offer the ability to control substantive details on these matters. There is a small marginal benefit associated to the proposals in terms of design and landscape impact when set against the extant permission.

Conclusion:

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The fallback position is a material consideration and should be given significant weight in the determination of this planning application.

Highways and Access:

The Local Highway Authority was consulted on application 21/01872/PACU3, and at that time due to the existing agricultural use on site the Local Highway Authority were of the view that they could not substantiate an objection to the development of four small scale (2 bedroom) residential units from the shared single access (subject to conditions).

This application seeks consent for the same amount of accommodation, again accessed via the shared single access point. The Parish Council and local residents raise concerns about the safety of this access junction onto Stoke Road/ A134 and the potential impacts of increased traffic giving rise to highway safety issues as a result.

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However, the Local Highway Authority are of the view the proposed scheme would give rise to a similar level of traffic to the prior approval, and as such are unable to substantiate an objection. The Local Highway Authority have recommended conditions are attached relating to the access, visibility splays and on-site parking and turning area.

In terms of highway safety and access, the proposal is in accordance with the NPPF, Policy CS11 of the Core Strategy 2011 and Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Form and Character:

The existing application site consists of a large, detached bungalow in a wide plot with gardens and well-established trees to the east and west. The dwelling is set back 17.5m from the A134 and then 26m to the rear of the bungalow is a large agricultural barn approximately 5.5m in height to the ridge. The barn is visible in the street scene beyond the dwelling. To the north and south of the site is agricultural land and detached residential development to the east and west of the application site.

The character of the locality is varied but primarily ribbon development facing onto the highway heading southeast through the village along Stoke Road/ A134. The use of land is primarily residential although interspersed with settlement breaks for agricultural land and agricultural buildings which reinforce the rural nature of the locality.

The application seeks to demolish the barn and to redevelop the site for a single building with barn-like proportions and appearance, that has detailing and materials compatible to this locality. The existing barn is approximately 23.1m deep, 15.3m wide, and 5.4m tall. The proposed building would be 22.8m deep, 15.2m wide, and 5.3m tall. The barn would be finished in brick, vertical timber cladding and metal sheeting, similar to the existing. The visual impact of proposed building will therefore largely retain the barn appearance.

Under the extant prior approval, the application did not include driveways, parking spaces, private amenity spaces and boundary treatments. Under this full planning application, consideration can be given to the layout and landscape associated with the residential development of the barn. The proposed site plan shows each dwelling would have their own private amenity space bound by a 1.8m tall timber panel fencing. Parking provisions would be along the west of the building, with 2 parking spaces for each proposed dwelling. The mature trees would be retained along the east and west boundary.

The private garden area serving each dwelling would be appropriate for the two bedrooms units proposed and therefore and the wider rural surroundings. The application site is not actively cultivated and would be contained by the existing extent of residential gardens along the south side of Stoke Road.

Ultimately public views of the development would be very limited as it is set to the south of the existing bungalow on the wider site. In terms of form and character, the proposal would comply with Policies CS06 and CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Impact on Neighbour Amenity:

Neighbouring dwellings are to the northeast and northwest of the proposed building. The closest neighbour would be the bungalow within the wider site. At its closest point, the proposed dwellings would be 21.5m to the southwest of the bungalow within the wider site. Considering the distances from neighbours, size and height of the building (which would be

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marginally smaller than existing) impact such as shadowing and on outlook will be largely unaffected.

A 1.8m closed boarded fence is proposed around the external amenity space of the proposed dwellings and turning point to the north of the building. Impacts such as overlooking to existing neighbours would therefore be limited.

A third-party comment raised concerns about the layout and impact on future occupiers, regarding loss of privacy with parking proposed along the west side of the building and impacting windows serving bedrooms of the proposed dwellings. On the basis that the parking is private parking which serves the plots within the building, then impact from the parking layout is not considered to have a detrimental impact to the amenity of occupiers as to warrant a refusal.

In terms of impacts on neighbours, the proposal would comply with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Ecology:

The application site lies within the Zone of Influence for European designated sites. The Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS) has been put in place to ensure that additional recreational pressures, created by new development/ growth in the borough, does not lead to an adverse effect on European designated sites in Europe. The strategy allows contributions towards mitigation to be collected at a site-specific level which will then fund effective strategic mitigation measures to address this pressure and the impacts.

The application site is approximately 6.5km from the Breckland Special Areas of Conservation (SAC) and Special Protection Areas (SPA). In response to the application, Natural England requested the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy fee of £557.79 were to be paid by the applicant, alongside the authority carrying out an Appropriate Assessment. The results of the Appropriate Assessment were that subject to the mitigation measures being secured, the assessment was able to conclude no adverse effects of the development proposal on the integrity of internationally designated wildlife sites in relation to recreation. The proposed development is of a nature and scale that there are no additional recreation implications beyond those being mitigated by the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy.

The applicant has completed payment of the relevant mitigation fee under the Norfolk GIRAMS fee as such the application is in accordance with the NPPF, and Policy CS12 of the Core Strategy 2011.

Third party comments were raised regarding the presence of bats and impact on wildlife. A Protected Species Survey was submitted as part of the planning application. The Survey was conducted in 2022 and found the existing barn had negligible potential to support roosting bats with minimal roosting opportunities noted, and that no protected species were detected as being present on the site. Mitigation such as low-level lighting and protecting the boundary trees are recommended within the Survey. Protection to the boundary trees would be conditioned to protected trees under a Tree Preservation Order, as well as on migrating wildlife on the site. A condition for lighting is also considered necessary to protect wildlife in accordance with Policy CS12 of the Core Strategy 2011 and the NPPF.

Other Material Considerations:

Trees - Within the application site are a number of well-established trees running north to south throughout the plot. These are protected under a group Tree Preservation Order (reference 2/TPO/00538). The Tree Preservation Order includes the full width and depth of the plot of land. The development proposed shows the trees are to be retained. The applicant has not submitted an Arboricultural Impact Assessment or any plans detailing tree protection measures. It is noted that the proposed fencing would be within the root protection area of trees within the site. If consent were granted this information should be submitted and agreed by the Local Planning Authority via appropriate conditions prior to the commencement of any works on site in accordance with the NPPF and Policy CS12 of the Core Strategy.

Archaeology - There is potential that heritage assets with archaeological interest will be present at the site and that their significance will be adversely affected by the proposed development. Therefore, if permission was granted, the site should be subject to a programme of archaeological mitigatory work and conditions should be attached accordingly in accordance with NPPF and Policy CS12 of the Core Strategy 2011.

Contaminated land - The information submitted to date does not indicate the presence of significant land contamination, however given the agricultural use, a condition should be attached to any planning consent given unexpected contamination could be present in accordance with the NPPF and Policy DM15 of the SADMPP 2016.

Drainage - Drainage details have not been submitted as part of the planning application, and therefore it is necessary for a condition to be attached to the consent to secure and approve this information, should the application be permitted in accordance with Policy CS08 of the Core Strategy 2011.

Third party comments - One of the objections to the scheme raises concerns that the scheme appears to be the first phase of a larger plan for residential development, which would not be supported. Indeed, a larger scheme has recently been refused permission by Planning Committee. Notwithstanding this, at this stage the application must be determined on its own merits and cannot consider potential future applications for development.

CONCLUSION

The footprint of the development proposed lies outside of the development boundary for Wereham, and as such the development of four new dwellings is contrary to the adopted Local Plan policies CS06 of the Core Strategy 2011 and DM2 of the SADMPP 2016.

However, an extant planning permission is in place for the conversion of the existing agricultural barn to four, single-storey, two-bedroom residential units, which is the same scale as the proposal of this planning application. The balance of probability is that the extant permission will be implemented if this current application were to be refused. As such the fallback position should carry weight as a material consideration in the determination of this application. The proposed scheme will add a sense of coherence and balance beyond that available to the extant permission, as such a marginal benefit would arise to the implementation of the proposed scheme.

The proposed development would rebuild the existing barn with a marginally smaller building. Set to the south of a bungalow within the wider site and screened by groups of trees under a Tree Preservation Order, the building would have limited impact on the street scene and on neighbour amenities.

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Appropriate mitigation for The Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy (GIRAMS) has been secured with the applicant having paid the full fee required to offset impacts to sites within the identified Zones of Influences.

Appropriate protection to protected trees and historic artefacts on the site can be sought via planning condition.

In conclusion, it is recommended that Members approve the application as there is a real prospect of the change of use under the Prior Approval application being implemented. Material considerations are considered to outweigh the development plan in this instance. The scheme is considered to be an appropriate departure from the Development Plan under the fall-back principles; as otherwise set against failure to comply with Policies CS01, CS02 and CS06 of the Core Strategy 2011 and Policy DM1, DM2 and DM15 of the SADMPP; and NPPF.

RECOMMENDATION

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:

dwg no PP1001. Rev A. Planning Drawing.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement shall be upgraded / widened to a minimum width of 4.5m in accordance with the Norfolk County Council residential access construction specification TRAD1 for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.
- 4 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason: In the interests of highway safety.
- 5 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced

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and drained in accordance with the approved plan and retained thereafter available for that specific use.

5 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

6 Condition: Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to the southeast side of the access where it meets the nearside carriageway edge. 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.

6 Reason: In the interests of highway safety in accordance with the principles of the NPPF.

7 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

7 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Policy CS12 of the Core Strategy 2011.

This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.

8 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 7 and any addenda to that WSI covering subsequent phases of mitigation.

8 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Policy CS12 of the Core Strategy 2011.

This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.

9 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 7 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

9 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Policy CS12 of the Core Strategy 2011.

10 Condition: No development or other operations including demolition shall commence on site until the existing trees to be retained have been protected in accordance with a

scheme (section 5.5, BS 5837:2012, the Tree Protection Plan) to be submitted to, and approved in writing by the Local Planning Authority.

This scheme shall include:

- a) A site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site and on neighbouring or nearby ground to the superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.
- b) A schedule of tree works for all the retained trees in paragraphs (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.
- c) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). Barrier and ground protection offsets must be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.

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

- d) A detailed Construction Specification/Method Statement for the design and installation of a no-dig access driveway adjacent to T9 Sycamore and T10 Pine, the ground shall not be lowered within the root protection areas of these protected trees.
 - e) A detailed Construction Specification/Method Statement for the installation of the proposed garden boundary fence within the root protection area of retained trees T12-T16.
 - f) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.
- 10 Reason: To ensure that the existing trees are properly surveyed, and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF and Policy CS12 of the Core Strategy 2011.

This needs to be a pre-commencement condition given the potential for trees to be lost during development.

- 11 Condition: No development shall commence on site until large-scale plans showing the method of foundation construction have been submitted to and approved in writing by

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the Local Planning Authority. This shall provide for the protection of the trees during excavation of the existing and installation of new foundations and shall provide for the long-term retention of the trees. The foundations shall be constructed in accordance with the approved details.

- 11 Reason: To ensure that the existing trees are properly surveyed, and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF and Policy CS12 of the Core Strategy 2011.

This needs to be a pre-commencement condition given the potential for trees to be lost during development.

- 12 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 12 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 13 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details (dwg no PP1001 Rev A). 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.

- 13 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

- 14 Condition: Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.

- 14 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality and local wildlife in accordance with the NPPF and Policy CS12 of the Core Strategy 2011.