

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



Planning Committee

Agenda

Friday, 18th November, 2022
at 9.30 am

in the

Assembly Room
Town Hall
King's Lynn

Also available to view at:

<https://www.youtube.com/user/WestNorfolkBC>



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: Friday, 18th November, 2022

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 7 November 2022 (to follow).

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 - 101)

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

9. UPDATE ON TREE MATTERS (Pages 102 - 105)

To consider the attached report.

To: Members of the Planning Committee

Councillors F Bone, C Bower (Vice-Chair), A Bubb, C J Crofts, M de Whalley, A Holmes, C Hudson, B Lawton, C Manning, E Nockolds, T Parish, S Patel, J Rust, Mrs V Spikings (Chair), 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 Wednesday 23 November 2022 (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 Wednesday before the meeting will be emailed 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, **Thursday 17 November 2022**. Please contact 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

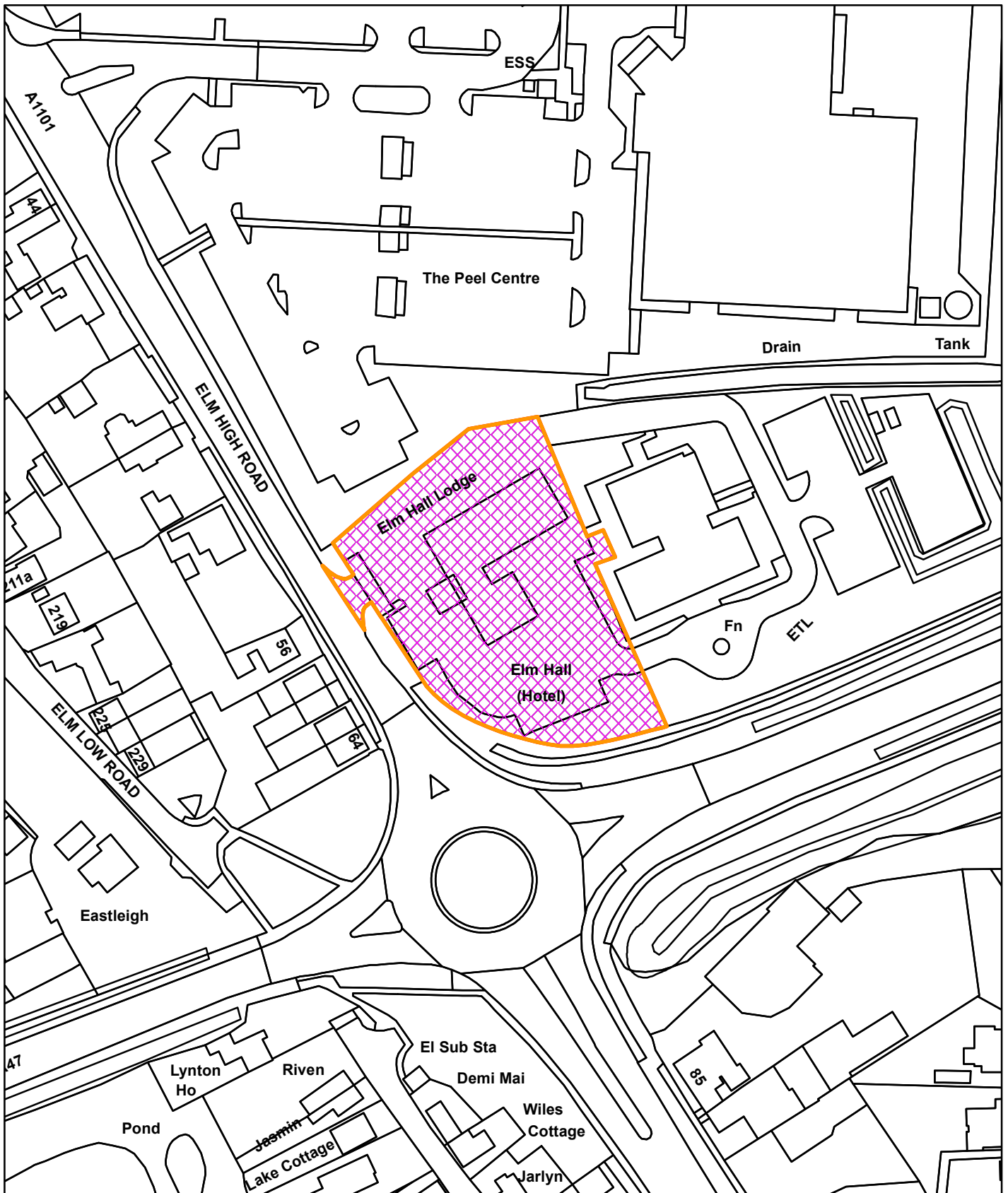
**INDEX OF APPLICATIONS TO BE DETERMINED
BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON FRIDAY 18 NOVEMBER 2022**

Item No.	Application No. Location and Development	Description of Site	PARISH	Recommendation	Page No.
8/1	DEFERRED ITEMS				
8/1(a)	22/01014/F		EMNETH	APPROVE	8
	Proposed Change of Use from Hotel (C1) to large HMO (Sui Generis) at Elme Hall Hotel 69 Elm High Road, Emneth, Wisbech, PE14 0DQ				
8/1(b)	22/01044/F		TERRINGTON ST. CLEMENT	REFUSE	23
	Retrospective replacement of a front fence with 6ft 6 high of wooden boarding with concrete posts and proposed replacement of front driveway entrance with fence at Westfield Gardens, 81 Market Lane, Terrington St Clement, PE34 4HR				
8/2	OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
8/2(a)	22/01308/CU		EAST WINCH	APPROVE	33
	Change of use of buildings to private use to house own horses and personal belongings (no alterations to buildings) at The Stables, East Winch Road, Blackborough End, PE32 1SF				
8/2(b)	22/00987/F		HILGAY	APPROVE	40
	VARIATION OF CONDITION 2 OF PLANNING PERMISSION 20/00198/F: Proposed 4-Bed dwelling and triple garage with associated parking and private amenity space at Mulberry House, East End, Hilgay, PE38 0JH				
8/2(c)	22/01185/F		RINGSTEAD	APPROVE	55
	Erection of 1 x No. two-storey house and garage at Land South of 8 Chapel Lane, Ringstead, PE36 5JX				
8/2(d)	22/01307/RM		TERRINGTON ST. CLEMENT	APPROVE	70
	Reserved Matters Application for Plot 1 only at Plot 1 Adj 40 Marshland Street, Terrington St Clement, PE34 4NE				

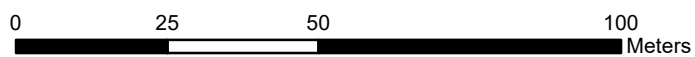
Item No.	Application No. Location and Development	Description of Site	PARISH	Recommendation	Page No.
8/2(e)	22/01770/F		TERRINGTON ST CLEMENT	REFUSE	82
		Waterlow Nursery Waterlow Road Terrington St Clement PE34 4PS REMOVAL OF CONDITION 6 OF PLANNING PERMISSION 19/00743/O: Outline Application for 2 storey dwelling in association with adjacent manufacturing and retail window business			
8/2(f)	22/00306/F		THORNHAM	APPROVE	92
		Proposed extension and alterations to existing dwelling at Church Cottage, Church Street, Thornham, Hunstanton, PE36 6NJ			

22/01014/F

Elme Hall Hotel, 69 Elm High Road, Emneth, PE14 0DQ

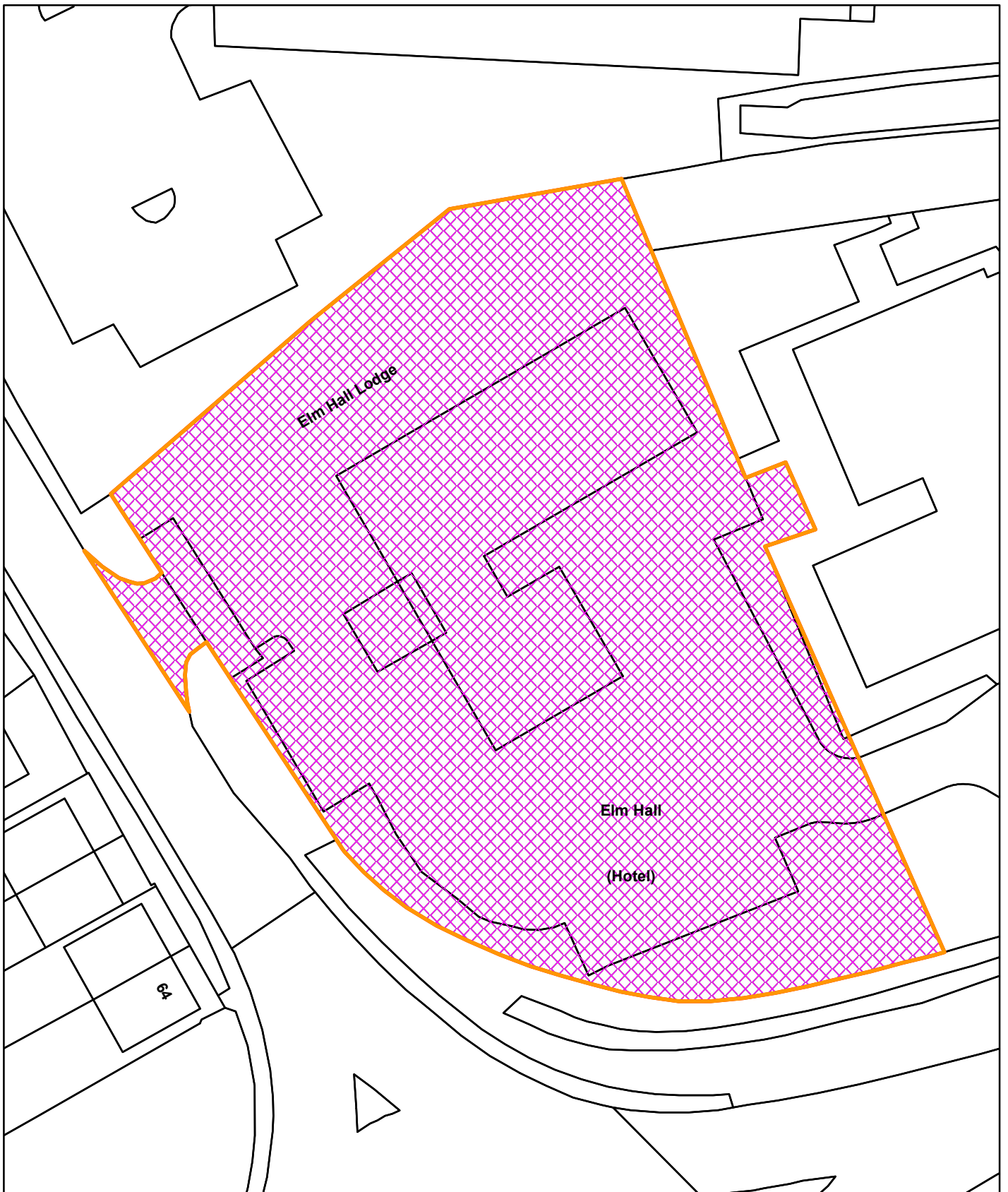


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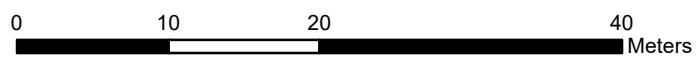


22/01014/F

Elme Hall Hotel, 69 Elm High Road, Emneth, PE14 0DQ



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26/10/2022

9



Parish:	Emneth	
Proposal:	Proposed Change of Use from Hotel (C1) to large HMO (Sui Generis).	
Location:	Elme Hall Hotel 69 Elm High Road Emneth PE14 0DQ	
Applicant:	Mr D Conetta	
Case No:	22/01014/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 8 August 2022

Reason for Referral to Planning Committee – Officer recommendation is contrary to Parish Council objection.

Neighbourhood Plan: No

Members Update

This item was deferred by Members at Planning Committee on 7 November 2022. It was deferred to resolve a query over land ownership. The applicant has since confirmed they do not own or have legal interest in the land outlined in blue on drawing number 224-01A Existing Floor Plans, Site Plan and Location Plan. This drawing will therefore be amended to show only the application site highlighted in red. The updated plan will be detailed in late representations.

Case Summary

The application seeks full planning consent for the change of use of the application site from a hotel to a House of Multiple Occupation (HMO) consisting of 26 rooms (with a maximum occupancy of 39 people) with 4 communal rooms including a lounge and a kitchen/diner on each floor.

The application site is 0.35ha and is part of a larger hotel site (approximately 1.2ha in total), the remainder of which will be retained as a hotel. The external form of the building will remain unchanged, although there will be changes to the site to accommodate the parking and area of amenity space.

The application site is located to the northeast of the A47, with access via the existing entrance off Elm High Road. The site is 1.3 miles to Wisbech town centre and abuts the built extent of the town. However, it is located within the parish of Emneth and the site is within the development boundary for the village of Emneth as detailed on Inset Map G34 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

This application is the same as previously submitted and refused at Planning Committee in May 2022 (ref: 21/01569/F). However, the applicant has sought to address the reasons for refusal as part of this application namely the potential detrimental impact on tourism as a result of the loss of the hotel facilities.

Key Issues

Principle of Development
Impact on Tourism
Highways / Access
Form and Character
Neighbour Amenity
Residential Amenity and Site Management
Loss of Employment Use
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning consent for the change of use of the application site from a hotel to a House of Multiple Occupation (HMO) consisting of 26 rooms (with a maximum occupancy of 39 people) with 4 communal rooms consisting of a lounge and a kitchen/diner on each floor.

The application site is approximately 0.35ha and is part of a larger hotel site (approximately 1.2ha in total), the remainder of which will be retained as a hotel. The external form of the building will remain unchanged, although there will be changes to the site to accommodate the parking and area of amenity space.

The application site is located to the northeast of the A47, with access via the existing entrance off Elm High Road. The site is 1.3 miles to Wisbech town centre and abuts the built extent of the town. However, it is located within the parish of Emneth and the site is within the development boundary for the village of Emneth as detailed on Inset Map G34 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

The application site currently offers 34 hotel bedrooms, with the neighbouring hotel building offering 8 bedrooms currently. The proposal is to make necessary changes to the internal layout of the building to provide for 26 HMO bedrooms; 13 of which would be double occupancy and 13 single occupancy. The adjacent hotel building would be retained in this use and continue to offer hotel accommodation.

This application is the same as previously submitted and refused at Planning Committee in May 2022 (ref: 21/01569/F) for the following reason-

The proposed development would result in the loss of existing tourist accommodation, and it has failed to adequately demonstrate the proposal would not have an adverse impact on the tourism industry in the locality, contrary to the relevant provisions of the NPPF and policy CS10 of the Core Strategy.

However, the applicant has sought to address the reasons for refusal as part of this application namely the potential detrimental impact on tourism as a result of the loss of the hotel facilities.

SUPPORTING CASE

This application is a resubmission of a recent application which was unfortunately refused by planning committee earlier this year after receiving support and recommendation of approval from BCKLWN planning dept. The application was refused in May 2022 upon the grounds of; The proposal would result in the loss of tourism accommodation in the locality. The application has failed to adequately demonstrate that the proposal would not have an adverse impact on the tourism industry in the locality and therefore is contrary to the NPPF and Policy CS10 of the Core Strategy (2011).

As stated within our submitted supporting document, we feel it is very difficult to quantify the 'adverse effect on tourism' by carrying out the change of use upon part of an existing hotel. The tourism trade in this area of West Norfolk has been declining and this has already had a telling impact upon the hotel rather than the other way around. It has been marketed for sale and there has been no interest as a hotel because there is not enough trade to satisfy its need. The BCKLWN planning committee approved a CoU within approx. 10 miles of the application site with no mention of the loss of tourism and there has also been numerous approvals for the Premier Inn at West Lynn to continue to grow without consideration for competing hotels within the area. Should this application be approved, there will remain a large diverse number and types of accommodation open to the tourism trade in and around Wisbech which is in line with BCKLWN CS10.

Following vast market research, our client identified this site as the best viable location for a HMO to house people from Wisbech and its surrounding areas. Property prices and availability of this type of accommodation is currently fuelling a gap in the market. 'Appendix 1' of the submitted planning statement details the extent of the recent increase in tenant demand across the country. With the current economic climate, this demand and need for this type of housing is only set to increase further.

The main building, Elme Hall, will remain as a hotel. However, as a whole, the site is no longer viable, primarily due to the decrease in the tourism sector together with the extensive expansion of the Premier Inn some 12 miles along the A47, having claimed the 'contractor' business. It is hoped that by removing the 34 room motel style rooms, the use of the hotel is enhanced. It is seen that, by taking away the motel style rooms, only a higher specification of room will be available for any visiting trade. It is envisaged that the occupancy will be split upon a 50/50 basis – thus meaning that 50% of the rooms will be single occupancy and the other 50% double occupancy. This will mean a total of 39 people when at 100% capacity. There are also a number of rooms that will be set aside as mobility friendly.

The management of the HMO will be carried out by a local ARLA (association of residential letting agents) licensed firm based within Wisbech. They are currently the leading independent agency based upon stock, Lets Agreed and void time frames, and pride themselves on bespoke and tailormade services. They have over 60 years' experience within the team and currently manage 5 HMO units within the area. Each tenancy will be a min of 6 months and relevant credit and identity checks will be carried out by the firm prior to occupancy as per the submitted referencing documentation.

Our client is fully committed to introducing a vast improvement to the whole site. This is evident in the 280m² amenity space that will be provided for the residents together with an overall clearing of the site. A third-party landscaping firm will be employed to maintain grounds once works are complete and the management company will be responsible for carrying out regular inspections of these areas.

As well as the external areas, the management company will carry out weekly inspections of the internal areas. It is also proposed to furnish all communal areas with CCTV. This will

reduce any anti-social behaviour that may occur. A third-party cleaning company will also be employed to carry out regular cleaning of these communal areas.

PLANNING HISTORY

21/01569/F: Application Refused - Committee decision: 16/05/22 - Proposed Change of Use from a Hotel to a Large HMO (Sui Generis) - Elme Hall Hotel

2/98/1336/CU: Application Permitted - Committee decision: 15/12/98 - Change of use from office to 8 bed hotel - De-Regle Hall Elm High Road

2/00/0490/F: Application Permitted - Delegated decision: 17/08/00 - Erection of marquee from 1st May to 31st August inclusive each year to be used for functions (revised proposal) - Elme Hall Hotel

2/01/0549/A: Application Refused - Delegated decision: 05/06/01 - Erection of flag pole and non-illuminated banner - Elme Hall Hotel

2/03/2501/F: Application Permitted - Delegated decision: 30/11/04 - Construction of two storey block of motel rooms - 69 Elm High Road

2/03/2501/NMA_2: Application Permitted - Delegated decision: 11/10/10 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 2/03/2501/F: Construction of two storey block of motel rooms - Elme Hall Hotel

2/00/0079/A: Application Permitted - Delegated decision: 25/02/00 - Erection of flag pole and flag banner - Elme Hall Hotel

2/03/2501/NMA_1: Application Permitted - Delegated decision: 06/08/10 - NON-MATERIAL AMENDMENT FOR PLANNING CONSENT 2/03/2501/F: Construction of two storey block of motel rooms - Elme Hall Hotel

2/01/0989/F: Application Permitted - Delegated decision: 12/09/01 - Construction of ballroom - Elme Hall Hotel

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

Emneth Parish Council objects to this application based on loss of tourism, unacceptable use and highways issues / highway safety / vehicular access and egress / traffic generation at an already extremely busy roundabout which is one of the main access / exit hubs to the town centre of Wisbech.

Highways Authority: NO OBJECTION subject to condition

Similar to a previous application for the site under planning reference 21/01569/F , no objection to the principle of the application and recommend a condition re the proposed access / on-site car and cycle parking / servicing areas shall be provided, levelled, surfaced and drained in accordance with the approved plan and retained thereafter.

Environmental Quality: NO OBJECTION

No objection in terms of air quality compliance. Notwithstanding this, all developments should follow best practice principles to minimise emissions and in terms of mitigation it is proposed to provide secure cycle storage.

Emergency Planning Officer: NO OBJECTION

Reference the above application. Because of its location in an area at risk of flooding I would suggest that those running the site:

- Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood) and encourage those occupying site to do so as well.
- A flood evacuation plan should be prepared and displayed on site (more details at www.gov.uk/flood):
 - This will include actions to take on receipt of the different warning levels.
 - Evacuation procedures e.g. warning residents, isolating services and taking valuables etc.
 - Evacuation routes

Norfolk Constabulary: NO OBJECTION

There is no objection from Norfolk Police, but do ask that security issues on the following subject areas should be considered - main/ access/ bedroom doors and locking systems, glazing and window types and locking systems, internal and external lighting arrangements, external cycle storage, security measures such as CCTV, and bin - waste storage.

Norfolk Lead Local Flood Authority: NO COMMENTS

The County Council as Lead Local Flood Authority has no comments to make.

Wisbech Town Council: SUPPORT

Fenland District Council: NO OBJECTION

Having considered our earlier consultation response, the officer report to KLWNBC Planning Committee and the minutes of that meeting it is accepted that the majority of matters raised in the earlier consultation response from FDC had been addressed, and this continues to be the case in respect of the current scheme.

Whilst Officers still have some concern regarding the loss of tourism facilities within the district the case put forward as part of this submission is accepted, as is the argument that the HMO, as a consequence of the management regime to be followed, will not be detrimental to the operation of the existing Elme Hall Hotel. Accordingly, Fenland District Council raise no objection to the scheme.

REPRESENTATIONS

NONE received.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM4 - Houses in Multiple Occupation

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 issues for consideration of this application include-

- Principle of Development
- Impact on Tourism
- Highways / Access
- Form and Character
- Neighbour Amenity
- Residential Amenity and Site Management
- Loss of Employment Use
- Other Material Considerations

Principle of Development

The application site is within the development boundary for Emneth as detailed on Inset Map G34 of the SADMPP. While the village of Emneth is designated a Key Rural Service Centre, the site itself does also about the built extent of the town of Wisbech. The application seeks a change of use of an existing building from hotel use to a House in Multiple Occupation (HMO) and therefore, the physical building and parking area are existing. Policy DM2 states that development will be permitted within the development boundaries providing this is in accordance with the other policies of the Local Plan. Broadly speaking the principle of development is acceptable.

The change of use of the site does mean the loss of 34 hotel rooms, which is classed as an employment use, to a residential use. Therefore, consideration should also be given to Policy CS10 of the Core Strategy which seeks to-

‘...retain land or premises currently or last used for employment purposes unless it can be demonstrated that:

- continued use of the site for employment purposes is no longer viable, taking into account the site’s characteristics, quality of buildings, and existing or potential market demand; or.....
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council’s regeneration agenda.’

The applicant has previously supplied marketing information for the application site. This stated that the hotel has been marketed for sale as a hotel since March 2020. The reason for sale is primarily due to a change in personal circumstances of the owner. In addition, the Covid pandemic has severely impacted the business and net turnover has decreased from £680,000 (year end April 2019) to £526,000 (year end April 202) to £135,000 (year end 2021).

The site has been marketed to a broad range of buyers; including those who acquire hotels for alternative employment uses such as care homes. However there has been no serious interest forthcoming on this basis. Colliers (the agent) has received multiple offers from a broad range of buyers. The highest offers (by some margin) have been submitted from those seeking to redevelop the property for an alternative use such as HMO (as per the current applicant). Bids which retain the hotel use have been much lower reflecting the market conditions, the costs, risk, and time of ‘rebooting’ the business and concerns about increased competition given that planning permission has been granted for a new, nearby budget hotel. The marketing information stated that the owner wishes to optimise the sale price and sell before having to close the business and leave Elme Hall as an empty, unused building.

The applicant therefore states that the current use, with the current number of bedrooms is not viable. The intention of the applicant is to retain the main building as a hotel and convert the lodge building to an HMO. This change of use will then enable the applicant to then invest back into the hotel. Therefore, while there is a reduction in the amount of employment land, the planning application would not result in the complete loss of the employment use.

The applicant has also provided information that the business currently operates with skeleton staff only (four members of staff, one of which is the owner and two are part time). Elme Hall is currently operated as a B&B only following the impact of the pandemic.

It is proposed that the HMO will require the employment of staff for the cleaning, caretaking and management of the building, likely to be one full time caretaker and 2 part time cleaning roles. This is in addition to the staff required for the operation of the hotel building next door, once this is fully open again as the applicant intends.

Policy DM4 of the SADMPP (2016) states that the conversion of existing dwellings/ new development for HMOs may be permitted where:

- there is no adverse impact on the amenity of existing and new residents and the historic and natural environment; and

- the development and associated facilities can be provided without significant detriment to the occupiers of adjoining or neighbouring properties; and
- the site is within reasonable distances to facilities, public open space, supporting services and local employment.

Neighbour and residential amenity is discussed below, as is the impact of the development on the form and character of the locality. The applicant has shown on the submitted plans that the development and associated facilities can be sufficiently provided for within the site boundaries. The site is adjacent to Wisbech with a range of facilities, services and employment provision.

Therefore, the applicant has sought to provide evidence that the hotel in its current form is not viable, and states that by changing the use of one of these buildings to an HMO this would create minimal employment, but would also seek to support the reopening of the main hotel building to protect this employment use. Furthermore, based on the information submitted the application does meet the policy requirements for HMOs. On balance it is considered that the scheme is in accordance with Policy CS10 of the CS (2011) and is fully in accordance with Policy DM4 of the SADMPP (2016).

Impact on Tourism

This application is the same as previously submitted and refused at Planning Committee in May 2022 (ref: 21/01569/F) for the following reason-

The proposed development would result in the loss of existing tourist accommodation, and it has failed to adequately demonstrate the proposal would not have an adverse impact on the tourism industry in the locality, contrary to the relevant provisions of the NPPF and policy CS10 of the Core Strategy.

However, the applicant has sought to address the reasons for refusal as part of this application namely the potential impact on tourism as a result of the loss of the hotel facilities.

The applicant argues that tourism in West Norfolk is declining, and within Wisbech even further. Comparing 2021 visitor figures with pre-pandemic levels there is a 25% reduction in overnight trips and a 29% reduction in overnight trip value. These figures are lower than those anticipated in CS10 of the CS.

The applicant states that the main building of Elme Hall Hotel has not been open to the public for a period of time, and the newer building is not considered an attractive place to stay. Figures have been provided from the hotel showing 15% and 21% fall in profit over the three years pre-covid. Post Covid consumer spending on the hospitality sector is 70% of the pre-pandemic levels. Therefore, there is not the demand for hotel rooms, and the hotel in its current form is not viable.

Reference has been made to discussions during the Planning Committee meeting in May about accommodation for contractors working in the locality. The applicant states that the building could still be used by contractors on a short term tenancy.

Searches have been conducted for alternative accommodation within the locality. There are 5 established hotels within 5 miles of the site, and within a wider area there are 18 hotels/ pubs/ accommodation available (via visitcambridgeshire website). Holiday accommodation has diversified with hotel closures, and alternative forms of accommodation such as glamping, house rentals etc.

The applicant points out in their statement that consent has recently been granted for the change of use of a hotel in Downham Market (The Castle Hotel) with little, if any, regard given to the loss of tourism. Furthermore, the Premier Inn at West Lynn has expended considerably with no regard to the impact of this on existing local accommodation.

The applicant concludes that there has been a clear decline in tourism within West Norfolk, which has resulted in the hotel (in its current form) being unviable. Should the application be approved there would remain a diverse range of accommodation for tourist visitors to West Norfolk. On the basis of the above, the applicant has provided additional information to demonstrate that there would be limited impact on tourism and as a result the proposal would comply with the NPPF and Policy CS10 of the Local Plan.

Highways / Access

Concerns were raised by a neighbouring resident and the Parish Council that the scheme would generate additional traffic which would exacerbate existing congestion on the Elm High Road and roundabout, resulting in highway safety issues. The application seeks to continue to utilise the existing access to the site, via the Elm High Road. The 34 hotel bedrooms are proposed to be replaced by 26 residential bedrooms and the Local Highway Authority has no objections to this proposal, given the building already has an existing use as accommodation. The proposed parking area will remain as is, a gravel car parking area and the scheme will also provide a secure cycle storage building for residents for 32 cycles. Access to the hotel is via the existing vehicular route to the north of the HMO building. The proposed development is in accordance with the NPPF, Policy CS11 of the CS (2011) and Policy DM15 of the SADMPP (2016).

Form and Character

There will be minimal changes to the application site as a result of the development proposed. The physical appearance of the building will remain unchanged, as will the parking area, and the existing boundary treatments are to be retained. The scheme does include an area of amenity space for residents which is to be located to the south of the building and this will enhance the appearance of the site from the public highway.

The 280 square metres of managed garden space will include benches, picnic tables and a timber gazebo. Planting and ground finishes will also be provided to improve the outside spaces. The landscaping details proposed will be conditioned accordingly, alongside a condition requiring further information to be submitted and agreed to confirm the planting scheme. In addition, six of the ground floor rooms facing onto the north elevation will include a small area of private amenity space which will also provide some privacy from passing hotel guests using the adjacent access. It is proposed on the plans that a 900mm wall is constructed along the northern elevation of the building to demarcate the private space, and this walling is proposed to then follow round along much of the eastern boundary. Notwithstanding the details shown on the submitted plans details of the wall should be submitted and agreed by the LPA to ensure the appearance and suitability of this is acceptable for residential amenity.

The proposal is in accordance with Policy CS08 of the CS (2011) and DM15 of the SADMPP (2016).

Neighbour Amenity

The development is neighboured by an existing retail development and car park to the north, the associated hotel to the east, and then the A47 to the south and Elm High Road to the west. There are no immediate residential neighbours, the closest being the dwellings

approximately 35m away on the other side of Elm High Road, and it is not considered the change of use would have a detrimental impact on the neighbour amenity of these residents.

Residential Amenity and Site Management

Concerns are raised by Emneth Parish Council to the proposal on the basis that the scheme would be an unacceptable use.

The building is already used for holiday accommodation, and it is not considered that the change of use to an HMO is incompatible with the application site itself or in the wider context of the neighbouring hotel. The applicant has stated that it is their intention to run these two uses alongside each other.

In terms of the management of the site, the applicant has confirmed the property will be closely managed by a local ARLA qualified property Manager, and a local company will be used for regular cleaning and grounds maintenance. CCTV will be installed to all communal areas. The waste will be stored in large wheeled bins (1100L) for general waste and recyclable waste and will be stored within a specific timber fenced area (identified on the plan). The applicant also makes the point that the appearance and management of the HMO site would directly impact upon the success of the neighbouring hotel, and therefore they would maintain a quality environment.

As a large HMO, the applicant/ owner of the site will be required to secure an HMO licence from the Borough Council prior to the occupation of the building. As part of the licence application the Council considers whether the owner/ manager is fit and proper to manage the accommodation and requires management details, waste management, safety certificates (which are monitored) etc. The licence is then granted for a fixed period of time, and then the accommodation is monitored, likely on an annual basis. The Council has powers to take enforcement action if the accommodation is not maintained/ managed to an appropriate standard. Housing Standards has considered the accommodation proposed, alongside the proposed occupancy and these are considered acceptable.

In terms of the amenity of the proposed residents; a Morrisons store is located to the north of the application site, and the company has previously raised concerns about the change of use to residential accommodation given the fact that the neighbouring business does not have any restrictions on trading/ delivery times. Reference is made to paragraph 187 of the NPPF which states that 'existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development (including change of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development is completed.' Although CSNN were consulted, no response has been received. However, based on previous comments, a Noise Assessment is required to be submitted to and agreed by the LPA. Also, that any mitigation measures recommended as part of the Noise Assessment are implemented/ constructed prior to occupation of the HMO.

Previously CSNN also queried the foul drainage arrangements on the site, but the agent confirmed that the foul drainage would continue to be discharged to the main foul sewer, as is currently the case. This is acceptable.

The development is considered acceptable in terms of residential amenity in line with policies CS08 of the CS (2011) and DM15 of the SADMPP (2016).

Other Material Considerations

Secured by Design – The comments received from Norfolk Constabulary have been addressed where possible with the secure cycle storage. The door entry systems and mail arrangements are not for consideration as part of this application.

No objections have been received from the Lead Local Flood Authority (NCC), or the Environmental Quality officer. The Emergency Planning Officer has recommended an Informative is added.

CONCLUSION

The application seeks consent for the change of use of an existing hotel to a large HMO, which meets the policy requirements of Policy DM4 of the SADMPP. The applicant has clarified that the adjacent hotel building to the east of the application site would be retained in hotel use and remain in the same ownership as the HMO.

Concerns raised include that the proposed development is unacceptable and incompatible, with queries regarding the likely success of the development, as well as the ongoing management of the site. The applicant has provided information regarding the proposed management and maintenance of the application site. This is alongside the fact that the development would require an HMO licence and the site would be monitored accordingly by the Borough Council.

The Parish Council raises concerns from a highway safety point of view, given the proposed access, the potential increased traffic and the proximity to the major roundabout. However, the Local Highway Authority do not object to the scheme subject to a condition re the parking and servicing areas.

Wisbech Town Council and Fenland District Council do not object to the proposal. The applicant has considered the potential impact of the loss of the hotel rooms on the impact of tourism locally. Figures are provided to show the decline in tourism in West Norfolk, alongside information detailing the range of alternative accommodation within the locality. Therefore, making the case that the tourism sector is in decline which has resulted in the hotel (in its current form) being unviable. The applicant has also supplied information showing recent turnover of the existing business, and the marketing history of the site, to illustrate the viability of the retaining the site as a whole for hotel accommodation. While the proposal would mean the loss of 34 hotel bedrooms, the applicant has stated the development would support the retention of some hotel accommodation in the adjacent building, and this would be a more attractive accommodation offer. While the loss of the hotel rooms would equate to a loss of employment land, there are only small numbers of staff currently employed and the HMO will also require a small number of staff. In addition, the scheme will help to financially support the re-opening of the hotel building adjacent which would also generate additional employment (and would be retained as an employment use).

There will be minimal changes to the physical appearance of the site aside from the area of open space which will enhance the site, and the entrance to the town.

In summary the development is in accordance with the NPPF, Policies CS08, CS10 and CS11 (of the CS 2011), and Policies DM4, DM15 and DM17 (of the SADMPP 2016) and as such the officer recommendation is that of approval.

RECOMMENDATION

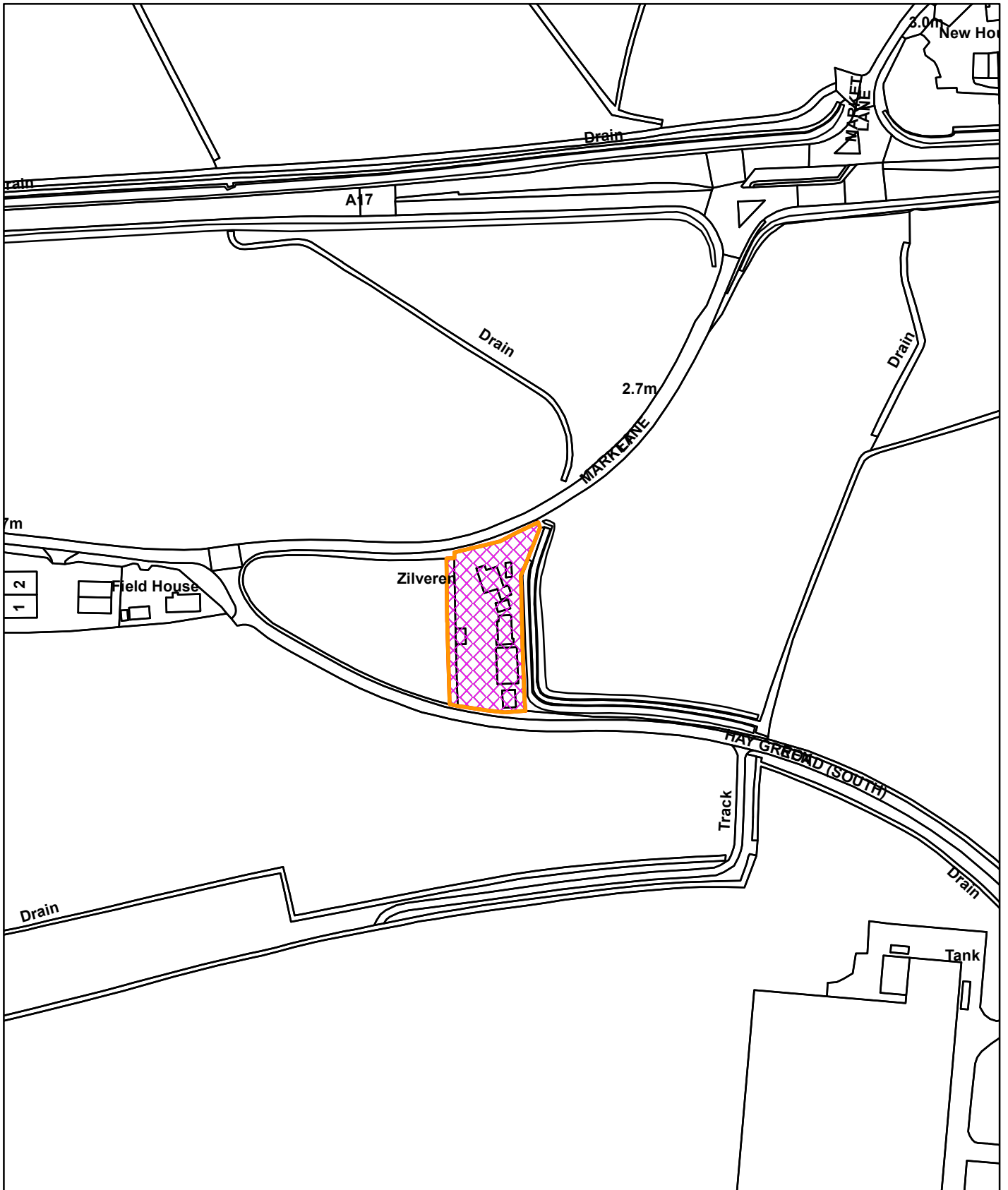
APPROVE subject to the imposition of the following condition(s):

- 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 (Drawing Nos- 224-01A Existing Floor Plans, Site Plan and Location Plan, 224-02C Proposed Floor Plans and 224-03C Existing and Proposed Site Plans).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the development hereby permitted the on-site cycle parking shall be constructed in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason: To ensure the permanent availability of the parking areas, in the interests of satisfactory development and highway safety.
- 4 Condition: Prior to the first use or occupation of the development hereby approved, full details of the soft landscape works including planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate shall have been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 5 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.
- 5 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 6 Condition: Notwithstanding the details shown on the approved plan, prior to occupation of the building, full details of the boundary wall proposed along the north elevation of the building and the eastern boundary of the site, shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the building or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity.

- 6 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 7 Condition: Prior to the occupation of the building a scheme to protect the development from noise associated with the trading estate to the north shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use and retained in perpetuity.
- 7 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

22/01044/F

Westfield Gardens, 81 Market Lane, Terrington St Clement, PE34 4HR



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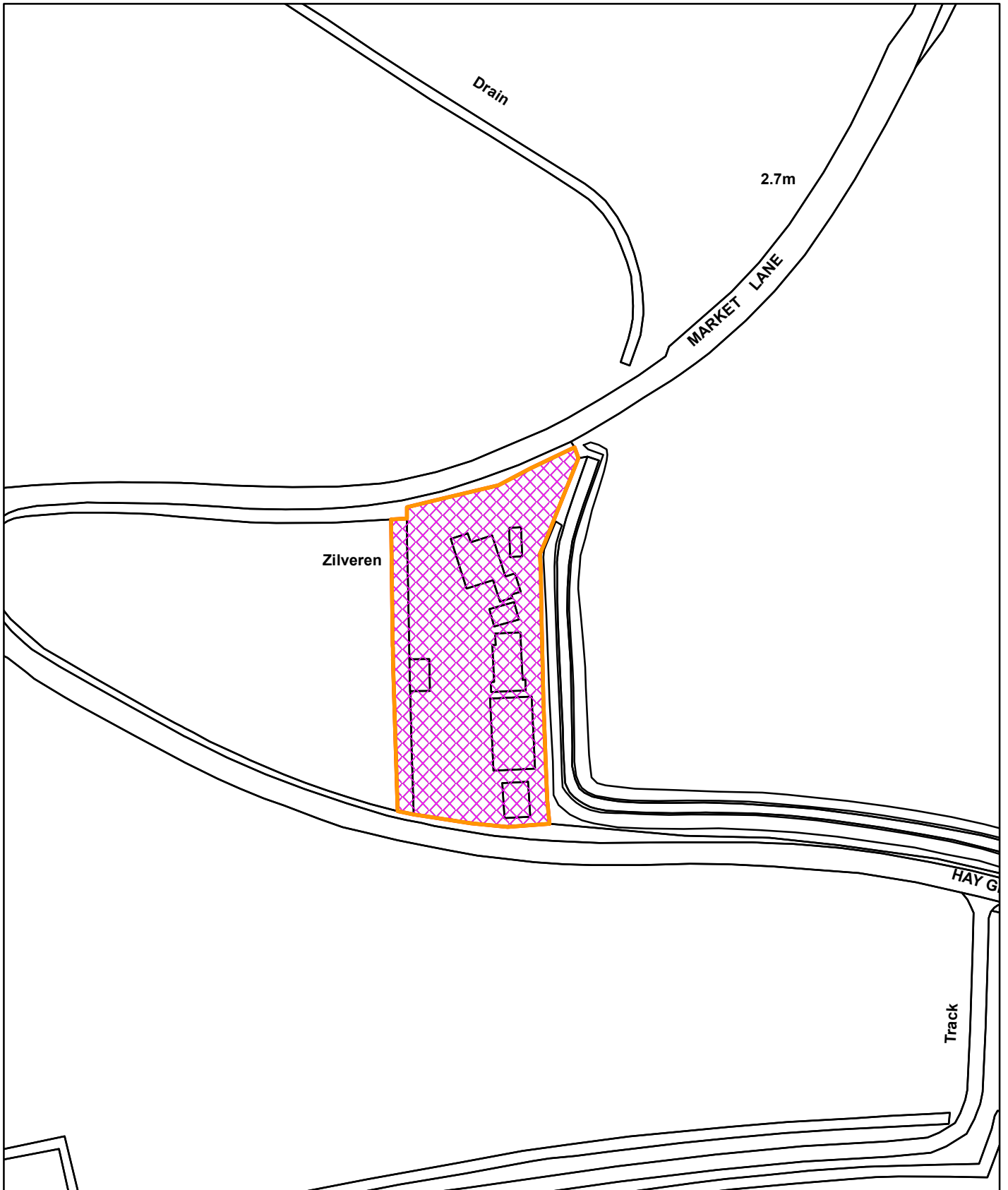
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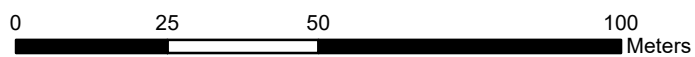


22/01044/F

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09/11/2022

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Parish:	Terrington St Clement	
Proposal:	Retrospective replacement of a front fence with 6ft 6 high of wooden boarding with concrete posts and proposed replacement of front driveway entrance with fence.	
Location:	Westfield Gardens 81 Market Lane Terrington St Clement PE34 4HR KINGS LYNN	
Applicant:	Mr James Harding	
Case No:	22/01044/F (Full Application)	
Case Officer:	Bradley Downes	Date for Determination: 8 September 2022 Extension of Time Expiry Date: 14 October 2022

Reason for Referral to Planning Committee – Called in by Cllr Squire and deferred from 3rd October Planning Committee

Neighbourhood Plan: No

Members Update:

The application was deferred from the 3rd October Planning Committee to enable discussions to continue with NCC Highways to try to resolve highway safety concerns with the site.

Further correspondence with NCC Highways re-iterated their position and set out potential changes to the proposal which would alleviate the concerns. The applicant decided not to make any changes to the scheme so that the Planning Committee could consider the suggestions put forward by NCC Highways and make a determination on the application accordingly.

Updated sections of report are in bold.

Case Summary

The application is part-retrospective for the erection of a 2m fence adjacent the highway at 81 Market Lane, Terrington St Clement. The site has a residential dwelling but a dog training business is also run within the site. The development is only part-retrospective because it involves closing the primary residential access by replacing the 2m gate with a section of 2m solid fence and instead using the business access further to the east for the dwelling and the business together because it has slightly better visibility. The site lies in the countryside and there are no immediate neighbours surrounding the land.

Key Issues

- Principle of development
- Form and character
- Highway safety
- Any other matters requiring consideration prior to the determination of the application.

Recommendation

REFUSE

THE APPLICATION

The application is part-retrospective for the erection of a 2m fence adjacent the highway at 81 Market Lane, Terrington St Clement. The site has a residential dwelling but a dog training business is also run within the site. The development is only part-retrospective because it involves closing the primary residential access by replacing the 2m gate with a section of 2m solid fence and instead using the business access further to the east for the dwelling and the business together because it has slightly better visibility. The site lies in the countryside and there are no immediate neighbours surrounding the land. The application has been made to the Local Planning Authority following an enforcement investigation that determined planning permission would be required.

SUPPORTING CASE

We purchased and moved into our new home in October 2020. The property has been a kennels for over 40 years but in recent years had been neglected and needed a lot of work. It had overgrown mature trees and shrubs at the front and rear, fencing was missing or rotten in places and the whole site was not fit to keep animals safe and within its boundaries. With sheer hard work over the last two years, we have put all the money we have made directly back into the property and have turned the place around. We have grown and developed the previous failed business (that was making a loss) into a fully functioning, licenced and successful local business, employing local staff & volunteers and which is now known locally and across the UK for its fantastic animal care.

Our priority two years ago was to restore the essential boundary fencing, to maintain a secure site for the dogs in our care and to ensure the safety of road users. The new front fence was erected in the same position as the old fence and overgrown shrubbery and positioned further back in places and was completed by Christmas of 2020. However, unbeknownst to us at the time that this fence would require planning permission, despite having four professional fencing companies quoting for the work, it was never suggested to us. If we were aware we obviously would have sought advice and positioned our new fence slightly further back from the road as so not to have required planning permission at all. With the ever increasing costs of materials, fuel and labour, the impact that relocating this fence will have on our small business will be astronomical, especially as in places we are being asked to move the fence back as little as 30cm!

What we have proposed in our retrospective planning application, is the compromise that if the fence line were to remain where it is currently, that we are willing to remove the house driveway gates/entrance and instead continue the fence line, thus eliminating any access safety issues that highways may deem. Neither the parish council nor the planning department have mentioned that the proposal will be to remove the driveway entrance, the exact same area that has been highlighted as a safety issue, the issue that will be eliminated following the gate removal.

The council categorise us as a commercial property and we have chosen the most domestic looking commercial fencing that there is. We and lots of our customers and neighbours deem our fencing as attractive and very much in keeping with the area. We do not live in a

village setting, instead we live on the outskirts of a village adjacent to the very busy road of the A17. Within 1/4 of a mile from us is the following services:

Machine repair, Tulip farm currently building an industrial warehouse, a hedgehog rehoming centre, strawberry farm, metal fabricator, electrician depot and T M brown builders' yard, ourselves that run a small dog training business and 1 other residential property.

We very much think our fencing is more than in keeping with the area. In fact, it was looking at our neighbouring properties that lead us to settle on the material and design as both our direct neighbour to the east of us and three neighbours within 1/2 mile to the west of us on Market Lane have the same fencing, same wood, same height, same style and same colour. If you have passed the A17 recently you will notice how smart the front of our property looks.

When we first received the enforcement notice within a matter of weeks, we took action and at great cost to ourselves we moved the eastern part of the fence back to the desired distance and restored the non-existent verge to an attractive newly turfed and maintained area. We do not however see any justification to remove and relocate the rest of our fence line at a further huge and significant cost & detriment to our business.

PLANNING HISTORY

08/02079/F: Delegated Decision - Application Permitted: 12/11/08 - Extension to existing kennel block - Zilveren Kennels, Market Lane, Terrington St Clement

2/97/0361/F: Delegated Decision - Application Permitted: 15/04/97 - Construction of field shelter - Zilveren Kennels, Market Lane, Terrington St Clement

RESPONSE TO CONSULTATION

Parish Council: Made the following comments

The Parish Council supports the observations of the Planning Enforcement Team in regard to the fence being moved and the gate set back.

Highway Authority: OBJECTS on the following grounds

The vehicle access for the dwelling is to be permanently closed off and fenced across. This removes our concerns in relation to that particular point of access. However, the existing field access at the west end of the site will remain. While use of this field access is currently low, it could not be conditioned in a manner to control the frequency of its use and therefore an intensification of the access needs to be considered.

I can only conclude that the fencing has resulted in the field access to have inadequate visibility for the speed of traffic passing the site and our recommendation of refusal would remain. Similarly, I am not aware that the central section of fencing has been set back to enable visibility to be adequately achieved to the west of the business access (proposed to also be residential), and I therefore have the assumption that the access remains substandard and should therefore be refused.

It is disappointing that the applicant has not sort to set back the appropriate sections of fencing to achieve the visibility requirements that have been suggested, as fundamentally we are not against the fencing in principle, just its proximity to the carriageway given its height therefore its effect on the accesses to be retained. Recommend refusal due to inadequate visibility splays.

Planning Committee
18 November 2022

Updated comments following 3rd October Planning Committee

This has been reviewed by two NCC officers and suggested ways forward. The applicant can make the change as per our recommendation and we would remove our objection, or the committee can make a decision based on the original submission.

The applicants appear to have created a new field access without consent; closed their original residential access; as well as erecting fencing which reduces visibility for their proposed residential and business access. The new field access is particularly dangerous and it needs to be closed or have its visibility improved. The field entrance issue could be addressed in a number of ways. 1. Close off the access, which appears to be achievable as the red line extends into the field. 2. Set-back approximately 6m of fence to create an improvement to emerging visibility. 3. Lower approximately 6m of fence to 1m in height, to create an improvement to visibility. The method by which the access is closed or improved is down to the applicant.

The other access proposed from residential and business use combined has poor visibility to the west but would be ok if the applicants set part of the fence back. We just want to see this dangerous situation removed. Without these points being addressed our recommendation has to remain – the application be refused on highway safety grounds.

IDB: NO OBJECTION

Land drainage consent has been granted.

REPRESENTATIONS

None received

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations are:

Principle of development
Planning history
Form and character
Highway safety
Any other matters requiring consideration prior to the determination of the application

Principle of development:

The proposed development is for the erection of a 2m high untreated timber fence approximately 45m in length to the roadside boundary of 81 Market Lane, which is used as both a residential dwelling and has a small office serving the dog training business run from the site. The site lies in the countryside where Policy DM2 states that development is more restricted and limited to that identified as suitable in rural areas. The proposed fence is primarily a means of enclosure for the dwelling and to provide additional security in relation to the dog training activity. It is considered the principle of the development is acceptable subject to compliance with other policies within the Development Plan.

Planning history:

This planning application has arisen as a result of an enforcement investigation where it was determined that planning permission would be required for the fence. While there was historically a fence along the front boundary prior to the installation of this fence, it was only 1m in height and did not require planning permission. To determine the likelihood of approval in the event of an application, the enforcement team consulted with the Local Highway Authority who had serious concerns regarding the proximity of the fence to the carriageway and the impact this would have on visibility at the three points of access. The three points of access are the field access on the west side, the residential access in the middle, and the business access to the east side. As a result, the applicant moved the part of the fence furthest to the east further back to allow adequate visibility from the business access looking to the north/east. Despite this, the Local Highway Authority still had concerns with the remaining parts of the fence because while visibility had been improved for the business access, the visibility at the residential access and field access were still severely limited by the fence.

As a result, the enforcement team sought to serve an enforcement notice on the fence. However, the applicant then stated that they would first make a planning application to attempt to regularise the fence, making a further compromise to try to satisfy the Local Highway Authority. That compromise is the closing of the residential access by replacing the gate with fencing and instead using the business access for the dwelling and the business together, which forms part of this proposal.

Form and character:

The site lies in a prominent location on the south side of Market Lane near the A17. The surrounding area is predominantly open countryside with the exception of a dwelling approximately 125m to the west and commercial use approximately 165m to the west.

In terms of context, the other dwelling approximately 125m to the west has a section of 1.8m high fencing which is solid up to 1.6m with a 0.2m lattice on top. This portion of fencing on the neighbouring property is more set-back from the carriageway and there are tall trees in between which provide screening. This dwelling does also have an approximately 16m long

and 2m high red brick wall along the frontage of the property which does lie adjacent to the highway, but it is older than 4 years. It is considered this wall is not overly prominent in the street scene as it lies next to the commercial units and the views up and down that part of Market Lane are dominated by large mature trees either side of the property.

The application site is considered to be visually and spatially distinct from the property 125m to the west. While it does have some vegetation along the boundaries, that vegetation is not as visually prominent on this part of the road, which combined with being immediately adjacent open countryside in all directions and located on a prominent well trafficked corner results in a fence which is considered to appear much more intrusive in the street scene. The proposed fencing is somewhat justified by the need to secure dogs within the applicant's ownership, however the type of fencing chosen is not considered to be sensitive in its current form.

It is considered that if the fence was painted or otherwise had colour applied it could potentially have a mitigating effect on the visual impact of the fence. In its untreated state, it is considered the fence is a harsh and obtrusive feature in the otherwise rural and open countryside setting. However, with an appropriate colour applied such as a dark green, it would blend in with the vegetation and would be much less noticeable in views in the countryside.

Policy DM15 of the SADMPP 2016 and CS06 of the Core Strategy 2011 require that development is sympathetic to the characteristics of an area and respect the intrinsic character and beauty of the countryside. With a satisfactory colour applied, it is considered the proposed fence could be sympathetic to the characteristics of the area and would not have any significant impact on the character and appearance of the countryside.

Highway Safety:

The proposal to block up the original residential access with additional fencing, re-instate the verge and instead use the existing business access further to the east would improve the highway safety of the development. However, it is considered the development as a whole would still fall short of being adequate and safe in terms of visibility. The existing business access to be utilised would still experience limited visibility in the westerly direction and the field access to the west end of the proposed fence line also has its visibility severely limited by the fence. This field access is not currently used regularly, but it may be used more regularly in the future for example if an agricultural use on the land started again. At such a time, the fence would be a significant highway safety hazard for potentially large vehicles exiting the land.

The speed limit on the road is 60 mph, however 85th percentile speeds are around 30mph. For such speeds on a road, visibility splays should be 2.4m x 70m in both directions. Visibility splays are not shown on the plan, however it is apparent when looking at the fence on site visit that visibility to the west from the remaining business/proposed residential access would be limited to some degree and that visibility to the east from the field access is blocked to near blind levels. It is therefore considered the development results in conditions to the detriment of highway safety. The Local Highway Authority currently object on this basis.

While it is acknowledged the applicant has already rectified part of the fence to improve visibility, it is considered this does not weigh significantly in favour of the scheme when remaining parts of the development are considered to be substandard. As the application is retrospective, the cost to the applicant of rectifying the remaining parts of the fence to achieve adequate visibility at all points of access is not a material consideration.

Since the 3rd October Planning Committee, the applicant has been presented with potential options for improving visibility at the points of access as set out in the new NCC Highways response. These suggestions included closing the field access, lowering the offending parts of the fence to 1m, or setting back sections of the offending fence panels to enable adequate visibility. Notwithstanding these options presented, the applicant has requested the committee consider the suggestions proposed but determine the application as it stands with no changes made at this time. As such, the recommendation to refuse the application on highway safety grounds remains.

It was considered whether a condition could be applied to require the applicant to provide adequate visibility splays in order to overcome the highways objection by moving the fence after a decision is made. However, it is considered such a condition would not be appropriate to impose on a decision where visibility splays are fundamental to the decision making and the condition would require significant alterations to the fence. Furthermore, the applicant would need to be willing to entertain the alterations and it is clear from the above that the applicant wishes the application to be determined as submitted.

Policies CS11 of the Core Strategy 2011 and DM15 of the SADMPP 2016 states that development should demonstrate safe access can be provided. Due to the restricted visibility at the remaining points of access as a result of the proposed fence it is considered the proposed development does not demonstrate that it provides safe access to the site. As a result it is considered the proposal is contrary to the Development Plan.

Any other matters requiring consideration prior to the determination of the application

There are no nearby neighbours which would experience any significant impacts as a result of the fence.

The IDB has indicated that consent has been granted in respect of the development to relax their byelaw 10, due to the proximity of the fence to an IDB drain. This consent is separate from the remit of planning and does not prejudice any decision that can be made the Council.

CONCLUSION

The proposed fence line is considered to be a prominent feature in the street scene and currently is detrimental to the open character of the countryside on this part of Market Lane. However, with satisfactory colour applied to the fence it is considered this impact would be mitigated to a degree which would not cause sufficient harm to warrant refusal. However, the proposed fence would limit visibility for both of the remaining points of access and would be detrimental to highway safety.

Notwithstanding negotiation with NCC Highways following 3rd October Planning Committee, the applicant is not currently minded to make alterations to the scheme and wishes for the application to be determined as submitted.

As such the proposal would be contrary to Policies DM15 of the SADMPP 2016 and CS11 of the Core Strategy 2011 which require development provides safe access. Therefore, it is recommended that permission is refused for the reason below.

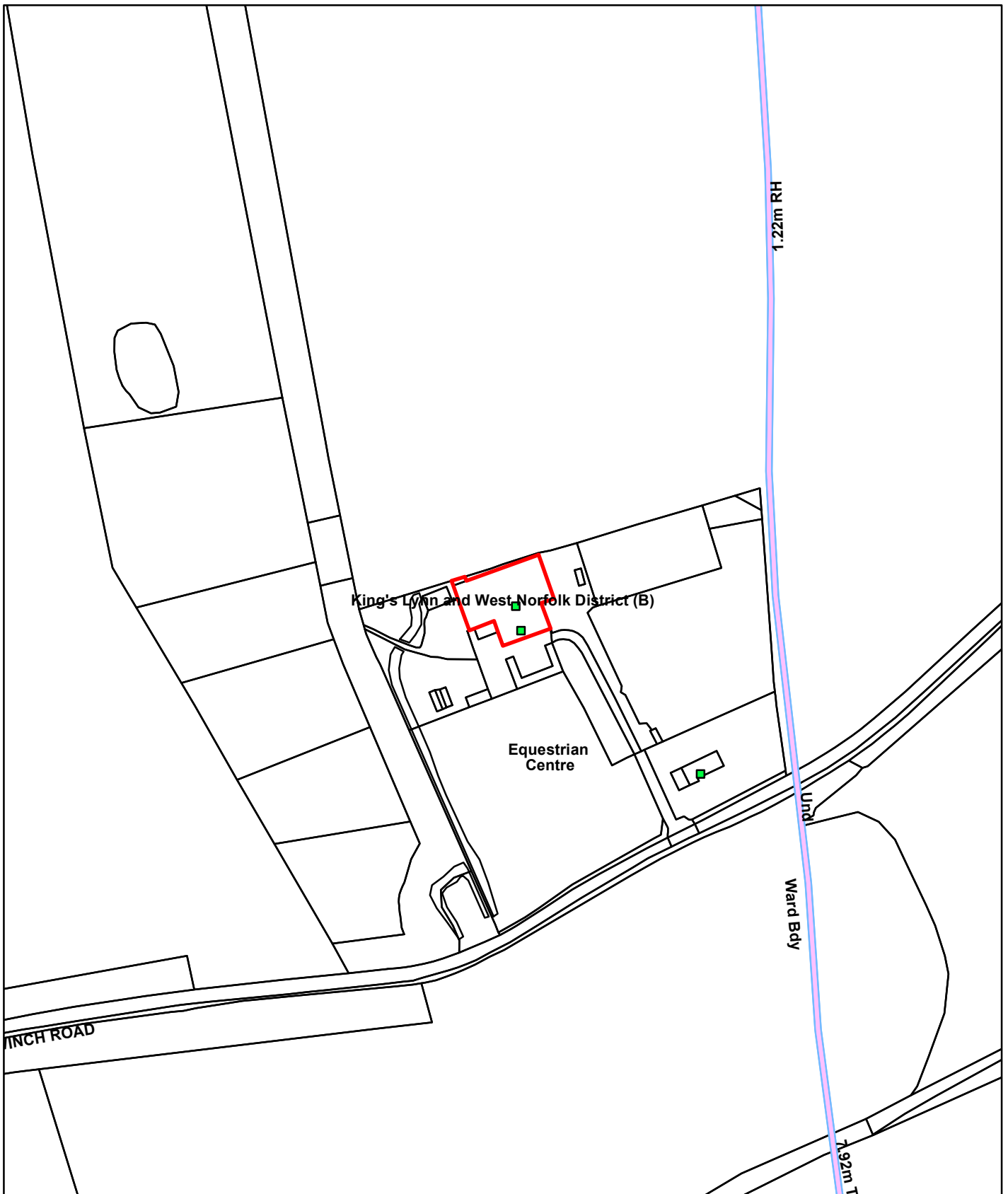
RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposed fence, by virtue of its proximity to the carriageway, would result in inadequate visibility splays at both of the remaining points of access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. As such, the development would be contrary to Policy DM15 of the SADMPP 2016 and CS11 of the Core Strategy 2011.

22/01308/CU

The Stables East Winch Road Blackborough End East Winch PE32 1SF



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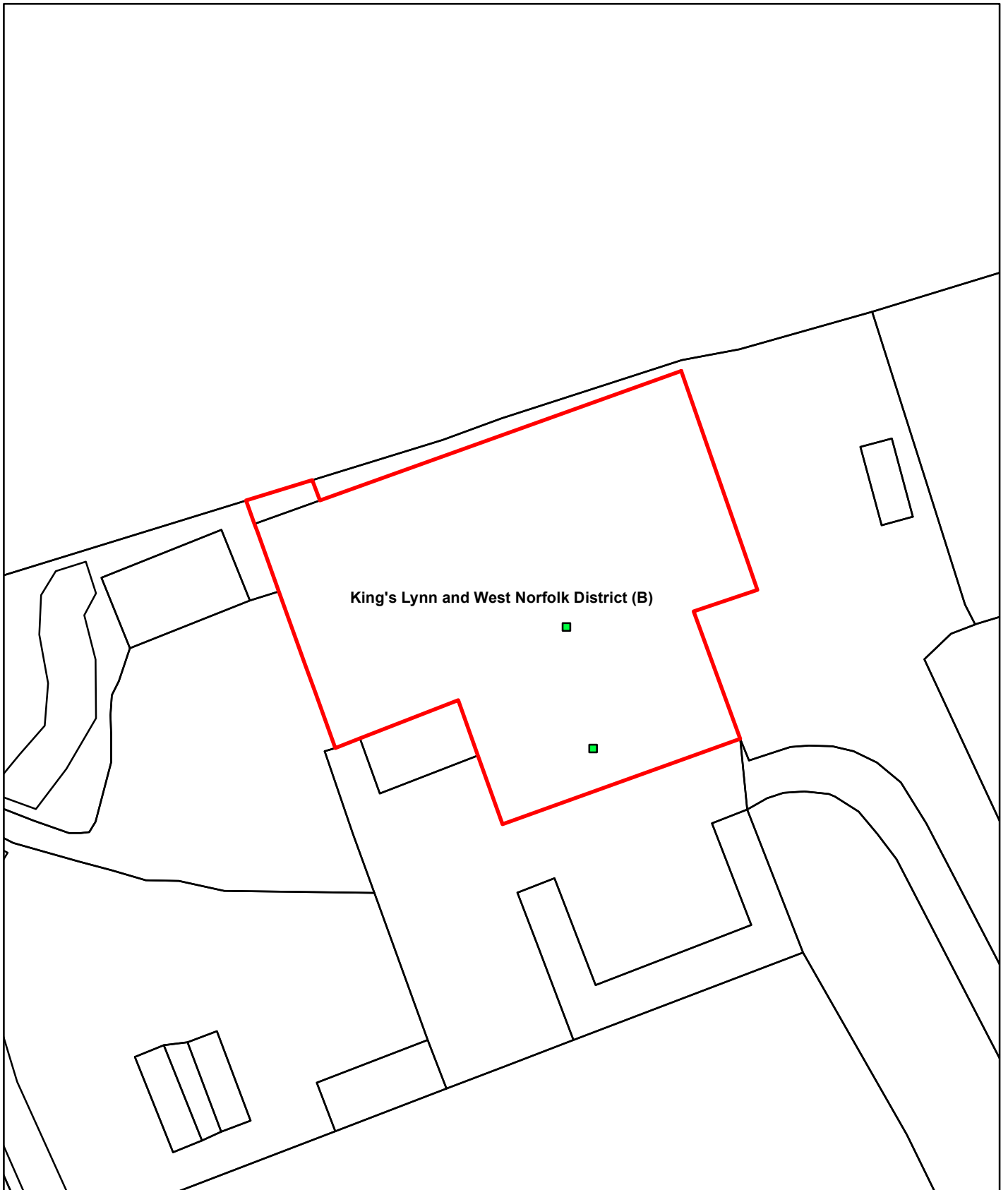
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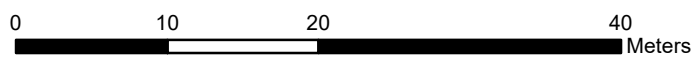


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10/11/2022

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Parish:	Middleton	
Proposal:	Retrospective change of use of buildings to private use to house own horses and personal belongings (no alterations to buildings).	
Location:	The Stables East Winch Road Blackborough End PE32 1SF Norfolk	
Applicant:	Blackborough End Eq Centre	
Case No:	22/01308/CU (Change of Use Application)	
Case Officer:	Helena Su	Date for Determination: 6 October 2022 Extension of Time Expiry Date: 25 November 2022

Reason for Referral to Planning Committee – Applicant is related to Councillor Nash

Neighbourhood Plan: No

Case Summary

This application is for a retrospective change of use of a building to be used for the stabling of the applicant's own private horses and the storage of personal belongings. The application site goes around the footprint of the building. The wider site consists of a livery, equestrian fields, and residential dwelling and curtilage along the southeast of the site.

The application site is located on the north side of East Winch Road, approximately 1.08km from Blackborough End (South-West), 1.28km from Middleton (North-West) and 1.5km from East Winch (East). The site falls under the jurisdiction of Middleton Parish. The whole site is approx. 2.42ha in size. The application building has an internal floor space of approx. 1400sq.m. The site is outside the development boundary of East Winch and therefore categorised as countryside in the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Key Issues

Principle of Development
Design and Impact on Residential Amenity
Other material considerations.

Recommendation

APPROVE

THE APPLICATION

This application is for a retrospective change of use of a building to be used for the stabling of the applicant's own private horses and the storage of personal belongings. The application site goes around the footprint of the building. The wider site consists of a livery, equestrian fields, and residential dwelling and curtilage along the southeast of the site.

The change of use occurred between October 2021 and January 2022. The applicant has stated that they use the building to store personal belongings, such as family vehicles, caravan, boat, log store, furniture, scaffolding, tools, overwintering of garden plants, pen for family dog, and other miscellaneous family items. The building will also be used to exercise and house the applicant's own horses and store associated equestrian equipment. The spaces within the building for the storage of personal items and for the horses are shown on the floor plan (received on 21 October 2022).

The application site is located on the north side of East Winch Road, approximately 1.08km from Blackborough End (South-West), 1.28km from Middleton (North-West) and 1.5km from East Winch (East). The site falls under the jurisdiction of Middleton Parish. The whole site is approx. 2.42ha in size. The application building has an internal floor space of approx. 1400sq.m. The site is outside the development boundary of East Winch and therefore categorised as countryside in the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

SUPPORTING CASE

No supporting statement submitted.

PLANNING HISTORY

2/00/1511/F: Application Permitted: 07/11/00 - Construction of 3 stables

2/98/1184/F: Application Permitted: 12/10/98 - Improvement to existing outdoor riding arena to enlarge and improve surface and provide lighting

RESPONSE TO CONSULTATION

Parish Council:

No comment made.

UK Power Network:

NO OBJECTION

REPRESENTATIONS

None Received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues to consider are:

Principle of Development

Design, and Impact on Neighbours

Other material considerations

Principle of Development

Middleton is classified as a 'Rural Village' within the settlement hierarchy under policy CS02 of the Core Strategy. The application site is outside of Middleton's development boundary. Policy DM2 states that outside development boundaries, development is more restricted and limited to those identified as suitable in rural areas as set out in other policies of the Development Plan. Policy CS06 states that in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty.

Furthermore, policy CS10 seeks to retain land or premises currently or last used for employment purposes, unless it can demonstrate that: continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

The development involves the use of an existing building for personal equestrian and storage use. As no material operation will take place to change the use of the building, the local character and setting of the countryside is preserved in line with policy CS06.

The application building served a riding school on the site until it permanently closed in 2019. The wider site contains a livery which was reported to suffer a loss of £10,120 in 2021 as there was no demand, other than for a do-it-yourself (DIY) livery. The application building is one small part of the overall equestrian site. As the building no longer served the business as a riding school, the building was used for personal use. A building on the wider site will be retained for the livery business, which employs part-time staff to tend the horses and help with the site's maintenance. The wider site will therefore retain some small scale employment. Ultimately, it can be considered that the continued use of the application building to the livery business was no longer viable, with the business operating at a loss. The scheme therefore meets policy CS10.

The change of use therefore complies with local policies CS02, CS06, CS10 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016).

Design and Impact on Neighbours

No changes have been made to the appearance of the building, therefore the barn-appearance of the building will be retained and unaltered on the street scene.

The site is located in the countryside, approx. 640m from the closest residential dwelling and given the low key use, the impacts on neighbours will be minimal.

Given the above, the scheme would comply with Local Plan policies CS06 and CS08 of the Core Strategy (2011) and DM15 of the SADMPP (2016).

Other material considerations

UK Power raised no objection to the application.

No objections or comments raised by the Parish Council or neighbours.

CONCLUSION

The change of use of the building to stable the applicant's personal horses and store personal items would not have any impact on the character and appearance of the area and amenity of surrounding neighbours. Additionally, the loss of the building would not result in loss of a small-scale employment site as the livery business on the site is retained. The proposal therefore complies with policies CS02, CS06, CS10 of the Core Strategy (2011) and policies DM2 and DM15 of the Site Allocations and Development Management Policies Plan (2016).

RECOMMENDATION:

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

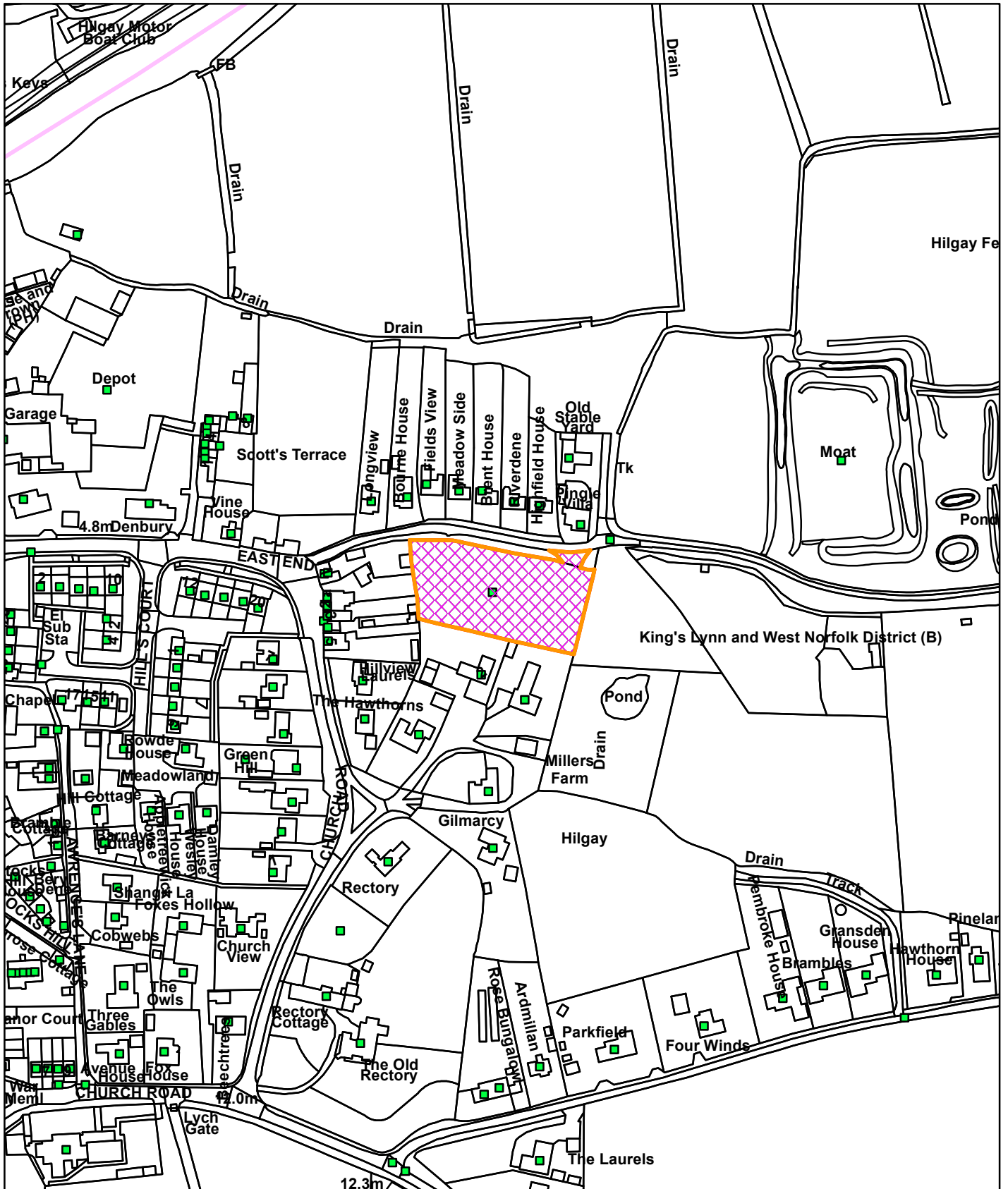
- 1 Condition: The development hereby permitted shall be carried out using only the following approved plans:
 - * Location Plan 2 (received on 28 June 2022)
 - *Ground Floor, Ground Floor of 2 Storey Area, First Floor of 2 Storey Area. (received 21 October 2022)
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Condition: The use of the building hereby approved shall only be used for the domestic storage within the areas identified in blue and for the keeping and exercising of the applicant own horses and storage of associated equestrian equipment within the areas identified in red on the Ground Floor, Ground Floor of 2 Storey Area, First Floor of 2 Storey Area Plan (received on 21 October 2022), and shall only be used in connection with the dwelling known as The Stables, East Winch Road, East Winch, and shown outlined in blue on 'Location Plan 2' (received on 28 June 2022) and shall at no time be used for business or commercial purposes.

- 2 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.

22/00987/F

Mulberry House East Emd Hilgay PE38 0JH



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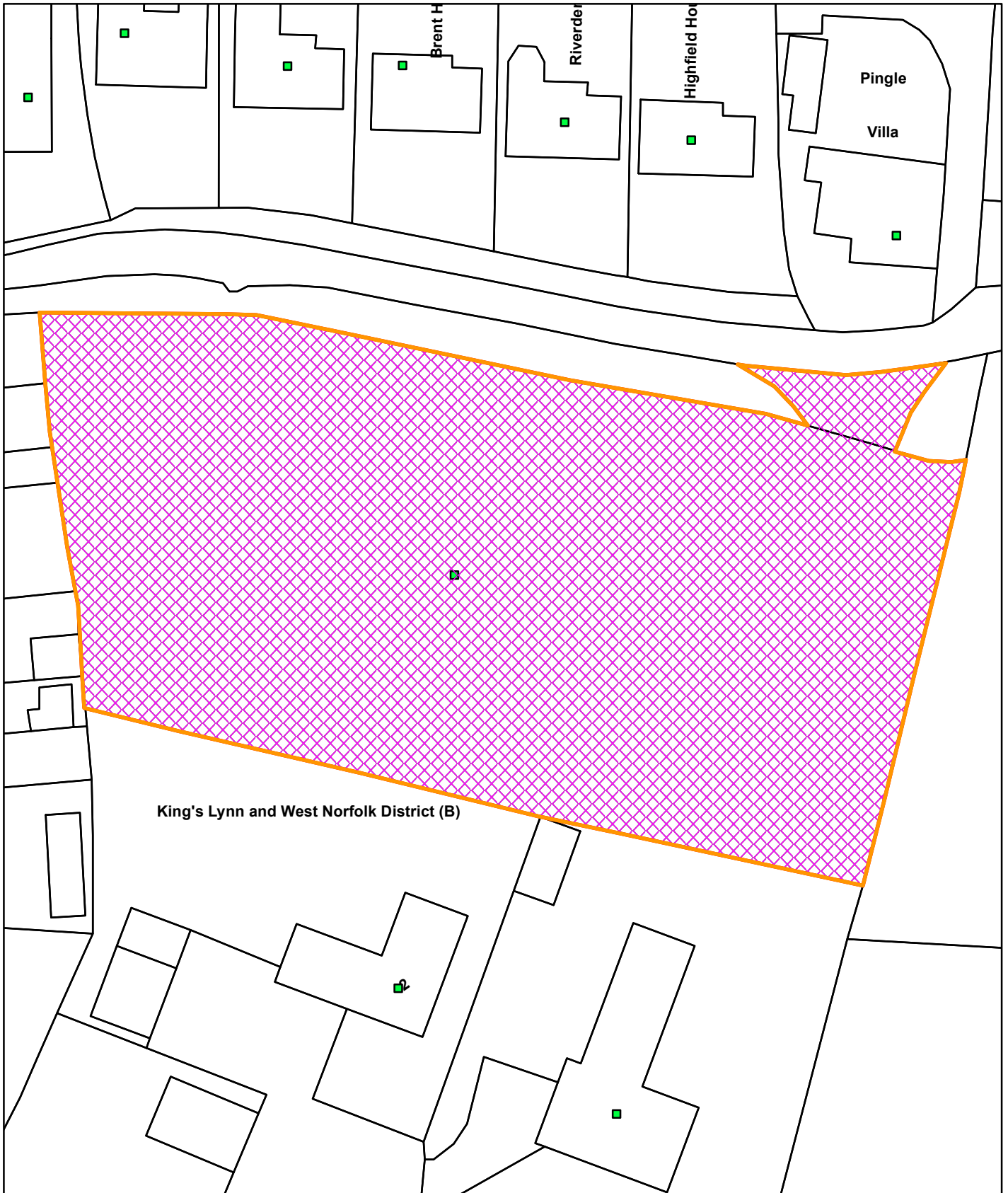
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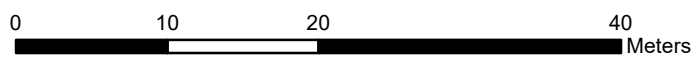


22/00987/F

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10/11/2022

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Parish:	Hilgay	
Proposal:	VARIATION OF CONDITION 2 OF PLANNING PERMISSION 20/00198/F: Proposed 4-Bed dwelling and triple garage with associated parking and private amenity space	
Location:	Mulberry House East End Hilgay DOWNHAM MARKET	
Applicant:	Mr Ben Saxby	
Case No:	22/00987/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 1 September 2022 Extension of Time Expiry Date: 11 November 2022

Reason for Referral to Planning Committee – Called in by Cllr Holmes

Neighbourhood Plan: No

Case Summary

The site is located on the south side of East End, Hilgay, some 50m from the junction of the East End and Church Road. The site is located adjacent to the development boundaries for Hilgay as defined by the Site Allocations and Development Management Policies Document 2016 (SADMPP).

This application is to vary condition 2 (the approved plans) of an extant planning consent for 'the construction of a 4-Bed dwelling and triple garage with associated parking and private amenity space' (Ref: 20/00198/F). The development has been constructed although is not fully in accordance with the approved plans. The application seeks to regularise these differences.

Key Issues

Site History / Principle of development
 Highway / Access
 Form and character
 Neighbour amenity
 Drainage
 Other material considerations

Recommendation:

APPROVE

THE APPLICATION

The site is located on the south side of East End, Hilgay, some 50m from the junction of the East End and Church Road. The site is located adjacent to the development boundaries for Hilgay as defined by the Site Allocations and Development Management Policies Document 2016.

This application is for the variation of planning Condition 2 of extant permission reference 20/00198/F 'Proposed 4-Bed dwelling and triple garage with associated parking and private amenity space'.

Condition 2 of the extant planning consent ref. 22/00987/F related to approved plans and drawings for the proposed development. The applicant has confirmed that the development has now been completed. This application is thus proposing to retrospectively amend the approved drawings to reflect what has been built. The differences to the scheme include-

- Site levels – These have increased across the site. To the north of the site, within the garden, the site level is now approx. 5.9 AOD and previously this was 5.3. Along the southern boundary of the site levels were 5.8 and now 5.99, was 5.5 and now 5.8, was 5.6 and now 5.8.
- The overall height of the dwelling is 9.1m (8.8m previously approved)
- Front elevation of dwelling – two new rooflights inserted approx. in line with front door. Amended design of front door/ canopy.
- Rear elevation of dwelling – first floor dormer window has been repositioned. Loss of two small rooflights. Fewer panels in bifold doors.
- Side elevation (east) – New window at first floor. Loss of window at ground floor and insertion of round window at first floor. Door has been repositioned.
- Side elevation (west) – Ground floor door reduced in size to two panels.
- The garages have increased in height by 0.65m to 5.65m, and the footprint is slightly larger than as previously approved.
- The footprint of the dwelling remains the same.
- The landscaping on the site has been amended.

The dwelling is situated within a substantial plot with gardens to the west and a parking and turning area to the east. The dwelling is accessed off East End and the dwelling fronts on to the road. The site is set higher than the adjacent public highway, East End.

SUPPORTING CASE

The application has been called to committee, despite having support from the planning authority, and no objections from any statutory consultees.

This application is the product of multiple rounds of discussions and revisions, there have been numerous rounds of neighbour concerns, but, through working with the planning department we feel these have been addressed and the amendments to the development have very limited adverse impact upon the surrounding area. This supporting statement is designed to address concerns over amendments from the original planning approval and subsequent discharge of conditions applications.

The design of the building echoes its surroundings with design cues including red brick, conservation style windows, plinth courses, parapet roofs, and pantile roof coverings taken from the surrounding properties. This was done to satisfy the local vernacular and ensure the property is in keeping with its surroundings. It should not be overlooked that all neighbouring properties are full 2 storey properties.

One of the variations from the original planning has been that of building height. Following site visits and measures from the planning department it has become apparent that the ridge lines have risen from the design drawing. It is worth noting that building tolerances should be considered as a contributing factor. A design drawing is drawn to be millimetre perfect but it is impossible to achieve these tolerances in site conditions – for example if on every brickwork joint the bricklayer is only 2mm out (less than the width of a stringline) on an 8m high gable end this would equate to over 200mm difference in height. And that is not accounting for brick tolerances, roof level tolerances etc etc. that being said the impact of the buildings height is negligible. The building is recessed over 1m into the ground and as such the impact, compared to a neighbouring house starting at the same ground level, is greatly reduced. The top of the southern fence, a 10ft fence, (where the closest neighbours are) comes to almost the underside of the first floor windows, so overlooking cannot be considered and issue.

The garage structure is closest to the southern boundary, but this is only a single storey building with no windows – the 10ft fence comes above the building eaves level so only the pitch of the roof is visible from the neighbouring property. Again this is significantly reduced from what would be considered typical, and as such the impact and any overlooking cannot be considered a material issue.

Other changes made are the relocation of some first floor windows, these were moved to facilitate better more balanced design and also to allow for downpipes to track down the building vertically rather than dogleg around bi fold doors. Again, none of these amendments have created any additional overlooking to any neighbouring properties.

The velux windows in the roof have not changed from the original approval but two sun tubes have been added to allow natural light into the main entrance hallway. This is effectively a reflective tube with a flat diffuser plate on the ceiling internally a small glass, velux looking, panel on the exterior of the roof. These have been strategically placed to give the overall elevation balance and by their very nature they do not create any overlooking issues.

The other changes identified are relating to the landscaping, namely a patio extending towards the southern boundary and the level of the lawn areas. The patio area extends to the back of the property and links to the garage area so it is not a widely used area. It is also bordered to the neighbouring property by the 10ft boundary treatment. The lawn area has simply been made flat – the plot originally sloped back to front so a cut and fill exercise has been undertaken to regulate the lawn area, reducing the back of the lot and raising the front of the plot. The area that has been raised is well hidden behind existing vegetation and trees on the highways verge. All areas of the lawn are surrounded by 1.8m close board fencing and does not give rise to any overlooking.

In summary, whilst there have been changes from the originally approved planning none of the changes create any additional adverse impact on any of the neighbouring properties and as such we can see no reason this application cannot be approved.

PLANNING HISTORY

20/00198/F: Application Permitted (Committee decision): 19/06/2020. Proposed 4-Bed dwelling and triple garage with associated parking and private amenity space - Land South of Brett House, East End, Hilgay.

19/01389/f: Application Refused (Delegated decision): 12/11/2019. Proposed 4-bed dwelling including detached garages, with associated parking and private amenity space - Land south of Brett House, Hilgay.

18/01890/RM: Application Permitted: 05/06/19 - Proposed 2 x 5-bed, one and a half storey detached dwellings with associated landscaping. - Land South of East End

18/01052/F: Application Permitted: 02/08/18 - REMOVAL OR VARIATION OF CONDITION 13 OF PLANNING PERMISSION 15/01830/O: Outline application for site for construction of two dwellings - Land South of East End

15/01830/O: Application Permitted: 08/02/16 - Outline application for site for construction of two dwellings - Land South of East End

RESPONSE TO CONSULTATION

Parish Council: NO COMMENTS RECEIVED

Public Rights of Way (NCC): NO OBJECTION

Have no objections on Public Rights of Way grounds as although Hilgay footpath 5 and Bridleway 2 are in the vicinity, they do not appear to be affected by the proposals.

Local Highway Authority: NO OBJECTION

The highway considerations would be as per the previous approved application and therefore no objection to the principle of the variation of condition 2.

Environmental Quality: NO COMMENTS

Internal Drainage Board: NO COMMENTS

Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION

The CSNN team reviewed the detailed clarifications and confirmed that the details have been of use in clarifying the site and the design. No further concerns were raised, as such no objections are raised to the proposal.

Historic England: NO COMMENTS

On the basis of the information available to date, Historic England did not wish to offer any advice in this instance.

Natural England: NO OBJECTION

Did not provide any detailed advice on the application.

Ministry of Defence: NO OBJECTION

The application site occupies the statutory safeguarding zone(s) surrounding RAF Marham. In particular, the aerodrome height and technical safeguarding zones surrounding the aerodrome and is approx. 14.9 km from the centre of the airfield. After reviewing the application documents, the MOD confirm that there are no safeguarding objections to this proposal.

REPRESENTATIONS

SIX OBJECTIONS have been received to the application. These are summarised below-

- Variation in excess of previous plans – misleading. Seems to be two sets of plans – one for Council approval and one for construction – as both drawings dated same time
- Disingenuous approach by applicant to not build in accordance with plans and then to apply for amendments retrospectively
- Doubts around garage height, dwelling height, ground levels, wrong fencing line, no acoustic fencing
- More of a point should have been made to clarify that the house is now 6 bed rather than the 4 bed originally approved
- No detailed narrative justifying why changes are required
- Out of place & unsuitable for the location. Out of proportion, due to increased garage height building seems top-heavy.
- Planning creep as developer initially had consent for a smaller dwelling
- The fence to the north boundary is too high and does not fit into the street scene
- No acoustic fence, although was required by extant consent
- Temporary fencing surrounding development plot
- Traffic generated from increase to 6-bed house
- Raising site levels risks flooding into the properties to the south
- Expanse of the roofline affecting view from neighbours' windows
- Garden levels have been raised taking away the privacy of the adjacent properties
- Garage height increased by 0.5 metres
- Height of the structure of the play area (near southern boundary)
- Any increase in height of dwelling or site levels is unwelcomed
- Overlooking into neighbour's gardens

Cllr. Alan Holmes commented the following:

“ This seems to me to amount to a quite different building and development than the original application. Very concerned that none of this was brought back to us as a planning authority before building was commenced or alterations to the agreed application were commenced. It also seems to me that the architect who provided the revised drawings should have made sure that these dramatic changes were referred back to us, especially as the garden ground level is substantially altered, and that this now appears to be a 6/7-bedroom property, which was definitely not what the Planning Committee granted permission for. And I feel strongly that the reasons for these alterations were necessarily needs to be provided.”

LDF CORE STRATEGY POLICIES

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

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM2 – Development Boundaries

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main issues are:

Site History/ Principle of development
Highway/ Access
Form and character
Neighbour amenity
Drainage
Other material considerations

Site History/ Principle of Development:

Hilgay is classed as a Rural Village in the adopted Local Plan, and as such has a development boundary. The application site itself lies adjacent to but outside of the development boundary. Therefore, in line with Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMP) (2016) housing would normally be restricted in this location.

However, the principle of development has been established on this site by the extant planning consent 20/00198/F which is a material consideration in the determination of the application. This application, for a large 4-bed residential dwelling with associated parking and amenity space was permitted by Planning Committee in June 2020.

Following granting of permission, the applicant has built out the dwelling, however the final design of the built development is not in accordance with the approved plans for the extant permission. Consequently, this application has been made to consider the changes made to the development permitted and whether the impact of these changes is material and beyond that previously considered acceptable under the approved scheme. It is important to remember that this application solely considers the retrospective changes made to the development.

The principle of development in this location is acceptable, subject to compliance with the other policies in the Local Plan.

Highways / Access:

Neighbour objections have been received relating to the increased traffic as a result of expanding the dwelling to 6 bedrooms, rather than the 4-bed previously approved, and that this additional traffic will cause disturbance for residents and increased risk for pedestrians.

The proposed dwelling is to be served by one vehicular access off East End. While the objections raised have been noted, the principle of development has already been

established by the existing planning consent and the scheme provides adequate parking for a dwelling of this size.

The Local Highway Authority (LHA) has not raised any objections to the proposed scheme and has commented to say that all highway considerations would be as per the previous approved application and therefore they had no objection to the principle of the variation of condition 2.

Thus, in highways terms, the proposal is considered to not be materially different to the development previously permitted on site, so the proposal complies with Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Form and character

The site is located on the south side of East End in an elevated location. It is surrounded on three sides by residential development and with open countryside to the south.

The nature of the scheme is residential and minor changes are proposed to the design of the scheme, which are not considered to be significant in the context of the overall scale, design and character of the development as built, both individually and cumulatively.

Height of the building -

The latest plans submitted demonstrate an increase in height of the overall dwelling built by approximately 0.3m (from 8.8m to 9.1m)

It is noted that the previously approved scheme (20/00198/F) granted permission for a 4-bedroom house laid out over two floors – ground floor and first floor, while the scheme hereby being considered seeks consent for an increased capacity of the house to 6 bedrooms spread over three storeys -ground floor, first floor and second floor (by inserting an additional floor internally). The building height will increase by 0.3m as a result. Thus, the changes proposed concern the layout and floor heights of each story internally, and the impact of the proposed changes to the external envelope of the building would be the increase of the building in height by approximately 0.3 metres.

Although it is acknowledged that the increase in height of the building could have an increased impact on the overbearing aspects of the proposed development, in this case the increase in height is not considered significant given the size of the site, and the separation distances to neighbouring dwellings.

Footprint of the dwelling -

The plans submitted for approval under this application do not show any changes to the building footprint when compared to the plans already approved under reference 20/00198/F. As such, no material changes to the building footprint are under consideration as part of this application.

Site levels -

The site levels have been increased across the site, to that was originally approved. To the north of the site, within the garden, the ground level is now approx. 5.9 and previously this was 5.3. Along the southern boundary of the site levels were 5.8 and now 5.99, was 5.5 and now 5.8, was 5.6 and now 5.8.

This increase in site levels has resulted in concerns raised by neighbours that this would cause the built dwellinghouse and all development onsite to be higher visibly and physically.

The largest increase in site levels is along the northern boundary where the change is 0.6. However, given the distance between this boundary and the dwelling, and then also the neighbouring dwellings, the increase is acceptable in terms of form and character.

Front (North) Elevation -

The changes to the front elevation have included the addition of two new rooflights/ suntubes and an amended front door and canopy to the principal elevation of the dwelling built.

The two additional rooflights/ suntubes are proposed at a lower level than the existing 6 rooflights on the northern elevation to the building, however as the submitted section drawing demonstrates, these are to provide additional light into the landing areas within the building.

The design of the front door has also been amended. The previously approved elevations permitted a double door and canopy, while the final design of the dwelling is with a single door with the same canopy as is shown on the plan.

Rear (South) elevation -

The changes to the rear elevation have included the repositioning of a first-floor dormer window, increase in height of the Orangery room, the loss of two small rooflights and fewer panels in the bifold doors. The change in the height of the Orangery would resemble an increase in height from the approved 2.9 metre height to 3.35 metres as built. This change would result in a net increase of under 0.5 metres in height, and as such would not be material/significant to the impact of the proposal on the locality.

Side (east) elevation -

The changes proposed to the east elevation include the addition of a new window at first floor, the loss of a window at ground floor, repositioning of the door and the insertion of round window at ground floor. The loss of a ground floor window, addition of a round window to the side of the front porch and the repositioning of the side door to this elevation individually as well as cumulatively do not present any additional impacts on neighbour's amenity beyond what had previously been approved under application ref 20/00198/F. As such these amendments are considered minor design changes and are acceptable. Given that this elevation (east) overlooks the applicant's driveway, the addition of a window to the first-floor elevation is considered acceptable.

Side (west) elevation -

The only change proposed to this elevation is the ground floor door being reduced in size to two panels, whilst previously approved for three panels. This change is not considered to materially affect the proposal, and as such is considered acceptable.

Garage height and size -

Neighbour objections refer to the increased height of the garage proposed, the structure built appears to be larger than that originally permitted. The approved height for the triple garage building was 5m (under permission ref. 20/00198/F).

The garage built has an increased height of 0.65m, with the overall ridge height now standing at 5.65m high; the footprint of the building remains largely as previously approved. However, the submitted plans do show a change in the layout of the garages internally, with the addition of 215mm separation walls between the car parking spaces within the garage. Another change to the design of the garage is the addition of six 440mm by 350mm solid brick piers externally along the southern and eastern elevations of the garage building. The addition of these brick piers increases the overall footprint of the garage by an approximate additional 250mm in width and an approx. additional 250mm in length.

As such, although the internal measurements of the garage according to the submitted plans would remain, the overall footprint of this garage building has increased marginally to 16.3m in length and 7.5m in width.

Landscaping -

The key changes to the landscaping proposed on site include an increased area of patio to the rear and sides of the development, with the addition of two sets of stairs to connect the patio area to the wider private garden on site, hedging to the perimeter of the built dwelling as well as to the perimeter of the patio areas, more delineated driveway area east of the dwelling and more refined and detailed proposals in terms of shrub planting and placement within the site. As approved, the 1m wide by 1m high planter and gravel margin between the patio and the southern boundary are retained.

The acoustic fence has been omitted from the scheme as it was a derivative of having a 'golf' room closest to the boundary within the room with the patio door. As the layout was changed, moving the 'golf' room inwards circa 20m from the boundary to a room with no external doors, the acoustic fence was no longer required. All openings on the southern elevation of the building are over 20m from the southern boundary. A 1.8m close boarded fence is proposed in the place of the acoustic fence. No objection has been raised by CSNN to the removal of the acoustic fence.

Full details of the boundary treatments were conditioned and the details discharged under application ref 20/00198/DISC A. However, this application seeks to amend these again to include 1.8m close board fencing along the northern and eastern boundaries of the site. This was contrary to previous discussions and the 1.8m close board fencing on the northern boundary fails to have a positive impact on the street scene. However, the applicant is required to plant a hedge along the front of the fence which has been done, and this hedge will be retained via condition. Once this hedge has become established and has grown this will detract somewhat from the impact of the fencing. On balance, with the planting/ hedging in place, it is not considered the 1.8m fencing warrants refusal of the application. However, Members will need to take a view with regard to this impact on the street scene.

Approximately 50% of the plot has been lowered circa 1m to accommodate the ridge height of the building at early planning stages. This has been retained as approved and the lowered sections of the site have been bordered by a sleeper wall.

The proposed amendments to the landscaping are contained within the site boundaries and as such are barely visible from the public highway. As a result the landscaping proposals are considered acceptable.

In summary the proposal is considered to be acceptable in relation to the overall impact of the changes to the appearance, form and design of the development as built and their impact on the character of the local area. As such the amendments to the design of the dwelling and the landscaping are considered acceptable and in accordance with the NPPF, Policy CS08 of the CS and DM15 of the SADMPP.

Neighbour amenity

An assessment has been made of each of the proposed changes to the scheme and any impacts of these to the amenity of neighbouring residents.

The impact of the increased height of the dwelling (by 0.3m) would not result in a scheme which is materially different to that previously approved, and given the distances between existing dwellings and the application dwelling, the impact of this change is not considered to be significant and would not give rise to overlooking or overshadowing as a result.

The change in the land levels of the garden does not create an increased level of overbearing, as it is only the garden which has been raised, the house remains set down within the plot. It is not considered that this change in levels is significant enough, in contrast to that already approved, to be a material change in the nature of the proposal, as such on balance this is considered acceptable. The boundary treatments proposed are sufficient for a residential garden at approximately 1.8m close board fencing and so the amendments do not give rise to overlooking/ a loss of privacy as a result.

The amendments to the elevations in terms of changes to the windows, doors and rooflights/ suntubes are not considered to be significant in terms of their impact upon neighbour amenity. Due to their positioning within the dwelling and the plot they do not give rise to increased overlooking/ loss of privacy as a result and as such the changes are considered minor and acceptable in this instance. As the submitted section drawing demonstrates, it will not be possible for residents to look out of the proposed new rooflights on the front elevation of the dwelling, and the new first floor window on the east elevation will overlook the driveway/ parking area for the dwelling.

Given the garage is single storey it is not considered that the increase in height and the building footprint would give rise to any overlooking and would not be considered overbearing. While the garage roof is now more visible to neighbours, there is no right to a view. Therefore, in the context of the approved development, the increases of around 0.5m in terms of the height, and 0.25m in terms of width and length of the garages proposed are considered acceptable in terms of neighbour amenity.

Overall, it is considered that the changes made to the built dwelling on site would not result in a scheme which is materially different to that previously approved. It is considered that due to the siting, spacing and orientation of the proposed dwelling, the scheme as built does not overshadow neighbouring dwellings, is not overbearing and does not result in a loss of privacy. There is still sufficient separation distance between the site and surrounding dwellings and as a result the dwelling and garages as built would not result in a loss of amenity for existing dwellings.

Concerns were raised by objectors, and initially the CSNN officer, regarding the potential impacts on neighbouring residents from the multitude of changes hereby proposed in this application. However, following further clarification, CSNN do not object to the scheme based on the information submitted and therefore the scheme is in accordance with the NPPF, Policy CS08 of the CS and Policy DM15 of the SADMPP.

Drainage

Due to the increased land levels across the garden of the site, some concerns from members of the public were raised regarding the surface water drainage impacts.

The garden levels to the surrounding dwellings to the south are higher than the top of the sleepers within the proposed site, so any surface water run off would be onto the application site itself rather than from it, as the site has been lowered a 1m. Therefore, there is little potential for surface water on site to run off into the neighbours' gardens.

The designed soakaways as approved have been installed in specific locations and land-drains encompass the whole perimeter. Any surface water run off possible on to the highway to the north is from the existing houses and the hard surfaced driveways that have been in place for a number of years, rather than from this site.

The western boundary of the site has a 3m wide planter with a 1m high sleeper border and then a 1.8m fence. Behind this fence is a 1m wide gap with a French drain in it to prevent run off into the backs of the adjoining gardens to the west. The neighbours also have their own either low level or 1.8m close boarded fences.

In accordance with the information submitted on the site plans, and following detailed clarification from the applicant, CSNN has confirmed they have no objection to the scheme including in relation to drainage. Therefore, based on the information submitted it is considered that drainage arrangements are acceptable for the site and scale of development as proposed. The scheme is in accordance with the NPPF, Policy CS08 of the CS and Policy DM15 of the SADMPP.

Other material considerations:

No objections have been received from the Public Rights of Way Officer, Environmental Quality, the IDB, Natural England and the Ministry of Defence. No comments were made by Historic England. The Parish Council have not commented on the application.

The applicant is not required to justify the reasons for the changes to the design as such, and has not sought to do so.

The applicant does have play equipment (a climbing frame) within their garden and this has been measured and falls within permitted development.

CONCLUSION

The principle of the dwelling of the same footprint has already been established. The changes to the scheme proposed retrospectively as part of this application have been thoroughly considered and assessed in detail in terms of their impact of neighbour amenity, and design and appearance.

Both individually and cumulatively the changes proposed under this application do not result in a scheme which is materially different from the approved dwelling under the previous permission ref. 20/00198/F, as a result of the proposed amendments.

As such all changes proposed as part of this application would result in a development of a similar nature and would not cause any undue significant adverse impacts or harm to the locality beyond that previously considered acceptable, and therefore the variation to condition 2 of planning permission ref 20/00198/F can be reasonably approved in this case in accordance with the NPPF, Policies CS06, CS08, CS11 and CS12 of the CS, and Policies DM2, DM15 and DM17 of the SADMPP.

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 –

Drawing Nos 2343 001 A, 2343 003 A and 2343 004 A received 21 October 2022,
Proposed Section Plan received 16 Sept 2022.

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.

Planning Committee
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- 2 Condition: The vehicular access / over the verge shall be retained at the position shown on the approved plan and in accordance with the highways specification TRAD 5 . Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 2 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 3 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.
- 3 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.
- 4 Condition: The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 4 Reason: In the interests of the safety of persons using the access and users of the highway.
- 5 Condition: A 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage and shall be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 5 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 6 Condition: The development shall take place in accordance with the Written Scheme of Investigation submitted and agreed under application 20/00198/DISC A.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 7 Condition: No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 6.
- 7 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 8 Condition: Within three months of the date of this consent (unless otherwise agreed in writing by the Local Planning Authority) the site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 8 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 9 Condition: The development hereby approved shall be built in accordance with the following details for the Air Source Heat Pumps –

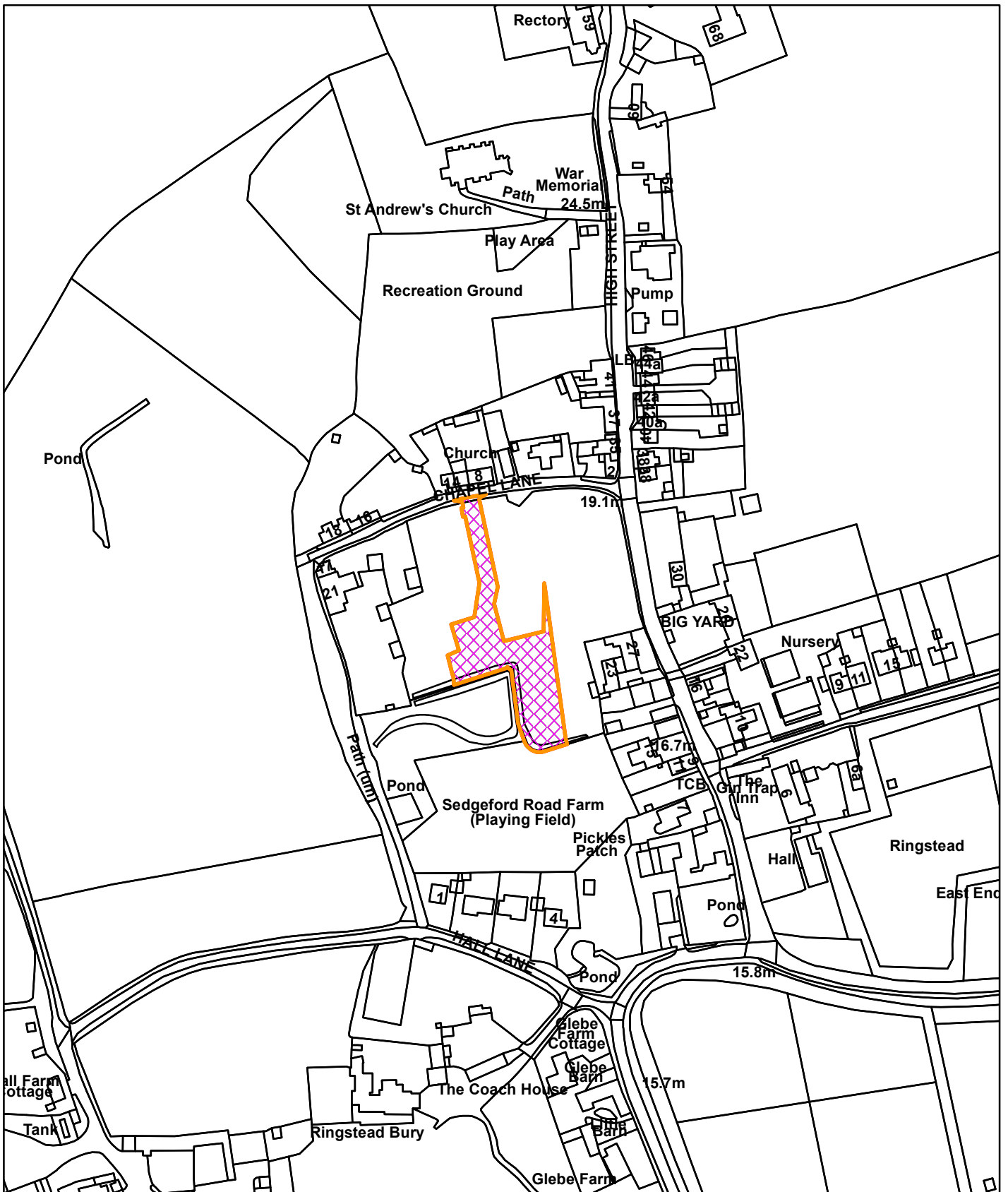
- * Drawing No 001 Proposed Site & Location Plan, received 2nd February 2022
- * Daikin Altherma 3 Heat data sheet, received 2nd February 2022
- * Daikin Altherma H-Split (R32) data sheet, received 2nd February 2022
- * Flexi Foot Strut data sheet, Pump House, Diversitect Company, received 2nd February 2022

The scheme shall be implemented as approved and thereafter maintained as such.

- 9 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 10 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.
- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 11 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.
- 11 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

22/01185/F

Land South of 8 Chapel Lane, Ringstead, PE36 5JX



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Ordnance Survey 100024314



09/11/2022

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Parish:	Ringstead	
Proposal:	Erection of 1 x No. two-storey house and garage	
Location:	Land South of 8 Chapel Lane Ringstead PE36 5JX Norfolk	
Applicant:	West Side Property Development Ltd	
Case No:	22/01185/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 5 August 2022 Extension of Time Expiry Date: 21 November 2022

Reason for Referral to Planning Committee – Officer recommendation is contrary to the views of the Parish Council & Referred by Sifting Panel

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for the construction of a single dwelling on land to the south of 8 Chapel Lane, Ringstead. The application site is to the rear of an extant consent for 10 dwellings originally granted on appeal, and most recently granted under 21/00546/FM. Development has commenced on site.

The application site comprises the south east portion of the larger site, which totals approximately 0.45ha of land previously used as a haulage yard. Accessed via Chapel Lane, which joins High Street to the east, the site is wholly within the Ringstead Conservation Area.

Key Issues

- Principle of Development
- Impact on AONB
- Design
- Impact on Neighbours
- Highway Safety and Access
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for the construction of a single dwelling on land to the south of 8 Chapel Lane, Ringstead. The application site is to the rear of an extant consent for 10 dwellings originally granted on appeal, and most recently granted under 21/00546/FM. Development, which has commenced on site.

When combined with the extant consent on site, with a site area of 0.5ha and 11 dwellings proposed in total, the site's density is 22 dwellings per hectare.

The proposed dwelling continues the courtyard layout of the extant consent, measuring a total of 8.6m to ridge and 5m to eaves. The positioning of glazing alongside parapet detailing and stonework imitates and pays regard to the appearance of traditional barns in the wider locality. The dwelling's massing and scale is derived from the wider context, proposing a traditional form with pitched roof combined with a subservient projection to form the garage. The vast majority of buildings in Ringstead are two-storey with pitched roofs and this has been replicated with this proposal.

The proposed dwelling will feature a mix of traditional vernacular materials including mixed rubble stone masonry, brick work, and terracotta pan tiles alongside more modern/contemporary materials to enhance key design elements and merge modern construction methods with the more traditional materials.

SUPPORTING CASE

The Committee's attention is drawn to the successful planning appeal for the erection of 10 dwellings on land that included the current application site. That appeal permission was superseded by an identical scheme for 10 dwellings approved last year (Ref: 21/00546/FM) and the development has commenced.

There has been no material change to the local planning framework since the appeal decision, or since the Council's grant of Planning Permission 21/00546/FM. In allowing the appeal, the Inspector concluded that "Policy DM3 does allow for small groups of dwellings in such settlements in exceptional circumstances where the development is of particularly high quality and would provide significant benefits to the local community". He further opined that "...based on the estimate that there are currently around 170 households in the village it is considered that the further ten dwellings proposed would comprise a relatively small group of dwellings". It must be concluded that an additional dwelling, as now proposed, making a total of 11 dwellings would still constitute a small group and there is, therefore, no conflict with Policy DM3.

The Parish Council maintains its objection to the residential development of this site because:

- It is in a conservation area;
- It represents over development;
- It was previously objected to and rejected;
- It is outside the original building boundary; and
- It may create access problems.

These objections simply do not stand up to scrutiny. None of the other consultees, including Highways, Historic Environment, Environment Agency, Anglian Water and Environmental Quality have raised any objections to the application.

The Parish alleges that this is an over development of the site. The applicant firmly refutes this. The Parish has failed to identify any real harm and simply repeats arguments that it put forward at the appeal and which were firmly dismissed by the Inspector.

This application is policy compliant in all respects. The combined development of 11 houses is of very high quality that will enhance the character and appearance of the Conservation Area as the Appeal Inspector previously noted. There is no material change in planning circumstances that would warrant a refusal in respect of the current application.

It has always been the applicant's aim to deliver a well-designed, high quality housing development here that reflects local character and detailing. Commercial viability of the 10 dwellings already approved is marginal. Recent developments in the Nation's economic fortunes have made the approved scheme even more marginal. The introduction of an additional dwelling, as proposed, will minimize the risk of having to look for savings that might dilute the overall quality of the scheme.

The Committee is, therefore, asked to support the Officers' recommendation and to grant planning permission.

PLANNING HISTORY

21/00546/FM: Application Permitted: 02/12/21 - 10 dwelling proposal comprising 6 buildings on a brown field site - Land South of Chapel Lane - DELEGATED DECISION

18/01093/FM: Application Refused: 31/10/18 - Construction of 10 dwellings - Land South of 8 Chapel Lane - DELEGATED DECISION – APPEAL – DISMISSED 14.11.2019

17/02138/F: Application Refused: 14/05/18 - Erection of perimeter fencing to enclose tennis court up to 2.75 metres in height. - Westgate House - DELEGATED DECISION

15/01604/VAR1A: Application Refused: 22/02/18 - Modification of Planning Obligation reference LC/S106/17/37 relating to planning application reference 15/01604/FM - Land South of 8 - DELEGATED DECISION

15/01604/FM: Application Refused: 29/03/17 - Ten dwelling proposal comprising of 6 buildings on a brownfield site - Land South of 8 Chapel Lane - DELEGATED DECISION – APPEAL – ALLOWED 05.12.2017

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds:

- It is in a conservation area;
- It represents over development;
- It was previously objected to and rejected;
- It is outside the original building boundary; and
- It may create access problems.

Highways Authority: NO OBJECTION to revised plans, with the following comments:

The proposals include provision of a turning head for the entire cul de sac that will benefit cars and service vehicles, and provision of three car spaces plus a double garage for the

Planning Committee
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new dwelling that has five bedrooms, the parking provision meets NCC guidelines. There is cycle parking space within the garage.

Please note that the turning head along with the site access road will not be adopted, but should be constructed to adoptable standards

Historic England: NO COMMENT requested the LPA rely on advice from our Conservation Team

Conservation Officer: NO OBJECTION in principle, stating the following comments:

'Mindful of the Inspector's comments on development on this brown field site, I have no objections to the principle of development. However previous site analysis of the site identified and marked open green areas and existing semi permeable green edges. The current proposed soft landscaping plan does not take enough account of the green edge and I would want to see more substantial soft landscaping along the eastern boundary of this additional unit, including close to the house.'

Environmental Health & Housing - Environmental Quality: NO OBJECTION with the following comments:

'A Geo-environmental Investigation report covering the site and application 21/00546/FM has been submitted which assesses the site. A Remediation Method Statement has also been supplied by Ground and Environmental Investigation Limited to meet the remediation indicated in the report. We have reviewed our files and the site is on land that is not seen developed for the duration of our records. There is a former transport depot on the land to the immediate north of the site.

The surrounding landscape is largely residential or undeveloped. The following conditions relating to contaminated land are still outstanding on the application 21/00546/FM and relate to this site. '

Recommended conditions relating to the implementation of the remediation scheme and reporting of unexpected contamination.

Historic Environment Service: NO OBJECTION with the following comments:

The proposed development is located within the historic core of the settlement of Ringstead, south of the medieval church of St Andrew. The possible medieval moated site of Bardolf Manor is situated to the west of the development site and remnants of medieval ridge and furrow earthworks have been recorded from aerial photographs to the west and south. Cropmarks visible on aerial photographs north of the church may also represent wider medieval settlement. In addition, discoveries in the vicinity of the development site include prehistoric, Roman, Saxon and medieval artefacts.

Consequently, there is potential that significant heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance may be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework

Housing Enabling Officer: NO OBJECTION with the following comments:

'Planning permission was granted for 10 units at the adjoining site reference 21/00546/FM. Under Policy DM8 of the Site Allocation and Development Management Policies 2016 these two sites can be linked, they are both within the same ownership and the planning history shows this development is part of a larger site. On a combined site of 11 units, a contribution of 2 units would be required. As 2 affordable units have already been secured on the adjoining site, I can confirm in this instance no additional affordable housing will be sought'

Norfolk Coast Partnership: NO OBJECTION Provided comments surrounding the potential for impacts on the AONB, particularly in regard to light pollution. Recommended a condition in relation to external lighting.

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

SIX letters of **OBJECTION**, summarised as follows:

- Site is not brownfield land and beyond existing development site
- Development would set a precedent in the Ringstead Conservation Area and AONB
- Impact on Chapel Lane as single-track width
- Request for affordable unit instead
- Impact on surrounding listed buildings

TWO letters of **SUPPORT**, summarised as follows:

- Not over development
- Will benefit local business

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

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

DM8 – Delivering Affordable Housing on Phased Development

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

OTHER GUIDANCE

Conservation Area Character Statement

OFFICER ASSESSMENT

The key considerations are:

- Principle of Development
- Impact on AONB
- Design and impact on Heritage Assets
- Impact on Neighbours
- Highway Safety and Access
- Other Material Considerations

Principle of Development

The site lies within the built-up area of Ringstead which is classified as a 'smaller village and hamlet' in the Council's adopted Settlement Hierarchy (Policy CS02 of the Core Strategy refers). It lies on the west side of High Street and south of Chapel Lane and is part of an approved development site for 10 dwellings. The approved development site was formerly part a road haulage yard which ceased in 1977. Whilst now overgrown, the hard surfacing and concrete bases of former building remain on site and fuel tanks remain in-situ underground. The site as a whole, including the area set aside for the construction of the original 10 dwellings, is considered to meet the definition of previously developed land in annex 2 of the NPPF.

The planning history of the site is a material consideration.

The overall application site is subject to an allowed appeal, which granted consent for 10 houses on the basis that the design was of particularly high quality as to warrant approval in accordance with the relevant part of Policy DM3. The Inspector also gave weight to the redevelopment of brownfield land, its proximity to the village service, and the provision of affordable housing, ultimately determining that the benefits of the proposal outweighed any harm found.

There has been no material change in planning circumstances since the appeal decision, or since the approval of 21/00546/FM. FM and the development is currently being built out. The construction of an additional dwelling will not lead to any significant increased impact when considered in line with the extant consent and is discussed below.

The proposal in principle complies with the aims of the NPPF (2021), Policies CS01, CS02 and CS08 of the Core Strategy (2011) and Policy DM3 of the SADMPP (2016).

Impact on AONB

The site is within the AONB however as a result of its positioning would not be likely to impact on the special characteristics of this area. The inspector previously concluded no major impact on the wider landscape character of the AONB, stating the following:

‘15. The proposal would integrate well with the built fabric of the village with closely located development to the north and west along Chapel Lane. The site is well screened by vegetation as viewed from High Street across the open area of paddock to its east and would not be visually prominent in the open landscape’.

The addition of a dwelling will not increase any adverse impact or lead to greater harm given that the plot is bordered to the west and south by existing boundary hedgerows and trees, with an existing dwelling to the east.

The proposal is therefore in accordance with paragraph 176 and policy CS07 in relation to impacts on the AONB.

Design and impact on Heritage Assets

A dwelling of the same design as that approved for Plot 9 of the development approved under Planning Permission 21/00546/FM is proposed.

The proposed dwelling continues the courtyard layout of the extant consent, measuring a total of 8.6m to ridge and 5m to eaves. The positioning of glazing alongside parapet detailing and stonework imitates and pays regard to the appearance of traditional barns in the wider locality. The dwelling’s massing and scale is derived from the wider context, proposing a traditional form with pitched roof combined with a subservient projection to form the garage. The vast majority of buildings in Ringstead are two-storey with pitched roofs and this has been replicated with this proposal.

The proposed dwelling will feature a mix of traditional vernacular materials including mixed rubble stone masonry, brick work, and terracotta pan tiles alongside more modern/contemporary materials to enhance key design elements and merge modern construction methods with the more traditional materials.

The dwelling is a high quality 4-bedroom house that responds to the ‘yards’ context of the extant permission. The overall concept and design of the 10-dwelling development already approved is maintained, with only minor changes proposed to the access/turning areas previously approved to facilitate the access to this additional unit. The density of the proposed scheme at 22 dwellings per hectare remains low and suitable for the rural locality.

The proposed dwelling replicates the key features such as stonework and fenestration and fits in with the extant consent. In terms of layout, the proposed development retains the courtyard layout and mimics examples of barns and courtyards typical across the wider area.

Policies CS06 and CS08 seek development which has no detriment to the character of the surrounding area or landscape and which responds to the context and character of places by ensuring that the scale, density, layout and access will enhance the quality of the environment. Policy DM15 seeks development where its scale, height, massing, materials and layout responds sensitively and sympathetically to the local setting and pattern of adjacent streets and spaces through high quality design and use of materials.

The additional dwelling retains the previously agreed courtyard arrangement which is an appropriate built pattern. The scale, proportions and materials of the additional dwellinghouse would be in-keeping with the character of the original development in the village.

Trees and vegetation along the site boundaries are shown to be retained post-development and further softens any visual impact of the site on approach and restricts any long views across the retained paddock land to the east of the site.

No objection was received from the Conservation Team in relation to impacts on the setting of the Grade II Listed building to the east of the application site (within the Applicant's ownership). Whilst the proposed dwelling will be visible from the rear garden of this property, it is considered that with additional planting provided to soften the boundary, no additional harm will occur to the setting of this building.

It is considered that with appropriate conditions in place the proposed development would preserve the character of the Conservation Area and would not harm the historic importance of the local area. This is in line with the Inspector's comments for the allowed appeal.

Conditions are recommended to ensure that the materials coincide with the adjacent site as well as to ensure suitable soft landscaping comes forward to the satisfaction of the Conservation Officer following their consultation response.

Overall, the development is considered unlikely to pose any significant impact on the surrounding Conservation Area when considered as an addition to the previously approved scheme. The proposal is considered to comply with the aims of the NPPF, Policies CS08, CS12 and DM15 of the Local Plan.

Impact on Neighbours

The relationship between the new dwellings proposed and neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and the buildings being overbearing.

Site levels slope from the approved access with Chapel Lane down towards this site. Within the site, separation distances and window positions are sufficient to limit any potential for adverse impacts on privacy between future residents. Windows on the first-floor front elevation of this proposed dwelling will face towards Plot 10, however serve bathroom/ensuite rooms and a hallway/staircase. Considering the level differences, 12m distance to the boundary and the use of these rooms, the proposed dwelling will not lead to any adverse impact on the amenity or privacy of Plot 10.

To the east, the proposed dwelling is approximately 25m from the neighbouring dwellings fronting High Street and is separated by boundary treatments proposed and conditioned as part of this consent as well as an area of paddock land (in the applicant's ownership). Considering the orientation of the dwellings, the bedroom windows proposed on the side elevation of the dwelling are not considered likely to lead to any adverse impact on the privacy of this adjoining dwelling.

Given the distances between the proposed new development and the nearest properties to the north and east there are no significant concerns regarding overshadowing or the new dwellings being overbearing.

The proposal therefore complies with the NPPF (2021) and Policies CS08, CS12 and DM15 of the Local Plan.

Highway Safety and Access

The planning history of the site details previous concern with highway and access, however this has been agreed by the Inspector and a S106 agreement requires future maintenance of a proposed footpath link. This application must be determined with reference to the extant fallback position and the addition of one dwelling is not considered likely to lead to such significant impact on highway safety so as to warrant refusal of this application. The Local Highway Authority raise no objection on this basis.

The application is therefore considered to comply with Policies CS08, CS11 and DM15 of the Local Plan.

Other Material Impacts

Drainage – The foul and surface water drainage details have been agreed for the wider site and no changes are proposed under this application. Hard surfaces proposed will be permeable block paving to assist natural drainage of the site. Given one additional dwelling is proposed, it is not considered necessary to impose further restrictive conditions relating to the submission of additional foul and surface water details.

Affordable Housing - The site is of a size that requires affordable housing provision at 20% to comply with Core Strategy Policy CS09. The approved application and S106 agreement proposed 2 affordable units (1 for rent and 1 for shared ownership). The additional dwelling proposed under this application would not increase the requirement for onsite units (20% of 11 is 2.2 which would be rounded down in this instance). No further s106 is required to control this element of the proposal as the existing agreement will control provision of the required units. The application therefore complies with Policies CS09 and DM9 of the Local Plan.

Archaeology - The proposed development is located within the historic core of the settlement of Ringstead, south of the medieval church of St Andrew. The possible medieval moated site of Bardolf Manor is situated to the west of the development site and remnants of medieval ridge and furrow earthworks have been recorded from aerial photographs to the west and south. Cropmarks visible on aerial photographs north of the church may also represent wider medieval settlement. In addition, discoveries in the vicinity of the development site include prehistoric, Roman, Saxon and medieval artefacts.

Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance may be affected by the proposed development. Conditions appended to the extant consent on site will be continued/carried over onto this consent to ensure compliance with the NPPF.

Ecology - The updated preliminary ecological appraisal submitted as part of this application proposes mitigation works during the course of development. The submitted details are in accordance with the mitigation details agreed and discharged as part of the extant approval. A condition is recommended to ensure compliance with this survey throughout construction.

Trees- An arboricultural report has been submitted which would also be controlled via condition. Additional vegetation along the east boundary, also controlled via condition, will further limit any adverse impact on the historic dwellings fronting the high street to the east. One additional tree is proposed to be removed from an existing group of trees in order to facilitate construction of the driveway. This tree is shown to be replaced with a 15-18m Silver Birch to the front of Plot 9. The replacement tree is of an appropriate species, and suitable

size and quality to compensate/mitigate the loss of one tree. The arboricultural officer raises no objection to this proposal.

Response to Representations

The proposed development introduces an 11th dwelling to the site. Whilst the neighbour concerns over highway safety are noted, the addition of a single dwelling is not considered likely to lead to significant adverse impacts on highway safety to an extent that would warrant refusal.

Neighbour objections regarding the principle of development are noted however the proposal must be considered based on the Inspector's decision as a result of the similarities of the scheme. The addition of a single dwelling on site is not considered to lead to any significant impact to the extent that would warrant refusal.

CONCLUSION

The proposed dwelling is considered to comply with the overarching aims of the NPPF (2021) in regard to sustainable development and reuse of brownfield land.

The proposed dwelling continues the courtyard layout of the extant consent on the overall site and mimics the proportions and detailing of traditional dwellings across the Ringstead Conservation Area, whilst incorporating features of a complimentary contemporary design. No objections have been raised by consultees in regard to impacts on nearby heritage assets or the Conservation Area as a whole.

Subject to conditions relating to materials, access and turning areas, archaeology and hard and soft landscaping details, the development is considered acceptable.

The application accords with the NPPF (2021) and Policies CS06, CS08, CS12 of the Core Strategy (2011) and Policies DM3 and DM15 of the SADMPP (2016).

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:

- *416-00-100B
- *416-00-101B
- *416-00-102A
- *416-00-103B
- *416-00-111B
- *416-00-112B
- *416-00-120B
- *416-00-200B

*416-00-230B

*416-00-231B

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 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.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 5 Condition: Prior to the occupation of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, surfaced and drained in accordance with the approved plans and retained thereafter for these respective purposes.
- 5 Reason: For the avoidance of doubt and in the interests of highway safety.
- 6 Condition: Prior to the first occupation of the development hereby permitted, visibility splays measuring 2.4 metres x 25 metres shall be provided to each side of the site access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 6 Reason: To ensure that a safe means of access is available to serve the development in accordance with the principles of the NPPF.
- 7 Condition: The development hereby permitted shall be completed in accordance with the recommendations and protection measures noted within the Arboricultural Method Statement, dated May 2022, rev A (10.06.22), written by James Blake Associates submitted as part of this application.
- 7 Reason: To ensure the existing trees and hedgerows are properly protected in accordance with the NPPF.
- 8 Condition: The development hereby permitted shall be completed in accordance with the Remediation Method Statement, Document Reference: 22-224/RMS dated June 2022 and submitted as part of this application prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must

be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 8 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.
- 9 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 and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

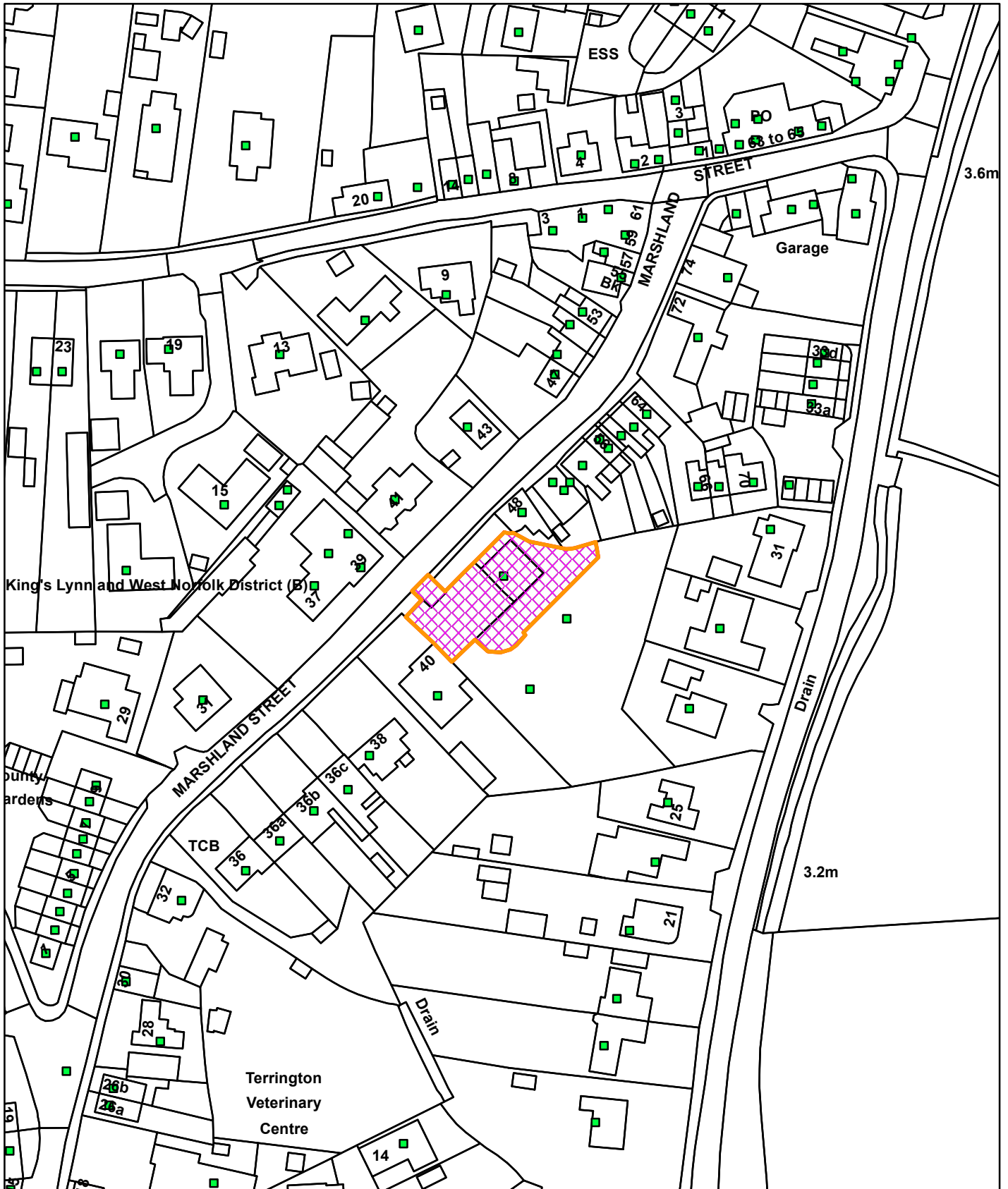
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 9 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.
- 10 Condition: Notwithstanding the details shown on the approved plans, prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate. Provision shall be made for additional planting and soft landscaping along the east boundary of dwelling's curtilage.
- 10 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality and to protect the setting of adjoining listed buildings in accordance with the NPPF.
- 11 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.

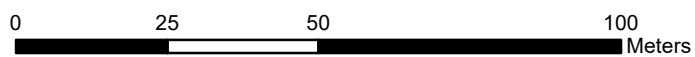
- 11 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 12 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
 - 1) The programme and methodology of site investigation and recording,
 - 2) The programme for post investigation assessment,
 - 3) Provision to be made for analysis of the site investigation and recording,
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation and
 - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 12 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.
- 13 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under Condition 12.
- 13 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 14 Condition: No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 12 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 14 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 15 Condition: The development hereby permitted shall be completed in accordance with the recommendations and mitigation measures outlined in the Updated Preliminary Ecological Appraisal, Project Ref: TE/LB/2017_4, written by Torc Ecology Ltd and submitted as part of this application.
- 15 Reason: For the avoidance of doubt and in the interests of protected species in accordance with the NPPF (2021).

22/01307/RM

Plot 1 Adj 40 Marshland St Terrington St Clement PE34 4NE



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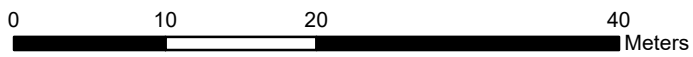


22/01307/RM

Plot 1 Adj 40 Marshland St Terrington St Clement PE34 4NE



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Parish:	Terrington St Clement	
Proposal:	Reserved Matters Application for Plot 1 only	
Location:	Plot 1 Adj 40 Marshland Street Terrington St Clement PE34 4NE KINGS LYNN	
Applicant:	Warnes & Edwards	
Case No:	22/01307/RM (Reserved Matters Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 20 September 2022 Extension of Time Expiry Date: 25 November 2022

Reason for Referral to Planning Committee – At the discretion of the Assistant Director given the planning history of the site.

Neighbourhood Plan: No

Case Summary

The site comprises part of a former retail nursery (PJ Brown Nurseries) on 0.23Ha of land to the rear of the south-eastern frontage of Marshland Street and western side of Churchgate Way within the heart of Terrington St Clement (designated a Key Rural Service Centre). It lies within the development boundary for the village as shown on inset map G93 of the SAMDPP. The site is bound on all sides by residential development and is immediately adjacent to the Conservation Area boundary which runs along the front of the site.

This application seeks reserved matters approval for Plot 1 following outline permission being granted under ref: 19/01788/O. An application for reserved matters for three plots was initially considered at Planning Committee in September 2021 and was refused permission on the grounds of impact of the outbuildings (detached garage and summer house) to Plot 1 on the neighbouring property (No.48 Marshland Street). Subsequently a further application for the dwelling on Plot 1 was submitted and refused by committee under ref: 22/00266/RM once again in relation to the proposed detached garage and the neighbouring house. Plots 2 & 3 were approved in the interim and are currently under construction.

This application seeks to resolve issues raised insofar as Plot 1 only. Reserved matters are sought for solely a chalet with no outbuildings.

Key Issues

- Principle of development and Planning History
- Character and Appearance
- Impact upon setting of Conservation Area
- Impact upon adjoining properties
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The overall site comprises a former retail nursery (PJ Brown Nurseries) on 0.23Ha of land to the rear of the south-eastern frontage of Marshland Street and western side of Churchgate Way within the heart of Terrington St Clement (designated a Key Rural Service Centre). It formerly contained polytunnels and greenhouses. This application however relates solely to Plot 1 of three previously approved under application ref: 19/01788/O.

The site lies within the development area of the village shown on inset map G93 of the SADMPP and is adjacent to the Conservation Area along Marshland Street, with only the existing point of access falling within it. The site is therefore mainly enclosed by residential properties.

This application seeks reserved matters approval for the layout, scale, appearance and landscaping of the development for Plot 1 only – access was agreed at the outline stage. An application for reserved matters for three plots was considered at Planning Committee in September 2021 and was refused permission on the grounds of impact of the outbuildings to Plot 1 on the neighbouring property No.48 Marshland Street. A subsequent reserved matters application (ref: 22/00266/RM) was also refused by the Planning Committee at its meeting in June 2022 for a similar proposal but with a detached garage on similar grounds as earlier.

The current application seeks to resolve issues raised insofar as Plot 1.

Plots 2 and 3 have been recently permitted under reference 21/01846/RM and are under construction.

SUPPORTING CASE

The applicants' agent has submitted the following statement in support of this application:

"This Statement supports the Reserved Matters Planning Application for a residential dwelling at land Adj. 40 Marshland Street, Terrington St Clement involving the erection of a dwelling following the outline approval under reference 19/01788/O, approved 28th January 2020.

This scheme is consistent with earlier outline approval in terms of numbers and general layout, utilising the existing access on to site, and upgrading it as already approved under the earlier reserved matters approval for plots 2 and 3.

The proposal has been designed to be sympathetic with the nature of this site and reflect a more traditional solution for the site which abuts the conservation area for Terrington St Clement. The submitted drawings demonstrate that the site can comfortably accommodate the dwelling together with the required amenity space, parking and turning, whilst also respecting the neighbouring dwellings and dwellings under construction.

The proposed level of accommodation along with the proposed form and massing are conveyed on the drawings provided. This level of redevelopment is considered to provide a high-quality scheme that enhances the current use of the site. It reflects the central village location of the site and previous outline approval to create a more sustainable, higher quality scheme.

The proposed scheme follows conversations with the Planning Officer which has led to revisions to the scheme and draws on the comments from the planning committee to the earlier application which concerns were raised over the detached garage, so this has been removed from this proposal. The revisions carried out to the layout has led to the scheme being supported by your officers.

Particular attention has been made to safeguard the privacy of both the proposed and existing properties especially given the need to lift the dwellings out of the ground as dictated by the requirements of the environment agency.

The application comes with the support of the Parish Council and all other statutory consultees.”

PLANNING HISTORY

05/00425/F: Application Permitted: 12/04/05 - Construction of polytunnel (Delegated)

19/01788/O: Application Permitted: 28/01/20 - Outline Application: 3no. new dwellings and associated works (Delegated)

20/01559/RM – Application Refused: 15/09/21 - Reserved matters application for three dwellings (Committee)

21/01846/RM – Application Permitted: 21/11/21 - Reserved Matters Application for Plots 2 and 3 only (Delegated)

22/00266/RM: Application Refused: 21/06/22 - RESERVED MATTERS: Proposed new dwelling and garage and associated works (Committee)

RESPONSE TO CONSULTATION

Parish Council: Initial submission: NO OBJECTION with the following comment:

The Council ask if the entrance to the development are clearly marked to highlight to pedestrians that there is a concealed entrance. Marshland Street is the main street in the village and the bus route, The road is busy with many older people using the road for access to the local shops and bus top. It may also be of benefit to widen the access to more than the width of a single vehicle to help prevent hold ups if there are vehicles leaving/accessing the development. Otherwise they have no other comments.

Amended scheme: Reiterate concerns regarding the access and lack of room for vehicle manoeuvring on site prior to exit onto a busy footpath. No concerns regarding Plot 1.

Local Highway Authority: Initial scheme: COMMENTS: Observe that the internal driveway is narrow and the private access to the spaces are without any splays. I therefore suggest that it may not be possible to access these spaces without driving over part of the garden and would need to be splayed accordingly.

I do however also have concern that the spaces are proposed close to the boundary and therefore the highway and vehicles entering and existing these private spaces would obstruct the path of vehicles waiting to turn for plots 2 and 3 which in turn would need to wait and obstruct the highway. My preference is therefore that the dwelling and the parking spaces be handed and that parking is essentially accessed from the internal turning head.

Planning Committee
18 November 2022

I therefore recommend that the applicant be asked to revise their plans accordingly.

Amended scheme: I observe that the revised plan PP1005 rev K now includes a splay for the access to the parking spaces of plot 1 but these are still located in close proximity to the main site access. I continue to recommend that the parking is accessed from the turning head, away from the main access, as I am mindful that the access drive for the development is only 4.2m and that turning in this area will occupy the entire access.

Natural England: NO COMMENTS

Conservation Officer: NO OBJECTIONS

REPRESENTATIONS

A total of **2** items of correspondence raising **OBJECTION**; the comments are summarised as follows:

- Overlooking and overshadowing impacts
- Prefer a bungalow facing the road - better view from Conservation Area and visual step up to houses on Plots 2 & 3
- Large dwelling on small plot
- Previous refusal (22/00226/RM) may be the subject of an appeal
- Change to parking layout as per NCC request could have adverse effect upon neighbouring property

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 Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues in assessing this proposal are considered to be as follows:

Principle of development

Character and Appearance

Impact upon setting of Conservation Area

Impact upon adjoining properties

Other material considerations

Principle of Development:

The principle of developing this overall site, including Plot 1, was established by the granting of outline planning permission granted under ref: 19/01788/O. Conditions attached to that permission relate to reserved matters, access specifications, foul, surface water and land drainage, flood risk mitigation measures, archaeological investigations, contamination investigation and remediation, construction management plan and no more than 3 dwellings of single storey construction with roof accommodation. Certain parameters have therefore already been set by the outline permission.

The proposal for Plot 1 has been amended following two refusals under application refs: 20/01559/RM and 22/00266/RM. Both previous applications were refused for similar reasons – the latter being:

“Impact of the garage on the neighbouring property and their amenity caused by the height and position of the garage, causing undue disamenity contrary to the NPPF and policy DM15 of the SADMPP.”

The current proposal shows just the dwelling with two parking spaces adjoining the NW gable and there are no garages or outbuildings.

Plots 2 and 3 were permitted under reference 21/01846/RM and are currently under construction.

The principle of this site/plot accommodating a dwelling has therefore already been established.

Character and Appearance:

The proposed dwelling would once again be chalet style with 3 bedrooms in the roofspace, in a choice of facing materials (red multi bricks, grey double pantiles and cream uPVC windows and joinery) which are considered to be compatible to the palette in this locality. Indeed these are being used to construct the chalets on Plots 2 & 3.

The dwelling would measure 8.1m in height to ridge and 4.2m to eaves, 11.2m in width and 9.2m in depth and would comprise one and a half storeys with dormer windows in the front elevation serving bedrooms. The rear of the property would contain a kitchen window, back door leading off a utility room and a pair of double doors serving the living room and with 5 no. roof lights serving the first floor rooms. The side elevations do not contain any windows to avoid overlooking issues, however, the NW side would incorporate 3 no. 'dummy' windows to visually break up the otherwise blank elevation.

The property will be set further forward than the approved neighbouring Plot 2 by 5.3m and will be enclosed between the front and rear elevations by a short section of 2.8m high close boarded fencing to negate overlooking implications. The remainder of the common boundary with Plot 2 to the rear is a 2m close boarded fence with 0.4m trellis on top. There is a section of 2m high fencing plus personnel gate at the head of the driveway enclosing the rear garden area.

The proposed dwelling is considered to be comparable to the 4 bedroomed units already approved on Plots 2 & 3. It has an acceptable and appropriate scale, design and form which incorporate materials that are in keeping with the surrounding properties and reflect the character of the area.

The proposal complies with Policies CS06 and CS08 of the Core Strategy 2011 and DM15 of the SADMPP 2016.

Impact upon setting of Conservation Area:

Paragraph 130 of the NPPF states any new development should be "sympathetic to the 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)." The paragraph goes on to say new development "should 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". Paragraph 202 of the NPPF highlights that where less than substantial harm is caused to a heritage asset, this has to be balanced against the public benefits. Chapter 12 reinforces the importance of the need to achieve 'well-designed places.'

Policy CS08 of the Core Strategy states that all new development should be of high quality design. New development will be required to demonstrate its ability to: protect and enhance the historic environment...and respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment...' Policy CS12 goes on to say that development should seek to avoid, mitigate or compensate for any adverse impacts on...heritage. That the design of new development should be sensitive to the surrounding area and not detract from the inherent quality of the environment.

The Council has a duty under the Planning (Listed Buildings & Conservation Areas) Act 1990 to assess the effects of a proposed development upon the setting of the Conservation Area. Whilst the site adjoins the Conservation Area for the village (only the access lies within it), the removal of the polytunnels and temporary structures has already greatly improved its setting.

It will be noted from the Consultations section above, that our Conservation Officer once again has no objections to the current proposal.

Concerns were raised on an earlier refused application from the Conservation Areas Advisory Panel regarding blank gables which was addressed by adding 'dummy windows' to the NW elevation. This design feature has also been included on the current submission.

In light of the above considerations, it is concluded that the proposed development would have less than substantial harm to the Conservation Area and the benefits of developing new housing in this Key Rural Service Centre would outweigh any concerns. The proposal therefore complies with the provisions of the NPPF and Policies CS06, CS08 & CS12 of the Core Strategy.

Impact on Residential Amenity:

Whilst the principle of development has already been established via the outline approval, it is still important to ensure that the new dwelling does not have a detrimental impact on the residential amenity of residents of existing surrounding properties and the new dwellings on the site.

As the dwelling will need to be elevated by 1m for flood defence purposes it is even more crucial to make sure the proposal does not lead to an unacceptable amount of overlooking or loss of light, as well as ensuring the occupiers of Plot 1 are not impacted upon from existing surrounding properties.

To maintain this, permitted development rights can be restricted for the proposed new dwelling via condition to prevent the insertion of dormers and additional rooflights. Permitted development rights may also be restricted to prevent the creation of new buildings incidental to the main dwelling such as garages, sheds or summerhouses.

The site will be enclosed to the north, north-west and south-west with existing established hedging and fencing, with the south-east of the site enclosed by 2m high close boarded fencing with a 0.4m trellis on top rising to a 2.8m close boarded fence as indicated above. This boundary treatment between Plot 1 and Plot 2 would negate overlooking implications. The proposed fencing and retention of existing vegetation is considered to sufficiently screen the site preventing overlooking and loss of privacy from both in and out of the plot.

The hedgeline to the north of the plot is in the ownership of No.48 so its retention, maintenance and height is effectively controlled by those neighbours.

Additional mitigation in the form of side screen panels can also be used to the rear door platforms of steps of Plot 1 – details of which may be secured via condition along with implementation and maintenance in that form.

An objection highlights concerns relating to the potential loss of light as a result of the proposed dwelling to the neighbouring property of No.48 Marshland Street. This property has been extended to the rear with the passage of time, resulting in a relatively small and irregular shaped back yard of limited practical use, already bounded by hedging and fencing and to the north of the plot. Its principal garden/amenity area therefore lies parallel to the road and in between the pavement and the application site. It is bounded by the aforementioned established hedging and wall plus fencing on the roadside.

The internal layout and fenestration at ground floor level have been altered since the earlier application. French doors serving the kitchen have been replaced by a window, hence removing the platform and steps down into the garden area. There is now just the back door and French doors leading off the lounge. The platforms are relatively small and would not accommodate practical space for chairs, tables etc. and would be some 12.7 – 14.2m away from the rear boundary respectively.

The garage has now been removed from the equation and only the chalet is proposed. This lies some 10.5m away from the common boundary at its nearest point. The orientation and separation distance involved would not create adverse overshadowing or overbearing implications to No.48 such as to warrant grounds for refusal.

The inter-relationship between the proposed dwelling and No.40 Marshland Street to the south-west has once again received objection. The position of the dwelling is the same as per the previously submitted scheme, which was considered to be acceptable by Members having visited the site and continues to be the case.

Overall, given the removal of the garage and alterations to the internal layout and rear elevation, the proposed dwelling is considered acceptable and overcomes the previous reasons for refusal. The proposed development complies with Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP.

Other Material Considerations:

The Local Highway Authority has now raised concerns relating to the position of the parking spaces and reversing/manoeuvring close to the access point off Marshland Street. This layout is identical to the two previous reserved matters applications on this site. Whilst the splays have now been included by amended plans, the parking spaces are consistent with earlier submissions which did not attract concerns from the LHA. They are therefore being inconsistent and the private driveway at 4.5m wide is appropriate to serve the three dwellings.

There is ample parking and turning space allocated within the site to serve the proposed dwelling/s. Its provision prior to occupancy and retention can be secured via condition.

Other concerns raised by third parties were addressed at the outline stage when the principle of developing this site for residential purposes was established.

All other matters of planning importance are to be addressed via conditions attached to the outline permission including: foul water and surface water (including land drainage); contamination and archaeology; and a construction management plan as requested by CSNN.

CONCLUSION

The principle of developing this overall site with three dwellings has already been established – two of which are presently under construction. It is a particularly difficult site in that there are constraints in the form of flood risk mitigation measures (raising FFLs by 1m above existing ground level) and the site being effectively surrounded by existing residential properties plus respecting the adjoining Conservation Area.

As outlined in the report above, Plot 1 relates well to the neighbouring properties Plots 2 and 3 which were permitted under 21/01846/RM. The offensive garage has now been removed from the proposed development and the dwelling is only pursued.

The inter-relationships between both existing and proposed new dwellings are now considered to be acceptable.

The proposal is therefore considered to meet the requirements of the NPPF and NPPG, Policies CS01, CS02, CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies

DM1, DM2, DM15 & DM17 of the SADMPP (2016). It is recommended for approval subject to certain conditions stated below.

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:

Drawing Nos. PP1005 Revision L & PP110 Revision D.

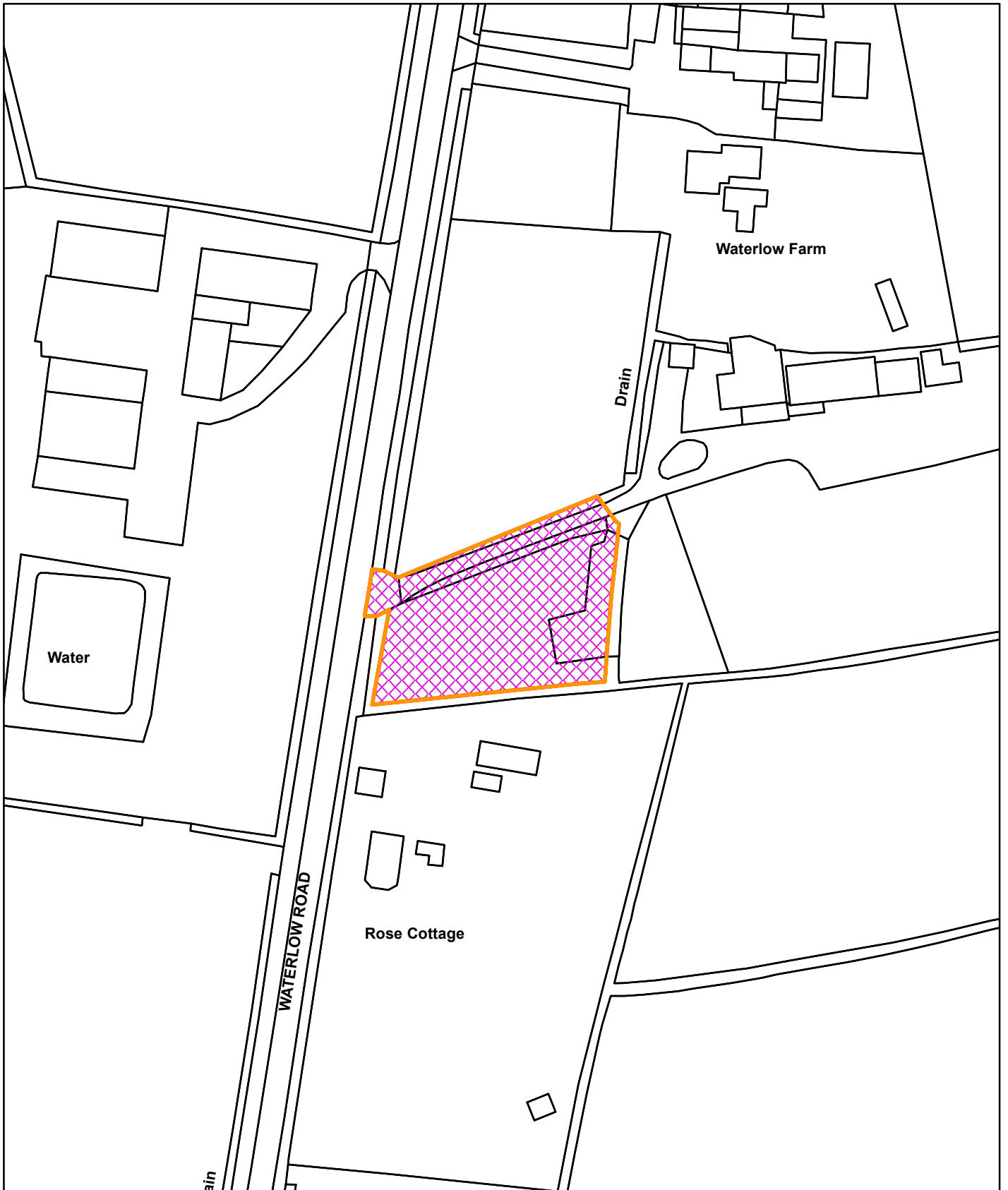
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking / turning demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 2 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 3 Condition: Prior to occupation, details of side screens to the rear door platforms of steps, shall be submitted to, and agreed in writing by, the Local Planning Authority. The screens shall be implemented as agreed prior to occupation and shall be maintained in that condition thereafter.
- 3 Reason: In the interests of residential amenity and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP (2016).
- 4 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement of the dwelling house consisting of an addition or alterations to its roof shall not be allowed without the granting of specific planning permission.
- 4 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.
- 5 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the provision within the curtilage of the dwelling house of any building or enclosure, swimming or other pool 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.
- 6 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.

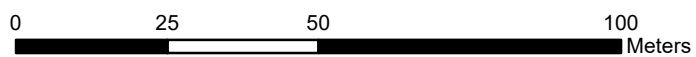
- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

22/01770/F

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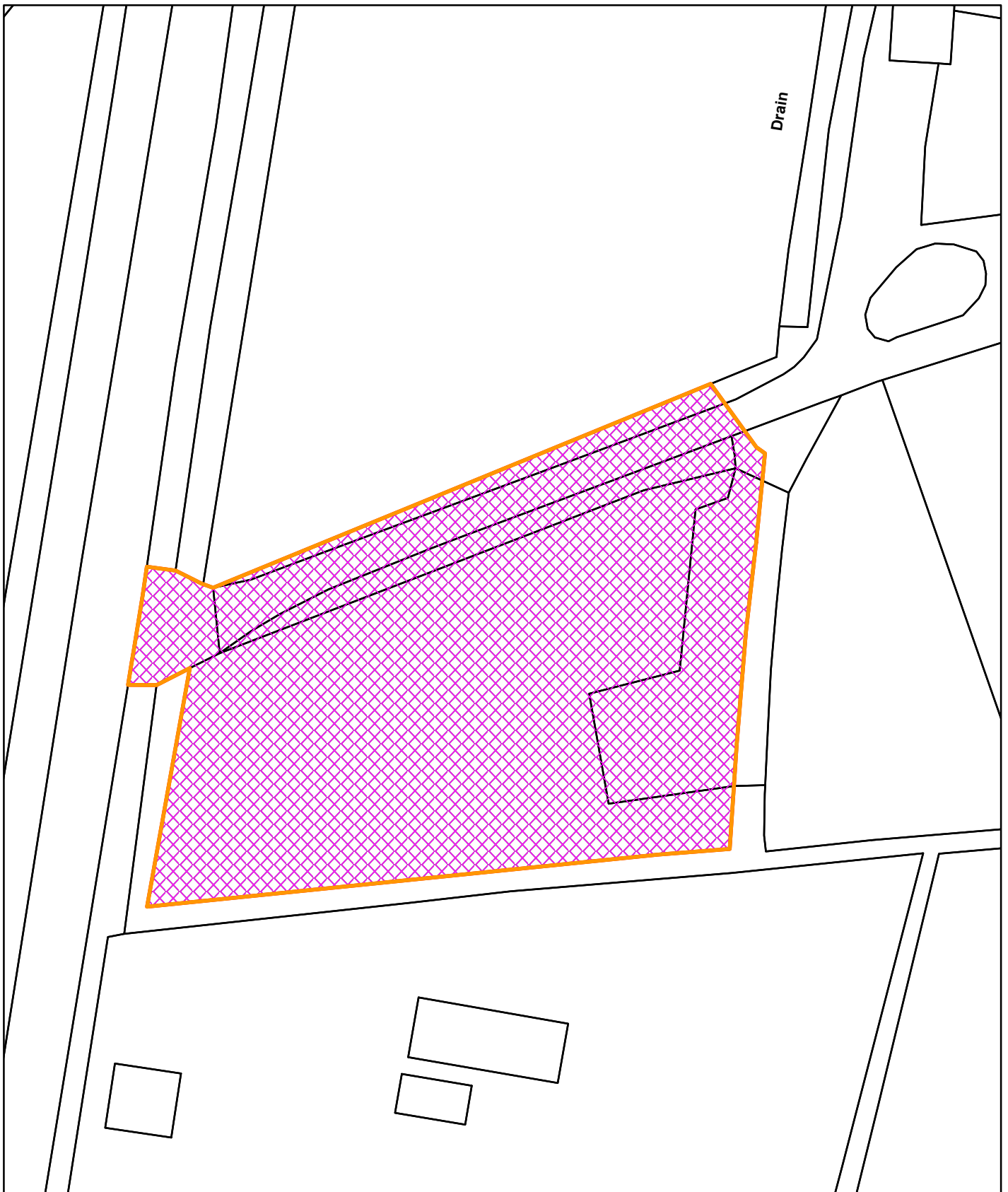
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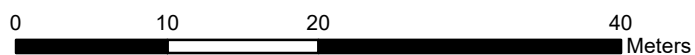


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Parish:	Terrington St Clement	
Proposal:	REMOVAL OF CONDITION 6 OF PLANNING PERMISSION 19/00743/O: Outline Application for 2 storey dwelling in association with adjacent manufacturing and retail window business	
Location:	Waterlow Nursery Waterlow Road Terrington St Clement PE34 4PS King's Lynn	
Applicant:	Mr Paul Clarke	
Case No:	22/01770/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 28 October 2022 Extension of Time Expiry Date: 24 November 2022

Reason for Referral to Planning Committee – Called in for determination by the planning Committee at the request of Cllr Sandra Squire

Neighbourhood Plan: No

Case Summary

The site comprises an area of 0.19Ha of land with frontage onto the eastern side of Waterlow Road, Terrington St Clement. It lies approx. 300m south of the junction with Hay Green Road, and within an area classed as 'countryside' in the Development Plan. The site abuts an access and private drive which serves Jon Chambers Windows and associated dwelling.

Outline permission was initially sought and approved by the Planning Committee at its meeting on 1st July 2019, contrary to officer recommendation, for a 4 bedroomed house in association with the adjacent manufacturing and retail window business. Reserved matters were subsequently approved under application ref: 19/01463/RM; the development commenced, and foundations built.

Condition 6 attached to that initial outline permission effectively tied the occupancy of the dwelling to the business use. An application seeking to remove the occupancy tie was refused at the May 2021 committee meeting under application ref: 21/00345/F.

This is a further application seeking to remove that occupancy tie.

Key Issues

Planning history
Principle of removal of condition

Recommendation

REFUSE

THE APPLICATION

The site comprises an area of 0.19Ha of land with frontage onto the eastern side of Waterlow Road, Terrington St Clement. It lies approx. 300m south of the junction with Hay Green Road, and within an area classed as 'countryside' in the Development Plan. The site abuts an access and private drive which serves Jon Chambers Windows and associated dwelling.

Outline permission was initially sought and approved by the Planning Committee at its meeting on 1st July 2019, contrary to officer recommendation, for a 4 bedroomed house in association with the adjacent manufacturing and retail window business. Reserved matters were subsequently approved under application ref: 19/01463/RM; the development commenced, and foundations built.

Condition 6 attached to that initial outline permission effectively tied the occupancy of the dwelling to the business use as stated as follows:

"The dwelling hereby approved shall be occupied by a person solely or mainly working, or last working, at the manufacturing and retail window business currently known as Jon Chambers Windows Ltd (shown within the blue area on Drawing No. HAL18-100 Revision A), or a widow or widower of such a person, and to any residential dependants.

The reason for imposing the condition was as follows:- The dwelling is permitted to meet a specific functional need associated to this commercial business and is in an area classed as 'countryside' where dwellings would not normally be granted; in accordance with the provisions of the NPPF and Policy DM6 of the SADMPP.

This application now seeks to remove that occupancy tie following an earlier refusal at Planning Committee in May 2021.

SUPPORTING CASE

The applicant has submitted the following case in support of this application:

"We are again appealing to you to remove condition 6 of our planning permission. This is our Second appeal, which we would like to support with various attached information on why we feel it would be fair to remove the above condition.

Having tried various lenders, we have been unsuccessful in obtaining a commercial mortgage, the reasons for this are as follows:

1. Lenders that are willing to lend will only offer 20% of the Company assets.
2. Lenders are taking into consideration CIBL loans despite various reports stating otherwise.
3. Despite a Window Company trading from this address since 1996 and Jon Chambers Windows limited trading since 2013, we have only been a Limited Company since 2018 therefore only have 3 years of accounts that mortgage companies consider.
4. If we were an agricultural business, we could raise the mortgage through their specialist lender, but unfortunately as we are not, they are unable to aid us.

5. We have tried to obtain a Commercial Mortgage for 3 years with no luck.
6. The land being built on is currently owned by an individual and not the Company.

Further to the above listed below are various points which we hope will support our attempts to remove condition 6 of our planning approval:

1. We have been open with our Parish Council, Community and Neighbours on why we would like to build a house to support our local Family Business. We have received no objections from the above and have the full support of all of the above. Please see attached letters from Neighbours. Also, we would like to state that at no point throughout our applications has anyone objected to our house.
2. We consulted with our Parish council on the design and location of the building on our site (picture 1 shows the placement of our house). As you can see it was put in a position so that there could be no natural infill of further new homes going forwards, which you can clearly see on our application. We were also advised to build a four-bedroom home in keeping with the area and the houses around us.
3. Despite us being in a rural location, we believe we are not as rural as planning and the planning committee believe we are. Picture 2 clearly shows we are in a more built up location that described previously.
4. We would also like to point out the following to back our claims, picture 3 shows Smeeth Road in Marshland St James which has had 58 homes built in the last 5 years. However, despite this our site is closer to a Secondary School, Doctors, Post Office, Chiropodist, Supermarket and Public House to name a few. We are also closer to two major roads, the A47 and A17. We hope this proves the point we are trying to make.
5. Picture 4 shows that since we have submitted our planning over 3 years ago, there have been multiple houses built on the same stretch or road as our site within 1.4 miles. Attached No.2 and No.3 clearly show this and No.4 site just being in Terrington St John. (We have attached images of these that are clearly numbered for your reference). We understand why these are all passed as residential builds, and we would like to be considered as the same circumstances as they were.

We are also aware of residential planning being approved in remote areas in Cambridgeshire and Kent, why is our area any different?

Also, in Dover, 34 Houses have been approved in rural areas.

Our site now has its own address as Florence House. We have lived in caravans on site for over 4 years, we are on the electoral role, have our own electric and telephone connection and will also have its own water connection and wastewater system.

If we cannot live close to the Business then we may be forced to relocate, which would lead to loss of jobs in the local area. Another important point to mention is that living at Florence House wouldn't increase traffic in the borough as we already live on site in caravans. There for if we were to relocate that would mean three people driving into work, which would increase our Family's carbon footprint considerably, which we believe is against the Borough's own policy and commitment for reducing emissions.

We are a Family of six living in very overcrowded circumstances in order that three of the household can continue to be in stable employment.

I would like to also raise the point that in our last appeal meeting regarding this 3 of the planning meeting committee excused themselves early. Leaving our case with 3 less votes which although we cannot be sure, this could have had a massive impact on the decision made that day as we lost our last appeal by 1 vote.

We are aware of the concerns you have in changing this condition to a residential build in this particular area but we would like to state that the full reason for appealing this condition is to allow us to obtain the funds to make this build. We have used our Family savings, of around £40,000.00, to get to our current point. See picture 5 and 6.

If we cannot complete this built, we will have to go down the route of obtaining housing association support in renting a property as we have no further savings to purchase an alternative house.

We are not trying to get this home built for financial gain but for me to be close to our business whilst seeing my Family. Further to prove this we have had two offers in excess of £600,000.00 from waste disposal companies, which we have refused. All we are trying to achieve is getting a Family home built for our Family business.

We are proud to have a rural family run business at this address where 5 family members work, 3 of which will live at this address.

We have built the company up from 3 people to have over 15 staff members, all of which are local to the area and a further member of our Household also works at the Queen Elizabeth Hospital.”

PLANNING HISTORY

This application site:

2/01/0778/O: Application Refused: 30/08/01 - Site for construction of dwelling and garage (Delegated decision)

2/02/0957/O: Application Refused: 23/07/02 - Site for construction of dwelling and garage (Delegated decision)

19/00743/O: Application Permitted: 03/07/19 - Outline Application for 2 storey dwelling in association with adjacent manufacturing and retail window business (Committee decision)

19/01463/RM: Application Permitted: 27/01/20 - RESERVED MATTERS: Proposed new dwelling (Delegated decision)

21/00345/F: Application Refused: 19/05/21 - Removal of Condition 6 of Planning Permission 19/00743/O: Outline Application for 2 storey dwelling in association with adjacent manufacturing and retail window business

Adjoining site:

2/00/1348/LD: Application Refused: 10/01/01 - Use as domestic single storey dwelling (Delegated decision)

2/01/0574/LD: Application Permitted: 16/08/01 - Use as domestic single storey dwelling (Delegated decision)

2/01/0779/CU: Application Permitted: 30/08/01 - Continued use of former agricultural storage building to manufacture of UPVC windows and doors (Delegated decision)

06/01315/O: Application Refused: 15/08/06 - Outline Application: construction of bungalow - Appeal Dismissed 23/03/07 (Delegated decision)

RESPONSE TO CONSULTATION

Parish Council: OBJECTION – The moving of the dwelling takes the building beyond the current building line and request that the original location further into the site is used. This would ensure the building line is not moved forward and the security to the business will increase with the dwelling being closer to the business unit. The Council would support the original application.

Local Highway Authority (NCC): NO OBJECTION - The highway safety considerations for the site are not expected to be impacted by the removal of condition 6. However, the proposed development site is remote from schooling; town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by foot and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car towards public transport. It is the view of the Highway Authority that the proposed development are likely to conflict with the aims of transport sustainable development and you may wish to consider this point within your overall assessment of the site.

Environmental Quality: NO COMMENTS

REPRESENTATIONS

TWO items of correspondence in **SUPPORT** of the application as follows:

1. I have known Paul Clarke for over 25 years. He is an honest, hardworking person. He and his family have been living in a mobile home for over 4 years which must be extremely difficult for them bearing in mind they have children. I would welcome their ability to build the house of their dreams and know they would be very welcome neighbours in their own new property. Paul has been a good friend, especially now my wife and I are both elderly and occasionally need assistance, which Paul is always willing to give. I know that Paul and his family will keep their new property in good condition and will be an asset to the community as a whole.
2. His family have lived in caravans next door for the last 4 years and are desperate to get into a house. I find Paul and his Family to be good neighbours and have no objections to them continuing to dwell as our neighbours. Over the years we have become friend and Paul is always available to help us.

Cllr Sandra Squire: Requested that the application be called in to be determined by the Planning Committee it has come before the committee twice previously and raises issues that may affect the wider community.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:

- Planning History
- Principle of Removal of Condition

Planning History

It will be noted from the History section above that this site has been subjected to previous applications for residential development since 2001.

More recently outline permission was initially sought and approved by the Planning Committee at its meeting on 1st July 2019, contrary to officer recommendation, for a 4 bedroomed house in association with the adjacent manufacturing and retail window business. Reserved matters were subsequently approved under application ref: 19/01463/RM; the development commenced, and foundations built.

Even more recently, a similar application to remove the condition was refused at Planning Committee in May 2021.

Principle of Removal of Condition

The National Planning Policy Framework (NPPF) 2021, specifically Paragraphs 79 and 80, states that ‘housing should be located where it will enhance or maintain the vitality of rural communities.’ Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Policy DM6 (Housing needs of rural workers) of the SADMPP 2016 states inter alia:

“3. New permanent dwellings should only be allowed to support existing rural based activities on well-established rural based enterprises, providing:

- a) there is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night,
- b) The need could not be met by existing dwellings within the locality,
- c) The application meets the requirements of a financial test demonstrating that:
- d) the enterprise(s) and the rural based activity concerned have been established for at least three years, have been profitable for at least one of them and; i. are currently financially sound, and have a clear prospect of remaining so and; ii. the rural based enterprise can sustain the size of the proposed dwelling; iii. acceptable in all other respects.”

In July 2019 when the outline application was referred to the Planning Committee, Members considered that there was a functional need for the applicant to reside close to the rural enterprise. Hence the application was approved with Condition 6 attached to control its occupancy in association with the business.

The applicant sought to remove the restrictive condition previously under application ref: 21/00345/F where the Planning Committee (May 2021) concluded that it would effectively create an open market dwelling in the countryside remote from services and facilities, which failed to meet the justification contained in Paragraphs 78 & 79 of the NPPF (now Paragraphs 79 & 80 of the revised version July 2021) and Policies DM2 & DM6 of the SADMPP.

In light of the aforementioned policy implications, once again this application is contrary to policy, as that justification for a house in this location would be removed. There would be nothing to prevent the house from being developed and sold on the open market.

The applicant has made reference to development of 58 dwellings in Marshland St James and an estate north of the surgery at Terrington St John. These were approved when the Council could not demonstrate a 5-year supply of housing land. This was a period of approximately 12 months when housing policies were suspended. A further example was development at Stud Farm, Church Road where approved (15/00934/F) when the site fell within the village development area prior to removal in the SADMPP. A further dwelling on the eastern side of Church Road is a replacement dwelling approved under application ref: 16/01042/F. Planning decisions in Kent and Cambridgeshire are beyond our remit and knowledge.

Given the above, there is no justification or other material considerations that would be contrary to established planning policy.

18 months have passed since the previous refusal which could have been appealed within 6 months of that decision, via the Planning Inspectorate.

CONCLUSION

The proposal would effectively create a new open market dwelling in the countryside remote from services and facilities. It would remove the previous justification for a dwelling in this location, which would normally be contrary to established policies around development in the countryside. Whilst the applicant has cited personal and financial restrictions that have prevented the house from coming forward, these are not considered to outweigh the clear policy objection.

It therefore fails to accord with Paragraphs 79 & 80 of the NPPF, Core Strategy Policies CS06 of the LDF and Policies DM2 & DM6 of the SADMPP.

In light of the above, Members are requested to refuse the development as proposed.

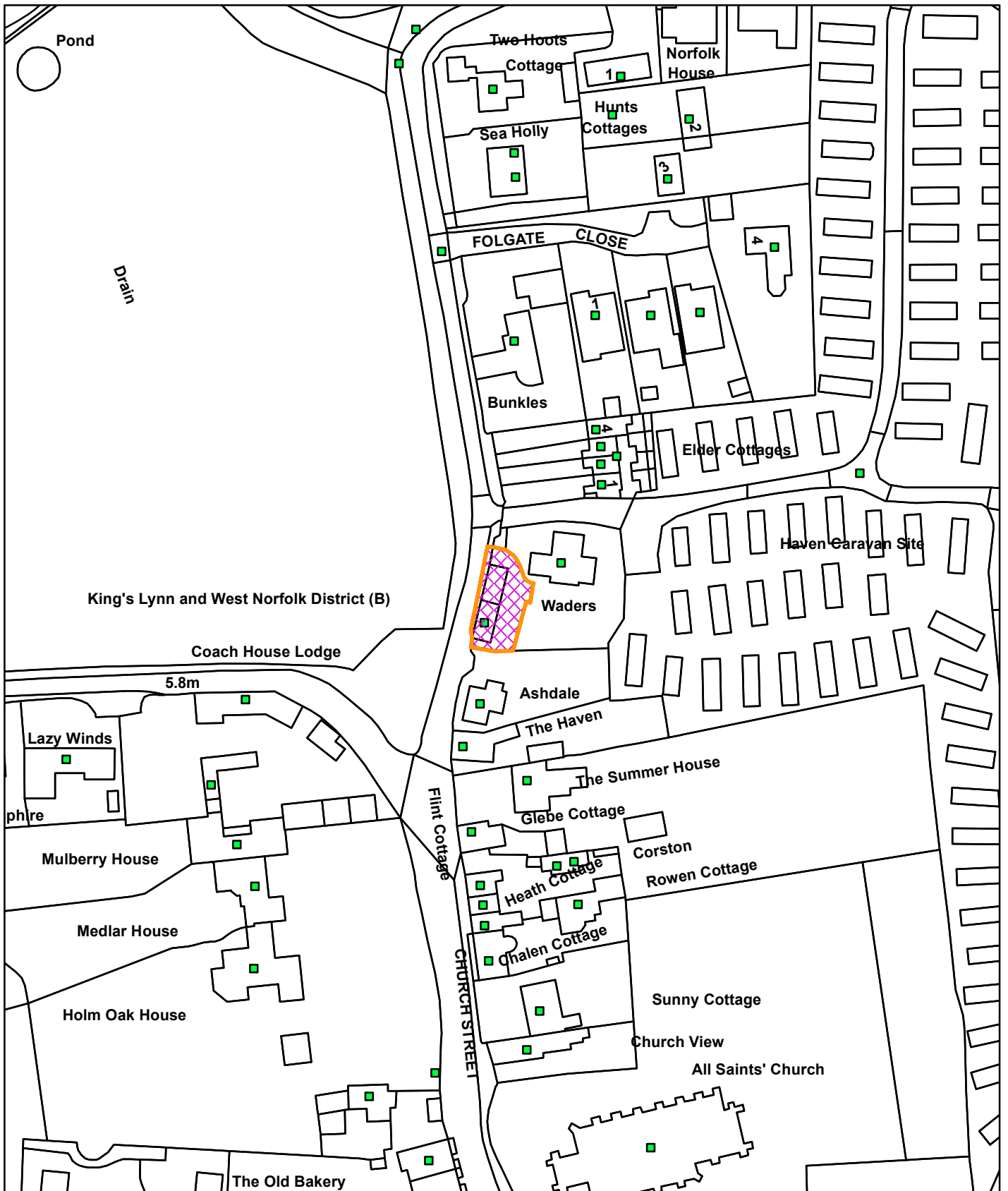
RECOMMENDATION

REFUSE for the following reason(s):

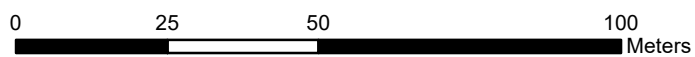
- 1 The proposal to remove Condition 6 attached to planning permission ref: 19/00743/O, would remove the functional link to the existing business, and effectively create a new open market dwelling in the countryside, remote from services and facilities. It therefore fails to accord with Paragraphs 79 & 80 of the NPPF, Core Strategy Policies CS06 of the LDF and Policies DM2 & DM6 of the SADMPP.

22/00306/F

Church Cottage Church Street Thornham PE36 6NJ



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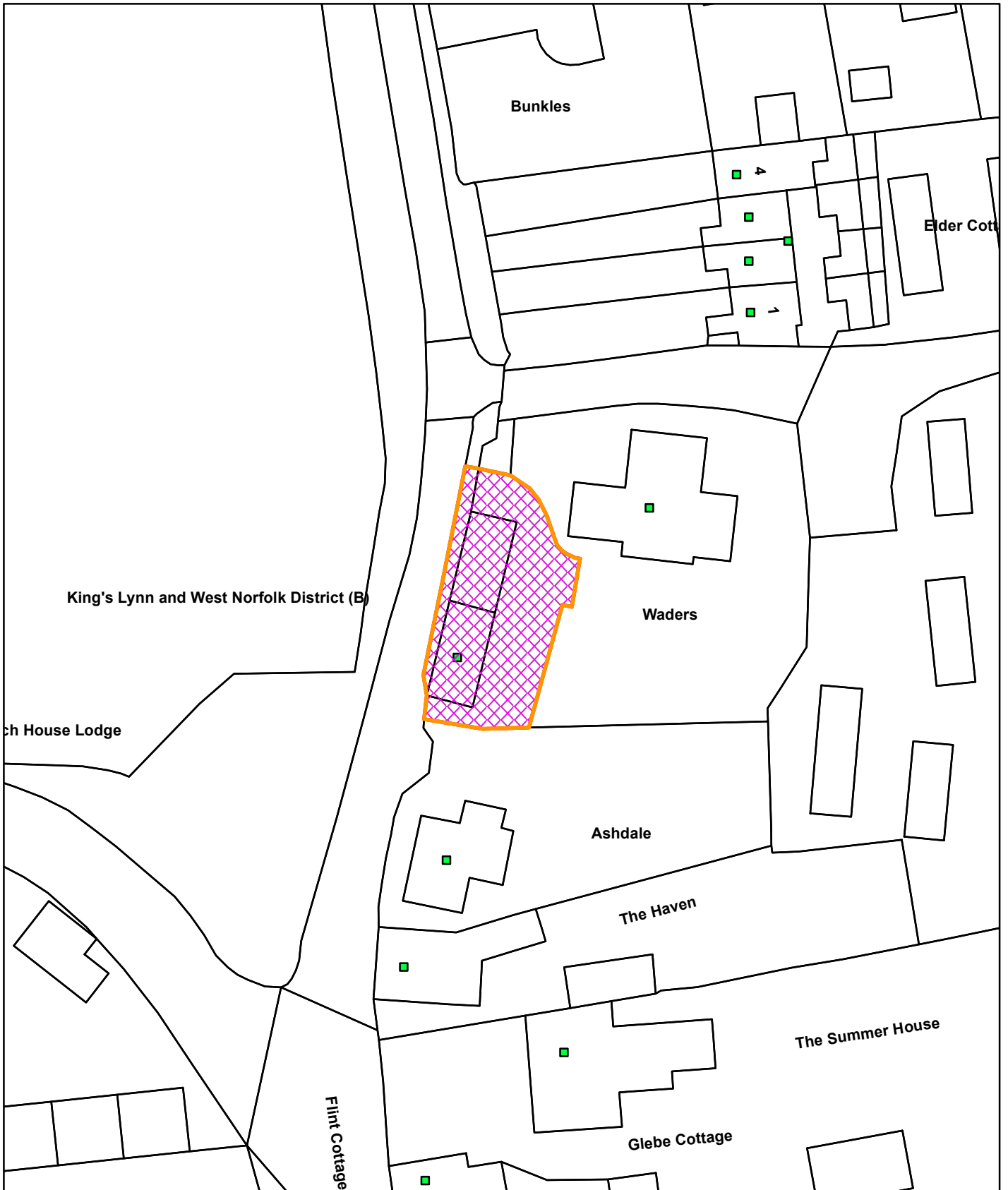
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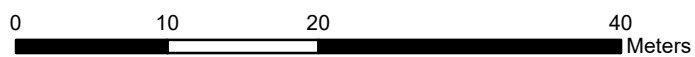


22/00306/F

Church Cottage Church Street Thornham PE36 6NJ



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10/11/2022

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Parish:	Thornham	
Proposal:	Proposed extension and alterations to existing dwelling	
Location:	Church Cottage Church Street Thornham Hunstanton PE36 6NJ	
Applicant:	Karen Lane	
Case No:	22/00306/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 10 May 2022 Extension of Time Expiry Date: 4 December 2022

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

Neighbourhood Plan: Yes

Case Summary

This application proposes an extension to the north of the existing cottage alongside alterations and additions to the roof, dormers and rear elevation.

The application site is located on Church Street within the historic core of the village, falling within the Conservation Area. The site is also within the Norfolk Coast Area of Outstanding Natural Beauty.

Key Issues

Principle of Development
Form and Character and Impact on Heritage Assets
Impact on Neighbour Amenity
Parking
Any other material considerations

Recommendation

APPROVE

THE APPLICATION

The site is located on Church Street within Thornham which is a residential area within the historic core of the village. The site and wider area are within the Thornham Conservation Area as well as the Norfolk Coast Area of Outstanding Natural beauty. Whilst not listed, the

cottage is considered a Non-Designated Heritage Asset and is an Important Unlisted Building within the Thornham Conservation Area Character Statement.

This application proposes both internal and external alterations to the existing cottage including alterations to the two front dormer windows, an extension to the northern elevation, alterations to the rear facing dormer windows alongside new roof lights and alterations to the rear elevation.

The application has been amended since its original submission to address design concerns.

SUPPORTING CASE

None submitted to date.

PLANNING HISTORY

2/00/0997/F: Application Permitted: 20/02/01 - Construction of dwellinghouse and construction of detached garage for Church Cottage (revised proposal)

RESPONSE TO CONSULTATION

Parish Council: OBJECT: (summarised for clarity)

The Parish Council objects to both the original and revised scheme:

The revised application makes some attempt to meet the objections previously noted. Specifically, Council note the use of materials and overall design is more in keeping with the existing cottage and is slightly reduced in scale thus partially addressing Neighbourhood Plan Policies D1, H1.

However, no amount of minor adjustment can address the key and overarching objections made by Council in their initial response:

- Church Cottage is one of 91 important unlisted buildings in the heart of the Conservation area in Thornham. It is one of the oldest buildings in the village dating back to mid 17th century.
- Group value of Important Unlisted Buildings is especially of note. Church Street runs from the enclosed centre of the village at its southern end to the open fields at its northern end, with the salt marshes and sand dunes beyond. Every property fronting on to the road on the east side of Church Street from All Saints Church to Bunkles is an Important Unlisted Building.
- Thus, this application affects not only Church Cottage but the massively valuable heritage asset of the panorama of this site whether seen from walking down Church Street or the distant but rewarding prospect when
- The existing dwelling has robust symmetry and is a focal point.
- Proposed development would harm the Conservation Area and heritage assets detailed above.
- The proposal would be contrary to Paragraph 197 of the NPF, policy L1, Important Views and Policy H5 of the Thornham Neighbourhood Plan.

- The Parish is sceptical that with an entrance door on the north elevation which would require proper access with the effective parking of two vehicles on the allocated space is most unlikely.
- Parking on-road or on the green verge opposite would likely be a regular occurrence thus further adding to damage.
- Council has also noted the objections of neighbouring property owners re proximity and overlooking issues. Council is aware that the proposal has generated a considerable degree of local opposition. While the Council would not support knee-jerk nimbyism it recognises that the parish community does value its heritage and does not wish to see it destroyed in piecemeal fashion.
- Thornham Parish Council strongly urges planners and Planning Committee members to preserve this very special site and its heritage view and reject the application.

Conservation Officer: NO OBJECTION:

The Conservation Officer objected to the original plans on the grounds that the removal of the traditional dormers to the front with oversized catslide dormers would cause harm to the building and Conservation Area. The proposed overhanging timber clad extension was considered an alien feature to this historic setting and would have upset the simple balance of the traditional cottage causing further harm. However, these concerns have now been overcome with the submission of amended plans.

NCC Highways: NO OBJECTION:

Thank you for the consultation received recently relating to the above development proposal, which from a highways perspective reduces the parking area to the rear of the property, which appears currently to be inadequate for manouvring, but provides numerous off street parking spaces.

The proposed extensions remove access to the rear, but retains two parking spaces to the side, off the adopted highway, adequate for Church Cottage. 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 resist the grant of consent. A condition requested that the on-site car parking area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use would be attached to any consent granted.

REPRESENTATIONS: TEN letters of **OBJECTION** from **NINE** objectors and **ONE NEUTRAL** letter to the **ORIGINAL SCHEME** regarding the following:

- Church Cottage was built in 1646 and is older than all the listed houses in Thornham.
- It is an “important” unlisted building.
- Prominent position within street and can be viewed from harbour, regarded as local landmark.
- Relatively unchanged in its current form.
- In its original modest form, makes a significant positive contribution to the character of the conservation area and the street scene.
- Proposal will detrimentally alter the character of the cottage and Church Street.
- Proposal will unbalance the cottage and destroy historic features.
- Overlooking, overshadowing and overbearing impact to neighbouring dwelling.
- Elevation labels and incorrect plans.
- Insufficient space for two cars to park at side of dwelling.
- Dormer windows to east will increase overlooking.
- Possible subdivision.

- Proposed materials.

SEVEN letters of **OBJECTION** from **SEVEN** objectors to the **AMENDED SCHEME** regarding the following:

- Amended scheme fails to address concerns raised regarding design, scale and impact on historic house and Conservation Area, recommendation should not therefore change.
- Lack of symmetry.
- Much loved ancient village landmark.
- Scale and balance of property.
- Insufficient parking.
- Neighbour amenity impacts remain.
- Incorrect plans

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

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy D1: Design principles for new development

Policy H5: Residential extensions

Policy L1: Important Views

Policy HA1 Development Affecting the Conservation Area

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 Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Form and Character and Impact on Heritage Assets
- Impact on Neighbour Amenity
- Parking
- Any other material considerations

Principle of Development

This application proposes alterations and additions to an existing dwelling, all within the plot of an existing residential unit. As such, the principle of development is acceptable subject to compliance with neighbourhood, local and national policy.

Form and Character and Impact on Heritage Assets

The original application proposed two new oversized catslide dormers to the front roof slope of the main dwelling and an enlarged central dormer to the rear roof. To the north, an overhanging 1st floor extension was proposed, extending past the ground floor projection with a large dormer to the front. This new addition was proposed to be clad with a pitched roof and tiles to match the main dwelling.

However, this was considered unacceptable due to the removal of the traditional dormers to the front, a feature on many of the properties in this part of the village, in favour of overly large catslide dormers. The proposed overhanging timber clad extension would have been an alien feature to this historic setting and would have upset the simple balance of the traditional cottage and was therefore also unacceptable. These elements of the proposal would cause significant harm to the Conservation Area (a designated heritage asset) and to the building itself, an important unlisted building and non-designated heritage asset.

As such, this application has been amended and now proposes several different elements. First, and most notable, is the extension to the northern elevation following the footprint of the existing ground floor side projection. The extension would be pitched roof, set below the eaves and ridge of the main dwelling. The extension would include a small pitched roof front dormer and ground floor window to the front, a first-floor circular side window to the north with door and window at ground floor. To the rear, a small single storey mono-pitched element at ground floor is proposed with one small window.

To the front elevation of the main dwelling, the two front dormers will remain generally as existing with a slightly lower ridge and windows of the same size as existing. The form, scale and in turn wider visual impact will preserve the existing character of the front elevation.

To the south side elevation, no works are proposed. To the rear, works to the main dwelling include moving the existing dormers to a more central location on the roof, moving an existing roof light plus the addition of one new roof light. These would be either side of the central dormers. A new opening in the form of a glazed double door would be added at ground floor.

It is considered that the changes and additions to the main dwelling would now be acceptable. The proposals are now in scale with the existing dwelling. The dormers to the front would be of an appropriate form and massing given the historic context as are the dormers to the rear. The roof lights to the rear would be small and in keeping.

It is common to see extensions to older dwellings as they are adapted to provide homes in the 21st century; this ensures they can maintain a viable use and be preserved. The northern extension is now of a reduced size and scale, utilising more traditional materials and form. Following the footprint of the existing northern projection, this is a subservient addition to the existing dwelling. Conditions would be attached to any consent regarding sample panels and samples of proposed materials to ensure a suitable visual finish. As such, the amendments to the scheme now ensure that, on balance, the development would be acceptable. The Conservation Officer considers that there would be an acceptable impact on the Non-Designated Heritage Asset and Important Unlisted Building, as well as the wider Conservation Area and in turn the AONB.

Based on the above it is considered that the development would deliver an acceptable design in accordance with Policies D1, H5, L1 and HA1 of Thornham Neighbourhood Plan. The proposed development would retain the character of the original dwelling and is of an acceptable scale, bulk and mass, having regard to the size of the existing property as well as wider street scene and Conservation Area. The development would also comply with CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2021.

Impact on Neighbour Amenity

The two storey extension would be 6.4m from the house to the north at its furthest point and 4.3m at its closest point. The existing side projection to north is currently approximately 3m in height whilst the proposed extension would be approximately 5.2m at the ridge with a maximum increase of 2.2m. The extension follows the footprint of the existing projection which only extends an additional 2.5m to the north of the main dwelling. Due to this limited size and scale as existing and proposed, it is not considered that the impact to the neighbouring dwelling would be significantly more than the existing arrangement. To the side, the first-floor window would be conditioned to be obscure glazed and non-opening, preventing any overlooking impact.

To the front, windows would only overlook the public street and land beyond. To the rear, there is only a net increase of one roof light so whilst dormers are moved there would be no significant or adverse increase in overlooking potential. At ground floor, new windows and doors are screened by boundary treatment to the rear (1.8m close board fence) or to the north, will only face the neighbouring driveway.

The proposal therefore complies with CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2021.

Parking

The Local Highway Authority has considered the proposal and subject to a condition that the on-site car parking area shall be laid out in accordance with the approved plan and retained thereafter, raise no objection on parking or safety grounds. Based on this, it would not be reasonable to refuse or otherwise request an amendment to the proposed parking area. The proposal therefore complies with CS08 of the Core Strategy 2011, DM15, DM17 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2021.

Any other material considerations

Parish Council Objection

Form and Character and Impact on Heritage is addressed in the above report but it is of note that the Conservation officer raises no objection to the amended scheme. Neighbour amenity and parking considerations are also addressed above.

Third Party Objections

Form and character, impact on heritage and parking/highways safety have been addressed above. Elevation labels have been corrected and the subdivision of the property would require planning permission in its own right. The planning agent has confirmed that plans are accurate.

CONCLUSION

The proposed development, by virtue of its balanced appearance, appropriate choice of materials and subservient nature would present a visually in keeping and in scale set of additions to the Non-Designated Heritage Asset and Important Unlisted Building. The development would therefore preserve the historic character of the existing cottage as well as the locality ensuring that the street scene and wider visual amenity impact is acceptable including on both the Conservation Area and Area of Outstanding Natural Beauty.

The site is somewhat constrained with the neighbouring dwelling to the north, however, it is considered that the proposal would have an acceptable relationship. There are no other neighbour amenity concerns and parking provision is considered suitable by the Local Highway Authority. Overall, the proposed development would be in accordance with policy CS08 and CS12 of the Core Strategy 2011, DM15 and DM17 of the Site Allocations and Development Management Policies Plan as well as Policies D1, H5, L1 and HA1 of the Thornham Neighbourhood Plan and the NPPF 2021.

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 Flood Plan, Elevations and Site Plan, Drawing Number: 585-02 Rev: E.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Before the first occupation of the extension hereby permitted the window at first floor on the northern elevation shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.
- 3 Reason: To protect the residential amenities of the occupiers of nearby property.

- 4 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the extensions and alterations have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 5 Condition: 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 extension 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.
- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

PLANNING COMMITTEE – 18 NOVEMBER 2022

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 1st May 2022, 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 the 6 week timescale 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 service, 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 from 1 May 2022 – 31 October 2022

	Numbers
Planning Applications	
Planning Applications considered	168
Pre-Applications considered	23
Applications to discharge tree and landscape conditions	34
New Tree Preservation Orders	
New TPO's served	14
TPO's with objections received (Planning Committee Confirmation)	0
Still to be confirmed	11
Tree Work Applications/Notifications	
Conservation Area Notifications approved	97
Conservation Area Notification Refused (TPO Served)	1
Conservation Area Notification Pending	0
Tree Preservation Order applications approved	35
Tree Preservation Order applications refused - partially refused	6 3
Tree Preservation Order applications appealed	3
Tree Preservation Order application pending	0

3.0 Details of TPO's Served and Confirmed since February 2014

- 3.1 14 TPO's have been served since 1st May 2022. Where no objections have been received they have been or will need to be confirmed under delegated powers within 6 months of service. 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 1st May 2022, 2 TPOs have been confirmed under delegated powers with 0 confirmed at Planning Committee.

3.2 We have received, and carried out, 3 appeals relating to decisions regarding works to protected trees. All 3 are currently in process.

4.0 Recommendation

4.1 That members of the Planning Committee note the contents of the report.

