

Borough Council of  
**King's Lynn &  
West Norfolk**



# **Planning Committee**

## **Agenda**

**Monday, 6th December, 2021  
at 9.30 am**

in the

**Assembly Room  
Town Hall  
King's Lynn**





King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX  
Telephone: 01553 616200  
Fax: 01553 691663

**PLANNING COMMITTEE AGENDA**

Please note that due to the number of applications to be considered it is proposed that the Committee will adjourn for lunch at approximately 12.30 pm and reconvene at 1.10 pm.

Please ensure that all mobile phones are switched to silent

**DATE:** Monday, 6th December, 2021

**VENUE:** Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

**TIME:** 9.30 am

**1. APOLOGIES**

To receive any apologies for absence and to note any substitutions.

**2. MINUTES**

To confirm as a correct record the Minutes of the Meeting held on 8 November 2021.

**3. DECLARATIONS OF INTEREST**

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

Councillor appointed representatives on the Internal Drainage Boards are noted.

**4. URGENT BUSINESS UNDER STANDING ORDER 7**

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act, 1972.

**5. MEMBERS ATTENDING UNDER STANDING ORDER 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

**6. CHAIRMAN'S CORRESPONDENCE**

To receive any Chairman's correspondence.

**7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

To receive the Schedule of Late Correspondence received since the publication of the agenda.

**8. INDEX OF APPLICATIONS (Pages 6 - 7)**

The Committee is asked to note the Index of Applications.

**a) Decisions on Applications (Pages 8 - 164)**

To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

**9. DELEGATED DECISIONS (Pages 165 - 186)**

To receive the Schedule of Planning Applications determined by the Executive Director.

**10. UPDATE ON TREE MATTERS (Pages 187 - 190)**

To receive an update report on Tree Preservation Orders that have been served along with a summary of other aspects of work in relation to trees.



**To: Members of the Planning Committee**

Councillors F Bone, C Bower, A Bubb, G Hipperson (Vice-Chair), A Holmes, C Hudson, B Lawton, C Manning, E Nockolds, T Parish, S Patel, C Rose, J Rust, Mrs V Spikings (Chair), S Squire, M Storey, D Tyler and D Whitby

**Site Visit Arrangements**

When a decision for a site inspection is made, consideration of the application will be adjourned, the site visited, and the meeting reconvened on the same day for a decision to be made. Timings for the site inspections will be announced at the meeting.

If there are any site inspections arising from this meeting, these will be held on **Thursday 9 December 2021** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

**Please note:**

- (1) At the discretion of the Chairman, items may not necessarily be taken in the order in which they appear in the Agenda.
- (2) An Agenda summarising late correspondence received by 5.15 pm on the Thursday before the meeting will be emailed (usually the Friday), and tabled one hour before the meeting commences. Correspondence received after that time will not be specifically reported during the Meeting.
- (3) **Public Speaking**

Please note that the deadline for registering to speak on the application is 12 noon the working day before the meeting, **Friday 3 December 2021**. Please contact [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk) or call (01553) 616818 or 616234 to register.

**For Major Applications**

Two speakers may register under each category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for five minutes

**For Minor Applications**

One Speaker may register under category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for three minutes.

For Further information, please contact:

Kathy Wagg on 01553 616276  
kathy.wagg@west-norfolk.gov.uk

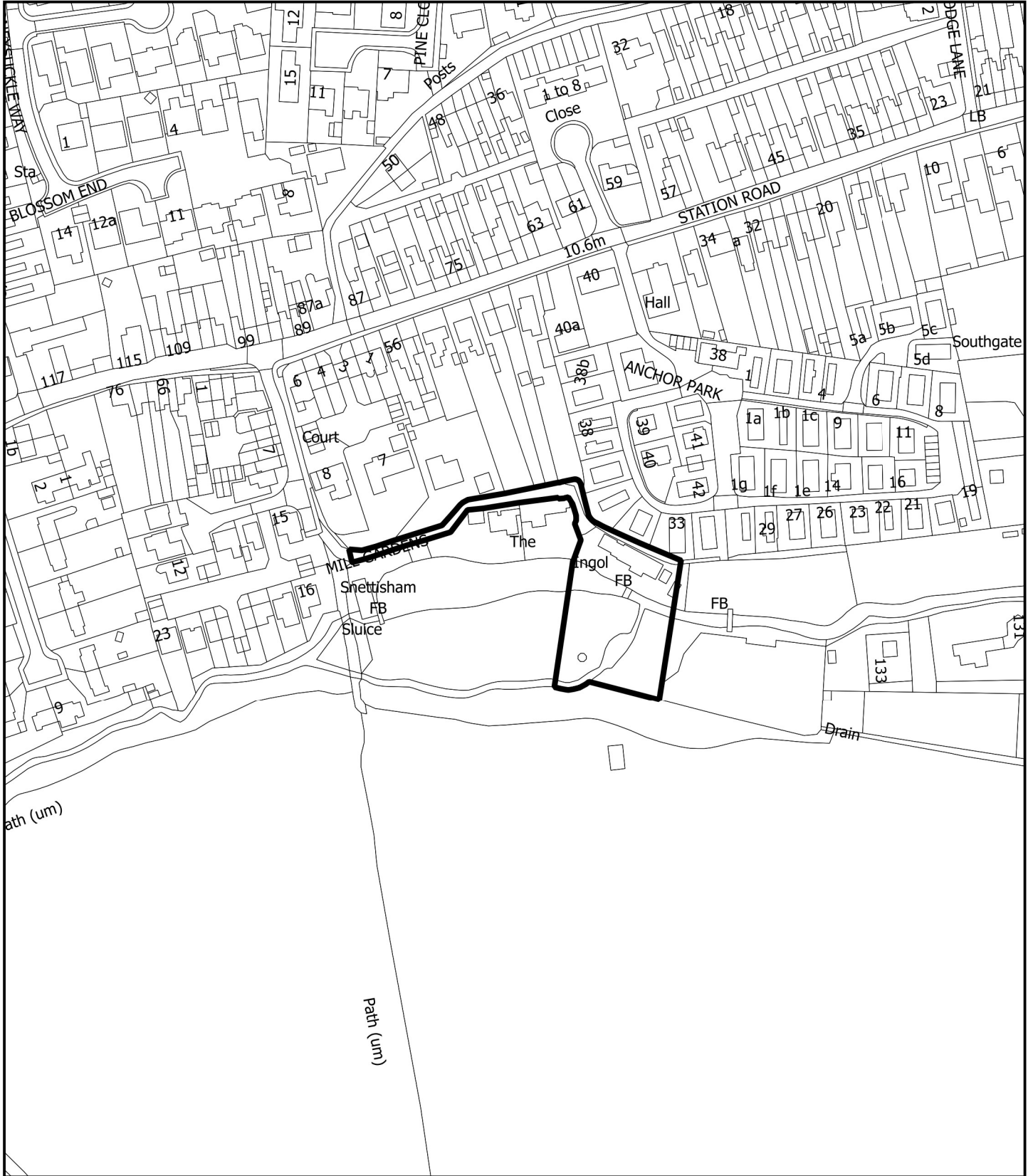
**INDEX OF APPLICATIONS TO BE DETERMINED  
BY THE PLANNING COMMITTEE AT THE MEETING  
TO BE HELD ON MONDAY 6 DECEMBER 2021**

<b>Item No.</b>	<b>Application No. Location and Description of Site Development</b>	<b>PARISH</b>	<b>Recommendation</b>	<b>Page No.</b>
<b>8/1</b>	<b>DEFERRED ITEMS</b>			
<b>8/1(a)</b>	<b>21/00716/F</b> Ingol Falls House, Mill Gardens, PE31 7UQ Proposed Detached Home Study	<b>SNETTISHAM</b>	<b>APPROVE</b>	<b>8</b>
<b>8/1(b)</b>	<b>21/00457/F</b> Westfield, 27 Peddars Way PE36 6LE Demolition of existing bungalow, construction of detached two-storey dwelling with garage and garden room	<b>HOLME NEXT THE SEA</b>	<b>APPROVE</b>	<b>26</b>
<b>8/2</b>	<b>MAJOR DEVELOPMENTS</b>			
<b>8/2(a)</b>	<b>20/00470/RMM</b> Land West of St Peters Road, West Lynn PE34 3JL RESERVED MATTERS Application for 38 dwellings. Details of layout, scale, appearance and landscaping. In accordance with Condition 8 of the outline planning permission, the scheme includes a vehicular access to the West Lynn Drain along with a 9m easement strip. In accordance with Condition 26 of the outline planning permission, the scheme includes a 15m exclusion zone around the Anglian Water Pumping Station	<b>KINGS LYNN</b>	<b>APPROVE</b>	<b>49</b>
<b>8/2(b)</b>	<b>21/01979/FM</b> Queen Elizabeth Hospital, King's Lynn, PE30 4ET Public service infrastructure planning application. Proposed construction of a two-storey hospital building (Use Class C2) with associated infrastructure and landscaping	<b>KINGS LYNN</b>	<b>APPROVE</b>	<b>68</b>

<b>Item No.</b>	<b>Application No. Location and Description of Site Development</b>	<b>PARISH</b>	<b>Recommendation</b>	<b>Page No.</b>
<b>8/2(c)</b>	<b>21/01432/FM</b> Estuary Farm, Edward Benefer Way, PE30 2HY Erection of an up to 49.99 MR Solar PV Array and circa 15 MW battery storage, comprising ground mounted solar PV panels, battery storage, vehicular access from the site entrance with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, client storage containers and grid connection infrastructure, including transformer and substation buildings and off-site cabling.	<b>SOUTH WOOTTON</b>	<b>APPROVE</b>	<b>83</b>
<b>8/3</b>	<b>OTHER APPLICATIONS/ APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE</b>			
<b>8/3(a)</b>	<b>21/01335/F</b> Mill Wood House Herrings Lane PE31 8DW Proposed Demolition of Existing Dilapidated Building and Subsequent Erection of an Incidental Outbuilding	<b>BURNHAM MARKET</b>	<b>APPROVE</b>	<b>114</b>
<b>8/3(b)</b>	<b>21/01940/O</b> Land NE of 69 Ferry Road, Clenchwarton PE34 4BU Proposed development of two storey dwelling	<b>CLENCHWARTON</b>	<b>REFUSE</b>	<b>128</b>
<b>8/3(c)</b>	<b>21/00917/F</b> Swallows Rest, High Street, PE31 8NH Construction of new 1/2 storey extension while retaining as much of the existing extension as possible	<b>DOCKING</b>	<b>APPROVE</b>	<b>139</b>
<b>8/3(d)</b>	<b>21/01173/F</b> Nursery Lodge Farm, The Street, PE31 8SD First floor extension with single storey rear extension to existing dwelling	<b>SYDERSTONE</b>	<b>APPROVE</b>	<b>149</b>
<b>8/4</b>	<b>TREE PRESERVATION ORDERS</b>			
<b>8/4(a)</b>	<b>2/TPO/00616</b> 15 Fern Hill, Dersingham, PE31 6HT	<b>DERSINGHAM</b>	<b>CONFIRM ORDER WITHOUT MODIFICATION</b>	<b>161</b>

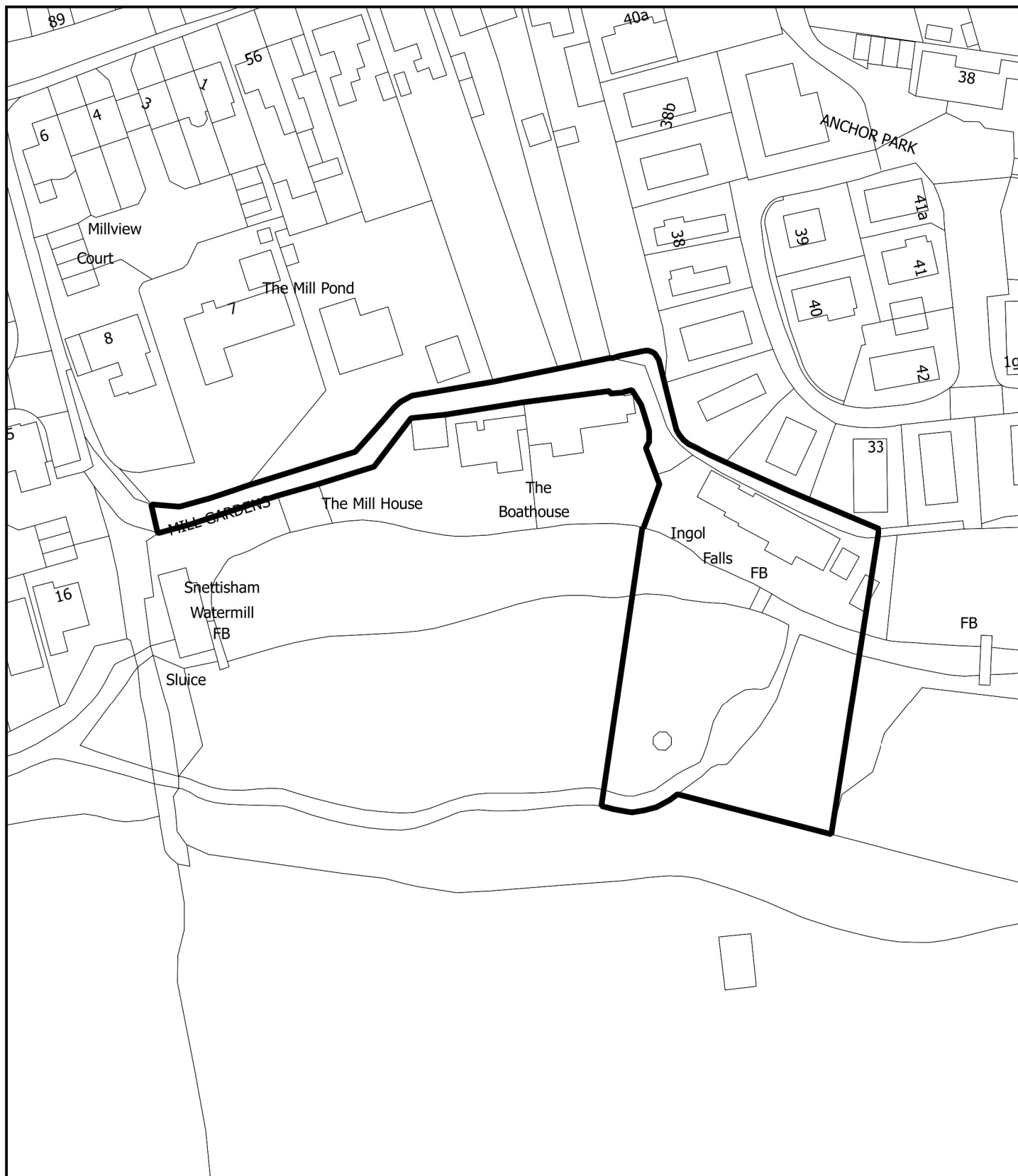
# 21/00716/F

Ingol Falls House, Mill Gardens, Snettisham, PE31 7UQ



# 21/00716/F

Ingol Falls House, Mill Gardens, Snettisham, PE31 7UQ



<b>Parish:</b>	<b>Snettisham</b>	
<b>Proposal:</b>	<b>Proposed Detached Home Study</b>	
<b>Location:</b>	<b>Ingol Falls House, Mill Gardens, Snettisham, PE31 7UQ</b>	
<b>Applicant:</b>	<b>C Singh</b>	
<b>Case No:</b>	<b>21/00716/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Connor Smalls</b>	<b>Date for Determination: 2 July 2021 Extension of Time Expiry Date: 7 December 2021</b>

**Reason for Referral to Planning Committee** – Called in by Councillor Deveraux

**Neighbourhood Plan:** Yes

### Members Update

Members will recall that this application was deferred in the November 2021 Committee. This was due to a conflict between the consultation end date for the latest site notice which detailed that the application would impact a public right of way and the committee meeting date. Further, extensive additional correspondence from the Open Spaces society was received.

The site notice end date has now expired and the additional correspondence from the Open Spaces Society is included in this updated report. It is considered this clarifies the previous reasons for deferral and that the application can now be considered by Members.

**New additional text is set out in bold.**

### Case Summary

This application proposes a single storey, detached outbuilding set within the residential garden space of the existing dwelling, Ingol Falls house.

### Key Issues

Principle of Development  
Form and Character  
Impact on Neighbour Amenity  
Impact on the Grade 11\* Listed Mill

### Recommendation

**Approve**

## THE APPLICATION

This application proposes a single storey, detached outbuilding to serve as a home office set within the established garden land of the existing dwelling. The application site is set within the sensitive existing residential area around the River Ingol and associated mill pond including the Grade II\* Listed Mill. There are trees subject to tree preservation orders as well as extensive mature vegetation within the application site and wider area. The application site is outside of both the Snettisham Conservation Area and the Norfolk Area of Outstanding Natural Beauty.

## SUPPORTING CASE

To whom it may concern,

I write regarding application reference 21/00716/F and my statement focuses on the reasons for the home office and also the concerns that have been raised.

My client has made an application for the erection of a detached home office for several reasons -

- The first being that COVID-19 has necessitated that my client is to work from home. The guidelines set by the government are not within my clients control however my client is obliged to follow these guidelines.
- Her circumstances will not change, and I feel it reasonable to suggest a long-term solution is called for to meet the requirements to be able to work from home.
- My client doesn't currently have suitable office/study provisions to work from home. At present the existing dwelling doesn't allow for this due to the open plan layout; there is no way of dividing the space to separate the two elements (home life and work) and maintain a sustainable work-life balance.
- My client did explore the feasibility of having an extension prior to submitting this application. There is no practical location to extend without causing huge disruption to the dwelling.

I would now like to address the main concerns regarding this application -

1- Apprehension felt about the impact that the detached office would have on the 'views'.

My client's site is located at the very end of the shared driveway, and other residents of the neighbouring properties do not pass my client's site.

The only way for anyone to pass my clients site is via the public footpath which routes adjacent to my clients boundary; the boundary comprises mature landscaping of approximately 2.2m high, the only visible member of the detached office to/from the footpath would be the roof, from a distance.

The drawing 21-P10-PL010 demonstrates the views from several locations and identifies that the detached office wouldn't be visible from said location, consequently, having little or no impact whatsoever on the views in question.

2- Footpath FP18 within the current garden boundary

The current footpath is routed completely outside of the property along the southern perimeter and has been in this location for c.40 years.

A retrospective map modification is required to formalise the change and a Section 257 has been submitted to update historical records of the location of the public footpath.

I would like to stress that my client has lived at Ingol Falls House for 15+ years and at no point, has my client amended the layout and/or boundary line of the site; it is within my clients interest ethically to ensure that this finding is dealt with genuinely and officially via the appropriate authority, regardless of the outcome of this application.

3- The FFL and height of the building has been topical throughout this Application.

I can confirm that the FFL is the same as the existing dwelling and cannot be reduced since my clients site is located within flood zone 3b; the most at risk land of flooding. The height of the single storey detached office is lower than the existing dwelling; at best by 1.3m, at worst by 571mm, nevertheless still lower.

All the required consultations have taken place with all relevant authorities and all of which have not objected.

In summary, the proposed home office has been sensitively sized and sited at the furthest point from neighbours to negate any perceived impact. All concerns around the proposed small, detached home office would have to neighbouring residents have been addressed and protecting and preserving the historic environment has been duly considered.

I cannot express strongly enough how much the applicant is relying on this small home office to improve their mental well-being and capacity for a satisfactory work/life balance.

## **PLANNING HISTORY**

21/02057/S257: : ONGOING - Retrospective Application for the diversion of a Public Right of Way

15/00049/TPO: TPO Work Approved: 13/10/15 - 2/TPO/00488: T1 Beech - whole tree removal. T2 Silver Birch - whole tree removal. T3 Silver Birch - whole tree removal.

13/00032/TPO: TPO Work Approved: 11/06/13 - 2/TPO/00434, 2/TPO/00487, 2/TPO/00488 - T1 Beech - Light crown thin. T2 Beech - Crown thin and prune back branches by approximately 2.5m. T3 Alder - Remove to allow adjacent Alder to reach full maturity. T4 Ash - pollarding to 7m high.

06/00087/F: Application Permitted: 15/03/06 - Construction of footway bridge over river

09/01932/F: Application Permitted: 07/01/10 - Conversion and extension of existing garden store and toilet to form dressing room

07/01194/F: Application Permitted: 13/08/07 - Single storey extension to dwelling and attached double garage

11/00022/TPO: Tree Application - Partial: 17/05/11 - Removal of willow tree and works to silver birch and pine tree - 2/TPO/00434

07/00755/F: Application Withdrawn: 23/04/07 - Construction of detached double garage



05/01544/F: Application Withdrawn: 12/08/05 - Construction of storage shed and insertion of 2 new windows to dwelling

05/01655/F: Application Permitted: 02/12/05 - Retention of dwelling and external storage building

11/00048/TPO: TPO Work Approved: 14/09/11 - Re-spacing along line of mature Beech Trees along rear boundary, Poplar Tree removal, re-spacing of mature Silver Birch Trees to allow under-planting and prune back limb of Beech Tree by 5 meters - 2/TPO/00488

2/03/1613/F: Application Permitted: 30/03/04 - Construction of bungalow with integral garage (amended design)

2/02/1663/F: Application Permitted: 24/06/03 - Extension and conversion of house into 2 houses and construction of one dwelling and garages (Amended Design)

## **RESPONSE TO CONSULTATION**

**Parish Council: NO OBJECTION**

**Highways Authority: NO OBJECTION**

**Conservation Officer: NO OBJECTION**

Given the other development much closer to the mill building itself, along with the mature and wooded garden space between the two structures, this proposal will cause negligible harm to the setting of the mill. On this basis no conservation objections.

### **Historic England NO OBJECTION**

Historic England has no objection to the application on heritage grounds in principle but would recommend the Council considers the potential prominence of the proposed building in the setting of the listed watermill due to its height and glazing and the effect any loss of planting might have before determining the application. If appropriate the Council might seek amendments to reduce any harmful impact and better achieve the NPPF's overarching aim of promoting sustainable development.

If the issues and safeguards outlined in our advice are addressed, we would consider that the application meets the requirements of the NPPF, in particular paragraph numbers 7, 8, 193, 194 and 196. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

### **Public Rights of Way (NCC): NO OBJECTION**

If approved this application will illegally obstruct the legal alignment of the Snettisham footpath 18. Therefore, no construction work can take place until the footpath has been successfully diverted under T&CPA s257 by the Planning Authority. This information will be included as an informative on the decision if approved.

**Norfolk County Council PROW Officer: Provides a response to the Open Spaces Society's correspondence included in the officer report:**

- **What OSS describe as “completely undeveloped land”... is all enclosed garden land and appears to have been so for many years.**
- **Description of “pasture” referred to in the Definitive Statement is not really relevant...land became enclosed gardens/grounds to private dwellings. The used path is generally hidden behind fencing and hedging and the visual impact from the path is likely to be minimal.**
- **Original Planning App did not consider the existence of the footpath as it was believed by applicant that the path ran along established used route outside the garden boundary.**
- **It is correct that there is no formal retrospective process ... the used path has been physically located around the outside of the perimeter of the garden for in excess of 40 years and the proposal is to regularise the use of the publicly accepted route.**
- **Para 11/12/13: NCC have carried out investigations into the history of the path ... The description in the dedication document of 1949 actually, provides the width of 3 feet for the footpath, the details within the Dedication agreement will be considered as supporting the Definitive Statement.**
- **...A short section of path was likely mis-drafted and as a result, at least on paper, remains in the garden and subsequently revealed to be affected by the proposed development. The used route remains a long established and accepted one around the perimeter of the garden. In consequence the application to move the path is merely taking the opportunity to correct what is in likelihood a 70-year-old drafting error, for a comparatively short stretch of footpath.**
- **Under T&CPA legislation the proposal is designed to stop up a section of the original route and provide a “reasonable alternative”. In my opinion, the used route is quite likely to be the originally intended route and appears to have been acceptable to the public for as long as anyone remembers.**

#### **Internal Drainage Board: NO OBJECTION**

We note that the applicant has not identified or provided a drainage strategy for the site within their application. If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy ([https://www.wlma.org.uk/uploads/WMA\\_Table\\_of\\_Charges\\_and\\_Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)).

If this proposed development is to include welfare facilities then the appropriate connections must be made for foul waste disposal. If the applicant wishes to discharge treated foul water to a watercourse from for example, a sewage treatment plant, then this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

We note the presence of a Board Adopted watercourse, the River Ingol (DRN128P0801), within the site boundary, and that the applicant intends to do works within 9 metres of this watercourse. Therefore, consent is required to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure).

Whilst not currently proposed, should the applicant's proposals change to include works to alter the Board Adopted River Ingol (DRN128P0801), consent will be required under the Land Drainage Act 1991 (and byelaw 4).

We note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

**Environment Agency: NO COMMENT-** refer to standing advice.

**Arboricultural Officer: NO OBJECTION** with a condition recommended.

**Open Spaces Society: OBJECT:**

I write, on behalf of the Open Spaces Society, about the above-mentioned planning application, and associated application for the diversion of a public path, which have only recently come to our attention. As Britain's oldest national conservation body, we have great concern for common land, public paths, open spaces, and the public's ability to enjoy the natural beauty of the countryside.

The proposed development is located within what is, here on the south side of the river, completely undeveloped land. It is introducing development into this undeveloped, unspoilt landscape. Moreover, the land concerned, associated with the River Ingol, is of high visual amenity.

This would not perhaps matter quite so much if the land was tucked out of the way, well removed from public view. However, that is far from the case here. A public path – the Snettisham Footpath No. 18 – passes through the land, providing the public with invaluable amenity, through this land in close proximity to the River Ingol and associated weir.

The Norfolk County Council's definitive statement describes the path thus:

“Starts from Footpath No. 17 about 20 yards south of the Mill, by a field gate and runs eastwards along the lower edge of pasture to planks over stream with part iron and wood rail. Beyond it continues through two pastures to fence of rough wood rails after which it continues along the edge of the river Ingol to a stile which gives access to the King's Lynn Road (A.149).”

We note the description of the “pastures” through which the path is described as passing, and on which it is now proposed to build the proposed development, on the actual path alignment. The proposed building has clearly been located with no regard whatsoever to the public's enjoyment of this visual amenity. Such has been this carelessness – so close would the building be located to the path – that it would actually be necessary to move the path!

We object, because the proposed location of the building is completely unacceptable. There does not appear to be any good reason why it could not instead be located much further away from the public path, thus reducing its harmful, intrusive visual impact upon the public.

It is a matter of concern to read that, on the application form for planning permission (your ref: 21/00716/F), the applicant claimed that the proposed development would not “require any diversions, extinguishment and/or creation of public rights of way”, which is clearly not the case. Also, no mention of the public path is made in the Design and Access Statement. Both these things seem strongly to suggest that the existence of the public path was not properly taken into account, when the proposal was being formulated by the applicant.

We would also specifically object to the proposed diversion of the public path, which would be moved onto what would appear to be a less convenient alignment, and which would remove it further away from what makes this area visually special.

Some of the entries in the application form for the diversion of the public path (your ref: 21/02057/S257) give cause for much concern. The applicant claims that the public path was “diverted some 40 plus years ago”, and the term “retrospective” has been taken up, even by your council in its consultation. This is a cause for concern, inasmuch as there is no provision in law for the “retrospective” diversion of a public path, and the use of such a term may well mislead consultees/members of the local community, giving the totally false impression that the “diversion”, which the applicant claiming occurred “40 plus years ago”, was somehow legitimate, lawful or acceptable.

No such diversion is reflected in the Norfolk County Council's definitive map and statement. Unless any evidence can be adduced to substantiate a claim of legal diversion, then any such “diversion” would have been illegal. The highway authority, under successive highway acts (currently Section 130 of the Highways Act 1980), will have been under, and will still be under, an ongoing duty “to assert and protect the rights of the public to the use and enjoyment of” Snettisham Footpath No. 18 on its one and only legal alignment, as opposed to any other alignment. Furthermore, under Section 27(4) of the Countryside Act 1968, the highway authority has, for more than 50 years, been under, and remains under, a duty to erect such signposts along Snettisham Footpath No. 18 as may be necessary to assist persons unfamiliar with the locality to follow its course – that is to say, its one and only legally correct course. The highway authority will also have been under an ongoing duty to maintain all publicly maintainable highways in this area, including public paths – again, on their correct, legal alignments.

If it is the applicant's genuine understanding that the path here was “diverted 40 plus years ago”, whereas that was not, in fact, the case, then this would certainly seem to give rise to the view of a long-term failing, on the part of the highway authority, in terms of its statutory duties towards the correct alignment of the path. It is open for you to communicate with them, about this; in particular, into what specific actions they have got recorded as having been taken, by them, over past years and months, in pursuance of their statutory duties towards the correct, legal alignment of Snettisham Footpath No. 18.

You, in your capacity as local planning authority, should take care to consider this development proposal as though the correct alignment of the public path is the one clear, open and apparent on the ground, and the one in use by the public. At the same time, you will need to be cognizant of the distinct possibility that the public – even the applicant - have been misled into understanding that the path did indeed get “diverted 40 plus years ago”. Another decidedly dubious claim made by the applicant, on the form, is that the existing path has a legal width of 3 feet. The definitive statement is, in fact, silent on the matter of the path's width. Three feet is an extremely narrow legal width for a public path typically to have. Overall width usually will be greater than that of any visual trodden path on the ground. We would submit that the existing path here will, in fact, most likely have a greater width than three feet, over the open pasture land recorded in the definitive statement, unless there is evidence that the public have somehow, always been restricted to a strip of a mere 3 ft in width.

#### **Late correspondence to previous Committee meeting- Para 2:**

**Issues were raised regarding late publication declaring that this application would affect a public right of way, lack of consultation and queries as to which bodies were re-consulted.**

**Additional Correspondence dated: 05/11/21. Additional comments raised are outlined below (Repeated comments are not included and the response is summarised for clarity).**

- **Mr. Mills (NCC PROW Officer) describes documentary evidence, dating from 1949, discovered by the county council which has led to the mapping of the path's legal alignment but expresses an opinion that it is likely that the legal alignment was mis-drafted, and cites the apparently accepted and well used nature of the physical route on the ground.**
- **It is not the purpose of any part of the Town and Country Planning Act 1990 to correct alleged drafting errors on a map, to resolve any uncertainty as to the precise, legal alignment of a public path, nor to “regularise” a situation perceived, maybe by some, to be already accepted.**
- **Snettisham Footpath No. 18 cannot have two routes; only one route can be the correct route. It would be wholly inappropriate... to determine this planning application considering Snettisham Footpath No 18 as though it followed the physical route on the ground, but then (if having granted planning permission) to make an order under s.257 purporting to divert the legal route, just to resolve any perceived 'uncertainty'.**
- **There is absolutely nothing incompatible with a garden and a public path. The writer of the report to your council's Planning Committee agrees that the land crossed by Route A is of high visual amenity. Gardens can, in fact, give rise to some of our most beautiful and enjoyable public paths!**
- **A building of this sheer size/scale is completely without precedent on this area of land. We understand that the footprint of the proposed building is such that it is equivalent to a one bedroom apartment, and it would have a height of over 5 metres, which is equivalent to that of a bungalow ridge. There seems no justification in allowing such a building to be located in such a sensitive and damaging location, to the public, as that proposed.**
- **It is not a legitimate purpose of the Town and Country Planning Act 1990 to “formalise” a physical route which may have come into existence separately from the legal route of an existing public path.**
- **The land may have become more garden-like, compared with the “pastures” described in the county council's definitive statement... The “garden” crossed by the legal route forms part of some quite extensive grounds, as opposed to intimate, “domestic” garden space located close to a dwelling.**
- **It is the effect, of the proposed development, upon the legal route of Snettisham Footpath No. 18 that the local planning authority must consider, notwithstanding that an “alternative” route may, for some reason, have come into physical existence.**
- **Section 257 does involve a separate process enabling the stopping up or diversion of public paths where necessary to enable approved development to get carried out. However, the time to consider the effect of the proposed development upon the existing public right of way is in the determination of the planning application.**

## REPRESENTATIONS

**TWELVE** individual items of correspondence in **SUPPORT** in regard to the following:

- Extensive screening and distance from neighbouring properties
- Only slightly visible from public footpath
- Does not impact physical route of footpath
- No impact on listed mill
- Small scale development
- High quality design
- Proposed use is in direct association with the main dwelling
- Home working should be supported
- In keeping with surroundings

**TWENTY OBJECTIONS** from one member of the public

**SEVEN OBJECTIONS** from one member of the public

**FOUR OBJECTIONS** from one member of the public

**THREE OBJECTIONS** from one member of the public

**FOUR** individual **OBJECTIONS**

Objections in regard of the following:

- Development south of the River Ingol
- View from Public Footpath
- Impact on Grade 11\* Listed Mill
- Flood risk
- Delivery of materials
- Trees including TPO's
- Overlooking- orientation of dwelling
- Not compliant with Snettisham Neighbourhood Plan policies NP01, NP04, NP08 and Community Aim 2.
- Use of building as a dwelling
- Too large in overall form and scale including floor space, ridge height and visual dominance
- Increased use of access and sewerage system
- Set a precedence for further development.
- Outside of development boundary
- Proposes 'habitable' space
- NCC Footpath route
- Conduct of agent, council and 'bullying' on the public access website.

**THREE** additional letters of **OBJECTION** regarding:

- **The definitive route of the footpath and associated S257 application and publication within the press;**
- **Consider that the NCC has not complied with its legal duty to ensure that the route is per the definitive footpath;**
- **Should ensure that the physical route should comply with the definitive map thereby allowing the public to view the Mill, Mill pond and its picturesque weir which cannot be seen from the current illegal route;**
- **If the footpath is in its correct position the application cannot be approved;**
- **Queried whether the S257 application would be considered and raised significant concerns as the S257 is a statutory procedure and cannot be bypassed or foreshortened.**

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

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

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

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy NP05** – Materials and Design

**Policy NP08** - Heritage

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

### **Principle of Development**

An outbuilding within the established garden land of a dwelling is generally supported in principle subject to compliance with local and national policy. The proposal development is within the established garden land of the main dwelling and the use proposed, 'home office' is considered an incidental use to the main dwelling. As such, the principle of such an outbuilding is supported. However the detailed impacts of the proposal need to be addressed.

### **Form and Character**

This application proposes a single storey, detached outbuilding creating new habitable space serving as a 'Home Office' within the residential garden land of the main dwelling. The application site is split into a northern and southern half by the River Ingol with the main dwelling and associated development to the north and the remainder of the plot to the south. The outbuilding is to the south of the site, located towards the southern and western boundaries and the adjacent footpath surrounded by mature vegetation.

The proposal has significantly reduced in size from the original submission to the current proposal. The width has reduced by approximately 2.8m, the depth has reduced by approximately 0.4m and the height has reduced by approximately 0.5m. As such, the outbuilding is now shorter and of a much smaller footprint. The dimensions of the outbuildings are now as follows (approximately): 5.6m in width, 5.6m in depth (7m including the small front balcony) and 5.1m in height. Whilst still of a reasonable height, the outbuilding is raised by around 0.7m from floor level due to the proximity to the River Ingol which adds to the overall height.

Overall, the size and scale is much reduced ensuring that the outbuilding is less prominent and of a more in keeping scale with the main dwelling and wider area. Materials are shown to take inspiration from the main dwelling and are mostly matching. This includes matching roof tiles, windows and doors as well as the timber boarding elements of the main dwelling. This can also be said for the overall design, whilst prominent, the side (west) glazed gable takes direct inspiration from the main dwelling. This visually ties the two buildings together and helps create a combined character to each side of the plot over the river. This is not necessarily a requirement for the design of an outbuilding, they often do not match the main dwelling, but it does add a design merit to the proposal, taking account of the whole site. The final impact of this outbuilding, in relation to the main dwelling, is one of an in keeping and acceptable nature. The size and scale is clearly subservient to the existing dwelling but it also relates suitably to the existing character and design.

It is of note that there is limited development to the south side of the River Ingol, this forms one of the main constraints to the proposed development. However, as stated this is an in scale and appropriately designed outbuilding with a suitable spatial relationship to the existing residential dwelling. This is a level of development that is generally supported, made further acceptable by the exact design and scale of this proposal. Alongside this, whilst limited, development to the south of the river is present to the east of the site. This includes a residential dwelling of a reasonable size and scale. Officers therefore consider that it would be unreasonable to refuse the proposed outbuilding based on its location.

Finally, whilst views are, in places, open across the water to neighbouring dwellings to the west, the proposed outbuilding will be significantly screened by vegetation and is a substantial distance from the edge of the application site to the west (40m). As such it will not have an adverse visual impact to neighbouring dwellings. It is of note that there will be notable views from the footpath to the south and east of the plot. However, these views will be somewhat screened by vegetation. It is also of note that the design is considered suitable and in keeping with the main dwelling. As such, when visible, the outbuilding will not detract unduly from the public views from the footpath. Residential development is currently visible, and this will not significantly change with the addition of this outbuilding.

A condition would be attached to any consent ensuring that the outbuilding remains incidental to the main dwelling.

### **Impact on Neighbour Amenity**

There will be no adverse impact on neighbouring amenity as a result of this proposed outbuilding. There are only neighbouring dwellings immediately to the west of the plot, the north is screened by the main dwelling and the footpath is to the east and south. As stated, there is a distance of approximately 40m to the western boundary of the plot and then further distance to neighbouring dwellings themselves. The plot is significantly screened, and the outbuilding will be at a lower ground level than the western boundary of the plot due to the downward slope towards the south east. The combined effect of this is a structure that is a significant distance to the boundary and that this screened to a reasonable level.



As such, there will be no overbearing or overshadowing impacts due to distances and the size and scale of the outbuilding. There will also be no overlooking issues. Despite the large glazed gable there is a significant distance to the boundary and views will be somewhat screened. These factors combine to create little to no opportunity for adverse overlooking to the west.

### **Impact on the Grade II\* Listed Mill**

The proposed outbuilding is over 100m from the Historic Listed Building, Snettisham Mill.

Historic England offered no objection to this scheme but did require the council to consider the potential prominence of the proposed building in the setting of the listed watermill due to its height and glazing and the effect any loss of planting might have. However, no loss of planting is proposed and the scheme has since been reduced in scale. As such, the issues raised by Historic England are considered to have been addressed. The proposal is therefore compliant with paragraphs 7, 8, 193, 194 and 196 of the NPPF

The Conservation Officer also offered no objection based on harm to the setting of the mill. This is due to established built form much closer to the mill itself as well as the mature and wooded garden space between the two structures.

Overall, it is considered that based on the large distance between the structures, the level of screening and the reduced size and scale of the outbuilding, that there will be no harm to the setting of the listed building.

### **Other Considerations**

#### **Footpath- NCC Public Rights of Way**

The current route of Snettisham footpath 18 legally runs through the application site and through the location of the proposed development, as shown on the definitive map. However, the footpath has been maintained for a significant period of time following an alternative route adjacent to the applicant's plot. Information provided by the applicant states that the footpath has been maintained in its current physical location circa 40 years. This means that whilst the development would technically block the legal right of way the actual, physical footpath that has existed for decades would not be impeded.

NCC Public Rights of Way do not object to the application but they make the following comment:

"If approved this application will illegally obstruct the legal alignment of the Snettisham footpath 18. Therefore, no construction work can take place until the footpath has been successfully diverted under T&CPA s257 by the Planning Authority."

Such an application has already been submitted to rectify the legal route of the public right of way and amend it to its physical location on the ground, which has been in place for circa 40 years as stated above. Therefore, as this issue arises from time to time, NCC PROW team confirm that this application can be approved with the caveat that no development can take place until such a time that the Town and Country Planning, Section 257 application has been approved. This would regularise the legal route situation with the longstanding physical route of the footpath and ensure no further discrepancy exists.

A condition has not been recommended, as such a condition would duplicate the separate statutory procedure that exists for diverting or stopping-up the right of way (in this case the Section 257 application) and such a condition would be outside of the applicants control.

Planning advice is that other legislation should not be duplicated. If the footpath is not diverted through the S.257 application for whatever reason, there is the risk that action can be taken by the PROW team. Given the existence for decades of the current footpath alignment, this is likely to be a theoretical risk, but nevertheless that would be a risk for the applicant. Although the applicant is fully aware it is recommended that an informative be attached to any consent.

**Independent legal advice has confirmed that a planning application can be approved if the development will impede a legal public right of way. As previously detailed, no construction can take place until such a time as a diversion is legally approved. For clarity, this application will impede the legal alignment of Snettisham Footpath 18. However, the section 257 Application that has been submitted , if permitted, would allow the diversion of the footpath. If it was refused, the proposed home study could not be built in its current location.**

### **Footpath- Open Spaces Society**

The Open Spaces Society officer objects for a multitude of reasons, it is especially of note that many of these reasons for objection relate to the Section 257 T&CPA application to amend the legal route of the footpath. Whilst this application will need to be submitted, permission can be granted for the development, the onus is then on the applicant to submit an application (which they have already) to resolve the legal route of the footpath before any construction can take place, as detailed above.

The first reason for objection relates to the south side of the River Ingol being 'completely undeveloped, unspoilt landscape' they also state that the land around the river is 'of high visual amenity'. Whilst there is no disagreement that the land around the River Ingol is of high visual amenity it is incorrect to state that the land is undeveloped and unspoilt. The land in question forms part of the applicants long established garden land, this includes extensive domestic planting and screening alongside a bridge for access from the main dwelling and a small shed and summerhouse. The character of this area is clearly domesticated and is regarded as garden land.

The objection then raises the issue that as 'Snettisham Footpath No.18 passes through the land' it 'provides the public with an invaluable amenity... in close proximity to the River Ingol'. However, this is incorrect, whilst the legal route follows this course, the physical route is outside of the applicant's garden land and follows an alternative, established and maintained, physical route, set away from the area in question.

Regarding issues of a lack of consideration of the footpath in early documents and the Design and Access Statement, this issue was only realised throughout the progression of the application due to the established physical route of the existing footpath.

The objection is also to the diversion of the footpath itself, and as stated this is not the consideration of this planning application. These issues will instead be dealt with under the submitted Section 257 T&CPA Application, to divert the footpath. Planning permission can be granted as detailed, with the caveat that this diversion application is submitted and approved before construction can begin, otherwise the applicant may be at risk of action under separate legislation. The outcome of the Section 257 application is a separate matter for consideration and should not form the basis for a decision on the planning merits of the current proposal.

**In terms of the consultation process, the issue relating to the route of the footpath was only discovered during the progression of the application therefore it was publicised as affecting a public right of way once the issue was known. All parties**

(statutory consultees) originally consulted were re-consulted when advertising that the development affected a PROW. The issue of diverting the public right of way will not be decided in this planning application but instead via the entirely separate application under S257 of the Town and Country Planning Act 1990 (as amended).

Legal matters raised regarding the footpath diversion are mostly relevant to the Section 257 application.. The physical route on the ground is currently not legally regarded as a footpath and is not a legal route. However, this is the purpose of the S257 application which would seek to divert the route of the legal alignment to that indicated on the ground. Notwithstanding the above, Members only need to consider the planning merits of this proposal.

The Open Spaces Society's comments go on to mention that the existing legal alignment would provide the public with a far better amenity than the physical route on the ground. However, it is noted that there are no views to the listed mill from the legal route due to extensive mature vegetation and views of the river are limited due to land levels.

### **Flood Risk**

The Environment Agency refers to their standing advice due to the level of development proposed, a householder outbuilding.

Based on the Strategic Flood Risk Assessment Procedure (2019) Householder Applications require the householder proforma only, this has been submitted with this application. Regarding access and evacuation, the proposed outbuilding is raised from ground floor level and therefore has access to an upper level, high ground is also available and is readily accessible towards the main dwelling. Based on the direct association and close proximity and use with the main dwelling it is considered that there is a suitable relationship in the event of a flood warning. Flood warning advice would also be included as an informative on any consent granted. The floor level of the building will be over 600mm from ground level. All of the above is in compliance with the Environment Agency standing advice and the Strategic Flood Risk Assessment Procedure.

### **Public Objections**

Objections regarding; NCC footpath, development south of the River Ingol, views from the public footpath, impact on Grade II\* Listed Mill, flood risk, overlooking including the orientation of dwelling, overly large in overall form and scale including floor space, ridge height and visual dominance have already been addressed in the above report.

Regarding delivery of materials, it is not felt to be reasonable to impose a condition relating to this issue due to the limited scale of development proposed and temporary nature of construction.

Regarding trees including TPO's, an Arboricultural Report and plan has been submitted and the Arboricultural Officer raised no objection.

Regarding policies in the Snettisham Neighbourhood Plan, Policy NP01- Residential Allocation is not relevant to this application as it refers to the development of around 40 dwellings at Poppyfields. This application is not for a residential dwelling and is not associated with that site. NP04- Permanent Homes, Policy and associated Community Aim is again not relevant as this is not an application for a new dwelling. NP08- Heritage, heritage issues have been addressed in the above report. Community Aim 2- Open space is

not relevant to this decision as it does not relate to this level of development. An outbuilding within established residential garden land does not fall within the scope of this policy.

Regarding the potential use of building as a dwelling, the proposal states that the outbuilding will serve as a home office. It will not be permitted as a dwelling and a condition will be attached to ensure the use remains incidental to that of the main dwelling and is at no time used as a separate unit of accommodation. A condition would be attached to any consent granted restricting the use of the building for sleeping accommodation for clarity.

Regarding the increased use of access and sewerage systems, an incidental outbuilding will not significantly alter vehicular trips to and from the dwelling and it would not be reasonable to impose any related condition for this level of development. The outbuilding is not shown to use any sewerage system so this is not relevant to this decision.

Regarding the proposal setting a precedent for further development, this is a small outbuilding incidental to the main dwelling. This is a common structure within the garden land of a dwelling. Buildings are already present south of the river within the locality and as such, it would not be reasonable to refuse this application on such a basis.

Whilst the outbuilding is located outside of development boundary it is in association with an existing dwelling within established garden land. As such the principle of development is acceptable.

Regarding the proposed 'habitable' space, this does not mean the proposal is for a dwelling. Habitable rooms are generally defined as rooms used for dwelling purposes and include a variety of uses. Bathrooms and utility spaces are not generally classed as habitable space.

The conduct of agent, council and various accusations on the public access website have been addressed through the council's complaints procedures. Any future concerns in this regard would need to be addressed further through the complaints process and are not material to the planning merits of the case.

**Additional public comments have been received which raise issues around the definitive route of the footpath and associated S257 application, publication within the press, NCC's legal duty to ensure that the route is per the definitive footpath and associated views made available to the public. These matters have been addressed above.**

## **CONCLUSION**

Whilst the outbuilding is located outside of the development boundary it is within the residential garden land of the dwelling. As such the principle of development is acceptable.

The design is considered to be of an appropriate scale given the main dwelling and immediate locality, the materials are shown to be in keeping and relate well to the existing dwelling. There will be no adverse impact on neighbouring amenity and the proposed relationship of the outbuilding and neighbouring dwellings is demonstrated to cause no adverse impacts.

There will be no adverse impact on the Grade II\* Listed Mill or any trees (Including TPO trees) and vegetation with no trees adversely impacted as a result of the development. Flood risk is demonstrated to be acceptable and associated controls are proposed for any consent.

The legal issue with the Public Right of Way is being considered separately, with the appropriate application to formalise the physical route, and any issues that raises would have to be dealt with under that particular legislation.

It is therefore recommended that Members approve this application.

## **RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: PROPOSED SITE PLAN, Drawing Number: 21-P10-PL003A and PROPOSED PLANS & ELEVATIONS, Drawing Number: 21-P10-PL002C.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development hereby approved shall be incidental to the use of the main dwelling and shall not be occupied at any time as a separate and un-associated unit of accommodation and shall at no time be used for business or commercial purposes.
- 3 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 4 Condition: The building hereby approved shall at no time be used for sleeping accommodation.
- 4 Reason: In order that the Local Planning Authority may retain control over the development due to the risk of flooding in accordance with the NPPF.
- 5 Condition: No development or other operations shall commence on site until the existing trees have been protected in accordance with the scheme as detailed in the Tree Report, prepared by Heritage Tree Specialists, Revision: September 2021 and ARBORICULTURAL IMPLICATIONS & TREE PROTECTION plan, Revision September 2021. The works shall be carried out in complete accordance with the said scheme, which is hereby approved by the Local Planning Authority.

The protective fencing and the ground protection shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing or ground protection are damaged all operations shall cease until they are repaired in accordance with the approved details.

Nothing shall be stored or placed in any protected area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 5 Reason: To ensure that the existing trees and hedgerow are properly protected in accordance with the National Planning Policy Framework 2021.

# 21/00457/F

27 Peddars Way, Holme next the Sea, PE36 6LE



# 21/00457/F

27 Peddars Way, Holme next the Sea, PE36 6LE



<b>Parish:</b>	<b>Holme next the Sea</b>	
<b>Proposal:</b>	<b>Demolition of existing bungalow, construction of detached two-storey dwelling with garage and garden room.</b>	
<b>Location:</b>	<b>Westfield, 27 Peddars Way, Holme next The Sea, PE36 6LE</b>	
<b>Applicant:</b>	<b>Mr _ Mrs Thorogood</b>	
<b>Case No:</b>	<b>21/00457/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 4 May 2021 Extension of Time Expiry Date: 17 September 2021</b>

**Reason for Referral to Planning Committee** – The comments of the Parish Council and Norfolk Coast Partnership are contrary to the recommendation, referred to Planning Committee by Sifting Panel and was later deferred from 13th September 2021 Planning Committee.

**Neighbourhood Plan:** No

**Members will recall that the application was deferred in the September 2021 Committee. The reason given was to clarify the GIA calculations and seek a reduced scheme.**

**Amended plans were provided on 17th September 2021 showing the proposed dwelling reduced by 7sqm by increasing the thickness of the wall construction and the repositioning of the first floor glazed screens inward. These changes have resulted in a GIA of 199.92sqm (40% increase from the original bungalow GIA of 142.80sqm).**

**The amendments were considered to overcome the original issues and a reconsultation was issued.**

**For ease, new text is outlined in bold.**

**Case Summary**

The site comprises a single storey detached property and associated garden land. The property is one of a row of residential properties along Peddars Way, Holme next the Sea.

In planning policy terms the village of Holme next the Sea is identified as a Smaller Village and Hamlet in the Core Strategy and SADMP and it does not have a settlement boundary. In this respect the site is within the countryside.

Holme next the Sea now has an adopted Neighbourhood Plan and in this respect the site frontage is within the NP settlement boundary, whilst the rear part of the site is outside.

The whole village is within the AONB.



This application seeks full planning permission for the demolition of the existing bungalow and construction of a detached two-storey dwelling with garage and garden room.

#### Key Issues

- The key issues to be determined in this case are:-
- Principle of development;
- Form and character;
- Impact upon the AONB;
- Relationship with adjoining occupiers;
- Highways; and
- Other material considerations.

#### Recommendation

**APPROVE**

## THE APPLICATION

The site comprises a single storey detached property and associated garden land. The property is one of a row of residential properties along the eastern side of Peddars Way, Holme next the Sea.

This application seeks full planning permission for the demolition of the existing bungalow and construction of a detached two-storey dwelling with garage and garden room.

The existing bungalow is a modest, hipped roof dwelling constructed of buff/brown brick and concrete roof tiles.

The proposed replacement dwelling has two storeys and is of contemporary design with a flat roof. It is proposed to be constructed of locally found external materials including flint, brick, timber and glass with some grass/sedum roofs.

The design takes reference from the extension to the property on the southern side, immediately adjacent to the site, which has a flat roof and contemporary appearance.

## SUPPORTING CASE

### Introduction

**There is a danger that confusion will get in the way of many of the facts, so we are grateful for the opportunity to respond to the Parish Council's latest submission. Whilst many of these points have already been addressed, for the purpose of clarification we feel it is important to lay out the specifics. In each instance we have a direct quote from the Parish Council in italics, with our response following up.**

## SCALE OF DEVELOPMENT

- **“Uncertainty surrounding the Agent's Gross Internal Floor Area.” To be clear, there is absolutely no uncertainty - the net increase of Gross Internal Area is to 40% of the original dwelling (Existing GIA 142.80 sqm Vs Proposed 199.91 sqm). The Parish Council's calculations incorrectly include the external terraces, access deck to the**

external stairs, external covered entrances, outbuildings as well as external covered walkways - these are not internal and therefore should not play any part in calculating the Gross Internal Area.

- The floor area of the proposed dwelling was further reduced by adjusting the external wall thicknesses to suit the proposed methods of construction. The previous drawings showed a generic external wall thickness. For instance, the introduction of flint on the ground floor requires the use of backing blockwork to support it. The timber walls with rainscreen cladding are proposed to be thermally insulated to a very high level to minimise the use of energy to heat the dwelling. This can only be achieved with a wall construction of at least 400 mm. Examples of these forms of construction (from other projects) are included in appendix A of this document.
- “Revised drawings in the new application are not consistent with the claimed reduction in GIA” - the provided drawings are accurate and have been approved by the Planning Officer as such. A scale bar has been provided on the drawings so that there can be no doubt about the accuracy of the drawings provided.
- “The actual GIA for the proposed development is almost 370 sq.m. (house plus garage plus garden building)” - as stated above, it is incorrect to include the garage or garden building as part of this calculation
- “The very large garden outbuilding is forced to the eastern extreme of the plot. This breaches the village development boundary which guides the location of development in the village and protects the central open space which defines the historic form of Holme” - the rear part of the garden, where the proposed garden room is to be sited, is outside of the Neighbourhood Plan settlement boundary. Even so, the Planning Officer made their view very clear on this topic in their original response - “the outbuilding located at the very end of the garden rather than closer to the dwelling house can be supported in terms of layout and would not be at odds with surrounding development or have implications for the wider visual characteristics of the AONB. The proposal therefore complies with NP Policy HNTS 16.”

## **IMPACT ON THE STREET SCENE**

- “It is simply inappropriate at this location and will damage the street scene” - As the Planning Officer has stated: “having two dwellings of a similar, contemporary design approach is not seen as diluting the rural character of the area, but creating a high quality contrast. Two dwellings following a more contemporary design will help to form an element of cohesion in the street scene”

In reality, there is an eclectic mix of property styles that presently influence the character of Peddars Way. They range in size, form, detailing and material, but only one property on the whole street could lay a claim to be considered of traditional Norfolk style.

## **ADDITIONAL AONB IMPACTS**

“Furthermore, light spillage would be considerably greater” - We have made a significant effort to minimise light spillage including:

- Entirely avoided the use of any skylights

- The timber wrap-arounds on the balconies have been chosen to reduce any light pollution. Open baton cladding has been made less perforate by reducing the gaps between the slats - contrary to the Parish Council comments - these would not “remain very visible from the street” as they wrap the sides of the building and not the front or the back
- The glass is set deep within the canopies with integrated blinds to reduce light emission
- Removed the shower room window on the ground floor
- In addition we will be using smart glass to further reduce light pollution

## Conclusion

In conclusion, we fully support and respect the Neighbourhood Plan and as such have made numerous changes to comply with the policies. The Planning Officer’s report is thorough and explicit in the support of the proposal in terms of compliance with policies, scale of the dwelling, materials used, position on the site, light pollution and fitting in with the street scene.

## PLANNING HISTORY

20/01622/F: Application Withdrawn: 22/01/21 - Demolition of existing bungalow, construction of detached two-storey dwelling with garage and garden room – Westfield, 27 Peddars Way, Holme next The Sea

## RESPONSE TO CONSULTATION

**Parish Council : OBJECT** - This application is a resubmission of Application Ref 20/01622/F which was withdrawn following a number of objections including comments from the Borough Council, the Norfolk Coast Partnership, the Parish Council and the immediate neighbour to the north of Westfield. Although some changes have been made to the design with specific reference to Policies HNTS11, 14,16 and 18 the Parish Council maintains its objection and supports the position of the Norfolk Coast Partnership (objection dated 16 March 2021) on the grounds that the proposals remain contrary to policy.

The Parish Council’s previous comments noted that the striking modern design, topped by a flat roof, will be an incongruous addition to the street scene and hence contrary to SADMP Policy DM15 and NDP Policy HNTS11. Although the Applicant claims the precedent of the neighbouring property (which was approved prior to the consultations on community preferences carried out in connection with the NDP), the cumulative impact of two such properties would create a cramped (despite the c0.25 acre plot) and urbanised appearance. This would overwhelm and distract from the essentially rural character of the street which is currently dominated by a pleasant mix of modest and traditional properties which blend well into their surroundings. Furthermore the choice of building materials and external finishes does nothing to complement and enhance locally distinctive character. Reference to the NDP Style Guide (drawn up by an established RIBA Architect) shows that the proposed house has little in common with either local style or materials. There is some token use of flint panels but the flat roof, extensive use of dark timber and metal plus extensive fenestration are most definitely not characteristic of Holme and in this respect run counter to Core Strategy Policy CS12 as well as HNTS11. The introduction of the proposed house at this location would seriously harm the character of the neighbourhood.

The huge area of fenestration proposed will increase light pollution notably on the west elevation overlooking Peddars Way and the fields beyond and on the east elevation overlooking the paddocks which form the central open space in the village and provide a valuable habitat for sensitive local wildlife. This is contrary to HNTS20 and NPPF 180(c). As noted in PC's previous comments, Holme's Dark Night Skies are amongst the least polluted in England but are threatened by increasing levels of development and use of intrusive lighting which impacts negatively on the tranquillity associated with the AONB setting. The Parish Council is not opposed to modern design as the Applicant suggests, but this is not the place for this striking house - the proposals not only show little sympathy for the neighbour (overlooking balcony) or for neighbourhood character but show equally little sympathy for the the AONB environment.

With respect to HNTS 16 the revised design claims a significant reduction in Gross Internal Floor Area. However the distinction between internal and external spaces is blurred and this claim relies on the exclusion of first floor balconies and terraces which, for the purposes of measuring GIFA, include integral components of the living area of the house \*\*. The original bungalow (excluding the later conservatory and porch extensions) is c135sqm. The overall area under the roof / above the foundations of the proposed replacement dwelling is c 225sqm (excluding c40sqm garage / workshop). Much of the first floor terraced / balcony areas are covered and / or have end walls - which means that the increase in GIFA remains very large in relation to the criteria set out in Policy

HNTS 16. The PC's comments on the withdrawn application noted that a significant factor leading to imbalance in Holme's housing stock has been replacement of small houses relevant to young families, downsizers or retirees by excessively large houses which are beyond their financial reach or of no relevance to their needs. Holme is traditionally a village where people choose to retire and / or downsize and the reduction in suitable housing is impacting negatively on the vitality of the community. This is the major consideration underlying NDP Policy HNTS16 (and is consistent with Local Plan policy CS13) and explains the limit of 40% increase of GIFA on Replacement Dwellings.

Again as noted previously the proposed development will result in the loss of a good deal of mature vegetation on the site and it is difficult to see how the proposals for re-planting would make a contribution to the conservation and enhancement of biodiversity which is proportionate to their size and likely impact (NPPF15, Core Strategy Policy CS12, HNTS 22). Moreover, the proposals do nothing to conserve and enhance the landscape at this location contrary to NPPF para 172 which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'.

In view of the above the Borough Council is urged to refuse this application.

\*\* the treatment of balconies has been tested through CIL Appeals leading to the view of the VOA that if a balcony does not protrude from the external wall of a building and is surrounded by the main structure of the building with an open front then it is included in the GIA – see RICS Code of Measuring practice, 2017

**The Parish Council submitted comments after the publishing of the 13th September Committee agenda and was therefore included within the late representations document. The comments reiterated their original response and further queried the GIA and provided a technical statement.**

**Following the receipt of amended drawings submitted 17th September 2021, comments including the following have been made:**

There have been a number of iterations of the proposals for the redevelopment of Westfield, none of which the Parish Council feel addresses their fundamental objections to the scheme.

The suggestion that the GIA of the proposed replacement dwelling is less than 40% larger than the existing bungalow has been shown to be without foundation and it is clear that the proposed development is not Policy compliant on the basis of size alone.

The PC maintains that the proposed development should be rejected for all of the reasons set out above and those explained in previous objections. The Borough Council is respectfully urged to refuse it.

**Highways Authority: NO OBJECTION** - conditionally

**Natural England: NO COMMENTS**

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** – conditionally.

Having reviewed the information in the application and our files, we have no comments with regard to contaminated land.

In the case that the proposed development includes the refurbishment/replacement of any existing building which could contain asbestos materials, the Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

**Norfolk Coastal Partnership: OBJECTION** - The development falls in the Drained Coastal Marshes area identified in the AONB Integrated Landscape Character Assessment. This area has a strong sense of remoteness, panoramic views and an isolated rural character. The existing development is not isolated however much of the development to the east are fairly modest 1 to 2 storey bungalows/chalet bungalows apart from the somewhat incongruous neighbouring development.

That potentially has set a precedent for this development which would also be at odds with the majority of the other dwellings in the road thereby creating some visual disturbance in terms of its design more so than scale.

Two relevant issues that would have an impact on the landscape character and by result the special features of the AONB (which was mentioned briefly in the Design and Access Statement despite being a nationally designated landscape) are: 'New small-scale development, which may impact upon the characteristic sense of remoteness, openness and exposure'. and ' Extension of 'urban fringe' character and this includes lighting, pony paddocks and domestic garden fences and hedges as well as design.

Because of the adjacent dwelling there is already a precedent set, however by adding more of these types of very modern and visually striking houses the special qualities of the AONB will be cumulatively eroded.

Our current Management Plan which is endorsed by King's Lynn and West Norfolk Borough Council seeks to protect and enhance the AONB special features. Two are pertinent in this case:

Diversity and integrity of landscape, seascape and settlement character (currently amber – cause for concern, and Sense of remoteness, tranquillity and wildness'. (also amber cause for concern).

Nothing in the design is reflective of local character, dark timber is not vernacular to Norfolk, the flint is used sparingly and looks at odds with the modern design and the vast amount of glazing and metal will increase light pollution and glare particularly on the east and west elevations impacting views from Peddars Way. This will impact dark skies, another special feature of the AONB designation. The glazing has been recessed more in this design however there will be still be light spill and large areas of reflective material in the landscape.

This development therefore does not fulfil the requirements of NPPF para 172 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'.

PB3 from our Management Plan states to 'Ensure that new development, including changes to existing buildings and infrastructure, within their ownership or powers of regulation are consistent with the special qualities of the area and relevant conservation objectives'. Again this demonstrates the need for new development to enhance what is there. That doesn't necessarily mean that there should be no contemporary buildings in the AONB, but the context in which they sit should be right and not at odds with the landscape and settlement.

This is similar to policy CS12 of the Local Plan 'The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment'.

For these reasons we believe the proposal is contrary to policy and object to the application

## REPRESENTATIONS

**TEN OBJECTIONS** and **THREE SUPPORTING** responses received from 9 different people referring to the following:-

- Design inappropriate and out of keeping
- Will spoil lovely village
- Urban design in rural area
- contrary to the village development plan as too big
- do not want small dwellings replaced with huge buildings out of reach financially for most local people
- Shortage of affordable housing properties that fall into this category need to be preserved for the common good.
- Oppose the planning this application on the grounds it exceeds the 40% increase in internal floor space as stated in the local neighbourhood plan.
- Holme next the Sea will become a "ghost" town full of second homes
- Impact on neighbours - overlooking
- Contrary to policy HNTS 11; the volume within the external walls and "timber slats" (which will look like walls from the outside) is nearly 2 1/2 times that of the current building.

- The living area is on a new second storey which looms over our garden given how close the development is to its north boundary (around 3 feet).
- More than a third of this first floor comprises open balconies which are not included in Gross Internal Area but, given that they are enclosed behind timber slats, contribute to the inappropriate massing effect of the total structure.
- the Application- does not provide "appropriate separation from boundaries"
- it does not "avoid a cramped or urbanised appearance"
- it is not "sympathetic to its setting in terms of height massing or roof form"
- it does not "have regard to the relationship between building size and plot size" (in terms of height and closeness to its boundaries)
- it is "overbearing or detrimental to the amenity of its neighbours by virtue of overlooking resulting in loss of privacy"
- Increases the GIA by some 70m<sup>2</sup>.
- The official definition of GIA (as per the Valuation Office Agency and RICS) includes covered balconies (as opposed to external balconies). The application includes proposals for some 24m<sup>2</sup> of covered balconies (not including the covered breakfast terrace ((20m<sup>2</sup>) which may or may not be included in the definition). This means that the actual GIA of the proposed building is some 304m<sup>2</sup> (excluding the covered breakfast terrace).
- The definition of the GIA of the original building for houses built after 1948 should be the GIA of the structure as originally built excluding outbuildings (an established measure included in the Neighbourhood Plan and approved by the Council Examiner). The front porch and the conservatory and porch to the rear of the property have been built onto the external wall of the bungalow, presumably subsequent to the original building, and should therefore be removed from the GIA of the original building. The garage was therefore originally an outbuilding and should also be removed from the baseline GIA. The proper GIA of the original building should therefore be some 120m<sup>2</sup>.
- The corrected GIA of some 304m<sup>2</sup> is therefore an increase over the GIA of the original building of some 150%.
- Policy LP28 of the Local Plan Review states that schemes which "would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused" and HNTS 11 states that schemes should not be "overbearing or detrimental to the amenity of neighbours by virtue of overlooking resulting in loss of privacy".
- The proposed structure focuses all the living accommodation of the new structure on the new first storey and which would directly overlook our property:
  - the full-length rear balcony on the first floor will overlook the rest of our garden
  - the current tree screening is not high enough to protect us from being constantly overseen from
  - The timber slats along the first floor elevation on the north side will presumably let out light glow over our property from the full length glazing screen in the living area behind it - the glazed screen and balcony across the entire rear of the first floor will also emit a significant amount of light onto our property.
- The only reason this proposal is even being considered is because of the property on the south boundary which was (somehow) approved under previous planning legislation.
- The Neighbourhood Plan was presumably intended to prevent a repeat of this aberration and was public well before 27 Peddars Way was sold to the existing owner so its impact on any possible development would have been clear.
- Approval of this scheme would open the way for the entire Peddars Way to be filled with similar sized properties which would transform the nature of the village.
- To override this statement of local preferences would seem to be totally against the Borough Council's policies of encouraging local communities to express their requirements around local development.
- This application should be treated on its own merits and not by comparison with a previous application

- The proposed development at number 27 is replacing a rather tired, dilapidated building.
- The plot is narrow but long - and the new property will be set back from Peddars Way.
- The roof height is inferior to other neighbouring properties.
- The style of the proposed plans happens to suit our personal tastes, but we are aware that everyone is entitled to their own views which may differ from ours.
- We have also had the privilege to meet the new owners (a family of four) who want to create a home which will become their primary residence. We would certainly not wish to deny them such an opportunity.

**Following the receipt of amended plans on 17th September 2021 a total of 7 representations were received, expressing the following reasons of objection:**

- **Against the demolition of smaller owners with larger replacements**
- **The proposed dwelling would appear discordant to the surrounding area and would be of an inappropriate scale and design.**
- **Original objections have not been addressed through the revisions**
- **The proposed dwelling resembles more of an officer/warehouse on an urban industrial estate**
- **Too large to replace modest bungalow**
- **Negative impact on the character and charm of the traditional village**
- **Unnecessary demolition**
- **Detrimental impact on climate change as brick making creates vast amounts of CO2**
- **Change the nature of the housing stock for retirees and families.**
- **Gia incorrectly calculated**
- **Proposed windows are too big and would have an impact on the AONB.**
- **Does not comply with the neighbourhood plan.**
- **Unacceptable scale, design and excessive glazing**

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development



## **NEIGHBOURHOOD PLAN POLICIES**

**HNTS 1:** Principle of Sustainable Development

**Policy HNTS2:** Holme Village Zone

**Policy HNTS11:** Street Scene, Character and Residential Environment

**Policy HNTS14:** New Homes

**Policy HNTS16:** Replacement Dwellings

**Policy HNTS20:** AONB Landscape Quality

**Policy HNTS22:** Biodiversity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues to be determined in this case are: -

- The principle of development;
- Amended Plans
- Form and character;
- Impact upon the AONB;
- Relationship with adjoining occupiers;
- Highways; and
- Other material considerations.

### **The principle of development**

In planning policy terms the village of Holme next the Sea is identified as a Smaller Village and Hamlet in the Core Strategy and SADMP and it does not have a settlement boundary. As set out in Policy DM2, 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.

Policy DM5 allows for replacement dwellings in the countryside, which will be approved where the design is of high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which will be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.

However, Holme next the Sea now has an adopted Neighbourhood Plan which contains a village settlement boundary. This shows that most of the site (western end) is within the NP settlement boundary, whilst part of the rear garden is outside.

Within the NP settlement boundary development Policy HNTS2 refers that 'where large gardens extend beyond the Development Envelope, development will be restricted to that allowed under permitted development rights'.

The whole of the village lies within the Area of Outstanding Natural Beauty (AONB).

Nationally, the NPPF seeks the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (para 126).

Para 130 refers that 'planning policies and decisions should ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.'

Para 134 also seeks high quality design, stating that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

The NPPF refers to development within the AONB, and states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas which have the highest status of (para 176). The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Policies CS06, CS08 and DM15 are also relevant in terms of development in rural areas, sustainable development and design. Neighbourhood Plan Policies HNTS1, HNTS11, HNTS16, HNTS17 and HNTS18 also apply.

It is of note that the General Permitted Development Order (GPDO) has given the ability to add additional storeys in the airspace to many homes by one or two additional storeys. Class AA now permits the enlargement of a dwellinghouse by construction of additional storeys, although there are a list of restrictions including the fact that this permitted development does not apply to properties within an AONB. Nonetheless this sets out the government's encouragement of building into air space above buildings and that this is generally acceptable development in most scenarios.

### **Form and character**

The bungalow which presently occupies the site is of little historical or architectural merit and the loss of this building is not contested.

The main part of Holme-next-the-Sea village, much of which is designated a Conservation Area, is characterised by traditional cottage style properties constructed of local material (chalk/flint infill with pantile roof and white painted timber windows) where replacement/new dwellings in keeping with the locality would be encouraged.

However, the site lies outside the Conservation Area where form and character of existing development is more varied. This part of Peddars Way is characterised by detached dwellings, which are a mixture of design styles of varied heights; single, one and a half storey and two storey properties. Whilst the design of each property is different, and the character of the street scene is therefore mixed, the common design element is that they are detached and generally sited in a row, set back in their plots, along Peddars Way.

Importantly, the dwellinghouse immediately to the south has been redeveloped within recent years. Planning permission was approved for a contemporary designed first floor extension with a flat/mono pitch roof and chalk, render and timber materials (ref:15/01174/F). This extension is of a larger scale than the existing bungalow on this application site and the difference between dwelling styles and scale is quite apparent when viewed from the application site.

The plans for this current application seek the demolition and rebuild of a dwellinghouse that takes reference from the design elements of this part of the borough as well as the nearest neighbouring property. Submitted plans received 17th September 2021 show a detached, two storey replacement property of contemporary design with flat roof and external materials to include knapped flint, timber boarding and a green roof.

The application has been supported by a Design and Access Statement which sets out the way that the design of the replacement dwelling has evolved and how it relates to the area in general as well as the neighbouring property. Indeed, a previous application to replace the dwelling on this site was withdrawn to allow for improvements and amendments to accommodate responses received to this application and a design that better relates to the site.

The proposed dwelling remains unashamedly contemporary in appearance with its strong box form. The proposal shows the use of knapped flint to all of the ground floor elevations of the dwelling. This forms a solid base in contrast with the lighter materials of timber to the first floor. This timber cladding is specified as untreated and will naturally weather to a light silver grey. **The recent reduction in floor area has not changed the appearance of the proposed dwelling.**

The proposed dwelling is also formed by several elements and components so that the visible side elevations are not flat, but varied to add relief and interest. Similarly, the upper floor is not aligned with the ground floor so this breaks up mass and creates light and shade.

This bespoke design approach, within this context, is considered to add interest to the built form and to be of high quality which would make a positive contribution to the built environment.

The Parish Council objects to the proposal, stating that it will be an incongruous addition to the street scene and hence contrary to SADMP Policy DM15 and NDP Policy HNTS11. They comment that the contemporary design of the property next door was approved prior to works on the NP and that two dwellings of a similar design would overwhelm and distract from the essentially rural character of the street which is dominated by modest properties.

Norfolk Coastal Partnership considers the dwelling to the south of the proposal is incongruous, although recognises this has set a precedent. NCP claims that this proposal

would be at odds with the majority of other dwellings in the road and would cause some visual disturbance in terms of design more so than scale.

However, the contemporary dwelling to the south already exists and this is a material consideration. Contrary to the opinions of the Parish Council, it is considered that the relationship between this and the contemporary neighbouring property will be improved through a more uniformed scale of development that respects and relates to this existing dwelling in terms of scale, design and layout. Having two dwellings of a similar, contemporary design approach is not seen as diluting the rural character of the area, but creating a high-quality contrast. Two dwellings following a more contemporary design will help to form an element of cohesion in the street scene.

The Parish Council raised concern about the cramped nature of the proposal. However, the applicant has retained spacing between this and the nearest property to the south by moving the first floor element away from the boundary to retain the rhythm of the detached nature of dwellings along this side of Peddars Way. The property to the north is set much further back in the streetscene and is not visible in the same view point. The proposal is not considered to result in a cramped form of development.

The Parish Council objects to the external finishes, which they consider would seriously harm the character of the neighbourhood. However, the use of knapped flint to the whole of the ground floor and contrasting timber to the upper is not considered out of keeping when viewed in context with other properties in the area.

Third party objection has also been made to the design of the proposed property being out of keeping with the existing surrounding development. However, this is a bespoke design that has responded to the particular in terms of scale and design the scheme as amended preserves the character of this part of the village and accords with the provisions of the NPPF, local plan and neighbourhood plan policy with regard to good quality design.

Whilst the comments of the Parish Council and North Coast Partnership are noted, the applicant has come some way to responding to the adopted Neighbourhood Plan Policies. It is considered the replacement dwelling makes a statement about modern design, yet successfully responds to its location and local context and, through the incorporation of traditional materials, reinforces local distinctiveness in accordance with NP Policy HNTS11. However, design is subjective and Members will need to decide, given the particular circumstances of the case, whether the proposal responds to the form and character of the locality.

### **Impact upon the AONB**

AONB's have the highest status of protection in relation to landscape and scenic beauty. In this case the application site is already a dwelling with associated garden land. The existing site is surrounded by other development to the north and south.

The dwelling will be visible within the streetscene amongst neighbouring properties, and seen from certain vantage points to the east and west across more open views.

The applicant has provided a plan showing how the scale and mass of the proposed replacement dwelling would fit amongst the other existing properties in a street view. This shows that the proposed dwelling is of comparable height to the property to the south and lower than some of the other redeveloped sites along Peddars Way.

The Parish Council states that the proposals do nothing to conserve and enhance the landscape at this location contrary to NPPF guidance on development in the AONB.

The Norfolk Coast Partnership refer to their current Management Plan policies which seek to protect and enhance the AONB special features. They claim that two are pertinent in this case: Diversity and integrity of landscape, seascape and settlement character (currently amber - cause for concern), and Sense of remoteness, tranquillity and wildness', (also amber cause for concern). They consider that by adding more of these types of very modern and visually striking houses the special qualities of the AONB will be cumulatively eroded.

They are also concerned about the impact upon dark skies, which is another special feature of the AONB designation. They acknowledge that the glazing has been recessed more in this design, however they consider there will still be light spill and large areas of reflective material in the landscape. They consider that smart glass would help to alleviate internal light spill.

They state that Policy PB3 from their Management Plan states to 'Ensure that new development, including changes to existing buildings and infrastructure, within their ownership or powers of regulation are consistent with the special qualities of the area and relevant conservation objectives'. They claim that this demonstrates the need for new development to enhance what is there. That doesn't necessarily mean that there should be no contemporary buildings in the AONB, but the context in which they sit should be right and not at odds with the landscape and settlement.

For the reasons above, it is not considered that, by supporting a more contemporary designed dwelling in a row of houses, this would erode the special qualities of the AONB. The scale of the dwelling will sit comfortably within its plot and have very limited impact beyond the site boundary in terms of scale or built form.

In response to concerns of the Parish Council and NCP, it should be noted that this application is for a replacement dwelling and there is already a degree of artificial light emanating from this site. The existing bungalow has large windows and a conservatory from which light spillage already occurs.

That said, the applicant has taken steps to reduce the amount of light spillage from fenestration. They confirm that there will be very little external lighting and no floodlights. No rooflights are proposed to any part of the dwelling. Any external lighting that is proposed utilises shrouded downward facing light fittings, and this light will to a great extent, be absorbed by the close proximity of the proposed dense tree border planting.

They also confirm that the extent of glazing proposed is no more than the adjacent house to the south and the large areas of glass are set deep within the recess of the upper terraces which will keep the glass in shadow and reduce the reflection of direct sunlight.

The batten cladding to the north facing upper terrace has been modified to close the gaps to help contain the light from this dining terrace. The areas of glazing to east and west elevations are shrouded on all sides deep within recesses.

The proposed dwelling, as amended, is considered to be of appropriate, good quality design and form so that it will not appear unduly prominent or incongruous in the landscape. The scale and height of the proposed dwelling, flanked by a row of other, existing dwellings, would prevent any adverse impact on the AONB landscape.

In this case it is considered the detailed plans are of suitable scale, design and mass such that the proposed dwelling will not significantly detract from the wider landscape character and appearance of the AONB in accordance with NP Policy HNTS 16.

It is recognised that light spillage can have a harmful effect upon the character of the area and wildlife and it is considered that a condition to limit the type of outdoor lighting to be used would go some way to alleviating unnecessary light spillage.

### **Relationship with adjoining occupiers**

Both the NPPF and Local Plan (including the Neighbourhood Plan) seek to protect the amenity of occupiers of existing dwellings.

The nearest property lies immediately to the south of the application site. This neighbouring property has a modern, contemporary design and has windows facing towards the application site, although these are high level windows. It is also taller and of a greater scale than the bungalow currently on the application site.

There is already a degree of overshadowing from this neighbouring property, albeit that the degree of overshadowing and the relationship between the two dwellings was deemed to be of an acceptable level in terms of neighbour amenity when permission was granted for the works to this property in 2015.

The design of this proposed replacement dwelling has taken into account the position of the existing windows along with the scale of the neighbouring property. Amended plans have moved the position of the outside spaces to improve the relationship with the immediate adjoining neighbour in terms of general noise and activity. The window arrangement is such that there should be no direct overlooking. Additionally, it is considered that there is sufficient distance between this and neighbouring properties so that the dwelling would not be unduly overbearing.

The nearest dwelling to the north is some distance away and set back in the site. Given the distances there are no neighbour amenity concern in terms of the proposed replacement dwelling being overbearing, causing overshadowing, loss of light or overlooking.

Third party objection has been made that the building will loom over the neighbouring property in the same way that its neighbour looms over the existing bungalow. Objection has also been made to overlooking from the proposed rear balcony, however, this is some 27m away from the eastern boundary. The rear balcony is shielded to the north and south by full height timber boarding so that the balcony area is contained within a frame. Views north and south will be restricted by the design of the dwelling.

Objection has been made to the transfer of the dining terrace to northern side of the house through the amended plans, which will now expose other neighbours to noise pollution. However, the distance between properties is great enough (in excess of 27m) so that any amenity issues will be mitigated. The domestic use is replacing an existing domestic use and is considered to be compatible with surrounding uses.

In summary the relationship between the proposed replacement dwelling and existing neighbouring properties has been examined. There will be no significantly detrimental impact upon the amenity of the occupants of neighbouring properties in terms of overlooking, being overshadowed or the dwelling being over bearing sufficient to warrant the refusal of planning permission, as a result of this proposal. The development raises no conflict with paragraph 130 of the NPPF, Development Plan Policy DM15.

### **Highways issues**

The Design and Access Statement confirms that access to the site for pedestrians, cyclists and vehicles will remain unchanged. Visibility for cars using the original entrance will be

improved with more careful siting of new planting and the replacement of the original boundary wall.

Vehicle parking capacity on site is provided to the minimum standards for a new dwelling of this size.

The Highways Authority raises no objection to the proposal given that the application results in no increases in vehicular traffic.

## **Other material considerations**

### **Policy HNTS 16**

Neighbourhood Plan Policy HNTS 16 refers specifically to replacement dwellings. It states that 'Proposals for replacement dwellings will be permitted provided that they conserve and enhance landscape and scenic beauty and are appropriate to their location in the Norfolk Coast AONB and provided that they do not result in a net increase of more than 40% of the Gross Internal Floor Area of the original dwelling excluding any outbuildings.'

**Previously, the GIA of original dwelling has been calculated by including the conservatory, however, this was incorrect as the structure was a later addition to the property. Only the original dwelling can be included within calculations. The error was highlighted and it was confirmed that the proposal exceeded the 40% limit for the GIA of the dwelling by 7smq (area comprising the conservatory) and therefore, the development was not considered to comply with the requirements of policy HNTS 16 therefore. The application was deferred from Committee.**

**Since the deferral from Committee, the applicants have recalculated the GIA and revised the proposal. Amended Plans were provided showing the overall GIA of the new dwelling reduced by 7sqm. The reduction is achieved through increasing the thickness of the wall construction by 50mm and repositioning the first-floor glazed screens inwards. The amendments result in a GIA of 199.92sqm which is an exact 40% increase on the original bungalow's GIA of 142.8sqm (without the conservatory). Therefore, it is considered that the amended drawings overcome the issues originally raised regarding the GIA measurements. As the proposed dwelling now does not exceed more than 40% of the original dwellings GIA, it is considered that the development complies with Policy HNTS16.**

**Following the receipt of amended plans, the Parish Council has reassessed the GIA calculations and provided comments concluding that the proposed dwellings GIA is still above the 40% limit even with the 7sqm reduction. The comments state that the addition of the utility/boot room which adjoins the garage and the covered walkway takes the GIA of the proposed dwelling to 245sqm which creates an overall increase of 75% over the original dwelling and therefore, in their opinion, does not comply with policy HNTS16.**

The PC's comments note that a significant factor leading to imbalance in Holme's housing stock has been replacement of small houses relevant to young families, downsizers or retirees by excessively large houses which are beyond their financial reach or of no relevance to their needs. Holme is traditionally a village where people choose to retire and / or downsize and the reduction in suitable housing is impacting negatively on the vitality of the community. This is the major consideration underlying NDP Policy HNTS16 (and is consistent with Local Plan Policy CS13) and explains the limit of 40% increase of GIFA on Replacement Dwellings

However, the applicant claims that the footprint figure provided is the extent of ground floor walls, which is the footprint of the building that actually touches the ground. The first floor balconies project out beyond the ground floor walls but these cantilevered elements include the external dining terrace to the north and the access decks to the external stair on the first floor. These are considered to be outside spaces that should not form part of the GIA calculation.

Third party comment has been made regarding the various definitions of GIA and how they should be calculated. In the glossary, however, the NP defines the Gross Internal Floor Area (GIFA) as equating to the total area enclosed by the external walls measured to the internal face of those walls and taking into account every floor in the building.

For the sake of this calculation, given that the GIFA definition refers to 'areas enclosed by external walls' it is accepted that the areas designed to be used for outside space should not be included in the calculations (because they are open spaces which are not fully enclosed by external walls ) and that the 40% restriction on GIFA increase has not been exceeded.

**Whilst it is appreciated that simply increasing the wall thickness within the dwelling in order to achieve the required 7sqm reduction may not be in the spirit of the policy HNTS16, the proposed GIA of the dwelling is not considered to exceed the 40% limit and is therefore policy compliant.**

In this case, the design and layout of the proposed replacement dwelling is considered to be of high quality and, in the planning balance, must be weighed against any numerical floorspace figures that do not necessarily provide a measurement of good design.

Third party objection also raised to the fundamental issue that the proposal would result in the replacement of a smaller home with a larger one, contrary to the aims of the NP, are noted. However, for the reasons given above, it is considered that the new dwelling meets the criteria of Policy HNTS 16 in terms of the incremental size increase.

### **Outbuilding to rear garden**

Policy HNTS 2 refers to the Holme Village Zone and development within the Development Envelope. This policy states that 'where large gardens extend beyond the Development Envelope, development will be restricted to that allowed under permitted development rights.'

In this case the proposal includes a garden room to the rear garden. The proposed building has a floor area of approximately 50 sqm, is 11 m long by 4.5m wide and 2.5m tall. It is located approximately 22m from the nearest wall of the proposed replacement dwellinghouse.

This part of the garden falls outside the development envelope and so Policy HNTS 2 applies. As the site is within the AONB, national permitted development rights are restricted. Class E of Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) relates to outbuildings in gardens where the maximum area to be covered by buildings, enclosures, containers and pools sited more than 20 metres from any wall of the dwellinghouse is limited to 10 square metres only.

Whilst this proposed outbuilding does not fully comply with the provisions of Class E of the GPDO, if it were moved closer to the house to be within 20m of the nearest wall of the dwellinghouse it would comply. However, by keeping it close to the rear boundary of the site it is better screened by the boundary planting that exists which means it will be less visible in



the wider landscape. The proposed location of this single storey, flat roof outbuilding at the end of the garden also results in a better layout and use of this rear garden space.

It is also of note that planning permission was approved in 2018 for a detached, mono-pitch garden room to the rear of the garden of the nearest neighbouring property to the south of the application site (ref: 18/00852/F). The location of a garden room at the end of the garden would therefore be in keeping with surrounding development.

Accordingly, in terms of the planning balance it is considered that, in this case, the outbuilding located at the very end of the garden rather than closer to the dwellinghouse can be supported in terms of layout and would not be odds with surrounding development or have implications for the wider visual characteristics of the AONB. The proposal therefore complies with NP Policy HNTS 16.

### **Nature Conservation**

The site lies within 2km of a SSSI. The site is currently in residential use and will not likely have an impact on protected species or habitats.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

### **Landscaping**

The PC has raised objection to the impact of the proposed development which will result in the loss of mature vegetation on the site and that it is difficult to see how the proposals for re-planting would make a contribution to the conservation and enhancement of biodiversity which is proportionate to their size and likely impact (NPPF15, Core Strategy Policy CS12, HNTS 22).

The existing site contains lawn and garden planting of boundary hedging, shrubs and small trees. The proposed plan shows areas of planting and lawns with opportunity to improve and enhance the quality of planting on the site. The design also incorporates some areas of sedum/green roofs.

The applicant states that the paddock to the east is used for horse grazing and the large arable field to the west is used for a single crop. Both areas have a low biodiversity and do not provide valuable habitat for sensitive local wildlife.

The site contains typical garden planting. The proposals will not result in long term harm to the biodiversity of the site or surroundings. Further, the new tree planting and areas of green roofs proposed will compensate for any short term loss of biodiversity.

It is recommended that appropriate conditions are imposed to ensure the planting scheme is undertaken as proposed to ensure that the landscaping is enhanced and helps the proposed built form integrate successfully into the landscape.

For this reason there is no policy conflict identified.

### **Crime and Disorder Act 1998**

Section 17 of the above act requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application will not likely have a material impact upon crime and disorder.

### Third party comments

Most of the third party comments, including those relating to the design, scale of the development and privacy, have already been addressed earlier in this report.

Objections to the house not being affordable are noted, but the proposal is not in conflict with any national or local policies in this regard.

Comments about the proposed dwelling being used for holiday purposes and not being used as a permanent family home are noted. However, the restriction on the type of occupant introduced through the NP only applies to new homes within the NP area and does not apply to replacement dwellings.

Supporting comments that the proposed development would replace a rather tired, dilapidated building are noted. So too are comments that the new property will be set back from Peddars Way and the roof height is inferior to other neighbouring properties. It is noted that comment is made that the style of the proposed plans suits some personal tastes, but views of third parties differ.

### CONCLUSION

Members will need to consider whether this two storey dwelling of contemporary design in place of a modest single storey dwelling is suitable in this locality. Both the Parish Council and Coastal Partnership raise concerns about this proposal, as they feel it's scale, mass and design mean it is harmful to the character of the AONB.

The principle of replacing the dwelling needs to adhere to policy DM 5 of the Development Management Policy as well as the recently adopted Policy HNTS16. This NP policy states "Proposals for replacement dwellings will be permitted provided that they conserve and enhance landscape and scenic beauty and are appropriate to their location in the Norfolk Coast AONB and provided that they do not result in a net increase of more than 40% of the Gross Internal Floor Area of the original dwelling excluding any outbuildings."

The proposed replacement dwelling is larger than the existing bungalow on site, but in terms of floorspace increase it falls within the parameters set within Policy HNTS16 **following the submission of amended plans (17th September 2021)**. The scale and design of the property is similar to the neighbouring property and will be seen in context to this existing dwelling. The proposal will have some impact upon the character of the AONB in its wider setting as it will be visible in the street scene, but not to a degree that would warrant a refusal of the application.

The position of the outbuilding does not accord with the wording of Policy HNTS16 but, in terms of the planning balance it is considered that, in this case, the outbuilding located at the very end of the garden rather than closer to the dwellinghouse can be supported in terms of layout and would not be odds with surrounding development or have implications for the wider visual characteristics of the AONB. The proposal therefore complies with the aims and objectives of retaining the character of the area.

It is your officer's opinion that the proposal is of high quality, bespoke design that takes reference from a recent contemporary development on the adjacent site. It proposes the use of a mixture of traditional and more modern materials that, along with the cantilevered design, will add interest to the streetscene. In context it is, therefore, considered acceptable in terms of design, scale and use of materials and it sufficiently relates to the neighbouring property and contrasts with the existing surrounding development on Peddars Way.

The plans show that any loss of garden planting can be replaced and enhanced and the implementation of this can be controlled by planning condition.

The applicant has demonstrated that the development will not have a significantly detrimental impact upon the amenity of the occupants of neighbouring properties in terms of overlooking, overshadowing or the dwelling being overbearing.

The proposal raises no highway safety issues.

On balance it is considered that the proposal complies with the provisions of the NPPF and local and neighbourhood plan policy, in particular Policies CS06, DM5, DM15 and HNTS1, HNTS11, HNTS16, HNTS17 and HNTS18. It is therefore recommended that planning permission be approved subject to conditions.

## **RECOMMENDATION:**

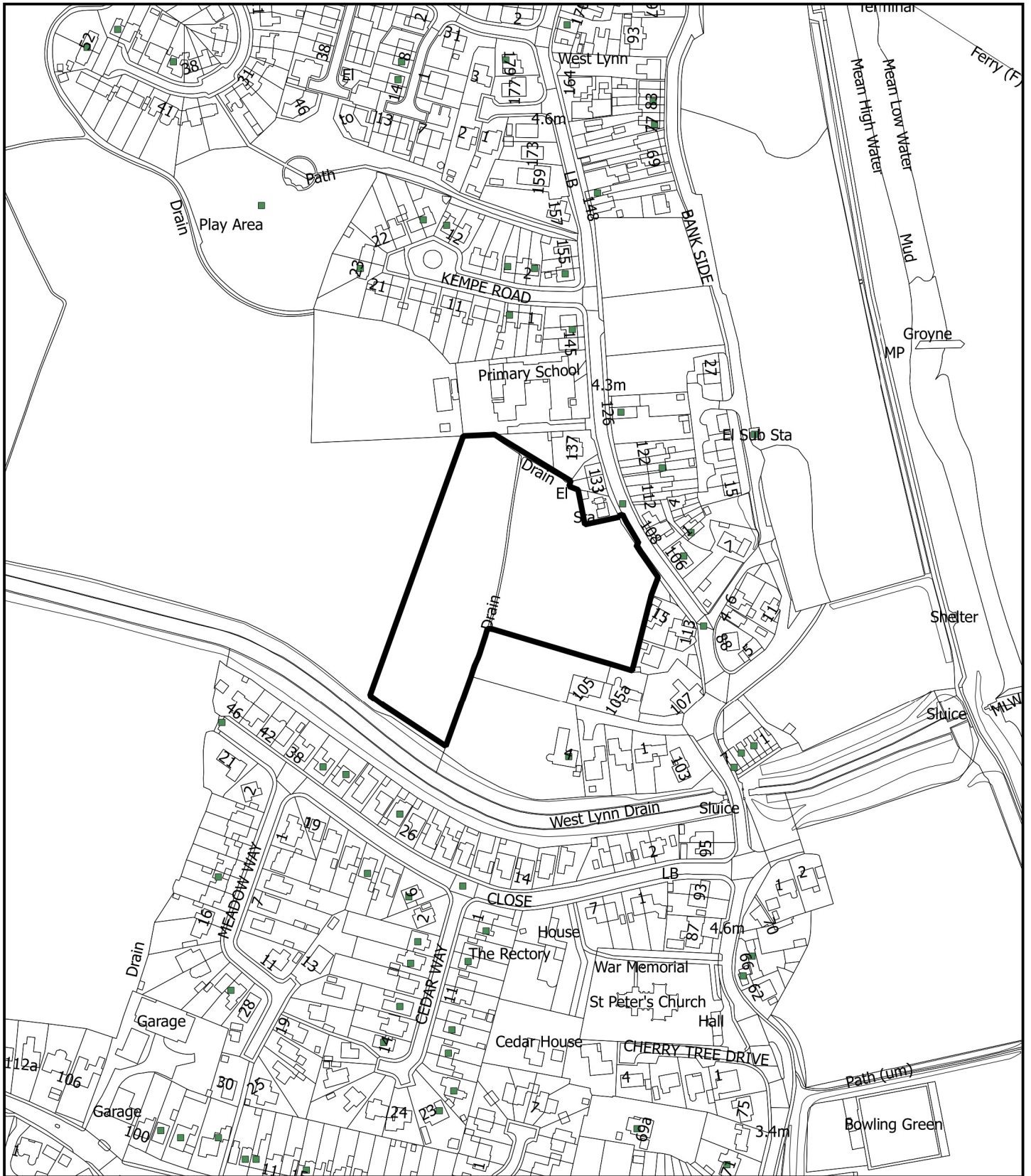
**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan:
  - Drawing No. 2016-001 Rev P1, Location Plan
  - **Drawing No. 2016-100 Rev P4, Proposed Plans**
  - Drawing No. 2016-110 Rev P3, Proposed Elevations
  - Drawing No. 2016-111 Rev P3, Proposed Roof Plan & Site Sections
  - Drawing No. 2016-112 Rev P2, Proposed Street View
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 4 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

- 5 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site car parking/turning area shall be laid out, levelled, surfaced 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: The use of the outbuildings hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used as an independent unit of residential accommodation or for business or commercial purposes.
- 6 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.
- 7 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 7 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 8 Condition: Prior to the first occupation of the development hereby approved, details of the method of external lighting and extent of illumination shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development and thereafter maintained and retained as agreed.
- 8 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

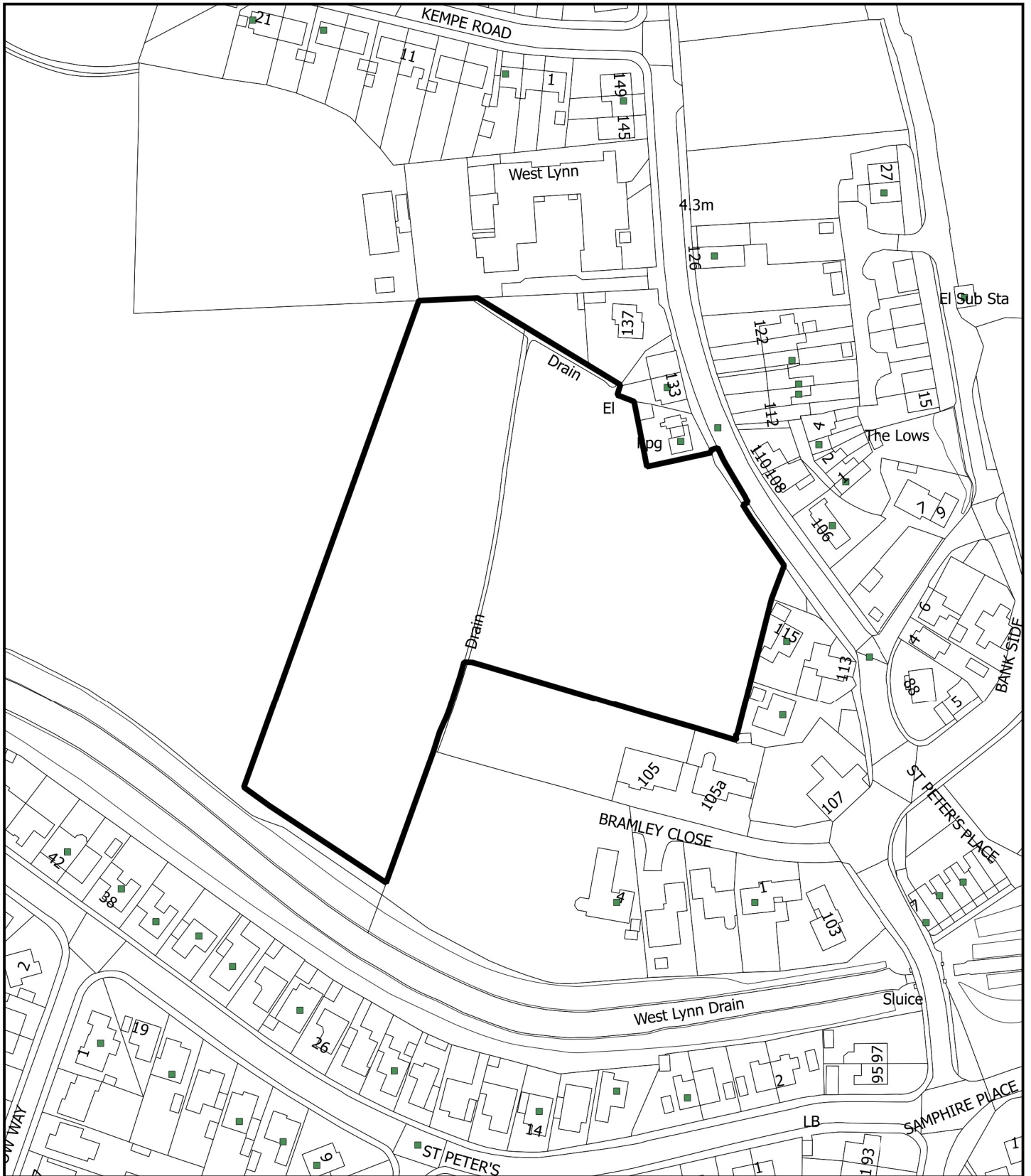
# 20/00470/RMM

Land West of St Peters Road, West Lynn, PE34 3JL



# 20/00470/RMM

Land West of St Peters Road, West Lynn, PE34 3JL





<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>Reserved Matters application for 38 dwellings. Details of layout, scale, appearance and landscaping. In accordance with Condition 8 of the outline planning permission, the scheme includes a vehicular access to the West Lynn Drain along with a 9m easement strip. In accordance with Condition 26 of the outline planning permission, the scheme includes a 15m exclusion zone around the Anglian Water Pumping Station</b>	
<b>Location:</b>	<b>Land West of St Peters Road, West Lynn, King's Lynn, Norfolk, PE34 3JL</b>	
<b>Applicant:</b>	<b>Minster Property Group</b>	
<b>Case No:</b>	<b>20/00470/RMM (Reserved Matters - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 3 July 2020 Extension of Time Expiry Date: 10 December 2021</b>

**Reason for Referral to Planning Committee – Called in by Cllr Kemp**

**Neighbourhood Plan: No**

**Case Summary**

This application seeks reserved matters (RM) for 38 dwellings following the grant of outline planning permission under application 16/01105/OM which was subsequently amended by applications 20/00145/F and 20/00145/NMA\_1.

The RM site is slighter smaller than the area granted at outline stage due to landownership issues.

Access was approved at outline stage, so this RM application seeks approval of: layout, appearance, scale and landscaping.

The application is for 100% affordable housing, although Policy requirements and the S106 Agreement that accompanies the outline permission only require 15% (6 units).

**Key Issues**

- Condition / S106 Compliance
- Form and Character
- Highway Safety
- Residential Amenity
- Landscaping
- Other Considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The application is for reserved matters on a slighter smaller site than the granted at outline stage due to landownership issues (1.43ha rather than 1.73ha.)

The outline permission was accompanied by a S106 Agreement that defined the number of units (up to 44) and secured:

- on-site affordable housing contribution (15%)
- open space provision of not less the 17m<sup>2</sup> and management and maintenance thereof
- SuDS provision and management and maintenance thereof and
- Habitat Mitigation Fee of £50 per dwelling.

Conditions on the outline application (as amended by applications 21/00145/F and 21/00145/NMA\_1) relate to access provision and visibility splays from St Peter's Road which is now to be provided by a priority junction, rather than a mini-roundabout, and off-site highway improvement works (frontage footway and pedestrian crossings.) Conditions on the outline application also cover:

- commencement of development that must be undertaken in accordance with any permission granted under this specific RM application
- ecology
- flood risk
- tree protection
- surface water drainage
- archaeology
- contamination
- construction management and
- external lighting.

Issues covered by the S106 and conditions on the outline permission do not need consideration under the current application other than to ensure compliance where necessary.

The proposal is for 38 two-storey dwellings (the reduction in numbers is reflective of the smaller site) comprising 13 pairs of semi-detached and 3 terraces of 3 dwellings. In terms of bedrooms there would be 4 x 1 bed units, 20 x 2-bed units, 12 x 3-bed units and 2 x 4-bed units. Six units are required to be affordable under policy CS09 and to accord with the S106 agreement (15%). These units are shown to be: 31 & 32, 35 & 36 and 37 & 38 (4 x 1B and 2 x 3B) which accord with the Housing Teams requirements.

Materials are to be confirmed by condition, but the plans suggest brick under a grey roof with dark window and doorframes. Some buildings have grey clad elements, others have render element. Rainwater goods appear to be black.

Public open space of 810m<sup>2</sup> is proposed comprising: 200m<sup>2</sup> LAP; 300m<sup>2</sup> public open space (amenity) around the LAP and 310m<sup>2</sup> open space (visual) across three areas (160m<sup>2</sup> north of the entrance, 90m<sup>2</sup> east of the entrance and 60m<sup>2</sup> in a central location within the site.) This complies with Policy DM16 and S106 requirements of 646m<sup>2</sup>.

## SUPPORTING CASE

Minster Property Group work closely with Registered Provider partners to deliver excellent quality affordable housing.



In the past two years we have worked with other local authorities throughout the East Midlands and the East of England to secure planning permissions totalling more than 470 affordable homes. In this case we are working with Platform Housing Group, who are trying to bring investment to King's Lynn and West Norfolk for the first time after discussions with the Council's Housing Strategy team, who have indicated a significant shortage of affordable housing supply. In fact, the area has the most significant shortage of affordable housing provision that we have encountered.

The 2020 Housing Needs Assessment identified a need for 202 affordable homes annually, and its authors advised that this "appears to be potentially challenging to deliver in King's Lynn and West Norfolk."

Since we submitted the initial Reserved Matters application for 44 affordable homes in April 2020, the scheme has undergone an extensive process of review and design consideration. In the course of this we have been able to fully resolve all technical matters, such that the proposals are now supported by all technical and statutory consultees dealing with areas such as highways, drainage, landscaping, refuse collection and open space.

Although we consider that our proposals meet an excellent standard of design through an approach that has been welcomed elsewhere, your officers have recently advocated strongly for further design improvements. These amendments have tested the viability of the development to the limit, and it is unfortunate that six homes have been lost from the scheme as a result, but we are pleased that we have been able to incorporate the requested amendments whilst still ensuring that the remaining 38 units can be delivered as 100% affordable homes and to the highest standard of build quality.

Unlike with market schemes where developers are often in a hurry to dispose of the site, the Registered Provider will remain permanently involved with the management of this scheme, and this benefits all aspects of the development from residential amenity and build quality to management of open space and landscaping.

The urgent need for affordable homes in West Lynn is not just derived from a statistic – it is a reality for the many families who are waiting on the Housing Register and who suffer every day that they do not have a home to call their own. Some of them have contacted us directly while this application has been running, and while we are always committed to moving quickly, we have been forced to tell them that no work can progress until planning permission is in place. The delay has caused real harm, but we now have the opportunity to end the wait and get on with delivering these urgently needed homes.

The proposals now for consideration achieve an excellent standard of design and will result in an attractive neighbourhood environment which will be both a great place to live and a positive addition to the local area. All technical issues have been fully resolved. But most importantly the development will provide quality affordable homes for local families to whom they will make such a difference. We are ready to start work immediately, and we would be hugely grateful for your support for this planning application to enable us to do so.

## **PLANNING HISTORY**

21/00145/NMA\_1: Application Permitted: 06/08/21 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 21/00145/F: To allow errors in conditions to be corrected

21/00145/F: Application Permitted: 08/07/21 - Variation of Conditions 18 and 19 of Planning Permission 16/01105/OM: Residential development for 44 dwellings

16/01105/OM: Application Permitted: 23/03/17 - OUTLINE APPLICATION SOME MATTERS RESERVED: Residential development for 44 dwellings

2/98/0867/O: Application Refused: 29/09/98 - Site for construction of dwellinghouse and garage

## RESPONSE TO CONSULTATION

**Parish Council:** N/A

**King's Lynn Area Consultative Committee (KLACC): NO OBJECTION**

**Highways Authority (NCC): NO OBJECTION** although point out that a standard size 3 turning space would be better in the parking area serving units 5 – 10 as the current turning space, in practice, will require large vehicles, such as a fire tender, to need to change gear more than twice to be able to exit in a forward gear. This is, however, not a reason to object to the layout.

**Internal Drainage Board: NO OBJECTION** The site is within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on our website ([https://www.wlma.org.uk/uploads/KLIDB\\_Byelaws.pdf](https://www.wlma.org.uk/uploads/KLIDB_Byelaws.pdf)), along with maps of the IDD ([https://www.wlma.org.uk/uploads/128-KLIDB\\_index.pdf](https://www.wlma.org.uk/uploads/128-KLIDB_index.pdf)). These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

Please be aware that The Board has received and is currently processing the following applications for consent:

- Application for Byelaw 10 consent for works within 9m of the adopted watercourse West Lynn Drain, to the South of the site (21\_04171\_C)
- Application for Byelaw 3 consent for surface water discharge to the same adopted watercourse, West Lynn Drain (21\_04087\_C)

**Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION** Land contamination and air quality are covered on the outline permission.

**Housing Enabling (BCKLWM): NO OBJECTION** The affordable units are in accordance with our requirements.

**CSNN (BCKLWN): NO OBJECTION** However, I share the Public Open Spaces Team's concerns with leaving the drain as existing, running between rear plot fences. I note you advise this is a RSL site; can regular maintenance/clearance of this area be conditioned at all, please? Being a RSL site will not stop fly-tipping occurring and from our experience, the complaints still come to the POS and CSNN Teams and necessitate work from both in some instances, even if it is only to establish ownership / maintenance responsibilities, but it's often to chase and / or take action against some RSLs, especially where items are noxious or attract vermin and are detrimental to human health and / or residential amenity. It would be preferable to culvert the entire drain and extend the plots so they are back-to-back – could this be conditioned?

In my earlier comments I requested that plans were revised to include walls/acoustic fencing to protect six private amenity areas which were close to traffic routes. Drawing ref 19027-

0105 Rev P01 does not show enhanced boundaries to plots 1, 4, 11, 22, 33 and 38. Additionally, the key only lists “Existing Boundary Treatment to Remain” and does not confirm what these boundaries are protected/treated by. As per my previous comments, we would expect acoustic boundaries to protect gardens alongside the LAP and school drop off. Please can these aspects be required via a planning condition.

I am most grateful to the applicant for the revisions to the house types to ensure that no stairs back onto bedrooms and welcome the conditioning of the drawings for all house types.

I note that drainage consent has been applied for to discharge surface water to IDB infrastructure – as previously commented, I have no concerns with the proposed drainage for foul and surface water but definitive comments on the suitability should come from Anglian Water and KLIDB.

The outline consent (16/01150/OM) had conditions relative to this team; condition 17 for construction worker parking, condition 20 for lighting, condition 22 for surface water drainage and condition 33 for a CMP, therefore I have no further comments regarding these.

**Open Space Team (BCKLWN): NO OBJECTION** Provided there is no possibility of maintenance reverting to the Borough Council, potential issues with maintenance and access to the drain (and other areas of incidental landscaping) would ultimately be for the registered provider to manage, should they proceed as per latest plans. Speaking from experience, however, I would anticipate these areas to be problematic and, were the Borough Council being asked to adopt, then we would not accept the current layout.

In relation to open space requirement, the policy requirement is for 646m<sup>2</sup> of ‘suitably equipped’ children’s play space. We would not expect, however, for this whole area to be equipped; some space for general amenity would always be anticipated and counted towards the 17m<sup>2</sup> per dwelling.

With reference to Fields in Trust guidance, a minimum size of 100m<sup>2</sup> is recommended for a LAP, with a 5m separation from surrounding dwellings. In my view, however, this would only provide space for a relatively basic LAP, with perhaps one piece of basic equipment. From a development of this size, at least 1 item of significant multiplay would be expected, or 2-3 pieces of equipment which offer a range of different activities. A bin, bench and litter bin would also be expected, as would 1 x pedestrian gate and 1 x combined pedestrian/maintenance gate, to provide safe means of access/egress from the facility. Looking at previous designs, an area of at least 200m<sup>2</sup> would be more appropriate, although there are no set rules on what the actual size needs to be.

Please see below are typical expectations for how a LAP should be designed and presented:

- 1 x item of significant multi-play, or 2-3 play elements, offering multiple play activities suitable for under 8s.
- play equipment to satisfy BSEN1176;
- safety surfacing to satisfy BSEN1177, i.e. resin bound rubber mulch (preferable to grass matting with potential issues with shrinking/compacting and raising up to create trip hazards);
- equipment with wood going into the ground is not appropriate (metal shoes, or another means of mounting must be used where timber is present);
- at least 1 x bin (crescent style/with lid, i.e. no open top);
- at least 1 x bench (with wear pad underneath);
- 1.2m bow topped fencing to surround – with 1 x pedestrian gate and 1 x combined (partially lockable) pedestrian and maintenance gate;

- no soft landscaping, other than grass, within the fenced area (i.e. no trees/shrubs which can conceal items & impair maintenance);
- concrete/hardstanding wear pads covering the full width of both pedestrian and maintenance gates.

These finer details (play equipment, safety surfacing, fencing etc.) can need to be submitted for approval at a later stage as part of the s106 agreement.

**Waste and Recycling (BCKLWN): NO OBJECTION** based upon revised drawing 19027 0102-P22 Proposed Site Layout (minor adjustment to bin store location)

**Natural England: NO OBJECTION** No comments to make.

**Environment Agency: NO OBJECTION** to the proposed development but wish to make the following comments.

#### *Flood Risk*

The revised drawing reference 20\_00470\_RMM-PROPOSED\_DRAINAGE\_LAYOUT-4750351 includes labels that shows that finished floor levels (FFLs) of the dwellings will be at a level of +4.5m. Therefore, we would have no objection to the development.

**Anglian Water: NO OBJECTION** There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

#### *Foul Water*

Based on the proposed drainage layout drawing, the foul water drainage strategy and layout is acceptable to Anglian Water, we can therefore recommend the discharge of condition 26. We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge the foul water portion of Condition 12 of outline planning application 16/01105/OM, to which this Reserved Matters application relates, that

require the submission and approval of detailed foul drainage information.

#### *Surface Water*

We have reviewed the applicant's submitted surface water drainage information (proposed drainage layout) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

**Arboricultural Officer: NO OBJECTION:**

## **REPRESENTATIONS**

**TEN** letters of **OBJECTION**, **ONE** letter of **CONCERN** and **TWO** letters of **SUPPORT** have been received.

The reasons for objection / concern can be summaries as:

- Should not be developed and be left green
- West Lynn does not have the facilities to support this number of additional houses, and the doctors and school will not cope
- Increased traffic and highway safety
- Impact on wildlife
- The site is at risk of flooding
- Overshadowing, overbearing and overlooking
- The access is unsafe

The reasons for support can be summarised as:

- New opportunities for young people, young couples and first-time buyers which will help people to gain independence, start their lives and boost mental health and the economy
- The plans are well thought out with parking, environmental benefits and some lovely looking properties
- This is a lovely area for a new build estate. As well as generating business for local amenities (butchers, takeaways, hair salons, ferry service), there are also plenty of links to other areas via buses, ferry, driving, even cycling and walking
- There won't be issues with cars parking on the road as each property has its own private parking spaces, and many people don't drive anymore
- There are also areas within this new estate in which trees and other greenery will be planted, as well as having public green spaces, which is all good for the environment and wildlife.

## **Councillor Comments:**

Cllr A Kemp stated the following as well as raising concerns with space standards: *I would like to call in the application to the Planning Committee, by way of objection, on the grounds of:*

1. *Non-compliance with the advice of the Flood Risk Report for the original outline application*
2. *Overlooking and right to light issues caused by changes from the outline application and*
3. *Highways safety issues on St Peters Road around the exit of 100 cars*

*The Flood Report for the original outline planning application 16/01105/OM said there should be no habitable accommodation where a tidal breach is likely to cause flooding to depths of over 2m but the revised plans have habitable accommodation everywhere.*

*Six More recent Tidal Hazard Modelling has been carried out by the Environment Agency since the surge event of December 2013*

*The depth of water estimated to affect the site as a result of a breach to the tidal defences could be between 1.00 and 2.00m in part and above 2.00m in other parts with a velocity of water between 0.30-1.00m/sec. It is not affected by any overtopping of defences during the 1 in 200-year event.*

*It is necessary to mitigate against this risk of flooding and for the development to accord with the Design Guidance Protocol agreed between the EA and KLWNBC as per the following:*

*Where the Tidal River Hazard Mapping shows depths of over 1 metre and up to 2 metres:*

*For sites predicted to flood to between 1.00 -2.00 m the site specific FRA (in combination with detailed topographical information) will need to identify the precise flood risk to the site and the necessary resiliency measures, these should include some or all of the following flood resiliency measures:*

- *Finished floor level raising*
- *Dam Boards*
- *Other resiliency measures such as raising of electrical sockets/switches*
- *No ground floor sleeping accommodation*
- *Safe refuge is provided*
- *Or no habitable ground floor accommodation*

*Where the Tidal River Hazard Mapping shows the depths over 2 metres:*

*In areas predicted to be flooded to depths of 2.00 m or greater no ground floor habitable\* accommodation should be provided.*

*This is because flood resiliency measures (such as raising finished floor levels and dam boards) would be highly unlikely to be able to prevent the ground floor being completely inundated.*

*In addition, using dam boards, to keep a building dry with 2.00 or more metres of water around it would likely, due to hydrostatic pressures lead to its structural failure. Accordingly, non-habitable accommodation on ground floors which would allow for the ingress of water with minimal damage to property, is recommended.*

*\*Habitable accommodation would usually include bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets storerooms, pantries, cellars and garages, are not considered to be habitable.*

*The current application would cause overlooking and right to light issues as it is a material change from the original planning permission, bringing plots 9 and 10 within 2 metres of No.105B St Peters Road and a 9 by 9 metre wall blocking out their right to light.*

*Notwithstanding the developer's offer to construct a mini-roundabout at the exit, the highways safety issue in view of poor sightlines, blind corners and land height levels, the proximity to the primary school, with growing and speeding traffic, is unsurmountable to address the safety risk, which has increased since the grant of outline planning permission.'*

Cllr C Joyce raised issues of space standards.

## **LDF CORE STRATEGY POLICIES**

**CS13** - Community and Culture

**CS14** - Infrastructure Provision

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** – Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

**Policy E1.14** - West Lynn West of St Peter's Road

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## PLANNING CONSIDERATIONS

The principle of residential development of the site along with access has been established by extant outline planning permission 16/01105/OM as amended by applications 21/00145/F and 21/00145/NMA\_1.

This application is for the determination of Layout, Scale, Appearance and Landscaping (Reserved Matters). The main issues for consideration in the determination of this application are therefore:

Condition / S106 Compliance  
Form and Character  
Highway Safety  
Residential Amenity  
Landscaping  
Other Considerations

It should be noted that the scheme as submitted is stated to be for 100% affordable. However, this site is one of the Authority's Housing Allocations and there is no requirement to restrict the use of the site in perpetuity to affordable housing. Therefore, only the policy requirement of 15% affordable housing, as secured in the S106 on the outline permission, is sought.

### Condition / S106 Compliance

Conditions and S106 requirements on the outline permission, that are pertinent to this reserved matter application (i.e. that could affect the layout, scale and landscaping), are: flood risk (finished floor levels), drainage, tree protection, amount of open space and affordable housing. The layout, scale and landscaping of the current RM application is in accordance with conditions and S106 requirements.

### Form and Character

Paragraph 124 of the NPPF states that planning policies and decision should support development that makes efficient use of land, with para 125 suggesting that design guides and codes be used to ensure that land is used efficiently while also creating beautiful and sustainable places. One such guide is *Building for a Healthy Life* (BHL) which can be used in conjunction with the National Design Guide (NDG) and National Model Design Code (NMDC).

BHL is a design assessment tool (with a traffic light scoring system to aid the design process) based on a set of 12 key questions (macro to micro.)

GREEN - A positive / high quality design solution. The scheme needs to achieve a majority of greens to be considered good design.

AMBER - Indicates that this aspect of a scheme currently fails to meet national policy and further amendments will be required to improve design quality (turn ambers to green where possible)

RED - Poor design quality / proposal that must be addressed – reds must be avoided where possible

Where an element of design is considered to fall between a green and a red light, an amber light can be assigned. In principle, the more green lights a proposed scheme secures the



better the design outcome. The overall objective with a BHL assessment is to minimise the number of amber lights and avoid red lights where possible.

A BHL assessment has been carried out on this proposal to assess design and place-making qualities and compliance with the NPPF, NDG and NMDC.

The assessment was broken down into 24 questions under the 12 key question headings of:

- natural connections
- walking
- cycling and public transport
- facilities and services
- homes for everyone
- making the most of what is there
- memorable character
- well defined streets and spaces
- easy to find your way around
- healthy streets
- cycle and car parking
- green and blue infrastructure and
- back of pavement front of home.

The outcome of the assessment was 11 green and 13 amber which suggests an overall acceptable development that would meet the overarching aims of BHL and therefore the NPPF and NDG.

*Density / Efficient use of Land (Layout):* The number of dwellings has been reduced from the originally submitted 44 dwellings to 38. This is because, whilst the outline permission was for up-to 44 dwellings, it was on a larger site with an area of approximately 0.3ha (3083m<sup>2</sup>) now removed from the site due to land ownership issues.

This gives a density of development of 26.5 dwellings/ha rather than 25.4d/ha. Officers consider this is an acceptable density given the central village location of the site and its designation as a housing allocation.

The current layout, given the shape of the site and the drainage constraints, is realistically the only layout achievable. Additionally, cul-de-sac development is a relatively common form of development in West Lynn.

The proposed layout is therefore considered to be acceptable in this locality.

*Scale and Appearance:* The proposed dwellings are simplistic modern two-storey dwellings with a ridge height of 9.4m and eaves height of 6m. These heights, whilst higher than the norm, are required to enable ground-floor finished floor levels to be 4.5m above AOD as required by the Flood Risk Assessment that accompanied the outline application.

Terrace and semi-detached dwellings are common forms of development in West Lynn and are therefore considered appropriate for the site and its wider setting.

The indicative materials (type, colour and texture) which will be agreed by condition comprise:

- brick under grey roof covering with black rainwater good and grey window and doorframes

- cladding elements (HouseTypes Semi-detached AB, C, E, F and Terrace D)
- render elements (HouseTypes Terrace A and C)

Cladding could not be considered a characteristic material in West Lynn, although it is being sporadically used here as it is in many other settlements within the borough. The other materials are however frequently seen. The materials palette, although further details are required) is therefore considered appropriate for the site and its wider setting.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.

### **Highway Safety**

The impact of the development on the local road network along with access via St Peters Road have already been established at outline stage and is not a consideration in the current application. Likewise, the requirement to provide 11 parking spaces to serve as a school drop off point have been located in an appropriate position to accord with the outline permission that required this facility.

Parking provision, road types and turning heads are all in accordance with required standards / policy although the Local Highway Authority does point out that a standard size 3 turning space would be better in the parking area serving units 5 – 10. This is because the current turning space, in practice, will require large vehicles, such as a fire tender, to need to change gear more than twice to be able to exit in a forward gear. This is, however, not a reason to object to the layout.

This turning area does also mean that waste and recycling vehicles cannot enter this area (as they are larger than fire tenders) which has resulted in the requirement for bin collection points for units 5 – 10 to be located outside of plot 4. As this only occurs one day per week it is not considered to result in such disamenity to the occupiers of Plot 4 to warrant refusal. Residential amenity is considered further below.

Notwithstanding this, the Local Highway Authority raises no objections on the grounds of highway safety.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS11 and DM17.

### **Residential Amenity**

Para 130 f) of the NPPF state that: *Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.* This is reiterated in Development Plan Policy DM15.

The layout is considered to offer acceptable separation distances between new and existing residential development and between proposed dwellings in terms of overlooking and overbearing impacts.

The existing properties to the immediate east of units 5-7 (109 and 115 St Peter's Road) will be the most affected by the proposed development given their proximity to units 5-7.

The distance between the rear elevation of plot 7 with the western (rear) boundary of 109 is 16.5m, with the distance to the western (rear) elevation of 109 being 21.5m.

The distance between the rear elevation of plot 6 with the western (rear) boundary of 109 is also 16.5m, but the distance to the western (rear) elevation of 109 is 25m and has the garage of 109 between.

The distance between the rear elevation of plot 5 with the western (rear) elevation of 115 is 17m, with the closest building to building distance being 18m.

These distances are considered acceptable in terms of overbearing and overlooking impacts. However shadow diagrams have been provided that show substantial overshadowing to 109 and 115 St Peter's Road from early evening onwards in the summer months (and probably spring and autumn.) This overshadowing is to both the very limited rear amenity areas but also to the rear windows of these properties. Members will need to consider whether they believe the overall benefits of the development outweigh this harm to these existing properties.

The CSNN Team have raised concerns in relation to noise disamenity to some proposed and some existing dwellings from traffic associated with the new development and from the LAP and school drop off points. Acoustic boundaries would suitably mitigate these impacts and this aspect could be conditioned if permission were granted.

Sheds and bin storage are afforded every dwelling.

All mid-terrace properties have pedestrian access to the rear gardens.

The development raises no specific crime or disorder issues although the Open Space Team have raised concerns in relation to the height and nature of the proposed post and rail fence around the main attenuation basin, considering it could be 'easily climbable'. It is therefore considered, as this issue relates to health and safety that a different boundary is required. This will be conditioned if permission is granted.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS08 and DM15.

### **Landscaping**

Detailed landscaping and boundary treatment plans have been submitted with the application. These will be conditioned if permission is granted.

The future management and maintenance of these areas will be covered by the S106 Agreement. The applicant suggests that this will be via the Registered Provider. In relation to this aspect, whilst the Local Authority's Open Space and Community Safety and Neighbourhood Nuisance Teams have raised concerns, with the OS Team stated that they would not adopt such a layout.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS08, DM15, DM16 and E1.14.

### **Other Considerations**

In relation to Cllr Kemp's comments:

1. Non-compliance with the advice of the Flood Risk Report for the original outline application - the proposed layout is in full accordance with the flood risk assessment by virtue of raising the finished floor levels 2 metres above existing ground level and incorporating flood resilient measures 300mm above ffl.

2. Overlooking and right to light issues caused by changes from the outline application – no changes have occurred since the outline permission was granted as the outline layout was indicative. Overlooking is covered in the main body of the report and there is no right to light in planning terms, although overshadowing has been fully considered in the main body of the report.
3. Highways safety issues on St Peters Road around the exit of 100 cars – highway safety was fully considered at the determination of the outline application. Therefore, highway safety (other than within the site itself which the Local Highway Authority have no objection to) is not a material consideration in the determination of this RM application.

In relation to space standards, the Local Planning Authority has no policy relating to space standards and the NPPF states, at footnote 49: '*...Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified*'. There is no specific justification for using nationally described space standards on this application.

In relation to third party comments not covered above the LPA comments as follows:

- Should not be developed and be left green – outline issue
- West Lynn does not have the facilities to support this number of additional houses, and the doctors and school will not cope – outline issue
- Increased traffic and highway safety – outline issue
- Impact on wildlife – outline issue
- The site is at risk of flooding – outline issue / covered above
- Overshadowing, overbearing and overlooking – covered in main body of report
- The access is unsafe – outline issue.

Drainage is not a reserved matter and therefore cannot be considered under the current application. Notwithstanding this it is not possible to culvert the entire drain as requested by the CSNN team.

## **CONCLUSION**

The applicant is giving substantial weight to the benefits that this scheme would give given it is for 100% affordable housing. However, the site is one of the local authority's housing allocations, where housing, both open market and affordable, is actively sought. The S106 Agreement appended to the outline permission is only for the requisite 15% (6 units). As such the site could be sold on at any time to a non-registered provider. Thus, without amending the S106 Agreement on the outline, this application cannot be conditioned to be 100% affordable. Furthermore, it would not be the intention for a housing allocation to be restricted by such a requirement.

There are some concerns with the proposed scheme as outlined in the report ranging from overshadowing, the practicalities of the turning area serving plots 5 -10 for large vehicles and open space management / maintenance. However, this development would provide 38 dwellings on a housing allocation that will support the local economy and address housing need in an area considered highly sustainable.

Many of the issues raised by third parties and councillors are issued that were fully considered at the outline stage e.g. highway safety, flooding, drainage, etc. or could be suitably conditioned. No objections have been received from statutory consultees on technical grounds.

It is therefore considered, on balance, that the benefits of the development outweigh the harm and that the proposal complies with the overarching aims of the NPPF and Development Plan Policies CS01, CS02, CS03, CS08, CS09, CS11, CS12, CS13, CS14, DM1, DM2, DM15, DM16, DM17 and E1.14. It is therefore recommended that permission be granted subject to the following conditions.

## **RECOMMENDATION:**

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

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

19027 0100 P03 Site Location Plan  
19027 0101 P03 Existing Site Layout  
19027 0102 P24 Proposed Site Layout  
19027 0103 P15 Section 106 Units  
19027 0104 P02 Open Space Provision  
19027 0105 P03 Proposed Boundary Treatments  
19027 0200 P07 Housetype A – Semi-Detached (units: 11/12, 13/14, 22/23, 24/25 and 28/29)  
19027 0201 P07 Housetype A – Terraced (units: 8-10 and 19-21)  
19027 0202 P07 Housetype AB – Semi-Detached (units: 17/18 and 33/24)  
19027 0203 P08 Housetype C – Semi-Detached (units: 1/2, 3/4 and 15/16)  
19027 0204 P09 Housetype C – Terraced (units: 5-7)  
19027 0205 P08 Housetype D – Terraced (units: 30-32)  
19027 0206 P08 Housetype E – Semi-Detached (units: 35/36 and 37/38)  
19027 0207 P04 Housetype F – Semi-Detached (units: 26/27)  
19027 0400 P04 Housetype Indicative Street Elevations  
19027 8001 P01 Plots 26-27 Parking  
21.1616.001 Rev.B Detailed Landscape Proposals 1 of 3  
21.1616.002 Rev.A Detailed Landscape Proposals 2 of 3  
21.1616.003 Rev.B Detailed Landscape Proposals 3 of 3  
21.1616.004 Tree Constraints Plan 1 of 2  
21.1616.005 Tree Constraints Plan 2 of 2  
21.1616.006 Tree Protection Plan 1 of 3  
21.1616.007 Tree Protection Plan 2 of 3  
21.1616.008 Tree Protection Plan 3 of 3  
22520/10 Rev.H Proposed Drainage Layout  
22520/15 Rev.F Proposed Vehicle Tracking

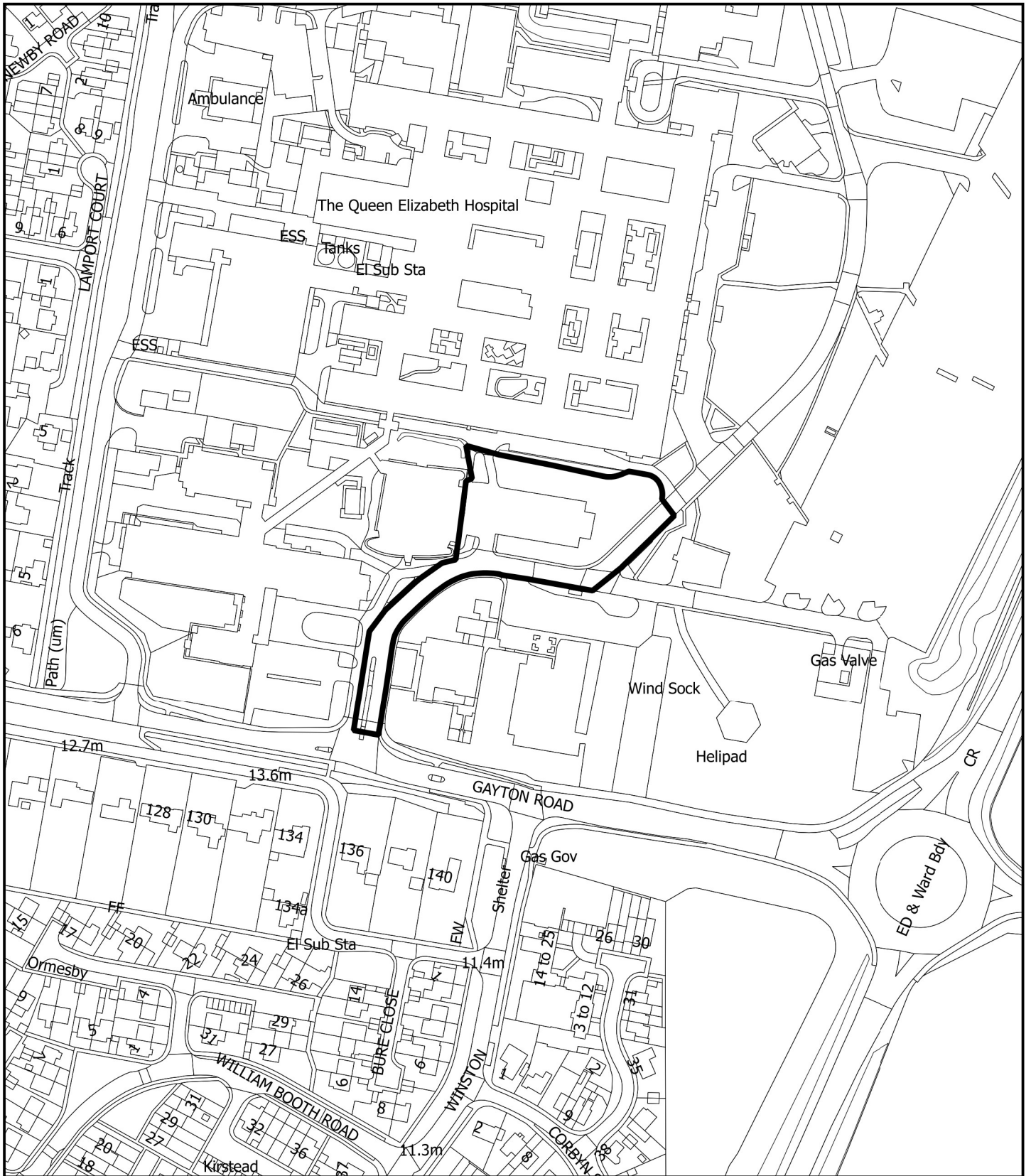
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 2 Reason: This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

- 3 Condition: Prior to the construction/occupation of the final dwelling all works shall be carried out on roads/footways/cycleways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 3 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 4 Condition: Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling / industrial unit to the adjoining County Road in accordance with the details to be approved in writing by the Local Planning Authority.
- 4 Reason: To ensure satisfactory development of the site.
- 5 Condition: No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a Private Management and Maintenance Company has been established.
- 5 Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.
- 6 Condition: Prior to the first occupation of each dwelling hereby permitted the proposed car parking / turning area and cycle parking (shed) for that specific dwelling shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and shall after be retained available for that specific use.
- 6 Reason: To ensure the permanent availability of the car / cycle parking / manoeuvring areas in the interests of highway safety in accordance with the NPPF and Development Plan.
- 7 Condition: Prior to any development on any external surface of the development hereby permitted full details of the type, colour and texture of all materials to be used for the external surfaces of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 8 Condition: Prior to the first occupation of any dwelling hereby permitted all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 8 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 9 Condition: No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 9 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 10 Condition: Notwithstanding other conditions on this permission relating to approved plans, landscaping and boundary treatments, Plots 1, 4, 11, 22, 33 and 38 shall not be occupied and neither the LAP nor School Drop Off car park shall be used until details of acoustic boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved acoustic boundary treatments shall be provided prior to the first occupation of these units and shall thereafter be retained and maintained as approved.
- 10 Reason: In the interests of the amenity of occupiers of neighbouring properties in accordance with the NPPF and Development Plan.
- 11 Condition: Prior to the first occupation of any dwelling hereby permitted the attenuation basin shall be enclosed with a boundary treatment the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation of any dwelling hereby permitted and shall thereafter be retained and maintained in accordance with the agreed details.
- 11 Reason: Reason: In the interests of safety in accordance with the NPPF and Development Plan.

# 21/01979/FM

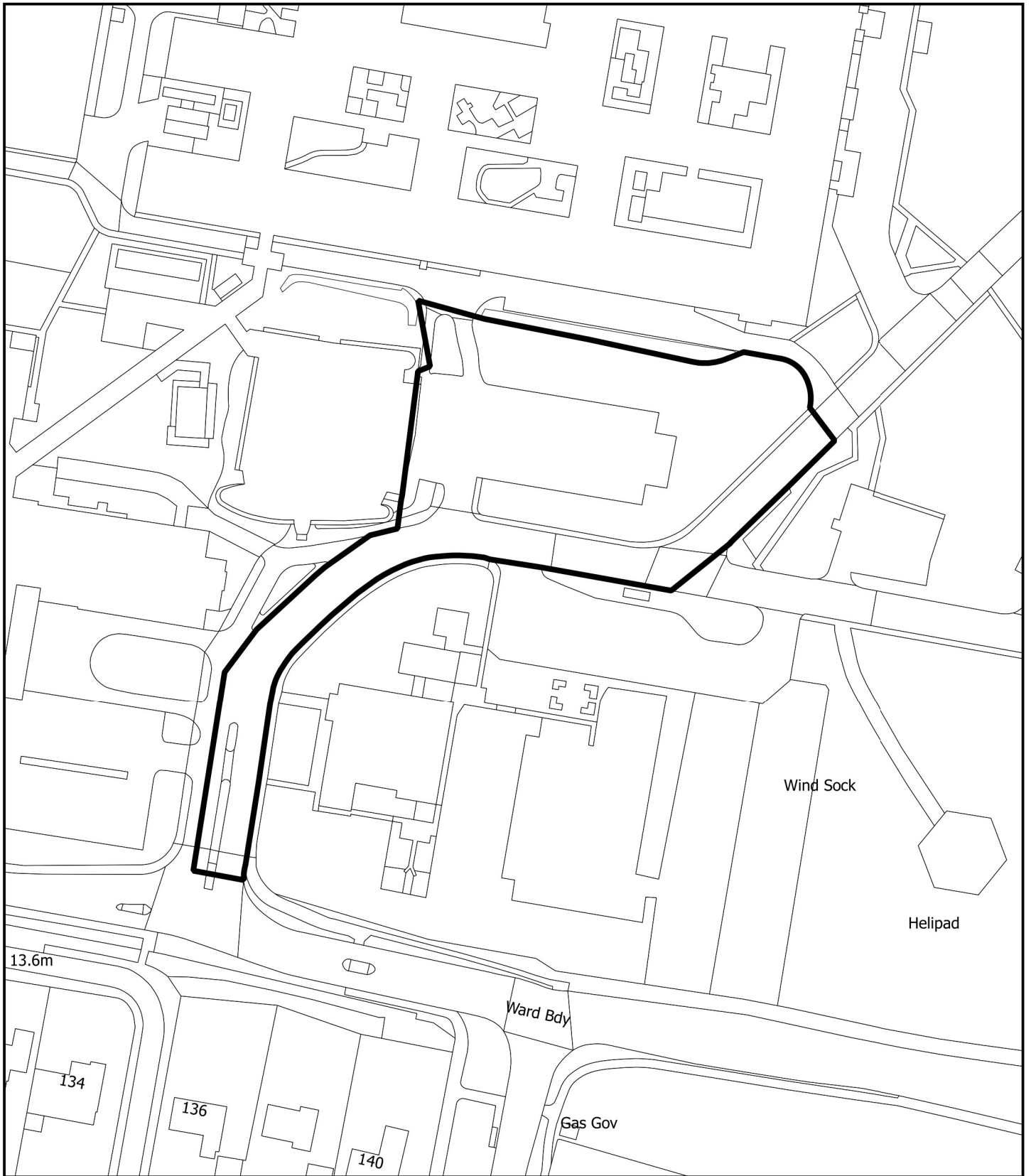
Queen Elizabeth Hospital, Kings Lynn, PE30 4ET





# 21/01979/FM

Queen Elizabeth Hospital, Kings Lynn, PE30 4ET



<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>Public service infrastructure planning application. Proposed construction of a two-storey hospital building (Use Class C2) with associated infrastructure and landscaping</b>	
<b>Location:</b>	<b>Queen Elizabeth Hospital Gayton Road Queen Elizabeth Hospital Site King's Lynn, PE30 4ET</b>	
<b>Applicant:</b>	<b>MTX Contracts</b>	
<b>Case No:</b>	<b>21/01979/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 11 January 2022</b>

**Reason for Referral to Planning Committee** – Referred by Sifting Panel

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for a two-storey, c.1958m<sup>2</sup> endoscopy building (C2 Use) and associated infrastructure and landscaping.

The site lies in a central position within the southern third of the wider hospital site and currently accommodates a 59-space staff car park. A number of protected trees occupy the northern part of the site.

The development will result in the loss of the car park and some of the protected trees although all the parking spaces are to be accommodated elsewhere on the site, and trees are to be replaced on a 1:1 basis.

The site lies within the development boundary for King's Lynn and accommodates one of the borough's main employers and community facilities.

**Key Issues**

- Principle of Development
- Highway Safety
- Trees
- Visual Amenity
- Neighbour Amenity
- Flood Risk and Drainage
- Ecology
- Crime and Disorder
- The Planning Balance
- Other Material Considerations

**Recommendation**

**APPROVE**

## THE APPLICATION

The site comprises a 59-space staff car park within a central and prominent position in the southern third of the wider hospital site. The site's northern boundary incorporates a landscaped tree belt where trees are protected by Group Tree Preservation Order (TPO.)

Full planning permission is sought for a two-storey, modular clad building with a floor area of approximately 1958m<sup>2</sup>. The building measures approximately 51m long by 29m wide. Ground levels change across the site with the land rising to the north. The building has a flat roof and measures, at its highest point, 9m above adjacent ground level.

The modular construction will be clad with Seren Gold Europanels and will have a grey brickwork plinth. The building would accommodate a replacement endoscopy unit that is currently accommodated within the main hospital building.

The proposed building will provide the following:

- Ground floor 1,321.1 sq.m (clinical rooms)
- First floor 637.2 sq.m (offices and plant (internal plant 550.2m<sup>2</sup>; external plant 131.02m<sup>2</sup>)) and
- External gas store, transformer and generator. The external gas store will accommodate up to 54 cylinders of gas, each up to around a tonne; Entonox and CO<sup>2</sup> may have less as they come in smaller cylinders:
- Medical air cylinders (12)
- O<sup>2</sup> cylinders (12)
- Entonox cylinders (8)
- CO<sup>2</sup> cylinders (8)

In addition to the main building, the application comprises:

- The delivery of a cycle storage unit to accommodate up to 12-cycles
- Formalised landscape scheme of enhancements and
- 1:1 replacement tree planting of trees covered by the group TPO.

The building is proposed to bring a 'new prominence to the main hospital entrance route'.

All 59 car-parking spaces that have been lost are to be accommodated elsewhere on the site.

Given funding and operational timescales, groundworks have already commenced on site. The applicant is aware that this is at their own risk.

## SUPPORTING CASE

None received at time of writing report.

## PLANNING HISTORY

There is extensive history on the wider hospital site. However, in relation to this part of the site the following planning history is relevant:

2/96/1506/F: Application Permitted: 16/04/97 - Construction of day surgery unit

## RESPONSE TO CONSULTATION

**Parish Council:** N/A

**Highways Authority (NCC): NO OBJECTION** As you will be aware, whilst we have no objection to the proposals, we did raise initial concern with regard to the loss of on-site parking associated with the new building proposed.

The applicant has however reviewed the proposals, and confirmed that additional parking can be provided elsewhere within the campus to offset the loss of the 59 parking spaces which will be lost as a result of the development.

In addition, they have confirmed that they are willing to appoint a Travel Plan co-ordinator and implement a site wide Travel Plan for the entire campus to encourage more sustainable travel.

Whilst I accept that the Travel Plan will need to be agreed at a later date, should you be minded to approve the application, my colleague Ian Dinmore has provided some initial comments which I would be grateful if you could pass on to the applicant.

In light of the above, I can confirm that the HA has no objection to the proposals and welcome the commitment to implement a TP going forward.

In light of the above, should you be minded to approve the application, I would recommend the inclusion conditions and informative notes relating to the provision of the replacement car parking spaces and the implementation of a Travel Plan.

**Arboricultural Officer (BCKLWN): NO OBJECTION** The application calls for the removal of a number of trees, protected by a current TPO numbered, 2/TPO/00337, to facilitate the development.

Trees are to be replaced on a 1:1 basis.

It is worth noting that the protected trees have been designated as a 'group' on the TPO numbered; 2/TPO/00337, the latest government advice states: 'The group category should be used where the individual category would not be appropriate and the group's overall impact and quality merits protection.'

Whilst the removal of these trees is regrettable, I am confident that the replacement trees (extra heavy standard, 14-16cm girth, approx. 2.5-3m tall) detailed in the arb report authored by Wharton Natural Infrastructure Consultants will mitigate the losses, and will, in time, provide a suitable replacement to the protected group of trees.

Please condition any permission to be carried out in accordance with the arb report, plans and method statement authored by Wharton Natural Infrastructure Consultants.

**CSNN: NO OBJECTION** Other than a condition relating to the development being carried out in accordance with the noise survey, this is not a development I have any concerns about as it is some distance from noise sensitive receptors and is within the current hospital site. Surface water drainage provision already appears to exist and foul will go to main sewerage system.

**Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION** With respect to the above application, a Desk Study & Phase I Risk

Assessment report dated August 2021 by MRH Geotechnical Ltd. with report no. 2122-0005-DS has been submitted and reviewed accordingly.

According to the report, the earliest map from 1824 shows the site was undeveloped and a more detailed 1884 map shows a small sand pit which was abandoned by 1904. By 1967 there was no significant changes within the site vicinity except the new A149 to the east, subsequently followed by the Queen Elizabeth Maternity Hospital in 1974 amongst other hospitals. The site also does not lie within 500m of a site of special scientific interest or any landfill sites.

A site reconnaissance visit shows no evidence of contamination and no gas protection required due to its radon risk assessment. A preliminary conceptual site model shows potential sources of contaminants in soil and/or water with potential identified pathways to receptors. But a qualitative risk assessment considers the risk to be low to very low due to the unlikelihood of significant contamination being present on the site. Subsequently, the report concludes that there may be some potential for Made Ground associated with possible terracing of the site, but contamination of this material is considered unlikely.

Consequently, the information submitted does not indicate the presence of significant land contamination. However, the historical use as hospital complex means that it's possible that some unexpected contamination could be present. Therefore, I recommend a condition relating to unexpected contamination be appended to any permission granted.

**Police Architectural Liaison Officer: NO OBJECTION** The proposed layout does show that Crime Prevention Through Environmental Design features have mostly been carefully considered and incorporated into this proposal. I would be pleased to work with the agent or developer to ensure that this approach continues. This is by far the most efficient way in which to proceed with commercial developments and is a partnership approach to reduce criminal opportunity.

**Environment Agency: NO OBJECTION** Thank you for your email. We have reviewed the information submitted and have no comment to make on this application.

#### *Contamination*

The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk. Therefore, we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination, which can be found here: <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>

*Infiltration Sustainable Drainage Systems (SuDS)* The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13 which can be found here: <https://www.gov.uk/government/collections/groundwater-protection>. In addition, they must not be constructed in ground affected by contamination.

**Anglian Water: NO OBJECTION**

*Assets Affected:* Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

*Wastewater Treatment:* The foul drainage from this development is in the catchment of Kings Lynn Water Recycling Centre that will have available capacity for these flows.

*Used Water Network:* This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

*Surface Water Disposal:* From the details submitted the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

**Historic Environment Service (NCC): NO OBJECTION** There are no known archaeological implications.

**King's Lynn Area Consultative Committee (KLACC): NO OBJECTION**

**REPRESENTATIONS**

None received at time of writing report.

**LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**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

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

Principle of Development  
Highway Safety  
Trees  
Visual Amenity  
Neighbour Amenity  
Flood Risk and Drainage  
Ecology  
Crime and Disorder  
The Planning Balance  
Other Material Considerations

### **Principle of Development**

The development is a replacement facility within the grounds of the hospital which is within the development boundary for King's Lynn and is one of the borough's main employers and community facilities.

The development will not result in an increase in the number of patients or staff. It is however to be accommodated in an entirely new building in an area that currently accommodates 59 staff car parking spaces and a number of protected trees covered by a group Tree Preservation Order (TPO.)

Paragraph 96 of the NPPF states: *To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues...* It also states, at para 123: *Local planning authorities ... should support proposals to...b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision...*

Local policy also supports the provision of further community facilities, particularly Core Strategy Policy CS13 – Community and Culture, which makes specific reference to “...work with NHS Norfolk to ensure that new health facilities are provided to serve an expanded population particularly in growth areas in King's Lynn...”

The principle of development is therefore strongly supported subject to consideration of other relevant planning policy and guidance.

### **Highway Safety**

The Local Highway Authority raise no objection on the basis that the development will not materially increase the vehicular activity associated with the wider site and that all the lost spaces are to be provided elsewhere on the wider site. As such the status quo is retained in terms of highway / parking impacts.

Conditions requiring the provision of the additional spaces and a Travel Plan (the latter of which would result in overall betterment in terms of sustainable transport for the hospital as a whole) will be appended to any permission granted.

As demonstrated through the Transport Assessment the site is well served by modes of transport other than the private car and is therefore in line with this policy aspiration.

The development is therefore considered to accord with the NPPF and Development Plan Policies CS01, CS11 and DM17.

### **Trees**

The updated AIA states that: *Every effort has been made to limit the impact of the trees*, and the applicant's arboricultural officer has worked closely with the LPA's Arb Officer to bring forward a scheme that is acceptable to all parties and enables the construction of this important building.

The development requires the removal of trees T5, T6, T7, T8, T9, T12, T13, T18 and T19 (pedunculate oak and common walnut) these trees are identified as category B and C trees. In addition, there will be the partial loss of 3no. trees within G2. Therefore a total of 12no. trees are to be removed. However, only 11 of these trees are protected by the group TPO, and one of these trees is a category U tree. As such 10 trees will be replanted to replace the trees covered by the TPO excluding the category U tree. In addition, 3no. trees will be relocated within the application site (T14 and 2 x G3), these are category C trees, considered young enough to withstand relocation.

The approach to replacement planting of the TPO'd trees is therefore on a 1:1 basis, oak species at the locations identified on the submitted External Works General Arrangement Plan.

The protected trees have been designated as a 'group' on the TPO numbered; 2/TPO/00337. In this regard the latest government advice states: *'The group category should be used where the individual category would not be appropriate and the group's overall impact and quality merits protection.'*

Whilst the removal of these trees is regrettable, the LPA's Arb Officer has stated that he is confident that the replacement trees (extra heavy standard, 14-16cm girth, approx. 2.5-3m tall) will mitigate the losses, and will, in time, provide a suitable replacement to the protected group of trees.

Any permission granted will be conditioned to be carried out in full accordance with the amended Arboricultural Impact Assessment, Arboricultural Method Statement and relevant Arb plans that are contained within these documents and identified on the External Works General Arrangement Plan.



## **Visual Amenity**

The materials palette across the wider site varies as a result of the evolution of the hospital and new constructions over time. It is largely buff brick, with white/grey partial cladding, cream render and flat roofs.

It is considered that the two storey, flat roof building, that is to be clad in seren gold Europanels above a grey brick plinth, will nestle appropriately within the context of the neighbouring staff facility buildings to the north and the Day Surgery Unit to the west.

It is acknowledged the site lies on higher ground than the day nursery to the south, and will therefore, when viewed from Gayton Road, be viewed above the roof line of the day nursery in the foreground. However, the scale will still be lower than the existing tree belt to the north the latter of which will continue to be viewed beyond.

Whilst the building will be clearly visible, it is considered its scale, mass, design and materials are acceptable given its location within the wider hospital site and the existing hospital buildings.

Details of subsidiary building (transformer and fencing in immediate the vicinity thereof) shall be suitably conditioned.

## **Neighbour Amenity**

The building is separated from all existing residential properties by existing built form associated with the hospital. There would therefore be no material overbearing, overshadowing or overlooking issues. As such CSNN raise no objections in relation to neighbour amenity given the distances and existing structures separating the building and existing residential uses.

A noise impact assessment accompanied the application and CSNN have requested a condition relating to this assessment. However, given the distances and means of separation outlined above, such a condition is not considered reasonable or necessary.

## **Flood Risk and Drainage**

A Flood Risk Assessment (FRA) and Surface Water Drainage Strategy, in line with national guidance has been prepared and accompanies the planning application. The FRA identifies that the Site lies within land categorised as Flood Zone 1, which is land of the lowest probability of flooding, notably the site itself is raised.

The FRA advises a hospital is considered 'More vulnerable' development but which is appropriate in Zone 1 and the exception test is not required.

The Strategy identifies that foul will be discharged to the mains. Surface water runoff from the proposed building shall discharge to the existing surface drainage system at a restricted rate of 10 litres/sec for all storm events up to and including the % AEP event with a 40% allowance for climate change. This a betterment compared to the predevelopment run-off rates.

## **Ecology**

A preliminary ecological appraisal accompanies the application.

This identifies the main habitats on site as amenity grass and scattered trees.

Potential ecological constraints include: nesting birds, foraging and commuting bats, hedgehog, badgers and common amphibians. However, this is limited due to the existing nature of the site (an active car park) and mitigation in the form of bat and bird boxes on the building and retained trees which will be suitably conditioned if permission is granted.

No further survey works are required although precautionary working methods in relation to the construction phase (in relation to badgers, common amphibians and hedgehogs) are suggested. It also suggests that suitable vegetation (for nesting birds) should be removed outside of the breeding bird season (March to September). In relation to this latter point as these areas have already been removed (outside of the breeding season) it is not necessary to condition this element.

However, precautionary working methods and the provision of bat and bird boxes will be suitably conditioned if permission is granted.

The development is therefore considered to accord with the NPPF and Development Plan Policies CS01, CS03 and CS12.

### **Crime and Disorder**

The Police Architectural Liaison Officer (PALO) made a number of recommendations. However, these were issues that extended beyond planning and could not therefore be conditioned. Notwithstanding this the hospital and PALO are working together outside of the planning system to ensure a development that is as secure as possible.

### **Other Material Considerations**

*EIA*: The application was screened in terms of EIA. The conclusion of the screening is that the development is not EIA development.

*Waste management* will be dealt with as part of the wider hospital strategy, with provision internally to the building only for separating waste as appropriate.

*The Contamination Desk Study* confirms the Site is considered to have an overall low to very low risk of significant contamination on Site. Contamination matters are therefore not a constraint to the proposed development, and the CSNN team has confirmed that they only require a condition pertaining to any unexpected contamination.

### **The Planning Balance**

There are three overarching objectives the Government consider will enable the achievement of sustainable development, these are interdependent and need to be mutually supportive of each other, and are:

- a) an economic objective
- b) A social objective and
- c) An environmental objective.

Taking each in turn:

a) *An Economic Objective*: there are significant benefits associated with the development proposals. The construction industry is recognised as an important provider of economic growth and therefore in direct economic benefits to the construction industry will arise as a result of the development. The Applicant is utilising underused land now instead of the need to purchase further land at a cost to the state and thus the economy. Whilst it is not expected new jobs will be created, as this is delivering a facility to deal with existing pressures, it will

enable the retention of existing medical and service staff. This weighs heavily in favour of the proposed development.

*b) A Social Objective:* the application promotes the delivery of infrastructure that supports the health and wellbeing of the local population. This weighs heavily in favour of the proposed development.

*c) An Environmental Objective:* the proposal will reuse existing previously developed land with the target minimum BREEAM 'very good' rating (although this is outside of the remit of the planning system), and will require the submission and implementation of a Travel Plan (within 12 months of the first use of the building) which will result in overall betterment in relation to sustainable transportation for the site as a whole. However, the development would result in the loss of 11 mature category B and C trees, 10 of which are covered by a group TPO, which is regrettable. These are to be replaced with appropriate replacement trees that over time will fully mitigate the loss. This suggests a neutral outcome, albeit some time into the future.

## CONCLUSION

The development is necessary in terms of the quality of operation of the hospital, which serves a wide area and has vital social and indeed economic function. The NPPF makes it clear that such development should be supported wherever possible, and local policy strongly supports the proposal in principle.

Notwithstanding this, the development will have some negative impact in relation to the loss of 11 mature trees (10 of which are protected.) However, this loss is mitigated to an extent by the provision of 10 trees to replace those covered by the group TPO, and the LPA's Arboricultural Officer raises no objection. The 59 car parking spaces that were lost are being accommodated elsewhere on the wider site, and this will be conditioned if permission is granted. A Travel Plan is also proposed to aid transport to and from the site.

Overall, it is considered that the strong policy support for this new medical facility, and the social and economic benefits it brings strongly outweigh any negative aspects, mainly the loss of the protected trees.

No objections have been received in relation to the proposed development that is considered to accord with the NPPF and Development Plan Policies CS01, 03, 08, 10, 11, 12, 13, DM1, 2, 9, 15 and 17.

It is therefore recommended that this application be approved subject to the following conditions.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be completed in accordance with the following approved plans drawing nos:

END-IBI-XX-XX-PL-A-700-0002 Rev.P2 Site Location Plan  
END-IBI-XX-XX-PL-A-700-0003 Rev.P1 Site Plan – Existing Site Levels  
END-IBI-XX-XX-PL-A-700-0008 Rev.P2 Retaining Wall Elevations  
END-IBI-XX-XX-PL-A-700-0009 Rev.P2 Site Plan – Displacement Car Park

END-IBI-XX-XX-GA-LA-700-0001 Rev.P7 External Works General Arrangement Plan  
END-IBI-XX-GF-SP-A-700-0001 Rev.P9 Site Plan  
END-IBI-WB-GF-PL-A-200-0001 Rev.P6 Ground Floor Plan  
END-IBI-WB-01-PL-A-200-0002 Rev.P6 First Floor Plan  
END-IBI-WB-R1-PL-A-240-0001 Rev.P1 Roof Plan  
END-IBI-WB-XX-EL-A-200-0001 Rev.P5 General Arrangement Elevations  
END-IBI-WB-XX-SE-A-200-0005 Rev.P4 General Arrangement Sections  
END-DSS-WB-00-DR-E-68001 Rev.P4 Proposed Ground Floor Security Layout  
END-IBI-XX-XX-LL-A-700-0006 P1 Gas Cylinder and Water Tank Enclosure

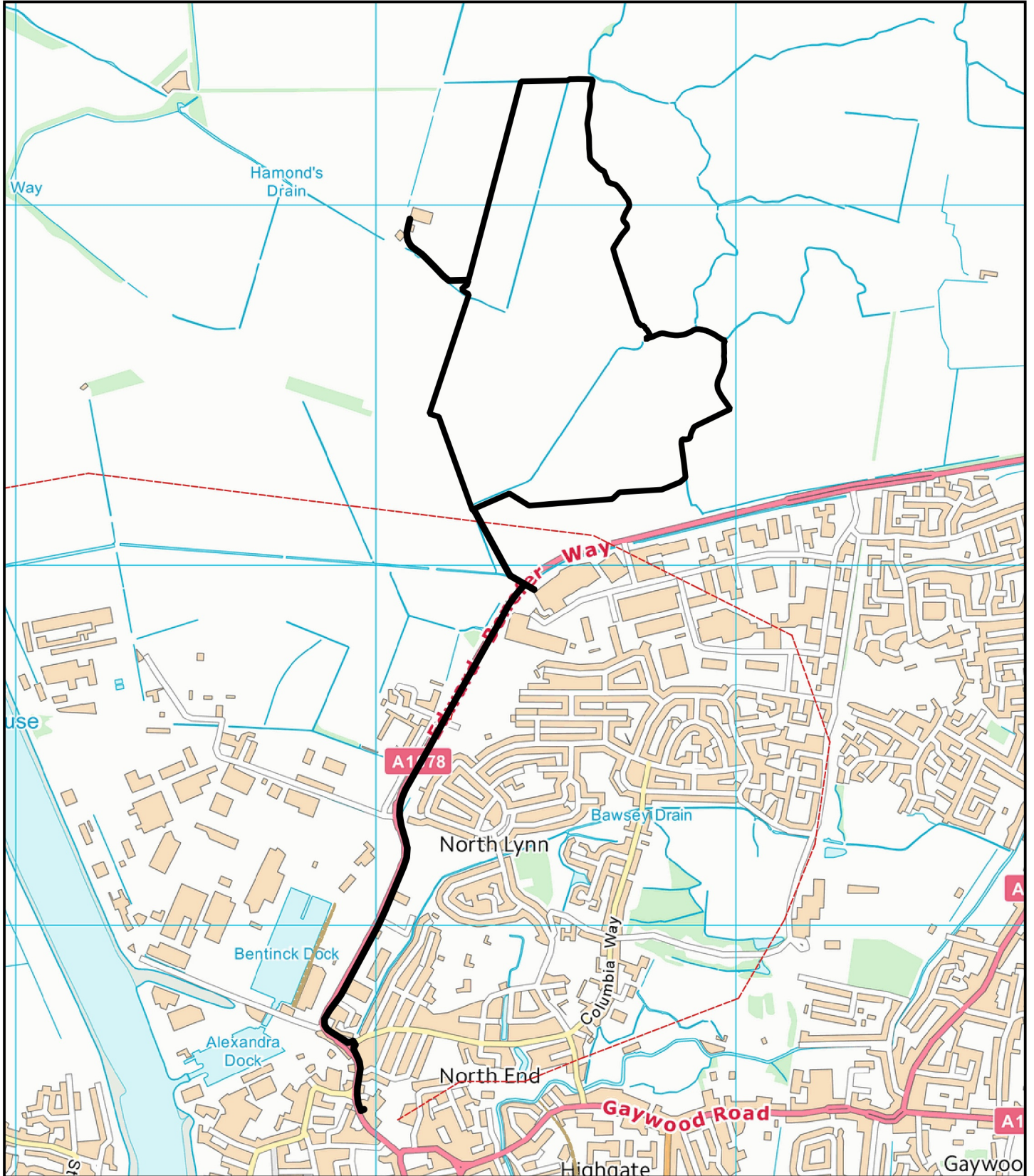
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The development hereby permitted shall be carried out in full accordance with the Arboricultural Impact Assessment (Ref: 210820 1316 AIA V3 dated 5 November 2021) and the Arboricultural Method Statement (Ref:21108 1316 AMS V1 dated 10 November 2011) and the plans contained therein as well as in accordance with drawing no: END-IBI-XX-XX-GA-LA-700-0001 Rev.P7 External Works General Arrangement Plan.
- 2 Reason: To ensure that the existing trees are properly protected and that the replacements are compatible in accordance with the NPPF and Development Plan.
- 3 Condition: Within three months of the date of this permission the 59 displaced car parking spaces shall be laid out, demarcated, levelled, surfaced and drained in accordance with drawing no: END-IBI-XX-XX-PL-A-700-0009 Rev.P2 Site Plan – Displacement Car Park. The spaces shall thereafter be retained for that specific purpose.
- 3 Reason: To ensure the permanent availability of sufficient parking / manoeuvring areas in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan.
- 4 Condition: Prior to the first use of the development hereby permitted, or in accordance with a programme to be agreed in writing with the Local Planning Authority, all hard and soft landscape works shall be carried out in accordance with drawing no: END-IBI-XX-XX-GA-LA-700-0001 Rev.P7 External Works General Arrangement Plan. 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.
- 4 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 5 Condition: Unless otherwise agreed in writing the development shall be carried out using the following materials on the main building:
  - Europanel F5 cladding (seren gold)
  - Grey brick plinth
  - Rainwater goods to match cladding (in terms of colour)
  - Window and door frames to be agreed in writing prior to their insertion.
- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 6 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 7 Condition: During the construction phase(s) of the development hereby permitted:
- any debris is to be cleared by hand, and any common amphibians located moved carefully, by hand, to outside of the development area
  - all excavations shall be battened at a 45-degree angle or ramps shall be positioned to allow escape should animals become trapped and
  - all site machinery and materials shall be appropriately stored to avoid harm to animals
- 7 Reason: In the interests of biodiversity and geodiversity in accordance with the NPPF and Development Plan.
- 8 Condition: Prior to the first use of the development hereby permitted a plan, produced by a suitably qualified ecologist, that shows the locations of bat and bird boxes on the new building and retained trees shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be erected on site in accordance with the approved plan prior to the first use of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be retained and maintained as approved.
- 8 Reason: In order to protect and enhance biodiversity and geodiversity in accordance with the NPPF and Development Plan.
- 9 Condition: Notwithstanding the approved plans prior to any works on the transformer and fencing in its immediate vicinity full details in the form of scale plans shall be submitted to and agreed in writing by the Local Planning Authority. The transformer and fencing shall be constructed / erected in accordance with the approved details.
- 9 Reason: For the avoidance of doubt and in the interests of proper planning.
- 10 Condition: Within 12 months of the first use of the development hereby permitted a Travel Plan (the details of which shall be submitted to and agreed in writing by the Local Planning Authority) shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.  
Your attention is drawn to Informative 2 of this decision notice that relates to this condition.

- 10 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with the NPPF and Development Plan.

# 21/01432/FM

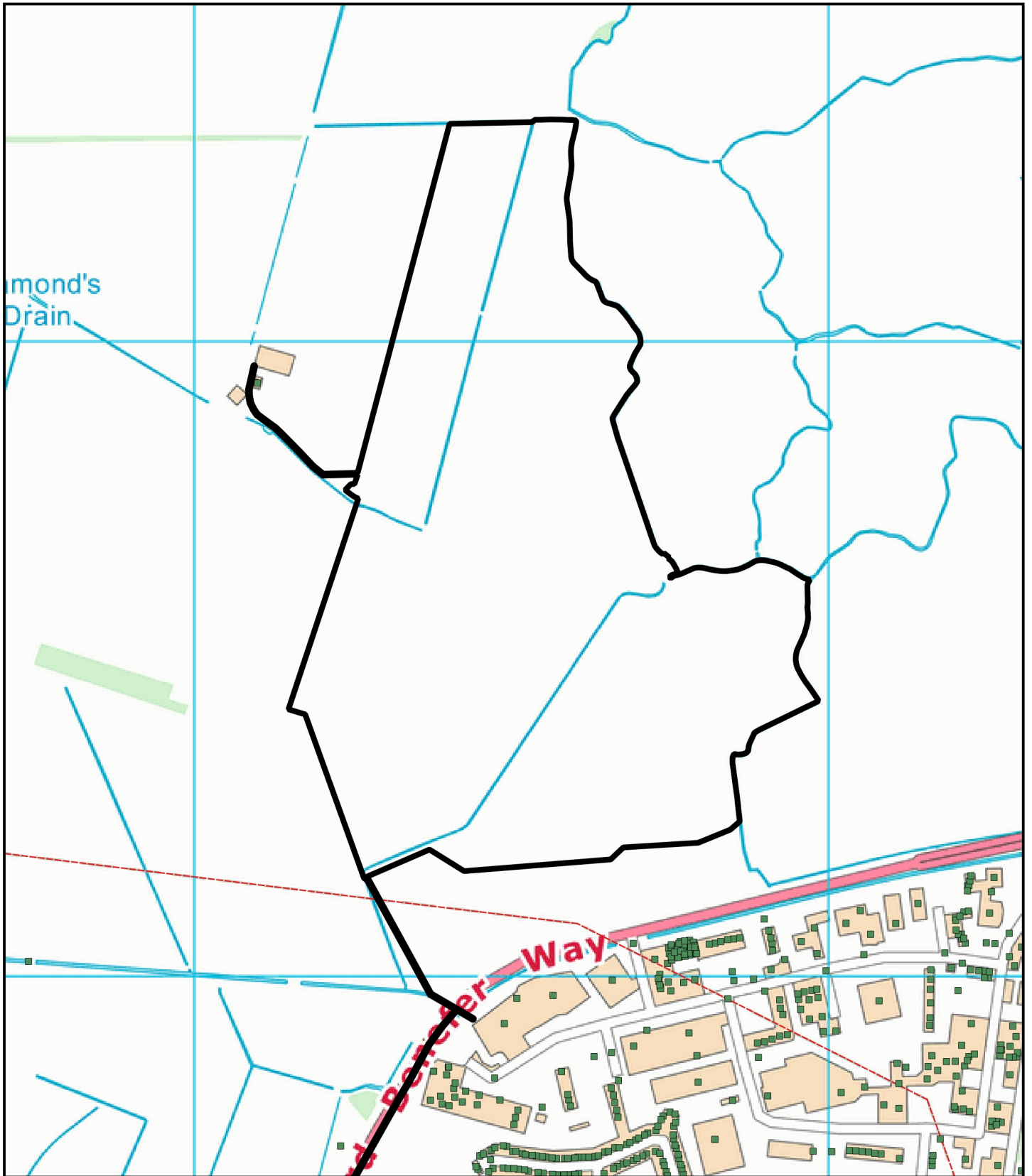
Estuary Faarm, Edward Benefer Way, King`s Lynn PE30 2HY





# 21/01432/FM

Estuary Faarm, Edward Benefer Way, King`s Lynn PE30 2HY





<b>Parish:</b>	<b>South Wootton</b>	
<b>Proposal:</b>	<b>Erection of an up to 49.99 MR Solar PV Array and circa 15 MW battery storage, comprising ground mounted solar PV panels, battery storage, vehicular access from the site entrance with internal access tracks, landscaping and associated infrastructure including security fencing, CCTV cameras, client storage containers and grid connection infrastructure, including transformer and substation buildings and off-site cabling.</b>	
<b>Location:</b>	<b>Estuary Farm Edward Benefer Way King's Lynn Norfolk PE30 2HY</b>	
<b>Applicant:</b>	<b>NS Solar 01 Limited</b>	
<b>Case No:</b>	<b>21/01432/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination:</b> <b>6 October 2021</b>  <b>Extension of Time Expiry Date:</b> <b>10 December 2021</b>

**Reason for Referral to Planning Committee** – Operational Area exceeds 1 hectare and Referred by Sifting Panel

**Neighbourhood Plan:** Yes

### Case Summary

The application seeks full planning permission for a 49.99MW Solar PV array and 15MW battery storage with off-site cabling to connect to King's Lynn substation (Austin Street Primary) and Recipharm [formally known as Bepak] and comprises:

1. Ground mounted solar PV panels
2. Fixed mounting structure
3. Battery storage
4. String combiner boxes
5. String inverters
6. Vehicular access and internal access tracks
7. Landscaping
8. Associated infrastructure including:
  1. Transformers
  2. Substation buildings
  3. Temporary Site Compound

The site measures 56.81ha and is located in open countryside c.0.9km west of the village of South Village, within South Wootton Neighbourhood Plan Area and just north of the development boundary for King's Lynn and North Lynn Industrial Estate.

The application has been submitted following preapplication advice and a public consultation exercise.

### **Key Issues**

1. Principle of Development
2. Visual Impact
3. Protected Sites and Species
4. Highway Safety and PROW
5. Flood Risk and Drainage
6. Historic Environment
7. Crime and Disorder
8. Other Considerations

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

The application seeks full planning permission for a 49.99MW Solar PV array and 15MW battery storage with off-site cabling to connect to King's Lynn substation (Austin Street Primary) and Recipharm [formally known as Bespak] and comprises:

- Ground mounted solar PV panels (92,519 bi-facial photovoltaic modules with a power rating of 550Wp which convert the solar radiation into direct current)
- Fixed mounting structure (which supports the PV modules)
- Battery storage (x5)
- String combiner boxes (which consolidate the output of the strings of photovoltaic modules before reaching the inverter)
- String inverters (which convert DC from the solar field to AC)
- Vehicular access and internal access tracks
- Landscaping

Associated infrastructure including:

- Transformers (x 20) (1,000MVA power transformers (which raise the voltage level from low to medium))
- Substation buildings (which collect all solar power and feed into the grid after stepping up voltage to distribution level (33kV in this case))
- Temporary Site Compound

Eleven trees within the line of broadleaved trees and mixed woodland in the central western section of the site are proposed to be removed.

Planning Committee  
06<sup>TH</sup> December 2021

The habitat remaining (including and ecological mitigation area in the north-east of the site) will be managed to provide foraging and sheltering opportunities for species including overwintering birds. A seed mix will be incorporated into the site design to provide an enhanced food source for wintering bird species.

The key phases of construction are proposed to be:

1. Building of site access tracks, installation of temporary compound area and erection of the fence surround the plant. Access tracks are kept to a minimum to allow access to sub-sections of the site and not to every single row of modules. Fence equipment will be driven into the ground.
2. Excavation of cable trenches to install the main cables. Trenches will be filled immediately following the cable laying.
3. Installation of mounting structure and panel frames. The frame legs are driven into the ground the frames subsequently assembled and installed at the approved inclination angle.
4. Building of foundation for transformers and substation units and battery store units and subsequent delivery of equipment on site.
5. Installation onto the frames and wiring together of solar panels.
6. Installation onto the back of the frames of string inverters and subsequent connection of string of modules to each inverter.
7. Finalisation of all electrical connections (inverters to transformers, transformers to client substation)
8. Site commissioning.

The construction phase is initially scheduled to start in March 2022 and last for approximately six months. An indicative programme accompanied the application.

Working hours are proposed to be 6am to 8pm Monday to Friday and if necessary 8am to 1.30pm on Saturday. No works are proposed on Sundays.

The development would have a lifespan of 40 years at the end of which the facility will be decommissioned and all the associated equipment removed.

The application was accompanied by the following supporting documents:

- Design and Access Statement
- Preliminary Ecological Appraisal
- Ecological Impact Assessment
- Information for Habitat Regulations Assessment
- Breeding Bird Survey Report
- Wintering Bird Survey Report
- Ground Level Tree Assessment
- Highway Statement and Construction Traffic Management Plan
- Noise Impact Assessment
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Archaeological Desk Based Assessment

- Built Heritage Setting Assessment
- Statement of Community Engagement.

The site measures c.56.81ha and is located in open countryside c0.9km west of the village of South Wootton, within South Wootton Neighbourhood Plan Area and just north of the development boundary for King's Lynn and North Lynn Industrial Estate.

Larkfleet Homes application site (permitted under application 17/01151/OM) lies approximately 405m to the east of the site.

The site is relatively flat and comprises a series of agricultural fields (Grade 2 and 3) separated by hedgerow boundaries that include localised lines of trees, ditches and areas of dense scrub. A PRoW (South Wootton FP1) runs from north to south through the eastern part of the site.

The site is bounded by countryside to all sides and is not subject to any statutory designations for landscape quality or ecology.

However, the following protected sites are within close proximity to the site:

- The Norfolk Coast AONB (920m to the north of the site)
- The Wash (1.47km to the West)
- The Wash Ramsar, SSI, SPA (2.48km to the Northwest)
- The Wash and North Norfolk Coast SAC (2.48km to the West)

The site lies within Flood Zones 2 and 3 as depicted on the Local Authority's Strategic Flood Risk Maps and within the Environment Agency's Tidal Breach Hazard Mapping Area.

Access to the site is proposed off an existing access from Kilham's Way that connects to the A1078 (Edward Benefer Way). The existing access is also used for a waste and recycling facility currently located at premises at Estuary Farm.

Supporting information states that, based on the assumption that a household has an average annual consumption of electricity of 3.7MWh/year in England, the project could potentially provide power for 13,500 households every year.

## **SUPPORTING CASE**

None received at time of writing report.

## **PLANNING HISTORY**

21/00010/PREAPP: Possibility of Approval: 24/03/21 - PRE-APPLICATION FULL (WITH CONSULTATIONS AND A MEETING): Proposed 49.99mw Solar PV Array - Estuary Farm

20/01370/AG: AG Prior Notification - NOT REQD: 30/09/20 - Agricultural Prior Notification: Agricultural general-purpose building

## RESPONSE TO CONSULTATION

**Parish Council: SUPPORT** - the Application provided that any mitigation regarding Heritage and Ecology are carried out.

**Local Highway Authority (NCC): NO OBJECTION** - The development comprises ground mounted solar PV panels with vehicular access from Kilham's Way, a private road that connects to Edward Benefer Way to the south.

During construction, the developer will undertake traffic management at the access to the public highway to ensure no conflicts occur between incoming and outgoing vehicles. The dominant type of material arriving at the site will be the solar panel modules, which will arrive via a single transport provider and at a rate that matches the rate of installation to avoid stockpiling.

We are advised that constructing in the above manner would result in roughly 8 HGV's a day, with 14 HGV's a day at its peak. To achieve this, there will be up to 60 workers on site, from site set up to construction (total of 6 months) with the associated main construction activities stretching across a 16-week programme.

Once operational, the site will be unmanned and only encounter low levels of traffic with a maximum of one or two visits a week for regular maintenance and inspection purposes only.

The application is accompanied by a transport statement, which includes a Construction Traffic Management Plan (CTMP) in turn incorporating a routing agreement that HGV's must follow.

Norfolk County Council, as local highway authority, has no objection to this development subject to traffic complying with the CTMP.

However, we note this proposal also includes placing longitudinal apparatus in the public highway.

The public highway is reserved for statutory undertaker's equipment and Highway Authorities do not allow private individuals / companies / developers etc. to place longitudinal apparatus in highway land.

Whilst there is a right of appeal against a refusal to cross the highway at 90 degrees, there is no right of appeal against a refusal by the highway authority to allow longitudinal apparatus in a public highway.

Accordingly, before this development can be connected to the national grid, the developer will need to provide evidence that the cable will be adopted by a statutory undertaker. Until this is obtained, the developer runs the risk of constructing the solar farm but being unable to connect it to anything.

Should your authority decide to grant consent a condition relating to Construction Traffic Management and an informative relating to works in highway land are requested to be appended to any permission granted.

**PROW (NCC): NO OBJECTION** - However, we would request that the applicant use the Highway Boundary plan submitted to accurately plot out the alignment and extent (width) of the Public Right of Way on the ground and have this checked by a member of the NCC PROW team prior to any works being carried out on the ground. As the Public Footpath is

undefined within an open field it is important for both the applicant and the Highway Authority to ensure that the PROW is unaffected by the works to avoid any issues in the future.

We note that the applicant intends to both fence and hedge either side of the PROW. The full legal extent must remain open and available for use at all times, consequently the planting must be set back sufficiently to allow for the hedge growth to not encroach on this. Again, this must be agreed with the NCC PROW team prior to any boundary treatments being installed.

Should any of the construction / implementation works affect the route of the footpath, the route may need to be closed on H&S grounds and a Temporary Traffic Regulation Order will be required from NCC in advance of works.

**Open Space Society: OBJECT** - As Britain's oldest national conservation body, we have great concern for common land, public paths, open spaces, and the public's ability to enjoy the natural beauty of the countryside. The development site is located in a highly sensitive position, the landscape of which is intrinsically related to the Wash/Great Ouse estuary system, with the Norfolk Coast AONB boundary only a short distance away.

Significantly, a very historic public path passes directly through the site. The Norfolk County Council's Definitive Statement of Public Rights of Way indicates that both the King's Lynn Footpath No.35 and the South Wootton Footpath No.1 run along the historic Old East Sea Bank, which, according to the "Norfolk Heritage Explorer" was probably constructed during the seventeenth or early eighteenth century.

Recent inspection of the site found the public path difficult to identify and locate on the ground – it was beset by substantial interference by agricultural crops, and by neglect by the local highway authority in terms of their duty to enforce against crop and other interferences, to maintain the path, and to signpost it clearly along its route. However, this state of affairs should be disregarded as a temporary circumstance, and the path instead considered as though in proper order, along its legal width and across its legal width. It may be noted that the path is directly accessible by public transport, including by the high-profile "Coastliner" 'bus service<sup>3</sup>, and that the public are currently provided with no information whatsoever on site as to the historic nature of the Great Ouse Estuary, or of the Old East Sea Bank; (even the path's small wooden finger signpost, from Edward Benefer Way, is extremely difficult to spot!)

The application seems to pay no respect, whatsoever, to its sensitive location. The proposed solar array, and associated infrastructure, would alter what are currently undeveloped and very largely unspoilt rural views, available from the public path, to something beyond recognition – a solar array, with associated infrastructure, in place of the currently undeveloped agricultural fields through which the path passes! One has to question if this really is an appropriate site for a development of this type and scale, at all, bearing in mind the severely detrimental visual impact upon publicly available views of the countryside, with their important heritage links.

If your council does go on grant approval, in spite of these concerns, then we would certainly support the views expressed by the Norfolk County Council (in the letter of 4th August from their Green Infrastructure Officer), that the full extent of this historic public path must remain open and accessible for the duration of the development and subsequent occupation. The legal width of the path, now, will be no less than the width of the path which ran along the Old East Sea Bank.

That alone, however, does not go far enough. In the event that the development was approved, the public would still be faced with considerable disadvantage, in terms of their

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enjoyment of the historic public path, and of the surrounding countryside, being significantly harmed on account of the very adverse visual impact.

If your authority is minded to approve, then we would suggest that it should on no account contemplate doing so without expecting the applicant to provide some form of betterment, to the public, thus bringing about at least some form of compensation. Such a betterment might include the dedication / creation of an additional public path linking with the statutory open access land in North Wootton parish (marked "The Gongs" on the Ordnance Survey "Explorer" map), and/or to the Marsh Road in North Wootton (although it must be borne in mind that a public-right-of-way may already exist along the continuation of the Old East Sea Bank into North Wootton parish, despite not currently being recorded on the Norfolk County Council's Definitive Map), and/or the dedication of additional bridleway rights over the path, thus providing additional access to the countryside here to equestrians and pedal cyclists. It may be noted that the applicant for planning permission would not be constrained to land within their direct control in negotiating and securing such measures.

**Natural England: NO OBJECTION** - This is in addition to our letter dated 13th August 2021 (our reference: 360502) which advised no objection subject to mitigation.

*Natural England's advice:* It has come to Natural England's attention that land directly south of the development is not within ownership of the applicant and therefore cannot be retained and enhanced as previously recommended in sections 2.2 and table 2 of the applicants Habitats Regulations Assessment (HRA). We recommend that the HRA is updated to reflect these changes.

*Winter Bird Survey Report:* The Winter Bird Survey Report explains that three designated features of interest were recorded during the surveys, Eurasian curlew, common shelduck and pink-footed goose.

"A peak count of 102 Eurasian curlew were recorded, equating to approximately 2.7% of the baseline population of wintering curlew at The Wash (estimated at 3,700 individuals). The survey visits also recorded counts of 3 and 1 curlew present. A peak count of 10 shelduck used the Site, equating to approximately 0.06% of the baseline population of wintering shelduck at The Wash(estimated at 16,000 individuals)....no pink-footed geese were observed using the Site or adjacent habitat within 100m; all records were of flocks commuting overhead".

The report concludes that the impact of the proposed development to designated interest features to be negligible due to a lack of suitable habitat on site and sufficient suitable habitat in the adjacent landscape. We note that the Winter Bird Survey Report is based on a four-visit single season winter bird survey and on this basis, recommend that a thorough desk study is undertaken to confirm survey results and conclusions. This should reference bird records from key sources including the BTO, WWT and RSPB. Should the desk study produce significantly different results, specifically an increase in the recorded number of interest features within the development footprint, we would recommend that this is considered and appropriately assessed by the Local Authority to inform decision making.

Equally, should the desk study support the conclusions of the Winter Bird Survey Report, Natural England would have no objection to the proposal, subject to the delivery of the mitigation measures outlined below.

*Mitigation:* We support the mitigation and enhancement measures proposed in section 5 of the Winter Bird Survey Report, specifically:

- Retention and enhancement of ditch habitats

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- Retention of trees
- Sowing of winter seed mix all around the solar park and annual management of the seed mix
- Areas to provide food for wintering birds and small mammal prey species the inclusion of the proposed species rich grassland / ecological mitigation area and native hedgerows as shown in the Landscape Master Plan
- Construction works should be completed outside of the wintering bird season to avoid impacts to qualifying features. As explained in the Ecology Report, any works requiring disturbance to vegetation and arable land on site should be implemented outside of the breeding bird season (March to August inclusive) to ensure that active nests are not damaged or destroyed as in line with the Wildlife and Countryside Act (as amended). If construction commences during the breeding season works should be preceded by nesting bird surveys, this should be undertaken by a qualified ecologist. If active nests are found works should cease until chicks have fledged.
- Completion of breeding bird surveys to identify appropriate mitigation measures where necessary and the implementation of those measures implementing best practice methods to protect soil during development.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

*Protected Species:* Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

*Best and Most Versatile Agricultural Land or Minerals and Waste reclamation:* Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.

From the description of the development this application is likely to affect 56.44 ha of BMV agricultural land. We consider that the proposed development is unlikely to lead to significant long-term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large-scale solar farms on previously developed and non-agricultural land.

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and



should the development proceed, we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

**Environment Agency: NO OBJECTION** - The site is located within flood zone 3 (high risk) of our flood map. It is also within a Flood Hazard Zone (at risk of inundation if defences were to breach or overtop).

We would consider the development to be classed as less vulnerable. Given the scale and nature of the proposed development we have no objection to this application.

**IDB: NO OBJECTION** - subject to the Boards Bylaws being complied with where necessary.

**LLFA (NCC): NO OBJECTION** Generally with a solar farm proposal, a portion of the site will comprise of proposed solar (PV) panels and energy storage facilities, whilst the remainder of the site comprises of the existing grassed spacing between rows and field margins. The design of photovoltaic (PV) panels means that the area represented by the proposed panels is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable.

This common setup means sites are usually considered 95% permeable, but associated infrastructure like battery storage units, solar stations, substations, internal roads should be considered as fully impermeable.

It should also be noted however that panel arrays can sometimes be very long and also pitched together which needs to be assessed differently and may require a different drainage strategy. Also, some panel types have wide pad foundations which can affect overall PIMP of the site.

Rainfall will drain freely off the panels onto the ground beneath the panels where the surface remains permeable. Thus, the total surface area of the photovoltaic array is not considered to act as an impermeable area and the impact is assumed to be nil. However, the nature of the underlying groundcover and antecedent conditions can have a demonstrable influence on the surface water run-off characteristics of a site, i.e. if the ground cover beneath panels is proposed as bare earth which is susceptible to hardening in summer months, then peak discharges can increase significantly. As such, it should be ensured as part of any proposed scheme that grass or wildflower cover will be well-maintained across the site to ensure that such proposed schemes will not increase the surface water run-off rate, volume or time to peak compared to the pre-development situation. This will also help provide net biodiversity gain.

You should satisfy yourself that the applicant has demonstrated compliance with:

The National Planning Policy Framework (“NPPF”) paragraphs 155 - 165 by ensuring that the proposal would not increase flood risk elsewhere and will incorporate sustainable drainage systems. The applicant should also demonstrate how the proposal accords with national standards and relevant guidance. If the proposal does not accord with these the applicant should state their reasoning and the implications of not doing so. The key guidance available is set out below:

To ensure that development is undertaken in line with Paragraph 163 and 165 of the NPPF the LLFA recommends that LPAs satisfy themselves of the following considerations prior to granting permission for major development below LLFA thresholds:

1. Is the development site currently at risk of flooding? The application submission should include a site-specific assessment of the risk of flooding to the development site from all sources. The risk of flooding on the current site should be acknowledged using national flood

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risk datasets such as the EA's Risk of Flooding from Surface Water maps. If any areas at risk of flooding are identified, development should avoid these areas in line with NPPF. Where this cannot be achieved a robust strategy should be provided that includes adequate flood resilience measures incorporated in the design. This may require an emergency flood plan where appropriate.

2. How does the site currently drain? The method through which the site currently drains should be described, such as whether there are existing infiltration features, ordinary watercourses within or at the boundary of the development, or existing surface water sewer infrastructure. Land drains are common, especially in previously agricultural land, and do not comply with good SuDS practise.

3. Restrict vehicular movements on site to designated access tracks. In doing so, the risk of soil compaction is minimised and limited to specific locations. The applicant should design the vehicular access tracks to be permeable (e.g. gravel medium) to mimic the existing surface conditions.

4. Rutting during the operation phase is also another common problem with solar farm sites, especially during intense storms at the foot of the panels. This can alter natural flow paths and should be avoided where possible.

5. Specify what type of vegetation will be planted across the site and how will it be managed/maintained in perpetuity. The ideal situation is that vegetation is grassed and is kept reasonably high or grazed by livestock. Good vegetation cover will limit the transfer of sediments and slow the flow of water.

6. Where required a Drainage strategy should be provided for any large impermeable substation and compound areas.

7. If there are any concerns with residual risk, due to concentrated rainfall (flash events etc.), then simple shallow features (e.g. 0.6m deep) like linear swales or filter drains could be proposed along the lowest parts of the site to capture any exceedance. No runoff should leave the site up to the 1% AEP+CC storm.

8. A Construction Environmental Management Plan (CEMP) should also be provided.

Following the submission of additional information by the applicant the LLFA would not comment further. As such the LA's Community Safety and Neighbourhood Nuisance team (CSNN) were asked to comment. Their response is covered below.

**CSNN (BCKLWN): NO OBJECTION** - The applicant has provided acceptable details of predicted construction and operational noise and associated controls within the Noise Impact Assessment and the Construction Traffic Management Plan. Therefore, it is important to ensure that the development proceeds in accordance with these predictions. I therefore request conditions are appended to any permission granted requiring the development be carried out in accordance with the Noise Impact Assessment and Construction Traffic Management Plan.

In relation to drainage the concerns raised by the LLFA have been addressed in the flood risk assessment that accompanied the application and supplementary information provided on the 20th August.

I therefore have no objection subject to the development being carried out in accordance with the FRA and supplementary information.

**Environmental Quality (BCKLWN): NO OBJECTION** - Having reviewed the information in the application and our files, we have no comments with regard to contaminated land.

**Historic Environment Service (NCC): NO OBJECTION** - HES can confirm that we have received and reviewed both the archaeological desk-based assessment and the report on the geophysical survey.

Despite the disappointing results of the geophysical survey we are in a position to make recommendation in relation to this application.

The archaeological work carried out so far in relation to the above application has highlighted potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigation work to be secured by condition.

**Norfolk Coast Partnership: NO OBJECTION** - The site is outside of the AONB and in terms of impact I believe the visual impact would be neutral and would not impact the special qualities of the AONB.

External lighting for security etc. could however cause an impact when viewed towards / from the AONB and therefore we would like to see an external lighting condition appended to any decision notice.

**Conservation Officer: NO OBJECTION** - I have looked at the layout, location and height of substations etc., and conclude that this proposal will cause negligible harm if any to the setting of the listed Old Hall.

However, I was surprised that the Build Heritage Assessment did not assess The Old Hall, only the Grade II\* Church adjacent. Notwithstanding this, the impact will be less than The Old Hall and I therefore raise no objection.

**Arboricultural Officer: NO OBJECTION** - The proposed tree removal will not be an issue, the majority are being removed for health & safety reasons. I can confirm that I have no objections.

**Norwich Airport Safeguarding Team: NO OBJECTION** - We note that the development lies below or beyond the volume of protected airspace that surrounds Norwich Airport and that it does not lay within the bird circle shown on the aerodrome safeguarding map.

Therefore, from a safeguarding viewpoint, this development will not provide a significant collision risk to aircraft operating in the vicinity of Norwich Airport; or interference with our surveillance systems. We do not need to be a statutory consultee for any future planning applications on this particular site unless wind turbines become part of the design.

**Anglian Water: NO OBJECTION** - We have no comments.

**Civil Aviation Authority: NO OBJECTION** - No comments received at time of writing report.

## **REPRESENTATIONS**

**ONE** letter of **Objection** was received from a third party stating: *'I object to the Built Heritage - Setting Assessment.*

*I object in that the document precludes any assessment of the impact on The Old Hall because of "intervening development and the modest scale of the house".*

*In fact, the proposed development area is clearly visible from The Old Hall, which is of 3 storeys and would impact on its setting.'*

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**CS06** - Development in Rural Areas

**CS07** - Development in Coastal Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM3** - Development in the Smaller Villages and Hamlets

**DM15** – Environment, Design and Amenity

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

**DM20** - Renewable Energy

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy E2** - Sustainable Drainage

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues in the consideration of this application are:

- Principle of Development
- Visual Impact
- Protected Sites and Species
- Highway Safety and PROW
- Flood Risk and Drainage
- Historic Environment
- Crime and Disorder
- Other Considerations

### **Principle of Development**

Renewable Energy is supported at both national and local level with Planning Practice Guidance stating that planning has an important role in the delivery of new renewable and low carbon energy infrastructure.

The PPG makes it clear that in relation to ground-mounted solar photovoltaic farms the main issues for consideration are visual impact (the effect of the development on the landscape) and impacts from potential glint and glare.

The applicant has stated that the site was picked due to its open, rural location that is not shaded by any nearby features in the landscape, along with its proximity to the coast (which receive higher levels of sunshine when compared to the country as a whole) together with the available grid infrastructure and capacity and potential third party connections (to Recipharm).

However, both National and local planning policy and guidance seek to retain the countryside for its amenity value, intrinsic character and beauty and agricultural provision.

Paragraph 174 of the NPPF, 2021 states: 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans, and ...'

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Development Plan Policy CS01 seeks to protect the countryside beyond the villages for its intrinsic character and beauty, the diversity of its historic environment; landscapes; geodiversity and biodiversity...

With DPP CS06 expanding upon this by stating that *Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.*

However, national and local planning policy and guidance also place significant importance on renewable energy.

Paragraph 155 of the NPPF states: *To help increase the use and supply of renewable and low carbon energy and heat, plans should:*

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts)*
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development, and*
- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Paragraph 158 states: *When determining planning applications for renewable and low carbon development, local planning authorities should:*

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

DPP CS08 states: The Council and its partners will support and encourage the generation of energy from renewable sources. These will be permitted unless there are unacceptable locational or other impacts that could not be outweighed by wider environmental, social, economic and other benefits.

Renewable projects should be assessed accordingly (where necessary by project level Habitat Regulation Assessment) to ensure minimal ecological impact and should undergo a detailed cumulative impact assessment.

DPP DM02 acknowledges that some development may be required outside of the development boundaries within countryside stating 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...

- Renewable energy generation (under Policy DM20 of the rural economy or to this Plan)

DPP DM20 states Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for

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offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:

- Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites
- The surrounding landscape and townscape
- Designated and non-designated heritage assets, including the setting of assets; ecological interests (species and habitats)
- Amenity (in terms of noise, overbearing relationship, air quality and light pollution)
- Contaminated land
- Water courses (in terms of pollution)
- Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks), and
- Tourism and other economic activity.

In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

a) There is a significant loss of agricultural land; or

b) Where land in the best and most versatile grades of agricultural land (grades 1, 2 and 3a) are proposed to be used.

Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

As such there is some conflict between these two overarching aims (protection of the countryside / high grade agricultural land and provision of renewable energy), and a balance is required.

In this regard, given the nature of the development and the fact that the development is reversible together with the site's backdrop of the industrial estate to the south and southwest suggests the benefits of providing renewable energy outweigh the harm.

## **VISUAL IMPACT**

A Landscape and Visual Appraisal was submitted with the application with the objective of identifying, predicting and evaluation potential key effects arising from the proposed development. The assessment was carried out based upon recommendations contained within 'Guidelines for Landscape and Visual Impact Assessment' (GVIA3) (Third Edition, 2013) which was linked back to the Development Plan and principally Policies CS06, CS07, CS08, CS12 and DM15 and King's Lynn & West Norfolk Borough Landscape Character Assessment, 2007.

The LVA states that the existing vegetation along the A1078 (Edward Benefer Way) will block all the views of the site from the south. To the north, there are views of the site across the flat, open landscape up to the edge of the AONB. To the east there are views from the edge of the villages of South and North Wootton and the open flat landscape between. To the west there are views across the open flat landscape until the higher ground along the banks of the River Great Ouse.

The receptors most affected by the development would be the users of the road, PRoW and properties closest to the site. The majority of receptors would have a slight or negligible residual level effect as a result of the development. The exception to this is one short section of South Wootton FP1.

The LVA suggests the following impacts:

*PROWS:*

- Norfolk Coast AONB - neutral. This is supported by neither Natural England nor the Norfolk Coast Partnership raising an objection in relation to the impact on the AONB
- North Wootton Landscape Character Area – slight
- The Fens National Character Area negligible
- King's Lynn FP2 – negligible
- King's Lynn BOAT1 - negligible
- Clenchwarton FP5 – negligible
- South Wootton FP3 – negligible
- Castle Rising FP12 – neutral
- Marsh Common – negligible

*Properties*

- Along the Eastern edge of North and South Wootton villages including development permitted under application 17/01151/OM - negligible
- Along Marsh Lane – negligible
- In North Lynn - negligible
- Along the northern edge of King's Lynn Port – negligible

*Roads*

- A1078(Edward Benefer Way) – negligible
- Marsh Lane and Kilham's Way – negligible

*Commercial Premises*

- North Lynn Industrial Estate – negligible
- King's Lynn Port and Riverside Industrial Estate – negligible

It is considered that the proposed creation of boundary hedgerows around the site will assist in reinforcing visual screening of the development from the users of the local roads, PROWs and residential properties.

The proposal would therefore be in accordance with the NPPF, Development Plan Policies CS06, CS07, CS08, CS12 and DM15 and King's Lynn & West Norfolk Borough Landscape Character Assessment, 2007.



## Protected Sites and Species

### *Protected Sites*

The site was screened at pre-application stage and it was concluded that the development did not require an Environmental Statement (i.e. it is not EIA development.)

*Habitat Regulations Assessment (HRA):* Changes have been made to the Conservation of Habitats and Species Regulations 2017 (as amended) (2017 Regulations). The changes are made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (2019 Regulations).

The 2017 Regulations are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives).

The Regulations require the competent authority (in this instance the LPA) to ascertain the impacts of a plan or project not directly connected with or necessary to the management of a protected site that may impact on the site.

The competent authority must be satisfied that the project would not adversely affect the integrity of a protected site or, where there is no alternative solution that the project must be carried out for imperative reasons of overriding public interests.

The protected sites are known as Natura 2000 and consist of SACs, and SPAs. Ramsar sites, candidate SACs (cSACs) and potential SPAs (pSPAs) are treated the same as SAC and SPAs for the purposes of the Habitat Regulations Assessment (HRA).

Whilst it is the responsibility of the competent authority to undertake the HRA, it is the responsibility of the applicant to supply the information required to undertake the assessment.

The HRA is a staged process. Stage 1 (Screening) considers the scope for likely significant effects to occur based on a broad scale assessment taking into account factors such as the spatial relationship between impact sources and designated site. Screening for likely significant effects considers the project both alone and in-combination with other projects.

Stage 2 (Appropriate Assessment) if stage 1 identifies likely significant effect an assessment of the implications of the project for the site(s)'s conservation objectives is carried out.

Stage 3 if Stage 2 concludes that the project will adversely affect the integrity of the sites or when adverse effects cannot be ruled out, an assessment of alternatives for the project must be considered. Should no alternative be available 'Imperative Reasons of Overriding Public Interest' (IROPI) must be justified and compensatory measures identified.

The following Natura 2000 sites were considered:

- The Wash NNR (1.47km to the West)
- The Wash Ramsar, SSI, SPA (2.48km to the Northwest)
- The Wash and North Norfolk Coast SAC (2.48km to the West)

Full details of the site's qualifying features and conservation objectives accompanied the application.

Stage 1 – screening of potential likely significant effects on the protected sites for construction, operation and decommissioning.

The HRA screening had to be redone due to an inaccuracy in the initial submission which has resulted in the loss of an area of land to the south of the site. The loss of this area resulted in the need for a further desk study to be undertaken in relation to bird use of the footprint of the site from other information sources (i.e. in addition to what was actually recorded on site during the four surveys.)

The conclusion of the desk study is that there are no bird records from the actual footprint area of the site. Therefore, the Desk Study results do not add additional bird value to that which is detailed in the ADAS (2021) Wintering Bird Survey Report.

It is considered that the Desk Study has been undertaken in accordance with the requirements of Natural England, and consider that due to the fact that no additional bird records exist for the site area, the detailed Desk Study did not produce different results from the conclusion of the Winter Bird Survey Report.

Stage 1, including the desk study, has identified that significant effects on the protected sites are unlikely to occur as a result of any phase of the development alone or in combination.

It is not therefore necessary for the LPA to carry out an Appropriate Assessment, and in accordance with Natural England's response, subject to the development being carried out in accordance with appropriate mitigation, the development would not have an adverse impact on The Wash SPA and Ramsar or the interest features of The Wash SSSI. This can be suitably covered by condition.

### *Protected Species*

The surveys that accompanied the application can be summarised as follows:

*Birds:* The site has potential to support ground nesting birds, nesting birds (in scattered trees) and shelter / forage for wintering birds. A number of bird species were recorded on site. Further surveys are required.

*Best Practice Mitigation:* Any development, including site clearance, should be implemented outside of the breeding bird season (March to August inclusive). Where this is not possible, a nesting bird and a ground nesting bird check by a suitably trained ecological should be undertaken at least 48 hours prior to works.

*Bats:* The majority of the site is open ground lacking ideal habitat for bats. There is some potential for bats to use lines of trees on site for commuting, foraging and roosting opportunities. Further surveys required.

*Badgers:* No signs were recorded during the initial survey (Nov. 2020) however, two active setts were observed in both January and April 2021 on the site and immediately outside the site. Further surveys required.

*Hazel Doormouse:* The habitats are considered sub-optimal and lacked in connectivity to woodland. No further surveys required.

*Water Vole:* Suitable habitats were present on site for water voles in the form of the ditches and drains. Further surveys will be required if the ditches and impacted by the development.

*Otter:* The site provided connectivity for otters within an arable landscape via the ditches with the possibility for otters to use woodland on site for holt creation. Further surveys required.

*Reptiles:* The field margins provided the greatest suitability for reptiles on site. However, it is considered unlikely reptiles would be on site due to the lack of connectivity to suitable reptile habitats and lack of reptile records / observations. No further surveys required.

*Amphibians:* The site does not provide suitable habitat for great crested newts due to lack of ponds and hibernacula. Common amphibians may use ditches on site. However, it is considered unlikely due to low suitability of terrestrial habitat. No further surveys required.

*White-clawed crayfish:* The site's ditches were not considered suitable for supporting this species. No further surveys required.

*Non-native invasive plants:* No invasive plant species were recorded within the site, but invasive plant species were recorded in the wider area. Further surveys required as initial surveys were not carried out during optimal timeframes.

*General Enhancement Opportunities:* Prior to the instalment of solar panels on the site there is an opportunity to enrich and diversify the site by sowing a wildflower seed mix to the arable land which will attract a great number of insects and as a result birds.

*Landscaping:* As part of the proposed landscaping, the existing trees at the north of the site will be retained (with a small number being removed for health and safety reasons) as well as existing ditches to the centre of the site. In addition to this, native hedging will be planted along the north part of the eastern boundary and southern part of the western boundary. To the north east of the site will be a species rich grassland / ecological mitigation area.

All these aspects can be suitably conditioned if permission is granted.

Protected Species (PS) have full protection 2017 Regulations. It's an offence to deliberately capture, injure or kill, or deliberately disturb PS. These requirements are enforced in the 2017 Regulations and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the 2017 Regulations. However, if a development proposal could potentially result in a breach (i.e. a licence is known to be required), the LPA must form a view on the likelihood of a licence being granted under the regulations by NE in order to fulfil its own obligation.

As a licence is not known to be required the LPA does not need to undertake the tests of derogation.

If the further surveys required as outlined above suggest a licence would be required it will therefore be covered under the NE's regulations.

The development is therefore considered to be in accordance with the Regulations, the NPPF and Development Plan Policy CS12.

## **Highway Safety and PROW**

### *Highway Safety*

The site will be accessed from an existing access onto Edward Benefer Way.

The Local Highway Authority (LHA) has confirmed that the existing access of Kilham's Way with Edward Benefer Way is suitable for construction and maintenance vehicles and that, once the development becomes operational, the development will create very little additional traffic.

They therefore raise no objection to this aspect (the solar array itself) of the application in terms of highway safety subject to construction works being carried out in strict accordance with the Construction Traffic Management Plan that accompanied the application. This will be conditioned if permission is granted.

However, the LHA have also confirmed that separate consent will be required in relation to placing longitudinal apparatus in the public highway that it is reserved for statutory undertakers' equipment. They have stated that they do not allow private individuals / companies / developers etc. to place longitudinal apparatus in highway land. They also go on to make it clear that, unlike applications that seek to cross the highway at 90 degrees (i.e. crossing Edward Benefer Way) that can be appealed, there is no right of appeal again a refusal of the LHA to allow longitudinal apparatus in the public highway (i.e. the cable route.)

As such there is a risk that the solar farm will not be able to be connected to the national grid. Whilst there is little risk that the solar farm would actually be constructed without receiving such a permission, there is a risk that planning permission may be granted that could not be carried out. LPA's should avoid such circumstances where it can. However, LPA's should also not without / delay granting planning permission that accords with an up-to-date Development Plan on the basis of issues that are covered under other legislation.

The applicant is fully aware of this risk and has undertaken further discussions with NCC who have confirmed that they would need to submit two formal Section 50 applications for the two cable routes which run to the south of the site and ultimately will need to cross / run under the highway.

However, the applicant has confirmed that they wish to secure planning permission before entering into the consenting process with the LHA. This approach is understood and is generally normal in larger developments (i.e. securing planning permission before securing other consents / easement / Bylaws) as this speeds up the application process and also gives assurance that it is worth pursuing other consents.

#### *PROW*

Whilst there were some initial discussions regarding diverting the PROW(s) that cross the site under a diversion application (S257) the PROWs are to be retained in their current position. If it is proposed to change the route in the future then both a diversion application and amendment to the planning permission via an appropriate planning application will be required.

The existing PROWs (the northern part of King's Lynn Footpath No.35 (north of Edward Benefer Way) and the greater part of South Wootton Footpath No.) runs through the eastern part of the site.

NCC have confirmed they have no objection to the proposed development subject to prior to commencement of development the existing route is marked out on site and is agreed by the PROW team. This can be suitably addressed by condition if permission is granted.

NCC also acknowledges that they have neglected their duties with regard to the existing path due to its low priority given the path seemingly gets little or no registered use across it

due to it being a dead end and therefore a circular route though large generally featureless fields.

Comments from the Open Space Team (OSS) clearly concur with these findings stating that: 'Recent inspection of the site found the public path difficult to identify and locate on the ground – it was beset by substantial interference by agricultural crops, and by neglect by the local highway authority in terms of their duty to enforce against crop and other interferences, to maintain the path, and to signpost it clearly along its route.'

The proposed scheme would clearly result in a more legible route, and in this regard, whilst its route would be visually different, it may be used more as it will be more legible. This has to be considered a positive rather than a negative or at the very least a status quo (what is being lost on the one hand (nature of land around PROW) is being gained on the other (a legible and walkable PROW)).

Whilst both NCC and the OSS wish to see betterment in terms of connecting this route to the wider network, the land is not in the applicant's ownership and is therefore not something that the LPA can control.

In relation to the comments raised specifically by the OSS, the applicant responded as follows: the following enhancements were suggested:

- The dedication/creation of an additional public path linking with the statutory open access land in North Wootton parish (marked "The Gongs" on the Ordnance Survey "Explorer" map), and/or to the Marsh Road in North Wootton.
- The dedication of additional bridleway rights over the path, thus providing additional access to the countryside here to equestrians and pedal cyclists.

However, these enhancements are not necessary to make the development acceptable in planning terms, as it is already compliant with the policy in the King's Lynn and West Norfolk Core Strategy (2011) and the National Planning Policy Framework (NPPF). They do not directly relate to the development, nor are they proportionate to the scale and kind of development that is being proposed on the site. In this regard, the suggested enhancement would not meet the statutory test in CIL regulation 122 (as amended by the 2011 and 2019 Regulations)

Furthermore, the matter of ownership has also been overlooked when referring to potential off-site enhancements. I would highlight that the land immediately surrounding the application site, is not under the ownership of our client and we are ultimately not in a position to develop on third party land.

As part of the proposed layout, we have sought to keep the PROW in its existing location and have sought betterment through other means. This includes hedgerow planting either side of the existing PROW route which will delineate it and assist in reinforcing visual screening of the development from those walking down the route. Furthermore, following completion of the development, the section of the PROW cutting through the site, will span a larger width than currently exists.'

Taken all the above points into consideration, it is not considered that the impact on the PROW, given that the statutory body itself raises no objection, is sufficient to warrant refusal.

The proposal therefore complies with the NPPF and Development Plan Policy CS11.

## **Flood Risk and Drainage**

The site lies within an area designated by the EA as defended Flood Zone 3, outlined to have a chance of flooding of 1 in 100 or greater (less than 1.0%) in any year.

### *Background*

Sources of flood risk to the development site are outlined in the flood risk assessment that accompanied the application. The sources of existing flood risk are described in Section 4, this shows the greatest source of flood risk is outlined to be from a flood wall breach event during a 1 in 200-year (0.5% AEP) flood risk scenario.

Flood depths for the breach scenario are provided in Appendix C of the FRA report. Further correspondence has been undertaken with Environment Agency since the submission of this report to better detail the maximum flood levels for the breach scenario, the results of this mapping exercise were provided in supplementary information that was commented upon by the LA's CSNN team.

Flood mitigation measures are outlined in Section 5 of the FRA, the design details provided within this section are shown on the elevation drawings of the relevant critical components in Appendix E of the FRA. The flood resilience measures have been agreed with the Environment Agency following preapplication consultation (Appendix B of the supplementary information) and following this no objection has been raised by the Environment Agency as a statutory consultee.

1. The existing hydrology of the site is outlined in Section 2.1.3 of the FRA, which details the ordinary watercourses on the site boundaries as part of two separate hydrological catchments. The applicant has also confirmed that the site is underlain with clay pipes that have been installed as field drainage; the location, age and condition of these pipes are not specified. There are no other known artificial drainage features on site and the existing drainage is thought to be via overland flow and baseflow towards the ordinary watercourses, enhanced with the clay pipe field drains.

2. The applicant has confirmed they will have vehicular tracks through the solar farm. For the construction period they expect to use temporary roadways built with a composite mat system similar to Dura-Base. For the operation phase, they will have gravel near the access point and the substations. The internal roads won't have any gravel. Therefore, vehicular tracks are considered to be kept permeable.

3. Rutting is touched upon within Section 7.4.1.1 of the FRA, it is specified that extreme flows should be intercepted by SuDS such as swales or interception ditches to mitigate against the potential to increase peak runoff rates from the site from the existing condition. Rutting will also be mitigated by allowing vegetation to grow below solar panels which can improve soil structure and intercept water droplets.

4. Vegetation will be permitted to grow below solar panels as outlined in Section 7.4.1.2 of the FRA.

Following additional consultation with the developer, it is confirmed that grass and wildflower mixes, such as winter bird and pollinator mixes, will be sown on site for ecological benefits.

5. Approximate impermeable areas of compounds are outlined in Table 7.2 of the FRA. The drainage strategy for these areas of impermeability are discussed in Section 7.4.2 of the FRA.

In summary, it is outlined that surface water runoff from these areas can be attenuated within gravel filled trenches. Approximate sizing of the trenches is outlined in this section to provide attenuation for the 1 in 100 year plus 40% climate change storm event. It is expected these trenches will allow infiltration of runoff to the surrounding ground and mimic existing conditions.

6. As stated above, attenuation will be provided for the 1 in 100-year storm plus 40% climate change.

### *Flood Risk*

This type of development is classified as 'Essential Infrastructure' in Annex 3 of the NPPF. However, the EA have suggested it falls within 'Less Vulnerable'. Regardless, both classifications are considered acceptable in areas at risk of flooding subject to passing the Sequential and Exception Tests.

In relation to the former, the LPA is satisfied that there are no available, appropriate sites at a lower risk of flooding. This is on the basis of the size of the land required and its proximity to potential third-party users and a national grid connection.

The following critical elements are to be raised as follows:

- DNO Substation: To be raised 1.8m above the existing ground level, shown to be approximately 3.13mAOD from topographic information (overall height 5.1m)
- Client Substations: To be raised 1.8m above the existing ground level. 1no. at the site access road which an approximate existing site level of 3.04mAOD from topographic information. And 2no. in the south-west corner of the site, the existing ground level is unspecified (overall height 5.3m)
- Battery Storage Station: 5no. to be raised 1.8m above the existing ground level, shown to be approximately 3.0mAOD from the topographic information (overall height 4.4m)
- Transformer Station: 40no. to be raised 1m above the ground level at various points across the site (overall height 2.9m)
- Modules: To be set a minimum of 0.709m above the ground level. It is noted these components have a level of ingress protection (overall height 2.3m)

A Flood Risk Assessment has satisfied the Environment Agency that the development can be made safe for its lifetime and would not increase flood risk elsewhere.

In relation to the raising of some of the structures above flood risk, given their low height, they will still be low structures in the landscape. Furthermore, the LVA has taken account of these over heights in its assessment of impact.

### *Drainage*

In relation to the IDB's comments of the 11 August 2021, the applicant responded to acknowledge the comments raised and the potential need for Bylaw consent stating: As the Board has rightly stated, should infiltration not be a viable means of surface water drainage then surface water discharge to the nearest watercourse may be required.

Should discharge to a watercourse prove necessary for the surface water drainage of the application then it is acknowledged that discharge will be subject to the conditions of Bylaw 3, payment of the Surface Water Development Contribution fee and consent of the Board.

If discharge to a watercourse is required then, in relation to Bylaw 3 – Control of Introduction of Water and Increase in Flow or Volume of Water, the drainage strategy will

seek to limit discharge from the area of impermeability to the equivalent Greenfield Runoff Rates, therefore providing no increase in flow or volume to the watercourse.

The outline drainage strategy in the flood risk assessment has provided maximum attenuation volumes required for each impermeable unit on the development without an outflow, therefore providing evidence of the feasibility to attenuate on site for the 1 in 100 year plus climate change scenario. Should these attenuation drains exceed their capacity then it is expected that exceedance flows will naturally drain into the ground as overland flow, further limiting reliance upon drainage to a watercourse.

It should also be noted that the drainage strategy in the flood risk assessment identified that impermeable surfacing on the site will be limited given the nature of the development, additionally those areas of impermeability are likely to be raised above ground level on stilts or plinths (as shown on elevation plans), thereby further reducing the net loss of permeability of the site as a result of the proposed development.’

This acknowledgement of the drainage issues of the site has satisfied the LPA that surface water drainage can be suitably conditioned if permission is granted.

Given the outline drainage strategy and flood risk assessment that accompanied the application it is considered that it is appropriate to condition surface water drainage.

The proposal therefore complies with the NPPF and Development Plan Policies CS01 and CS08.

## **Historic Environment**

The Built Heritage Setting Assessment concluded that, whilst the towers or steeples of three Listed Buildings (LBs) are visible from the site The Chapel of St Nicholas, The Church of All Saints and The Church of St Mary), the site itself and any view of these LBs do not contribute to their significance. It goes on to state that the intervening distance ensures that the architectural detail of any LB is not discernible and the surrounding development and vegetation around east LB also ensures that the site is not visible from them. Existing development, vegetation and the long distances also ensure that there is no opportunity to see the site and the LBs together easily to the naked eye.

It concludes that, overall, solar development at the site will not harm any heritage asset through any change to their setting.

The cable route comes closer to a number of designated and non-designated assets than the main site itself. However, given that the cable route involves development underground, it is concluded that there will be no long-term material impact.

The Conservation Officer raises no objection to the proposed development on the grounds of its impact on the historic environment, and whilst acknowledging the lack of assessment of the Old Hall would have been welcomed, could not substantiate an objection given the development is not likely to result in any harm to any LB including the Old Hall given its proximity to the Listed Church.

The development is therefore in accordance with the NPPF and Development Plan Policies CS12 and DM15.



## Other Considerations

A number of service providers / statutory undertakers are likely to have assets in the vicinity of the proposed new cable route given its extensive length. However, as with highways consents, IDB consents for example, not gaining these permissions should not be a reason for delaying / not granting planning permission as they are dealt with under separate legislation.

If for whatever reason the permitted route is not acceptable due to utilities an amended scheme will need to be submitted for consideration by virtue of a new planning application.

## Crime and Disorder

There are no specific Crime and Disorder issues with this application.

## CONCLUSION

The main considerations in determining the impact of solar arrays are visual impact and glint and glare. Neither Natural England nor the Norfolk Coast Partnership raise objections in relation to the impact on the AONB, protected sites and other landscape designations. In relation to glint and glare Norwich Airport Safeguarding raises no objection. RSPB did not comment on the application. It is therefore concluded that the impacts on visual amenity and from glint and glare are acceptable.

Other key considerations in relation to this specific proposal are impacts on the historic environment, countryside and PROW(s), flood risk and drainage, highway safety and protected species. As outlined above all these impacts can be suitably addressed.

No objections have been received from statutory consultees although there are a number of additional consents / agreements that will need to be secured before development can commence.

It is therefore considered, given the nature of the development and the fact that the development is reversible together with the site's backdrop of the industrial estate to the south and southwest suggests the benefits of providing renewable energy outweigh any harm.

It is therefore recommended that this application be approved subject to the following conditions.

## RECOMMENDATION:

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

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

EF-GM001 Rev.L Site Location Plan  
 EF-GM002 Rev.C Main Site Location Plan  
 EF-GM100 Rev.K Site Layout Plan  
 EF-GM200A Rev.F Solar Module Framework  
 EF-GM200B Rev.D Solar Module Framework LE  
 EF-GM202 Rev.C Client Substation Elevations  
 EF-GM203 Rev.E Client Storage Elevations  
 EF-GM204 Rev.E Battery Storage Elevations  
 EF-GM205 Rev.B Transformer Station Elevations  
 EF-GM220 Rev.C Boundary Fence Typical Detail  
 EF-GM230 Rev.C CCTV Pole  
 SC H-B-25-2021 Version B DNO Substation Elevations  
 1051038-NAM9001-EST-L-007 Rev.03 Landscape Masterplan

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall take place until an archaeological written scheme of investigation (WSI) 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
  - a) The programme and methodology of site investigation and recording
  - b) The programme for post investigation assessment
  - c) Provision to be made for analysis of the site investigation and recording
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation and
  - f) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 3 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 4 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 3 and any addenda to that WSI covering subsequent phases of mitigation.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 5 Condition: The development shall not be put into first use 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 3 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 6 Condition: Prior to the commencement of development hereby permitted the full alignment and extent (width) of the existing PROWs that cross the site shall be accurately plotted on site and be agreed in writing by the Local Planning Authority.

Notwithstanding the approved Landscape Masterplan, no planting shall be planted along the confirmed route(s) of the PROW(s) without being approved in writing by the Local Planning Authority. Planting adjacent to the existing PROW(s) shall be carried out in accordance with the approved details prior to the first use of the development hereby permitted.

In relation to planting adjacent to the PROWs 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.

- 6 Reason: To ensure correct identification of the existing PROW(s) and ensure that planting adjacent to them is appropriate in accordance with the NPPF and Development Plan.
- 7 Condition: Other than in relation to planting adjacent to the PROW(s) that is covered under Condition 6 of this permission, all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 7 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 8 Condition: The construction phase of the development hereby permitted shall be carried out in full accordance with the Construction Traffic Management Plan that accompanied the application (Ref: 663057 dated June 2021).
- 8 Reason: In the interests of highway safety and the amenity of the locality in accordance with the NPPF and Development Plan.
- 9 Condition: Notwithstanding the information already submitted, no works shall commence in relation to surface water drainage until full details of the 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.
- 9 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 10 Condition: The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment & Outline Surface Water Drainage Strategy that accompanied the application (Ref: 882279-R1(01)-FRA dated June 2021) and supplementary information contained in a letter and appendices dated 20th August 2021 Ref: 882279-L1(00)-FRA unless otherwise agreed in writing by the Local Planning Authority. Your attention is drawn to Informative 1 of this decision notice that relates to this condition.
- 10 Reason: To reduce the risk associated with flooding in accordance with the NPPF and Development Plan.

11 Condition: Before the first use of the development hereby permitted, a detailed ecological planting and management plan shall be submitted to and agreed in writing by the Local Planning Authority in relation to the ecological mitigation area shown on the approved Landscape Master Plan and the field margins within the site. The development shall be carried out and managed in accordance with the approved details.

11 Reason: In the interests of protected species and sites in accordance with the NPPF and Development Plan.

12 Condition: The development hereby permitted shall be carried out in full accordance with the:

Summary of Further Survey or Actions and Ecological Opportunities and Recommendations contained within the 'Preliminary Ecological Appraisal (Rev.2 dated 28.05.2021)

Conclusion of the 'Information to Inform Habitat Regulation Assessment' (Rev.1 dated October 2021) and

Summary of Further Survey or Actions and Recommendations and Actions contained within the 'Wintering Bird Survey Report' (Ref: BXT69105-751 (00) REV 1 dated October 2021)

Recommendations contained within the 'Ground Level Tree Assessment' (dated May 2021) and

Landscape Masterplan drawing No. 1051038-NAM9001-EST-L-007 Rev.03.

Additionally, all construction works should be carried out outside of the wintering bird season.

Your attention is drawn to the fact that a number of these requirements are pre-commencement and require the submission of additional information that the development must be carried out in accordance with.

Your attention is also drawn to Informative 3 of this permission in relation to this condition.

12 Reason: To reduce the impacts on protected sites and species in accordance with the NPPF and Development Plan.

13 Condition: The development hereby permitted must adhere to the predicted construction and operational noise levels stated in sections 6 to 8 (including appendices 3 and 4) of The Noise Impact Assessment (Ref: 298127-RSK-RP-001-(00) dated June 2021) that accompanied the application. Any variations that exceed these levels must be agreed immediately in writing by the Local Planning Authority.

13 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan.

14 Condition: Prior to the installation of any external lighting associated with the development hereby permitted, 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

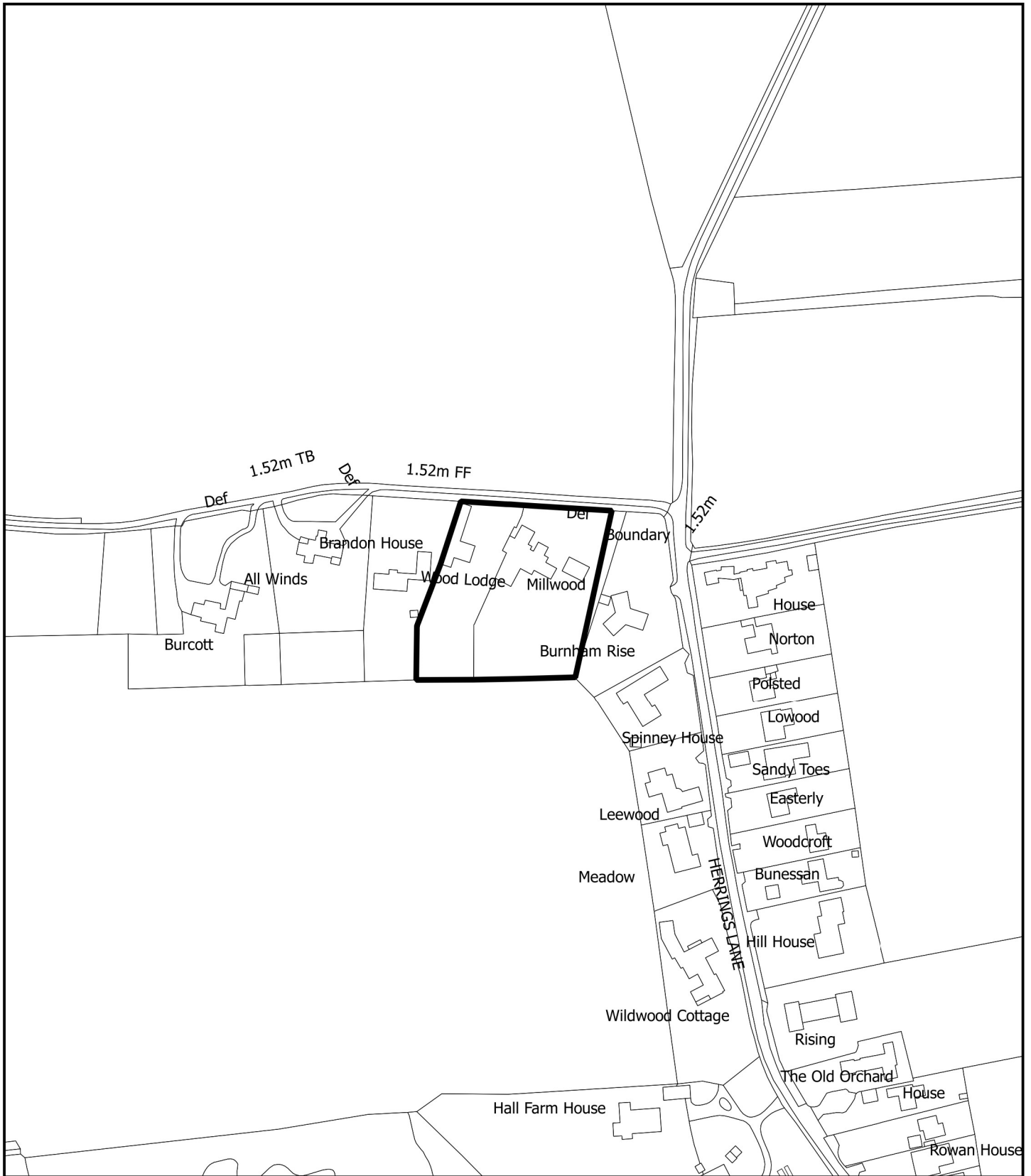
Planning Committee  
06<sup>TH</sup> December 2021

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. This condition should be read in conjunction with Informative 2 of this permission.

- 14 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 15 Condition: Within six months of the cessation of electricity generation by the solar facility hereby permitted, all above ground infrastructure shall be dismantled and removed from the site. The site shall be restored to its condition prior to the implementation of the planning permission or in line with a scheme, the details of which shall be submitted to and be approved in writing by the Local Planning Authority no later than three months following the cessation of power production.
- 15 Reason: To ensure satisfactory restoration of the site in accordance with the NPPF and Development Plan.

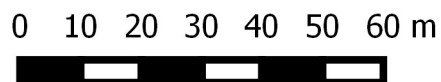
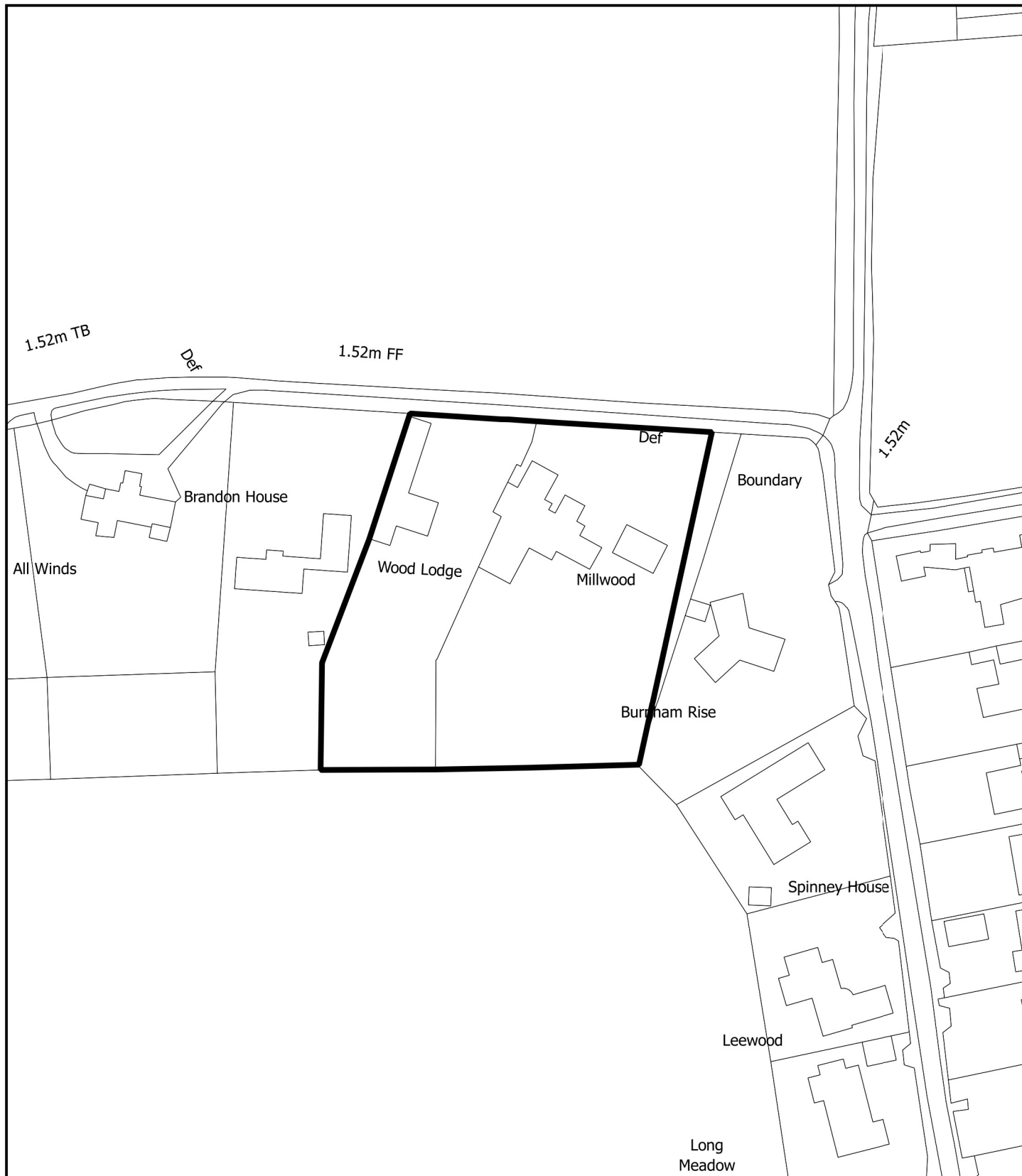
# 21/01335/F

Mill Wood House, Herrings Lane, Burnham Market, PE31 8DW



# 21/01335/F

Mill Wood House, Herrings Lane, Burnham Market, PE31 8DW



<b>Parish:</b>	<b>Burnham Market</b>	
<b>Proposal:</b>	<b>Proposed Demolition of Existing Dilapidated Building and Subsequent Erection of an Incidental Outbuilding</b>	
<b>Location:</b>	<b>Mill Wood House Herrings Lane Burnham Market King's Lynn PE31 8DW</b>	
<b>Applicant:</b>	<b>Mr Morris</b>	
<b>Case No:</b>	<b>21/01335/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr M Broughton</b>	<b>Date for Determination: 6 September 2021 Extension of Time Expiry Date: 9 December 2021</b>

**Reason for Referral to Planning Committee – Referral by the Sifting Panel**

**Neighbourhood Plan:** No

**Case Summary:**

The land is situated on the south side of Restricted Byway 7, off Herrings Lane, Burnham Market, within the village boundary and the designated Norfolk Coast AONB.

The application is for the construction of a detached, single storey, office / gym / art studio building for private ancillary use at Mill Wood House, Herrings Lane, Burnham Market, following the demolition of the existing building known as 'Wood Lodge'.

**Key Issues:**

- Principle of development and policy
- Appeal Decision APP/V2635/W/16/3165398
- Assessment: Current application v Inspectorate decision
- Form and Character and impact on the AONB
- Impact on neighbour amenity
- Other material considerations

**Recommendation:**

**APPROVE**

**THE APPLICATION**

The land, formerly part of Millwood Wood, is situated on the south side of an unmade track (Restricted Byeway RB7), which follows an east to west course between Herrings Lane and Whiteway Road, with open agricultural land on the north side and distant views of the marsh and sea. The area is designated AONB and the group of 4 dwellings in this tree clad enclave



form the northern edge of the settlement boundary of Burnham Market, with the central hub of the village at a lower level to the south.

The site comprises:

- A dilapidated and fire damaged former two and single storey building 'Wood Lodge', aligned to the western boundary of the greater site and abutting the front northern boundary – with that area somewhat overgrown at present. Wood Lodge, constructed in render, panelled and red brick walls with dormers and red pantiles, was formerly a detached dwelling in its own right, but was utilised as a bed and breakfast facility up to its fire damaged state in 2015.
- The applicants two and single storey, detached dwelling (Mill Wood House) lies on the eastern side of the site. It has a detached garage block on its eastern side and is constructed in a red-orange brick and red pantiles, with landscaped gardens including protected trees to the front, side and rear. The site of the former dwelling (Wood Lodge) has been incorporated into the curtilage of Mill Wood House.
- The application seeks the demolition of the dilapidated building 'Wood Lodge' and the construction of, for private ancillary purposes, a detached, single storey, office / gym / art studio replacement building, with siting aligned to the western boundary, but set-back from the northern boundary.
- Materials identify an oak framed building finished in painted render and weatherboard, reclaimed pantiles, oak framed openings and detailed glazing.
- An application for a replacement two storey ancillary building to cater for charitable fund raising entertainment events was refused in 16/01237/F following an Appeal.

## **SUPPORTING CASE**

With regard to the previous appeal following the refusal of application 16/01237/F, the Planning Inspector did not refer to 'scale' as such, and the appeal was not dismissed because of concerns about the scale of the building in relation to the existing site or neighbouring buildings.

The Inspector's concern was about the size of the proposed building and the resultant large number of people it could have held, potentially leading to noise and disturbance for neighbouring residents. That was the only ground the appeal was dismissed on.

The latest proposal is significantly smaller than the previously refused scheme, as well as being smaller than the existing building it would replace. The refused scheme had a footprint area of 228m<sup>2</sup> whereas the current proposal has a footprint of 175m<sup>2</sup>, which represents a 23% decrease in the amount of built development covering the site in comparison to that previously proposed. The current proposal would also be lower in overall height than the previously refused scheme (5.45m as opposed to 6.1m) and would no longer include a first floor.

Whereas the proposal dismissed on appeal was designed to accommodate relatively large numbers of people within 'open entertainment space' across two floors, the latest proposal is single storey and designed for private low key uses (art studio, home gym and home office).

The latest proposal would also be smaller than the existing building it would replace. The existing building has a footprint area of 202m<sup>2</sup>, so the proposal would give a 13% decrease

in built coverage, whilst the overall height of the existing building is 6.7m, so the proposed building would be significantly lower overall at only 5.45m.

The size and scale of the proposed building cannot therefore really be considered a concern when it would actually be smaller than the existing building it would replace.

## **PLANNING HISTORY:**

21/00101/TPO: Tree work approved 5/10/21.

21/00062/TPO: Tree work approved 14/07/21

16/01237/F: Refused: 02/11/16 - Demolition of B&B known as Wood Lodge and construction of a detached 2 storey building to be used for entertainment purposes for charitable events - Wood Lodge Millwood Burnham Market

APPEAL: Dismissed 30/06/17: Based on Policy DM15 – noise and disturbance to neighbouring sites

16/00194/DM: Prior Notification Not Required: 29/02/16 - Prior Notification of proposed demolition: Three outhouse buildings - Wood Lodge Millwood Burnham Market

16/00072/PREAPP: Likely to approve: 16/06/16: The proposal is to replace the existing B&B with a stand-alone structure to be used as an ancillary entertainment space for the neighbouring Mill Wood House under the same ownership - Wood Lodge Millwood Burnham Market

16/00026/TPO: TPO Work Approved: 28/06/16 - 2/TPO/00258:

16/00021/TPO: TPO Work Approved: 01/06/16 - 2/TPO/00258:

15/02127/DM: Withdrawn: 21/01/16 - Prior Notification of proposed demolition: Three outhouse buildings - Wood Lodge Millwood Burnham Market

14/00090/TPO: TPO Work Approved: 28/10/14 - 2/TPO/00258:

11/00202/F: Permitted: 04/04/11 - To add natural hardwood cladding to front, back and side elevations - Mill Wood House Herrings Lane Burnham Market

10/00130/F: Permitted: 08/04/10 - Construction of garage, changing room for new pool and greenhouse - Mill Wood House Herrings Lane Burnham Market

09/01986/F: Withdrawn: 02/12/09 - Construction of new garage and changing room - Mill Wood House Herrings Lane Burnham Market

09/00793/F: Permitted: 07/08/09 - Two storey extension to existing dwelling with new garage and internal alterations - Mill Wood House Herrings Lane Burnham Market

08/01155/F: Permitted: 16/06/08 - Construction of dwelling following demolition of existing - Mill Wood House Herrings Lane Burnham Market

05/02618/F: Permitted: 07/02/06 - Change of use of stables and garage to provide self-contained annexe and construction of detached garage - Wood Lodge Herrings Lane Burnham Market

21/01335/F

03/2190/F: Permitted: 24/02/04 - Extension to dwelling (amended plans) – Millwood Herrings Lane Burnham Market

## **RESPONSE TO CONSULTATION**

**Parish Council: NO OBJECTION**

**Arboricultural Officer: NO OBJECTION**

Condition existing tree protection fencing to remain in situ throughout building works

**Norfolk Coast Partnership: NO OBJECTION**

Ancillary use recommended  
External lighting - informal advice applied

**Environmental Quality: NO OBJECTION**

The screening assessment identifies that the land is depicted as woodland and then residential since early map editions. No potential sources of contamination are identified in the information provided.

**Natural England: NO RESPONSE**

## **REPRESENTATIONS**

**NONE** received

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM7** - Residential Annexes

**DM15** – Environment, Design and Amenity

21/01335/F

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Design Guide 2019

## **PLANNING CONSIDERATIONS:**

The main planning considerations are:

- Principle of development and policy
- Appeal Decision APP/V2635/W/16/3165398
- Assessment: Current application v Inspectorate decision
- Form and Character and impact on the AONB
- Impact on amenity
- Other considerations

### **Principle of development and policy:**

Mill Wood House lies at the northern edge of the built-up area of Burnham Market, a key rural service centre in the settlement hierarchy. It has access from Herrings Lane and is within the Norfolk Coast AONB.

The application identifies the proposal site comprises Mill Wood House and Wood Lodge. Wood Lodge was formerly a two and single storey dwelling on land in its own right, but latterly a bed and breakfast facility, prior to fire damage (2015). It has remained in its fire damaged, partially demolished state since.

The application seeks to construct a detached, single storey ancillary building, comprising office, gym and art studio for personal, ancillary use by the applicant, within the expanded curtilage of the dwelling Mill Wood House. The proposed building would replace the existing fire damaged ‘Wood Lodge’ and would be sited similarly on the western boundary but set-back from the northern (front) boundary of the site.

Whilst KLWNBC Policy DM7 SADMP 2016 addresses, in its criteria, annex style accommodation, this is an unusual proposal where it is proposed to demolish the separate former dwelling / Bed and Breakfast facility (Wood Lodge), and replace it with an ancillary outbuilding tied to the main house Mill Wood House.

The proposal would:

- Be in the same ownership as, and occupied in conjunction with, the principal dwelling, within an expanded garden and curtilage.
- Be ancillary and subordinate in scale to the principal dwelling
- Share existing access, gardens and parking of the main dwelling

In this case it is material that there is the existing dwelling, albeit fire damaged, known as ‘Wood Lodge’ in the position where it is proposed to site the ancillary building. Therefore there is already a building in this location, which is within a site in the development boundary of Burnham Market. Should an application for a new dwelling on the site of Wood Lodge have been made, then in this location it could be favourable.

In principle, development in this location is acceptable if the proposal accords with the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMP) 2016. Due consideration is also given to the National Planning Policy Framework.

**Appeal Decision APP/V2635/W/16/3165398 - 30/06/2017:**

Application 16/01237/F related to the demolition of the former B&B facility known as Wood Lodge and the construction of a detached 2 storey replacement building to be used for entertainment purposes for charitable events. The application was refused by KLWNBC based on noise and disturbance and increased vehicular movements to the detriment of highway safety.

The appeal was made under section 78 of the Town and Country Planning Act 1990 by the current applicant against a refusal by King's Lynn and West Norfolk Borough Council to grant planning permission in 16/01237/F. The development proposed was a new build structure to be used as a private entertainment space, ancillary to the neighbouring Mill Wood House, replacing the former dwelling/bed & breakfast (Wood Lodge).

The appeal was dismissed. The main issue in the case was the effect of the proposal on the living conditions of nearby residents, with particular reference to noise and disturbance and any effect on highway safety.

A copy of the previous appeal is attached in full to this report.

In summary, based on the proposal for a venue for charitable events, the Inspector concluded that while he did not consider that the proposal would have an adverse effect on highway safety, the proposal would potentially have an adverse effect on the living conditions of nearby residents, with particular reference to noise and disturbance.

**Assessment: Current application v Inspectorate decision:**

This proposal differs significantly from that refused on Appeal.

The building now proposed to replace Wood Lodge is a single storey structure with vaulted roof at 5.45m high, with a footprint of 175sqm.

The proposed scale represents:

- A reduction of 13% on that existing which is 6.7m high
- A 23% reduction in footprint on the 6.1m high, two storey structure proposed and refused on Appeal in 16/01237/F

Perhaps the key difference is that the current application identifies the structure is for private and personal ancillary use in connection with Mill Wood House and thus large gatherings for entertaining purposes are not expected.

The proposed layout is more in keeping, and which may be expected, with personal uses, as opposed to areas available for large scale gatherings and entertaining purposes.

The nature of this proposal does not infer any likely increase in traffic movements to or from the site, which in itself would create noise by movement.

The structure remains sited in close proximity to the neighbouring western boundary, but has no windows on the western elevation. No representations have been received from any neighbours.

These are factors in considering the current proposal against any perceived potential impact of noise and disturbance affecting the living conditions of nearby residents.

On this basis, it is considered the application has taken into account the Appeal decision, and has dealt with the issues raised in that appeal.

### **Form and Character and any impact on the AONB:**

Historically 'Millwood Wood' lies on the south side of the unmade track Restricted Byeway RB7, with open agricultural land and sea views north, the area designated as part of the Norfolk Coast AONB.

The four sizeable, detached dwellings at the Herrings Lane end of the track occupy large plots and are set back, with prominent trees, hedge and other landscaping providing a degree of frontage screening and thus sites which retain a sense of tranquillity to this location.

Millwood Wood in greater density continues west, beyond the said dwellings, to the junction with Whiteway Road. The pattern of 'large scale' dwellings, albeit more varied, continues towards the central area of the village, south along Herrings Lane, commencing from the junction with RB7, 75m east of the proposal site.

The former two and single storey 'Wood Lodge' abuts the western boundary of the site, with single storey elements extending up to the northern boundary with RB7. The area around Wood Lodge has become overgrown. The trees front and rear have, however, all been surrounded by hedges fencing, providing adequate tree protection and separation between the trees and access to Wood Lodge. The purpose and method being acceptable protection during any future building works as agreed with the Arboricultural Officer.

There are in / out gated access points to the site from the track on the north boundary – the access drive is in semi-circular format on the wide open frontage and there is adequate parking and turning. The western side of the northern boundary is fenced.

RB7 is a restricted byway fronting the site between Herrings Lane and Whiteway Road and is unaffected by the proposal. The said track forms a 'ridge' in the locality – with the village descending on the south side and the meandering, narrow Herrings Lane descending on the north side on its route towards Burnham Norton.

When travelling south along Herrings Lane from Burnham Norton one attains a view of the dwellings tucked into the south side of RB7, but given retained trees fronting dwellings, screening of the land remains satisfactory. Trees to the front and rear of this building are retained as is existing boundary treatment on the north and west.

Overall, in terms of scale, screening, siting and design, the proposal provides a modern, albeit large ancillary building, set in a tree clad environment and subservient to the main dwelling. There is no impact on the street scene, or on views into or out of the site which would impact adversely on this AONB locality.

### **Impact on amenity:**

The proposed building would be single storey with its elongated rendered west elevation on a par with that existing in terms of boundary siting and thus in close proximity to the neighbouring 2m fenced boundary (west). There is no glazing on the west elevation.

Given scale, design and siting, there are no overlooking, overbearing or overshadowing issues affecting the nearest neighbour. The proposed use of the building is personal use and as such is unlikely to create any adverse impact on the neighbouring site in terms of noise or disturbance

There are no other overriding factors which are likely to adversely impact on the neighbouring site west. As stated earlier in the report no neighbour representations have been received.

### **Other Considerations:**

Crime and Disorder: There are no known crime and disorder issues associated with this site or proposal

### **CONCLUSION:**

Historically, a residential dwelling, subsequently utilised as a 'Bed and Breakfast' facility, Wood Lodge, has been standing derelict since 2015 following fire damage.

This development clearly differs from that proposed in 2016 (and subsequently dismissed on appeal) in terms of scale, design and specifically use, and as such the proposed scheme is considered acceptable with use conditioned to that of 'personal' ancillary use.

The re-build proposal will protect and enhance the amenity of the wider environment and, given private use ancillary to Mill Wood House, there will be negligible impact on neighbouring uses.

It is considered that the proposed office /gym/ art studio, whilst large, is of an acceptable design and scale, which does not overdevelop the site, which will not impact adversely on the character and appearance of the locality or neighbour amenity and would not create a detrimental impact upon the AONB.

Overall, the proposal is considered to be in accordance with the requirements of the Core Strategy 2011, the Site Allocations and Development Management Policies Plan (SADMP) 2016, as well as the National Planning Policy Framework. It is therefore recommended this application be approved.

### **RECOMMENDATION:**

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

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

- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
- Site plan – drawing 48045/01– receipt dated 1/07/21
  - Block plan – drawing 48045/03– receipt dated 1/07/21
  - Elevations – drawing 48045/07– receipt dated 1/07/21
  - Layout and roof plan – drawing 48045/08 (REV) – receipt dated 16/07/21
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use of the building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy DM15 of the KLWNBC SADMP 2016
- 4 Condition: The herras type fencing in situ for the protection of all retained trees shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site.  
If the fencing is damaged all operations shall cease until it is repaired in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.
- 4 Reason: For the protection of trees, in the interests of amenity, in accordance with the NPPF.





## Appeal Decision

Site visit made on 19 June 2017

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2017

### Appeal Ref: APP/V2635/W/16/3165398

### Wood Lodge, Herrings Lane, Burnham Market, Norfolk PE31 8DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Keith Morris against the decision of King's Lynn and West Norfolk Borough Council.
- The application Ref 16/01237/F, dated 6 July 2016, was refused by notice dated 2 November 2016.
- The development proposed is a new build structure to be used as a private entertainment space ancillary to the neighbouring Millwood, replacing an existing bed & breakfast.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is the effect of the proposal on the living conditions of nearby residents, with particular reference to noise and disturbance, and any effect on highway safety.

### Reasons

3. The appeal site lies on the northern fringes of the village of Burnham Market; from the village green Herrings Lane heads towards the north, with built development on both sides of the road until a track heads off to the west which serves a small number of dwellings. The site comprises one of these dwellings, Millwood, and a former bed and breakfast, Wood Lodge, which at the time of my visit was partially demolished. The properties are set in reasonably generous plots, with gardens to front and rear. A field to the south separates the rear gardens from the heart of the village and views are possible to the north of the coastline over further undulating fields. As a result the site and surroundings are set in a peaceful idyllic location.
4. The proposal seeks to complete the demolition of Wood Lodge and construct a large 'entertainment space', bringing the land into the overall plot of Millwood. The substantial structure would be of a parallelogram shape, although the southern elevation would be longer than the northern due to the widening of the structure through the angling of the east and west sides. Inside the building would host a reception room at its northern front, with a dining hall at the southern end. Supporting ancillary rooms including toilets, kitchen and store would be sited in between the two main rooms. Stairs would lead to the smaller first floor lounge and terrace area, designed to look towards the fields

and coast to the north. The green roof of the proposal would generally slope towards the south, where full width sliding glass doors would face towards the southern field.

5. The appellant states that the building would be ancillary to Millwood and would be used to entertain up to 24 people for infrequent events. Some such events may be for charity, and details are provided of the appellant's patronage of such charities. The appellant states that they are content to accept a condition on any permission granted to ensure that the building remains ancillary to the main dwelling of Millwood, avoiding the need to consider other conditions to control hours of operation as such conditions would be unnecessary and unreasonable.
6. Concerns are raised by the Council and local residents, including the Parish Council over potential noise and disturbance from the proposed structure. I share such concerns. Although it is stated that the proposal is designed to hold a maximum of 24 people, the size of the building means that it could potentially hold far more. The dining hall in particular is of a substantial size and guests could also be accommodated within the upper lounge/terrace and reception area even when the hall was fairly full. This could lead to noise and disturbance out of kilter with the peaceful nature of the surrounding area.
7. Although there are open fields to the north and south of the appeal site, Brandon House to the west is located relatively close to the proposed building. Side windows and the rear elevation of this property would be close to the rear of the building and its large glass doors. The plans also seem to potentially show a covered external area at the rear of the building. With a substantial number of guests and the sliding doors open, events could lead to significant noise and disturbance issues for the residents of Brandon House and even potentially to residents of other dwellings on the west side of Herrings Lane. The modern design and levels of insulation proposed for the building would not adequately mitigate against disturbance from within the building when the doors are open.
8. Conditions to control numbers of guests, noise levels or hours of operation would be difficult to enforce, and would, as the appellant acknowledges be unreasonable. Nor do I consider that a condition ensuring that the proposal remains ancillary to Millwood would overcome this issue; whether or not the building was ancillary would be a matter of fact and degree but a use ancillary to Millwood in the manner described in the appellant's evidence could still result in noise and disturbance to neighbouring residents due to the sheer scale of the proposed building.
9. I do not doubt the appellant's charitable motives or their intentions for the use of the structure. However, I consider that the size of the structure would allow for entertainment uses which could result in noise and disturbance for neighbouring residents. Furthermore, the permission would run with the land and future owners could use the proposal for differing events. While I appreciate that other regulatory powers exist to control noise and disturbance, planning applications must be determined on their own merits within the provisions of the relevant planning legislation rather than other non-planning legislation, which in any event could be subject to change or deletion.
10. Concern is also expressed over matters of highway safety. I note in this respect that a public right of way exists along the track which accesses

Millwood. I also noted on my visit the narrowness of Herrings Lane at its southern end and indeed further to the north of the appeal site. However, there is significant parking areas available on the semi-circular drive of Millwood and the property lies close to the beginning of the track. I am not convinced that the proposal would lead to an increase in traffic to the extent that highway safety would be endangered, even with potentially larger events that could utilise the structure as described above.

11. I therefore conclude that while I do not consider that the proposal would have an adverse effect on highway safety, the proposal would potentially have an adverse effect on the living conditions of nearby residents, with particular reference to noise and disturbance. The proposal would be contrary to policy DM15 of the Site Allocations Plan<sup>1</sup>, which states that development must protect and enhance the amenity of the wider environment, and that proposals will be assessed against their impact on neighbouring uses and their occupants as well as to the National Planning Policy Framework which states that as a core principle that planning should always seek a good standard of amenity for all existing occupants of land and buildings.

#### *Other Matters*

12. The appellant states that the former Bed & Breakfast would have been a bigger noise generator than a domestic dwelling and could be resumed. Notwithstanding over whether such activities could be resumed given the condition of Wood Lodge, a domestic dwelling is not proposed in this case, and for the reasons given above I consider that the proposal would an adverse effect on the living conditions of nearby residents.
13. I note that pre-application advice provided by the Council considered a positive outcome to the application may be likely. However, pre-application advice is non-binding and the advice given requested a full explanation of the anticipated use of the building to assist. I also note the disagreements concerning the description of the proposed development. I have considered the appeal on the basis of the facts and evidence available to me.

#### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, including the green design of the proposed structure, I conclude that the appeal should be dismissed.

*Jon Hockley*

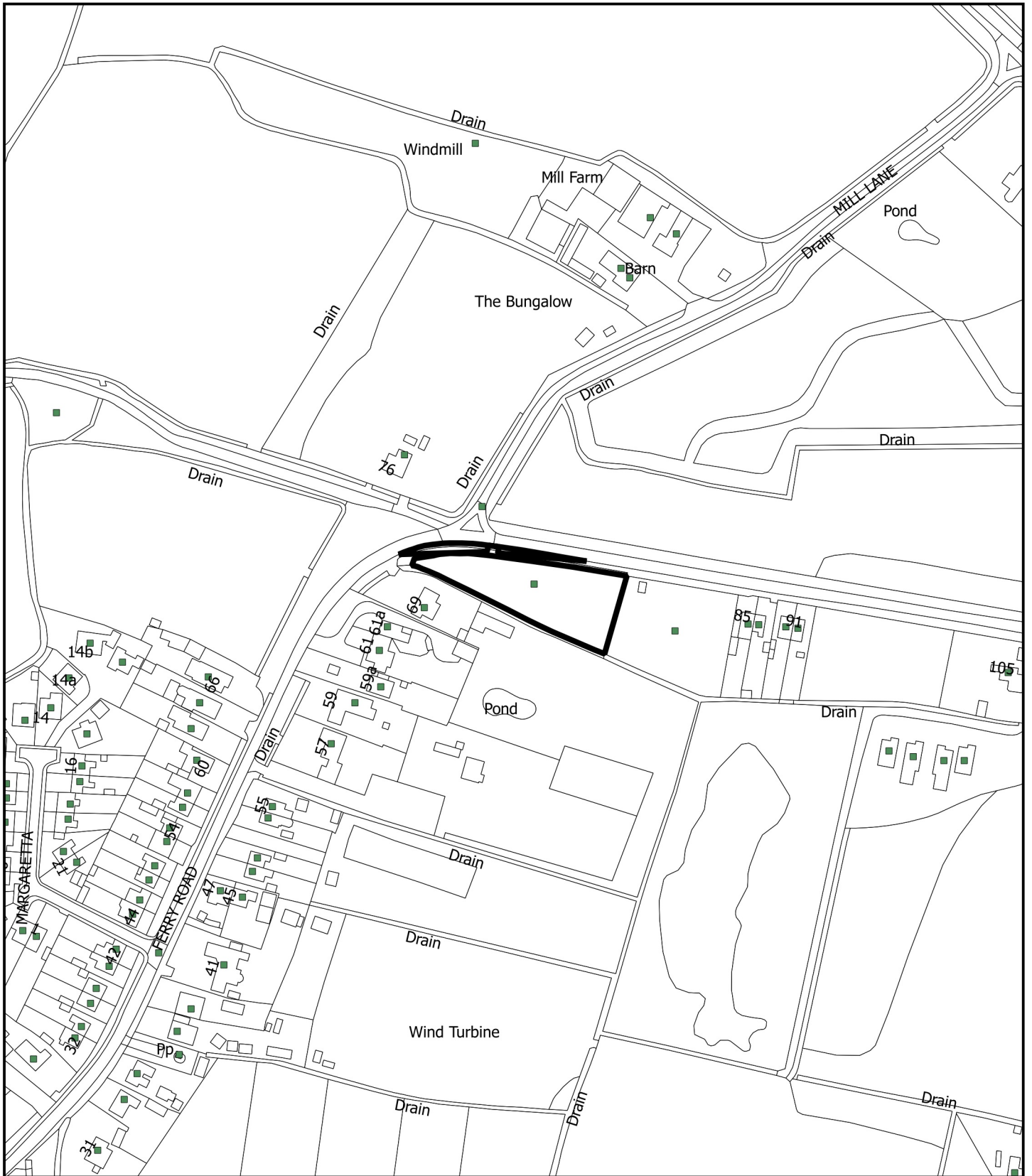
INSPECTOR

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<sup>1</sup> Borough Council of King's Lynn & West Norfolk Site Allocations and Development Management Policies Plan, September 2016

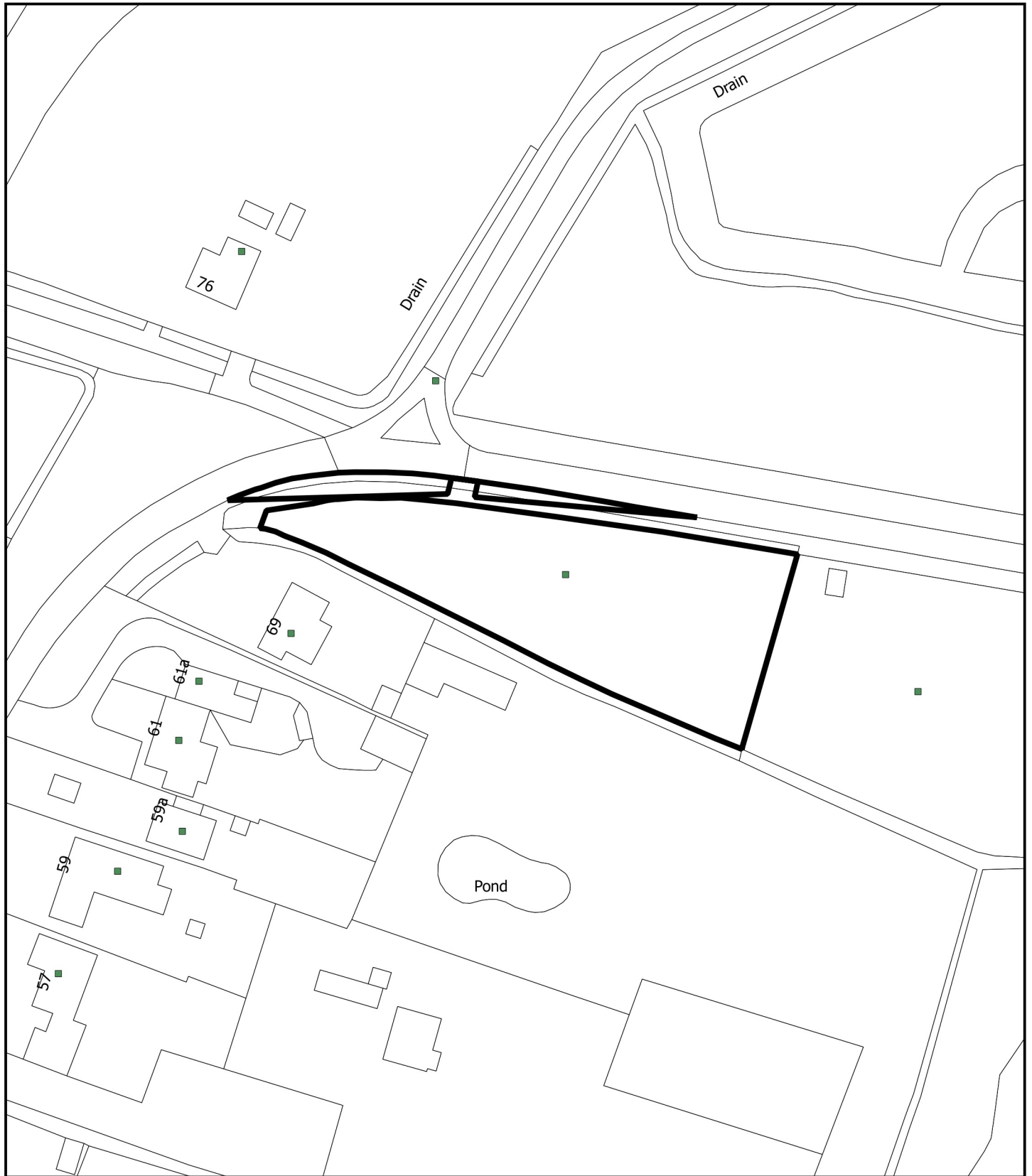
# 21/01940/O

Land NE of 69 Ferry Road, Clenchwarton, PE34 4BU



# 21/01940/O

Land NE of 69 Ferry Road, Clenchwarton, PE34 4BU



<b>Parish:</b>	<b>Clenchwarton</b>	
<b>Proposal:</b>	<b>Proposed development of 1 x 2 storey dwelling</b>	
<b>Location:</b>	<b>Land NE of 69 Ferry Road Clenchwarton Norfolk PE34 4BU</b>	
<b>Applicant:</b>	<b>Mr N Hurst</b>	
<b>Case No:</b>	<b>21/01940/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination:</b> <b>1 December 2021</b>  <b>Extension of Time Expiry Date:</b> <b>12 December 2021</b>

**Reason for Referral to Planning Committee** – Application called in for determination at committee by Cllr David Whitby.

**Neighbourhood Plan:** No

**Case Summary**

The application site lies in an area classed as ‘countryside’ on the southern side of Ferry Road opposite its junction with Mill Lane and Wash Lane, well outside the defined village development area of Clenchwarton.

This proposal seeks Outline Permission for the construction of a two storey dwelling, with all matters reserved for further consideration.

The site area (0.1Ha) is approx. half of that recently submitted under application ref: 21/00560/O, which sought outline permission for the construction of 3 no. two storey dwellings, and was refused at officer level in July under the scheme of delegation. That application was refused on the grounds of sustainability – development in the countryside, flood risk, plus highway and pedestrian safety.

**Key Issues**

1. Principle of development
2. Form and character
3. Flood risk
4. Highway implications
5. Impact upon neighbouring properties
6. Other material considerations

**Recommendation**

**REFUSE**

## **THE APPLICATION**

The application site lies in an area classed as 'countryside' on the southern side of Ferry Road opposite its junction with Mill Lane and Wash Lane, well outside the defined village development area of Clenchwarton.

This proposal seeks outline permission for the construction of a two storey dwelling, with all matters reserved for further consideration.

Indicative plans accompanying the application show a single 4 bedroomed detached house facing northwards on the widest part of the reduced site, with a detached garage close to the corner and an access point in between (where the speed limit changes from 30 to 40mph).

## **SUPPORTING CASE**

The agent has put forward the following statement in support of this proposal:

"This application has been submitted following the refusal of an outline application for 3 Dwellings. This was refused due to the site being in the open countryside, flood risk grounds and Highway issues.

We feel that a single dwelling in this location will not have a detrimental impact on the intrinsic character and local beauty of the area, in fact we believe it to have the opposite effect in tidying up a site that has been prone to fly tipping.

The Environment Agency have no objections to the proposals but recommend mitigation measures as proposed in the flood risk assessment are adhered to, the applicant is happy to proceed along those lines.

Norfolk County Council have no objection to a single dwelling on this site and the applicant is happy with Highways proposed conditions.

We feel that all three previous reasons for refusal have now been resolved through this application and we ask for your support in approving this development."

## **PLANNING HISTORY:**

M1845: Application Refused: 28/09/62 – Site for construction of 4 dwellings (Delegated decision)

M4509: Application Refused: 28/06/71 – Site for construction of 4 dwellings (Delegated decision)

M4510: Application Refused: 30/07/71 – Site for construction of 5 dwellings (Delegated decision)

21/00560/O: Application Refused: 06/07/21 - Proposed development of 3 no. 2 storey dwellings (amended description) – Delegated decision

## **CONSULTATIONS:**

**Parish Council:** No comments have been received.

Planning Committee  
06<sup>TH</sup> December 2021

## **Local Highway Authority: NO OBJECTION**

I am aware that this application site has previously been considered for development and we recommended that the site was not appropriate due to the absence of a dedicated safe footway provision. However, the level of pedestrian footfall from a single dwelling would be much lower as a result. On balance, I have no objection to the principle of the development at this all matters reserved stage. The applicant would however need to provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

- Visibility splays
- Access
- Parking provision and
- Turning.

## **Environmental Health & Housing - Environmental Quality: NO COMMENTS**

**IDB: COMMENTS** regarding Byelaw issues and condition regarding foul and surface water drainage details.

**Environmental Agency: NO OBJECTION** - subject to sequential testing and condition relating to mitigation measures recommended in site-specific Flood Risk Assessment.

**District Emergency Planning Officer: NO OBJECTION** - Because of its location in an area at risk of flooding, a flood risk condition is suggested for the occupiers to sign up to the Environment Agency's flood warning system and to prepare a flood evacuation plan.

## **REPRESENTATIONS:**

Original submission: **TWO** items of correspondence received raising **OBJECTION** on the following grounds:

- Over the last 2 to 3 years several vehicles have left the road in both directions as a result of excess speed and lack of vision on a blind bend. This section of road is notorious for speeding vehicles.
- Second application this year to develop this site albeit with reduction in numbers – principle still applies.
- Outside the development boundary. Conflicts with Policy DM2 of the SADMPP.
- Council has a supply of housing sites over 6 years, excess of NPPF requirements. Clenchwarton has an allocation of housing in the Local Plan.
- Given the Council's position in terms of the housing land supply and allocations in Clenchwarton, the development is not necessary and would therefore be at an unacceptable risk of flooding, contrary to the NPPF and Policies CS01 and CS08 of the Core Strategy and DM1 of the SADMPP, which amongst other things seeks to direct development away from areas at risk of flooding.
- Precedent.



- Site is a key contributor to the open character of this part of the street scene. Proposal would result in a loss of this space, to the detriment of the character and appearance of the area.
- The mitigation proposed in the flood risk assessment submitted in support of this outline planning application would require the proposed dwelling to be situated on raised land, considerably higher than the application site, which would be incongruous and result in the dwelling dominating this part of the street scene in the locality.
- The narrow section of Ferry Road transitions between 30 and 40mph speed limits and has a blind bend. There's a crossroad with Ferry Road, Mill Lane, Wash Lane opposite the application site.
- No footpath or street lighting along this section of Ferry Road.
- The visibility splay encroaches onto land outside of the applicant's control (appears to cross onto 69 Ferry Road).
- At the moment there is a mature hedge at the entrance of 69 Ferry Road, which results in traffic approaching the application site from the west being hidden until well into the required 43m SSD. It is therefore considered the proposal will result in an unacceptable increase in the potential for collision and personal injury at this point of access. In the absence of a traffic assessment to suggest otherwise or provide mitigation we would suggest the proposal is contrary to Policy CS11 of the Core Strategy and Policy DM15 of the SADMPP.
- The use of private car would conflict with local and national planning policy in encouraging to reduce traffic movements.
- Loss of privacy to 69 Ferry Road due to first floor windows in the rear and side (west) elevations of the property.
- Proposal conflicts with Policies CS01, CS02, CS06 and CS09 of the Core Strategy and Policies DM1 and DM2 of the SADMPP.

Amended scheme: No responses at the time of writing.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

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

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

**DM2** – Development Boundaries

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

## **PLANNING CONSIDERATIONS**

The key considerations in assessing this application are as follows:

1. Principle of development
2. Form and character
3. Flood risk
4. Highway implications
5. Impact upon neighbouring properties
6. Other material considerations

### **Principle of Development:**

The application site lies within the countryside as defined by the Core Strategy (CS). It is situated outside the defined Development Area of Clenchwarton which lies approx. 650m westwards along Wash Lane and 670m south-westwards to Main Road. Clenchwarton is designated as a Key Rural Service Centre in the Core Strategy and benefits from a range of facilities including surgery, school, bus route, post office, pub, church and other employment and retail uses. Clenchwarton is identified as having the potential to accommodate growth to sustain the wider rural community with three allocations for residential development in the SADMPP.

Policy CS06 of the Core Strategy 2011 (CS) states that ‘beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.’

The proposed house is not identified as being associated with agricultural or forestry needs, or for any other appropriate development as listed within Policy DM2 of the SADMPP. The proposal would involve the loss of a manicured grassed area of open land that offers an important gap in development along Ferry Road, and contributes to the intrinsic character and beauty of the countryside. The site is described as ‘garden/allotment’ land on the application forms, however it does not appear to be directly associated with a specific dwelling in this immediate locality. Aerial photography shows that the site was hedge lined and contained trees historically but was cleared some time between 2016-18. Its use as ‘garden’ may therefore be unauthorised. This does not however significantly affect the assessment of this proposal.

Furthermore, the Council recorded in the Housing Delivery Test: 2020 Results (25/1/2021) as having a 7.96 year housing land supply, which is well above the 5 year supply of housing land requirement. Therefore, it is considered there is no justified reason for the proposal to not accord with the relevant policies within the development plan.

Given that the proposed site is defined as within the countryside by the CS, the proposed development would fail to accord with Policies CS06 and CS08 of the CS, and Policy DM2 of the SADMPP.

### **Form and Character:**

This application seeks outline consent with all matters reserved, therefore the proposed development's appearance, access, landscaping, layout and scale would be addressed at the reserved matters stage. It is however important that the proposal harmonises with the character and appearance of the surrounding area.

Although the application site is near to a cluster of houses on Ferry Road, the site itself is within the countryside. The grassed site offers an area of spaciousness with views across the site towards mature trees and hedgerows by the rear and side boundaries. This offers a valuable gap in development which contributes towards its rural character and countryside setting.

The earlier proposal under application ref: 21/00560/O sought outline permission for three dwellings, with an indicative plan for three large, detached houses with detached garages spread across the site and around the corner. This current proposal shows a single large detached house facing northwards on the widest part of the reduced site, with a detached garage close to the corner with an access point in between.

Whilst the site area has been reduced and the eastern half of the overall land is proposed to be an orchard (agricultural use not requiring planning permission), it is clear that the introduction of even a single detached two-storey dwelling and garage, would alter the existing spacious character and appearance of the site with the introduction of built form and residential paraphernalia.

There are flood risk implications which will be explored below, however mitigation measures indicate that the Finished Floor Level of the dwelling would have to be elevated by some 1.4m above existing ground level. This would have significant implications regarding the scale and mass of the building compared to others in this locality and compound the adverse effects upon the appearance and character of this rural site/area.

Furthermore, the extent of urbanisation of the site would harm the character and appearance of the site and the surrounding area. However, as the proposal is for outline planning permission, the appearance, landscaping, layout and scale of the proposal would be addressed at the reserved matters stage.

It will be noted from the History section above, that attempts to develop this parcel of land have been made dating back to the early 1970s. Whilst planning policies have changed over the decades, the site remains designated as being in the countryside, so the principle of development remains unacceptable in policy terms.

### **Flood Risk:**

Paragraph 158 of the NPPF explains how development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The application site lies within Flood Zone 3a, an area with a high probability of flooding that benefits from flood defences. The Flood Risk Assessment (FRA) accompanying this application, refers to the three allocated sites for development of housing in the Local Plan having a similar level of flood risk to the application site. Indeed, the whole of the village lies

within Flood Zone 3a. It concludes that there are no available sites within Clenchwarton that offer a lower level of flood risk with respect to the Sequential Test. Whilst Sequential Testing is passed the proposal must also pass Exception Testing.

Paragraphs 159, 160 and 161 of the NPPF refers to the Exception Test, which is when development is not able to be located in a zone with a lower risk of flooding. The Exception Test requires consideration of sustainability benefits of the proposal, and that the development would be safe and residual risks managed. The site-specific FRA highlights that Clenchwarton is a Key Rural Service Centre, due to its facilities and potential to accommodate growth, and it proposes flood mitigation methods for the proposed development. Mitigation measures proposed are such that the Finished Floor Level (FFL) of the dwelling would be elevated by some 1.4m above existing ground level, with 0.6m of flood resistant construction (flood boards) above FFL. So the property could be made safe for its lifetime and that part of the Exception Test is passed. The EA raises no objection regarding the FRA.

However, both parts of the Exception Test must be passed in order to comply. With regards to 'sustainability benefits to the community that outweigh flood risk', the site itself is within the countryside and is located around 650m from Clenchwarton's development boundary. There are no footpaths or street lighting by the application site and therefore future residents would be highly reliant on private vehicles to reach services and facilities. Furthermore, the proposed urbanisation would harm the character and appearance of the application site, which contributes to the countryside setting. It is recognised that the proposal would provide a minor provision of housing for the local area, however, this single unit would not offset the harm and there would be a lack of sustainability benefits to the community that would outweigh the flood risk. Additionally, there are no material reasons to justify the development in this location.

Accordingly, the proposal would be unacceptable with respect to flood risk and it would fail to comply with the requirements of the PPG, the NPPF, Policies CS01, CS08 of the CS and Policy DM1 of the SADMPP.

### **Highway Implications:**

This outline application has all matters reserved including means of access.

The plans provided are indicative only and therefore could change. The earlier application for three dwellings was opposed by the Local Highway Authority, however this scheme for one dwelling has attracted their response as follows:

"I am aware that this application site has previously been considered for development and we recommended that the site was not appropriate due to the absence of a dedicated safe footway provision. However, the level of pedestrian footfall from a single dwelling would be much lower as a result. On balance, I have no objection to the principle of the development at this stage. The applicant would however need to provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

- Visibility splays
- Access
- Parking provision and
- Turning

Whilst the number of dwellings has reduced, the site remains some considerable distance away from services within the village.

Notwithstanding the concerns raised by third parties, the LHA opines that the proposed development could be accessed in a safe manner subject to details to be submitted as

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reserved matters. The proposal could meet the requirements of the NPPF and Policy CS11 of the CS.

### **Impact upon Neighbouring Properties:**

Representations have raised concerns over potential harm to neighbours' living conditions, including loss of privacy. The siting of the house and the elevation of its FFL would need to be handled very sensitively. However, there would appear to be sufficient space to accommodate a dwelling on the site, designed to avoid harm to nearby properties' living conditions.

As the plan is indicative this would be fully assessed at the reserved matters stage, when there is detailed information on the appearance, means of access, landscaping, layout and scale of the development.

### **Other Material Considerations:**

A representation is concerned with the precedent of the development. However, each scheme is assessed on its individual merits and is assessed against the development plan.

The IDB raises comments regarding byelaw issues and drainage – the latter could be secured via condition. Environmental Quality raise no comments with regards to contamination. Whilst our Emergency Planning Officer recommends a condition covering signing up to the EA's Flood Warning System and preparation of a flood evacuation plan, however this is usually covered by an informative note on planning decisions due to concerns regarding the tests applied to the use of conditions and enforceability.

### **Crime and Disorder:**

The proposal would not give rise to any significant issues relating to crime and disorder.

### **CONCLUSION:**

The application site lies within the countryside which has seen attempts to develop it for residential purposes since the early 1970s. In the interim decades planning policies have changed, however the site remains as countryside.

The principle of development would conflict with the development plan as the site lies within the countryside, the scheme would also be unacceptable with respect to flood risk as the proposal would fail to meet the requirements of the Exception Test as it would not provide wider sustainability benefits to the community that outweigh the flood risk.

The proposal fails to accord with the provisions of the NPPF, PPG, Policies CS01, CS06 & CS08 of the Core Strategy (2011) and Policies DM1, DM2 & DM15 of the Site Allocations & Development Management Policies Plan (2016) and is duly recommended for refusal.

### **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The application site is designated as within the countryside by the Core Strategy (2011). As the proposal is for open market housing within the countryside, it would not accord with the development plan. Furthermore, it would result in the loss of an important gap in development along Ferry Road, which contributes to the intrinsic character and beauty

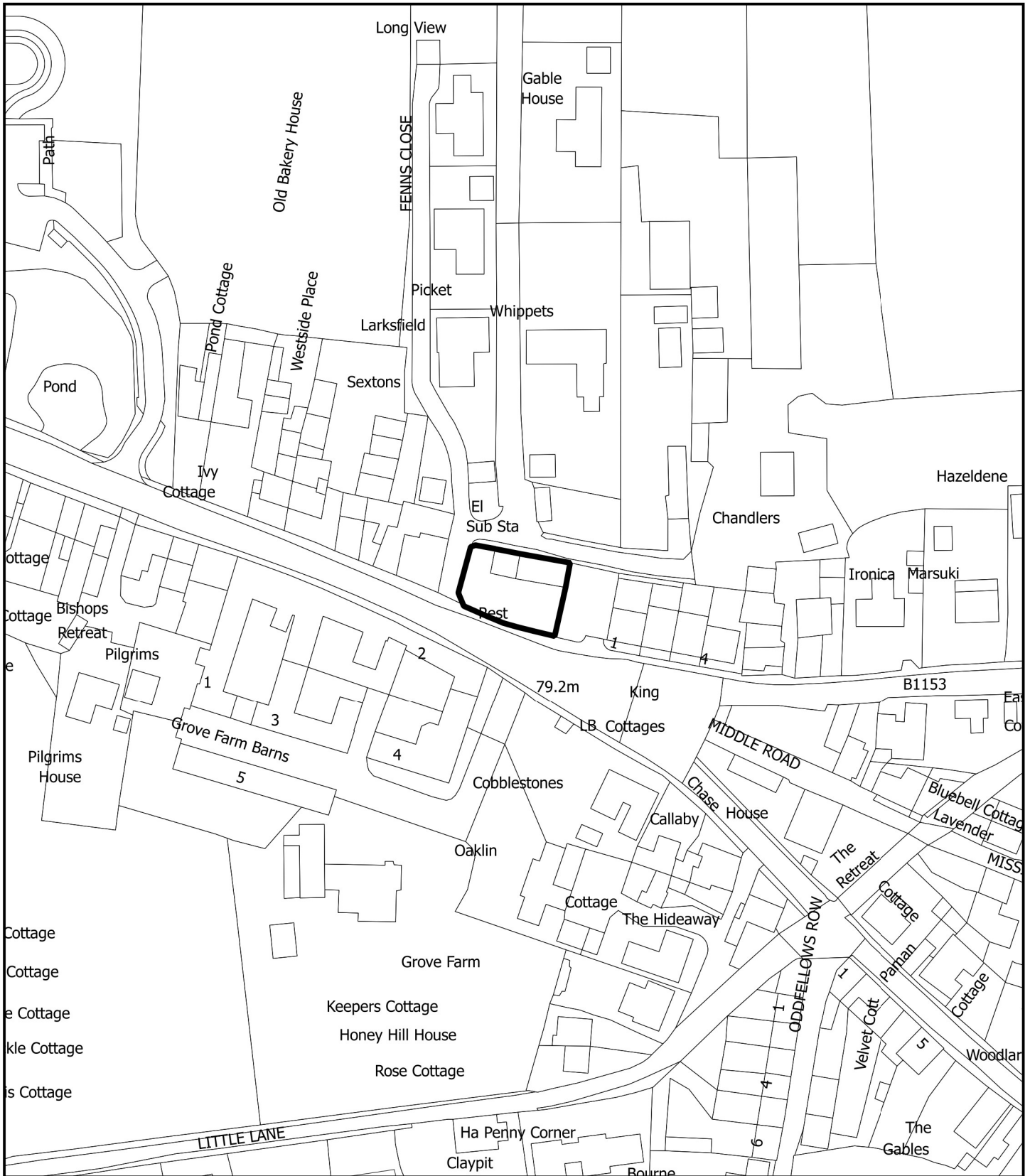
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of the countryside. Also the flood risk mitigation measures raising Finished Floor Levels would create an unduly prominent scale of development which would result in a prominent and discordant feature in this locality. The Council has over a 5 year housing land supply, therefore, it is considered there is no justified reason for the proposal to not accord with the relevant policies within the development plan. Consequently, the principle of the development would fail to meet the requirements of Policies CS06 and CS08 of the Core Strategy (2011) and Policy DM2 of the Site Allocations and Development Management Policies Plan (2016).

- 2 The application site lies in Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and the Tidal Hazard Mapping Zone of the Environment Agency's maps. The site itself is within the countryside and is located around 650m from Clenchwarton's development boundary. Furthermore, the proposed urbanisation of the application site would harm the character and appearance of the site, which contributes to the countryside setting. It is acknowledged that the proposal would provide a very modest provision of housing for the local area. However, a single unit would not offset the harm and there would be a lack of sustainability benefits to the community that would outweigh the flood risk. Additionally, there are no material reasons to justify the development in this location. Accordingly, the proposal would not meet the Exception Test and would be unacceptable with respect to flood risk. It would fail to comply with the requirements of Planning Practice Guidance - Flood Risk and Coastal Change, the NPPF and Policies CS01, CS08 of the Core Strategy (2011) and Policy DM1 of the Site Allocations and Development Management Policies Plan (2016).

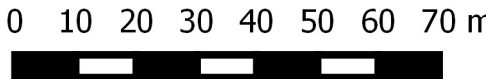
# 21/00917/F

## Swallows Rest, High Street, Docking, PE31 8NH



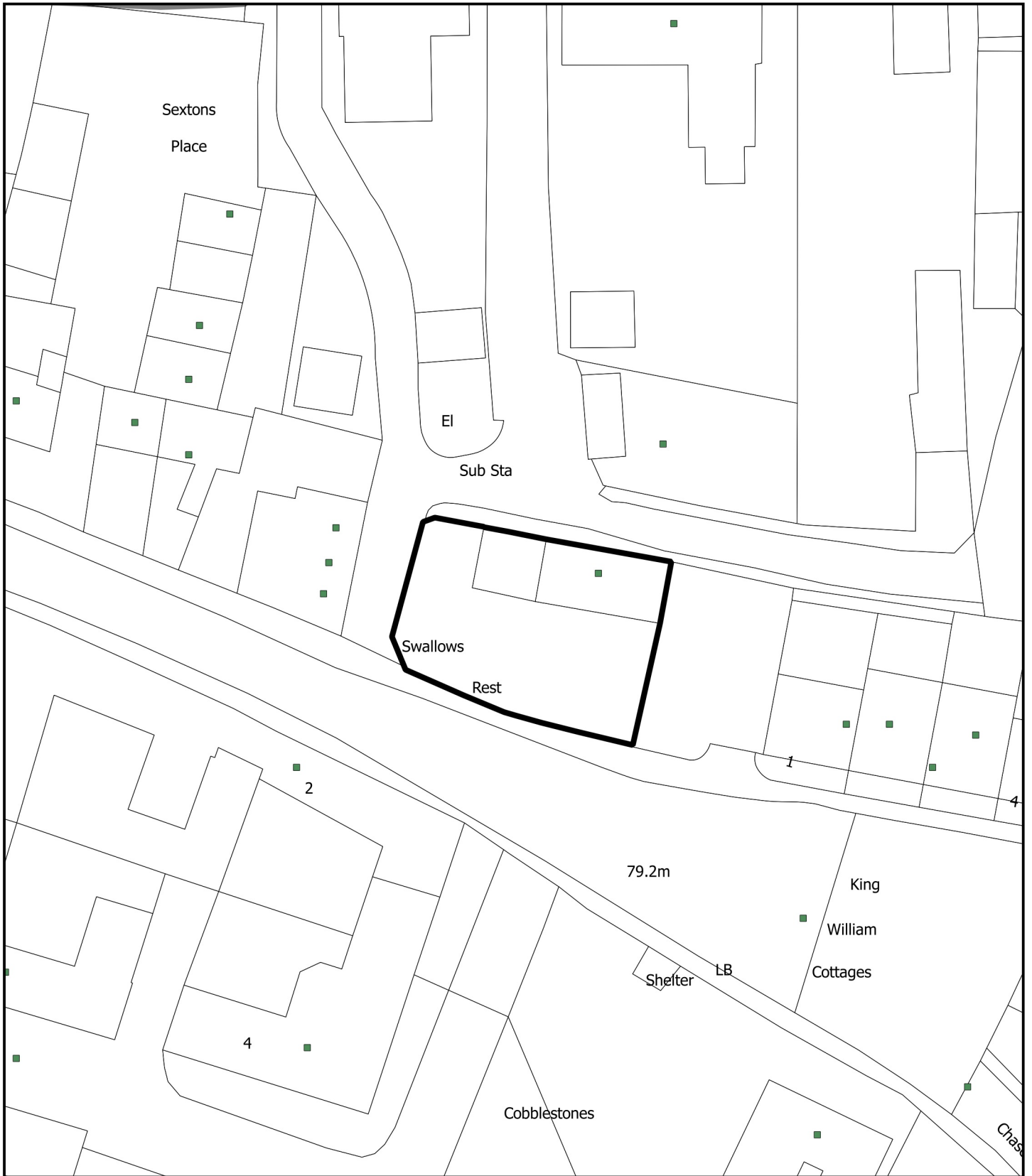
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**21/00917/F**

**Swallows Rest, High Street, Docking, PE31 8NH**





<b>Parish:</b>	<b>Docking</b>	
<b>Proposal:</b>	<b>Construction of new 1/2 storey extension while retaining as much of the existing extension as possible</b>	
<b>Location:</b>	<b>Swallows Rest High Street Docking KINGS LYNN PE31 8NH</b>	
<b>Applicant:</b>	<b>Mr Jonathan Cave</b>	
<b>Case No:</b>	<b>21/00917/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination:</b> <b>6 July 2021</b>  <b>Extension of Time Expiry Date:</b> <b>10 December 2021</b>

**Reason for Referral to Planning Committee** – Officer recommendation is contrary to Parish Council recommendation and referred by Sifting Panel

**Neighbourhood Plan:** No

### Case Summary

Full planning permission is sought for a single storey cart-shed extension (following demolition of an existing single storey lean-to garage) and alterations to an existing 1/1.5 storey extension to create additional habitable accommodation. A previous application, that was substantially different (for the demolition of the existing single and 1.5 storey extensions and replacement with a new detached dwelling), was refused and dismissed at appeal.

The site lies within the development boundary for Docking in Docking Conservation Area.

### Key Issues

1. Principle of Development
2. Appeal History and Impact on Conservation Area
3. Residential Amenity
4. Highway Safety
5. Crime and Disorder
6. Other Material Considerations

### Recommendation

**APPROVE**

### THE APPLICATION

Full planning permission is sought for a single storey cart-shed extension (following demolition of an existing single storey lean-to garage) and alterations to an existing 1/1.5

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storey extension to create additional habitable accommodation. A previous application, that was substantially different (for the demolition of the existing single and 1.5 storey extensions and replacement with a new detached dwelling), was refused and dismissed at appeal (appeal decision attached).

The application was refused for the following reason:

*The development would result in the site being dominated by the two dwellings and their car parking and turning areas, with very little garden area provided. The proposal would erode the open character of this part of the Docking conservation area, degrade its historic character and cause harm to the significance of Swallows Rest as a non-designated heritage asset. The proposal would cause less than substantial harm to the conservation area and the harm isn't outweighed by the limited public benefits of the scheme. The proposal is therefore contrary to Policies CS06, CS08 and CS12 of the Core Strategy (2011), Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) and Part 16 of the NPPF (2019).*

The existing dwelling is very small and comprises: two bedrooms, and a bathroom at first floor level and a very small living room and kitchen / diner in the two-storey element with a store in the 1.5 storey element and an outbuilding / garage in the single storey element.

The resultant dwelling would comprise three bedrooms and a bathroom at first floor level (two bedrooms and a bathroom in the two-storey element served by the existing stairs and one-bedroom in the extended / altered 1.5 storey element served by an additional staircase.) At ground floor level there would be a lounge and kitchen in the existing two-storey element and a dining room in the 1.5 storey element. The single storey element would be demolished and replaced with a single storey element accommodating a W/C and boot-room and undercover car park area. Materials are as existing or to be confirmed (secured by condition.)

The site lies within the development boundary for Docking in Docking Conservation Area.

Unpermitted fencing is subject to separate enforcement investigation.

## **SUPPORTING CASE**

This proposal is to reconfigure and restore an existing building already present on the site and joined to the existing dwelling. The proposals have been sensitively designed to take into account the character of the existing property and have been reduced in scale during the application process to take on board previous comments from the Parish Council. The addition of the car port seeks to reduce the overall visual impact of parked cars on the site.

The Parish council object to the proposed scheme but this is not a proposal for two dwellings, additionally most domestic properties have two or more doors one as a guest, semi-public, entrance and the other a more private 'dirty' entrance to be used by the occupants day to day when coming back from the beach or in from gardening. More often than not we put this entrance closer to utilities as we have with this scheme. An additional staircase had to be used as the first floor of the existing dwelling is very cramped and the addition of first floor circulation space would be a waste of space and potentially lead to the loss of a bedroom. The internal character of the existing property is also retained by not adding a staircase.

The existing fence present on the site does not form part of this application.

We have no objections from any other consultee and no negative public comments.

## PLANNING HISTORY

20/00201/F: Application Refused: 09/04/20 - Proposed dwelling following sub-division and alterations to donor dwelling: Appeal Dismissed 27/09/20

19/01510/F: Application Refused: 05/12/19 - Proposed dwelling following sub-division and alterations to donor dwelling

## RESPONSE TO CONSULTATION

**Parish Council:** The Parish Council still **OBJECT** to revised plans as it has not addressed any of their concerns which have been expressed.

Swallows Rest is situated in a conservation area and has a historic character within the village, the plans that have been submitted will take away the character of the existing dwelling. For these reasons, the application would fail to comply with:

- Part 16 of the NPPF (2019)
- Policy CS06 and CS12 of King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011)
- DM15 of Site Allocations and Development Management Policies Plan (2016)
- The Parish Council also feel that the site will be over developed if an additional dwelling were to be built and this would fail to meet:
- Policy CS08 of King's Lynn & West Norfolk Borough Council Local Development Framework – Core Strategy (2011).

With the plans clearly showing that the property would have 2 entrances along with 2 staircases meaning that if converted they would then turn into the 2 dwellings which the applicant has applied for previously.

The fence which they have erected is not in keeping with the conservation area and does not look nice and spoils the look of the character property.

**Highways Authority: NO OBJECTION** - I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to restrict the grant of consent

**Conservation: NO OBJECTION** - The latest amendments are an improvement. More detail is required as to how the increased height of the wall up to the eaves, especially above the window heads is to be treated. What materials will be used and how are the eaves to be detailed?

Whilst the existing elevations do not show any existing rooflights to the front, in reality there is one small existing roof light. I would prefer to see only one rooflight retained to the front rather than increase to two, this one rooflight could be relocated on the front slope if necessary or if easier, insert two rooflights to the rear, omitting all to the front.

## **REPRESENTATIONS**

**NONE** received at time of writing report.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:

- Principle of Development
- Appeal History and Impact on Conservation Area
- Residential Amenity
- Highway Safety
- Crime and Disorder
- Other Material Considerations

### **Principle of Development**

The application seeks alterations and extensions to an existing dwelling within the development boundary of one of the borough's Key Rural Service Centres.

The principle of the development is to be supported subject to compliance with other relevant planning policy and guidance and, in particular, the impact on the historic environment.

### **Appeal History and Impact on Conservation Area**

Collectively Policies CS06, CS08 and CS12 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (2011), Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) and Section 16 'Conserving and enhancing the historic environment' of the Framework (NFFP) seek to ensure that: local character and a high-quality environment is maintained, and new development preserves or enhances the historic environment and protects the heritage and cultural value of an area.

The main consideration in relation to this aspect of the application is whether the application addresses the reasons the Inspector dismissed application 20/00201/F.

The scale and design of the altered 1.5 storey and replacement single storey elements have both been significantly reduced since the application was first received to address the concerns of the LPA, Conservation Officer and to seek to address the issues for dismissal of the previous application. The development is now subservient in scale and design to the main dwelling and as outlined below is now considered to address the concerns of the Inspector.

The Inspector described the site as follows: *The appeal site is located on High Street and comprises an attractive property and associated garden. The dwelling is set back into the site and comprises a traditional, two-storey dwelling with a single storey side extension and outbuilding. The property is identified as an Important Unlisted Building within the Docking Conservation Area.*

*The Conservation Area extends along the main road through Docking and incorporates a large area of land to the South. The appeal site is located within the eastern part. Within this part of High Street, the appeal site and property make a positive contribution to the Conservation Area as a result of its age, traditional appearance and prominence. The set back of the dwelling provides some relief from the immediate prevailing built form of properties close to the pavement.*

In relation to the impact of the previous application the Inspector considered that: *The addition of a second dwelling into the appeal site would result in two separate areas of garden for each property along with parking and a shared turning area. Due to the location of the existing property, the main gardens and outdoor areas would be to the front of the dwellings, adjacent to High Street. Although the proposed parking for each property has been relocated to the sides of the site, the shared turning area and driveways would still result in a substantial and dominant area of hard standing to the site frontage which would be prominent within the street scene.*

He continued by stating: *Whilst the proposed gardens would be modest, they would provide a reasonable area of outdoor space for each property. However, they would not be of a size to sufficiently soften and mitigate the visual impact of the amount of hardstanding proposed. As a result, the development overall would have an urbanising effect and the site would appear overdeveloped. This would result in the erosion of the gap in the built form currently experienced within the streetscene which would be harmful to the historic character of the area and the integrity of the existing dwelling.*

*The proposed dwelling would entail the removal of the existing single storey side elements. These are in a reasonably poor state of repair, the shed in particular. However, whilst the*

*single storey structures do detract to a degree from the overall appearance of the property and surroundings, the provision of a new two storey dwelling in their place would significantly alter the character and appearance of the appeal site and surroundings to a harmful degree.*

The Inspector concluded: *For the above reasons I conclude that the proposed development would not preserve or enhance the character or appearance of the Docking Conservation Area. It would therefore be harmful in this regard. This harm would be less than substantial and accordingly, in line with paragraph 196 of the National Planning Policy Framework (2019) (the Framework), should be weighed against the benefits of the proposed development.*

The application before members is for alterations to the existing 1.5 storey element and replacement of the single-storey element. In this regard it is substantially different to the appeal application as it retains most of the original structures and does not propose a new dwelling with the subdivision of the site that that would entail. The proposal is therefore considered to address these reasons the Inspector dismissed the appeal.

The erosion of the gap and urbanising effect are also almost wholly eradicated by virtue of retaining and altering, with only a slight increase in height to enable accommodation in the roof space, the existing 1.5-storey structure. The retention and improvement of this element and replacement of the single-storey element completely are considered to not only preserve the existing character of the Conservation Area (as described by the Inspector) but enhance it by improving these aspects. The Conservation Officer raises no objection but does require additional information in relation to elevational treatment and materials which can be suitably conditioned if permission is granted.

It is therefore considered that the proposed development wholly addresses the reasons the Inspector dismissed the previous appeal and results in an extended dwelling that would better meet the needs of a family and would also preserve and arguably enhance the character of the Conservation Area.

Consequently your officers consider that the development, that is the subject of this latest application, would comply with Policies CS06, CS08 and CS12 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy (2011), Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) and Section 16 [Conserving and enhancing the historic environment] of the Framework which collectively seek to ensure that: local character and a high-quality environment is maintained, and new development preserves or enhances the historic environment and protects the heritage and cultural value of an area.

### **Residential Amenity**

The property to the east of the dwelling will be largely unaffected by the proposed development. As will the properties to the north and west that are separated by vehicular accesses. The slight increase in height of the altered 1.5-storey element and replaced single storey element would not have any material overbearing or overshadowing impacts due to the distances, orientation, and nature of this separation (accesses). Likewise, there would be no material overlooking to any sensitive areas of neighbouring properties due to the distances involved. Furthermore, the existing first floor window on the western elevation of the 1.5 storey element is removed from the proposed plans.

**NO OBJECTIONS** have been received from the occupiers of neighbouring dwellings.

## Highway Safety

The application does not materially increase the use of the site and therefore the Local Highway Authority raises no objection on the grounds of highway safety.

## Crime and Disorder

There are no specific crime and disorder issues arising from the proposed development.

## Other Material Considerations

In relation to the Parish Council's comments your officers respond as follows:

*The plans that have been submitted will take away the character of the existing dwelling. As outlined in the main body of the report your officers consider that the character of the existing dwelling is not only retained but enhanced by the proposed application.*

*The site will be over developed if an additional dwelling were to be built. The application is not for an additional dwelling.*

*The plans clearly show that the property would have 2 entrances along with 2 staircases meaning that if converted they would then turn into the 2 dwellings which the applicant has applied for previously. The dwelling has no rear amenity space and therefore the dwelling's amenity space is to the front. Your officers consider the desire to have patio doors onto this area from the dining room along with a main front door and side door via the cart shed are appropriate. Two staircases are required due to the very restricted size of the dwelling. Such a scenario is not unheard of when extending very small cottages. The dwelling could not be subdivided into two without planning permission. The Inspector's concerns regarding subdivision of the site (rather than the dwelling itself) would therefore have to be addressed if such an application were made.*

*The fence which has been erected is not in keeping with the conservation area and does not look nice and spoils the look of the character property. The fence does not benefit from planning permission. The proposed plans do not show the fence and therefore the fence will not gain planning permission by virtue of the current application. A separate enforcement investigation is dealing with this matter.*

## CONCLUSION

The proposed development is for extensions / alterations to an existing dwelling. The extensions and alterations are considered to respect the existing dwelling which is an important contributor to the Conservation Area. The proposal is substantially different to a recent refusal on the site that was dismissed at appeal and is considered to fully address the issues raised by the Inspector. No objections have been raised on technical grounds. Whilst contrary to the views of the Parish Council it is considered that the proposed development preserves and arguably enhances the character of the Conservation Area and should be approved subject to the following conditions.

## RECOMMENDATION:

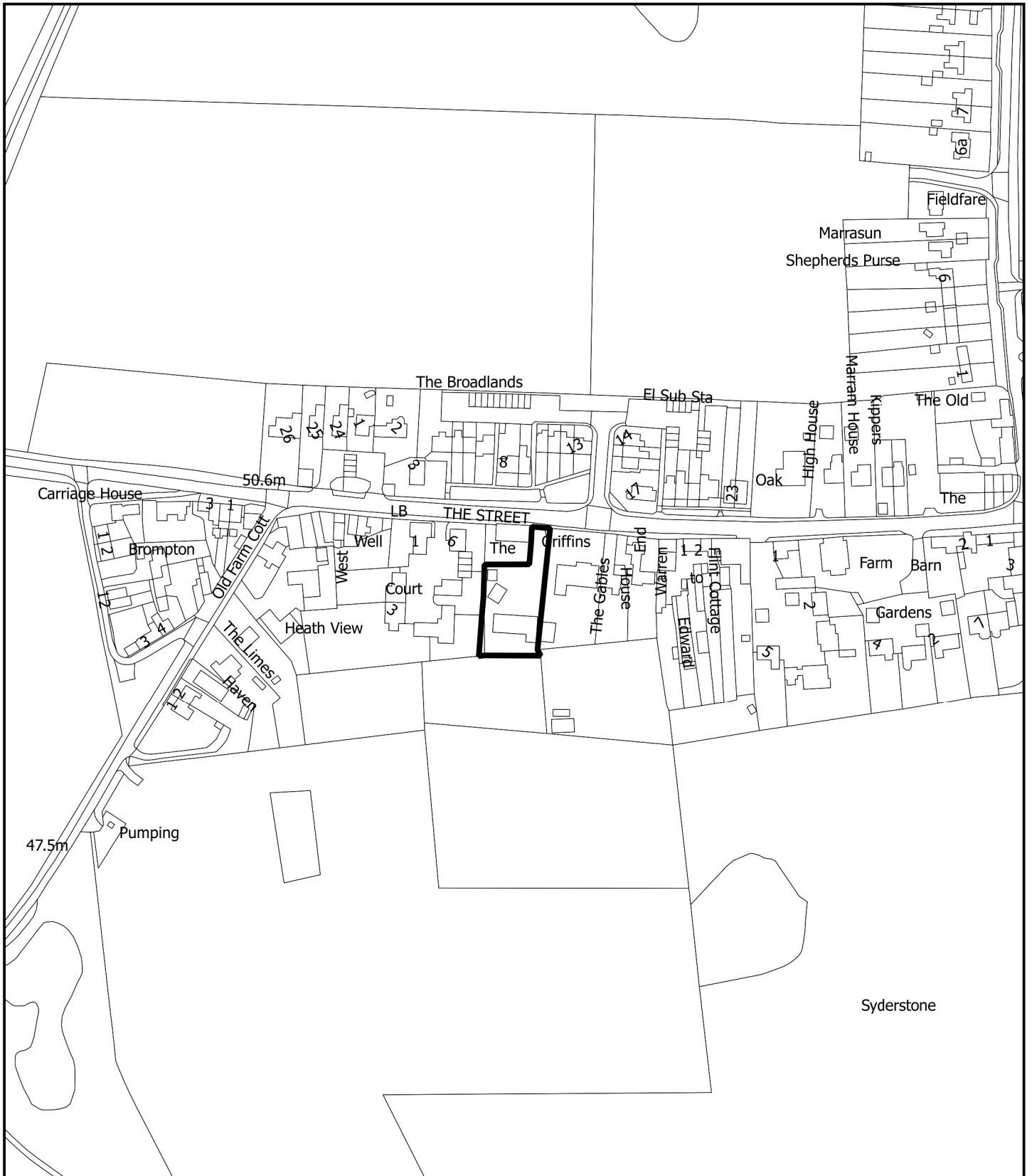
**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan drawing no: CAV01.02.01 Rev.C.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the details shown on the approved plans, prior to any works on the external elevations of the development hereby permitted, detailed elevation drawings and samples of materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: Prior to the first occupation of the development hereby permitted the proposed car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason: To ensure the permanent availability of the parking / manoeuvring area in the interests of highway safety in accordance with the NPPF and Development Plan.



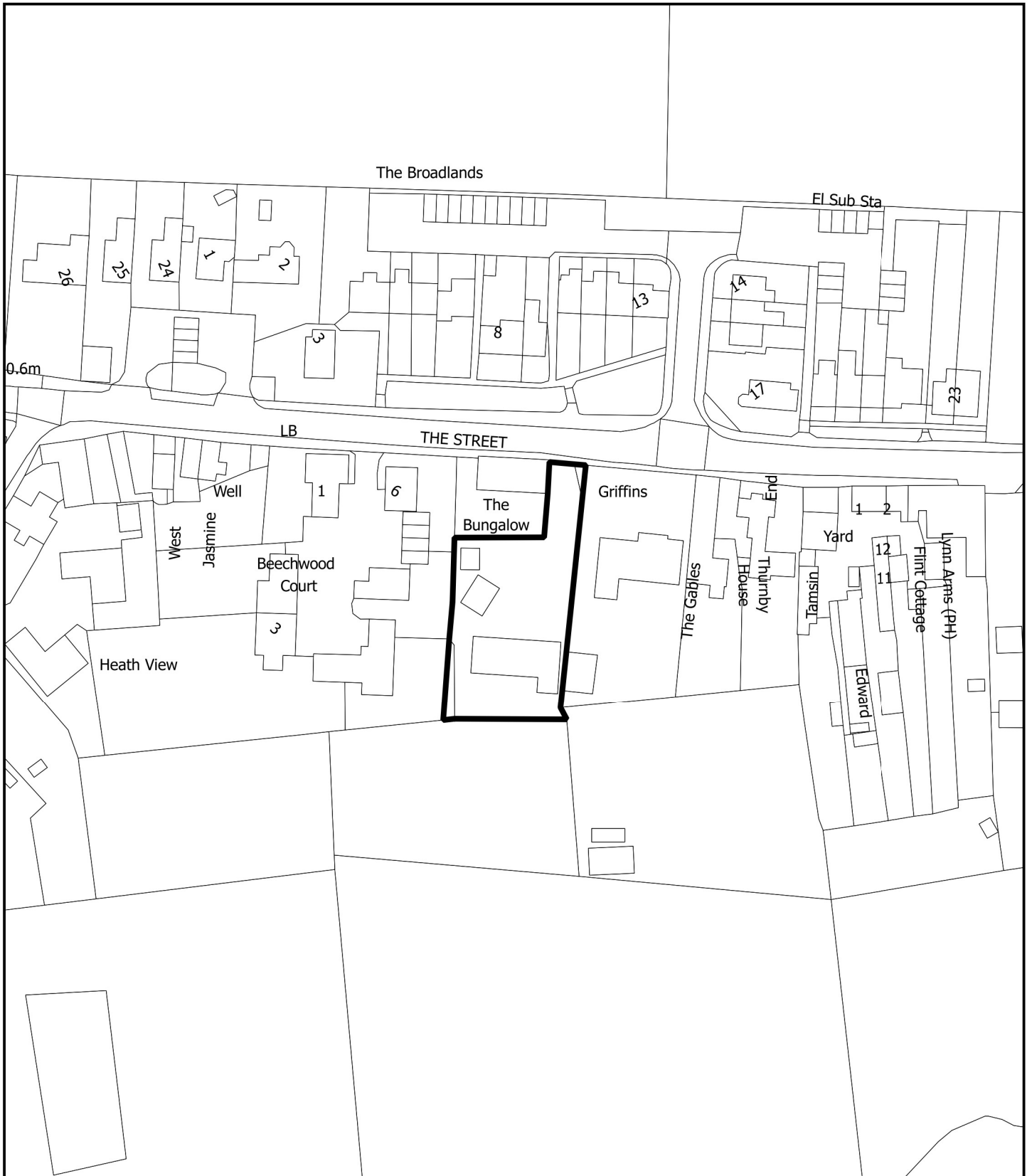
# 21/01173/F

Nursery Lodge Farm, The Street, Syderstone, PE31 8SD



# 21/01173/F

Nursery Lodge Farm, The Street, Syderstone, PE31 8SD



<b>Parish:</b>	<b>Syderstone</b>	
<b>Proposal:</b>	<b>First floor extension with single storey rear extension to existing dwelling</b>	
<b>Location:</b>	<b>Nursery Lodge Farm, The Street, Syderstone, Norfolk, PE31 8SD</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs M Cooper</b>	
<b>Case No:</b>	<b>21/01173/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Connor Smalls</b>	<b>Date for Determination: 20 August 2021 Extension of Time Expiry Date: 7 December 2021</b>

**Reason for Referral to Planning Committee – Called in by Councillor Morley.**

**Neighbourhood Plan: No**

**Case Summary**

This application proposes a new first floor to the existing single storey dwelling alongside a single storey rear extension.

The proposal has been amended since its original submission to improve the fenestration arrangement and to balance the front elevation. Alongside this, the rear elevation has been amended to improve the wall to glazing ratio and create a more balanced elevation.

The site and existing dwelling are located within Syderstone, among an established rural residential area. The site consists of a large plot with the dwelling well set back to the rear, large open land within the same ownership is located to the rear (south). Neighbouring dwellings are located to the north, east and west.

**Key Issues**

- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Permitted Development Fall Back
- Any other Material Considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

This application proposes a 1st floor extension to the existing single storey dwelling alongside a single storey, flat roof rear extension. The new first floor will follow the exact footprint of the existing dwelling and will retain a hipped roof of the same proportions as the current single storey dwelling, roof materials will be as existing. To the front, the elevation will follow the established use of materials, flint with brick detailing. The off-centre gable will extend to first floor level with a gable roof as existing and first floor windows are in line with ground floor windows below. First floor window height is more than at ground floor but is similarly proportioned when considering the detailing above ground floor windows.

The side and rear elevation will continue the use of the same materials as existing by utilising matching brick. At first floor to the east two new obscure glazed windows are proposed, in line with ground floor windows. To the west, no new windows are proposed

To the side elevation. A new door is proposed at ground floor to the rear elevation and a new window is proposed to the western side elevation of the first-floor rear projection.

To the rear, at first floor a large central glazed section will be installed with a new Juliet balcony and side windows to the left of the elevation, a new Juliet opening to the right of the door and finally a new Juliet balcony to the rear of the rear projection. At ground floor, a large central glazed section will mirror that of the first floor with a new door to the right. This extension will not extend past the rear of the existing rear projection and will retain the ground floor glazed door and side windows to the left of the elevation.

## **SUPPORTING CASE**

The proposal is for a First floor extension with single storey rear extension to the existing dwelling.

In response to the Planning Officer's comments and suggestions we have revised our plans several times with new Front and Rear Elevations. The additional single story rear extension was required to satisfy a request that the first and ground floor rear windows are matching; this has the added benefit of scaling the house down to the rear.

The property is set well back from the road, behind another property, obscured mostly by five mature Ash and Beech Trees. The property is not in a conservation area, AONB or overlooked to the rear. The arable land to the rear is owned by the property owners, who are currently undertaking extensive grassland regeneration and a tree project in collaboration with Norfolk County Council.

During the construction stage, local disruption will be minimal as the property has vehicle access to the rear and off street parking to the front for at least six vans or light trucks.

The proposed external materials are vernacular, flint on the public face and brick on sides and rear, roofing materials to match existing.

We are looking forward to creating a modern low energy home using Passivhaus principles that will be an asset to the village and complement the site for many years to come.

## **PLANNING HISTORY**

20/00297/F: Application Permitted: 20/04/20 - Single-storey rear extension (minor amendment to approved planning permission 19/00844/F, proposing to change the flat roof

over the extension to a pitched roof which is more in keeping with the local architecture and neighbouring properties. No change to floor plan). **Delegated Decision**

19/00424/F: Application Withdrawn: 08/04/19 - Two Storey Rear Extension and Balcony. **Withdrawn**

19/00844/F: Application Permitted: 25/07/19 - Single-storey rear extension. **Delegated Decision**

09/00123/PREAPP: INFORMAL - Likely to refuse: 14/07/09 - INFORMAL REQUEST - Construction of dwelling. **Delegated Decision**

10/00428/O: Application Permitted: 07/05/10 - Outline Application - Construction of dwelling. **Delegated Decision**

11/00530/RM: Application Permitted: 11/05/11 - Reserved Matters Application : Construction of dwelling. **Delegated Decision**

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT:** on the following ground:

- Front elevation windows will look into neighbours' properties so is a loss of privacy to neighbours
- Loss of light and overshadowing to neighbours
- Height of extra floor, scale and size of property
- Character of property not in keeping with neighbours' properties

**Highways Authority: NO OBJECTION.**

**Environment Agency: NO COMMENT.**

**Arboricultural Officer: NO OBJECTION** but recommends the following condition regarding:

- Any trees within 15m of the development will need to be protected throughout the construction phase.

## **REPRESENTATIONS**

Original scheme:

**ONE** public **SUPPORT** comment regarding:

- A positive impact from a townscape perspective. The comment considers that a two storey dwelling is more appropriate than a bungalow given the rural setting and that the house is also set well back from the street.

**NINE OBJECTION** comments received from 7 individual objectors regarding:

- Overlooking to neighbouring dwellings and a subsequent loss of privacy and quality of life.
- Overlooking would have a seriously detrimental effect on quietly enjoy garden space and undermine the work to support the life of the village (work for the church, the

women's institute and other activities in the local community). This would also have an adverse impact on health and well-being.

- The height of the development would result in overshadowing to neighbouring properties, resulting in loss of light, further undermining ability to quietly enjoy garden space.
- Proposal is out of character with the locality where smaller buildings predominate. Being too large, overbearing, imposing and out of character with other buildings in the vicinity and with the surrounding landscape, to the detriment of the character of the surrounding area and landscape.
- Loss of church view.
- Inappropriate use if permitted development legislation.
- Are footings/foundations adequate for the proposed extension at first floor.
- Impact on neighbours due to construction.
- Original dwelling was permitted as a bungalow.
- Consequence of previous permission.
- Possible unauthorised use of land.
- Bias towards applicant compared to neighbours and local councillor with knowledge and guidance given to the applicant/agent including discussions on fall-back position.
- Site visit conducted without neighbour's knowledge.
- Un-consulted changes to plans.
- Plans submitted late (after consultation date).

Latest scheme (re-consultation):

**ONE** public **OBJECTION** regarding:

- Overdevelopment of a bungalow, the development would more than double its size.
- Out of keeping with the area and the village as a whole and would infringe the surrounding properties.
- The development would limit the light to neighbour's homes and sunlight to gardens.
- Privacy of neighbouring homes would be affected, the fundamental right of privacy would certainly be lost as they would be overlooked.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

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

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

**DM15** – Environment, Design and Amenity

**DM2** – Development Boundaries

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations are:

- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Permitted Development Fall Back
- Any other material considerations

### **Principle of Development**

The application site falls within the development boundary of Syderstone, a rural village as defined by the Core Strategy Settlement Hierarchy. The development proposed is for extensions to an existing dwelling within the established residential curtilage. Based on the above, the principle of the proposed development is acceptable.

### **Form and Character**

The existing dwelling consists of a single storey bungalow dwelling set within a modest area of curtilage with extensive land in ownership to the rear. Set back from the main road quite substantially, the dwelling is screened by a large mature tree to the front with neighbouring dwellings to the front (north) and sides (east and west) of the plot.

The proposed development adds a new 1st floor to the single storey dwelling and a single storey rear extension.

The 1st floor extension retains the off centre front gable at first floor which consists of a pitched roof. The 1st floor addition will have a hipped roof with chimney whilst the rear projection will also have a hipped roof with a lower ridge height. To the front, the off centre gable will have a large window at 1st floor level mirroring the front door and side windows at ground floor in terms of scale. New 1st floor windows are larger than at ground floor but are considered to be of an appropriate size, scale and design given the existing context. Overall, it is considered that the fenestration arrangement is of an acceptable balance. Materials to the front will be as existing- Brick and Flint as will the roof tiles and windows. This adds a sense of coherence to the elevation and wider proposal.

To the eastern side elevation two 1st floor windows are proposed. These will mirror the ground floor windows in terms of size, scale and design and will create little visual impact. To the west, the main side elevation will have no windows. There will however be a new 1st floor window to the rear projection and a new ground floor door to the single storey rear extension. These are minor additions that will again have little visual impact in terms of design. Materials follow that of the existing dwelling, the front elevation will include flint with brick detailing whilst the side and rear elevations include brickwork to match. Roof tiles are shown to match the existing dwelling.

To the rear, the appearance deviates from the rest of the dwelling and has seen several amendments in order to simplify and rationalise the design. The original proposal saw large

areas of glazing, this is still present but the wall to glazing ratio has been improved. As such, at 1st floor there will be a large central glazed area with Juliet balconies with side windows. This will be mirrored in the rear of the ground floor extension ensuring the elevation as a whole is well balanced and symmetrical. The single storey rear extension will be flat roofed and in set from the western side elevation and will not extend past the rear projection. It is considered that the extension is in scale and the rear elevation as a whole will be suitably balanced visually. The walls will be matching brickwork to tie the elevation together visually.

The wider visual impact of the proposal will be limited. To the front, the dwelling is set back significantly from the main street and is screened by a large mature tree. This ensures a limited and acceptable impact on the street scene. There are two-storey dwellings within the immediate locality of the application site, as such, whilst neighbouring views will be impacted, the design is considered acceptable given the local context of dwelling forms and sizes. To the rear, the elevation is prominent and will have views over the extensive land in ownership of the applicant. However, there are no road or public rights of way with any immediate views of the rear of the property. As such, there will be a very limited opportunity to view this elevation from the public domain. This relationship is therefore considered acceptable.

As the proposal is creating large additions to the existing dwelling is considered necessary to restrict permitted development rights on the proposed dwelling. This will ensure that any further alteration to the dwelling or additions within the curtilage of the dwelling can be assessed by the LPA, particularly any potential impact on nearby properties.

The proposed alterations are extensive but for reasons outlined above, the proposal complies with Core Strategy policy: CS08- Sustainable Development, DM15-Environment, Design and Amenity of the Site Allocations and Development Management Policies Plan as well as the provisions of the National Planning Policy Framework.

### **Impact on Neighbour Amenity**

To the rear (south), the proposal will only look onto land in the ownership of the applicant. To the west, there is a distance of approximately 5.5m to the boundary from the side of the main dwelling with a distance of approximately 12m from the boundary to the nearest neighbouring dwelling. There are no side windows on the western elevation of the main dwelling so there will be no overlooking potential. The width of the side facing gable will be approximately 8.4m and the roof is hipped, reducing the prominence at roof level. Due to the distances above alongside the hipped roof and gable width, it is also considered that there would not be a significant or adverse impact in regards to overshadowing or overbearing. The boundary treatment is also quite significant with close board fencing and high hedging. The one side facing window to the west elevation is at first floor on the side of the rear projection and is over 20m from the boundary which ensures no overlooking.

To the front, there is a distance of over 20m to the shared boundary with 'The Bungalow' a single storey dwelling to the north and a distance of over 30m to the dwelling itself. This is a large separation distance which also includes the large, mature tree. The distance and screening ensures that there will be no adverse overlooking, overshadowing or overbearing issues to this neighbouring dwelling. The positioning of these front facing windows and orientation of the buildings ensures that there would be no unacceptable views into private amenity space to the two adjoining neighbours to the side. To the west there is suitable separation to the boundary and to the east the views would be limited to the side of the neighbouring dwelling and would have no unacceptable views into private amenity space.

To the eastern side elevation there are two new 1st floor windows proposed. However, these are shown on plans to be obscure glazed which will prevent overlooking; this will be secured



by condition on any consent granted. In terms of overbearing and overshadowing, there is a distance of over 12m at the closest point between the main dwelling and neighbouring property. Whilst the dwelling will be gaining an additional storey, the roof will be hipped reducing the height around the edge of the building. It is also of note that immediately adjacent to the shared boundary the neighbouring plot has a single storey garage/outbuilding. This prevents the most significant potential of overbearing to the southern area of the neighbours plot and will partially screen the proposed development. It is considered that on balance, the separation distance, screening from existing outbuilding and the limited overbearing of the property will create an acceptable relationship. The orientation is such that there would likely not be significant and unacceptable overshadowing on the neighbouring property. A key consideration is also that the addition of a 1st floor could be considered permitted development, as discussed below.

### **Permitted Development Fall Back**

Under Class AA of the Town and Country Planning (General Permitted Development Order) 2015 (as amended), which relates to enlargement of a dwellinghouse by construction of additional storeys, a new 1st floor could be added to the property subject to a prior notification application being submitted. Whilst extra development over and above these permitted development rights is proposed as part of this full planning application, these are relatively minor, and therefore the principle of this 'fallback' position is given significant weight in considering this application.

In summary the proposed development meets all criteria for Class AA other than the addition of two side windows, and the floor to ceiling height at 1st floor being 0.022m more than at ground floor. As this is a full planning application the addition of the windows has been justified above, and is considered to be fully acceptable. The floor to ceiling height at first floor is only a very small amount over the permitted development allowed height. The overall height of the 1st floor addition to the building is within permitted development limits so adjusting this would not impact the overall height of the building as proposed. For these reasons as stated above it is considered that this fall-back position adds a further material reason to justify the addition of the 1st floor the existing dwelling.

### **Other Considerations**

#### **Parish Objections**

All considerations regarding loss of privacy/ overlooking have been addressed above. Loss of light and overshadowing to neighbours, the height of the extra floor, scale and size of property and the character of the property have also been addressed above.

#### **Public Objections**

Overlooking, loss of privacy, overshadowing, resultant impact on amenity and fall back position have been addressed above.

Regarding the loss of the church view to neighbouring dwellings, there is no legal right to a view so this cannot form a consideration of this application.

Regarding the structural implication on the footings/foundations and questioning if they are adequate for the proposed extension at first floor, this is a matter that will be dealt with by building control.

Regarding impact on neighbours due to construction, it is not considered necessary to impose a condition for this level of development as this is a householder application.

Regarding the fact that the original dwelling was permitted as a bungalow, as detailed above the principle is acceptable. The fall-back position is also relevant in that a 1st floor could be added under permitted development.

Based on the public comment regarding previous permissions, this is a separate application permitting a separate scheme. The applicant can choose to implement a permission that is in time but could not build out two separate schemes relating to the same area of this dwelling. This application is only permitting the proposed development as shown on submitted plans.

Regarding the public comment about a possible unauthorised use of land (land to the south of the application site), the planning enforcement team have been notified of the public comment separately to this planning application.

One public comment raised the issue of a bias shown towards the applicant compared to neighbours and the local councillor, with knowledge and guidance given to the applicant/agent including discussions on a fall-back position. However, discussion including a phone call were had with Councillor Morley throughout the application process where information was provided when requested.

Local Planning Authorities are required to work proactively with applicants and cooperation is expected within national policy. Information was shared equally between all parties at all times.

Issues were raised that the Officers site visit was conducted without a neighbour's knowledge. It is common practice for officers to conduct site visits independently and assess the proposal and the impact on neighbours.

Finally, regarding un-consulted changes to plans and plans submitted late, the finally submitted plans which are the subject of consideration have been re-consulted on, and the opportunity has been given for further comment on this final scheme. The plans have been submitted and re-consulted on well in advance of the committee deadline and the correct procedures have been followed.

## **CONCLUSION**

To conclude, the application site is within the development boundary of Syderstone and the extension is to an existing dwelling within the established residential curtilage. As such, the principle of development is acceptable.

The additions to the dwelling will utilise the same materials as the existing dwelling and the first-floor extension will follow the form and footprint of the current bungalow. The roof will remain hipped and the dwelling is well set away from the main road. The front and rear elevation have been improved to ensure that the fenestration is well balanced and that there is a suitable wall to glazing ratio. The dwelling is also screened by a large mature tree, limiting the impact on the street scene. The dwelling is set away from boundaries and has little to no impact to the rear.

Neighbour amenity impact is considered to be acceptable. To the west there is separation to the boundary and then further separation to the nearest dwelling. The boundary is well screened and the width and hipped roof are not deemed to be unacceptable in regards to impact. To the north, there are substantial distances to both the boundary and neighbouring dwelling. These distances ensure there will be no adverse impact on amenity. To the east, first floor side windows are obscure glazed, this is secured by condition. The proposal is

somewhat screened by a single storey garage outbuilding adjacent to the boundary in the neighbour's plot. This will prevent immediate overshadowing and provide a visual break between the neighbouring property and proposed development. The distance to the neighbouring dwelling from the proposal is considered acceptable.

Finally, although the proposal is considered acceptable in its own right, it is important to note that the fall-back position with regards to an additional storey is only marginally different than the current proposal. This is given significant weight by officers in the consideration of the application.

Objections from the Parish Council and members of the public are addressed above.

Overall, for the reasons outlined above, it is considered that this proposal is acceptable and that this application should be approved.

Overall, for the reasons outlined above, it is considered that this proposal is acceptable and that this application should be approved, subject to the following conditions and reasons, as it is deemed to be in accordance with local policy, including policy CS08 of the Core Strategy and policy DM15 of the SADMP, as well as the provisions of the NPPF.

#### **RECOMMENDATION:**

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

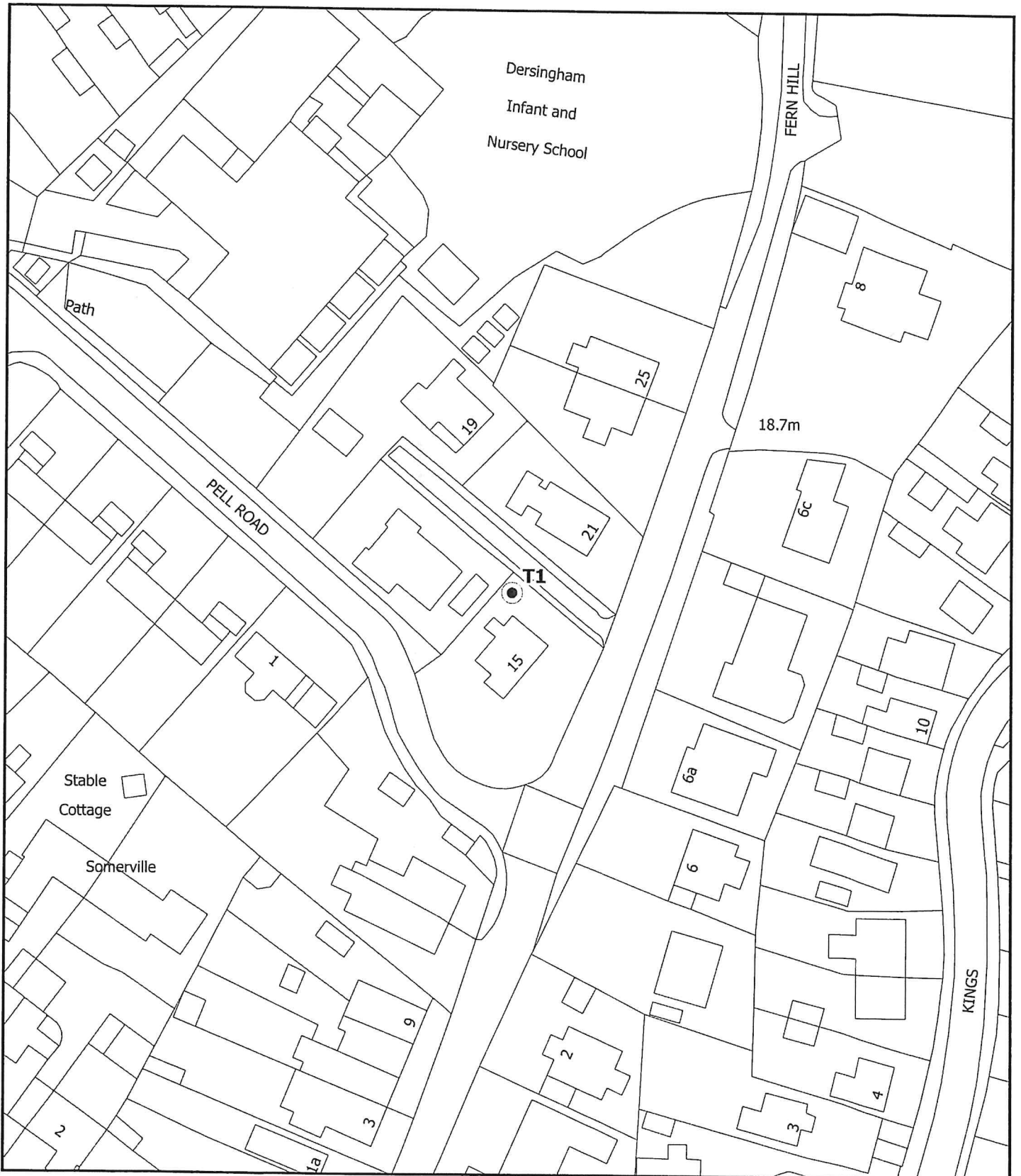
- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
  - PROPOSED ELEVATIONS, Drawing Number: 3216-01-003 G
  - PROPOSED FLOOR PLANS AND SECTION, Drawing Number: 3216-01-004 G
  - LOCATION MAP & SITE PLAN, Drawing Number: 3216-05-001 C
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Before the first occupation of the development hereby permitted the windows at 1st floor on the eastern elevation shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 3 Reason: To protect the residential amenities of the occupiers of nearby property.
- 4 Condition: Any trees within 15m of the development shall be protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed

in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 4 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 5 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and reenacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house, additions etc to the roof of a dwellinghouse, other alterations to the roof of a dwellinghouse and buildings etc incidental to the enjoyment of a dwellinghouse shall not be allowed without the granting of specific planning permission.
- 5 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.

# 2/TPO/00616

15 Fern Hill Dersingham King's Lynn Norfolk PE31 6HT



## AGENDA ITEM NO: 8/4(a)

Parish:	Snettisham	
Purpose of report:	TO CONSIDER WHETHER TREE PRESERVATION ORDER 2/TPO/00616 SHOULD BE CONFIRMED, MODIFIED OR NOT CONFIRMED IN THE LIGHT OF OBJECTIONS	
Location:	Within the garden of: 15 Fern Hill, Dersingham, King's Lynn, PE31 6HT	
Case No:	2/TPO/00616	
Grid Ref:	569011 330734	Date of service of Order: 19 <sup>th</sup> August 2021

### RECOMMENDATION - CONFIRM ORDER WITHOUT MODIFICATION

#### THE SITE

The semi-mature Black Mulberry (T1) is situated in the garden of 15 Fern Hill, Dersingham, adjacent to the driveway of number 17 Fern Hill, Dersingham. This tree can be seen from Fern Hill and contributes greatly, both to the locale and the local wildlife.

#### LDF CORE STRATEGY POLICIES

C12 - Environmental Assets

#### REASON FOR MAKING THE TREE PRESERVATION ORDER

Following a phone call from a concerned member of the public, regarding possible heavy pruning of the tree, a site visit was carried out and it was found that the tree has a high amenity value, not only for the immediate residents of Fern Hill, but the wider environment in general.

#### OUTLINE OF OBJECTIONS AND REPRESENTATIONS

**ONE** letter of **OBJECTION** has been received from the neighbouring property, 17 Fern Hill, Dersingham:

1. The issue of amenity; the tree is situated in a private garden with no public access and '*I imagine that this is the reason that trees in private gardens are rarely the subject of a TPO*'
2. The Black Mulberry is not commonly grown but it is not a rare tree and is freely available to buy from garden centres/nurseries, essentially grown as a fruiting tree rather than an ornamental tree.
3. The branches overhang the driveway/parking area for number 17, branches and fruits fall on driveway and car, causing a slip hazard and staining to the driveway.
4. Judicious pruning of the tree will enhance the tree and eliminate any nuisance caused.

5. A large, secondary branch has been allowed to grow at an angle and is supported by a substantial cable.

## **RESPONSE TO OBJECTIONS AND REPRESENTATIONS**

1. The Black Mulberry is visible from Fern Hill and the private roadway running past 17 Fern Hill. The majority of TPOs are served on privately owned trees.
2. TPOs can be applied on any species of tree, regardless of fruiting or ornamental habits.
3. All works to trees covered by a TPO are considered; formative pruning works to enable sensible crown reduction and management are likely to be considered favourably.
4. Please see point 3 above.
5. Cable bracing limbs is a recognised and often used tool in arboriculture.

## **CONCLUSIONS**

In conclusion, this tree contributes greatly to the character and appearance of the street scene, both now, and into the future. As the tree matures, it will become an even greater presence and will provide an ongoing resource to the local wildlife, it is considered that the reasons put forward by the objector are of insufficient weight to overcome the harm to the character and appearance of the locale that would occur should this tree is removed. It is therefore recommended that the order is confirmed.

## **RECOMMENDATION: CONFIRM ORDER WITHOUT MODIFICATION**

### **Background Papers**

TPO file reference: 2/TPO/00616

Appendix 1: Copy of scoring assessment

Contact Officer: Mr R. Fisher, Arboricultural Officer 01553 616386

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: \_\_\_\_\_ Surveyor: R. Foster

**Tree details**  
 TPO Ref (if applicable): 2/1710/00616 Tree/Group No: 1 Species: Black Mulberry  
 Owner (if known): \_\_\_\_\_ Location: 15 Fenhill, Narsingham -

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

**Score & Notes**  
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

##### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

**Score & Notes**  
4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

**Score & Notes**  
2

##### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <b>Score &amp; Notes</b><br><span style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">1</span> |
| 4) Tree groups, or principal members of groups important for their cohesion                    |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |  |
| 2) Trees of particularly good form, especially if rare or unusual                              |  |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |  |
- 1) Trees with poor form or which are generally unsuitable for their location

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |  |
|---|--|
| 5) Immediate threat to tree inc. s.211 Notice | <b>Score &amp; Notes</b><br><span style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;">2</span> |
| 3) Foreseeable threat to tree                 |  |
| 2) Perceived threat to tree                   |  |
| 1) Precautionary only                         |  |

#### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

**Add Scores for Total:**  
12

**Decision:**  
Serve TPO.



**PLANNING COMMITTEE – 6 DECEMBER 2021**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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**PURPOSE OF REPORT**

- (1) To inform Members of the number of decisions issued between the production of the November Planning Committee Agenda and the December agenda. 94 decisions issued 76 decisions issued under delegated powers with 8 decided by the Planning Committee.
- (2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority’s powers contained in the Town and Country Planning Act 1990 and have no financial implications.
- (3) This report does not include the following applications – Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area
- (4) Majors are assessed against a national target of 60% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

**RECOMMENDATION**

That the reports be noted.

Number of Decisions issued between 23/10/2021 and 18/11/2021

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
<b>Major</b>	3	3	0		3	100%	60%	3	0
<b>Minor</b>	37	36	1	30		81%	80%	3	0
<b>Other</b>	54	53	1	49		91%	80%	1	1
<b>Total</b>	<b>94</b>	<b>92</b>	<b>2</b>						

Planning Committee made 8 of the 94 decisions, 8%

## PLANNING COMMITTEE - 6 DECEMBER 2021

### APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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#### PURPOSE OF REPORT

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

#### RECOMMENDATION

That the report be noted.

#### DETAILS OF DECISIONS

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEV	PARISH/AREA
31.08.2021	25.10.2021 <b>Application Permitted</b>	21/01746/F	Four Hill Wood Church Road Barton Bendish Norfolk Front Porch to dwelling	Barton Bendish
23.06.2021	04.11.2021 <b>Application Permitted</b>	21/01263/F	Tradewinds Docking Road Burnham Market King's Lynn Proposed New Build Dwelling to site including five bedrooms	Burnham Market
09.08.2021	17.11.2021 <b>Application Permitted</b>	21/01591/F	Rose Cottage 4 Woodside Docking Road Burnham Market Extension & alteration to private dwelling	Burnham Market

19.08.2021	22.10.2021 <b>Application Permitted</b>	21/01657/F	No.TWENTY 9 29 Market Place Burnham Market Norfolk Proposed development of 2no. suites B&B accommodation and conversion of outbuilding to provide spa facilities ancillary to bar & restaurant	Burnham Market
26.08.2021	11.11.2021 <b>Application Permitted</b>	21/01737/F	26 Beacon Hill Road Burnham Market King's Lynn Norfolk Construction of extension to side of existing bungalow, internal refurbishment, changes to external windows and doors.	Burnham Market
31.08.2021	15.11.2021 <b>Application Permitted</b>	21/01716/F	Burnham Market Primary School Friars Lane Burnham Norton King's Lynn Retention and Completion of Proposed sensory garden & outbuilding	Burnham Norton
25.08.2021	02.11.2021 <b>Application Permitted</b>	21/01726/F	Town House Tower Road Burnham Overy Staithe King's Lynn Boat House with Loft Living and proposed Garden Room Extension to main Dwelling.	Burnham Overy
23.03.2021	17.11.2021 <b>Application Permitted</b>	21/00759/F	1-4 Blacksmiths Yard Walsingham Road Burnham Thorpe Norfolk Variation of condition 2 of planning permission 18/02218/F to revise site plan	Burnham Thorpe

05.07.2021	10.11.2021 <b>Application Permitted</b>	21/01397/F	The Parsonage Creake Road Burnham Thorpe King's Lynn Construction of proposed 15m x 6m swimming pool, 2 No. timber pavilions and open fire place.	Burnham Thorpe
13.07.2021	17.11.2021 <b>Application Permitted</b>	21/01471/F	Burnham Thorpe Play Area At The Recreational Ground Lowes Lane Burnham Thorpe Norfolk Installation of new play equipment and replacement of old equipment	Burnham Thorpe
29.06.2021	11.11.2021 <b>Application Permitted</b>	21/01311/F	Village Hall Pyes Lane Castle Acre King's Lynn Replace existing timber windows with new timber windows	Castle Acre
08.09.2021	11.11.2021 <b>Application Permitted</b>	21/01782/F	7 Orchard Lane Castle Acre Norfolk PE32 2BE The installation of an external flue from a wood-burner fixed to the north elevation and extending 1.8 metres above the eaves of the property.	Castle Acre
03.09.2021	04.11.2021 <b>Application Permitted</b>	21/01751/F	8 - 10 Lynn Road Castle Rising King's Lynn Norfolk The proposal requires the removal of an existing conservatory and replaced with new single storey side extension and replacement windows.	Castle Rising

20.10.2021	29.10.2021 <b>Application Refused</b>	17/00839/NMA_1	Manor Farm 63 Sluice Road Denver Norfolk NON-MATERIAL AMENDMENT to Planning Permission 17/00839/F: Conversion of redundant farm buildings with some re-building and extension, to 2 new dwellings (phased development of plots as outlined), with new garages. Altered accessess	Denver
28.09.2021	11.11.2021 <b>NO OBJECTION TO NCC APP</b>	21/01896/CM	Fire Station 2B Doddshill Road Dersingham KINGS LYNN COUNTY MATTERS: Prior approval for the installation of electricity generating solar panels on the south facing roof and side extension roof	Dersingham
19.07.2021	29.10.2021 <b>Application Permitted</b>	21/01446/F	Commercial Storage And Outbuildings Sedgeford Road Docking Norfolk Variation of conditions 2 & 10 of planning permission 19/02206/F to alter landscape plan to create more privacy for the lodges and parking arrangements to the current studio/3 bed eco lodge	Docking

21.09.2021	17.11.2021 <b>Application Permitted</b>	21/01849/F	Land And Buildings To The South of Pound Lane Docking KINGS LYNN VARIATION OF CONDITION 1 OF PERMISSION 18/01960/RMM: Proposals for 33 new dwellings with means of access from the public highway from Pound Lane and a pedestrian route off Well Street	Docking
30.04.2021	02.11.2021 <b>Application Permitted</b>	21/01027/F	38 Bridge Street Downham Market Norfolk Erection of a container at the back yard of the premises	Downham Market
13.08.2021	27.10.2021 <b>Application Permitted</b>	21/01614/F	5 Churchill Way Downham Market Norfolk PE38 9RW Creation of a single storey side extension and front extension	Downham Market
15.09.2021	11.11.2021 <b>Application Permitted</b>	21/01830/F	22 Bridle Lane Downham Market Norfolk PE38 9QZ Single storey extension and alterations to dwelling	Downham Market
04.10.2021	01.11.2021 <b>Tree Application - No objection</b>	21/00203/TREECA	The Priory 4 - 6 London Road Downham Market Norfolk Tree in a Conservation Area: Mature Beech Tree - trim and tidy, remove any dead branches	Downham Market
04.08.2021	16.11.2021 <b>Application Permitted</b>	21/01578/F	Fendale Downham Road Salters Lode Norfolk Single storey side extension and internal alterations	Downham West

06.09.2021	10.11.2021 <b>Application Permitted</b>	21/01770/F	The Arches 15 Church Road Emneth Wisbech Proposed extension to rear of existing dwelling	Emneth
08.09.2021	11.11.2021 <b>Application Permitted</b>	21/01798/F	21 East Hall Bungalows Lodge Road Feltwell Thetford Single storey side and rear extensions, porch and internal alterations	Feltwell
06.10.2021	01.11.2021 <b>TPO Approved</b> <b>Work</b>	21/00119/TPO	3 Newcombe Drive Feltwell Thetford Norfolk 2/TPO/00023 - Large Yew Tree - rear of garden - to fell and plant a replacement Yew tree as close as possible to original	Feltwell
06.04.2021	02.11.2021 <b>Application Permitted</b>	21/00849/F	Church Farm Barns High Street Fincham Norfolk Conversion of barns complex to form three dwellings	Fincham
15.03.2021	05.11.2021 <b>Application Permitted</b>	21/00503/F	33 Church Road Flitcham Norfolk PE31 6BU Remove wall from the pedestrian gateway to the current vehicle entrance way. New wall to match the wall style opposite to be constructed and new garage to be built. The materials used will match those of the existing house	Flitcham with Appleton
26.05.2021	29.10.2021 <b>Application Permitted</b>	21/01200/F	Border Lane Farm Fen Lane Pott Row King's Lynn Construction of detached garage with annexe accommodation over.	Grimston

01.09.2021	11.11.2021 <b>Application Permitted</b>	21/01730/F	Mandyville 88 Chapel Road Pott Row King's Lynn Rear and vertical dwelling extensions	Grimston
23.08.2021	29.10.2021 <b>Application Permitted</b>	21/01685/F	Land South of St Marys Close Heacham Norfolk PE31 7HL Variation of condition 1 of Planning Permission 19/01005/RM: Reserved matters application for two dwellings to allow changes to Plot 7	Heacham
11.10.2021	15.11.2021 <b>DM Approval Req/Grant</b> <b>Prior</b>	21/01963/DM	Land E of 52 South Moor Drive And W of 64 School Road Heacham Norfolk Prior notification of demolition of a single shed	Heacham
10.08.2021	01.11.2021 <b>Application Permitted</b>	21/01611/F	Pembroke House Hubbards Drove Hilgay Downham Market Two storey side extension to existing dwelling	Hilgay
01.09.2021	27.10.2021 <b>Application Permitted</b>	21/01731/F	9 Hills Court Hilgay Downham Market Norfolk Single storey rear extension to existing two storey dwelling	Hilgay
23.08.2021	29.10.2021 <b>Application Permitted</b>	21/01680/F	Thurlow Cottage 16 Eastgate Holme next The Sea Norfolk Extensions & alterations to dwelling, and cart shed	Holme next the Sea
28.06.2021	12.11.2021 <b>Application Permitted</b>	21/01355/F	101D South Beach Road Hunstanton Norfolk PE36 5BA Proposed Extension to the Existing Balcony at the Rear	Hunstanton



09.09.2021	04.11.2021 <b>Application Permitted</b>	21/01799/F	35 Clarence Road Hunstanton Norfolk PE36 6HQ Single storey side extension to dwelling	Hunstanton
20.01.2021	02.11.2021 <b>Application Permitted</b>	21/00095/F	1 Diamond Terrace King's Lynn Norfolk Extensions and alterations to existing shop and flat to create commercial office space, private workshop/storage space and one additional residential flat.	King's Lynn
06.07.2021	15.11.2021 <b>Application Permitted</b>	21/01413/F	12 Beulah Street Gaywood King's Lynn Norfolk Proposed dwelling following sub-division.	King's Lynn
23.07.2021	03.11.2021 <b>Application Permitted</b>	21/01478/CU	Boulton Seymour 27 St James Street King's Lynn Norfolk Change of use from A1 Hairdressers to Sui Generis Tattoo Studio	King's Lynn

28.07.2021	02.11.2021 <b>Application Permitted</b>	21/01518/LB	36 All Saints Street King's Lynn Norfolk PE30 5AD The current modern flat-faced fire doors (which have failed a recent inspection) need to be replaced on the second floor of the property. We are proposing that they are replaced with bespoke fire doors as per the drawings in the enclosed documents (4 panel doors) instead of a direct replacement for what is currently in place. This will greatly improve the aesthetic of that area of the house and be more in-keeping with its period features. They need to be individually made due to the size of the openings, which cannot be altered. The doors will then be painted to fit in with the decor of that part of the house.	King's Lynn
29.07.2021	15.11.2021 <b>Application Permitted</b>	21/01557/F	73 Lynn Road Gaywood King's Lynn Norfolk Extension and alterations incidental to the business use and operation of the premises	King's Lynn
29.07.2021	09.11.2021 <b>Application Permitted</b>	21/01559/LB	73 Lynn Road Gaywood King's Lynn Norfolk Listed Building Application: Extension and alterations incidental to the business use and operation of the premises	King's Lynn

04.08.2021	29.10.2021 <b>Application Permitted</b>	21/01572/LB	National Westminster Bank Plc 4 Tuesday Market Place King's Lynn Norfolk LISTED BUILDING APPLICATION: Internal light touch refresh works, including replacement finishes and installation of internal 46 inch portrait digital screen to rear of glazing, installation of internal 55 inch landscape digital screen to internal walls, and changes to external fascia sign	King's Lynn
05.08.2021	29.10.2021 <b>Application Permitted</b>	21/01581/A	National Westminster Bank Plc 4 Tuesday Market Place King's Lynn Norfolk Installation of 1 no. 46" inch digital screen to rear of glazing and changes to external fascia sign	King's Lynn
06.08.2021	29.10.2021 <b>Application Permitted</b>	21/01600/F	TYM International Ltd 27 Rollesby Road Hardwick Industrial Estate King's Lynn Extension to existing industrial building (new and retention) and siting of portacabin amenity block	King's Lynn
26.08.2021	11.11.2021 <b>Application Permitted</b>	21/01707/F	Francis Wain 5 Norfolk Street King's Lynn Norfolk Remove two dormer windows to the rear and re-roof the area in keeping with the rest of the roof.	King's Lynn

26.08.2021	09.11.2021 <b>Application Permitted</b>	21/01708/LB	Francis Wain 5 Norfolk Street King's Lynn Norfolk Listed Building Application: Remove two dormer windows to the rear and re-roof the area in keeping with the rest of the roof.	King's Lynn
26.08.2021	17.11.2021 <b>Application Permitted</b>	21/01735/F	Vacant 23 Tuesday Market Place King's Lynn Norfolk Internal alterations and replacement of roofs/skylights as part of change from Restaurant E(b) to Estate Agents Offices E(c)	King's Lynn
06.09.2021	04.11.2021 <b>Was Lawful</b>	21/01759/LDE	Land W of 3 Gaywood Road King's Lynn Norfolk Application for a Lawful Development Certificate to confirm that planning permission granted under reference 2/94/1473/F has been implemented, this is comprising drainage, footings/concrete pad and access (the former as confirmed by the Planning Authority in a letter dated 17 December 2002). Therefore work should be completed without the need for further planning permission	King's Lynn
06.09.2021	11.11.2021 <b>Application Permitted</b>	21/01764/F	9 Field Lane Gaywood King's Lynn Norfolk TO ERECT A CONSERVATORY	King's Lynn
14.09.2021	09.11.2021 <b>Application Permitted</b>	21/01816/F	2B Hall View Road Gaywood King's Lynn Norfolk Demolish Existing side extension and erect a new side extension	King's Lynn

25.08.2021	02.11.2021 <b>Application Permitted</b>	21/01727/F	45 Station Road Leziate King's Lynn Norfolk Single Storey Rear Extension	Leziate
13.09.2021	08.11.2021 <b>Application Permitted</b>	21/01810/F	Highleigh 16 Brow of The Hill Leziate King's Lynn Two storey side and rear extension	Leziate
08.07.2021	10.11.2021 <b>Application Permitted</b>	21/01434/F	Land W of Marshland Airfield And N of Neeps Cottage Middle Drove Marshland St James Wisbech Erection of six polytunnels	Marshland St James
25.06.2021	09.11.2021 <b>Application Permitted</b>	21/01292/O	Park View 33 High Street Methwold Thetford OUTLINE SOME MATTERS RESERVED: Residential development for up to 5 No new dwellings including retention of existing bungalow	Methwold
09.09.2021	04.11.2021 <b>Application Permitted</b>	21/01791/F	Churchwood Farm Station Road Tower End Middleton Construction of two storey extension and associated works	Middleton
20.08.2021	17.11.2021 <b>Application Permitted</b>	21/01703/F	10 West Street North Creake Fakenham Norfolk Proposed single storey rear extension and insertion of new rooflight	North Creake
12.07.2021	03.11.2021 <b>Application Permitted</b>	21/01419/F	2 West End Barns West End Northwold THETFORD VARIATION OF CONDITIONS 1 AND 2 AND VARIATION/REMOVAL OF CONDITION 3 of Planning Permission 18/01541/F: Construction of 3 dwellings	Northwold

10.09.2021	16.11.2021 <b>Application Permitted</b>	21/01801/LB	Waterside Cottage 10 Common Drove Northwold Thetford Listed Building Application: Expansion of existing dwelling cottage into adjacent workshop including refurbishment of existing structure, insertion of new windows and doors, demolition and rebuilding of existing derelict rear lean-to, and new storage outbuilding and external works.	Northwold
13.07.2021	29.10.2021 <b>Application Permitted</b>	21/01461/F	54 Old Hunstanton Road Old Hunstanton Norfolk Re-roofing of house and repair of chimney stacks	Old Hunstanton
17.09.2021	15.11.2021 <b>Application Permitted</b>	21/01837/F	5 Ashdale Park Old Hunstanton Hunstanton Norfolk Two Storey side Extension, single storey side extension and alterations including removal of conservatory	Old Hunstanton
02.08.2021	03.11.2021 <b>Application Permitted</b>	21/01566/F	27 - 33 Hall Road Outwell WISBECH Norfolk Formation of two vehicle accesses.	Outwell
03.11.2021	11.11.2021 <b>Tree Application - No objection</b>	21/00226/TREECA	Wethered Manor Docking Road Sedgeford Hunstanton Tree in a Conservation Area: T1 - Poplar. Pollard to approx 15 meters	Sedgeford
12.05.2021	26.10.2021 <b>Application Refused</b>	21/00935/F	Orangery Lodge Snettisham House St Thomas Lane Snettisham Bedroom extension	Snettisham

23.08.2021	01.11.2021 <b>Application Permitted</b>	21/01705/F	Poppyfields Retail Park Poppyfields Drive Snettisham Norfolk VARIATION OF CONDITION 1 OF PLANNING PERMISSION 21/00051/F: To amend drawings	Snettisham
31.08.2021	22.10.2021 <b>Application Permitted</b>	21/01714/F	Church View 23A Manor Lane Snettisham KINGS LYNN Proposed two storey rear extension and replacement of existing windows and doors.	Snettisham
06.09.2021	03.11.2021 <b>Would be Lawful</b>	21/01760/LDP	Mill Pond House Mill Gardens Snettisham KINGS LYNN Lawful Development Certificate: Construction of Orangery.	Snettisham
03.09.2021	04.11.2021 <b>Application Permitted</b>	21/01754/F	10 Winston Drive South Creake Fakenham Norfolk Single storey extension to accommodate porch and downstairs bathroom	South Creake
19.05.2021	12.11.2021 <b>Application Permitted</b>	21/00995/FM	Land W of The Gardens Edward Benefer Way King's Lynn Norfolk Proposed primary care centre, new access and associated facilities	South Wootton
03.09.2021	29.10.2021 <b>Application Permitted</b>	21/01776/F	7 Bacton Close South Wootton King's Lynn Norfolk Single and first storey front extensions.	South Wootton
13.09.2021	08.11.2021 <b>Application Permitted</b>	21/01807/F	Ormonde 7 Church Lane South Wootton Norfolk First floor extension	South Wootton
22.09.2021	17.11.2021 <b>Application Permitted</b>	21/01858/F	3 Ullswater Avenue South Wootton King's Lynn Norfolk Extensions	South Wootton

19.07.2021	26.10.2021 <b>Application Permitted</b>	21/01495/F	Newlings Farm Outwell Road Stow Bridge Norfolk Construction of general purpose grain store	Stow Bardolph
31.08.2021	26.10.2021 <b>Application Permitted</b>	21/01717/F	8 Gooding Close Stow Bridge King's Lynn Norfolk Single Story Extension to House	Stow Bardolph
01.09.2021	16.11.2021 <b>Application Permitted</b>	21/01758/F	Stow Corner Farm Wimbotsham Road Stow Bridge KINGS LYNN Extension & Outbuilding	Stow Bardolph
17.09.2021	11.11.2021 <b>Application Permitted</b>	21/01834/F	Hedgehog Cottage 38 The Drove Barroway Drove Norfolk Porch and a double storey extension to the rear of the property	Stow Bardolph
01.06.2021	27.10.2021 <b>Application Permitted</b>	21/01083/F	Pettefars Long Road Terrington St Clement King's Lynn Proposed single storey rear, side and front extension and detached Carport/Garden Store and Retrospective Change of Use of land to garden land.	Terrington St Clement



19.07.2021	15.11.2021 <b>Application Permitted</b>	21/01448/F	Fire Station 25A Benns Lane Terrington St Clement KINGS LYNN Installation of a new self contained storage and welfare portacabin to be located within the grounds of Terrington Fire Station in support of the Trusts Primary Care Network with the aim of improving services to local communities through closer integration of, and collaboration between, primary care and community services.	Terrington St Clement
26.07.2021	04.11.2021 <b>Application Permitted</b>	21/01492/F	19 Orange Row Road Terrington St Clement King's Lynn Norfolk Replacement of wooden garage with extension to detached cottage	Terrington St Clement
01.09.2021	08.11.2021 <b>Application Permitted</b>	19/00601/NMA_1	7 & 8 Church Bank Terrington St Clement King's Lynn Norfolk NON-MATERIAL AMENDMENT for Planning Permission 19/00601/F: Redevelopment of site for 3 No. dwellings following the demolition of No 7 and 8	Terrington St Clement
01.09.2021	08.11.2021 <b>Application Permitted</b>	19/00609/NMA_1	1, 4 & 5 Church Bank Terrington St Clement King's Lynn Norfolk NON-MATERIAL AMENDMENT of Planning Permission 19/00609/F: Redevelopment of site for 6No dwellings following the demolition of No's 1, 4 & 5	Terrington St Clement

21.10.2021	29.10.2021 <b>Application Permitted</b>	21/00999/NMA_1	51 Alma Avenue Terrington St Clement King's Lynn Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 21/00999/F: Proposed residential development of 5 dwellings including demolition of bungalow and garage	Terrington St Clement
23.08.2021	11.11.2021 <b>Application Permitted</b>	21/01711/F	Windale Church Road Terrington St John Wisbech Two storey side extension and alterations to dwelling	Terrington St John
27.04.2021	11.11.2021 <b>Application Permitted</b>	21/00989/F	Long Meadow Farm Church Road Tilney All Saints Norfolk Steel framed Agricultural Building	Tilney All Saints
15.06.2021	04.11.2021 <b>Application Permitted</b>	21/01188/F	5 Oak Gardens Tilney All Saints KINGS LYNN Norfolk proposed detached garage	Tilney All Saints
25.06.2021	29.10.2021 <b>Application Refused</b>	21/01344/F	Site Adjacent To 69 St Johns Road Tilney St Lawrence Norfolk PE34 4QN Single dwelling	Tilney St Lawrence
29.06.2021	04.11.2021 <b>Application Permitted</b>	21/01313/F	230 School Road Tilney St Lawrence King's Lynn Norfolk The proposed works comprise of demolition of the existing detached outbuilding and store & reconstruction of a replacement detached outbuilding and store on a new piled foundation, due to it suffering severe damage due to subsidence	Tilney St Lawrence

24.08.2021	11.11.2021 <b>Application Permitted</b>	21/01689/F	66 St Johns Road Tilney St Lawrence Norfolk PE34 4QN Single storey wooden storage unit.	Tilney St Lawrence
05.07.2021	11.11.2021 <b>Application Permitted</b>	21/01401/F	Norland 122 Croft Road Upwell Norfolk Continued temporary standing of mobile home during construction of dwelling.	Upwell
03.08.2021	11.11.2021 <b>TPO Approved</b> <b>Work</b>	21/00104/TPO	Upwell Playing Field New Road Upwell Norfolk 2/TPO/00194: Felling and removing all trees in car parks along new road (A1101) in the conservation area Nos 1-9 all with TPO's as per block plan showing signs of ash dieback	Upwell
24.08.2021	02.11.2021 <b>Application Permitted</b>	21/01723/F	Upwell Playing Field New Road Upwell Norfolk Side Extension to existing playing field pavilion	Upwell
31.08.2021	27.10.2021 <b>Application Permitted</b>	21/01718/RM	Plot 3 Land South East of 5 New Road Upwell Norfolk Reserved Matters: Construction of dwelling and garage.	Upwell
06.09.2021	01.11.2021 <b>Application Permitted</b>	21/01784/F	Well Creek River Bank West of 72 St Peters Road Upwell WISBECH Timber Mooring with concrete steps and timber handrail.	Upwell

24.08.2021	26.10.2021 <b>Application Permitted</b>	21/01694/F	Land Holme Farm King John Bank Walpole St Andrew Wisbech Change of use of existing agricultural land, including the existing yard, to a residential use. Change of use of the existing brick barn to a domestic/ancillary use in connection with the approved barn conversion (Ref: 21/00823/PACU3), plus an extension of this barn to create a domestic car port.	Walpole
06.09.2021	04.11.2021 <b>Application Permitted</b>	21/01763/F	73 Springfield Road Walpole St Andrew Norfolk PE14 7PR Proposed single storey front and side extensions	Walpole
06.09.2021	01.11.2021 <b>Application Permitted</b>	21/01765/F	Oakwood 2 Sparrowgate Road Walsoken Wisbech Variation of condition 2 of planning permission 21/00362/F to revise approved drawings	Walsoken
04.10.2021	09.11.2021 <b>GPD HH extn - Not Required</b>	21/01933/PAGPD	21 Sylvden Drive Walsoken Wisbech Norfolk Single storey rear extension which extends beyond the rear wall by 5 metres with a maximum height of 3.40 metres and a height of 2.30 metres to the eaves	Walsoken

30.07.2021	26.10.2021 <b>Application Permitted</b>	21/01538/F	Glenville 42 Station Road Watlington King's Lynn Demolition of existing garage, Proposed Single Storey rear, side and front extension, extension of existing front and rear first floor dormers	Watlington
20.09.2021	15.11.2021 <b>Application Permitted</b>	21/01843/F	4 Britton Close Watlington King's Lynn Norfolk Double storey rear extension and porch	Watlington
27.09.2021	15.11.2021 <b>Prior Approval - Approved</b>	21/01872/PACU3	Agricultural Barn To The Rear of Holme Oak Stoke Road Wereham King's Lynn Notification for Prior Approval: Change of Use of Agricultural Building to four Dwellinghouses (Schedule 2, Part 3, Class Q)	Wereham
04.10.2021	22.10.2021 <b>Application Permitted</b>	18/01009/NMAM_1	Worzals Farm Shop Lynn Road Walsoken Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 18/01009/FM: Proposed Play Barn and associated facilities including retail outlets, food outlets, Santa's Grotto, party rooms, parking, and landscaping plus extension to reservoir	West Walton
08.07.2021	03.11.2021 <b>Application Permitted</b>	21/01395/F	Jemarlee Stow Road Wiggshall St Mary Magdalen KINGS LYNN Construction of shed to accommodate golf studio	Wiggshall St Mary Magdalen

22.09.2021	17.11.2021 <b>Application Permitted</b>	21/01855/F	9 Southside Wimbotsham King's Lynn Norfolk Single storey rear extension and alterations to bungalow	Wimbotsham
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**PLANNING COMMITTEE**  
**UPDATE ON TREE MATTERS**

**Prepared by Richard Fisher, Arboricultural Officer**

**1.0 Introduction**

1.1 This report seeks to update Members on recent Tree Preservation Orders (TPO's) that have been served since 30<sup>th</sup> April 2021 along with a summary on some of the other aspects of the work in relation to trees.

**2.0 Summary of Work**

2.1 Set out in table 1 is a breakdown of the numbers of the various types of applications or work types carried out during the period.

2.2 Members will be aware that tree work applications have to be responded to within 6 weeks in the case of a conservation area notification, and 8 weeks in the case of a TPO tree work application. If responses are not received within these timescales, the work is deemed to be acceptable and can be carried out.

2.3 There is a requirement for planning applications to be responded to well within the 8 or 13 week time period, to ensure applications can be dealt with within the requisite time period. There is also a requirement to respond to discharge of conditions with a specified time period, to ensure development can commence.

2.4 Although not time specific, the serving of a new TPO is often a matter of urgency in order to prevent the trees being felled or inappropriate pruning taking place. Once served there are time limits for objections to be received, and responses to be sent and the matter placed before the Planning Committee. If this is not all completed within 6 months of the serving then the TPO will lapse.

2.5 In addition to this there have been a number of pre application site visits undertaken for both tree work applications and planning applications, as well as the general day to day tree related enquiries that have to be addressed during the course of the day.

*Table 1 – Breakdown of tree related applications and work received between 1 May 2021 – 31 October 2021*

	<b>Numbers</b>
<b>Planning Applications</b>	
Planning Applications considered	189
Pre-Applications considered	27
Applications to discharge tree and landscape conditions	18
<b>New Tree Preservation Orders</b>	
New TPO's served	16
TPO's with objections received (Planning Committee Confirmation)	2
Still to be confirmed	4
<b>Tree Work Applications/Notifications</b>	
Conservation Area Notifications approved	120
Conservation Area Notification Refused (TPO Served)	2
Conservation Area Notification Pending	0
Tree Preservation Order applications approved	63
Tree Preservation Order applications refused/partially refused	12 Partial 3 Refused
Tree Preservation Order applications appealed	1
Tree Preservation Order application pending	0



### **3.0 Details of TPO's Served and Confirmed since 30<sup>th</sup> April 2021**

3.1 16 TPO's have been served since 30<sup>th</sup> April 2021. Where no objections have been received, they have been confirmed under delegated powers. When objections have been received these will need to be considered by the Planning Committee, as to whether or not the TPO is confirmed. Since 30<sup>th</sup> April 2021, 10 TPOs have been confirmed under delegated powers with 1 confirmed at Planning Committee in November 2021, 1 overturned in November 2021 & 4 awaiting consideration.

3.2 We have received, and carried out, 1 appeal relating to decisions regarding works to protected trees which is still in process.

### **4.0 Recommendation**

4.1 That members of the Planning Committee note the contents of the report.

