

AGENDA ITEM NO. 9/2(e)

Parish:	Great Massingham	
Proposal:	Proposed overflow car park (retrospective)	
Location:	The Dabbling Duck 11 Abbey Road Great Massingham King's Lynn PE32 2HN	
Applicant:	The Dabbling Duck	
Case No:	23/00173/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 22 March 2023 Extension of Time Expiry Date: 10 November 2023

Reason for Referral to Planning Committee – Called in by Cllr Moriarty and Cllr Beales

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for the retention of an overflow car park to be utilised in association with The Dabbling Duck public house, in Great Massingham.

The application comprises part of a wider agricultural field, the north boundary to which runs parallel to the edge of a Public Right of Way known as Great Massingham FP7 to the north. Access to the car park has been created through the existing car park at the rear of the public house, where a single width access is provided between the main building and an adjoining dwelling.

The application site is positioned just outside of the Conservation Area, the boundary to which runs along the back of houses to the east and to the north. Existing dwellings across the field at Abbeyfields to the north, are within the Conservation Area.

Key Issues

Principle of Development
Form and Character and Impact on the Conservation Area
Neighbour Amenity
Highway Safety
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for the retention of an overflow car park in association with The Dabbling Duck public house, in Great Massingham. The car park has been in use since approximately 1st March 2022 without planning permission being in place.

The application comprises part of a wider agricultural field, the north boundary has been revised during the course of this application to ensure a reasonable set back from the edge of a Public Right of Way known as Great Massingham FP7 to the north.

Access to the car park has been created through the existing car park at the rear of the public house, where a single width access is provided between the main building and an adjoining dwelling.

The plans have been revised during this application to indicate the removal of an unlawful light pole positioned on the edge of the site boundary in the existing car park.

The application site is positioned just outside of the Conservation Area, the boundary to which runs along the back of houses to the east, and adjacent to Abbeyfields to the north.

The application has been supported by a Management Plan, outlining that temporary post and rope fencing would be used to outline the site, followed by planting (unspecified) along each boundary which would soften the view of cars available across fields and through gaps in houses without resulting in permanent structures in the countryside.

SUPPORTING CASE

To date, no specific supporting statement has been provided. The content below has been taken from various statements from the Agent relating to the proposed application.

- The intention for the space is purely for it to be 'overflow' as and when it is needed.
- The field is leased, and therefore permanent measures to delineate parking spaces would not be welcomed. We also want to ensure that the space is used only when absolutely necessary - any measures which make it appear to be a more permanent car park will encourage its use.
- *The car park is only to be accessed via the existing driveway, not the PROW.
- *If vehicles cannot use this overflow area, they will be forced on street which is not a positive outcome for anyone.

PLANNING HISTORY

20/01691/F: Application Permitted: 23/12/20 - Installation of a soil and vent and soil pipe to front elevation only - The Dabbling Duck- DELEGATED DECISION

17/00955/F: Application Permitted: 17/08/17 - Construction of 4no Annex Bedrooms complete with En Suite facilities. Staff Shower Room and 2no Store Rooms. - The Dabbling Duck - DELEGATED DECISION

17/02256/F: Application Permitted: 30/01/18 - Construct a Tiled Pitched Roof supported on stained timber posts cover over existing Patio and B-B-Q- areas - The Dabbling Duck - DELEGATED DECISION

16/00857/F: Application Permitted: 30/06/16 - Construction of conservatory including new opening through north elevation, formation of BBQ area in rear beer garden - The Dabbling Duck - DELEGATED DECISION

14/01610/F: Application Permitted: 29/01/15 - Provision of 3 part time holiday accommodation units to use with public house for bed and breakfast purposes - The Dabbling Duck - DELEGATED DECISION

13/00702/F: Application Permitted: 07/10/13 - Proposed four bedroom accommodation at the rear - The Dabbling Duck - DELEGATED DECISION

06/02496/A: Application Permitted: 16/01/07 - Illuminated sign to front of public house and hanging sign - The Rose And Crown - DELEGATED DECISION

2/01/0345/CU: Application Refused: 03/05/01 - Change of use from public house to residential - 11 Abbey Road; - DELEGATED DECISION

RESPONSE TO CONSULTATION

Parish Council: Great Massingham Parish Council initially responded to the consultation with no observations, however, have subsequently responded raising the following concerns:

As per the email in response to the above planning application Great Massingham Parish Council had no observations to record in respect of planning reasons as to whether this application should be supported or objected to.

However, parishioners attending both the February and March Parish Council meetings raised significant concerns in respect of the planning application, which the Council shared, and the Council would ask that these be taken into consideration when determining the planning application.

There is significant concern regarding the potential fire risk posed to residents whose properties border the field given that the vehicles parking in the proposed overflow car park forms part of or is adjacent to agricultural land. Parishioners have raised concerns that 'combustible materials' such as discarded matches, cigarette butts and vehicles parking nearby may significantly increase the fire risk to crops within the field if we are to continue having the forecasted very dry summers.

In 2022 there were a number of devastating disasters in both the locality and nationally that displaced people from their homes following such instances caused by the previously listed 'combustible materials' igniting tinder dry areas of land. The Parish Council would not like to see such an incident occur in the centre of Great Massingham which would be devastating and would have a significant effect on many properties within the centre of the village.

Therefore, we would ask that this particular concern is considered by the Planning Officer when determining the application, as there is currently no reference within the application as to how the risk of such an incident would be managed, reduced or prevented. For example, a condition of planning could be that a fire break barrier should be installed by the applicant. Given the potential risk of fire as described above, are there also adequate entry and exit routes to access the field by emergency vehicles should an incident occur?

In addition to this, the change in use of the agricultural land to use as an overflow car park will have a significant visual impact for residents living in properties bordering the area. Since the 1880's this has been a natural green space, an agricultural field, with just some

properties to the west. The introduction of vehicles to this space will change this space significantly. Therefore, the Parish Council would ask that a condition of planning should the application be granted, should include the requirement to provide some natural screening to reduce the visual impact for neighbouring residents.

Highways Authority: NO OBJECTION on highway safety grounds (summarised as follows):

Whilst the provision of additional parking would alleviate some on street parking issues, there were concerns originally raised with;

- the unspecified arrangement/layout
- the proximity to the PRoW, which should not be accessed from the proposal site
- further increased use of the narrow site access

The LHA response to 17/00955/F commented that the site's parking capacity had been reached.

The revised plans show a site area which provides suitable with separation between the site and the PRoW.

The increased parking area and potential reduction in on street parking provide only a limited overall improvement due to the issues surrounding the narrow site access however the LHA state they cannot substantiate a highway safety objection, on the basis that the site could provide an occasional provision to prevent increased on street parking in the vicinity if suitably restricted.

Conservation Officer: OBJECTION if the spaces are to be demarcated stating comments summarised as follows:

- Removal of floodlight is an improvement
- Open character of the land is a positive contributor to the Conservation Area setting
- Demarcation of spaces would be harmful, and would result in harm to long range views and alongside cctv cameras, lighting etc. would clutter and formalise the space which would not be supported
- Request for further information on position of CCTV cameras
- No Objection in principle, but the field should not be demarcated

Fire and Rescue: NO OBJECTION provided standard comments relating to the Building Regulations requirements for access provision.

REPRESENTATIONS

ONE letter of **SUPPORT**, stating comments in support of the application in principle, SUBJECT TO traffic using the pub's access and the appropriate fire safety measures being enforced.

TWENTY letters of **OBJECTION** the comments summarised as follows:

- Request for details of a fire-break and/or fire-screen for safety reasons during dry weather
- Boundary treatments would help to ensure safety of people and property
- Currently agricultural land

- Public Right of Way to the north – vehicles have been noted by nearby residents to be utilising the PROW to Barrack Yard Barn for access to the car park
- Querying need for additional parking
- Existing access via Dabbling Duck is not safe for this amount of traffic
- Query over access for emergency vehicles
- Disturbance of bats
- Existing disturbance from lighting
- Large marquee previously erected on the land without consent or licenses
- Seating used on the existing unapproved car park
- Query over retrospective nature of the application
- Use of land by campervans overnight and potential for visitors sleeping in their vehicles rather than in the hotel
- Increase in burglaries and trespassing into nearby gardens has occurred since unauthorised use began
- Loss of field hedge to provide access

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Form and Character and Impact on the Conservation Area
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

Principle of Development:

Great Massingham is categorised as a Key Rural Service Centre in Policy CS02 of the Core Strategy (2011) and therefore benefits from a development boundary to guide development to the most suitable positions within the settlement.

The application site is outside of the development boundary shown on Inset Map G43 of the Site Allocations and Development Management Policies Plan (2016) and is therefore considered to be within the wider countryside for the purposes of planning policy.

Whilst the expansion and retention of rural enterprises is supported by planning policies at both a local and national level, this is subject to compliance with other policies of the NPPF and Local Plan. In this instance, the most relevant policies are those relating to highway safety and heritage impacts.

Paragraph 116 of the NPPF (2023) sets out that applications for development should, amongst other things, create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

Paragraph 203 of the NPPF (2023) states that in determining planning applications, the LPA should take account of:

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

A management plan provided via email provides basic details on the proposed use of the land. The car park is intended to be utilised as an overflow carpark, with staff controlling access to the field (via rope or cones) when the existing car park is full, and overnight guests directed to the main car park instead. Signage is intended to be used to notify visitors of restrictions to overnight parking, although no details of such signage have been provided.

The management plan sets out that CCTV can be used to monitor vehicle movements and ensure the car park is only utilised by customers of the pub.

The management plan also discusses the demarcation of the parking area with timber post and rope fencing which is removable. Again, no specific details have been provided.

Whilst the principle of expansion of existing rural enterprises is acceptable, in this instance the harm to the conservation area and the required justification to outweigh the harm must be established before the principle of development can be considered to accord with the

NPPF (2023), Policies CS08, CS10 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Form and Character and Impact on the Conservation Area

Paragraph 135 of the NPPF (2023) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Paragraph 180 requires planning decisions to recognise the intrinsic character and beauty of the countryside.

As a result of its position on one side of an open agricultural field, the application site is visible from viewpoints along the PROW to the north, as well as from the rear of houses in the immediate vicinity. Some viewpoints are also provided on approach along Lynn Lane from the south, by virtue of the gaps between hedgerows and sporadic dwellings.

Whilst the existing field is a somewhat irregular shape, the use of the land for car parking is considered likely to lead to some harm both to the countryside and the setting of the Conservation Area, as a result of the square projection into the field as well as the long views available of the site from the north, west and south. The impact of car parking during periods of wetter weather will lead to loss of grass cover which will have further impacts which could not be mitigated against. No surfacing of the field is proposed as part of this application.

Paragraph 202 of the NPPF (2023) requires any harm to designated heritage assets, including from development in their setting, to be balanced against public benefits. The proposal, by reason of the visual impacts of the car parking itself, will lead to some, less than substantial, harm to the setting of Great Massingham Conservation Area however the Agent has reduced this harm through the removal of the previously proposed light pole and through proposing removable/temporary post and rope boundary treatment, noted to be softened by planting within the Management Plan provided although not shown on the proposed plans.

The LPA must therefore consider whether the increase in parking capacity to the rear of the Public House has wider community benefits to outweigh the level of harm associated with the development. In light of lack of any specific traffic information being supplied, combined with the lack of ability to lay out or otherwise demarcate the land to confirm parking numbers on site (which would cause further harm to the setting of the Conservation Area), the LPA is unable to confirm whether there would be any significant benefit in regards to highway safety. However, if the car park works as intended, and the management plan provided to alleviate issues is suitably implemented, the proposed parking area has the potential to decrease the number of vehicles parked on the public highway to the front of the pub. This could lead to some minor gain in terms of Conservation Area impacts and the setting of Great Massingham.

It is therefore considered that temporary consent should be granted for a one-year period to allow continued monitoring of the use of the site as it operates in line with the proposed management plan. This will allow future submission of more permanent landscaping details (if necessary), and will allow the tracking of highway concerns, vehicle numbers etc throughout a prolonged period, allowing assessment of whether the management plan suitably minimises harm and allows the benefits of the development to outweigh the harm caused.

Temporary consent would be considered to comply with Paragraphs 130, 174 and 202 of the NPPF, Policies CS06, CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the

SADMPP (2016) in regard to adverse impacts on the Countryside and the setting of heritage assets.

Neighbour Amenity

As a result of its position to the rear of dwellings and their curtilage, the proposed use as a car park could lead to increased impacts in relation to noise and disturbance. This would however likely be limited to only during the hours of operation of the public house. Considering that the existing car park facility is unrestricted, the neighbour amenity impacts associated with the proposed use are not considered to warrant refusal of the application.

In relation to the disturbance from vehicle movements and headlights, the reduction in red line area has had some positive benefit in reducing the area where vehicles will be manoeuvring to areas largely set back from properties to the north (in excess of 60m) and set back from the most sensitive parts of the garden of the properties to the east. The land immediately east of the car park, separated from the site by mature hedgerows is set out with a polytunnel and planting beds and provides screening and separation from the proposed use.

By nature, the proposed use will not lead to overbearing or overshadowing impacts and no physical works are proposed. Whilst the car park may be visible from rear gardens and this has been noted by neighbouring residents within consultations, the appearance of the site would not lead to detrimental impacts on neighbour amenity.

Overall, the impact on neighbours is considered acceptable and accords with policy DM15 of the SADMPP (2016).

Highway Safety

Paragraph 116 of the NPPF (2023) states that applications for development should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.

The application form states the car park would provide up to 20 spaces for customers. Given the Conservation Area concerns discussed below, it is possible that a lack of demarcation of individual spaces will limit the maximum number.

Neighbour objections have referred to the use of the adjoining PROW by vehicles gaining access to the site. The red line area has since been altered to ensure the car park is set back away from the PROW to the north of the site, which will help to prevent any vehicle movements in this direction.

The provision of additional parking could alleviate some existing on-street parking issues which occur on and around the green to the front of the public house, however with no parking restrictions on the green, the provision of a larger car park may not be of any significant benefit. Customers would likely choose to avoid the restricted width entrance way and being better located for the main portion of the pub's facilities which are to the front of the site. However, additional car parking space to the rear would prevent additional trips through the access point for those vehicles who previously would be unable to park due to a lack of parking space availability.

The known highways benefits of the proposal are therefore limited, however no highway safety concerns have been raised by the Local Highway Authority and it is considered, on balance, that the highways implications of the development are acceptable and comply with

the NPPF (2023), Policies CS10 and CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Other Material Considerations

Response to Neighbour Representations

Neighbour objections have been received which relate to fire safety and the potential risk involved with the use of the site during dry weather. The Building Regulations process, where applicable, sets out various measures to ensure access and facilities for the fire service are appropriate. The Management Plan has also been updated during the course of this application to add measures for controlling risk of fire, including fire extinguisher availability, site inspections and no smoking signs.

Comments also referred to impacts/disturbance of bats and protected species. The removal of the lighting pole from the proposed scheme is considered sufficient to limit adverse impacts on protected species. The change of use of land element is considered unlikely to lead to any adverse impacts given the nature and scale of the application.

Comments also raised concern over the use of the land for other purposes, with marquees previously known to have been sited on the land as well as an informal seating areas. The conditions recommended as part of this consent allow the use of the land as overflow car parking only and for no other purpose.

In relation to comments referring to the loss of future loss of trees, no trees around the site have been indicated for removal as part of this application.

Various comments relating to the use of the PROW to the north are considered to have been overcome through the alteration of the red line area proposed during this application.

Crime and Disorder

There are no specific known crime and disorder impacts. Neighbour objections have referred to an increase in crime in the area following the beginning of the unauthorised use, however the LPA has no evidence to suggest that this has any association with the use of the land proposed under this application.

Comments regarding anti-social behaviour and the lack of CCTV or monitoring of the site are noted. The management plan sets out measures to monitor the land via CCTV.

The Secured By Design Officer provided comments relating to CCTV provision and monitoring. As no CCTV is proposed within the site area as part of this application, it is not considered reasonable to require such under this temporary consent. Any CCTV used to monitor the site would need to be implemented without the requirement for planning permission as no further details have been provided as part of this application.

CONCLUSION:

All applications must be determined in accordance with the development plan unless material considerations allow otherwise.

The application seeks consent for the retention of a car parking area adjacent to the Conservation Area in the countryside as categorised in Policy DM2.

The agent has advised that the intention is for the car park to be only used as overflow car parking and the submitted management plan sets out measures to control the use of the site in line with this whilst also aiming to prevent overnight parking.

The Agent has made clear that no physical works to the ground can take place as the Applicants lease the site and do not therefore have full ownership of the land. Therefore no permanent fencing or similar structures could be used on the site at this time. The red line has been reduced as part of this application to prevent access/egress to the PROW.

The additional car parking proposed may have some wider benefit to Great Massingham by removing cars from the adjacent highway and may also provide some minor economic benefits to the business itself. However considering the lack of any restrictions for car parking on/around the village green, which is actively utilised by existing customers and provides a more convenient and easily accessed option for the majority of visitors, the potential community benefits of this proposal are limited.

When considered alongside the visual impacts of the parking area on the Conservation Area and the lack of appropriate or detailed screening or softening being proposed as part of this application, the LPA is not able to conclusively determine that the minor benefits of the proposal outweigh the harm to the Conservation Area if this consent was to be granted on a permanent basis.

In order to allow assessment of the impacts of the proposal whilst the proposed management plan is in place, the recommendation is to grant consent for a temporary one year period to allow assessment of whether the removal of cars parked around The Green is of sufficient public benefit to outweigh the harm to the Conservation Area and the wider countryside. Following this period, the Applicant would be able to further consider more permanent structures, landscaping etc. to allow the permanent use of the car park without harm to the Conservation Area.

A temporary consent is considered to comply with the overarching aims of the NPPF (2023), Policies CS06, CS08, CS10 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

RECOMMENDATION:

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

- 1 Condition: This permission shall expire on 5th February 2025 and unless on or before that date application is made for an extension of the period of permission and such application is approved:
 - a) the use of the land shall be discontinued, and
 - b) there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this use

- 1 Reason: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality contrary to the NPPF.

- 2 Condition: The land outlined in red on dwg No. 22183 01 Rev B shall only be used as an overflow car park in connection with the existing business known as The Dabbling Duck, shown in blue on the approved plan. The car park shall operate in full accordance with the Management Plan submitted via email dated 14/02/2024.

- 2 Reason: For the avoidance of doubt and in order to control potential impacts of the scheme on the locality, in accordance with the NPPF (2023), Policies CS10, CS11 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 3 Condition: Within 1 month of the date of this decision, the unlawful existing lighting pole shown on the approved plan dwg No. 22183 01 Rev B shall be removed from the site in perpetuity.
- 3 Reason: For the avoidance of doubt and to prevent adverse impacts on the Conservation Area and the wider countryside in line with the NPPF (2023).