

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



Planning Committee

Agenda

Monday, 2nd October, 2023
at 9.30 am

in the

Assembly Room
Town Hall
King's Lynn

Also available to view at:

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



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
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PLANNING COMMITTEE AGENDA

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

Please ensure that all mobile phones are switched to silent

DATE: Monday, 2nd October, 2023

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 5 September 2023 (previously circulated).

3. DECLARATIONS OF INTEREST (Page 6)

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 Chair 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. CHAIR'S CORRESPONDENCE

To receive any Chair's correspondence.

7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS

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

8. GLOSSARY OF TERMS (Pages 7 - 11)

9. INDEX OF APPLICATIONS (Pages 12 - 13)

The Committee is asked to note the Index of Applications.

a) Decisions on Applications (Pages 14 - 136)

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

10. DELEGATED DECISIONS (Pages 137 - 160)

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

To: Members of the Planning Committee

Councillors R Blunt, F Bone (Vice-Chair), A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, S Lintern, B Long, S Ring, C Rose, J Rust (Chair), A Ryves, Mrs V Spikings, M Storey and D Tyler

Site Visit Arrangements

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

If there are any site inspections arising from this meeting, these will be held on **Thursday 5 October 2023** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

Please note:

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

Please note that the deadline for registering to speak on the application is 12 noon the working day before the meeting, **Friday, 29 September 2023**. 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.

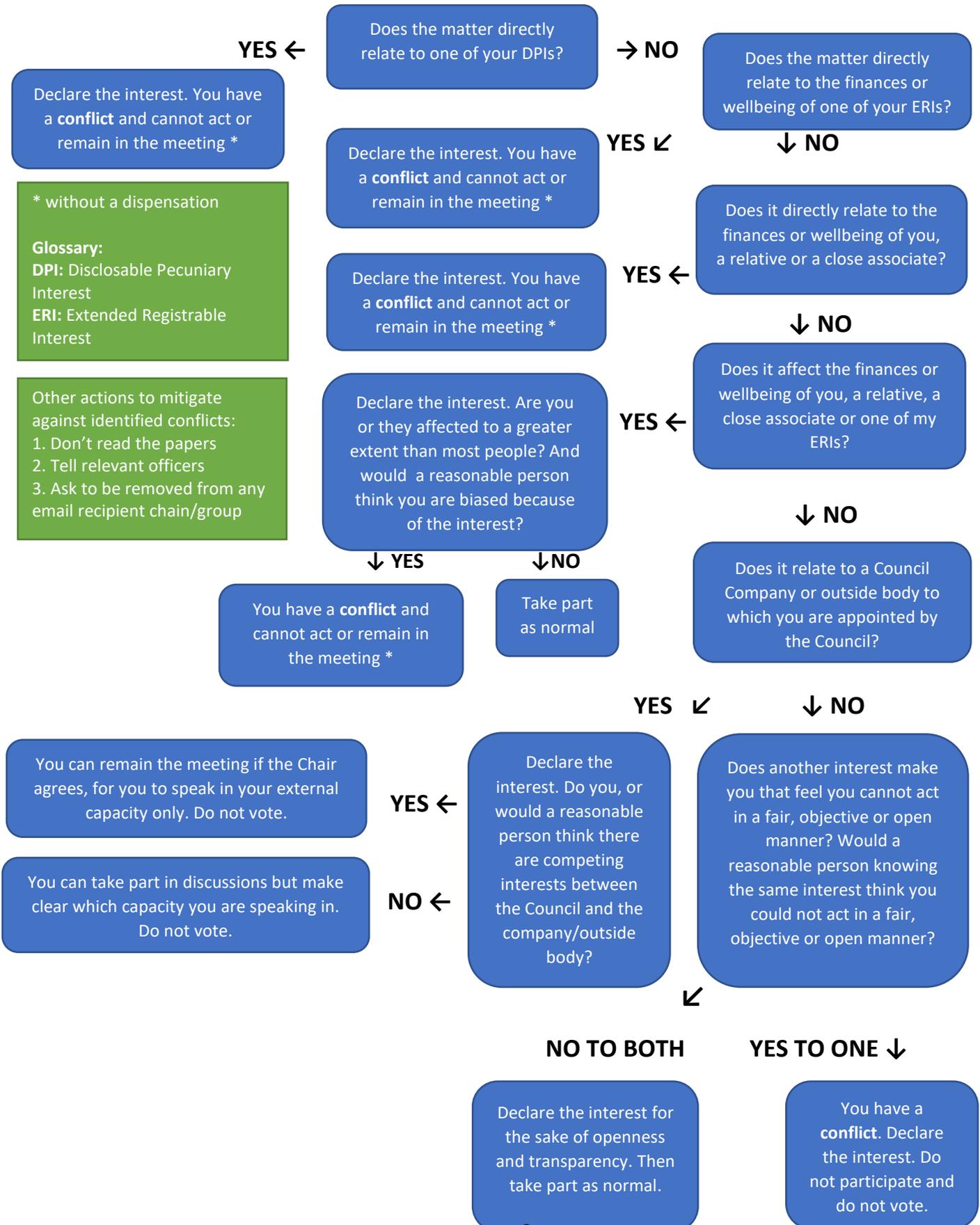
For Further information, please contact:

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

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



Glossary of Terms and Abbreviations

AIA	Arboricultural Impact Assessment
AMS	Arboricultural Method Statement
AOD	Above Ordnance Datum
AONB	Area of Outstanding Natural Beauty
AQMA	Air Quality Management Plan
ATC	Air Traffic Controller
BCKLWN	Borough Council of King's Lynn and West Norfolk
BCN	Breach of Condition Notice
BNG	Biodiversity Net Gain
BS	British Standard
CA	Conservation Area
CCTV	Closed Circuit Television
CHZ	Coastal Hazard Zone
CIL	Community Infrastructure Levy
CLEUD	Certificate of Lawful Existing Use or Development
CLOPUD	Certificate of Lawful Proposed Use or Development
CRM	Collision Risk Modelling
CS	Core Strategy
CSH	Code for Sustainable Homes
CSNN	Community Safety and Neighbourhood Nuisance
CTMP	Construction Traffic Management Plan
CWS	County Wildlife Site
D and A	Design and Access Statement
DDA	Disability Discrimination Act
DEFRA	Department for Environment, Food and Rural Affairs
DISC	Discharge of Condition
DMPP	Development Management Policies Plan
DS	Design Statement
EA	Environment Agency
EBR	Economic Benefit Report
EIA	Environmental Impact Assessment
EN	Enforcement Notice
EVC	Electric Vehicle Charging

FFL	Finished Floor Level
FRA	Flood Risk Assessment
GCN	Great Crested Newts
GIRAMS	Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy
GPDO	General Permitted Development Order
HAS	Health and Safety Assessment
HELAA	Housing and Economic Land Availability Assessment
HPG	Historic Parks and Gardens
HRA	Habitat Regulations Assessment
HSE	Health and Safety Executive
IAQM	Institute of Air Quality Management
IDB	Internal Drainage Board
IROPI	Imperative Reasons of Overriding Public Interest
LB	Listed Building
LCA	Landscape Character Assessment
LDFCS	Local Development Framework Core Strategy
LHA	Local Highway Authority
LLFA	Lead Local Flood Authority
LP	Local Plan
LPA	Local Planning Authority
LVA	Landscape and Visual Appraisal
LVIA	Landscape and Visual Impact Assessment
MOD	Ministry of Defence
MUGA	Multi Use Games Area
NCC	Norfolk County Council
NCP	North Coast Partnership
NDG	National Design Guide
NE	Natural England
NHBC	National House Building Council
NMDC	National Model Design Guide
NMP	Noise Management Plan
NNR	National Nature Reserve
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance

OIA	Ornithological Impact Assessment
OS	Ordnance Survey
PADHI	Planning Advice for Development near Hazardous Installations
PCN	Planning Contravention Notice
PCPA	Planning and Compulsory Purchase Act
PEA	Preliminary Ecological Appraisal
PINs	Planning Inspectorate
POS	Public Open Space
PPG	Planning Practice Guidance
PROW	Public Rights of Way
PS	Protected Species
PSS	Protected Species Survey
RP	Registered Provider
RPA	Root Protection Area
RS	Ramsar Site
RSS	Regional Spatial Strategy
S106	Section 106 Agreement (Planning Legal Agreement)
S278	Section 278 Agreement (provide the legal mechanism required to carry out highway alterations)
S38	Section 38 Agreement (secure new road adoption by the highway authority)
SAC	Special Areas of Conservation
SADMPP	Site Allocations and Development Management Policies Plan
SCI	Statement of Community Involvement
SD	Sustainable Development
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SME	Subject Matter Expert
SOS	Secretary of State
SPA	Special Protection Area
SPD	Supplementary Planning Document
SS	Spatial Strategy
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage Scheme
TA	Transport Assessment
TCPA	Town and Country Planning Act

TEMPO	Tree Evaluation Method for Preservation Orders
TPO	Tree Preservation Order
TPP	Tree Protection Plan
TRO	Traffic Regulation Order
UCO	Use Class Order
UU	Unilateral Undertaking
VA	Viability Assessment
VOA	Valuation Office Agency
WHO	World Health Organisation
WSI	Written Scheme of Investigation

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Suffixes to Reference Numbers	
A	Advertisement Consent
AG	Agricultural Prior Notification
BT	Adoption/Removal of BT Payphone Box
CM	County Matter
CU	Change of use (where no development is involved)
CON	Consultation by Adjoining Authority
DM	Demolition Prior Notification
F	Full Application (including Householder)
FM	Full Major Application
HZ	Hazardous Substance Application
LDE	Lawful Development Certificate (existing use or development)
LDP	Lawful Development Certificate (proposed use or development)
NMA	Non Material Amendment
O	Outline Application
OM	Outline Major Application
PACU	Prior Notification for a change of use (i.e. barn to dwelling)
PAGPD	Householder Prior Notification (larger home extension)
PAGAA	Householder Prior Notification (increase by adding an additional storey onto a dwelling)
PIP	Permission in Principle
RM	Reserved Matters Application
RMM	Reserved Matters Major Application

S257	Divert/stop up a Public Right of Way
T3	Telecoms Prior Notification
TPO	Application for works to Tree(s) subject to a TPO
TREECA	Application for works to Tree(s) in a Conservation Area

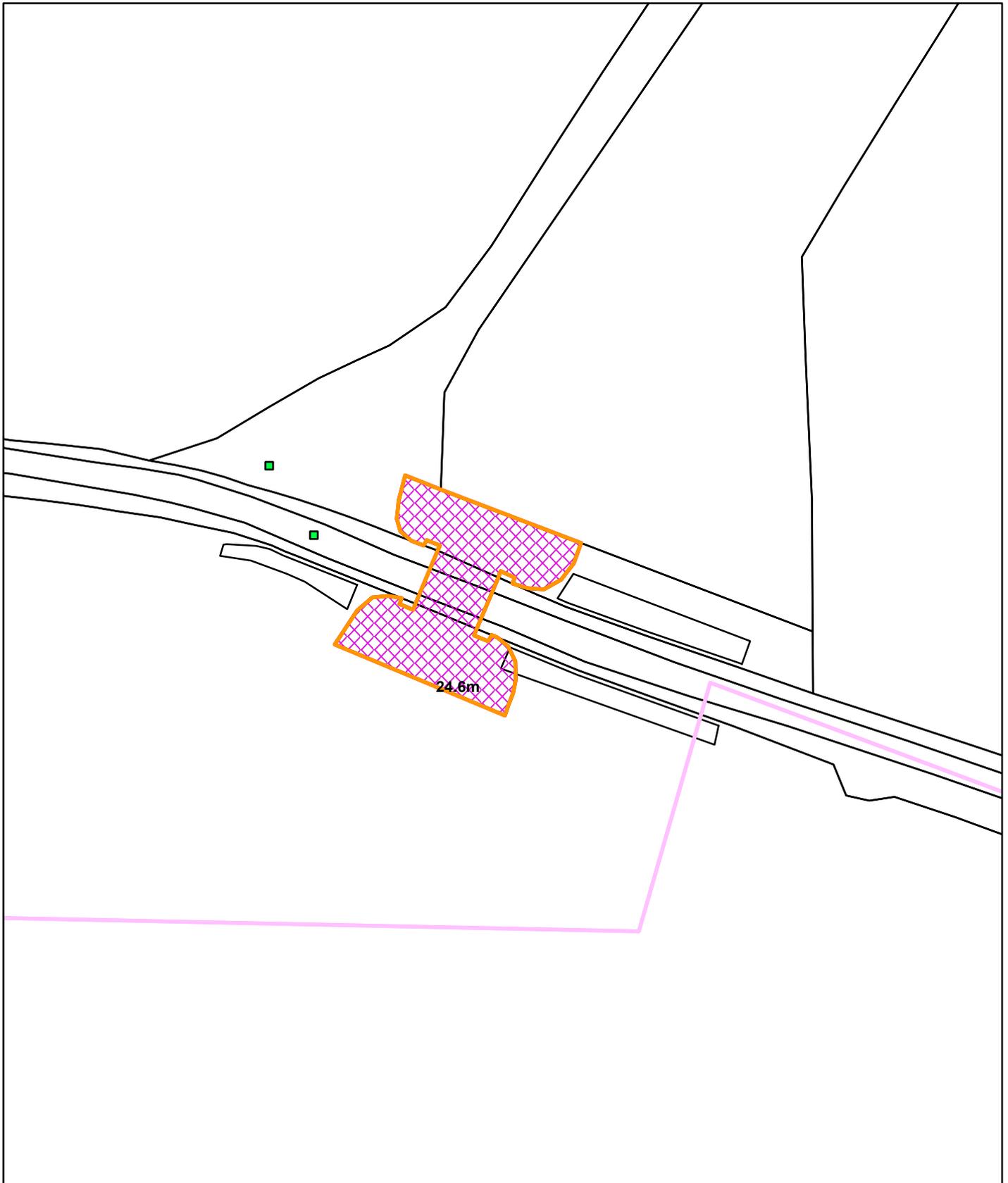
**INDEX OF APPLICATIONS TO BE DETERMINED
BY THE PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 2 OCTOBER 2023**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/1	OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE			
9/1(a)	23/00894/F Congham Bridge Midland & Great Northern Joint Railway Dismantled St Andrews Lane Congham Norfolk PE32 1DY Retrospective structural infilling of former railway bridge using engineering fill and foam concrete with embankments formed on either side	CONGHAM	REFUSE	14
9/1(b)	23/00493/F Unit 6 To 8 Fairfield Road Downham Market Norfolk PE38 9ET Demolition of existing buildings and replacement with 8 no. dwellings	DOWNHAM MARKET	APPROVE	36
9/1(c)	23/00348/F 15 Lincoln Street Hunstanton Norfolk PE36 6AS New residential dwelling on land East of 15 Lincoln Street, Hunstanton	HUNSTANTON	REFUSE	53
9/1(d)	23/01104/F Little Massingham Manor Station Road Little Massingham King's Lynn Norfolk PE32 2JU Retrospective erection of agricultural barn	LITTLE MASSINGHAM	APPROVE	69
9/1(e)	23/00914/F Essanjay 14 The Avenue Brookville Thetford Norfolk IP26 4RF Replacement of existing bungalow with chalet dwelling and detached garage/annexe	METHWOLD	APPROVE	77
9/1(f)	23/00056/F Land E of 52 To 60 Westgate Street Shouldham Norfolk PE33 0DF Proposed Development of five houses on allocated site G81.1	SHOULDHAM	APPROVE	90

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/1(g)	23/00884/F The Old Chequers 37 Front Street South Creake Fakenham Norfolk NR21 9PF Retrospective change of existing cart shed to games room	SOUTH CREAKE	APPROVE	107
9/1(h)	23/00848/F Holme Oak Stoke Road Wereham King's Lynn Norfolk PE33 9AT Proposed construction of 4 residential units in existing footprint of agricultural barn benefiting with prior approval including the demolition of existing agricultural barn.	WEREHAM	APPROVE	118

23/00894/F

Congham Bridge Midland and Great Northern Joint Railway Dismantled, St Andrews Lane,



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Ordnance Survey 100024314

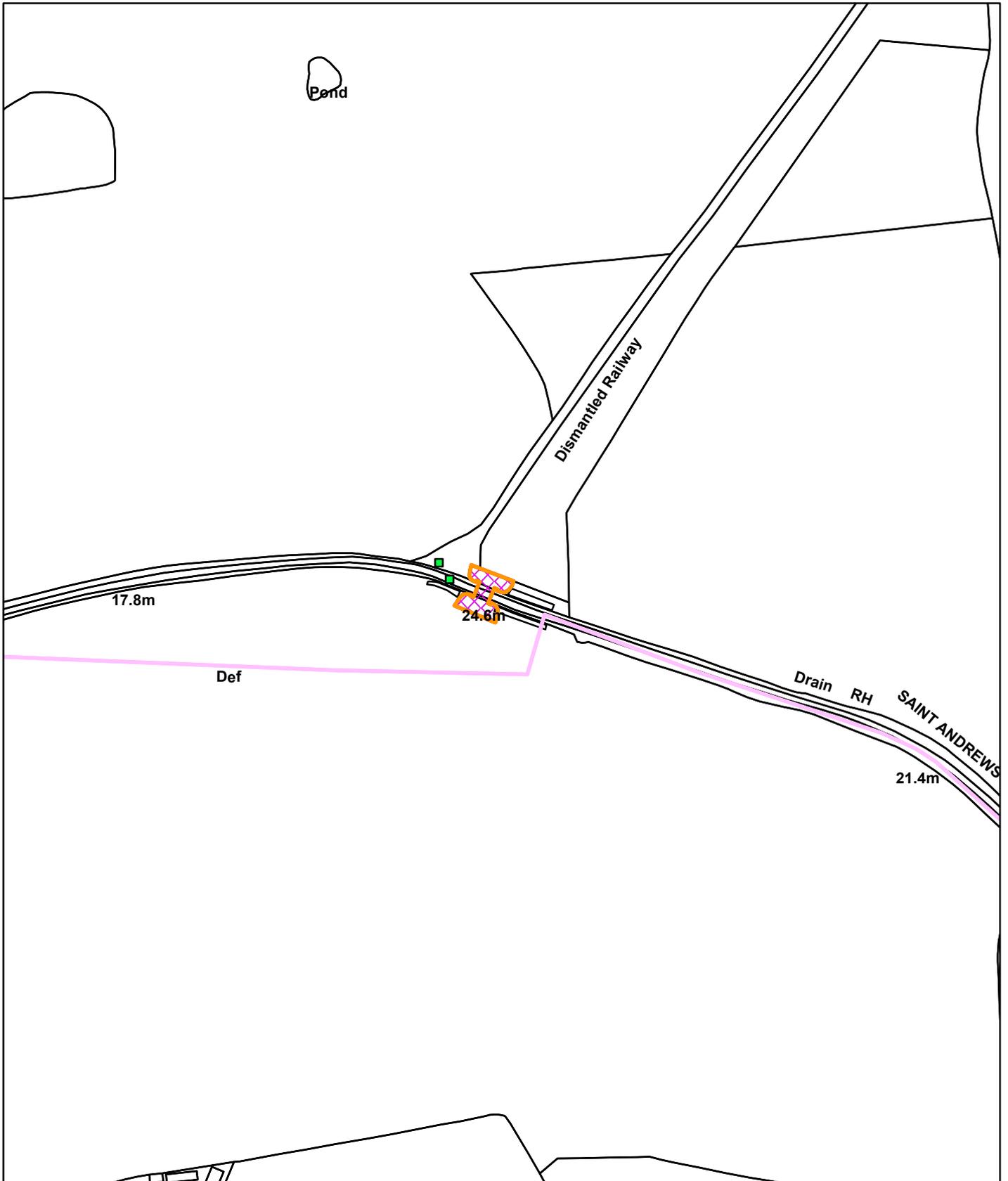


20/09/2023



23/00894/F

Congham Bridge Midland and Great Northern Joint Railway Dismatled, St Andrews Lane, C



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20/09/2023

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Parish:	Congham	
Proposal:	Retrospective structural infilling of former railway bridge using engineering fill and foam concrete with embankments formed on either side	
Location:	Congham Bridge Midland & Great Northern Joint Railway Dismantled St Andrews Lane Congham Norfolk	
Applicant:	Historical Railways Estate	
Case No:	23/00894/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 23 June 2023 Extension of Time Expiry Date: 6 October 2023

Reason for Referral to Planning Committee – Called in By Councillor de-Whalley and also referred by the Assistant Director.

Neighbourhood Plan: No

Case Summary

The application site relates to Congham Bridge which is a historic railway bridge structure built circa 1926 carrying St Andrews Lane over the former railway line. The setting of the bridge is rural in nature with open fields to the south of St Andrews Lane, Congham. To the north, a restricted byway extends northeast following the line of the former track. This restricted byway is mostly tree lined with fields and small pockets of trees beyond.

The works this application seeks consent for relate to the infilling of the underside of the bridge structure described in supporting documentation as structural infill using engineering fill and foam concrete with embankments formed on either side.

Key Issues

- Principle of development
- Form, Character and Impact on Heritage
- Impact on Neighbour Amenity
- Active Travel and Highway Safety
- Ecology and Arboricultural Impact
- Any other matters requiring consideration prior to determination of the application

Recommendation

REFUSE

THE APPLICATION

The application site relates to Congham Bridge which is a historic railway bridge structure built circa 1926 which carries an unclassified public road (St Andrew's Lane) over the track bed of the former Midland and Great Northern Joint Railway. The bridge was designed on the principles of James Marriott, a well-known Norfolk railway engineer commemorated with the long-distance path from Norwich which still contains some evidence of his bridge design. The bridge can be described, prior to works, as "constructed of seven longitudinal steel girders encased in concrete. The space between the longitudinal girders is infilled with six pre-cast concrete jack arches. Wingwalls are located in each corner and extend approximately 5.5m from the bridge parapets. There is a soft verge on each side of the carriageway over the structure. The wingwalls, abutments and parapets are constructed from concrete blockwork and engineering brick. The land either side of the bridge has been raised to the surrounding ground level" (taken from applicant supporting documentation).

The setting of the bridge is rural in nature with open, agricultural fields to the south of St Andrews Lane. The road itself is bounded by thick vegetation; tree lined with various hedgerows. To the north, a restricted byway extends northeast, following the line of the former track, meeting St Andrews Lane to the west of the bridge. This restricted byway forms part of a narrower open space, mostly tree lined with open, agricultural fields and small pockets of trees beyond.

The works this application seeks consent for relate to the infilling of the underside of the bridge structure described in supporting documentation as structural infill using engineering fill and foam concrete with embankments formed on either side. The works are described within supporting documentation as "infilling beneath the span with structural fill composed of a layer of 6C free draining material laid to fill the depression beneath the bridge and form a 0.8m thick layer above the current ground level on both sides in order to aid surface water through flow. The remaining fill beneath the span comprised 6N granular structural fill and foamed concrete. New embankments were formed from 6N material and tied into the existing ones. All new and worked surfaces were topsoiled and grass seeded." The works also involved the loss of several mature trees in close proximity to the bridge.

The application under consideration therefore relates to the permanent works undertaken to the bridge that require planning permission.

SUPPORTING CASE

The background of the application is addressed within supporting documentation submitted by the applicant during the application process:

"According to records, the bridge structure has had issues with fractures since 1984 and major repairs had been conducted between December 2009 and February 2010 involving propping, repairing the end abutment quoin and repairs to fractured / spalled areas of the structure, requiring a road closure. Since the HRE (Historical Railways Estate (HRE) (on behalf of the Department for Transport)) took responsibility for the bridge in 2013, it has been subject to a series of structural assessments and the most recent was in 2019, which was undertaken by Jacobs on behalf of HRE. The assessment concluded that the edge girders have a capacity of 7.5 tonnes Gross Vehicle Weight (GVW), so a weight restriction should be required, however there are no road signs, which indicate this to the road users and road usage is therefore unrestricted. Consequently vehicles e.g. agricultural plant (which can weigh up to 30t) can use the bridge.

Furthermore, the eastern abutment exhibited indications of movement, resulting in numerous cracks appearing beneath the edge girders and along the abutment faces. The faces of the longitudinal girders were also showing defects with some beam exposure in some instances. The wingwall coping courses and the south west newel were also demonstrating minor failure.

To prevent the further decline of the structure and to maintain future vehicular movements along the carriageway, it was decided that it was necessary to strengthen the bridge by infilling – justification for this is given in Section 1.6. A letter was therefore sent to Borough Council of King's Lynn and West Norfolk (KLWN) on 14th October 2019 to outline the proposed works that were to be undertaken as 'permitted development' in line with the 'Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 19, Class Q (allowing the Crown – Government ministries, such as the DfT, to undertake works in order to prevent an emergency). KLWN responded in an email of 21 November 2019 that they had no objections regarding the works proposed to infill the bridge. The highway authority (Norfolk County Council - NCC) was also contacted at this time and informed HRE they also had no objections and confirmed that the site was not subject to any cycle route proposals.

Therefore, on this basis, the infill works were undertaken in March and April 2021 (see section 2.3). A further letter was sent to KLWN on 10 March 2022 informing of works to check the settling of the material and top-up any remaining void. No response was received from KLWN to that letter. In November 2022, following a complaint, KLWN contacted HRE informing them that they were reviewing their previous advice to which HRE responded in a letter dated 2 December outlining KLWN's previous 'no objection' position. KLWN then sent a letter on 18 January 2023 confirming that, in their opinion, and in accordance with Schedule 2, Part 19 of the Town and County Planning (General Permitted Development) Order 2015, that planning permission was actually required, and this opinion, following further discussions and a letter from HRE on 25 January 2023 (querying the necessity of a planning application), was confirmed by KLWN in a letter dated 13 February 2023."

The applicant has prepared two supporting documents that they wish to be considered:

- HRE Congham Road Bridge PMY2-76 – Planning application 23-00894-F – Pre-committee briefing note
- HRE Congham Road Bridge PMY2-96 – Planning application 23-00894-F – Background and response to objections

These documents are included on the online file for viewing under the application reference number.

PLANNING HISTORY

22/00544/UNOPDE- Alleged Unauthorised Operational Development. - Bridge On Saint Andrews Lane, Congham, Norfolk PE32 1DY

08/02503/F: Application Permitted- Delegated decision: 23/12/08 - Erection of 3 sheds for keeping of livestock and associated items. - Dismantled Railway, St Andrews Lane, Congham, King's Lynn, Norfolk PE32 1DU

08/00139/UNAUTU- Alleged use of open farmland as enclosures for horses. - St Andrews Lane, Roydon, Norfolk

RESPONSE TO CONSULTATION

Parish Council: OBJECT

Congham Parish Council objects to this retrospective planning application including but not limited to the following reasons:

- 1) The bridge was a natural corridor for wildlife.
- 2) The bridge is an unlisted heritage asset.
- 3) The infilling of the bridge has stopped an opportunity for walking and cycling along the area.

It is Congham Parish Council's view that the bridge should be re-opened.

Local Highway Authority (NCC): NO OBJECTION

Thank you for the consultation/enquiry received recently relating to the above development proposal, I am able to comment that in relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to restrict the grant of consent.

Public Rights of Way (PROW) Officer (NCC): NO OBJECTION

Thank you for your consultation regarding amendments to the above. We have no objection in principle to the application but would highlight that a Public Right of Way, known as Congham Restricted Byway 1 is aligned adjacent to the site. The full legal extent of this Restricted Byway must remain open and accessible for the duration of the development and subsequent occupation.

Historic Environment (NCC): NO OBJECTION

Thank you for consulting with us about this planning application. There are no known archaeological implications.

Historic England: NO COMMENT

Conservation Officer: OBJECT

Original Response

Congham Bridge has been well documented by the applicant in their heritage statement. It was designed on the principles of James Marriott, the well-known Norfolk railway engineer commemorated with the long-distance path from Norwich which still contains some evidence of his bridge design. It is not disputed that this bridge falls outside of the dates at which he was involved with the relevant railway, but it is designed to his method.

The heritage statement is unclear about other bridges or railway infrastructure surviving within the west Norfolk area, so it is not possible to properly determine the importance of the survival of this bridge to the historic environment of West Norfolk. While we do note the survival of other, perhaps older examples across the county, the importance to West Norfolk is unable to be identified. The design of a bridge in the Marriott style so close to the end of his involvement with the railway and the systems involved in its construction as well as the architectural details underneath the bridge span and the superstructure, do give it some evidential, architectural and communal interest which could be higher in the context of west Norfolk than when considered on a county wide basis.

The Borough Council of Kings Lynn and West Norfolk does not maintain a local list and until very recently has not been made aware of the process for notifying the HER of non-designated heritage assets identified through the planning system. The guidance document for the NPPF (paragraph 40) makes clear that non-designated heritage assets can be identified in the planning process and we should make clear why they are non-designated heritage assets. We are clear then that at this stage, it is possible to identify Congham Bridge as a non-designated heritage asset for its architectural, communal and evidential significance.

We appreciate that other methods of repair that were considered. Although the method undertaken may be the most cost effective, the long-term impact upon the structure underneath needs more detail. While we note the free draining infill material, the embankment has been topsoiled and covered with vegetation. It is known that vegetation and soil hold water and no matter how free draining the infill is, this inability to get rid of the water through the vegetation and top soil, could result in a damp environment that impacts upon the concrete underneath and ultimately the structural integrity of the structure. The long term impacts of this method of infilling are not explained. While the applicant has asserted that the architecture of the bridge has been conserved through this method, it has not been proved.

The line of the railway is still evident within the landscape on either side of the bridge. A slight depression in the field is visible to the south and the gap in the trees and the presence of the field to the north allows a sense of the former line to be appreciated at this point. The infilling of the bridge arch means that the line of the railway is unable to be experienced through the bridge which does result in a loss of legibility and a loss of evidential and historic significance.

We consider that the infilling of the bridge could result in less than substantial harm, moderate in scale to the non-designated heritage asset and therefore you should consider paragraph 189, 194 and 203 when making a decision on this application.

We therefore **OBJECT** to this application as it stands.

Response to additional supporting information (15/09/23)

The information submitted is technical and attempts to explain why the infilling of the bridge will not be harmful to the concrete detailing and the structure. Concrete conservation is a quick developing subject and it is clear that much about the subject is unknown. It is also evident that other alternative solutions to the conservation of this structure were possible and that they were considered unacceptable for reasons unknown.

However, the information has not addressed the issue that the infilling of the structure is harmful to the significance of the non-designated heritage asset. My comments were clear that there is evidence of the former railway in earthwork form on either side of the bridge and the infilling of the bridge detracts from the continuity of this earthwork and therefore the purpose and significance of the non-designated heritage asset.

We therefore remain concerned about this scheme and consider that the harm still remains.

Natural England: NO OBJECTION

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

Ecologist: NO OBJECTION

Thank you for consulting Ecology on planning application 23/00894/F for the retrospective structural infilling of former railway bridge using engineering fill and foam concrete with embankments formed on either side.

In response I have reviewed the following documents:

Location Plan
Structural as built plan
Habitats Regulation Assessment (JBA Consulting, 2023)
Ecology survey (JBA consulting, 2023)
Natural England Comments

The applicant has provided an Ecological Appraisal (EA) and Habitats Regulation Assessment (HRA) which details the assessments carried out for protected species, habitats, and protected sites. A full suite of bat surveys was undertaken in 2020 and subsequent update surveys in 2021 up to the start of works in March 2021. No bats roosts were identified during those surveys and therefore no Natural England Mitigation licence was required to facilitate the works.

Both the HRA and EA details that a licenced bat ecologist supervised the works to the bridge and that an Ecological Clerk of Works was present to finger tip search any vegetation being cleared. No significant impacts to European Protected sites were identified within the HRA and I agree with the conclusions made. The information provided is satisfactory and I therefore have no comments to make.

Arboricultural Officer: NO COMMENT

Based on retrospective nature of the works, the Arboricultural Officer has no comment on this application.

Environmental Quality: NO OBJECTION

The application is retrospective for the infilling of a former railway bridge.

The applicant has provided a site plan illustrating the infill. The fill is described as engineering fill and foam concrete. Topsoil has also been imported onto site, a certificate of analysis has been provided to evidence the material is suitable and not contaminated.

We have reviewed our files and the site is on land that is seen with the bridge present for the duration of our records. The surrounding landscape is largely agricultural. No potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

The HRE Group: OBJECT (summarised for clarity- full representations are available on the online file):

- "Established in September 2020, The HRE Group is an alliance of engineers, sustainable transport advocates and greenway developers who see the HRE as a strategic asset, with ecological and heritage value. We have raised public awareness about NH's infilling and demolition programme which was paused by the government in

July 2021 following widespread concerns about its impacts. We also support members of the public and local groups in opposing specific schemes.”

- "On 14 October 2019, Jacobs, acting on behalf of Highways England (renamed National Highways (NH) in August 2021), notified the Borough Council of King's Lynn & West Norfolk (the Local Planning Authority (LPA)) and Norfolk County Council (NCC)(the Local Highway Authority (LHA)) that infilling work to St Andrew's Lane bridge - part of the Historical Railways Estate (HRE) - was proposed under Schedule 2 Part 19 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 - hereafter known as 'Class Q' - indicating that an emergency situation had arisen which required immediate intervention.

Neither the LPA nor the LHA expressed any objections on the basis of the information provided.

Infilling started on 22 March 2021 - more than 17 months after the notification letters were sent - and was completed on 30 April 2021. The project cost £127K. The length of the delay clearly demonstrates that there was no emergency.”

- St Andrew's Lane bridge was infilled for liability reduction purposes, involving months of design and project development. The Planning Statement describes the work as “necessary”, but then sets out other options which could have been adopted instead.
- It is clear that there was no imperative to infill on either condition or capacity grounds; a more sympathetic approach to repairing the structure could have been taken, thus retaining it as a heritage asset with clear presence within the landscape. No account was taken in decision making of the Council's policy objective of protecting and enhancing heritage assets.
- There is no evidence to support National Highways' claim - reported by several media outlets that the bridge was in “very poor condition”. Based on available photographic evidence, the structure's condition appears to have been Fair, with some of its defects caused by a failure to manage adjacent vegetation/tree growth appropriately.
- National Highways claims that long-term cost savings will accrue, but offers no evidence to support this or any comparison with alternative repair solutions. Financial advantage is not a relevant planning consideration (as the benefit is not a local financial benefit).
- Every structure presents unique challenges. We believe NH is likely to have considerable expertise in carrying out repairs to elements within other reinforced-concrete bridges as part of its wider role as operator of the UK's strategic road network. Whilst not 'simple', this is routine maintenance and, in some form, is inescapable on structures where infilling is not viable because of a need for continued access beneath the span.
- National Highways is suggesting that the defects at Congham bridge were severe, extensive and particularly difficult to remediate. In our view, the evidence does not support this.
- National Highways pursued the scheme under Class Q permitted development rights which facilitate immediate, temporary interventions in the event of an emergency, and then failed to seek consent for the infill's intended retention. These rights were being systematically misapplied as part of a nationwide programme of infilling works, undermining trust and confidence in public bodies.

- The applicant did not comply with the requirements of Class Q. It is also disputed that the condition of Congham Bridge was in such a state as to amount to an “emergency”, therefore works under this class were unlawful.
- “to prevent an emergency arising” – is not found within Sch2 Part 19
- Class Q which instead refers to “preventing an emergency” and it will easily be appreciated that much ordinary maintenance and repair could be described as work “to prevent an emergency arising”. However, the specific permitted development rights (Sch2 Part 19 Class Q) are clearly intended for situations where there is a sense of urgency. That is why for example no prior notification is required and why reinstatement to previous condition is the default position.
- The bridge was a rare-surviving example of an early modular concrete structure; infilling therefore fails to protect and enhance a non-designated heritage asset. The Council recognises that dismantled railways should be protected against adverse development.
- It is acknowledged that there are “wider public benefits in maintaining the bridge and its long-term preservation” but it is also apparent from the Planning Statement that there were (and are) alternative strategies that could have been used which do not involve infilling. In order to assess whether the harm that has been caused is justified, National Highways should have considered whether there were alternative strategies that would have achieved this benefit while avoiding harm to the heritage asset and ensuring that it was preserved. National Highways has failed to establish that these same benefits – the long term preservation and maintenance of the Bridge - could not have been achieved without avoiding the harm. Even if true, the asserted public benefit in terms of reduced long-term maintenance costs does not outweigh these harms.
- Infilling establishes a significant physical and financial barrier to any future development of a sustainable transport route via the former railway alignment.
- Whilst the route beneath St Andrew’s Lane bridge has no statutory designation, it is likely that the dismantled railway serves as a corridor for wildlife dispersal and foraging. Many scientific papers describe the importance of ‘set-aside railway infrastructure’, highlighting the improved connectivity offered by these linear features.
- Policies adopted by the Council (particularly CS01, CS08, CS12 and DM13), as well as provisions within the National Planning Policy Framework, provide clear grounds to reject the planning application and we trust the Council will do so.
- At Congham, on the basis of the prevailing circumstances, we believe the infill should be removed and the bridge made good. We have encouraged others to engage with democratic process by considering the available evidence and expressing their views.
- In response to Jacobs’ release of the 2019 capacity assessment for St Andrew’s Lane bridge at Congham, it is now clear that NH has misrepresented its own formal engineering evidence. The overall condition of the bridge was Fair, further undermining the company’s assertion that infilling “sought to prevent an emergency arising”.
- Jacobs states that “By qualitative assessment, the substructure does not appear to be satisfactory for the full range of vehicles conforming to the Road Vehicles (Authorised Weight) Regulations (BD 21 (DMRB 3.4.3))”. This conclusion seems to have been reached without any investigation or calculation. There is no mention of checks for lean or other distortion of the east abutment, or of excavations at ground level to determine

soil condition and abutment toe details. It is stated that there were no signs of settlement.

- A bridge engineer consulted by The HRE Group has estimated by calculation that the edge girders are close to, but not over, the capacity needed for an emergency 18T vehicle positioned close to the parapet. We therefore agree with Jacobs' 7.5T assessed capacity for the edge girders. However, effective crash barriers with their traffic face around 500mm from the inside face of the parapet would have economically increased their capacity against accidental vehicle loading to 40T. We recognise that such an installation would have required dialogue with and permission from the Local Highway Authority.
- NH suggested that "there are circa 27,000 of these former railway structures still in existence around the UK", but failed to make clear that steel and concrete overbridges – like that on St Andrew's Lane - accounted for just 0.34% of the ~3,200 Historical Railways Estate structures managed by National Highways in 2017.
- It is a matter of concern that National Highways has made misleading statements in its advocacy of the infill scheme.
- Whilst Green Lane bridge near East Rudham is a noteworthy structure using William Marriott's modular reinforced-concrete components, it is wrong to describe it as "a more complete example". The substructure was built in traditional masonry, not concrete blockwork as the bridges at Congham and Hemsby were, the latter having been demolished. Thus, prior to infilling, St Andrew's Lane bridge was the only surviving bridge built entirely using Marriott system products. The appended extract from 'The Stations and Structures of the Midland & Great Northern Joint Railway' also identifies St Andrew's Lane bridge as being "more elaborate in plan, having curved wing walls".

Save Britain's Heritage: OBJECT (summarised for clarity):

- Congham Bridge has been in existence since the opening of the Lynn & Fakenham Railway in 1879. Originally constructed with a timber span, the bridge was reconstructed in 1926 following the designs of engineer William Marriott who became general manager of the Midland & Great Northern Joint Railway (M&GNJR). Marriott is noted for using a modular bridge building system using reinforced concrete components and blockwork at a time when bridges were regularly constructed of masonry, brick, and iron. Marriott designed six bridges using precast concrete components for the M&GNJR yet, after the infilling of Congham bridge, only two survive.

This example at Congham is one of the more elaborate bridges Marriott designed, featuring curved wingwalls, newel posts and architectural detailing. Marriott played an important role in Norfolk, leading the opening of numerous railway lines to locations such as the Broads and the coast of North Norfolk, allowing for an increase in tourism to these areas. Many of the M&GNJR lines closed in 1959 and, remaining features like Congham bridge embody and reflect Marriott's impact within Norfolk and the important part he played in its railway heritage. The former route of the M&GNJR is listed as a non-designated heritage asset within the Norfolk HER, emphasising the notable role the railway played within Norfolk and its contribution to local heritage."

- We consider the bridge to be a non-designated heritage asset of high local importance and the impact of the infilling to be substantially harmful in heritage terms. The infilling of Congham bridge has led to the substantial harm and near total loss of a non-designated heritage asset. In accordance with Paragraph 203 of the NPPF, this degree of harm is extreme, representing the near-total loss of a NDHA of clear historic and landscape

significance. The justification for such an extreme action, especially when taken without planning permission, is insufficient to outweigh the harm caused and fails to comply with heritage policies and tests set out in The Framework.

- Burying both superstructure and substructure has effectively annulled any visual appreciation of the bridge, its historical significance and its contribution to the area's landscape quality and railway heritage.
- The total infilling without planning permission is poor planning practice, reflecting widespread concern over the applicant's unjustified and unsympathetic approach to managing and maintaining historic structures like this and elsewhere in the country.
- The works significantly alter the visual appearance and appreciation of the bridge and fails to remain sympathetic to local character and history, as outlined within Paragraph 130 of the NPPF. As well as this, the protection and enhancement of heritage assets is one of the key development priorities outlined within the King's Lynn and West Norfolk Borough Council Core Strategy and this application fails to comply with these local policies (contrary to Policy CS06 and CS08).
- The application states that cost and complexity of other maintenance options made infilling the most attractive option, however, this is not sufficient justification to outweigh the substantial harm caused to its significance. Such infilling, as it has done elsewhere, risks setting a dangerous precedent for further loss and demolition of historic structures like Congham Bridge across the country. As such, and in light of the ongoing removal of similar infilling of Great Musgrave Bridge in Cumbria following refusal of retrospective planning permission, we call on the Local Authority to refuse planning permission.

REPRESENTATIONS

Correspondence included within call-in from Cllr de Whalley:

"The application is subject to significant public interest with concerns including...

1. Unnecessary works given the acceptable structural integrity of the bridge
2. Adverse impact on a rare non-designated heritage asset
3. Ecological, environmental and landscape issues including loss of a wildlife corridor
4. Against plans to preserve and use former rail track beds for sustainable transport routes"

Public Comments

THREE HUNDRED AND SIXTY THREE public **OBJECTIONS** and **FIVE** public **SUPPORT** comments regarding:

OBJECTIONS

- Adverse and unacceptable impact on a rare non-designated heritage asset which is of cultural and national importance and is a landmark.
- The bridge was an elaborate and eye-catching structure. An early example of its type, dating from 1926, it was one of six partly or completely rebuilt using a bridge-building system developed by pioneering engineer William Marriott who had brought together his previous work on block casting and concrete reinforcement.
- This is a historically significant structure representing a very early example of modular concrete off site construction. The experimentation and development of this type of

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construction took place locally, making it locally significant and as an historic early example.

- Loss and destruction of railway heritage. Structures such as this should be retained and maintained for future generations.
- The bridge should be listed.
- Unnecessary works given the acceptable structural integrity of the bridge- cost savings do not justify the works.
- Structure was in a 'fair' condition. It took Highways England some 17 months to commence work, there was no emergency.
- No safety issues.
- Infill does not suitably support the structure.
- Works should be reversed to remove the infill and repair the bridge.
- Resultant works are an eyesore and equivalent to vandalism.
- The developer used emergency development rights for work that was just part of its normal maintenance tasks. This an unacceptable way for a public body to operate.
- The decision to permanently infill this bridge constitutes a clear abuse of permitted development rights.
- There was no public consultation and the works should not have been carried out without planning permission.
- Carbon footprint and embodied carbon of work undertaken.
- Ecological, environmental and landscape issues including loss of a wildlife corridor.
- No environmental impact assessment carried out.
- Prevents the ability to preserve and use former rail track beds for sustainable transport routes/active travel.
- Is contrary to the need for green spaces which help encourage physical exercise and improving mental health.
- The works are contrary to Policy CS11 Transport as infilling this bridge makes it unusable as a footpath, cycle way or reinstatement of a rail route so therefore hinders rather than promotes sustainable forms of transport.
- The works are contrary to Policy CS12 Environmental Assets: Green Infrastructure, Historic Environment, Landscape Character, Biodiversity and Geodiversity which states that "Development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest. The design of new development should be sensitive to the surrounding area..."

- The works are contrary to Policy DM13 - Railway Trackways: "Disused railway trackways and routes can be a valuable resource, such as, providing future routes for footpaths or cycleways. It is therefore important to protect them from adverse development which might otherwise compromise their future as alternative economic or recreational transport routes."
- Development is also contrary to Policy CS01 Spatial Strategy which states that "Development priorities for the borough will be to...protect and enhance the heritage, cultural and environmental assets..." and policy CS08 Sustainable Development which states that "All new development in the borough should be of high-quality design. New development will be required to demonstrate its ability to protect and enhance the historic environment...achieve high standards of sustainable design."
- The National Planning Policy Framework, in Paragraph 106(c) states that "Planning policies should... identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development."
- Also, Paragraph 130(c) states that "Planning policies and decisions should ensure that developments ...are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."
- And Paragraph 190 states that "Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account...the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation...the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring...the desirability of new development making a positive contribution to local character and distinctiveness...and opportunities to draw on the contribution made by the historic environment to the character of a place."
- Highways England infilled a road bridge over the disused Eden Valley Railway between Appleby and Kirkby Stephen East without consultation or planning permission from Eden District Council. Highways England were required to apply for retrospective planning permission which was refused. The company were compelled to remove the infill and make good any damage arising from their activity. Estimated cost £440K. As a consequence, they were forced to apologise and formally agreed to review their 'infill' policy going forward."
- Why was not a 7.5t restriction put on the road?

SUPPORT

- As a resident in Congham, it appears the majority of objections have been made by persons who have never physically seen the bridge or even been to Congham.
- Whilst frustrating that due process was not followed, infilling mitigates the space for fly tipping.
- There was no public access under the bridge as Restricted Byeway Congham RB1 cuts across just before the bridge to St Andrews Lane to the west. Views from across from footpath distant and not significant as the line of the former railway line has been lost to the south.

- The works have not prejudiced the views from the bridge which are of greater value than the previous overgrown dumping ground underneath the structure.
- The bridge was constructed in 1920s and has little architectural/engineering merit and can only be viewed legally from the north.
- The structure is not listed nor in a conservation area and was not identified by respondents in the Neighbourhood Plan survey.
- The county council plans for a cycle link between King's Lynn and Fakenham whilst identified in principle does not identify any particular route and even if this was a suitable route RB1 does not pass under the bridge.
- It's unlikely the railway as a route would ever be reinstated and if it were to be would require significant demolition of dwellings and business premises in Roydon.
- Any remedial works costs would have to come from the public purse.
- The bridge was in a very poor state with its abutments falling apart.
- Restoring the bridge to the original 1926 condition would have been a poor use of public money. To remove the fill would be a very poor use of public funds.
- The country does not have sufficient money to maintain existing roads, let alone derelict railway bridges.
- This application is subject to a national campaign to oppose any removal of old railway structures. Planning is a matter of local democracy.
- The council or local highways authority may subsequently find that it is responsible and its money must be spent on strengthening the bridge to a modern weight limit it would like to see in-place.

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

DM13 - Railway Trackways

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form, Character and Impact on Heritage
- Impact on Neighbour Amenity
- Active Travel and Highway Safety
- Ecology and Arboricultural Impact
- Any other matters requiring consideration prior to determination of the application

Principle of Development

This application seeks retrospective consent for works to infill a historic former railway bridge falling within the Congham area, to the west of the village. The site is located within the wider countryside and is not within any settlement development boundary. The works relate to an existing structure in the countryside and works were carried out in association with the maintenance and monitoring of the road structure by the associated statutory body (Historical Railways Estate (HRE) (on behalf of the Department for Transport)) as explored in detail within the 'Application' section of this report.

Policy CS11 – Transport states:

“The Council will work with partner organisations (including the Regional Transport Board, Highways Agency, public transport operators, Network Rail, Norfolk County Council and neighbouring authorities) to deliver a sustainable transport network which improves connectivity within and beyond the borough”

Policy DM13- Railway Trackways states:

“The following existing and former railway trackways and routes, as indicated on the Policies Map, will be safeguarded from development which would prejudice their potential future use for paths, cycleways, bridleways, new rail facilities, etc. unless the proposals for trackway use are accompanied by appropriate alternative route provision that makes the safeguarding unnecessary:

King's Lynn Harbour Junction - Saddlebow Road;
King's Lynn east curve;
King's Lynn docks branch to Alexandra Dock and Bentinck Dock;
Denver - Wissington;
King's Lynn to Hunstanton; and
Part of the former King's Lynn to Fakenham line route from the West Winch Growth Area to the Bawsey/Leziate countryside sports and recreation area.

The King's Lynn docks branch (as above) will, however, not be safeguarded to the extent this compromises port operations within the Port Estate.”

As such, the area of trackway subject to this application is not listed within the above policy. It is not therefore afforded protection from development in principle.

Taking into account, the wider policy background outlined regarding the transport network and the fact that the works seek to ensure the safety and ability to use St Andrews Lane and the associated bridge, it is considered that certain works to the bridge and trackway may be considered to be acceptable in principle, but are subject to more detailed considerations, as discussed in this report.

Form, Character and Impact on Heritage

As detailed in the 'Application' section of this report, the site forming this application relates to Congham Bridge. This is a historic railway bridge structure relating to the former Midland and Great Northern Joint Railway with links to James Marriott, a well-known Norfolk railway engineer providing an example of his bridge design. The bridge can be described, prior to works, as "constructed of seven longitudinal steel girders encased in concrete. The space between the longitudinal girders is infilled with six pre-cast concrete jack arches. Wingwalls are located in each corner and extend approximately 5.5m from the bridge parapets. There is a soft verge on each side of the carriageway over the structure. The wingwalls, abutments and parapets are constructed from concrete blockwork and engineering brick. The land either side of the bridge has been raised to the surrounding ground level".

Congham Bridge is therefore considered a non-designated heritage asset for its architectural, communal and evidential significance, identified within the application process in accordance with the NPPF, as noted by the Conservation Officer.

Paragraph 130 of the NPPF states:

"...Planning policies and decisions should ensure that developments ...are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) ..."

Paragraph 189 of the NPPF states:

"Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

Paragraph 203 of the NPPF further states:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Alongside this, Policy CS06 states:

"Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs."

Policy CS08 states that 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 states:

“The historic and built environment play a crucial role in delivering environmental quality and well-being. Therefore the Council will preserve and where appropriate enhance its qualities and characteristics... Development should seek to avoid, mitigate or compensate for any adverse impacts on biodiversity, geodiversity and heritage as well as seeking to enhance sites through the creation of features of new biodiversity, geodiversity and heritage interest. The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment... Development proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area (including its historical, biodiversity and cultural character)”

Policy DM15 states:

“Development must protect and enhance the amenity of the wider environment including its heritage and cultural value .”

It is clear that there is a strong policy position of preserving, protecting and where appropriate enhancing heritage assets proportionate to their designation and significance. Alongside this, the countryside should be taking into account, with decisions protecting the character and beauty of the countryside including the impact of heritage.

The setting of the bridge is rural in nature with open, agricultural fields to the south of St Andrews Lane. The road itself is bounded by thick vegetation, tree lined with various hedgerow. To the north, a restricted byway extends northeast, following the line of the former track, meeting St Andrews Lane to the west of the bridge. This restricted byway is mostly tree lined with open, agricultural fields and small pockets of trees beyond.

The works carried out are described within supporting documentation as “infilling beneath the span with structural fill composed of a layer of 6C free draining material laid to fill the depression beneath the bridge and form a 0.8m thick layer above the current ground level on both sides in order to aid surface water through flow. The remaining fill beneath the span comprised 6N granular structural fill and foamed concrete. New embankments were formed from 6N material and tied into the existing ones. All new and worked surfaces were topsoiled and grass seeded.” The works also involved the loss of several mature trees.

Various supporting information has been submitted to justify the works. This includes a range of technical information regarding the structural integrity of the bridge and the impact that the infilling carried out will have on the fabric of the bridge itself. The Conservation Officer states that “the information submitted is technical and attempts to explain why the infilling of the bridge will not be harmful to the concrete detailing and the structure. Concrete conservation is a quick developing subject and it is clear that much about the subject is unknown. It is also evident that other alternative solutions to the conservation of this structure were possible and that they were considered unacceptable.”

Notwithstanding the technical details surrounding the method of infilling and impact on the fabric of the structure, the works carried out have had a profound physical impact on the bridge structure with no visible arch and the structure almost entirely encased.

The line of the railway is still evident within the landscape on either side of the bridge. The Conservation Officer states that “a slight depression in the field is visible to the south and the gap in the trees and the presence of the field to the north allows a sense of the former line to be appreciated at this point. The infilling of the bridge arch means that the line of the railway is unable to be experienced through the bridge which does result in a loss of legibility and a loss of evidential and historic significance.”

The Conservation Officer also notes within their correspondence that “the design of a bridge in the Marriott style so close to the end of his involvement with the railway and the systems involved in its construction as well as the architectural details underneath the bridge span and the superstructure, do give it some evidential, architectural and communal interest which could be higher in the context of west Norfolk than when considered on a county wide basis.”

The line of the byway to the north allows a clear view and appreciation of the historic context of the bridge and the line of the former tack. The works carried out have mostly obscured the bridge and the structure can no longer be viewed and appreciated in its full form heading south along the byway. As noted by the Conservation Officer, you can no longer appreciate the historic context of the bridge and whilst the setting reflects the evidence of the former tack, the bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the purpose of the structure itself.

Other than the parapets at the top of the bridge, all physical form of the bridge is buried. Given the history of the bridge and the association with the specific construction methods of James Marriot, the ability to understand, appreciate and experience the historic bridge alongside the wider setting would also require views of the underside of the bridge and its full form including the demolished wing walls. There is now no possible way to understand and view the elements of the structure that link to this rich and locally notable historic context as a result of the infilling. This causes harm to the appreciation of the heritage asset, ability to understand the structure and setting as well as the architectural, evidential and historic value.

Alongside this, the wider visual impact results in an obscured heritage asset which in turn erodes the appreciation of the history of this rural area. Structures such as this enrich the rural countryside setting and evoking the temporal nature of the countryside and its intrinsic beauty. By carrying out the works described within this report the structure and its setting have been harmed. Not only does impact the heritage significance but also the visual qualities of the locality. This erodes the high quality rural environment and the diversity that historic structures bring and contribute to this and certainly does not protect the intrinsic character of the countryside setting.

Overall, taking the above assessment into account, it is considered that the infilling of the bridge results in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is contrary to paragraph 130, 189 and 203 of the NPPF. Alongside this, the development does not protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area. As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

Impact on Neighbour Amenity

There are no immediately adjoining residential properties to the site and both the nature of the works to infill the bridge and the fact that they have already been carried out leads to the assessment that there are no amenity issues as a result.

Active Travel and Highway Safety

NCC Highways and NCC Public Rights of Way (PROW) both raise no objection. No evidence of a current proposal or future plans for an active travel route has been provided and it is also important to note that the adjacent footpath is not aligned under the bridge span, it instead leads towards St Andrews Lane to the west of the bridge itself. No indication has been made by the Local Highway Authority that this route would be included in any current or future walking and cycling strategy. A refusal on this basis could not therefore be sustained and the proposal would be in accordance with Policy CS11 of the Core Strategy 2011. Policy DM13, regarding protected former railway trackways and routes is assessed within the principle of development section of this report.

Ecology and Arboricultural Impact

The applicant has provided an Ecological Appraisal (EA) and Habitats Regulation Assessment (HRA) which details the assessments carried out for protected species, habitats, and protected sites. A full suite of bat surveys was undertaken in 2020 and subsequent update surveys in 2021 up to the start of works in March 2021. No bats roosts were identified during those surveys and therefore no Natural England Mitigation licence was required to facilitate the works.

Both the HRA and EA details that a licenced bat ecologist supervised the works to the bridge and that an Ecological Clerk of Works was present to fingertip search any vegetation being cleared. No significant impacts to European Protected sites were identified within the HRA.

No objection has been received from Natural England or the BCKLWN Ecologist who states that they agree with the conclusions made in the above referenced reports. Natural England specifically note:

“Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.”

Therefore, is not considered that there are any significant or adverse impacts on ecology or protected species that could warrant refusal on this ground and the development is in accordance with policies: CS08 and CS12 of the Core Strategy 2011 and DM19 of the Site Allocations and Development Management Policies Plan 2016.

The Arboricultural Officer has no comments as the works have already been carried out with no further works to trees proposed.

Other Matters Requiring Consideration Prior to the Determination of this Application

Parish Council Comment

It is considered that issues raised by the Parish Council are addressed in the above report and within the reason for refusal for this application.

Consultee Comments

The background situation relating to the structural issues with the bridge and the justification from the applicant for the works originally carried out are included within the above report. While the works were originally carried out with the applicant considering them to be Permitted Development, they have subsequently been notified that a planning application is required, hence the consideration of this application.

Notwithstanding the technical justification and reasoning of the works, through consultation with the Borough Council's expert Conservation Officer, the impact of the works on the heritage status of the bridge are addressed within the above report.

Ecology and wildlife impact of the scheme are addressed within the above report as are impact on highway safety and active travel.

Third Party Comments

Objection Comments

It is considered that comments regarding the heritage impact of the works carried out are addressed within the above report and reason for refusal. The bridge is not a listed structure at this time and is assessed as a non-designated heritage asset.

The applicant's justification is outlined within the above report and supporting documentation, this is not fully a consideration for the planning application, instead the application is assessing the impact as a result of these works as explored within this report. This planning application has been required to be submitted and is determined based on the works carried out and their impacts. Regarding the carbon footprint of the works and embodied carbon, it is not considered that there is suitable evidence or justification to reasonably consider or refuse the application on this ground.

Ecology and Arboricultural impacts are addressed within the above report as are highway safety and active travel impacts including the use of the track as an active travel route.

It is not considered that this application leads to a loss of green space as the works are confined to the span under the existing bridge.

Policy consideration is addressed within the above report including CS08, CS11 and CS12 of the Core Strategy 2011 and DM13 of the Site Allocations and Development Management Policies Plan 2016 as well consideration of the NPPF.

Support Comments

The justification for the recommendation of refusal is explored in detail in the above report, especially noting the heritage value and significance alongside the setting and views of the bridge. Whilst it is noted that previous antisocial behaviour associated with the bridge has taken place previously, such as fly tipping, would be dealt with either by private landowners or by nuisance legislation outside of the scope of this planning application. The cost of the works and any remedial works are not a material planning consideration. As noted by the Conservation Officer, notwithstanding technical details supplied, it is not clear that infilling of the bridge was the only viable option and the harm caused to heritage is addressed above.

Whilst this application has received a large number of public comments, the application is before Members at Planning Committee for transparency and for local residents and any other consultee or representation to be made.

CONCLUSION

Overall, based on the wider policy background regarding the transport network and the fact that the works seek to ensure the safety and ability to use St Andrews Lane and the associated bridge, it is considered that certain works to the bridge and trackway may be

considered to be acceptable in principle. Alongside this, there have been no adverse or unacceptable impacts identified regarding, neighbour amenity, active travel and highway safety or ecology and arboricultural impacts following assessment and responses from expert consultees.

However, the infilling of the bridge arch has meant that the line of the railway is unable to be experienced through the bridge, resulting in a loss of legibility and a loss of evidential and historic significance. The bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the structure itself. When considering the planning balance of the benefits of the works as presented by the applicant against the harm to the heritage asset, it is considered that the works result in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is therefore considered to be contrary to paragraph 130, 189 and 203 of the NPPF.

Alongside this, the development has caused harm to the visual qualities of the rural area and the appreciation of its heritage and character. This is not considered to protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area. As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

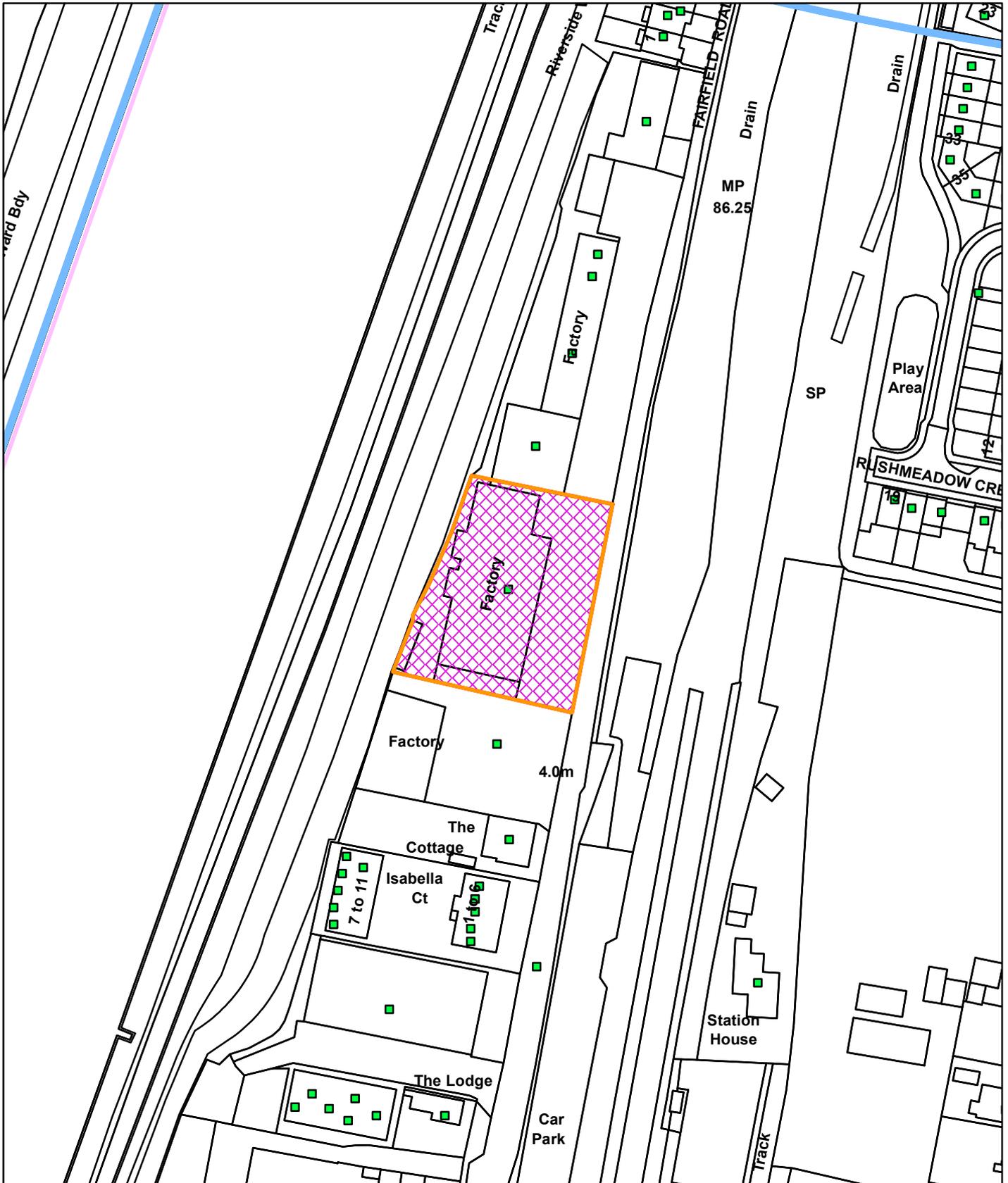
RECOMMENDATION

REFUSE for the following reason(s):

- 1 Reason: The infilling of the bridge arch means the line of the railway is unable to be experienced through the bridge, resulting in a loss of legibility and a loss of evidential and historic significance. The bridge is now obscured, severing the visual link and ability to appreciate the historic context of the locality and the structure itself. This results in less than substantial harm, moderate in scale to the non-designated heritage asset and the development is contrary to paragraph 130, 189 and 203 of the NPPF. Alongside this, the development does not protect the countryside for its intrinsic beauty and the diversity of its heritage, does not preserve, protect or enhance the historic environment and is not sensitive to the historic context of the surrounding area. As such, the development is also contrary to Policies CS06, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

23/00493/F

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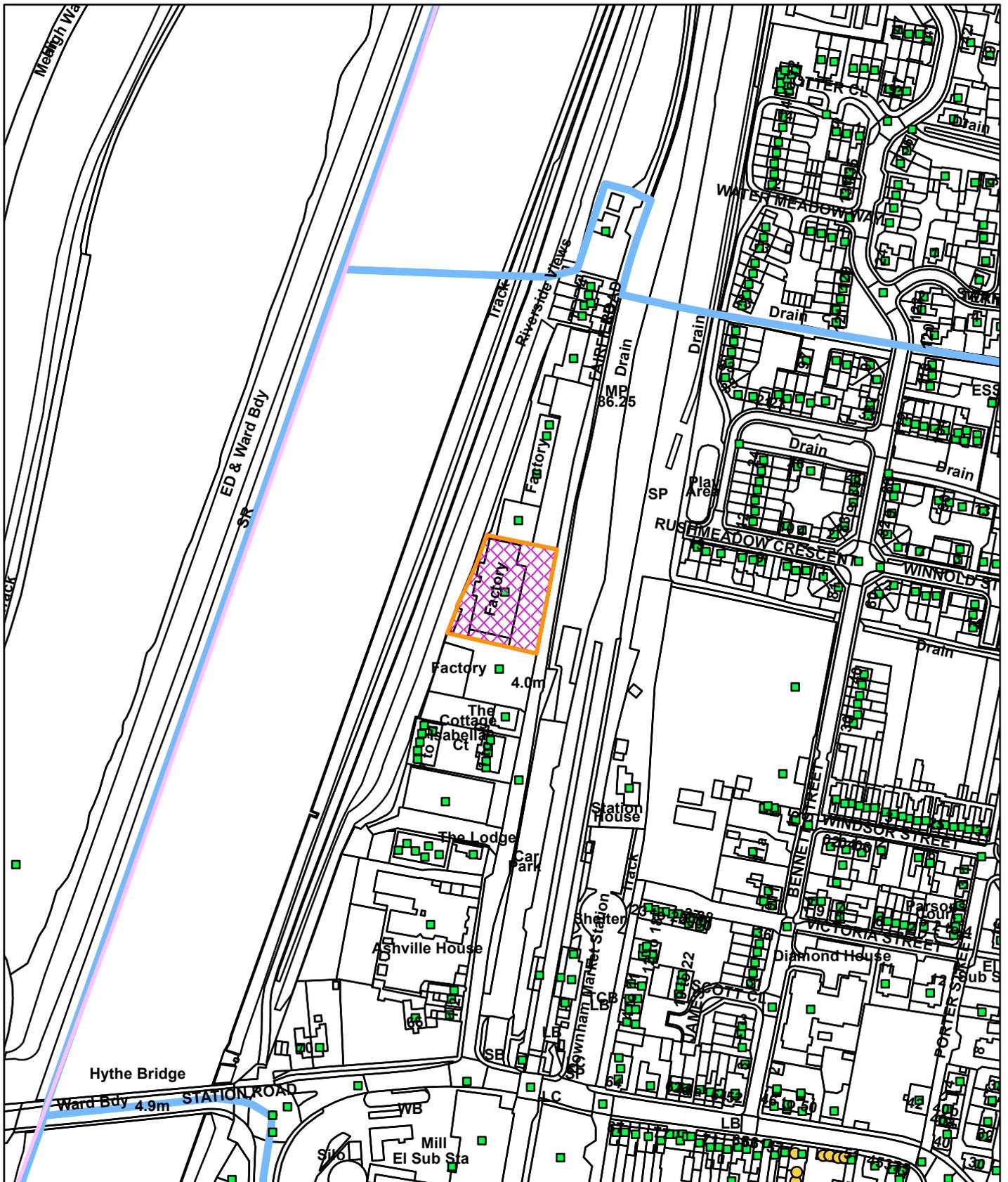
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Parish:	Downham Market	
Proposal:	Demolition of existing buildings and replacement with 8 no. dwellings	
Location:	Unit 6 To 8 Fairfield Road Downham Market Norfolk	
Applicant:	Tower Street KL Ltd	
Case No:	23/00493/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 12 May 2023 Extension of Time Expiry Date: 6 October 2023

Reason for Referral to Planning Committee – The views of the Town Council and Norfolk County Council Public Rights of Way Officer are contrary to the officer recommendation and at the direction of the Planning Sifting Panel (06/09/23).

Neighbourhood Plan: No

Case Summary

The application site is an area of 0.18 ha of land, located to the west of the town of Downham Market. Access to the site is via Fairfield Road which is a private unadopted road and a Public Right of Way. The site is situated between the railway tracks to the east and the River Great Ouse to the west, with Fairfield Road consisting of a mixture of residential development and employment uses. The site was previously in employment use but is currently vacant.

This application seeks full permission for the construction of eight residential units comprising of two blocks of 4 no. two-storey dwelling houses with designated parking spaces and private amenity spaces.

The site lies within the development area of the town, Flood Zone 1 of the adopted Strategic Flood Risk Assessment and Environment Agency’s Tidal Hazard Mapping Zone.

Key Issues

- Principle of Development
- Form and Character
- Residential Amenity
- Access and Public Rights of Way
- Flood Risk
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site has an area of 0.18 ha tapering in depth from south to north and contains a substantial redundant industrial/warehouse building with a large concrete forecourt. It is located on the western side of Fairfield Road which is a private unadopted road and a Public Right of Way. The site is situated between the railway line to the east and the River Great Ouse to the west, with Fairfield Road consisting of a mixture of residential development and commercial/employment uses. It is proposed to demolish the existing building and redevelop the site with housing.

Initially 9 no. two storey dwellings were proposed – terraced blocks of 4 and three along the road frontage, plus a further pair of semis to the rear (orientated with north and south facing fenestration). The density of the scheme and inter-relationships between the proposed dwellings and those already approved on the adjoining site to the immediate south was not satisfactory, a negotiated amended scheme was subsequently submitted. This is now before members for determination.

This amended application seeks full permission for the construction of 8 no. residential units comprising 2 blocks of 4 no. three bedroomed two-storey dwelling houses with designated parking spaces and gardens to the rear, following demolition of the existing building. Access is proposed off Fairfield Road at the northern end of the site adjoining the neighbouring commercial uses (Kerry Motor Services (Mot and Service Centre) plus Central Tyres beyond).

These houses are simple designs with elevated finished floor levels to negate flood risk implications. Whilst the facing materials are not defined at this stage due to availability concerns, the plans indicate facing bricks to front and side elevations with render to the rear under concrete roof tiles plus flat-roofed ground floor projections in boarding. Gablettes are used on the front façade to articulate the roofscape – similar to other developments in this locality, along with a brick corbel course detailing between floors.

As stated above, the site lies within the defined development area of Downham Market; within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment but within the Environment Agency's Tidal Hazard Mapping Zone.

SUPPORTING CASE

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

“The application site on Fairfield Road in Downham Market lies within the defined development boundary of the town and comprises brownfield land that is occupied by a former industrial / warehouse unit. The site lies in a highly sustainable location, in close proximity to Downham Market railway station and walking distance to the services and facilities of the town centre. The principle of redevelopment of the site is therefore acceptable subject to compliance with all relevant planning policies.

The proposal seeks approval for demolition of the existing buildings and replacement with 8 no. 3-bedroom dwellings in two small terraces. The original proposal was for 9 no. dwellings with 2 no. units situated to the rear of the site. However, in light of Officer preference for frontage development only, the scheme was revised to provide 8 no. dwellings fronting the

road with private parking at the rear, to ensure it doesn't dominate the streetscene. A set back from Fairfield Road has still been maintained in order to ensure there is no encroachment onto the public right of way (Downham Market RB13).

Historically Fairfield Road would have predominantly comprised industrial units with residential properties being less prevalent, however this has changed over the years with more of the commercial units reaching the end of their life and the sites being redeveloped for much needed housing. The adjacent site to the south is a recent example of this and the proposal has been sensitively designed to provide an appropriate transition between the recently approved residential properties to the south and the existing commercial units that remain to the north.

Each dwelling will have its own private rear garden that will be turfed with grass and provided with adequate bin storage and rear access. Although the garden areas for the northern terrace are slightly smaller than those proposed to the south, the space provided is still considered appropriate for the size of dwellings, particularly given the location of the site within the town. It is also important to note the size of rear gardens proposed are greater than those recently permitted for the residential development of 8 no. dwellings to the south and other more established residential units along Fairfield Road.

Given the location of the site in close proximity to the railway line and a Motor Services unit on adjacent land to the north, an environmental noise assessment has been carried out in support of the application. Provided that a 2m high acoustic fence is installed along the north boundary of the garden of Plot 1, daytime average noise levels in the rear gardens of all plots are expected to be acceptable in accordance with WHO guidance. The noise assessment therefore concludes there is no noise-related reason to withhold planning permission.

The character of existing residential properties along Fairfield Road is mixed, but the majority of units front the road and are two storeys in height with ridged roofs. A simple yet contemporary design has therefore been proposed for the site that has similar characteristics to that recently approved on the land to the south, to ensure the proposal integrates well in the streetscene. All units will be constructed in quality bricks and render with uPVC windows.

The siting and orientation of the proposed dwellings, alongside their distance from shared boundaries and the position of habitable room windows ensures there will be no significant overlooking or loss of privacy to any of the approved properties that adjoin the site.

Vehicular access into the development will be via a private drive provided at the northern end of the site adjacent to the neighbouring commercial unit. All dwellings include provision of 2 no. allocated car parking spaces, which exceeds that provided for similar sized properties on nearby developments given the sustainable location. A pedestrian footpath between the two terrace rows is also proposed from Fairfield Road through to the car parking area at the rear.

The proposal has been subject to input from relevant technical consultees and care has been taken to ensure that any concerns raised have been adequately addressed. Consequently, there are no objections from these parties in respect of flood risk, drainage, highways, or environmental health.

Whilst the Norfolk County PROW officer has raised an objection to the proposal, they have failed to take account of the fact that the development is proposed on a brownfield site that has previously been in use for commercial purposes and has therefore always had vehicular traffic associated with it, most likely including HGV movements. The proposal would therefore not result in an increase in vehicular traffic along the PROW and would in no way affect its use.

The concerns of the Town Council have also been noted in terms of the existing condition and drainage problems along Fairfield Road and the applicant will ensure the proposed development will not cause any increased impact. However, it is not the responsibility of the applicant, or within the remit of this application for minor development, to resolve the historic problems along Fairfield Road.

In terms of drainage, the intention is for the proposal to discharge into the Relief Channel via the existing piped system which the IDB do not raise any objection to in principle. The applicant is content with the imposition of a condition requiring submission and approval of full surface water drainage details.

To conclude, the proposed development would provide good quality, much needed housing on a brownfield site in a highly sustainable location within Downham Market. The proposal is acceptable in terms of flood risk and highway safety, would provide a high quality living environment for future occupiers and would not result in any detrimental impact on the existing character of the area or neighbour amenity.

As a result, the development is considered to accord with all relevant planning policies of the adopted Local Plan, as well as national planning policies and guidance within the NPPF. It is therefore respectfully requested that Members grant planning permission subject to conditions in accordance with the Officer recommendation.”

PLANNING HISTORY

None recent/relevant

Adjoining site to the south:

22/01484/F: Application Permitted: 10/11/22 - VARIATION OF CONDITION 1 OF PLANNING PERMISSION 21/01105/RM: Reserved Matters: Construction of 8 Dwellings with access (Committee decision)

22/00527/S257: Non-determination: Application for Public Footpath to be stopped up

21/01105/RM: Application Permitted: 24/02/22 - Reserved Matters: Construction of 8 Dwellings with access (Delegated decision)

08/01604/FM: Application Permitted: 09/09/08 - Construction of 12 dwellings - The Cottage and Factory Fairfield Road (Committee decision)

RESPONSE TO CONSULTATION

Town Council (Initial submission): APPROVE as long as any provisions of the flood risk assessment and comments of the Environmental Quality officer are observed.

(Amended scheme): OBJECT - Downham Market Town Council recommends refusal of this application until such time that the condition of the road is improved, the Restricted Byway concerns are resolved and the arrangements of the road drainage into the Relief Channel are improved.

Local Highway Authority (NCC) (Amended scheme): NO OBJECTION subject to condition regarding provision of access, parking and turning in accordance with the revised plans.

Public Rights of Way (NCC) (Amended scheme): OBJECTION - This proposal will increase vehicular traffic on a Restricted Byway, Fairfield Road, where there is no legal public access in motorised vehicles. As a Restricted Byway it is not liable to be publicly maintained to a vehicular standard. Norfolk County Council will not be liable to maintain this route to facilitate more private traffic. The surface of the track is not suitable for increased vehicular traffic and will only deteriorate further, which could compromise the legitimate non-motorised users. Any vehicular access to the proposed properties will have to rely on existing private rights of access.

In summary we object to the proposal as it is prejudicial to the use and enjoyment of the legitimate public rights and the long-term security of the surface of the highway.

Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION subject to conditions relating to recommendations of the submitted Noise Impact Assessment, acoustic boundary treatment to north of Plot 1, lighting scheme and a Construction Management Scheme.

Environment Agency: NO OBJECTION subject to condition relating to implementation of flood mitigation measures.

District Emergency Planning Officer: NO OBJECTION advises that should sign up to the EA's Flood Warning System and prepare an evacuation plan. [Officer note: Dealt with via informative note on any permission due to enforceability concerns and tests applied to the use of conditions].

Stoke Ferry Internal Drainage Board (Amended scheme): NO OBJECTION but points out that additional information would be required to ensure that the off-site drainage system has adequate capacity and there is a right to connect/discharge into the Relief Channel (under the control of the Environment Agency).

Environmental Quality: NO OBJECTION subject to conditions relating to contamination and Electric Vehicle charging facilities.

Housing Development Officer: NO OBJECTION – The site area is under 0.5ha and not within a designated rural area, so an affordable housing contribution is not required.

Waste and Recycling Manager (Amended scheme): NO OBJECTION

Cadent Gas: NO OBJECTION in principle.

Norfolk Constabulary (ALO): NO OBJECTION – offers advice on pursuit of Secured by Design accreditation.

Network Rail: NO OBJECTION

Natural England: NO OBJECTION subject to Habitat Regulations Assessment.

REPRESENTATIONS

One item of correspondence neither supporting nor objecting to the application but making the following summarised comments:

- Businesses beyond the site will require access at all times;
- Fairfield Road suffers from train users parking so a clear route is essential;

- Allocated off-road parking for all dwellings required; and
- Will the developer make repairs to the road?
- One item of correspondence raising **OBJECTION** on the following summarised grounds:
- Road is unadopted with large potholes and a sunken drain;
- Floods after heavy rain; and
- The road can't take any more traffic unless this issue is resolved.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS04 - Downham Market

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main issues for consideration in determining this application are as follows:

Principle of Development
 Form and Character
 Residential Amenity
 Access and Public Rights of Way
 Flood Risk
 Other Material Considerations

Principle of Development

The application site lies within the development boundary for the town of Downham Market as defined on Inset F1 of the Site Allocations and Development Management Policies Plan (2016) (SADMPP). Policy DM2 states that development will be permitted within the development boundaries of settlements provided it is in accordance with the other policies in the Local Plan. Policy CS04 of the Core Strategy (2011) (CS) supports the provision of new housing balanced with the need to provide additional services and local facilities both to meet the needs of the future population and also to redress present inadequacies within the existing level of services within the town. Downham Market is identified as a Main Town in the settlement hierarchy of Policy CS02 of the CS, where significant development is proposed to take place.

The site is 'brownfield' or previously developed land as defined in Annex 2 of the NPPF, and contains a former industrial/warehouse unit that has effectively reached the end of its lifespan and is no longer considered to be suitable for modern commercial use/s.

Whilst Policy CS10 of the Core Strategy (2011) seeks to retain land or premises currently or last used for employment purposes, there are exceptions where it can be demonstrated that: the 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; 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.

In this case, the existing building was marketed for sale by Brown & Co as a factory premises, but there was no interest in the site for its former use. With the existing building being towards the end of its life, it is not attractive to future commercial occupiers when other newer and more attractive premises are available within the town and local areas.

In addition to the above, although Fairfield Road once comprised several warehouses and industrial units, many of these plots have already been (or are permitted to be) replaced by residential dwellings, including the site immediately to the south. This means the character of Fairfield Road has evolved and continues to change towards residential/mixed commercial use.

Paras 120 and 123 of the NPPF recognise the value of these types of site and advises that in decision making substantial weight should be given to the value of using suitable brownfield land within settlements for homes; support appropriate opportunities to remediate derelict or contaminated land. The guidance promotes the redevelopment of under-utilised land and buildings, especially if this would help to meet identified needs for housing and other locally available sites could be used more effectively for employment and commercial use. The guidance supports proposals to use employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors.

The site is not being utilised to the most efficient land use and its sustainable location, size and surrounding uses make it suitable for redevelopment for residential properties.

The principle of residential development on the site is therefore acceptable and in accordance with the NPPF, Policies CS02 and CS04 of the Core Strategy (2011) (CS) and Policy DM2 of the SADMPP, subject to compliance with other policies in the Local Plan.

Form and Character

As stated above, Fairfield Road comprises a mix of commercial and residential uses along its length which runs parallel to the railway line.

To the north of the site lies existing commercial units – Kerry Motor Services and Central Tyres beyond.

To the immediate south, permission has recently been granted for residential development comprising 8 no. dwellings - a terrace of three two storey dwellings and a single two storey dwelling along the frontage of the site, with two pairs of semi-detached three storey dwellings to the rear.

This application seeks full permission for the construction of 8 no. residential units comprising 2 blocks of 4 no. three bedroomed two-storey dwelling houses with designated parking spaces and gardens to the rear, following demolition of the existing building. Access is proposed off Fairfield Road at the northern end of the site adjoining the neighbouring commercial uses.

These are simple contemporary houses with elevated finished floor levels to negate flood risk implications. Whilst the facing materials are not defined at this stage due to availability concerns, the plans indicate facing bricks to front and side elevations with render to the rear under concrete roof tiles, plus flat-roofed ground floor projections in boarding. Gablets are used on the front façade to articulate the roofscape – similar to other developments in this locality, plus brick detailing between floors.

In terms of form, character and appearance, the proposal accords with the locality and the provisions of the NPPF, Policy CS08 of the CS and Policy DM15 of the SADMPP plus the National Design Guide.

Residential Amenity

Given the proximity of the site to commercial uses located immediately to the north and the railway line to the east, then the applicants have submitted an Environmental Noise Assessment report. The report identifies suitable mitigation measures to protect future residents against these sources of noise and disturbance.

The site is laid out to give private amenity spaces to the rear/west of the houses away from the railway line and an acoustic fence is proposed to the northern boundary of Plot 1 which lies closest to the commercial units. Acoustic design recommendations and specifications have been made for the building envelope so that noise levels in habitable rooms would comply with the relevant criteria. CSNN confirm this to be appropriate and implementation of those measures can be secured via condition.

Paragraph 187 of the NPPF requires that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. As such the proposal for residential development includes suitable mitigation measures to enable the business to the north of the site (Kerry Motor Services) to continue to operate as it has done to date. CSNN have raised no issue with this inter-relationship.

A Construction Management Plan may be secured via condition to cover noise and disturbance to existing nearby dwellings to the south and north of the site during the construction phase.

The relationships between the proposed dwellings and neighbouring uses are therefore considered to be acceptable. The proposal is therefore in accordance with the NPPF, Policy CS08 of the CS and Policy DM15 of the SADMPP.

Access and Public Rights of Way

This matter is subject to a current unresolved objection from NCC Public Rights of Way.

Fairfield Road is adopted to a point approx. 115m south of the application site. Northwards of that point the track is tarmacked but has potholes and an apparent record of poor of maintenance over the years.

In response to consultation the NCC Public Rights of Way Officer states:

“This proposal will increase vehicular traffic on a Restricted Byway, Fairfield Road, where there is no legal public access in motorised vehicles. As a Restricted Byway it is not liable to be publicly maintained to a vehicular standard. Norfolk County Council will not be liable to maintain this route to facilitate more private traffic. The surface of the track is not suitable for increased vehicular traffic and will only deteriorate further, which could compromise the legitimate non-motorised users. Any vehicular access to the proposed properties will have to rely on existing private rights of access.

In summary we object to the proposal as it is prejudicial to the use and enjoyment of the legitimate public rights and the long-term security of the surface of the highway.”

The route of the PROW is not dictated by ownership, but rather Public Rights of Way are routes of public access over private land. Boundary research undertaken by NCC shows the route on historical maps and it is evident there are many examples along Fairfield Road where development has taken place over the historical PROW, including the front boundary wall of the dwelling ‘The Cottage’ to the south. Illegal encroachment is not however legitimised by time.

The amended scheme indicates that the proposed development has been set back to avoid encroachment onto the dedicated PROW.

The site is that of a commercial use (believed to be an upholstery manufacturing business) which obviously would have attracted a significant volume of traffic at its prime including HGVs.

The proposed development of 8 dwellings would not result in either encroachment or the loss of any PROW. In addition, the existing commercial use would attract a certain level of vehicular movements which should be off-set/compared with the current proposal. It is noted that there are no objections from the NCC Highways Officer subject to access, parking and turning provisions being implemented prior to occupation.

The objection is from the PROW officer who has not been consistent given no objections to the residential development scheme directly to the south of this site. Contact has been sought with the PROW officer to explain this inconsistency but without success.

Paragraph 111 of the NPPF confirms that...*“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”* This is clearly not considered to be the case in this application.

It would be disproportionate and inconsistent to ask the applicants for off-site improvements to the PROW.

Two parking spaces per dwelling are proposed and there is adequate space to accommodate secure cycle parking en-curtilage. The levels of parking are an over-provision compared with other town centre schemes with access to alternative modes of public transport.

The scheme is therefore considered to be in accordance with the NPPF, Policy CS11 of the CS and Policies DM15 and DM17 of the SADMP.

Flood Risk

The application site lies within Flood Zone 1 of the Strategic Flood Risk Assessment (SFRA). However, the Environment Agency's Tidal Hazard Mapping identifies that the application site also falls within an area at risk of flooding in the event of a breach of the River Ouse defences. The NPPF requires that new development is directed away from areas at highest risk of flooding and advises to apply the sequential test to new development schemes.

The applicant has submitted a Flood Risk Assessment (FRA) for the site which demonstrates that the development can be made safe from all sources of flooding. Sequential testing has been undertaken and there are no reasonably available sites on a like-for-like basis appropriate for this scale of development elsewhere in the town and at a lower risk of flooding.

The next stage of the process is to consider the vulnerability of the use. The residential use is categorised as 'more vulnerable', and in line with the technical guidance of the NPPF and given the site is within Flood Zone 1, the exception test is not required. Therefore, the application has met the requirements of the NPPF and Policy CS08 of the Core Strategy (2011), regarding flood risk specifically.

The FRA, in its recommendations, refers to Finished Floor Levels for the dwellings to be set at 4.25m AOD (approx. 1m above existing ground level). In street scene terms the proposed dwellings are similar to those adjoining to the south and therefore with a finished floor level of this height, would have limited impact on the street scene or neighbour amenity. The Environment Agency has requested that this may be controlled via condition.

The proposal accords with the provisions of the NPPF, PPG and Policy CS08 of the CS.

Other Material Considerations

Foul water is proposed to be disposed of via mains sewerage.

Surface water from the development is proposed to be discharged into the Relief Channel to the west via existing connections; the suitability/capacity of this can be secured via condition as with the adjoining site to the south. The IDB have not raised objection to this route and discharge would be controlled by the EA. There is ample space to accommodate attenuation measures (subterranean crates) within the site under parking/road if necessary. The details of SW disposal can therefore be secured via condition - prior to the commencement of groundworks to allow demolition of the existing buildings to occur enabling contamination investigations to be pursued.

Drain in Fairfield Road - The concerns of the Town Council and the third-party objector are noted in terms of the existing condition and drainage problems along this road. However, it is

not the responsibility of the applicants, or within the remit of this application, to resolve the historic problems along Fairfield Road.

Secure by Design – The Norfolk Constabulary ALO has offered advice on the pursuit of SBD accreditation. Lighting is to be secured via condition and certain measures (e.g., lockable gates to passage) can be incorporated into the hard and soft landscaping which is again subject to condition.

Contamination - To be covered by a suite of conditions as suggested by Environmental Protection.

Electric vehicle charging – Covered by Building Regulations.

Impact upon biodiversity - The proposal has been had a shadow Habitat Regulations Assessment undertaken; there is no adverse impact upon designated sites and a GIRAMS payment has been completed.

Affordable housing – There is no affordable housing contribution required in connection with this development given the size of the site and number of dwellings proposed.

CONCLUSION

The planning application seeks consent for the construction of 8 dwellinghouses at Fairfield Road – a brownfield site within the defined development area of Downham Market. The existing building has been unsuccessfully marketed for commercial use but is now otherwise redundant and no longer suitable for modern needs/use.

The principle of residential land use in this area has already been established by other developments completed and commenced along Fairfield Road, indeed an immediately adjacent site was granted permission for residential use in 2021. The character is progressively evolving from commercial to residential.

The design and appearance on the dwellings are sympathetic to this locality. The overwhelming majority of technical consultees raise no objections and consider all technical issues are either resolved or can be addressed via condition.

The only technical objection to the proposal is from the NCC Public Rights of Way.

The proposed development would not result in the loss of, or encroachment onto, any PROW. In addition the existing commercial use would attract a certain level of vehicular movements which should be off-set/compared with the current proposal. It is noted that there are no objections from the NCC Highways Officer subject to access, parking and turning provisions being implemented prior to occupation.

The objection from the PROW officer is considered to be disproportionate and inconsistent to recent responses on immediately adjacent sites for similar proposals.

Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is clearly not the case.

It would be disproportionate and inconsistent to require the applicants to provide off-site improvements to the PROW.

The proposed development is therefore in accordance with the NPPF, PPG, Policies CS01, CS02, CS04, CS08, CS10, CS11 & CS12 of the CS and Policies DM1, DM2, DM15, and DM17 of the SADMPP. The application is hereby recommended for approval subject to certain conditions listed below.

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:
FR-DM-N-SS01 Site Survey & Location Plan,
FR-DM-N-SL02 Proposed Site Plan,
FR-DM-N-04 C Proposed Street & Rear Elevations,
FR-DM-N-05 B Sections and
FR-DM-N-05 B Proposed Ground & First Floor Plans.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).
- 3 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

4 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4 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.

5 Condition: The approved remediation scheme must be carried out in accordance with its terms 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.

5 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.

6 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 in accordance with condition 5.

6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

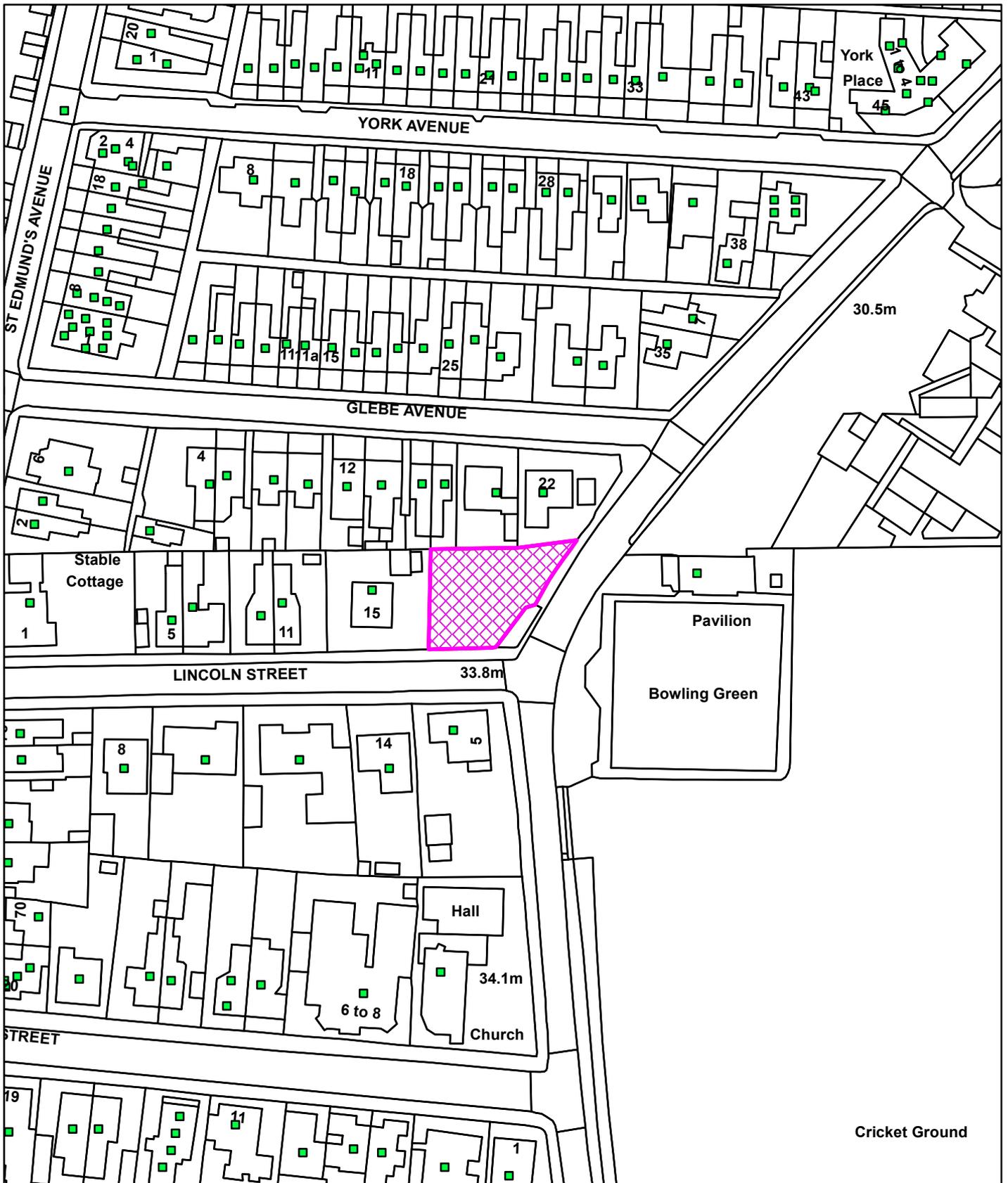
- 7 Condition: Prior to the commencement of groundworks, full details of the surface water drainage arrangements shall have been submitted to, and approved in writing by, the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 8 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.
- 8 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 9 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking /turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 9 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and to accord with Policy DM15 of the SADMPP (2016).
- 10 Condition: The development shall be implemented in accordance with the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Evans River and Coastal Ltd, REF:3119/RE/01-23/ 01 Revision B). In particular, the FRA recommends that:
- Finished floor levels will be set no lower than 4.25m AOD.
- 10 Reason: To safeguard the development at times of high risk of flooding in accordance with the provisions of the NPPF and Policy CS08 of the Core Strategy (2011).
- 11 Condition: Prior to the first occupation of the development hereby approved, details of the method of any lighting and extent of illumination to the access road, footpaths, parking, and circulation areas shall be submitted to, and approved in writing by, the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.
- 11 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Policy DM15 of the SADMPP (2016).
- 12 Condition: Prior to commencement of development a detailed construction management scheme must be submitted to, and approved by, the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, and

proposed attenuation and mitigation methods to protect residents from noise, vibrations, dust and litter. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.

- 12 Reason: To ensure that the amenities of nearby residents are safeguarded in accordance with the NPPF and Policy DM15 of the SADMPP (2016).
- 13 Condition: Prior to the first use or occupation of the development hereby approved, 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. 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.
- 13 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 14 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.
- 14 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 15 Condition: The development hereby approved shall be carried out in accordance with the recommendations of the Environmental Noise Assessment produced by Adrian James Acoustics Ltd referenced 13579/1A and dated 15 September 2023. These measures include-
1. Installation of an acoustic fence (as detailed on Figure 8) along the northern boundary of Plot 1 with the following specifications-
 - Be 2m high imperforate and have no holes or gaps;
 - Achieve a minimum surface mass of 10kg/m².
 2. The dwellings should incorporate the noise control measures as detailed in the report in section 7.2. For clarity plots 1-8 should encompass the measures specified in System 1 applied to facades highlighted in blue, and System 2 applied to facades highlighted in green on Figure 7.
- The development shall be constructed and retained in perpetuity in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 15 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and Policy DM15 of the SADMPP (2016).

23/00348/F

15 Lincoln Street Hunstanton Norfolk PE36 6AS



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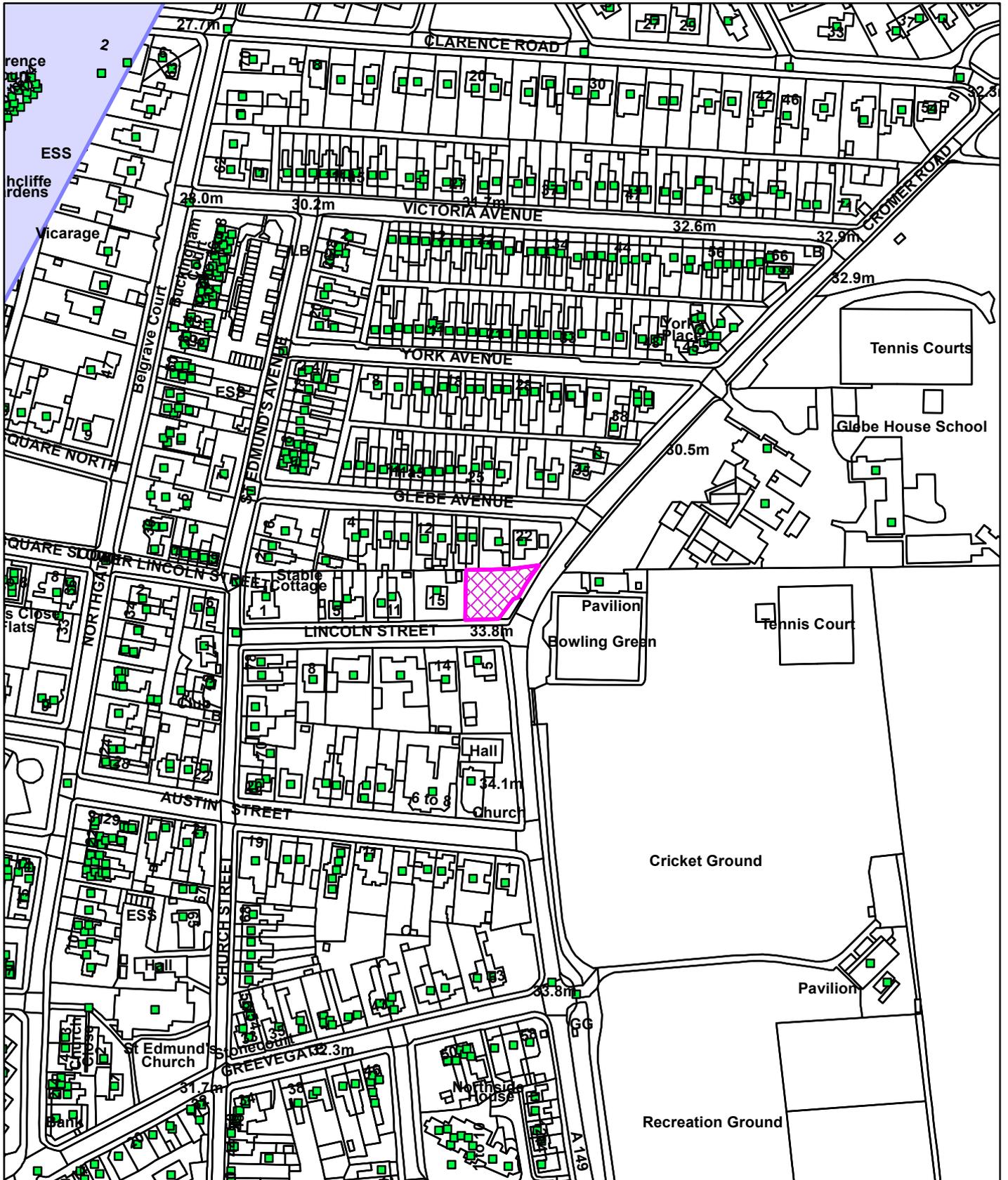
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23/00348/F

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19/09/2023



Parish:	Hunstanton	
Proposal:	New residential dwelling on land East of 15 Lincoln Street, Hunstanton	
Location:	15 Lincoln Street Hunstanton Norfolk PE36 6AS	
Applicant:	S Curtis	
Case No:	23/00348/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 11 May 2023 Extension of Time Expiry Date: 6 October 2023

Reason for Referral to Planning Committee – Called in by Councillor Bower and officer recommendation contrary to that of the Town Council.

Neighbourhood Plan: Yes

Case Summary

The application proposes the subdivision of the existing plot to the east of the main dwelling (Tower House) and the construction of a new dwelling. The application has been amended over time to seek to address concerns regarding the impact on neighbour amenity to the north as well as the design and materials of the dwelling. The development consists of a 1.5 storey dwelling, associated parking area and access onto Lincoln Road. The site is located within the Conservation Area.

Key Issues

- Principle of Development
- Form and Character and impact on the character and appearance of the Conservation Area
- Impact on Neighbour Amenity
- Highway Safety
- Any other matters requiring consideration prior to determination of the application

Recommendation REFUSE

THE APPLICATION

The application site consists of an existing detached dwelling set within a large plot with extensive mature trees and vegetation. This is located on the prominent corner of Lincoln Street and Cromer Road (A149) in central Hunstanton. The site is therefore residential in character with neighbouring dwellings to the north and west of the site. This location lies within the Hunstanton Conservation Area.

The application proposes the subdivision of the existing residential curtilage to the east of the main dwelling (Tower House) and the construction of a new dwelling with associated parking area and a new Vehicular and pedestrian access from Lincoln Street. The resultant plot would be slightly larger but comparable in size to the host dwelling. The proposed dwelling generally 1.5m storeys, pitched roof with a feature glazed gable to the front and is more contemporary in style given the areas more 19th and 20th century character. Materials include black roof tiles, render to the first floor and red brick to the ground floor.

Amended over time to seek to address concerns regarding impact on neighbour amenity to the north as well as the design and materials of the dwelling, the application consists of a 1.5 storey dwelling. The amendments to the scheme have been submitted unilaterally trying to address issues and not at the request of officers.

SUPPORTING CASE PROVIDED BY THE APPLICANT (Summarised for clarity)

Site Context

The application Site comprises of approximately 607m² of land adjacent to 15 Lincoln Street, Hunstanton, the donor dwelling.

The Site comprises of a garden area of lawn, hedges and trees that are used in association with 15 Lincoln Street. The trees are largely situated in the south-eastern corner of the Site. The site is bounded to the south by Lincoln Street and to the east by Cromer Road. To the north, south and west lie existing residential properties. The Site lies on the northern edge of Hunstanton Town Centre located within walking distance (0.3miles, 5-minute walk) to the High Street where a range of local facilities and services are available.

Designations

The Site lies within the settlement boundary for Hunstanton, as defined on the Local Plan Policies Map within the Hunstanton Conservation Area. The only reference to 15 Lincoln Street within the Hunstanton Conservation Area Character Statement is: 'A hedge in front of No 15 continues round into Cromer Road'.

None of the trees on Site are subject to a specific Tree Preservation Order, however, they are protected under the designation of the Conservation Area.

The Hunstanton Neighbourhood Development Plan (adopted in June 2022)- Point 45 highlights that "the provision of two or three bedroom, one or two storey housing is encouraged" – rather than the larger 4/5-bedroom houses which are often left empty half of the year because they are second/holiday homes.

Proposal

The entire site area of No.15 is 1,162m².

The proposed dwelling will sit on a site area of 607m²

The proposed dwelling footprint is 94m² - the plot ratio is therefore 1:6.5 or 15% coverage.

The proposal is low density especially in context to urban development recently approved in Hunstanton.

Layout

See drawing no: 674-101B. The proposed dwelling has been positioned as shown for different considerations:

The proposed dwelling is to have a designated / separate access to the donor dwelling No.15 allowing for full independent access, parking and turning and removing any necessity of on street parking (a concern of Hunstanton in general but The Avenues in particular). The trees and hedgerows as shown are to be retained. The proposed dwelling is set back because of not only the preservation of the trees and hedgerow but to keep the proposal of low visual impact with visual perspective.

The house will also benefit from South facing glazing and roof profiles allowing for sustainable heating / cooling methods including solar gain and PV panels.

Design and Scale

The proposed dwelling is for a 3-bedroom detached dwelling, designed to reflect the donor dwelling, new houses to the North, and other houses close by, in materials and roof profiles. The proposed height of the ridge line is to match that of 20 Glebe Avenue - a bungalow with roof conversion for an upper floor. No.22 was previously a bungalow and benefitted from a first-floor extension and now has a ridge some 2m higher than No.20 and this proposal.

The house is designed allowing for 2 bedrooms within the first floor / roof space and 1 bedroom suite at ground floor. This has been designed in consideration of the applicant's future needs and indeed any future occupants allowing for full accessibility. This was a requisite of Sustainable Homes Codes that some Local Authorities utilise allowing not only for someone with restrictive disabilities the chance to live within a family sized home but also in the event that any occupant could remain living in their home should they become restricted in movement.

During the process of the application amendments have been made moving the proposal away from the North boundary and amending the roof profile to lower the impact on the neighbours to the North.

Landscaping

A full tree report has been submitted to the LPA as part of this application. Trees and hedges are to be preserved as shown.

A new access / driveway and parking and turning area is to be provided.

The proposed dwelling benefits from adequate garden and ancillary space - reference made to the plot ratio.

Appearance

The proposal has taken into consideration the setting, existing materials, and properties within the immediate area. Having taken on board the Conservation Teams comments, we have amended the proposed materials to allow for red brick and render on the West part of the proposal, adjacent to and marrying with the donor dwelling.

We are also proposing to retain a more contemporary design on the East side which relates to both No. 20 and No. 22 Glebe Avenue and a dark coloured roof profile which also relates to No.5 Lincoln Street, opposite the site.

Access

The proposal is to create an independent access – separate to the donor dwelling allowing both to benefit from on site (off street) parking and turning areas and being able to access the highway in forward gear.

The proposed layout is as shown on the submitted drawings and it is anticipated that further details would be provided further to NCC Highways guidance and recommendations. Visibility is good.

The house is designed in consideration of the applicant's future needs – indeed any future resident's needs where full access to living, kitchen, bedroom and bathroom facilities are all on the ground floor level.

Planning History

A previous owner submitted for a much more ambitious proposal:

21/02309/F | Residential development of 2 dwellings on land north of Lincoln Street, Hunstanton | 15 Lincoln Street Hunstanton Norfolk PE36 6AS

Having considered 4 different layouts for 2 dwellings the application was withdrawn.

PLANNING HISTORY

23/00302/F: Application Permitted: 03/05/23 - Proposed Garage, Workshop and Alterations

22/00215/TREECA: Tree Application - No objection: 23/11/22 - T1 Tamerisk, T2 Laburnum, T3 Pyracantha, T4 pear, T5 apple, T6 apple, T7 pear, T8 apple, T9 spruce, H1 Leylandii, H2 Privet
Fell all. All in poor condition, or problematic location.

21/02309/F: Application Withdrawn: 07/04/22 - Residential development of 2 dwellings on land north of Lincoln Street, Hunstanton

RESPONSE TO CONSULTATION

Town Council: NO OBJECTION:

The Town Council Originally objected based on the application being considered an over development on the site and the impacts on the neighbouring properties. However, when the amended plan was submitted the Town Council supported the application which was repeated as below with the final amendment:

“The Council planners have considered all of the documentation including the revisions to the building size, the footprint, the retention of the trees, the retention of the hawthorn bushes, the reasons for the need for the build in the first place and all of the views expressed on the planning portal.

We have balanced the application against the Neighbourhood Plan (2022) and the elements contained within said plan with regards to new build dwellings within Hunstanton, including the freeing up of a dwelling suitable for a future family dwelling which are currently in short supply, taking all of these factors into consideration we therefore continue

to SUPPORT the application as the application fits in with the future vision and plans for the town.”

Highways Authority (NCC): NO OBJECTION:

Following a revised access that avoids street furniture, NCC Highways raise no objection. Conditions are recommended for any approval.

Conservation Officer: NO OBJECTION:

Original comment (objection):

“The garden, hedge and trees add to the character of the conservation area and are very prominent heading northwards along King’s Lynn Road. The garden is mature and this spacious traditional garden is important to the relationship between building and open space within this part of the conservation area, reflecting an early 20th century part of Hunstanton’s development rather than the Victorian phase.

Any development on this garden site will therefore harm the conservation area contrary to the NPPF Para 206.”

Conservation forwarded the comment from the Conservation Area Advisory Panel (as below) to the first amended plan which raised issues that still needed to be addressed.

Response to final amendment:

No objections to the amended plans.

Conservation Area Advisory Panel (CAAP)

Comment to first amended application from the Conservation Area Advisory Panel:

“The Panel made comments on the amended plans. The Panel felt that the position of the building was potentially acceptable away from the rear boundary but felt the design needed to be worked on taking design queues from the host dwelling to design a replacement building.”

Historic Environment (NCC): NO OBJECTION

Environmental Quality: NO OBJECTION:

The applicant has provided a screening assessment stating no known contamination. We have reviewed our files and the site is seen at the beginning of our records with a reservoir on site. Historic maps dated 1891-1912 shows a round structure on a site later labelled as a water tower. The surrounding landscape is largely residential.

The information submitted does not indicate the presence of significant land contamination. However, the former presence of a water tower and reservoir means that it’s possible that some unexpected contamination could be present. Therefore a condition is recommended should the application be approved.

Arboricultural Officer:

The location for the proposed dwelling is very prominent in views from Kings Lynn Road, especially when travelling northwards. The existing vegetation comprises an attractive beech

hedge around the extent of the garden boundary with the highway's footpath, and a group of silver birch trees standing in a line behind the boundary hedge. Despite the presence of trees this application has not been supported by arboricultural information, and therefore an accurate assessment of the potential impact on the proposal on the trees is difficult.

Following a site visit, I feel that it would be possible to build a new dwelling on this land and successfully retain the trees, but this application has not yet provided the level of information to demonstrate this.

So, in principle I cannot object, but I would like to see more information as it appears that the footprint of the dwelling would be within the minimum root protection area of at least one or possibly two of the silver birch trees, and any development on this land will involve ground level changes, and this could also be detrimental to the trees.

If you are minded to grant consent, then pre-commencement conditions will be required for tree and hedge protection, I don't see the need for a soft landscaping scheme because of the existing trees and hedgerow.

Natural England: (Summarised for clarity)

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

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017 (as amended), Natural England must be consulted on any appropriate assessment your Authority may decide to make or the decision recorded as per an agreed approach.

REPRESENTATIONS (Summarised for clarity)

Councillor Correspondence:

Councillor Beal: After visiting a property to the rear of the application site on Glebe Avenue it is noted that they have a very small but compact garden. A blank house wall Almost 3 metres from her fence would have a detrimental effect on the property. Staring at a brick wall cannot contribute to anyone's well-being . I confirm I'm not against any good constructive development but feel that this offering is wrong and needs to be re-designed.

Councillor Bower: Neighbours who's property backs on to this application are very concerned that a two storey house built here would impose on their privacy and greatly overshadow their garden. I have been to look and must admit I agree.

I feel this is overdevelopment of the existing garden at 15 Lincoln Street and would like to call it in if approval is recommended.

Third Party Comments: SIXTEEN public **OBJECTIONS** from **NINE** objectors regarding (summarised for clarity):

Final amended scheme

- Neighbour amenity concerns reiterated regarding overbearing and loss of light/overshadowing alongside impact on view and height of proposed dwelling as detailed below.
- Noise impact reiterated regarding number of cars and associated movement use.
- loss of the leylandii hedge(planning ref: 22/00215/TREECA - for which neighbours weren't consulted).
- Concerns about infrastructure/sewer
- No improvement in the new proposed build which will reduce the impact on the neighbouring properties behind this build. The infringement of privacy and violation to the right to light still remains and is unaltered.
- Amended proposal does not improve anyone's wellbeing.
- Previous objections reiterated as detailed below including the Neighbourhood Plan.

Amended scheme

- Regarding the neighbouring property on Glebe Avenue, the garden is 9m long, the proposal gives a 2.5m gap from the boundary to the proposed property, only 11.5m from the back of the house to the proposed new construction.
- The amended proposal has "softened" the height with a single storey roof profile but this is still too close and too high. The kitchen window and French windows on the back of the house, both of which will be overlooked, overshadowed, and privacy compromised.
- Enjoyment of a south facing garden will be destroyed.
- There is no levelling of the site which is higher than the garden by at least 0.5m.
- The amended scheme proposal argues that this proposed property is no taller than those around it. This ignores that the property to the rear will be by far the smallest.
- The existing open nature of the land east of 15 Lincoln Street is the only source of light and open space to rear dwelling. Letting this proposal go ahead will box the property in entirely and severely affect mental wellbeing and neighbours desire to stay in Hunstanton altogether.
- There cannot be any precedent set for the amended scheme proposal based on neighbouring dwellings- there are material differences (new-build versus existing property, effect on neighbour amenity, trees in a conservation area).
- The amended scheme proposal believes the provision of 2 or 3 bedroom one or two storey housing is encouraged as set out in the Hunstanton Neighbourhood Development Plan, but this should not outweigh other considerations.
- Potential use of the dwelling as a holiday let.
- Unlikely that the property would be affordable to local people which goes against the intentions and spirit of the Hunstanton Neighbourhood Development Plan.
- Privacy will be compromised and noise increased.
- Neighbouring properties have the 'right to light' which everyone is entitled to. There has been no emphasis put on this or mention of any shadow drawings to support this application.
- Development is not in keeping with the majority of Victorian built design.
- Open aspect will be removed as this development is attempting to be put in a relatively small space, and far too close to boundaries.
- Neighbours will feel hemmed in, overlooked and it will be totally overbearing. It will spoil views across to the countryside from our rear windows.

- Impact on quality of life - nobody wants to have such a development blocking views, and taking away green space, let alone the extra noise, and encroaching on our back gardens, taking away privacy.
- Natural environment will be destroyed, as, though an attempt at preserving trees and front hedge is being made, it does not take away the fact that many mature trees and boundary hedge will be sacrificed. Those trees that remain on the plan will have their roots inevitably damaged, and therefore will probably result in them being removed.
- The infrastructure has not been improved in this area, and yet so many more homes have been built in this locality, why would we need another one home, in an inappropriate location.
- This development being passed will not be taking into account the feelings of the existing community, as stated in the "Plan" (Neighbourhood Plan).
- Moving the building away from the neighbouring borders to 2.5 metres or 8 feet, and only where the building is 1.5 stories (the rest "enough to walk around) does not take away the problems associated with loss of light, privacy, or loss of wildlife.
- Both the Conservation Team and the Hunstanton Town Council objected from the previous planning proposal(s).
- The "developer" has chopped and chipped several trees already to make way for the construction.
- The second proposed driveway is also of concern, the entrance being so close to the very busy A149 junction.
- Loss of Green Space.
- Previous Objection reiterated noting "Precedent" as per Architects comments and wildlife habitat and conservation of green and woodland spaces, and the effect.

Original scheme

- The new property will be extremely overbearing and imposing due to the land to the side of 15 Lincoln Street being raised by circa 1 metre, the position of the proposed dwelling's rear wall being on the boundary and the proposed height of the roofline.
- The property will be overlooking properties due to the roof windows facing towards neighbours and being extremely close to the boundary.
- The property will overshadow most, if not all outside space for northern neighbours for most of the day due to its location being to the South and again being on the boundary.
- Negative affect to the re-sale appeal and value of homes.
- The proposed dwelling is located within a conservation area and does not reflect the design of the Victorian seaside town.
- The developer wants to maximise the outside space associated with the property being South facing but this comes at the absolute detriment to northern neighbours wellbeing. It appears that there has been total disregard to the affects this proposal will have on the neighbouring properties, the residents and to any suggestions made in a previously rejected planning application in April 2022.
- It is mentioned by the applicants agent that precedence has been set for a build of this size by the properties in Glebe Ave running adjacent to Lincoln St. These should not be used as a similar example/like for like or prioritise this plan in any way. These houses were already built and standing for many years albeit before they were enlarged and extended in their rebuild. However they are not obtrusive to any residents or properties as they only presented their rear gardens to the side garden of 15 Lincoln Street.
- Constraints on the placing of the dwelling in relation to trees surely indicates the plot is simply not suitable for an obtrusive build of this size.
- Proposed driveway location being so close to the very busy A149 junction.
- Loss of rear hedging.
- The proposed property has 1 x WC and 3 x en suite bathrooms, and a kitchen planned to the rear of the property. These rooms have either windows or presumably extractor

fans all facing rear gardens. The pollution of both foul smells and the noise will be incredibly unpleasant and intolerable.

- Impact on light pollution and viewing the night sky.
- Loss of trees and wildlife.
- Poor visual relationship with Lincoln Street.
- Impact on Sewerage system both as a result of the new dwelling and the construction.
- The disruption, noise during and after the build will be detrimental to wellbeing to the existing neighbouring residents.
- Residents currently enjoy unfettered sunlight into the back of our house and garden for a large portion of the day.
- This new planning application will not only reduce the amount of light into properties but will mean the loss of privacy. This will inevitably affect wellbeing and health.
- Proposal is not low profile.
- The proposal will lead to a significant loss of light and greatly reduce the outlook from trees and open space to virtually a two storey brick wall.
- Two windows appearing on the north elevation of the new house would look directly into the ground floor lounge and kitchen but also two bathrooms as serviced by two Velux to northern neighbour.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS05 – Hunstanton

CS08 - Sustainable Development

CS09 - Housing Distribution

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy J1 – Fundamentals

Policy K1 - Size and Mix of Houses - Housing Need

Policy K2 - Design, Style and Materials

Policy K4 - Parking Provision

Policy K5 - Off Road Parking

Policy L3 - Mobile Phone and Broadband Provision

23/00348/F

Planning Committee
2 October 2023

NATIONAL GUIDANCE

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

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

OTHER GUIDANCE

Conservation Area Character Statement.

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Form and Character and the impact on the character and appearance of the Conservation Area
- Impact on Neighbour Amenity
- Highway Safety
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

The site lies within the development boundary of Hunstanton. Hunstanton is a main town which can support significant growth of residential development. Policy CS05- Hunstanton of the Core Strategy 2011 seeks to retain and strengthen the role of Hunstanton as a main town in the Borough. Part of this policy seeks to promote opportunities for residential development within the town centre. Policy – K1 Size and Mix of Houses – Housing need of the Hunstanton Neighbourhood plan states that “the development of a range of property sizes and tenures suitable to meet local housing need will be supported.”

As such, subject to other material considerations the principle of development is acceptable, detailed matters are discussed below.

Form and Character and the impact on the character and appearance of the Conservation Area:

The application originally proposed a 1.5 storey detached dwelling with a single storey front projection, following the subdivision of the site from the host dwelling. Materials included white render, grey cladding and black roof tiles. Established trees and hedging to the southeast and roadside would be retained, these are considered an important feature and their retention is essential. The original scheme was considered to be out of character, the more contemporary design and materials together created a visually out of keeping impact that did not relate to the host dwelling, the character of the street scene or the Conservation Area.

The design was amended to attempt to reduce the impact of the dwelling on the northern neighbours. Materials remained the same, but the ridge was adjusted to be more central

over the footprint of the dwelling, the central section of the dwelling was shifted from the rear boundary and a projection was presented to the front and rear of the dwelling. The overall height and eaves remained the same as did the general form. The front elevation maintained a central gable with a pitched dormer element into the roof. A further dormer was present to the left of the elevation with a window below and the single storey projection is to the right, with the roof sloping down over. The east elevation includes two sets of double doors at ground floor towards the garden area with one window. A first-floor window would be present above in the gable end. The west elevation would be blank, other than to the front projection with a side window. To the rear, there would be two rooflights serving en-suites and a door and two small windows at ground floor.

Reference is made to support the submission to Glebe Avenue- noting a 2018 application. This application included a resultant property with similar materials and form to that proposed within this application.

However, with the consideration of the National Design Guide and the NPPF more weight is placed on good quality design. The Conservation Area Character Statement notes that Lincoln Street is characterised with Arts and Crafts style and influence, specifically noting the hedge in front of No 15. The proposed design was not considered to relate well to the site, including the wider local heritage and context. The design and materials were not considered to be locally distinctive, and the proposal would not respond to existing local character and identity, as noted by the Conservation Team.

Therefore, it was considered that the form, materials and design of the building would not be in keeping with the immediate street scene of Lincoln Road or the host dwelling and would not therefore be in keeping with the early 20th Century Character of the site and its wider setting.

As such, a final amended design has been submitted. This has altered both the design of the dwelling and the materials. At ground floor, the elevation would now be mostly red brick to match the main dwelling with render above, again to match the appearance of the host dwelling. Roof tiles would remain black. The overall design, form and scale of the development however remains mostly the same however the rear projection has been omitted and single storey, flat roof side projection is now present to the east.

The Arboricultural Officer raises no objection in principle, but a pre-commencement condition would be required to ensure trees are protected should the application be approved.

The Conservation Team now raise no objection. As such, conditions could be attached to an approval, including but not limited to, samples of materials to ensure a suitable visual finish if all other matters were considered to be successfully remedied. Overall, the proposed development is now considered to be in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocation and Development Management Policies Plan 2016, Policy J1 and Policy K2 of the Hunstanton Neighbourhood Plan, the National Planning Policy Framework and National Design Guide in this regard.

Impact on Neighbour Amenity:

The original submission was considered to present an overbearing and un-neighbourly impact on neighbours to the north, with an additional overshadowing impact. The loss of light would apply to garden space to northern neighbours alongside habitable space to the rear elevation of No. 20 Glebe Avenue, the dwelling directly to the rear (open plan dining, seating and kitchen area. The original dwelling was set approximately less than 1m from the boundary. This close distance, alongside the limited depth of the gardens to the north and

the change in land levels (northern neighbours are set lower than the application site), created an unacceptable impact.

In order to attempt to mitigate this, the bulk of the dwelling was moved away from the boundary and the central ridge was adjusted to be set further away from the northern boundary centrally, shifting the built form compared to the original. However, the dwelling would only be moved to be approx. 2.5m from the northern boundary with the single storey projection to the rear remaining approx. less than 1m. Whilst the changes were noted and the proposal attempted to mitigate the adverse impacts of the introduction of a new 1.5 storey dwelling on the neighbours, in this instance the key concerns were not overcome. The dwelling would remain very close to the north boundary and the overall bulk and scale would be much the same leading to the same impacts as the original submission.

A final amended scheme was therefore submitted which, as detailed above omitted the rear projection. As such, the rear of the proposed dwelling would be uniformly approx. 2.5m from the rear boundary. However, as the overall scale and position of the main dwelling has not changed it is not considered the above harm identified has been overcome.

Therefore, the proposed development of a new dwelling, by virtue of its size, scale and proximity to the boundary with the northern neighbouring properties, would have an unacceptably overbearing impact to the detriment of the neighbour's amenity and enjoyment of their private garden space. The development would also present an unacceptable overshadowing impact to the rear neighbours garden space and to the rear habitable rooms of the No. 20 Glebe Avenue, the neighbouring dwelling directly to the rear of the proposal. This would be contrary to Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocation and Development Management Policies Plan 2016, Policy J1 and Policy K2 of the Hunstanton Neighbourhood Plan and the National Planning Policy Framework.

Highway Safety:

NCC Highways originally raised concerns over the siting of a utility pole and stay in relation to the proposed access. This has been amended and NCC Highways now raise no objection. Conditions are recommended that would be attached to any approval regarding the parking and turning area, specification of the access, control of permitted development in relation to bollards/chains or any other obstruction as well as an informative regarding works within a public highway.

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

Additional Applicant Justification for the Development

It has been brought to attention of the LPA that the new dwelling is designed to be accessible accommodation. Information has been provided regarding this, attempting to detail why accessible accommodation cannot be incorporated within the host dwelling and the benefits of the new build. Whilst this is an important consideration and weights in favour of development, in this instance this consideration is not ultimately considered to outweigh the other significant material reason for refusal outlined within this report.

Town Council Comments

It is noted the Town Council now support the application, citing the revisions to the building size, the footprint, the retention of the trees, the retention of the hawthorn bushes, the reasons for the need for the build in the first place and all of the views expressed on the planning portal as well as the considerations of the Neighbourhood Plan (2022) and the

elements contained within said plan with regards to new build dwellings within Hunstanton, including the freeing up of a dwelling suitable for a future family dwelling which are currently in short supply.

Many of these points are addressed in the above report and whilst the dwelling proposed would include three bedrooms, these considerations are not considered to outweigh the reasons for refusal detailed within this report.

Natural England Comment

As this application is recommended for refusal, an Appropriate Assessment has not been carried out.

Third Party Comments

Many aspects of public objections are addressed within the above report. The intensity and nature of the proposed use, is in principle considered acceptable (a single dwelling in a residential area) and any impacts on neighbours as a result of this use only, would likely be acceptable (such as noise and the domestic use of the building such as the kitchen etc).

The 'right to light' is a civil matter, however the impact on neighbour amenity is a material planning consideration addressed within this report. It is important to note that there is no legal right to a view.

The impact on trees has been considered above and the Arboricultural Officer raises no objection in principle to the works. Some works to trees and vegetation were approved under: 22/00215/TREECA, this is a separate type of application to a planning application with different consultation requirements.

The loss of property value is not a material planning consideration. It is not considered that a single residential dwelling in a residential area could be resisted based on dark skies considerations given the context of central Hunstanton based the level of glazing and rooflights currently proposed.

Regarding the sewerage network, details of foul and surface water could be conditioned on an approval but as this application is recommended for refusal, no further details are provided at this time.

CONCLUSION:

Overall, it is considered that the proposed development of a new dwelling, in its final amended form, would have an acceptable visual impact. Materials would mirror the host dwelling and, with mature trees retained, the street scene impact would be acceptable as would the wider impact on the Conservation Area.

However, by virtue of its size, scale and proximity to the boundary with the northern neighbouring properties, the proposed dwelling would have an unacceptably overbearing impact to the detriment of the neighbour's amenity and enjoyment of their private garden space notwithstanding the design of the proposal. Alongside this, the development would also present an unacceptable overshadowing impact to the rear neighbour's garden space and to the rear habitable rooms of No. 20 Glebe Avenue, the neighbouring dwelling directly to the rear of the proposal.

The development would therefore be contrary to Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocation and Development Management Policies Plan 2016, Policy J1 and Policy K2 of the Hunstanton Neighbourhood Plan and the National Planning Policy Framework.

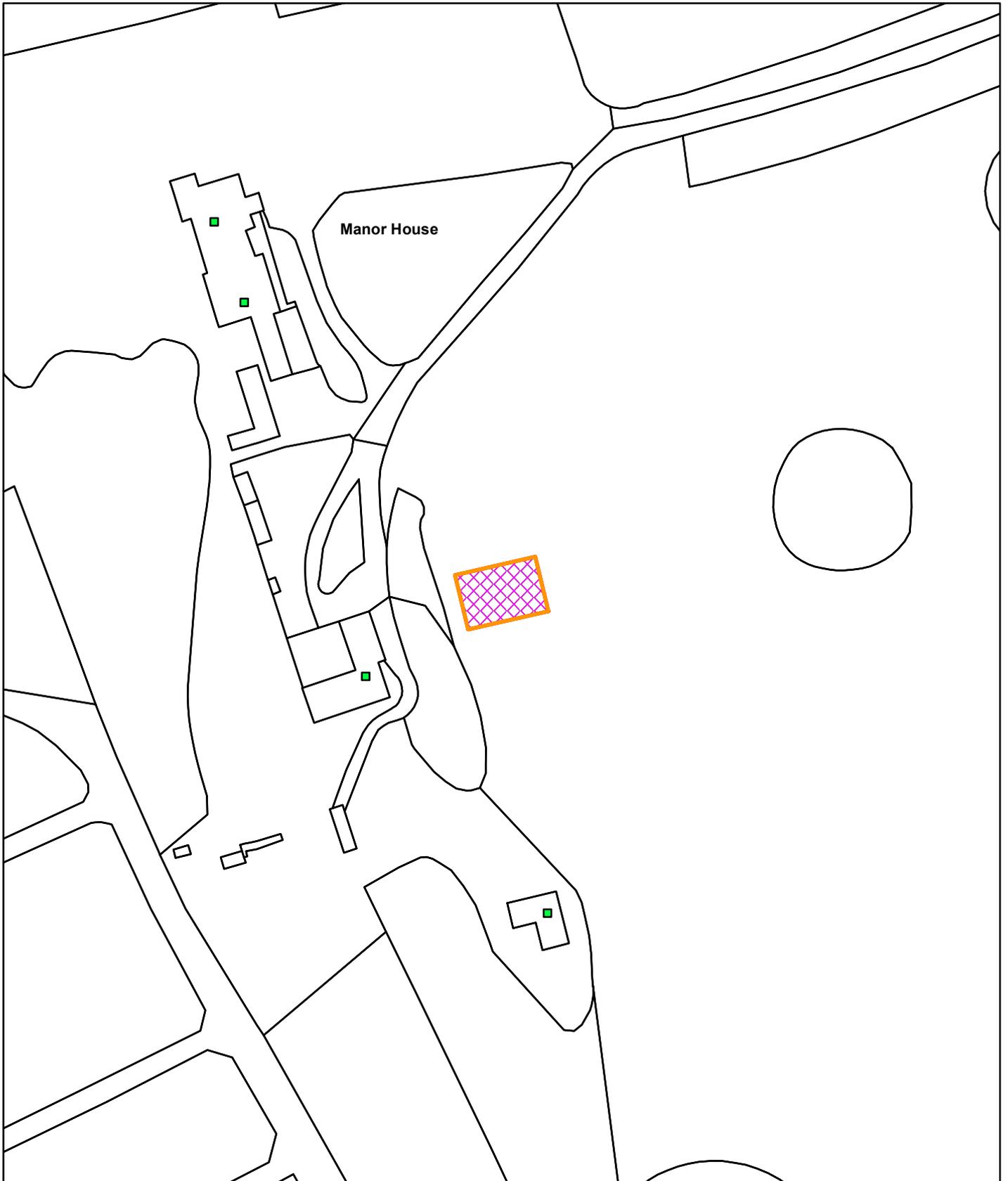
RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Reason: The proposed development of a new dwelling, by virtue of its size, scale and proximity to the boundary with the northern neighbouring properties, would have an unacceptably overbearing impact to the detriment of the neighbour's amenity and enjoyment of their private garden space. The development would also present an unacceptable overshadowing impact to the rear neighbour's garden space to the north and to the rear habitable rooms of No. 20 Glebe Avenue, the neighbouring dwelling directly to the rear of the proposal. This would be contrary to Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocation and Development Management Policies Plan 2016, Policy J1 and Policy K2 of the Hunstanton Neighbourhood Plan as well as the National Planning Policy Framework.

23/01104/F

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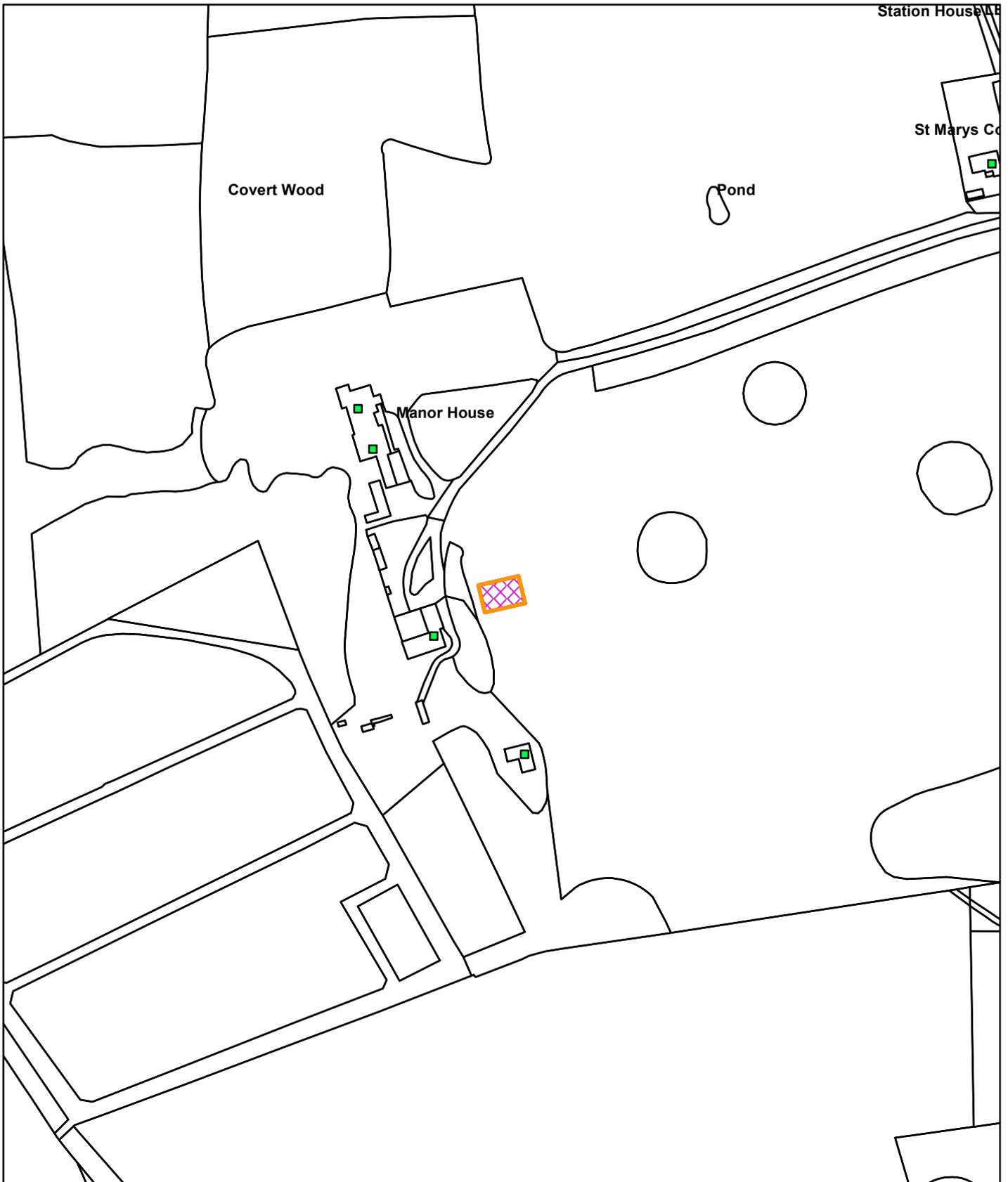
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19/09/2023

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Parish:	Little Massingham	
Proposal:	Retrospective erection of agricultural barn	
Location:	Little Massingham Manor Station Road Little Massingham King's Lynn	
Applicant:	Mr Topham	
Case No:	23/01104/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 21 August 2023 Extension of Time Expiry Date: 11 September 2023

Reason for Referral to Planning Committee – Parish Council comments are contrary to officer recommendation and Sifting Panel referred the application to Planning Committee

Neighbourhood Plan: No

Case Summary

The application site relates to Little Massingham Manor, situated on the western side of Station Road, Little Massingham.

The application seeks retrospective consent for the construction of an agricultural barn within the extensive grounds of the site.

Little Massingham is classified as a Smaller Village and Hamlet within the settlement hierarchy of the Development Plan.

Key Issues

- Principle of Development
- Impact on countryside
- Other Materials Considerations

Recommendation

APPROVE

THE APPLICATION

The application site relates to Little Massingham Manor, situated on the western side of Station Road, Little Massingham.

The application seeks retrospective consent for the construction of an agricultural barn within the extensive grounds of the site.

Whilst the retrospective building is described as an 'agricultural barn', the land is no longer used for agricultural purposes and appears to be 'parkland'. The building is used for the storage of vehicles and equipment to maintain the land, which comprises approx. 27 hectares.

The site is located within the countryside and comprises the Manor House (residential), an 'ancillary' bungalow, and a number of outbuildings operating a variety of small business uses currently being considered under three separate applications for retrospective change of use (listed under the Planning History section below in this report). Those uses include a beauticians; 2 no. holiday let shepherds huts; and a single holiday let within an ancillary building.

The Planning Enforcement Team are also currently investigating other uses potentially operating from the site. If it becomes apparent that they require consent, further application(s) will be encouraged.

The building subject of this application is sited some 300 metres back from the main road to the front of the main dwelling and outbuildings. It is constructed using timber cladding and has a pitched corrugated grey roof with an open front to its southern elevation.

The building has a footprint of approx. 224 square metres and is 3.3m to its eaves and 4.8m to its ridge.

SUPPORTING CASE

There is no supporting case accompanying the application.

PLANNING HISTORY

23/01419/F: PENDING CONSIDERATION – retrospective installation of shepherds huts to serve as holiday lets - Little Massingham Manor, Station Road, Little Massingham

23/01395/F: PENDING CONSIDERATION - Retrospective Change of Use from Ancillary Building to Holiday Let - Little Massingham Manor, Station Road, Little Massingham

23/01345/CU: PENDING CONSIDERATION - Retrospective - Change of Use from a Residential Ancillary Building to a Beauticians. - Little Massingham Manor, Station Road, Little Massingham

18/00666/O: APPLICATION REFUSED (Delegated): 14/09/18 - Outline Application: Proposed Replacement Dwelling - Manor Bungalow, Station Road, Little Massingham

Appeal Dismissed 10/04/19;

08/01565/CU: APPLICATION PERMITTED (Delegated): 28/08/08 - Change of use from C2 to residential - Little Massingham Manor, Station Road, Little Massingham

09/00118/F: APPLICATION PERMITTED (Delegated): 19/03/09 - Construction of new entrance gates and wall - Manor Lodge, Station Road, Little Massingham
King's Lynn

2/03/1476/F: APPLICATION PERMITTED (Delegated): 23/10/03 - Provision of mobile classroom - Little Massingham Manor

2/03/1152/CU: APPLICATION PERMITTED (Delegated): 04/09/03 - Change of use from residential to educational use - Little Massingham Manor

2/02/0228/CU: APPLICATION PERMITTED (Delegated): 25/03/02 - Change of use from retreat centre to residential dwelling - Massingham St Mary

RESPONSE TO CONSULTATION

Parish Council: **OBJECT** on the following grounds –

- Size of shed excessive for the stated purpose.
- Barn built for more than agricultural purposes based on the business website for the property as a leisure facility.

REPRESENTATIONS

ONE OBJECTION received from a Third Party: -

- Erected without permission.
- Intrusive to the neighbours.
- Height of roof line.
- Actual height appears to differ from the retrospective plans.
- The property is not an agricultural site.
- Leisure facility.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS01 - Spatial Strategy

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

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations in the determination of this application area as follows: -

- Principle of Development
- Impact on the Countryside
- Other Material Considerations

Principle of Development:

Little Massingham is classified as a Smaller Village and Hamlet within the settlement hierarchy of the Development Plan. However, the site is located within the countryside where development is limited to specific identified needs in accordance with Policy CS06 'Development in Rural Areas'.

Policy CS06 is supportive of farm diversification schemes and conversion of existing buildings for business purposes in accordance with other relevant Development Plan Policies. Proposals should meet sustainable development objectives, be consistent in its scale with its rural location, and should not adversely affect the surrounding area or detract from residential amenity.

It is considered that the retrospective building is acceptable in principle in accordance with the development Plan.

Impact on the Countryside:

Development Plan Policy CS06 aims to protect the countryside for its intrinsic character and beauty, seeking to main the local rural context and high quality environment.

The building is set back from the road by more than 300 metres and cannot be seen from the public domain due to screening from the roadside hedgerow and mature trees across the site.

The building is sited in front of existing buildings with a group of mature trees in between. The building is therefore not isolated and is considered to relate to the rural character and context of the site, and wider area, in terms of its barn like appearance and use of appropriate materials.

The canopies of the mature trees within proximity to the building are sited approx. 1.4m to the north-west and approx. 3.3m to the south-west. Given the limited foundations to the perimeter of the building and the likelihood of those being outside the root protection zones, it is not considered that there would be undue harm that would result in the loss of the trees.

It is considered that the building causes no harm to the quality of the landscape character, in accordance with Development Plan Policies CS06, CS08, CS12 and DM15 and the general provisions of the NPPF.

Other Material Considerations:

Crime and Disorder

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

Third party comments

The Parish Council and Third Party concerns have been taken into consideration in reaching a recommendation for this application.

The nearest residential dwelling is approx. 250m from the retrospective building and as such it will have limited to no impact on residential amenity.

The building was surveyed as built by the Applicant's agent and as such the measurements on the submitted plans are accurate.

Regarding the Parish's concerns that the building is excessive in size, it is of a size required for the storage of vehicles reasonably necessary to maintain the land, akin to an agricultural storage barn, and thus relates to the size and nature of the wider site.

The building itself is required for no other reason than has been specified within the application, this is clearly evident on site. In regard to the concerns surrounding the use as a 'leisure facility', three further applications have been submitted in relation to other small business uses on the wider site, to which this application does not relate. Each application should be considered on its individual merits.

CONCLUSION:

The principle of the development accords with countryside protection Policy CS06 and it is considered that the size and use of the building to house machinery in connection with the maintenance of the land is acceptable.

It is your officer's opinion that the building causes no visual harm to the character and appearance of the countryside, nor does it compromise the quality of the wider landscape.

As such, the development accords with Development Plan Policies CS01, CS06, CS08, CS12, DM1 and DM15; and the general provisions of the NPPF.

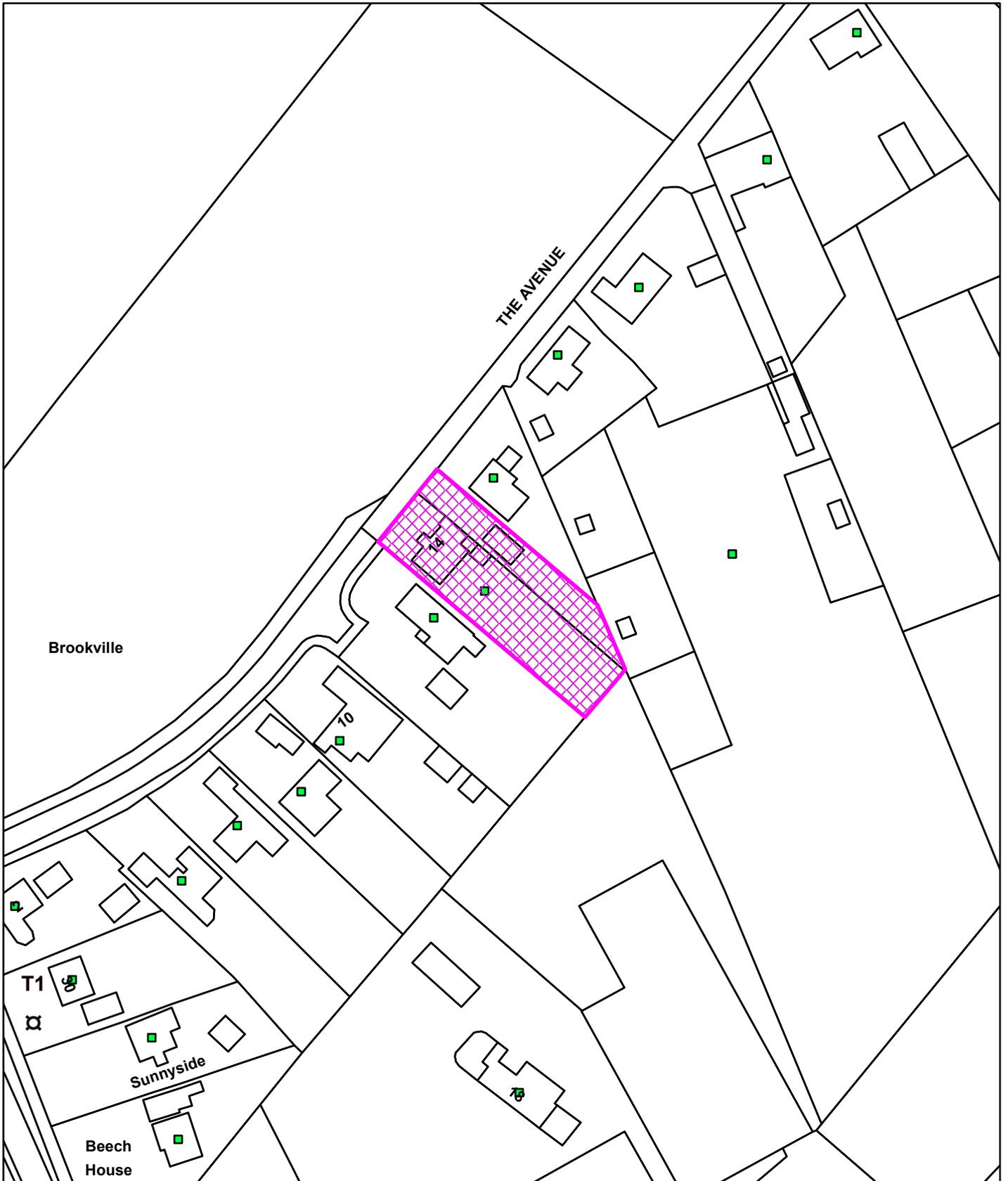
RECOMMENDATION:

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

- 1 Condition: The application has been determined in accordance with the following approved plans: 676 – 001 (Elevations and Floor Plan) and 676 – 002 (Location Plan).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the building hereby approved, shall be limited to the storage of vehicles / machinery / equipment in connection with the maintenance of the wider site under the applicant's control only, and for no other unrelated business or commercial uses. Nor shall the building be independently let, leased, or occupied.
- 2 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the Development Plan and provisions of the NPPF.

23/00914/F

Essanjay 14 The Avenue Brookville Thetford Norfolk IP26 4RF



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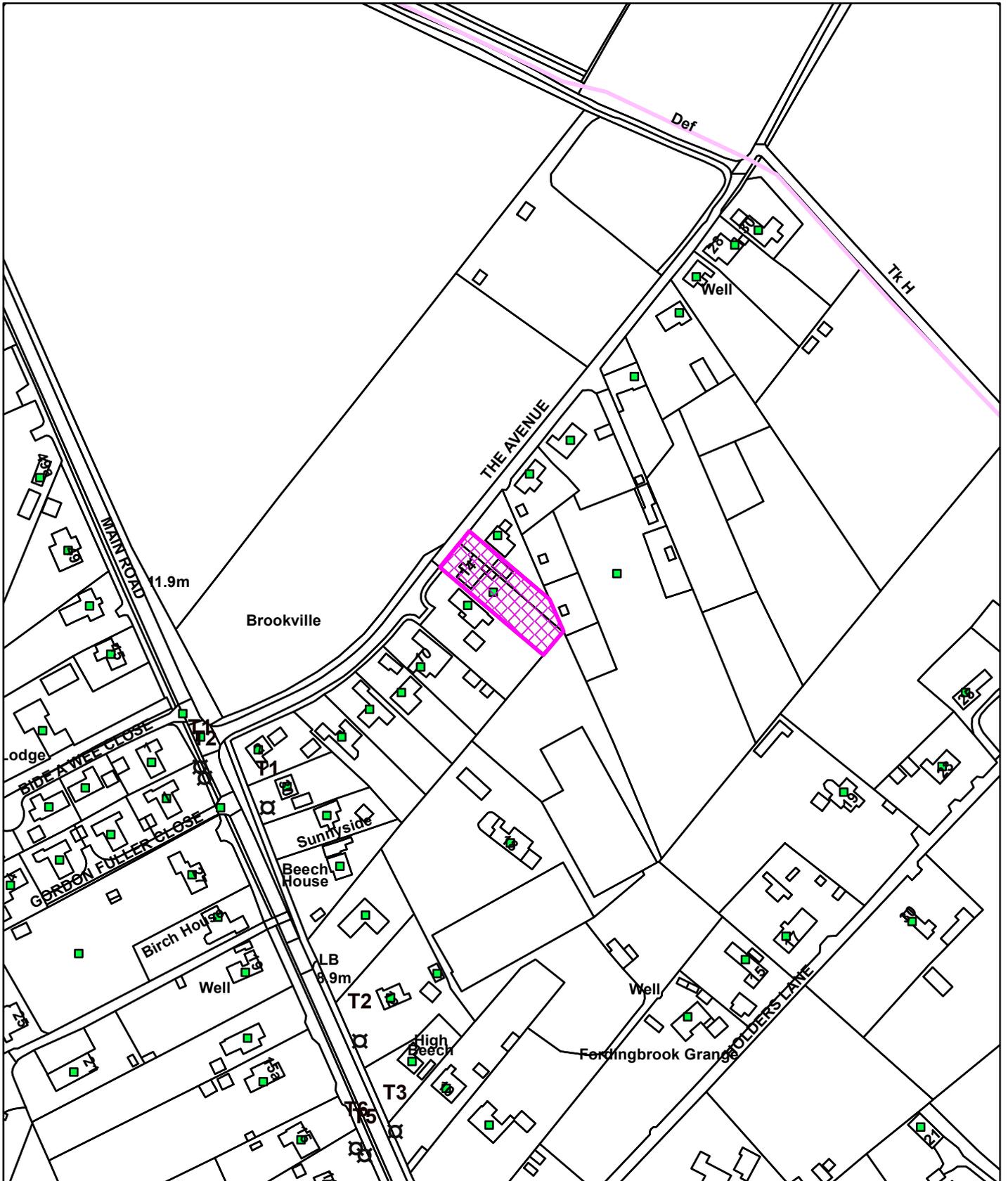
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18/09/2023

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Parish:	Methwold	
Proposal:	Replacement of existing bungalow with chalet dwelling and detached garage/annexe	
Location:	Essanjay 14 The Avenue Brookville Thetford	
Applicant:	Made Purple Ltd	
Case No:	23/00914/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 15 September 2023 Extension of Time Expiry Date: 6 October 2023

Reason for Referral to Planning Committee – Officer recommendation contrary to Parish Council response and Planning Sifting Panel referred application to Planning Committee.

Neighbourhood Plan: No

Case Summary

This application seeks full planning permission for a new dwelling and garage and first floor annexe at The Avenue in Brookville. The site previously contained a bungalow, which at the time of the site visit, had been demolished.

The application site is located between No 12 and 16 The Avenue, approximately 116m to the east of The Avenue and Main Road junction. Brookville is classified as a Smaller Village and Hamlet under the settlement hierarchy of Policy CS02 of the Core Strategy (2011). Smaller Villages and Hamlets do not have development boundaries and therefore from a planning policy perspective the site is located within the countryside.

Key Issues

- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Ecology and Biodiversity
- Other matter considerations

Recommendation:

APPROVE

THE APPLICATION

This application seeks full planning permission for a new dwelling and garage and first floor annexe at The Avenue in Brookville. The proposed dwelling would be a chalet dwelling of contemporary appearance situated in the same approximate location as the bungalow previously on the site. A garage with a first floor annexe is also proposed to the south of the site. The site previously contained a bungalow, which at the time of the site visit, had been demolished. The planning agent/applicant has not given an explanation as to why the bungalow on the site was demolished prior to applying for planning permission.

The application site is approximately 0.13ha located between No 12 and 16 The Avenue, approximately 116m to the east of The Avenue and Main Road junction. Brookville is classified as a Smaller Village and Hamlet under the settlement hierarchy of Policy CS02 of the Core Strategy (2011). Smaller Villages and Hamlets do not have development boundaries in the Core Strategy and therefore the site is located within the countryside.

The principle of a chalet dwelling had been established under planning permission 21/02281/O, at No 14 The Avenue. Officers note that the previous application was supported by the Parish Council. A Reserved Matters application for this site can still be submitted up until April 2025. However, any future Reserved Matters application would need to have the same red line/application site as the Outline consent. This application site differs from the Outline consent, as it includes an additional strip of land measuring approximately 7m wide and 63m deep to the northeast, creating a larger application site than previously approved.

SUPPORTING CASE

The applicant considers that:

- The site previously contained a bungalow on site which was demolished following approval of an outline application to replace it with a chalet bungalow ref: 21/02281/O and double garage.
- The current application uses a larger site area than 21/02281/O as it includes an additional area of the residential land to the north.
- The current application provides a 4-bed chalet bungalow of size and shape in keeping with neighbouring properties and previous permissions.
- Materials, shape and form all match the character of the area and respect eaves and ridge heights of neighbouring properties.
- The additional site area allows the bungalow to position garaging at the rear of the property to improve the aesthetics of the street scene and de-clutter the frontage.
- The rear garage/annex is in keeping with neighbouring properties to the south.
- The annexe utilises the space in the roof above the garage as additional accommodation for the household.

PLANNING HISTORY

21/02281/O: Application Permitted: 28/04/22 - Replacement of bungalow with chalet dwelling (Delegated)

RESPONSE TO CONSULTATION

Parish Council: OBJECT

This would be over development of the site, the design is out of keeping with the other properties in The Avenue and the annexe is excessive and could be classed as infill.

Local Highways Authority: NO OBJECTION

Having examined the submitted information, in terms of highway considerations for the adopted road network, the Local Highway Authority have no objection to the principle of the application. The Local Highway Authority would however recommend that the Council consult with our Green Infrastructure Officer (public rights of way) as the site takes direct access from a section of The Avenue which is a PROW.

Public Right of Way (PROW): NO OBJECTION

PROW have no objection in principle to the application but would highlight that a Public Right of Way, known as Northwold Restricted Byeway 11 is coincident with The Avenue. The full legal extent of this Public Right of Way must remain open and accessible for the duration of the development and subsequent occupation.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The application is for a new replacement dwelling.

The applicant has provided a screening assessment indicating no known contamination. The site has previously had comments under application 21/02281/O relating to a heating oil tank on site and the potential for asbestos to be present. Further correspondence has clarified that the oil tank has been removed and no signs of contamination were present on its removal. The asbestos has also been removed by a licenced contractor and waste transfer notes have been provided to evidence its removal from site.

Environmental Quality have reviewed our files and the site is on land first seen developed in historic maps dated 1945 - 1970. The surrounding landscape is largely residential and agricultural.

No potential sources of contamination are identified in our records, or in the information provided by the applicant.

The Council's Environmental Quality team have no objection regarding contaminated land.

REPRESENTATIONS: NONE

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM3 - Development in the Smaller Villages and Hamlets

DM5 – Enlargement or Replacement of Dwellings in the Countryside

DM7 - Residential Annexes

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 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Ecology and Biodiversity
- Other matter considerations

Principle of Development:

Policy DM1 of the Site Allocation and Development Management Policies Plan (SADMPP) 2016 stated that planning application which accord with the policies in the local development plan should be approved without delay. As discussed below, the application is in accordance with the local development plans and should be approved.

Brookville is classed as a 'Smaller Village and Hamlet' (SVH) within the settlement hierarchy under Policy CS02 of the Core Strategy 2011 and as such does not have a development boundary and is treated as the countryside. Under Policy DM2 of the SADMPP 2016, infilling in SVHs in accordance with Policy DM3 of the SADMPP 2016 alongside countryside policies such as Policy CS06 of the Core Strategy 2011, is considered.

Policy DM3 of the SADMPP 2016 allows for sensitive infilling of small gaps within an otherwise continuously built-up frontage, where the development is appropriate to the scale and character of the group of buildings, and its surroundings and will not infill a gap which otherwise provides a positive contribution as an open gap in the built form of the street scene.

Taking into consideration the policy requirements of Policy DM3 of the SADMPP, the application site is considered to form a small gap within an otherwise continuous built-up frontage. This assessment follows the recent precedent created by the approval of a chalet dwelling on this site, under planning reference 21/02281/O. Therefore, the development of this site is considered to be appropriate infill development by virtue of the proposed scale and existing character of the otherwise continuous frontage.

The application also includes a garage and first floor annexe sited to the south of the application site. Policy DM7 of the SADMPP 2016 states that residential annexes would be approved subject to the following being secured to by planning condition or agreement:

- It remains in the same ownership as, and is occupied in conjunction with the principal dwelling and does not appear as tantamount to a new dwelling;
- It is ancillary and subordinate in scale to the principal dwelling;
- Its occupant(s) share(s) the existing access, garden and parking of the main dwelling;
- Occupation of the annexe is subsidiary to that of the main dwelling; and
- Not capable of sub-division.

The Parish Council objected to the application, with comments that "the annexe is excessive and could be classed as infill".

The proposed annexe within the first floor of the garage would contain a living room, bedroom, and W/C, with an internal floor size of approximately 60.1 squared meters. The annexe and main dwelling share the same access, garden, and parking areas. A condition is recommended to ensure that the main dwelling and annexe are occupied in the same ownership. The annexe is therefore considered to meet Policy DM7 of the SADMPP 2016.

The Parish Council raised concerns that the annexe "could be classed as infill". The annexe is located in a back land location, as such its position would be unlikely to be in compliance with Policy DM3 of the Site Allocation and Development Policies Plan 2016. The policy requires that infill development must be within the frontage of a site which is within a substantially wider built-up frontage. Based on the proposal currently to be determined then the annexe is considered to meet the relevant policies within the development plan.

The principle of development, for a new dwelling and garage with a first-floor annexe, is considered to comply with Policy CS02 of the Core Strategy 2011 and Policies DM1, DM2, DM3, DM5 and DM7 of the Site Allocation and Development Management Policies Plan 2016.

Form and Character:

Brookville is largely developed linear to Main Road, which runs through the centre of the village. Dwellings in Brookville have no typical architectural style. Recent residential developments in Brookville are of contemporary farmhouse appearance: with large glazing panels and a mix of brick and cladding material palette.

The Avenue is located to the east side of Main Road and comprises linear development to the south and open, undeveloped countryside to the north. Dwellings to the west of The Avenue are more consistent in form, being two-storey modern dwellings with an attached garage to the front (north). Heading east into The Avenue, dwellings are a mix of bungalow and two-storey dwellings finished in various different materials, including brick and render.

Dwellings along The Avenue are traditional in appearance. However, when considering in the context of the wider street scene, then the proposal would remain in keeping with the Contemporary design of other new-builds along Main Road when entering Brookville from

the north. Furthermore, when viewing the application site from Main Road, the chalet dwelling would remain consistent with the roofscape of The Avenue, which are a mix of two-storey and bungalows behind a line of ornamental trees.

The proposed dwelling is of Contemporary design, with floor-to-ceiling windows on the front and rear elevation. Specific materials have not been noted on the proposed drawings, however, appear to be a mix of buff brick and render, with grey roof tiles. As materials have not been specified, a condition on the decision notice requesting precise details of materials is considered necessary.

The proposed dwelling would be sited in the same approximate position as the bungalow previously on the site. The proposed dwelling can be read to be in two constituent parts, defined by the two frontage gable roofs. The northern part of the dwelling would be 7.1m tall, 9m deep, and 8.6m wide, and the southern part of the dwelling would be 6.7m tall, 12.2m deep, and 7.2 wide. The dwelling would ultimately appear as a cohesive whole on the application site with the use of materials and intersecting gable roofs.

To the south of the application site a garage with a first-floor annexe is proposed. The garage/annexe is mostly utilitarian in appearance, with a contemporary gable end. The building would be 13.3m wide, with a 0.8m wide external staircase on the side elevation, 7.3m deep, and 7.3m tall, positioned approximately 21m southeast from the rear elevation of the proposed dwelling. Again, materials have not been specified, but materials appear to be black horizontal cladding, with a brick plinth, and grey roof tiles to match the dwelling. Details for materials would be conditioned as part of the consent. Views of the garage and annexe from the public domain would be largely obscured by the proposed dwelling sited to the front of the site.

The Parish Council objected to the proposal, stating that it is overdevelopment of the site and out of keeping with other dwellings along The Avenue. The application site is a generous plot of approximately 0.13ha. The proposal for a new chalet dwelling and garage/annexe would still allow future occupants to have a substantial garden and sufficient parking. Therefore, it is considered the proposed development is proportionate and appropriate to the size of the plot. It is also considered that the design is in keeping, when considering the wider street scene of Brookville, the proposal is not inconsistent or detrimental to the street scene as suggested by the Parish Council.

Regarding design, appearance, and impact on street scene the proposed development would comply with Policy CS08 of the Core Strategy 2011 and policy DM15 of the Site Allocation and Development Management Policies Plan 2016.

Impact on Neighbour Amenity:

The application site lies in between No 12 (southwest) and No 16 (northeast) The Avenue. Both the adjoining neighbours are bungalows. To the northwest and southeast is agricultural land or paddock. No 16 and land to the south is shown to be within associated land to the application site, outlined in blue on the site plan.

Impact of the chalet dwelling:

At its closest point, the proposed dwelling would be sited 2m from the southwest boundary, and 3.3m from No 12's dwelling. After 5.1m depth, the proposed dwelling would be step towards the northeast, and would be approximately 7m from No 12's dwelling. On the northeast elevation of No 12, there are windows serving a bathroom, kitchen, dining room and conservatory.

To the northeast, the proposed dwelling would be 8.1m from the northeast boundary and 10.6m from the southwest elevation of No 16, which has a window and door serving the kitchen, and a bathroom window on their southwest elevation. The kitchen door and bathroom window are screened by a 1.8m closed boarded fence.

It is considered that due to the orientation of dwellings along The Avenue, shadowing to adjoining neighbours would be minimal and not infringe on private amenity space or habitable rooms.

Furthermore, due to the design of the dwelling, with the rear part of the dwelling being offset away from No 12 and the separation from No 16 to the northeast, the impact on neighbouring amenity is acceptable.

Boundary treatments remain to be determined and are not shown on the proposed plans. Therefore, it is considered reasonable to request details for boundary treatments to be agreed prior to first occupancy. The condition can then appropriately control and ameliorate any privacy and amenity impacts on No 12 and 16.

Windows on the first floor would be to the front and rear elevation, with four roof lights on the southwest and northeast roof slope. The roof lights would be 2.7m above finished floor levels and therefore above head height internally and would not overlook the private amenity space of the adjoining neighbours.

Windows on the front elevation would look over The Avenue, Public Right of Way, and open countryside to the north, all within the public domain, and would not overlook the private amenity space of adjoining neighbours. The first-floor bedroom window serving bedroom 3 on the rear elevation of the front section of the dwelling would have views of No 12's roof, obscuring views of their private amenity space and not have views into No 16's garden due to the design of the dwelling.

The first-floor bedroom window serving bedroom 1 on the rear elevation of the rear section of the dwelling would have diagonal views to No 12 and 16's rear garden. However, these views will be restricted to the rear part of neighbouring gardens and not directly on private amenity space and therefore not considered detrimental as to warrant a refusal.

Impact of the Garage and Annexe:

The garage/annexe would be sited to the southeast of the application site, approximately 4.6m from the southwest boundary and 2.5m to the northeast boundary. The eastern corner of the garage/annexe is shown to be hard on the boundary.

Overbearing to neighbouring plots is mitigated by the design of the low eaves (which would be 3.6m tall) and the gable roof, which slopes away from the gardens. The orientation and siting of the garage/annexe, would limit any overshadowing to No 12, being limited to the early hours of the day and therefore is considered acceptable. Lastly, the proposed roof lights on the northwest and southeast roof slope would be above head height internally, being 2.8m from the internal finished floor levels and would not have an overlooking impact on surrounding neighbours.

In respect to impact on neighbours, the proposal is considered to result in limited impacts related to shadowing, outlook, and overlooking. The proposal therefore complies with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocation and Development Management Policies Plan 2016.

Ecology and Biodiversity:

The application site is located within the zones of Influence (ZOI) of The Wash, Norfolk Valley Fens and Breckland. The development proposes a net of 1 dwellinghouse, following the demolition of an existing bungalow prior to the submission of this full planning application. An appropriate assessment was undertaken in this regard, and a mitigation fee of £210.84 was paid by the applicant.

Policy CS12 of the Core Strategy 2011 states that new built development will be restricted within 1.5KM of the Breckland Special Protection Area (SPA). The application site lies approximately 1.9KM from Breckland SPA. As the application site is within the built-up part of Brookville and the site is well screened from the arable land to the north by a row of mature trees, impacts to the designated features of the SPA are considered to be limited.

In regard to biodiversity and ecology, the proposal would comply with Policy CS12 of the Core Strategy 2011.

Other material considerations:

Highway Safety - No objections were raised by the Local Highway Authority.

Public Right of Way - No objections were raised. An informative would be attached to the decision notice informing the applicant that the public right of way, known as Northwold Restricted Byeway 11, shall remain open at all times.

Environmental Quality - Following submission of waste disposal details, Environmental Quality have raised no objections with the proposal.

Flood Risk - The application site is located in Flood Zone 1, which has a low probability of flooding. The application site is approximately 0.13ha and the development of this site would comply with standing advice from the Environment Agency.

CONCLUSION:

The application site forms a small gap within an otherwise continuous frontage, where the principle of a chalet dwelling was approved under planning reference 21/02281/O.

The Parish Council raised objections that the proposal was overdevelopment of the site, with the garage and annexe being classed as infill and the design is out of keeping for The Avenue. The application is a generous plot of approximately 0.13ha and the proposed dwelling and garage and annexe are appropriate to the site itself and wider locality. The design of the proposal is considered to be in keeping with development in Brookville and in local street scene where there is a mix of traditional and contemporary dwellings. Lastly, the proposal for an annexe is compliant with relevant planning policy, subject to conditions.

The proposal would result in limited impact on neighbour amenity, and no objections were raised by the Local Highway Authority, Public Right of Way, Environmental Quality and neighbours.

On the basis of the above, the proposed dwelling is considered acceptable and accords with the provisions of the NPPF, and the adopted Local Plan policies CS01, CS02, CS08 and CS12 of the Core Strategy 2011 and Policies DM1, DM2 and DM15 of the Site Allocation and Development Management Policies Plan 2016. It is recommended that Members approve the application, subject to the imposition of conditions.

RECOMMENDATION:

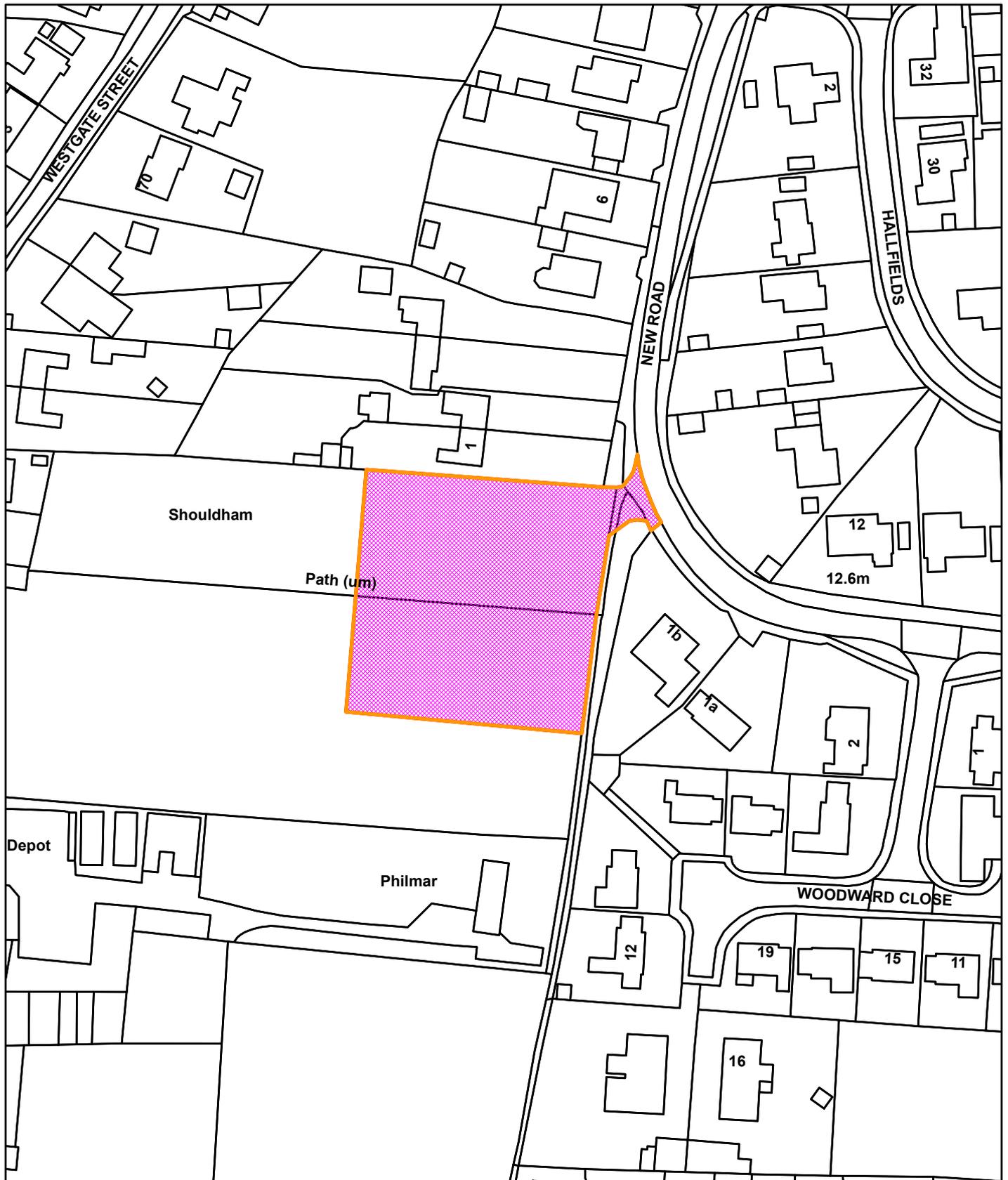
APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004
- 2 Condition: The development hereby permitted shall be carried out using only the following approved plans:
 - dwg no 01. Location Plan.
 - dwg no 02. Proposed Site Plan.
 - dwg no 03. Floor Plans.
 - dwg no 04. Elevations.
 - dwg no 06. Garage Plans.
 - dwg no. 08. Sectional Drawings.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The annexe hereby approved shall only be used as ancillary accommodation to the main dwelling and the use of the garage hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the main dwelling known as 14 The Avenue, Brookville, IP26 4RF, and shall at no time be used as an independent unit of residential accommodation or for business or commercial purposes.
- 3 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF, and Policy DM3 of the Site Allocation and Development Management Policies Plan (SADMPP) 2016.
- 4 Condition: Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied 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.
- 4 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 5 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.

- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

23/00056/F

Land E of 52 to 60 Westgate Street Shouldham PE33 0DF



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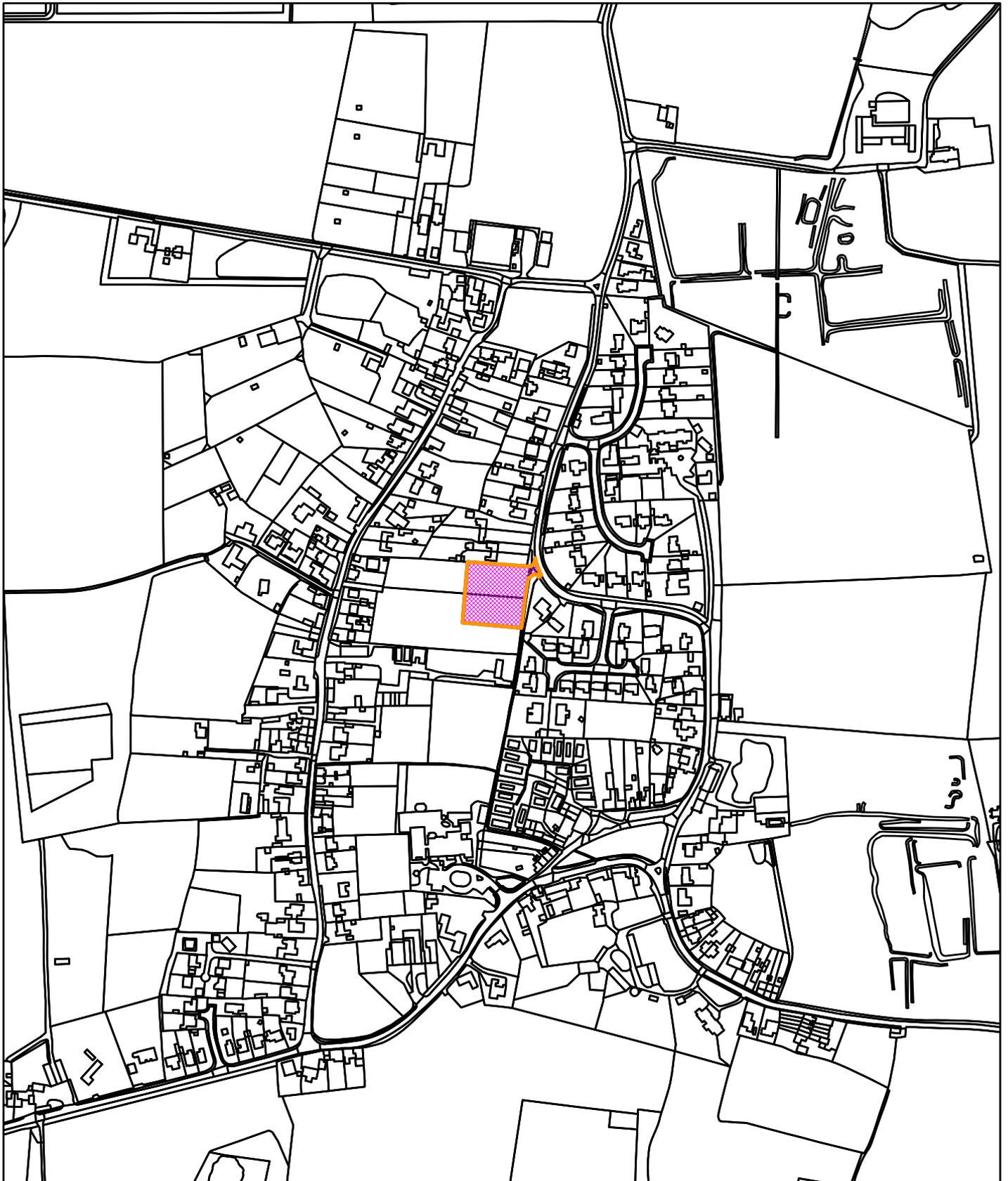
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23/00056/F

Land E of 52 to 60 Westgate Street Shouldham PE33 0DF



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20/09/2023

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AGENDA ITEM: NO: 9/1(f)

Parish:	Shouldham	
Proposal:	Proposed Development of five houses on allocated site G81.1	
Location:	Land E of 52 To 60 Westgate Street Shouldham Norfolk	
Applicant:	J Cribb	
Case No:	23/00056/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 3 April 2023 Extension of Time Expiry Date: 8 September 2023

Reason for Referral to Planning Committee – Application called in by Cllr Hipperson

Neighbourhood Plan: No

Case Summary

The allocated site (0.3ha in size) is situated in the centre of the village of Shouldham. The site is bounded to the east by trees and to the south by hedgerows and has a public right of way cutting across the site. The site is neighboured by existing residential development to the north and east.

The application site is allocated in the adopted Local Plan for five residential units under Policy G81.1 and shown on Inset Map G81 of the Site Allocations and Development Management Policies Plan (2016).

The application seeks planning consent for five detached two storey four bedroom dwellings, each with two parking spaces plus a garage and a private rear garden. Access is via a single private road off New Road and includes the integration of an existing public footpath (Public Right of Way known as Shouldham FP9 and FP11) running east to west across the site.

Key Issues

Principle of Development
Form and Character
Neighbour Amenity
Access / Highway Safety
Other material considerations

Recommendation

A) APPROVE subject to conditions and the satisfactory completion of a S106/UU Agreement to secure the GIRAMS payment within 4 months of the date of this committee resolution.

B) REFUSE in the event that the S106/UU Agreement is not completed within 4 months of the date of this committee resolution due to the failure to secure the GIRAMS payment.

THE APPLICATION

The allocated site is 0.3ha in size and is situated in the centre of the village of Shouldham and therefore is well integrated with the services and facilities within the settlement. The site is approximately 110m as the crow flies away from the Conservation Area, and the development of this site would not impact upon this.

The site is bounded to the east by mature trees and to the south by hedgerows and has a public right of way cutting across the site. Views into the site are limited to near distance from New Road, land and the school to the south and adjacent properties. There are few opportunities for long distance views due to the site being located within a developed area. The site is completely screened by housing on the west boundary. In the limited views that are available the site is viewed in the context of the existing settlement.

The application site is allocated in the adopted Local Plan for 5 residential units under Policy G81.1 and shown on Inset Map G81 of the Site Allocations and Development Management Policies Plan (2016). This is a density of 16.6 dwellings per hectare.

The application seeks planning consent for five detached two storey four bedroom dwellings, each with two parking spaces plus a garage and a private rear garden. Access is via a single private road off New Road and includes the integration of an existing public footpath (Public Right of Way known as Shouldham FP9 and FP11) running east to west across the site.

The dwellings proposed are four bedroom detached dwellings consisting of red brick, white render, (ivory) timber cladding and flint, with red pantiles. The roof pitches are 8.2m in height (at the highest point), with eaves at 5m. The garages are detached single storey, with rear gardens enclosed by 2m close board fencing. Landscaping is proposed to the front and rear of the dwellings and the existing trees to the east of the site are to be retained and protected.

SUPPORTING CASE

The application put before the committee is for the construction of 5no. four-bedroom homes in the centre of Shouldham. The application site is one which is currently allocated through the current local plan, referenced G81.1, and the allocation itself states that the development must consist of at least 5 dwellings, on the 0.3-hectare site which is accessed via New Road.

The dwellings have been designed to be modest in size whilst still providing a home which is suitable for families. They have also been designed to provide a modern level of accommodation, which includes a ground floor study, and a semi-open plan living space, with seamless access to the generous rear gardens. The materials proposed for the dwellings are traditional and seen throughout Shouldham. These include; Red brick, clay pan tiles, flint cobbles, render, and timber boarding. We have included traditional features such as bay-windows, whilst also incorporating more modern features such as glazed entrances and bi-folding doors.

The planning application itself meets the requirements of the allocation in its entirety. The site layout also ensures that the public right of way which runs through the centre of the site is retained in full, and the proposed access off New Road has also been approved by NCC Highways officer, which is of course well received.

The application has been put before this committee with the officers recommendation of approval. This is met with the support of all other statutory consultees other than the Parish Council. Having attended two parish council meetings throughout the year, they do not oppose the form of development in this location, but have concerns regarding the size of the land, which is something we unfortunately do not have control over due to the allocation itself which governs the size of the site. We therefore ask members to look at their objection as an grievance with the allocation, rather than an objection to the principal.

As the agent, we have made a conscious effort to engage with the Parish Council, which was welcomed and appreciated by the Parish Council in their most recent response. We are keen to continue to engage with the Parish Council on this application, should the application be approved in line with the officers recommendation, to ensure that an attractive, sensitive and beneficial development is constructed.

To conclude, the application is fully aligned with the allocation to which we are governed by. This allocated site in the heart of Shouldham provides 5 well-proportioned family homes, which shall continue to support the services and amenities Shouldham has to offer. The planning officer's recommendation of approval is extremely well justified, and we urge committee members to make their decision based on the allocation itself, whilst considering the benefit this will have to Shouldham and surrounding areas.

Thank you, and I look forward to attending the Planning Committee meeting to hear discussions on this application, and I hope to see this site progress in the future, with the committee's support.

PLANNING HISTORY

2/02/1587/O: Application Refused (delegated decision): 30/10/02 - Site for construction of 4 dwellings - Land rear of Blackhorse Cottage to Newlands, Westgate Street Shouldham. Appeal Dismissed 05/06/03.

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds:

- Development is out of keeping with its surroundings; large modern executive style houses with small gardens, crammed into the small, allocated site within the larger extent of the field. Would create a small urban estate against in the otherwise rural linear development either side of homes set in significantly larger gardens. Not in keeping with the village character or integrated into the proposed area.
- Does not provide properties that are more affordable and available to a wider range of people.
- Fails to provide biodiversity and green space within the development's overall layout arrangement in relation to its location within the village.
- There is an impact and conflict around the existing PRoW to preserve the present unhindered access the PRoW has at the moment. How will it be maintained?

- The applicant should withdraw the application and work with the PC and Borough Council to create a revised application that has a more rural appearance, maintains or improves the biodiversity and green space within the larger field area.
- The village has over-supplied on the allocation of the 2016 Local Plan Site Allocation of 10 houses and the proposed plan states no further requirement for more homes in the village with sustainability a concern for a rural village.

The Parish Council suggested amendments to the scheme which would enable Parish Council support. This included amended house types, reduced scale/ size of homes, revised layout, protection of adjacent vacant site, clarification on drainage, confirmation from Anglian Water that the new development would not adversely impact on current customers.

The Parish Council responses have been produced with reference to the following policies:

- Core Strategy Policy(s) - CS06 Development in Rural Areas, CS08 Sustainable Development, CS09 Housing Distribution, CS12 Environmental Assets, CS13 Community & Culture, CS14 Infrastructure Provision
- Local Plan Policy(s) - DM15 Environment, design & Amenity, DM17 Parking Provision in new Development, DM22 Protection of Local Open Space.

Public Rights of Way Officer: NO OBJECTION subject to informative.

No objection in principle to the application and note the submission of the Highway Boundary plans showing the legal alignments of Shouldham FP9 & FP11. Clarification is needed as to whether the proposals include any surface improvements to the Public Footpaths. The specification of any improvement works must be approved and agreed with NCC prior to the commencement of any such works. The applicant will need to apply for a Temporary Traffic Regulation Order which must be confirmed before any works commence which would impact upon the PROW. The full legal extents of these footpaths must remain open and accessible for the duration of the development and subsequent occupation.

Highways Authority: NO OBJECTION subject to conditions

With reference to the revised plan 21270 03 C the access and layout would accord with the adopted guidance and as a result recommend conditions re the access, onsite parking and turning, and a scheme for the onsite parking during construction.

Internal Drainage Board: NO OBJECTION

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The land has previously been used for agricultural use, however is not currently being farmed and has been granted to have low agricultural value.

The applicant has provided a design and access statement providing information on the development. A screening assessment is provided indicating no known contamination. The files have been reviewed and the site is on land not seen developed for the duration of our records other than being labelled as allotments in historic maps dated 1891-1912 The surrounding landscape is largely agricultural and residential.

No potential sources of contamination are identified in the records, or in the information provided by the applicant. No objection regarding contaminated land.

Natural England: NO OBJECTION

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

The GIRAMS has been put in place to ensure that this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk. We advise that a suitable contribution to the Norfolk GIRAMS should be sought from this development to ensure that the delivery of the GIRAMS remains viable. If this does not occur then the tariff in the adopted GIRAMS will need to be increased to ensure the GIRAMS is adequately funded.

Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, will need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Arboricultural Officer: NO OBJECTION (verbal response)

Strategic Housing: NO OBJECTION

As the site area is under 0.5ha and 5 units are proposed, no affordable housing contribution will be sought.

Historic Environment Service: NO OBJECTION subject to conditions

The proposed development site is located within an area where artefacts of prehistoric, Roman, and medieval date have been recovered. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205. In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). We suggest conditions are imposed.

A brief for the archaeological work can be obtained from Norfolk County Council Environment Service historic environment strategy and advice team. We charge applicants for the elements of our involvement in planning cases not covered by our service level agreements with local planning authorities.

Anglian Water: NO OBJECTION subject to condition

AW Assets - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site,

and as such an Informative should be attached. The site is within 15 metres of a sewage pumping station and AW consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this by ensuring that no sensitive development is within 15 metres from the boundary of a sewage pumping station.

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

Used Water Network - This site falls within an area served by a vacuum sewerage system. The developer will be required to employ the appropriate Vacuum contractor (Anglian Water will advise who this is, dependant on the existing vacuum system) to design and undertake the connection on their behalf. Due to the nature of the system, upgrades may be required to accommodate the proposed development. If there is insufficient capacity or pressure to accommodate the new development, Anglian Water will fund the necessary improvements downstream of the connection point. As these are complex drainage systems, we request a pre-commencement condition be applied if permission is granted.

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water and the submitted plans indicate that surface water discharge from this site is via soakaways. Please also note that Anglian Water has no designated surface water sewers in the area. On this basis, Anglian Water can confirm the surface water management is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency and/or the Lead Local Flood Authority.

CSNN: NO OBJECTION subject to conditions

The site layout could accommodate further development given the 'open' access at the rear of the site. It may be of consideration in terms of the cumulative impact of additional dwellings in the future (particularly in terms of ASHPs and traffic noise). Certainly, Plot 1 should ideally have a brick wall to the southern boundary of the garden (in preparation for additional traffic movements; to protect the rear amenity area).

We support the AW comments. The design of the site layout should take into account all requested cordon sanitaire's and infrastructure/pipework easements. Plots 1, 2 and 5 may all require revision and the applicant should show that the AW comments have been addressed. Previously requested a combined drainage condition and note AW have also requested a foul drainage condition. In addition, conditions should be attached re the air source heat pumps, site hours, and onsite parking.

REPRESENTATIONS

EIGHTEEN OBJECTIONS received to the proposal. These have been summarised below –

- The village does need more executive homes. These should be affordable units for local people.
- The proposed design of the properties is out of keeping with local architecture. These homes are not sympathetic to the local area and no features/ materials to reflect the locality. The render proposed is not a local material/ colour. Also minimal brick detailing is proposed. Variation in brick colour and detailing would make a difference to quality.

- House types should vary. They are all the same, poor design.
- Insufficient landscaping proposed within plots and at entrance to site.
- Development would result in a change to the character of the village, the 'green centre' would be lost as applicant clearly intends to expand site in time.
- The proposed land allows good views of the village and is visually prominent in the public domain, as such it adds greatly to the character of the village. This will lead to a loss of the traditional form and character of the village. This could be limited by the proposed dwellings being single storey only.
- Bin enclosure by the entrance to the site will be publicly visible to all users along New Road. Why is it necessary? A small "bin store" to the edge of the site is unlikely to succeed in controlling the distribution of litter.
- The proposed site plan appears to show that the air-source heat pump for plot 1 will be on the front elevation. This will make it publicly visible from the new access road.
- Use of close boarded fencing only adds to the urbanisation of the land and enclosing the remainder of the "rhubarb patch" land. Boundary treatments should be hedging.
- Crossing public land and a public right of way to gain access by way of converting it to a road, is to be abhorred. Loss of safe walking route through village.
- Proposed access comes out onto a narrow bend, and crosses Lamson's Lane. Will be detrimental to walking routes around village and potentially highway safety.
- The access road will be inaccessible to for emergency vehicles and bin collectors.
- No footpath on the right-hand side, will cause accidents at the entrance to the houses.
- Limited parking for the houses which will add to the already bad traffic congestion this will cause access problems to the village.
- The public footpath is used as a safe, traffic free route across the village for pedestrians, used by children to the local school. The proposed development will introduce traffic, with the footpath crossing 3 driveways, introducing the potential for hazards/accidents within this area.
- Access close to the memorial bench situated at the top of Lamsons Lane, and will lead to safety issues for members of the village using this.
- There should be a commitment to protect and retain the existing trees along Lammas Lane. This feature will soften the view of the new housing as seen from New Road. Could a TPO be used to protect all tree on site?
- Western boundary of site should be landscaped.
- Ecological impact on loss of green space. Currently home to a variety of wildlife.
- The removal of any mature tree, should this proposal be approved, should be accompanied by at least two new trees.
- Air, noise and light pollution/ disturbance that will be caused by the construction of the houses.
- Village sewage system at capacity, requiring the constant attendance of Anglia Water to keep the system flowing. The adjacent pig fields provide a constant run off of polluted water into the local ditches. Not healthy to the inhabitants and until this is sorted.
- Devalue neighbouring properties, they will become overlooked and surrounded by buildings.
- Should be a comprehensive plan for the site and adjacent vacant land.
- Site address is misleading.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

G81.1 Shouldham - Land South of 1 New Road

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Form and Character
- Neighbour Amenity
- Access / Highway Safety
- Other material considerations

Principle of Development:

The application site is allocated within the adopted Local Plan. Policy G81.1 Shouldham states –

Land South of no.1 New Road Land of around 0.3 hectare south of 1 New Road, as shown on the Policies Map, is allocated for residential development of at least 5 dwellings. Development will be subject to compliance with all of the following:

1. Provision of suitable safe access to the site through New Road to the satisfaction of the local Highway Authority

2. Suitable integration with the Public Right of Way that runs across the centre and to the east of the site
3. Provision of affordable housing in line with current standards.

Therefore, the application, seeking consent for five dwellings on the site, is acceptable in terms of the principle of development, subject to the scheme being in accordance with this policy (G81.1) when considered within the context of wider Local Plan policies.

Form and Character:

The locality of the application site includes a variety of existing modern house types, both single and two storey, within varying plot sizes. To the north of the site are pairs of semi-detached red brick two-storey dwellings (local authority built). These front onto New Road and are within deep plots, with large gardens to the front and back. To the southeast of the site are detached dwellings, both two storey and single storey and materials include red and buff brick, cream render with concrete pantiles. These are within reasonable plots. To the south and east of the site is vacant land and includes the existing PROWs. There are some existing well-established trees to the east of the site which are to be retained. There is also an existing hedgerow however some of this will be removed to facilitate the development.

The application proposes five detached two storey dwellings (as described in detail above) accessed via a single private road off New Road. The materials proposed include flint, red brick, white render, ivory timber cladding with red pantiles. Flint will be utilised on the front elevations of all the plots. The scheme proposes three different house types of the site to ensure some variation within the site. The proposed materials are found in the wider locality and are considered to be in keeping with the locality. The exact details of the materials will be conditioned to ensure the brick types, flint panels and boarding are of a high quality.

A number of objections have been raised from the Parish Council and local residents stating that the development proposed is out of keeping with the local area, suggesting that the dwellings proposed are too large for the site and would create an urban estate in appearance.

In terms of the size of the dwellings proposed, each dwelling has policy compliant car parking and have appropriately sized rear gardens. Local community concerns are understood, the proposed dwellings are large, detached family homes however there is not a policy requirement for a specific mix of house types/ sizes of this site.

The rear gardens are to be enclosed by 2m close board fencing to facilitate private amenity space. This is aside from the boundary to the east alongside plot 5 which will also consist of mixed native species trees and hedgerow with estate railing facing onto the PROW. This will replace the short area of existing hedgerow which needs to be removed to facilitate the development of plot 5, ensuring there is sufficient amenity space and parking. The existing trees on the eastern boundary are to be retained and protected. The Arboricultural Officer has no objections to the scheme. It is suggested that conditions are attached to secure the retention of these trees. The scheme also proposes landscaping at the entrance to the site, to the front of plot 1. The landscaping conditions will be secured via conditions.

Given the development of the site for residential use is established the scheme proposed is considered acceptable in terms of form and character, and in accordance with the NPPF, policy CS08 of the Core Strategy and policy DM15 of the Site Allocations and Development Management Policies Plan.

Neighbour Amenity:

The dwellings proposed are two storey but for plot 1, while within 1m of the shared boundary to the north, this is to the south of the extensive front garden of no.1. As a result, while the development may cause some overshadowing to the front garden and driveway, there would be a limited impact on the neighbouring resident. Given the siting of the dwelling and the proposed eaves height, the proposed dwelling would not be overbearing on the neighbouring dwelling. A condition has been attached however to remove permitted development rights for plot 1, to ensure that no additional windows can be added to the north elevation, nor any rear extension to the dwelling as these may result in an overbearing impact on No. 1. The dwelling at plot 2 is 12m south of the shared boundary and trees are also proposed along this boundary. As such the separation distance is considered acceptable and would not give rise to overshadowing or appear overbearing, or result in unacceptable overlooking to the rear garden of no.1.

To the east of the site, the neighbouring dwelling no.1b is orientated at 45 degrees to the site, therefore the first floor windows do look towards the southeast of the application site. This dwelling is approximately 10m from the proposed dwelling at plot 5 and would face towards the side elevation of the dwelling. The only first floor windows proposed are bathroom and obscure glazed. The rear garden of plot 5 would also be visible but the distance between these is approximately 12m and the easter boundary is to be planted with hedgerows and trees and therefore this relationship is considered acceptable.

Within the site the layout of the dwellings proposed has been amended to ensure that first floor windows on the front elevations do not face into each other but are either a sufficient distance between or are off-set. The side elevations of the dwellings include only obscure glazed windows serving bathrooms/ ensuites.

In terms of land levels on the site, the land rises from the northwest to the southeast. Land levels are to remain consistent. Given the neighbouring dwellings to the north and east are single storey and the separation distances between these and the orientation of the proposed dwellings, it is considered that the new dwellings would not be detrimental to those existing neighbours.

The CSNN officer considered the application and aside from raising concerns about drainage (discussed below), there are no objections to the scheme subject to conditions relating to details re the air source heat pumps, and construction hours and parking details.

The development proposed is in accordance with the NPPF, and policy DM15 of the Local Plan in terms of neighbour amenity.

Access / Highway Safety:

Concerns are raised from local residents regarding both highway and pedestrian safety given the proposed access to the site, and the route of the existing footpaths.

The site access is established under policy G81.1 'Provision of suitable safe access to the site through New Road to the satisfaction of the local Highway Authority.' The application has identified a suitable vehicular access which meets the requirements of the Local Highway Authority, subject to specified conditions. The conditions relate to the access, onsite parking and turning, and a scheme for the onsite parking during construction. The proposed parking provision is policy compliant.

The existing footpath (PROW Shouldham FP9) from New Road to Westgate Street currently runs through an area of agricultural land which is not farmed, part of which includes the

application site. The proposed scheme retains the same route for the footpath, and it is proposed that this would be 2m in width and run alongside the front of plots 3-5. While there is also a public footpath which runs alongside the eastern boundary of the site, Shouldham FP11, this lies outside of the application site and no changes are proposed. The Public Rights of Way Officer has requested clarification as to whether the proposals include any surface improvements to the Public Footpaths. The specification of any improvement works must be approved and agreed with NCC prior to the commencement of any such works. Given the detailed works are to be agreed by Norfolk County Council it is not necessary to include an additional planning condition.

The development proposed is in accordance with the NPPF, and policies CS11, DM 15, DM17 and G81.1.

Other material considerations:

Flood Risk and Drainage – The application site lies within Flood Zone 1 of the Councils Strategic Flood Risk Assessment, and as such is at the lowest risk of flooding.

Objections were made to the application on the grounds of the impact of the development on local drainage. There have been/ are ongoing issues regarding drainage within this part of the village. Concerns are raised that the development would exacerbate these. CSNN also asked for clarification from Anglian Water as to whether a drainage solution could be found. The applicant has not at this stage provided drainage details, and so a condition could be attached to agree these details prior to the commencement of development.

Anglian Water has stated that firstly that there is an existing pumping station to the south east of the application site, and Anglian Water state that new dwellings should not be within 15m of this. Plots 3 to 5 are all in excess of 15m from this, and as such this relationship is considered acceptable. The CSNN officer has also queried easement distances to Anglian Water pipework although at this stage the pipe network has not been clarified and given Anglian Water did not raise this concern in their response, it is considered the drainage arrangements can be addressed via condition. There is sufficient capacity for foul drainage from the proposed scheme. In terms of the used water network, Anglian Water clarify in their response that the site falls within an area served by a vacuum sewerage system and the developer would be required to employ the appropriate vacuum contractor to design and undertake the connection on their behalf. Upgrades may be required to accommodate the development. A pre-commencement condition is recommended, and therefore attached.

Archaeology – The proposed development site is located within an area where artefacts of prehistoric, Roman, and medieval date have been recovered. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development. Therefore, it is recommended that a programme of archaeological mitigatory work is secured by conditions.

Affordable Housing/ Open space – Objections to the scheme include queries as to the provision of affordable housing and open space provision within the scheme. Policy G81.1 requires that affordable housing requirements are to be provided in accordance with Local Plan policy CS09. However affordable housing policy requirements have since been amended and based on current policy the Strategic Housing Officer has confirmed that given the size of the site and the number of units proposed, there is no requirements for affordable housing. In accordance with policy DM16 of the Local Plan there is also no policy requirement for the provision of open space.

Ecology – The proposed development will require a financial payment towards the Norfolk Green Infrastructure (GI) and Recreational impact Avoidance and Mitigation Strategy (RAMS). This equates to £1,054.20 (£210.84 per dwelling). The payment is to mitigate against the in-combination effects of development on designated areas and allow strategic mitigation to be delivered across Norfolk in accordance with policy CS12. The applicant has requested the financial contribution is secured by a legal agreement.

While the site is currently a vacant site, the existing trees are to be retained and only part of the site redeveloped. As such there is a minimal impact on local ecology as the remaining land area will be retained in its current condition, alongside planting/ landscaping scheme to be agreed.

Contaminated Land – Given the existing and historical use of the site, and use of neighbouring land there are no concerns raised regarding potential contamination on the application site.

Other issues raised –

- Objections to the scheme also include that the development would devalue neighbouring dwellings, this is not a material planning consideration.
- Concerns are also raised about what will happen to the adjacent land, and whether consideration should be given to what development may come forward on the adjacent land. At this time the allocation site is clearly defined and beyond this the land is categorised as countryside. Each application should be determined on its own merits and as such it is not necessary to consider potential development of adjacent land, as part of this scheme.

CONCLUSION:

The application site is allocated within the adopted Local Plan for residential development of five dwellings under policy G81.1. As such the principle of development is acceptable in this location subject to compliance with the other Local Plan policies.

The proposal seeks full consent for the development of five two storey four bedroom detached dwellings with detached external garages, with rear private gardens. Access is via a single private road off New Road and includes the provision of a 2m footpath through the site along the route of the existing PROW Shouldham FP9. The proposed layout is in accordance with policy G81.1, and the Local Highway Authority and the Public Rights of Way Officer are satisfied with the proposal subject to conditions.

The house types, design and materials proposed are considered to be appropriate in the locality, although the Parish Council does object to the scheme on these grounds. Landscaping on the site is proposed, and this can be secured via condition.

In terms of neighbour amenity, the proposed layout, siting and orientation of the houses minimises any impacts on existing neighbouring dwellings, as well as between dwellings within the site. These relationships are considered acceptable and would not give rise to unacceptable overlooking or overshadowing. Concerns raised regarding local drainage arrangements have been considered and Anglian Water has confirmed the arrangements can be addressed via condition.

Additional conditions are proposed in response to consultee comments raised. These include archaeological, construction hours and parking, air source heat pumps, alongside the GIRAMS payment required to secure appropriate mitigation for ecological impact.

It is therefore considered that the development accords with the NPPF, and Local Plan policies CS06, CS08, CS09, CS11, CS12, DM15, DM16, DM17 and G81.1 and the following is recommended:

RECOMMENDATION:

A) APPROVE subject to conditions and the satisfactory completion of a S106/UU Agreement to secure the GIRAMS payment within 4 months of the date of this committee resolution:

- 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 92 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 -

21270 01 A LOCATION PLAN 17 Jan 2023
21270 03 C PROPOSED SITE PLAN 11 Apr 2023
21270 05 C HOUSE TYPE A ELEVATIONS 11 Apr 2023
21270 07 A HOUSE TYPE A PLANS 11 Apr 2023
21270 07 B HOUSE TYPE B ELEVATIONS 04 Feb 2023
21270 08 HOUSE TYPE B PLANS 17 Jan 2023
21270 09 B HOUSE TYPE C ELEVATIONS 04 Feb 2023
21270 08 A HOUSE TYPE C PLANS 17 Jan 2023
21270 10 GARAGE LAYOUTS 17 Jan 2023
- 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 vehicular / pedestrian / cyclist access / crossing over the verge / footway shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority and in accordance with the highways specification TRAD 2 and thereafter retained at the position shown on the approved plan. 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 and the street name sign shall be relocated.
- 3 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 4 Condition Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason In the interests of highway safety in accordance with the NPPF and Local Plan policy CS11.

- 5 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 6 Condition Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 6 Reason To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 7 Condition No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
- 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 and
 - 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 7 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 8 Condition No demolition/development shall take place other than in accordance with the written scheme of investigation approved under condition 7 and any addenda to that WSI covering subsequent phases of mitigation.
- 8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 9 Condition The development shall not be occupied or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 7 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.

- 10 Condition Prior to commencement a scheme for foul drainage works shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. Foul water drainage works must be carried out in complete accordance with the approved scheme.
- 10 Reason In order to prevent environmental and amenity problems arising from flooding, in accordance with the NPPF.
- 11 Condition No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 11 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 12 Condition Before the first occupation of the dwellings hereby permitted the bathroom and en-suite windows at first floor shall be fitted with obscured glazing, and shall be permanently retained in that condition thereafter.
- 12 Reason To protect the residential amenities of the occupiers of nearby property.
- 13 Condition Notwithstanding the details hereby approved, prior to the first use or occupation of the approved dwellings 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.
- 13 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 14 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.
- 14 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 15 Condition No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on

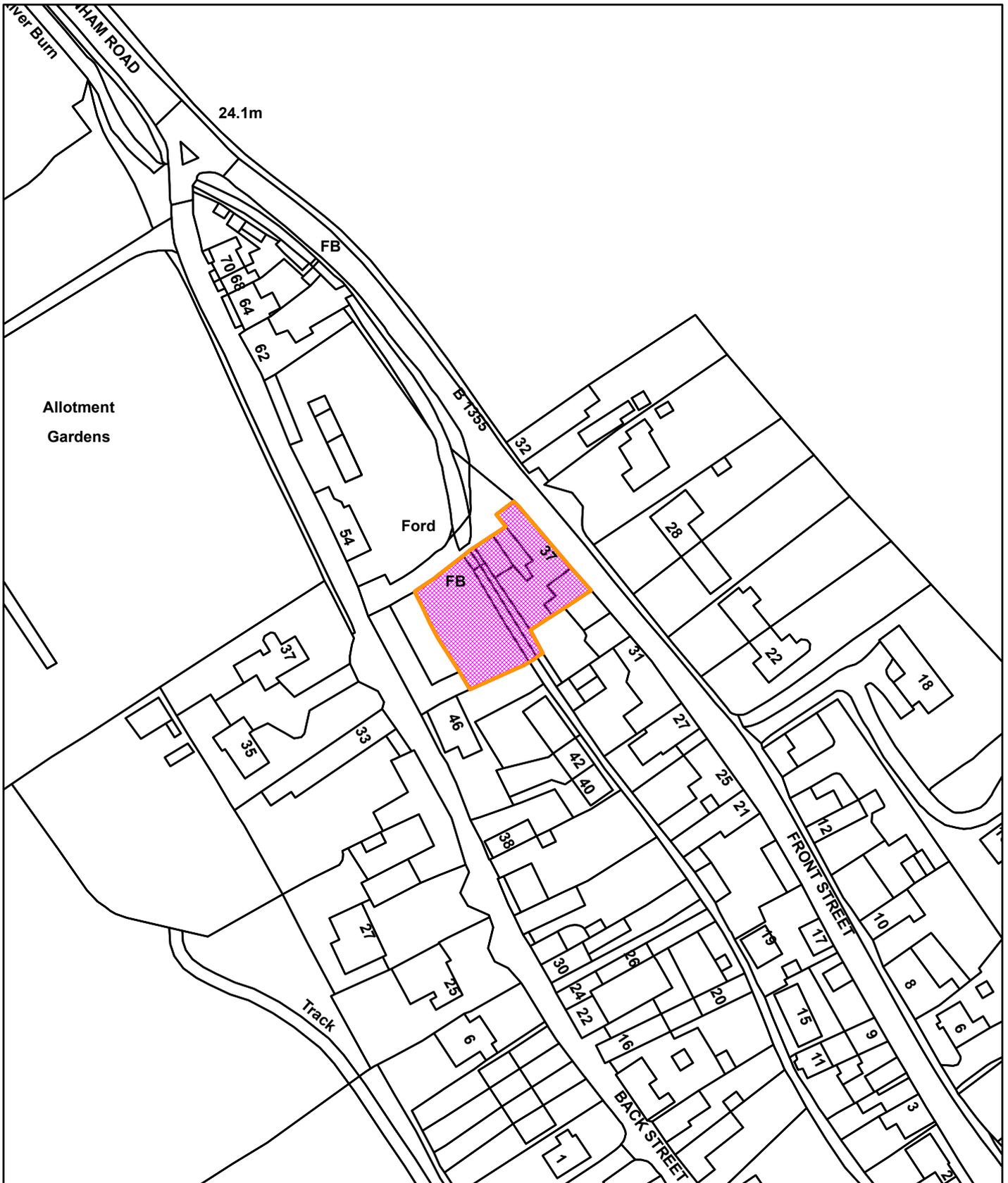
to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 15 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 16 Condition Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures (including boundary treatments). The scheme shall be implemented as approved and thereafter maintained as such.
- 16 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 17 Condition Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.
- 17 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 18 Condition Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA and B 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, improvement or other alteration of a dwelling house, the enlargement of a dwelling house by construction of additional storeys or the enlargement of a dwelling house consisting of an addition or alteration to its roof shall not be allowed on plot 1 without the granting of specific planning permission.
- 18 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.
- 19 Condition Notwithstanding the provisions 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), no new windows/dormer windows (other than those expressly authorised by this permission), shall be allowed on the northern elevation of plot 1 without the granting of specific planning permission.
- 19 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.

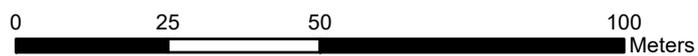
B) REFUSE in the event that the S106/UU Agreement is not completed within 4 months of the date of this committee resolution due to the failure to secure the GIRAMS payment.

23/00884/F

The Old Chequers 37 Front Street South Creake NR21 9PF



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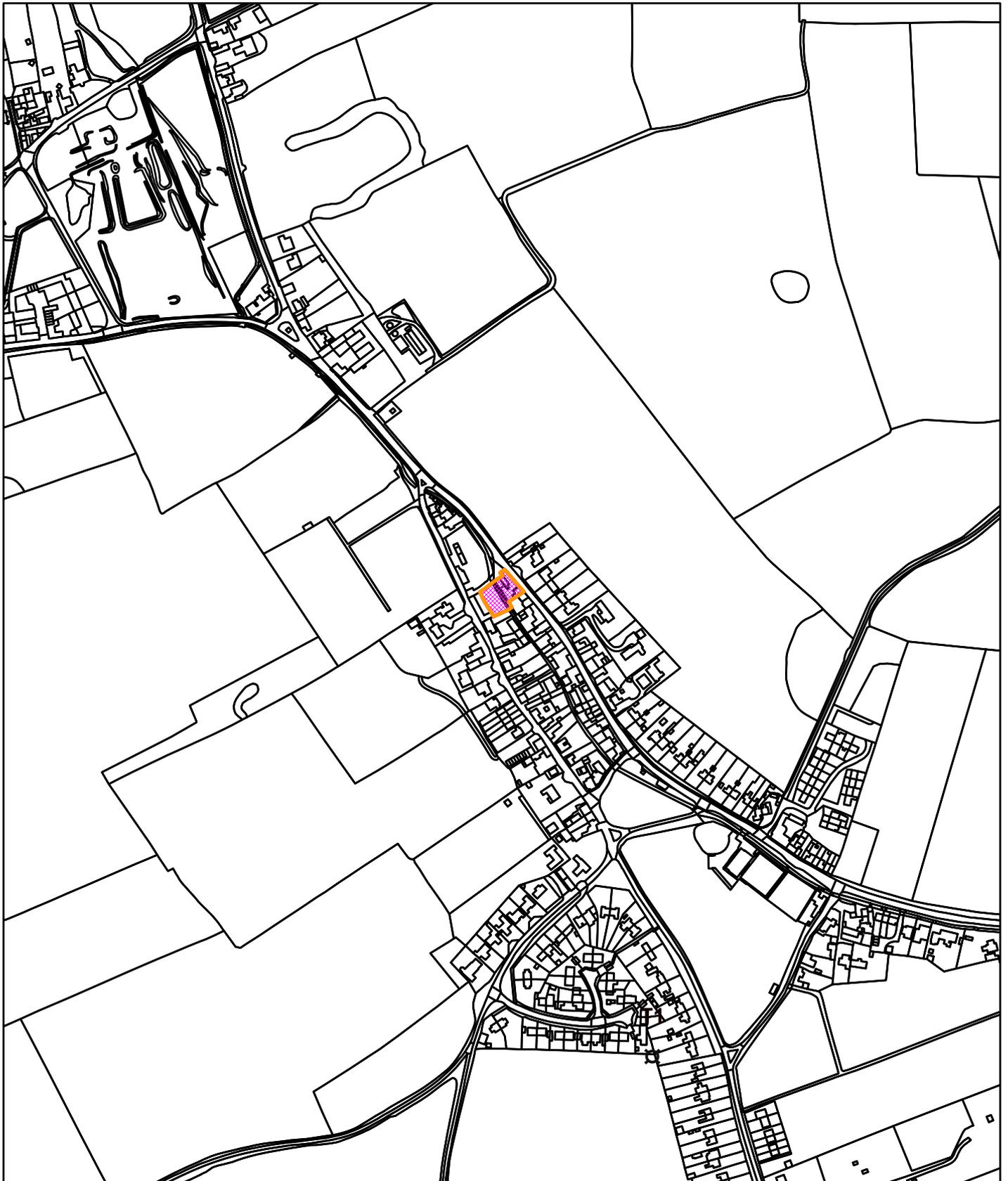
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AGENDA ITEM NO: 9/1(g)

Parish:	South Creake	
Proposal:	Retrospective change of existing cart shed to games room	
Location:	The Old Chequers 37 Front Street South Creake Fakenham	
Applicant:	Mr Ben van Rooyen	
Case No:	23/00884/F (Full Application)	
Case Officer:	Mrs Rebecca Bush	Date for Determination: 31 August 2023 Extension of Time Expiry Date: 6 October 2023

Reason for Referral to Planning Committee – Called in by Councillor Morley.

Neighbourhood Plan: No

Case Summary

The application is for a retrospective change of existing cart shed to games room to the north west of the site behind the frontage of the main dwelling. This dwelling is situated within the Conservation Area and is a non-designated heritage asset.

The site is located to the middle part of the village on Front Street. South Creake is a Smaller Village and Hamlet as defined by Policy CS02 of the Core Strategy 2011.

Key Issues

Principle of development.

Form and impact on the character and appearance of the Conservation Area.

Impact on neighbour amenity.

Parking.

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

Recommendation

APPROVE

THE APPLICATION

South Creake is a linear settlement strung out along the B1355. It has grown along the valley bottom of the river Burn. Front Street has a familiar range of cobble and red brick facades and a notably tall brick tower of the old brewery. There would be colourwash buildings hard up against the road.

There are a much larger number of non-designated heritage assets in South Creake than listed buildings, this site is one of those important unlisted buildings. This is a traditional building in a prominent position, that relates to the historic buildings close by. Together these buildings make a significant contribution to the character of the Conservation Area.

Situated in the small village of South Creake along Front Street, this existing dwelling is a 'U' shaped building, is two storey and has six bedrooms. The site is situated hard on the road with the River Burn running along the garden area to the rear.

The application site was originally a Public House and the area which is now the games room was used for storage and a cart shed. This area is located to the side of the dwelling behind the principle front elevation. In 1987 there was an approved application that included the erection of a wall to the north west (side) of the cart shed area. Due to the angle of the cart shed it is very unlikely two cars could have fit within the cart shed and more likely used for storage. The area in between the cart shed and host dwelling is very narrow so turning safely within the area would also have been an issue.

The existing cart shed/storage area was open at the front with one larger opening and a slightly smaller opening to the front elevation (east) and closed off to the rear (west). The wall is constructed in flint with a red clay pantile hipped roof and white framed door openings. This retrospective application is sought to change this building to a games room for the applicants Air BNB business. There would be a window and bi folding doors to the east and another bi folding door to the west of the games room. The roof and wall has remained the same. The main issues here are the design, glazing has been added to the front elevation, the impact on the Conservation Area and the car parking.

SUPPORTING CASE

To use the current letter received by the applicant on the 16.08.23:

When we bought The Old Chequers, the village and the surrounding houses were in a very different state, and I would like to think that we made some contribution, if only a small one, to driving that positive change. Subsequent to our investment in the village, multiple neighbouring properties have been restored and improved upon, and the pub went from being dilapidated to being a shining light of the surrounding area. I would like to think that The Old Chequers, which is aimed at multi-generational family gatherings, has exposed so many more people to South Creake and the surrounding North Norfolk, and though it might have brought some change to our direct neighbours, the community as a whole has benefitted from increased tourism. It was the previous owners' dream to create a tourism-focused property, and they extensively renovated it for that purpose; we are now simply following through on that vision, while enjoying it as well with our families and friends whenever we can. The Old Chequers creates work for various local businesses.

The transformation of the cart shed into a games room is fundamentally about creating a dedicated indoor space for us and our guests to gather, especially during the evenings.

In its original state, the cart shed was sparingly used, with usually just a single car parked there, despite the capacity for more (it was very difficult to get a second car in, so people never bothered). We must remember that using the cart shed and the adjoining courtyard for parking is a courtesy, not an obligation. Guests at The Old Chequers have the same rights as other properties on Front and Back streets to park on the roadside. We have encouraged off-street parking, but it cannot be imposed.

It is worth noting that from a planning perspective, the guidance is that we should aim for 3 parking spaces on site, given that this is a 6-bedroom house. I note the various comments referring to our capacity for 14 people, but that extra capacity is on a sofa bed that adjoins one of the bedrooms and is targeted at families with young children (like ours) who don't want to sleep separately from the parents. As mentioned in my planning application, our historical data shows an average of 4 cars used by visitors to The Old Chequers. This was typically split with 3 cars in the courtyard and one in the cart shed. However, we have always encouraged that up to 4 cars can park inside the courtyard. I have attached the historic picture we always shared with guests to indicate the parking arrangements, clearly showing 4 cars in the courtyard (and one in the cart shed). I also attach a recent picture below, after the completion of the works, showing 4 cars in the courtyard which is how we now encourage guests to park. As can be seen, these large family cars fit in comfortably.

Additionally, in my opinion, the cart shed changes have no negative impact on neighbour amenity – i.e., through noise, overlooking, overshadowing, smells, light pollution, loss of daylight, loss of privacy, dust, or vibration. This is an existing structure that is not being extended. The area cannot be seen directly by any of the neighbours from their homes. I notice complaints from my neighbours at No. 30 Front Street saying that the games room lights shine into their windows, which is not possible. I have attached a drawing showing the location of the games room and the neighbours, with no line of sight from any neighbour.

It is also worth pointing out, for clarity, that the games room is a single-story part of the house, with the part of the house facing Front Street (Blue box) is a double story. By enclosing the cart shed on the courtyard side and making it as soundproof as possible, we are actively attempting to reduce noise from the house.

This letter can be shown in full, with photos, on the public realm.

PLANNING HISTORY

- 2/87/2034/CA Demolition of ground floor walling and removal of roof to link first floor extension to front and rear buildings. Permitted 04.08.1987 (Delegated).

RESPONSE TO CONSULTATION

Parish Council: OBJECT

The Parish Council believes that parking provision at the property is inadequate and impacts on highway safety. The property is advertised as a luxury holiday home that can accommodate 14 guests and states that there is parking on the premises for guests.

However, there is inadequate parking for the guests as guests frequently park in the layby that is adjacent to the property. The layby is double yellow lined, parking is prevented at this point because this is a public right of way over the ford through to Back Street. Parking that causes an obstruction to the public right of way is a criminal offence and can be reported to the Police. Obstructive parking regularly prevents residents in the village using a highly used route to access both Front Street and Back Street. Parking in this area has made use of the PROW particularly difficult for the disabled, elderly and families with younger children using pushchairs. Vehicles have also been parked in an obstructive manner with electric car charging cables across the PROW.

Additional parking on the main B1355 also impacts on highway safety. This is the main route from Fakenham to Burnham Market and has a particularly high vehicle count

especially in the summer months. This is also frequented by large agricultural vehicles. Therefore cars parking adjacent to The Old Chequers on the B1355, a narrow section of the roadway, obstructs visibility for road users and can prevent larger agricultural vehicles navigating the stretch or impacts on pedestrian safety as vehicles make use of the only footway to avoid parked vehicles.

In addition to this, the number of guests staying at the property regularly causes a noise or disturbance to neighbouring properties. The immediate area and indeed the village is residence to young families through to the elderly. Given that the property attracts large groups of guests, is within a central village location and the number of other houses closely surrounding The Old Chequers, noise from the property particularly during late evening regularly impacts on the residents living in very close proximity.

As you are aware the application is retrospective so the work has now been completed. Given that the property is situated within a conservation area the Parish Council would comment that the visual appearance and finishing materials have an adverse impact. The work that has been done is neither attractive or sympathetic to an old building. In particular the style of windows and brickwork does not reflect the existing style of the property.

The Parish Council have requested that the planning application be 'called in' by Borough Councillor Chris Morley so that it can be considered by the planning committee.

Highways Authority : NO OBJECTION

Whilst it is evident from historic streetview imagery that the cart shed was used for parking which would be displaced by the proposal, however, given the historic use, current on street parking in the vicinity and removal of on street waiting restrictions, NCC would find any objection on highway safety grounds difficult to substantiate in the event of an appeal.

In relation to highways issues only, as this proposal does not affect the current traffic patterns or the free flow of traffic, that Norfolk County Council does not wish to restrict the grant of consent.

Conservation Team: OBJECT

37 Front Street lies within the South Creake Conservation Area. It, and the buildings behind it are marked as Important Unlisted Buildings and are therefore non-designated heritage assets using the recent NPPF terminology. The cart shed which is the subject of this application seems to be missed off of the mapping and is not marked as a building of interest however, it is clearly seen within the context of buildings which are, therefore, any works to it have the possibility of causing an impact upon the significance of the non-designated heritage assets marked.

The building, before conversion was a simple cartshed, a pantile roof over a simple space divided, off centre with a three quarters high solid wall and a post. The building had a horizontal emphasis due to the minimal divisions and was simple and utilitarian in appearance. This type of building would be expected to the rear of this particular building as, being historically a public house associated with the adjacent brewery, it required outbuildings in which to store machinery and stable horses or carts.

The outbuilding in its current form has introduced glazing to the front which has created a more dominant vertical emphasis due to the chunky glazing details. This has entirely altered the appearance of the building and its historic relationship with the building along Front Street. While the principle of ancillary use could be acceptable, the glazing used has

materially altered the character of the building and the context of its former use. A less vertically emphasised glazing could be used such as slim, aluminium framed doors between one or two timber posts which would keep the cart shed feel to the building and retain the hierarchy of spaces and uses on the site. The conservation team therefore consider that there has been less than substantial harm, low on the scale caused to the significance of the non-designated heritage assets on this site through the unsympathetic conversion of a building within their setting.

This has had a detrimental impact upon the hierarchy of built form and concept of historic uses on the site which has impacted upon the conservation area also in this location. We therefore have strong concerns in relation to the scheme and suggest that some changes, as noted above are required.

REPRESENTATIONS

SIX public comments received all **OBJECT** for the following reasons:

- Continually let for purpose as AIR BNB.
- Parking issues - not enough space on site.
- The main road is the B1355 used by many types of vehicles. The road is narrow when there is parking on the road.
- Unsafe visibility on the road.
- Wheelchair users difficult to manoeuvre on road and to the bridge.
- Cars blocking access to the footbridge.
- Electric car leads near to river.
- Bins have moved and creates blocking.
- New spotlight shines into neighbour windows.
- Not in keeping with the rest of the property. All other walls are brick and flint.
- No respect to neighbour amenity.
- The Old Chequers should be protected, of special architecture and of historic interest.
- Increased traffic on the road.
- Noise.
- Pleasant views ruined by waste bins.
- Two less car parking spaces than before.
- Not consistent with the Conservation Area.

LDF CORE STRATEGY POLICIES

CS08 - Sustainable Development

CS12 - Environmental Assets

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

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 2021

OTHER GUIDANCE

South Creake Conservation Area Character Statement.

PLANNING CONSIDERATIONS

The main considerations are:

- *Principle of development
- *Form and character
- *Impact on neighbour amenity
- *Parking
- *Any other matters requiring consideration prior to determination of the application

Principle of Development:

The development is within the village of South Creake, a smaller village and hamlet as defined in Policy CS02 of the Core Strategy these will be limited to specific identified needs only in accordance with Policy CS06 development in rural areas.

This application seeks retrospective planning permission for a games room which is situated to the north (side) of the site, situated behind the main house within the curtilage of an existing dwelling within a rural area.

The proposal must maintain local character and a high-quality environment. Although the conservation officer was not in total agreement with the design it would have a neutral effect on the Conservation Area and comply with Policy CS12 of the Core Strategy. The games room would be located behind the main dwelling so only slightly seen from the street scene. Additionally, with regards to Policy DM17 the site has not changed in regard to bedrooms and only three spaces is needed.

Form and Character:

This application seeks retrospective planning permission for a games room which is situated to the north of the site. The games room measures 8.6m long by 6.3m wide, 4m high and 2.2m to the eaves with a hipped roof , in the same footprint as what was the cart shed and storage area.

The only external changes to this cart shed/games room have been to the front (north east elevation) and the rear with the addition of a set of bi folding doors. The applicant has added a window closest to the north and two sets of bi folding doors to the front.

The games room is situated behind the frontage of the main dwelling and would only be seen driving from north to the south of the village. Therefore, minimal impact on the street scene.

The existing cart shed was a simple design with a pantile roof and a high solid wall. The building had a horizontal emphasis and utilitarian in appearance. The Conservation Officer is not duly happy with the design of the games room as has introduced chunky glazing to the front which creates a more dominant elevation which has altered the appearance of the building and the historic relationship with the building along Front Street vertical emphasis.

It appears the applicant was hoping the design of the games room would be in keeping with the host dwelling that is currently on site so the elevations around the courtyard were matching.

Due to the games room being situated to the rear of the site behind the main dwelling the work would be considered as less than substantial harm to the non-designated heritage asset. It would be less detrimental on the dwelling. Pedestrians are mostly likely to see the minimal amendments to the games room and would be hardly noticeable whilst driving past in a vehicle, with limited impacts to the street scene.

The application is of neutral effect and would comply with Policies CS06, CS08 and CS12 of the Core Strategy and Policies DM15 and DM17 of the SADMPP.

Impact on Neighbour Amenity:

The retrospective games room has not increased in height and is hidden behind the front part of the property to the front of 37 Front Street. Properties 28 and 30 Front Street are opposite No 37 however the games room is not visible from this part of street scene.

No 32 Front Street is set further forward than No 28 and 30 and has a small view of the games room. The games room is approx. 18m from No 32 so some light could be seen from the games room however not enough to warrant a refusal.

To the north of the site is Burnham Road. Between No 37 and 54 is a low wall but with mature trees to the boundary of No 54. The wall which faces north is still solid with no windows.

To the west of the games room is the rear garden with a property behind. However, this properties to the west (Anchorage 52 Back Street and Blackford Cottage 50 Back Street South Creake) are a distance of 23m from the proposal.

As this is the case, the application would accord with CS08 of the Core Strategy and DM15 of the SADMPP.

Parking:

For a four-bed or more dwelling, three car parking spaces are required under the Norfolk Parking Guidance 2022 and DM17 of the SADMPP. However, how the original cart shed was positioned, it is very unlikely that two cars could have ever fitted or turned around in this area safely. Norfolk Parking Guidance recommends a garage should measure 7m by 3m. The cart shed/storage was and still is 8.6m by 6.3m. However, due to position turning would still be an issue. The minimum dimensions for a car parking space should be 5 x 2.5m (12.5m²). The courtyard area measures approx. 36m² and therefore four cars in this area would not accord with parking standards. As the existing cart shed could most likely only house one car the loss of the cart shed to a games room would be of minimal impact.

The applicant has provided a picture of four cars parked in the courtyard area parked in two rows, see letter from applicant dated 16.08.23 on the public realm.

This former public house, which is now used as a dwelling has space for two cars on the site between the retrospective games room and the kitchen/hallway area. As the numbers of bedrooms have not changed under the parking guidance and Policy DM17 of the SADMPP it would be hard to recommend a refusal on parking due to the original location of the storage/cart shed and safety measures when manoeuvring within the courtyard area.

Highway Safety:

Whilst it is evident from historic street view imagery that the cart shed was used for parking, given the historic use, current on street parking in the vicinity and removal of on street restrictions, NCC would find any objection on highway safety grounds difficult to substantiate in the event of an appeal.

Additionally, in relation to highways issues only, as this proposal does not affect the current traffic patterns of the free flow of traffic, there is no observations from NCC.

Flood Risk:

Due to the location of the site, it is within an area at risk of flooding. This is an ancillary building to the main dwelling and would need refuge in the event of flooding. Due to the location of the site, it is within an area at risk of flooding. An informative would be added to the decision if approved.

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

Although this dwelling is considered an Air BNB it would still be classed as residential.

As this is a large Air BNB this can affect the Front Street which is quite narrow. Due to the cart sheds position on the site, the effects from the application would not change the usage of the street.

The area to the north of the site where Air BNB customers used to park now has yellow lines so the footbridge across the river should be accessible.

Unfortunately, bins are expected within a residential unit. If there are any issues to noise, smell etc this should be dealt with through Community Safety and Neighbourhood Nuisance.

CONCLUSION:

Although not specifically having any public benefits to the area, the retrospective games room, by virtue of its balanced appearance and less than substantial harm to the non-designated heritage asset does not give rise to any potential impacts.

The host dwelling screens the majority of the games room and does not have any detrimental neighbouring amenity issues.

Car parking would be on site and on Front Street.

This application complies with the Paragraphs 197, 199 ,202 and203 of the NPPF, Polices CS06, CS08 and CS12 of the Core Strategy and Policies DM15 and Dm17 of the SADMPP.

This application is recommended for **APPROVAL**.

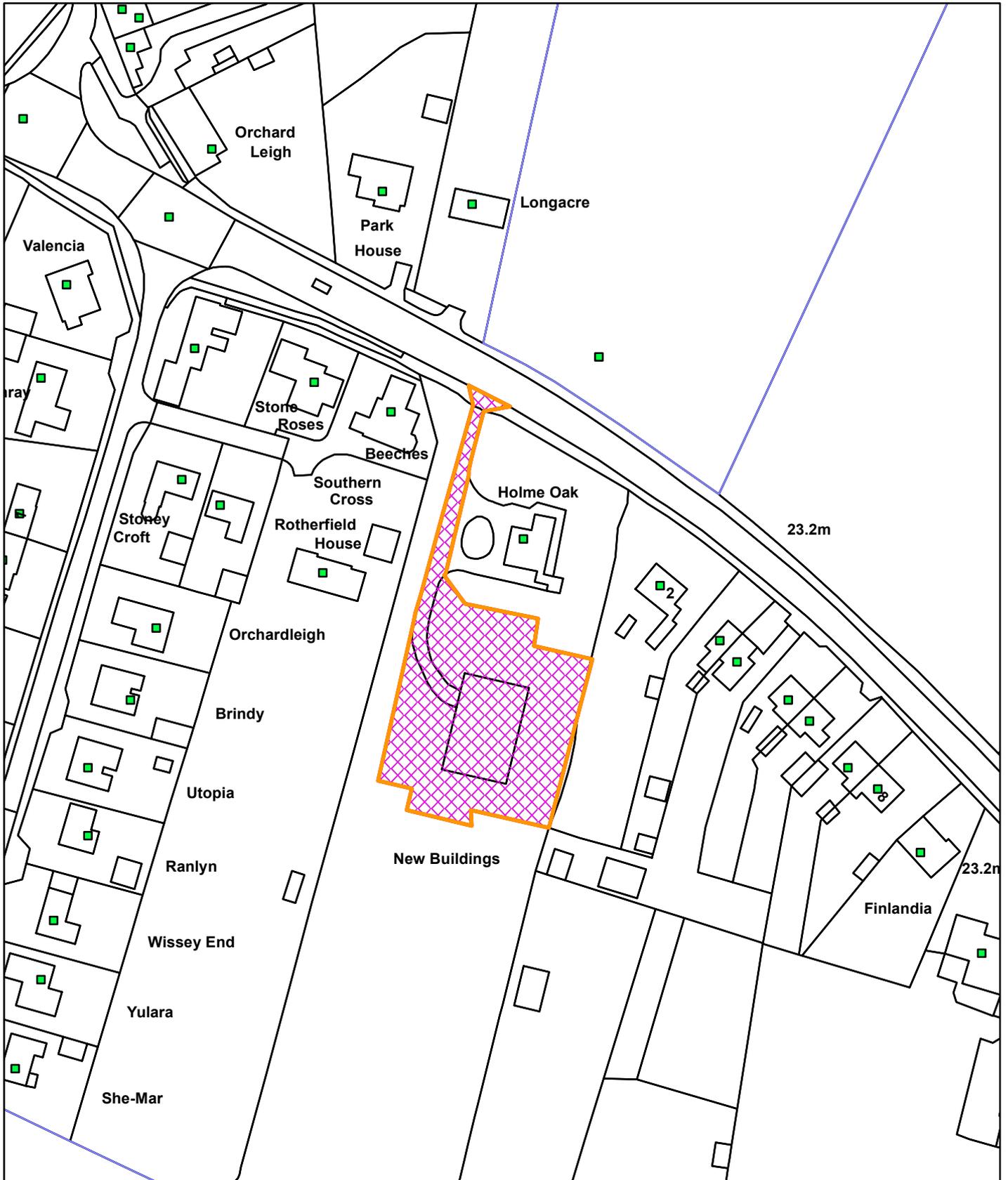
RECOMMENDATION:

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 - location plan received 14.06.23, block plan received 14.06.23 and existing and proposed plans 266/23 received 05.07.23.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.

23/00848/F

Holme Oak, Stoke Road, Wereham, PE33 9AT



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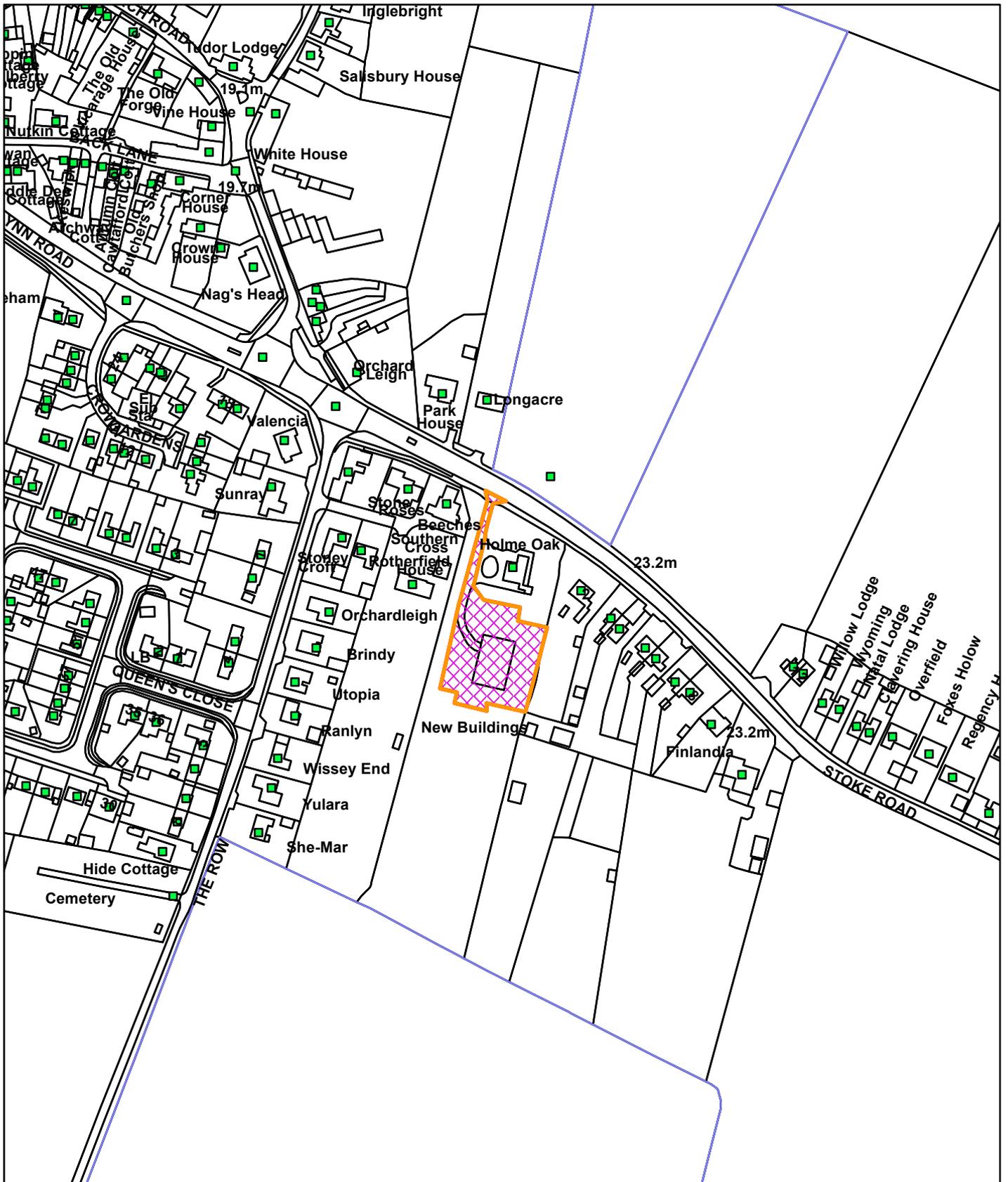
20/09/2023

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23/00848/F

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AGENDA ITEM NO. 9/1(h)

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

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

Neighbourhood Plan: No

Case Summary

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

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

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

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

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Key Issues

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

Recommendation**APPROVE****THE APPLICATION**

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

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

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

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

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

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

SUPPORTING CASE

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

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

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

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

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

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

PLANNING HISTORY

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

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

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

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

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

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

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RESPONSE TO CONSULTATION

Parish Council: OBJECT

Comments summarised below by officer

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

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

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

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

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

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

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

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

4. Deficiencies in social facilities.

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

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

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

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

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

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

Highways Authority: NO OBJECTION subject to conditions

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

Internal Drainage Board: NO OBJECTION

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

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

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

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

Natural England: NO OBJECTION subject to GIRAMS payment.

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

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

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

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

Arboricultural Officer: Recommending Conditions, with the following comments:

The following matters are of concern:

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

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

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

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

Historic Environment Service: NO OBJECTIONS, subject to conditions

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

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

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

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

and,

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

and,

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

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

REPRESENTATIONS

FIVE OBJECTIONS, comments summarised as follows:

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

THREE SUPPORT, comment summarised as follows:

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

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM1 – Presumption in Favour of Sustainable Development

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main planning considerations are:

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

Principle of Development and Site History:

Site History:

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

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

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

Policy Context:

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion:

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

Highways and Access:

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

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

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

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

Form and Character:

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

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

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

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

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

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

Impact on Neighbour Amenity:

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

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

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

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

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

Ecology:

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

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

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

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

Other Material Considerations:

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

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

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

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

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

CONCLUSION

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

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

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

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

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

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

RECOMMENDATION

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

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

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

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

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

6 Condition: Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to the southeast side of the access where it meets the nearside carriageway edge. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

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

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

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

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

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

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

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

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

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

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

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

This scheme shall include:

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

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

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

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

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

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

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

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

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

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

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

- 13 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details (dwg no PP1001 Rev A). The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

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

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

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

PLANNING COMMITTEE – 2nd October 2023

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

- (1) To inform Members of the number of decisions issued between the production of the 4th September 2023 Planning Committee Agenda and the 2nd October 2023 agenda. 104 decisions issued 94 decisions issued under delegated powers with 10 decided by the Planning Committee.
- (2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.
- (3) This report does not include the following applications – Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area
- (4) Majors are assessed against a national target of 60% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

RECOMMENDATION

That the reports be noted.

Number of Decisions issued between 21st August 2023 and 15th September 2023

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
Major	5	5	0		4	80%	60%	0	0
Minor	48	40	8	44		92%	80%	5	1
Other	51	49	2	45		88%	80%	4	0
Total	104	94	10						

Planning Committee made 10 of the 104 decisions, 10%

PLANNING COMMITTEE - 2nd October

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.

RECOMMENDATION

That the report be noted.

DETAILS OF DECISIONS

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DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEV	PARISH/AREA
06.07.2023	25.08.2023 Application Permitted	23/01218/F	Cricket Pavilion Church Lane Great Bircham Norfolk Installation of artificial cricket practice net facility (incl surface and cage enclosure)	Bircham
20.03.2023	25.08.2023 Application Permitted	23/00525/F	The House On The Green 79 Market Place Burnham Market Norfolk Two storey rear extension and internal alterations	Burnham Market

26.06.2023	29.08.2023 Application Permitted	23/01130/F	Guardian House Creake Road Burnham Market Norfolk Single flat roof garage to side of property with Office/Gym to rear of garage	Burnham Market
30.06.2023	11.09.2023 Application Permitted	23/01360/F	The Granary East Harbour Way Burnham Overy Staithe Norfolk Oil tank and screening/fire barrier	Burnham Overy
8.04.2023	30.08.2023 Application Refused	23/00756/F	Field To West of Priory Road Castle Acre Norfolk A dedicated seasonal visitor car park for incoming motorists away from the centre of the village.	Castle Acre
12.07.2023	06.09.2023 Application Permitted	23/01274/F	The Old Piggery Lodge Lane Castle Rising King's Lynn Demolition of Existing Glazed Porch and Construction of enlarged dedicated Porch and Lobby.	Castle Rising
18.05.2022	05.09.2023 Application Permitted	22/00879/F	Clenchwarton Primary School 139 Main Road Clenchwarton King's Lynn Demolition of existing modular buildings and construction of new double classroom block	Clenchwarton
07.06.2023	30.08.2023 Application Permitted	23/01019/LB	Crimplesham Hall Downham Road Crimplesham King's Lynn Repositioning of Kitchen in Flat 3	Crimplesham

03.08.2023	25.08.2023 Application Permitted	22/01626/NMA_1	35 Gelham Manor Dersingham King's Lynn Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/01626/F: Single Storey flat roof side and rear extension and alterations to dwelling	Dersingham
10.08.2023	23.08.2023 Application Permitted	22/01031/NMA_1	48 Doddshill Road Dersingham King's Lynn Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/01031/F: Proposed single storey rear extension, internal conversion of the attached garage to provide habitable accommodation, internal reconfiguration with amendments to foul and surface water drainage with associated walls and fences	Dersingham
03.08.2023	25.08.2023 Application Permitted	21/00125/NMA_2	7 The Old Woodyard Sedgeford Road Docking KINGS LYNN NON-MATERIAL AMENDMENT TO PLANNING CONSENT 21/00125/F: Preapproved artists studio to be changed into a 3 bed eco lodge.	Docking

03.04.2023	22.08.2023 Application Permitted	23/00740/F	25 Lynn Road Downham Market Norfolk PE38 9NJ VARIATION OF CONDITION 2 OF PLANNING PERMISSION 21/01374/F: Proposed removal of single flat roof conservatory, removal of small brickwork nib between cottage door and window and introduction of new lintel. Erection of Single Conservatory with roof light	Downham Market
03.04.2023	22.08.2023 Application Permitted	23/00741/LB	25 Lynn Road Downham Market Norfolk PE38 9NJ Removal of single storey flat roof conservatory including the north boundary wall which is in poor condition with modern repairs, and erection of new single storey conservatory with central roof light	Downham Market
12.06.2023	01.09.2023 Application Permitted	23/01047/F	62 Civray Avenue Downham Market Norfolk PE38 9TR New boundary wall to enlarge rear garden	Downham Market
19.06.2023	01.09.2023 Application Permitted	23/01285/F	Cheryls Hairdressers 63 Bridge Street Downham Market Norfolk Replacement ground floor windows and doors.	Downham Market
23.02.2023	31.08.2023 Application Permitted	23/00398/F	The Coach Drive Common Road West Bilney King's Lynn Demolition of the existing structure and build a new 3-bedroom bungalow	East Winch

11.04.2023	25.08.2023 Application Permitted	23/00783/F	Land S of Riverside Bungalow And SW of Gayton Hall And Water Features Back Street Gayton King's Lynn Installation of 122kWp photovoltaic array and cable to dwelling and outbuildings	Gayton
01.03.2023	30.08.2023 Application Permitted	23/00444/F	The Cottage 15 Leziate Drove Pott Row King's Lynn Erection of a single-storey extension to an existing annexe to provide a 1 Bedroom Self-Contained unit for short-term holiday lets.	Grimston
6.06.2023	30.08.2023 Application Permitted	23/01012/F	Clifton House Cliffe En Howe Road Pott Row King's Lynn Construction of domestic garage	Grimston
08.08.2023	23.08.2023 Application Permitted	22/00326/NMA_1	The Mill Mill Road Harpley King's Lynn NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/00326/F: Single storey extension and internal alterations to The Mill House	Harpley
22.05.2023	01.09.2023 Application Permitted	23/01100/F	9 Torrey Close Heacham King's Lynn Norfolk Retrospective application for a two sided garden gazebo (corner) made of wood	Heacham
27.06.2023	25.08.2023 Application Permitted	23/01147/F	33 Church Lane Heacham King's Lynn Norfolk Rear garden room and kitchen extension and internal alterations to create third bedroom	Heacham

05.07.2023	30.08.2023 Application Permitted	23/01208/F	Heacham Manor 90 Hunstanton Road Heacham Norfolk Installation of solar panels to the south elevation to an outbuilding at the Heacham Manor	Heacham
06.07.2023	15.09.2023 Application Permitted	23/01213/F	20 Folgate Road Heacham King's Lynn Norfolk Extensions and alterations	Heacham
07.07.2023	25.08.2023 Application Permitted	23/01229/F	5 Lamsey Lane Heacham King's Lynn Norfolk Proposed single storey rear extension and alterations	Heacham
23.03.2023	05.09.2023 Application Permitted	23/00546/FM	Land On Cowles Drove Hockwold cum Wilton Norfolk Proposed conversion of land into grassland and fen, installation of water control structures; including drop board sluices, earth dams and new ditches. Removal and modification to existing ditches.	Hockwold cum Wilton
01.02.2023	01.09.2023 Application Permitted	23/00185/F	Larkin House 36 Main Road Holme next The Sea Norfolk Renovation and remodelling of existing dwelling with extensions	Holme next the Sea
11.10.2022	23.08.2023 Application Permitted	22/01804/F	Waterside Bar Beach Terrace Road Hunstanton Norfolk Proposed Roof Terrace	Hunstanton
04.01.2023	25.08.2023 Application Refused	23/00007/F	Sue Ryder Care 79 Westgate Hunstanton Norfolk Replacement timber shopfront with aluminium	Hunstanton

19.05.2023	23.08.2023 Application Permitted	23/00910/F	14 Boston Square Hunstanton Norfolk PE36 6DU Alterations of fenestration to rear of building including replacement of window and door with patio door at ground floor and alterations to existing roof light.	Hunstanton
09.06.2023	08.09.2023 Application Refused	23/01224/F	10 Homefields Road Hunstanton Norfolk PE36 5HJ To replace fence on top of the wall at the front of the property .	Hunstanton
21.06.2023	05.09.2023 Application Permitted	23/01102/F	11 Collingwood Road Hunstanton Norfolk PE36 5DY Extension and Re-roofing	Hunstanton
08.08.2023	30.08.2023 Application Permitted	22/02299/NMA_1	20 Andrews Place Hunstanton Norfolk PE36 5PD NON MATERIAL AMENDMENT TO PLANNING APPLICATION 22/02299/F -Single storey rear extension and proposed loft conversion with dormer	Hunstanton
10.11.2020	07.09.2023 Application Permitted	20/01761/FM	Favorit Motor Company Mr Clutch 16 London Road King's Lynn Norfolk Demolition of existing car showroom and workshop, and construction of residential units	King's Lynn
06.03.2023	23.08.2023 Application Refused	23/00472/F	71 Mariners Way King's Lynn Norfolk PE30 2NY Proposed single storey extension in a rear garden	King's Lynn

15.03.2023	01.09.2023 Application Permitted	23/00567/F	Land At Campbells Meadows King's Lynn Norfolk 8 No industrial units with open storage area in Use Classes B2 and B8	King's Lynn
20.04.2023	29.08.2023 Application Permitted	23/00721/F	Frontier Agriculture The Grain Silo Saddlebow Road King's Lynn Norfolk Planning permission to erect a 229.32kWp ground-mounted solar array	King's Lynn
19.05.2023	13.09.2023 Application Permitted	23/00902/LB	7A St James Street King's Lynn Norfolk PE30 5DA Application for listed building consent to change to a smaller window on the first floor bedroom extension. Change in internal ground floor layout with revised staircase design. Change in roof shape to accommodate the new staircase	King's Lynn
22.05.2023	12.09.2023 Application Permitted	23/00919/F	128 Gaywood Road King's Lynn Norfolk PE30 2PX Change of use from 6 bedroom property to Sui Generis 7 bedroom HMO (house in multiple occupation).	King's Lynn

22.05.2023	07.09.2023 Application Permitted	23/00925/F	Tesco Campbells Meadow King's Lynn Norfolk Proposed New Click & Collect parking bays with Canopy above, area for trolley holding, Proposed 10x New steel Bollards, Driveway re-aligned for Click &Collect service	King's Lynn
02.06.2023	07.09.2023 Application Permitted	23/00999/F	7A St James Street King's Lynn Norfolk PE30 5DA Variation of Condition 1 attached to Planning Permission 17/02410/F: Restoration, extension and conversion to six apartments, four to main building, one to side lean-to and conversion of existing rear stewards accommodation to a three bed apartment	King's Lynn
09.06.2023	30.08.2023 Application Permitted	23/01030/LB	The Edinburgh Woolen Mill 62 High Street King's Lynn Norfolk Application for listed building consent to redecorate the shop front ground floor from ground level to above signage frame. To change colour from white/cream to Slate Grey RAL7015 - new company colours	King's Lynn
14.06.2023	22.08.2023 Application Permitted	23/01268/F	42 Hockham Street King's Lynn Norfolk PE30 5LZ Proposed Garage	King's Lynn

21.06.2023	30.08.2023 Application Permitted	23/01103/F	Service Station 1 - 5 Lynn Road Gaywood King's Lynn The demolition of car wash and the creation of charging zone, erection of EV chargers, erection of canopy, three jet wash bays, sub-station enclosure, plant room and associated forecourt works	King's Lynn
6.06.2023	07.09.2023 Application Permitted	23/01120/F	107 High Street King's Lynn Norfolk PE30 1DA Alterations and conversion of offices to single residential unit	King's Lynn
05.07.2023	30.08.2023 Application Permitted	23/01207/F	135 Wootton Road Gaywood King's Lynn Norfolk Construction detached 'games room' within grounds of dwelling (revised design)	King's Lynn
5.07.2023	30.08.2023 Application Permitted	23/01212/F	3 Reeves Avenue King's Lynn Norfolk PE30 3DJ Single storey rear extension and pergola, attached garage and single storey front extension	King's Lynn
11.07.2023	08.09.2023 Application Permitted	23/01263/F	RISE Scaffold Services Ltd Acer Road Saddlebow Industrial Estate King's Lynn Proposed drop kerb and vehicular access into existing site of 2 light industrial units.	King's Lynn

7.07.2023	25.08.2023 Consent Required Not	23/01388/SU	Telecommunications Mast Rollesby Road Hardwick Industrial Estate King's Lynn NOTIFICATION UNDER REGULATION 5 OF THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) REGULATIONS 2003 (AS AMENDED) - UPGRADE MINI MACRO POLE	King's Lynn
02.03.2023	01.09.2023 Application Permitted	23/00449/F	Russell House The Street Marham KINGS LYNN Renewal of planning permission 19/01388/F to create new access.	Marham
24.05.2023	25.08.2023 Application Permitted	23/00938/F	Meadow View School Lane Marham King's Lynn Removal of an existing garden room annexe and erection of new brickwork dwelling creating a separate self contained dwelling house and garden	Marham
24.03.2023	07.09.2023 Application Permitted	23/00527/F	Virginia Lake Caravan Park 33A Smeeth Road Marshland St James Norfolk Erection of single-storey 2- bedroom annex and detached double garage.	Marshland St James

27.04.2023	23.08.2023 Application Permitted	23/00752/F	21 Walton Road Marshland St James Wisbech Norfolk Retrospective application - Extensions and alterations (amended scheme) including siting of caravans during construction and construction of boundary wall	Marshland St James
22.02.2022	11.09.2023 Application Permitted	22/00295/F	Cattle Shed N of The Pavilion Station Road Middleton Norfolk Conversion of former Cattle Shed currently used as auxiliary storage and game keeper hut to self-contained residential holiday cottage	Middleton
2.06.2023	07.09.2023 Application Permitted	23/01034/F	Glendale Hillside Close Middleton Norfolk Erection of replacement lightweight garage and adjustment of parking area	Middleton
05.07.2023	15.09.2023 Application Permitted	23/01210/LB	4 Hall Farm Barns Hill Road Middleton King's Lynn Within the Curtilage of The Old Hall, 4 Hall Farm Barns. Two elevations, north and west the roof tiles which are in a poor condition, to be replaced with new clay pan tiles. In addition two roof lights to be inserted in the western roof, over the kitchen. The rooflights will not be seen from the listed building..	Middleton

27.06.2023	07.09.2023 Application Permitted	23/01150/F	9 Coronation Avenue Nordelph Downham Market Norfolk Single storey side extension to semi-detached dwelling	Nordelph
2.06.2023	08.09.2023 Application Permitted	23/01237/F	Mayhill 24 Rectory Lane North Runcton King's Lynn Construction of detached annex in rear garden.	North Runcton
22.08.2022	25.08.2023 Application Refused	22/01492/F	Nursery School Lodge Cottage Manor Road North Wootton King's Lynn Conversion of nursery and flat to dwelling, and construction of 4no. dwellings with garages	North Wootton
05.06.2023	22.08.2023 Application Permitted	23/01001/F	The Glass House Bistro 49 St Augustines Way Priory Court South Wootton VARIATION OF CONDITION 6 (Hours of Use) OF PLANNING APPLICATION 22/01994/CU - CHANGE OF USE FROM BEAUTY SALON TO CAFE / BISTRO	North Wootton

5.06.2023	01.09.2023 Application Permitted	23/01267/F	The Piggeries 49 Methwold Road Whittington King's Lynn Variation of Condition 2 of Planning Permission 21/02506/F: Variation of Conditions 2, 6, 7, 10 and 14 of Planning Permission 21/00794/FM: Demolition of existing piggery buildings and construction of industrial buildings to provide additional warehousing/storage of timber based fuel and charcoal products, with associated processing (drying and saw/splitter) buildings, an office/amenity block, weighbridge, staff and visitor car parking, log storage lanes, and associated access, circulation, landscaping and drainage works.	Northwold
16.06.2023	14.09.2023 Application Permitted	23/01080/F	65 High Street Northwold Thetford Norfolk Single story side extension	Northwold
20.06.2023	31.08.2023 Application Permitted	23/01101/CU	Prospect Villa 4 West End Northwold Thetford RETROSPECTIVE APPLICATION: Change of use of office and storage building to domestic store.	Northwold

14.08.2023	08.09.2023 Application not required	23/01490/F	Linden Cottage 48 High Street Northwold Thetford Remove the concrete wall that interrupts the kitchen/scullery space, this wall does nothing for the space and inhibits the areas principal function. The ceiling in the kitchen is made of modern plasterboard attached to modern floor joists and has been damaged by a leak from the bathroom upstairs at some point in the property's past. As a result of the removal of this wall and the remnants of chimney, the floor above will have to be replaced and a new ceiling fitted. Replace the ceiling plasterboards so they present as they currently are.	Northwold
30.01.2023	07.09.2023 Application Permitted	23/00165/F	Caley Hall Motel 89 Old Hunstanton Road Old Hunstanton Norfolk Retention of existing dormer windows and porches with proposal to decorate.	Old Hunstanton
30.01.2023	06.09.2023 Application Permitted	23/00166/LB	Caley Hall Motel 89 Old Hunstanton Road Old Hunstanton Norfolk Listed Building Application: Retention of existing dormer windows and porches with proposal to decorate.	Old Hunstanton

16.02.2023	15.09.2023 Application Permitted	23/00370/LB	66 Church Road Old Hunstanton Hunstanton Norfolk Partial demolition of the garden wall to accommodate new access and parking and repair of the existing garden wall .	Old Hunstanton
15.06.2023	30.08.2023 Application Permitted	23/01070/F	3A Ashdale Park Old Hunstanton HUNSTANTON Norfolk VARIATION OF CONDITION 2 OF PLANNING APPLICATION 19/02192/RM - Reserved Matters Application: New dwelling	Old Hunstanton
18.05.2023	23.08.2023 Application Permitted	23/00886/F	109 Church Drove Outwell Wisbech Norfolk Side and rear extension including demolition of existing conservatory and rear single storey extension	Outwell
27.08.2023	14.09.2023 Consent Required is	23/01579/SU	Mast Telecom Edge Bank Emneth Norfolk Notification under the Electronic Communications code regulations of the intenstion to istall Electronic Communications Apparatus at Existing Cellnex Mast, EDF compound .	Outwell
7.03.2023	25.08.2023 Application Permitted	23/00560/F	Poacher's Pocket Low Road Pentney KINGS LYNN Change of use of land from Agricultural to Equestrian, and siting of stables on skids and incidental caravan	Pentney

27.02.2023	01.09.2023 Application Permitted	23/00355/F	Land Between 34 And 38 Station Road Roydon Norfolk Proposed 2no. detached dwellings and cart sheds	Roydon
23.03.2023	22.08.2023 Application Permitted	23/00542/F	6 Bexwell Hall Farm Barns Bexwell Lane Bexwell DOWNHAM MARKET Single storey extension and detached garage	Ryston
26.06.2023	06.09.2023 Application Permitted	23/01137/F	Poppyfields Retail Park Poppyfields Drive Snettisham Norfolk REMOVAL OF CONDITIONS 1, 3 AND 4; AND VARIATION OF CONDITIONS 2 AND 5 OF PLANNING PERMISSION 21/01705/F: VARIATION OF CONDITION 1 OF PLANNING PERMISSION 21/00051/F: To amend drawings	Snettisham
07.09.2023	12.09.2023 Application Permitted	23/01137/NMA_1	Poppyfields Retail Park Poppyfields Drive Snettisham Norfolk NON-MATERIAL AMENDMENT to Planning Permission 23/01137/F: REMOVAL OF CONDITIONS 1, 3 AND 4; AND VARIATION OF CONDITIONS 2 AND 5 OF PLANNING PERMISSION 21/01705/F: VARIATION OF CONDITION 1 OF PLANNING PERMISSION 21/00051/F: To amend drawings	Snettisham

14.06.2023	31.08.2023 Application Permitted	23/01076/F	Burn Cottage Back Lane South Creake Fakenham Ridge line to be raised in order to match the adjoining roof line	South Creake
1.02.2023	31.08.2023 Prior Approval - Refused	23/00194/T3	Highway Land Priory Lane North Wootton Norfolk APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED: Installation of 18m pole inc. antennas, ground based apparatus and ancillary development.	South Wootton
14.02.2023	04.09.2023 Application Refused	23/00268/O	Land E of 55 To 65 Nursery Lane South Wootton Norfolk Outline application with some matters reserved for erection of up to 4no. dwellings	South Wootton
12.06.2023	25.08.2023 Application Permitted	23/01041/F	Oak Cottage Nursery Lane South Wootton King's Lynn Two storey rear extension	South Wootton
22.06.2023	01.09.2023 Application Permitted	23/01110/F	Glenardon 104 Grimston Road South Wootton King's Lynn Detached annexe.	South Wootton
10.07.2023	25.08.2023 GPD HH extn - Refused	23/01239/PAGPD	Chelwood 172 Grimston Road South Wootton King's Lynn Enlargement of dwelling Ground Floor rear extension to property Extends beyond the rear wall by 5165m , Width 3130m, and height 3.165m	South Wootton

24.05.2023	08.09.2023 Application Permitted	23/00946/F	The Old Barns Stow Road Outwell Norfolk Works relating to 3 barns, central barn to be demolished. Two remaining barns to be demolished and rebuilt on the same footprint to create 3 dwellings. Barn 1 to be rebuilt as 2 dwellings. Barn 2 to be demolished. Barn 3 to be rebuilt as 1 dwelling	Stow Bardolph
26.05.2023	25.08.2023 Application Permitted	23/00966/F	Old School House Mill Lane Syderstone King's Lynn Conversion of existing garage to an annex ancillary to the dwelling.	Syderstone

27.02.2023	01.09.2023 Application Permitted	23/00420/F	Sandygate House 9 Sandygate Lane Terrington St Clement King's Lynn Demolition of existing domestic outbuilding and erection of new domestic outbuilding containing garage area and first floor domestic store and attached private/hobby pottery studio with mezzanine. Re-submission of approved application 22/00731/F to make the following changes to approve scheme: _1145mm added to length of main garage (nearest brick size over 1m), _All cladding removed and changes to brick throughout _peaked window added to front feature window rather than arched one.	Terrington St Clement
28.06.2023	25.08.2023 Application Permitted	23/01153/A	The Wildfowler 28 Sutton Road Terrington St Clement Norfolk Two flat 'wall' signs and one illuminated, hanging, 'pub' sign	Terrington St Clement
10.07.2023	04.09.2023 Application Permitted	23/01245/F	Hay Green House 51 Hay Green Road South Terrington St Clement King's Lynn Erection of single-storey rear extension and side bay window.	Terrington St Clement
22.08.2023	07.09.2023 AG Prior Notification NOT REQD	23/01544/AG	Spencer Farm Sutton Road Terrington St Clement King's Lynn Agricultural Prior Notification: Steel framed farm building	Terrington St Clement

5.05.2023	22.08.2023 Application Permitted	23/00967/F	4 Green Lane Thornham Norfolk PE36 6NQ Small rear extension and minor window and door alterations to a previously approved planning consent 22/00649/F	Thornham
09.06.2023	01.09.2023 Application Permitted	23/01036/F	Thriftfields Cotts Lane Tilney All Saints King's Lynn Demolition of attached former outbuildings and rebuilding new two storey extension	Tilney All Saints
19.06.2023	07.09.2023 Application Permitted	23/01286/F	5 High Road Tilney cum Islington Norfolk PE34 3BL Proposed annex extension to side of dwelling	Tilney St Lawrence
03.05.2023	14.09.2023 Application Refused	23/00789/F	Manor Farm Main Road Titchwell Norfolk NEW DWELLING REPLACING EXISTING BARN	Titchwell
06.04.2023	25.08.2023 Application Permitted	23/00748/FM	Land S of Walpole Substation Walpole Bank Walpole St Andrew Norfolk Installation of a new vehicular access arrangement and operational works	Walpole
12.06.2023	22.08.2023 Application Permitted	23/01049/F	2 Chalk Road Walpole St Peter Norfolk PE14 7PH Variation of Condition 2 attached to Planning Permission 22/00211/F: PROPOSED SINGLE STOREY SIDE EXTENSION TO CREATE ADDITIONAL ACCESSIBLE BEDROOM AND SHOWER ROOM	Walpole

15.12.2022	22.08.2023 Application Refused	22/02232/F	Brick Barn And Land S of Ivy House Mill Lane Walpole Highway Norfolk Proposed Barn Conversion and extension	Walpole Highway
23.05.2023	22.08.2023 Application Permitted	23/00924/F	Tamar Nurseries Ltd West Drove South Walpole Highway WISBECH Retention of mobile home	Walpole Highway
14.06.2023	22.08.2023 Application Permitted	23/01072/F	The Old Chapel Main Street Welney Wisbech New window opening to rear of building	Welney
14.06.2023	22.08.2023 Application Permitted	23/01052/F	R G Produce New College Farm College Road Wissington The proposed is a lean-to structure off an existing building (planning ref: 20/01198/F) and will be used for the growing/harvesting of chitted potatoes, sourced from the Potato Chitting Store (20/01198/F).	Wereham
21.03.2023	07.09.2023 Application Permitted	23/00652/F	Old School House Church Road West Dereham Norfolk Conversion of old School property from existing one dwelling into two 3 Bed dwellings.	West Dereham
9.06.2023	22.08.2023 Application Permitted	23/01164/F	4 Ryston Road West Dereham Norfolk PE33 9RQ Construction of single storey conservatory extension on side of dwelling	West Dereham
27.06.2023	23.08.2023 Application Permitted	23/01148/F	Cobwebs 15 Westland Chase West Winch King's Lynn Proposed Single Storey Rear Extension	West Winch

17.07.2023	08.09.2023 Application Permitted	23/01431/F	Ericas 21 Common Close West Winch King's Lynn Single storey extension to dwelling.	West Winch
06.02.2023	08.09.2023 Application Permitted	23/00214/F	Mannsville 98 West Way Wimbotsham King's Lynn Side and rear extension with raised roof to provide first floor accommodation and car port	Wimbotsham
13.04.2023	25.08.2023 Application Refused	23/00683/F	Castle Dene Castle Road Wormegay KINGS LYNN Subdivision of curtilage of dwelling and annexe to create two separate dwellings	Wormegay
19.06.2023	22.08.2023 Application Permitted	23/01287/F	14 Hill Estate Wormegay King's Lynn Norfolk Proposed side extension and alterations with retrospective application for detached Garage/Store .	Wormegay
30.06.2023	08.09.2023 Application Permitted	23/01362/F	Abbeymoor Castle Road Wormegay King's Lynn Extension to dwelling	Wormegay
17.07.2023	08.09.2023 Application Permitted	23/01316/F	Churchill Cottage Field Lane Wretton King's Lynn New double garage	Wretton