

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



Planning Committee

Agenda

Monday, 4th December, 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
Fax: 01553 691663

PLANNING COMMITTEE AGENDA

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

Please ensure that all mobile phones are switched to silent

DATE: Monday, 4th December, 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 6 November 2023 (previously circulated) and the additional meeting held on 16 November 2023 (to be published).

3. DECLARATIONS OF INTEREST (Page 5)

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 6 - 10)

9. INDEX AND DECISIONS ON APPLICATIONS (Pages 11 - 142)

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

10. DELEGATED DECISIONS (Pages 143 - 171)

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

To: Members of the Planning Committee

Councillors B Anota, R Blunt, F Bone (Chair), A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, S Lintern (Vice-Chair), B Long, S Ring, 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 7 December 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 an application is **12 noon** the working day before the meeting, **Friday 1 December 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.

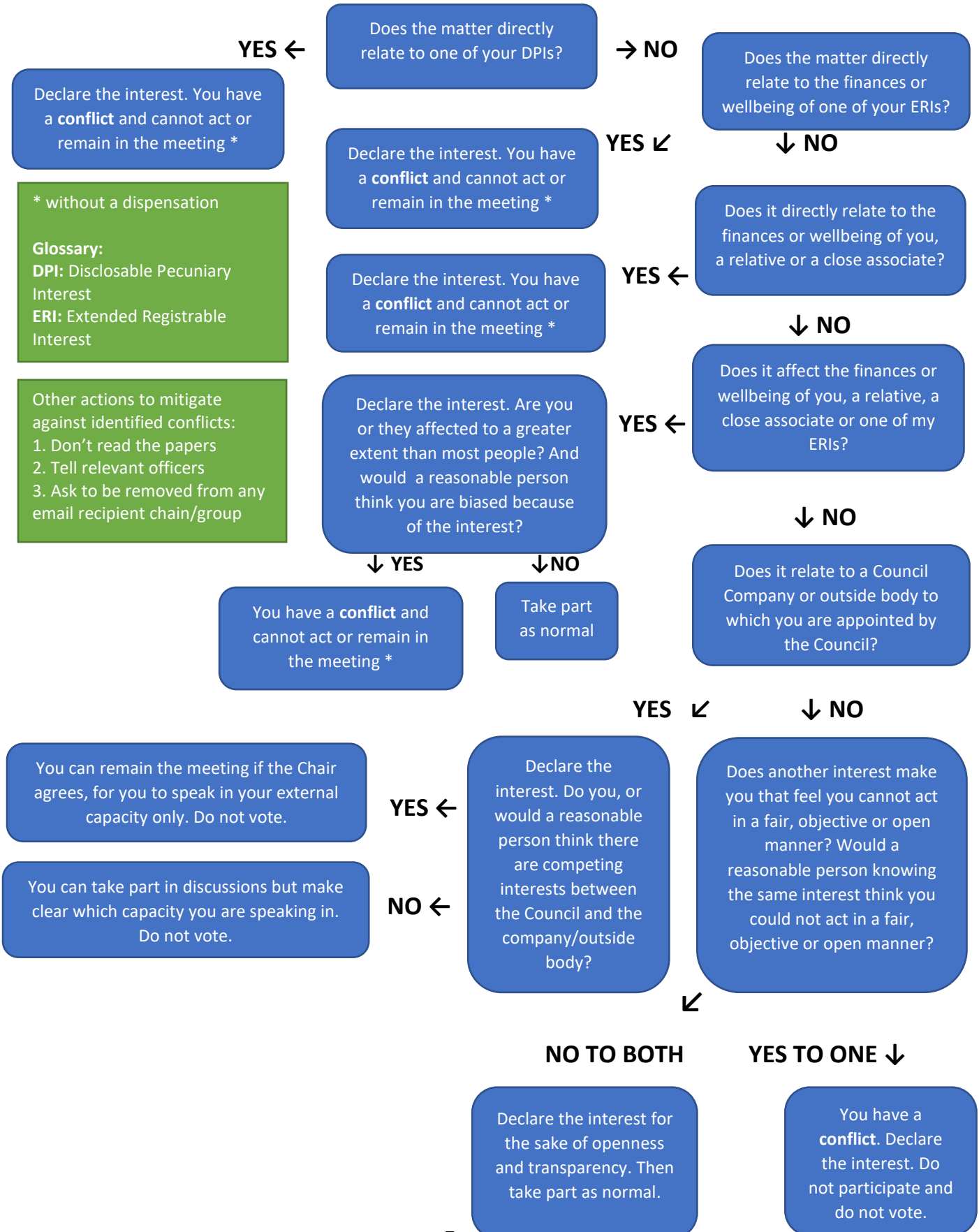
For Further information, please contact:

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

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



Declare the interest. You have a **conflict** and cannot act or remain in the meeting *

* without a dispensation

Glossary:

DPI: Disclosable Pecuniary Interest

ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

YES ←

→ NO

YES ↙

↓ NO

YES ←

↓ NO

YES ←

↓ NO

↓ YES

↓ NO

YES ↙

↓ NO

YES ←

NO ←

↙

NO TO BOTH

YES TO ONE ↓

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

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 4 DECEMBER 2023**

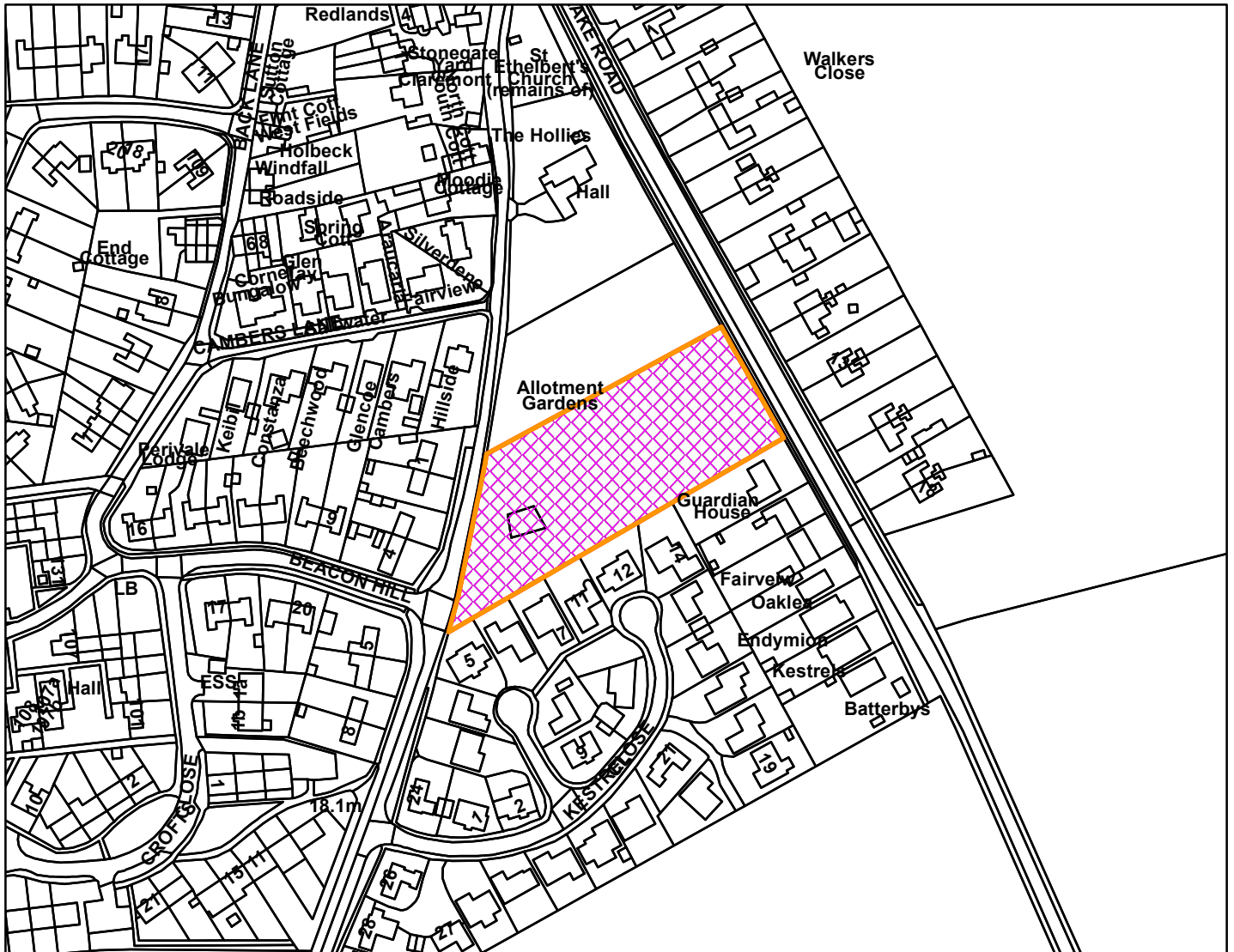
Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/1 MAJOR DEVELOPMENTS				
9/1(a)	23/00496/FM Land Opposite 1 To 4 Beacon Hill PE31 8ET The erection of 12 dwellings with associated landscaping, vehicular access and parking provision	BURNHAM MARKET	APPROVE	13
9/1(b)	23/00735/FM Omex Agriculture Ltd Estuary Road King's Lynn PE30 2HH Construction of a new building/offices for the blending of existing products with increased capacity and associated drainage	KING'S LYNN	APPROVE	37
9/2 OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/2(a)	23/00805/F Methodist Church Station Road Burnham Market PE31 8HA Conversion of Chapel to form Dwelling.	BURNHAM MARKET	APPROVE	50
9/2(b)	23/00760/F Lidl 43 Lynn Road PE31 7JF Full Planning Application for the improvements to the existing access and an extension to the existing car park to provide additional 29 car parking spaces including electric vehicle (EV) charging spaces and other associated works	HEACHAM	APPROVE	65
9/2(c)	23/00586/F Land And Outbuildings S of 28 And N of 30 Meadow Way PE34 3JZ Proposed Demolition of two existing garages with the erection of a private detached dwelling and associated works.	KING'S LYNN	REFUSE	87
9/2(d)	22/00641/F	KING'S LYNN	APPROVE	102

1st Self Storage Ltd Edward Benefer Way
 King's Lynn PE30 2HW
 Secure self-storage facility for 48 full size
 units, 16 half size units, 16 quarter size units
 and 2 utility storage units (Part
 retrospective)

9/2(e)	<p>23/00540/F Beaupre Barns Marsh Road Outwell PE14 8BN Change of Use of Existing Agricultural Buildings to Residential Dwellings (part retrospective) including standing of temporary static caravans during construction work</p>	OUTWELL	REFUSE	118
9/2(f)	<p>23/01632/CU 179 The Drove Barroway Drove Norfolk PE38 0AL Change of use from residential dwelling to short term supported accommodation.</p>	STOW BARDOLPH	APPROVE	131



Land Opposite 1 To 4 Beacon Hill PE31 8ET



Legend

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Scale: 1:2,500

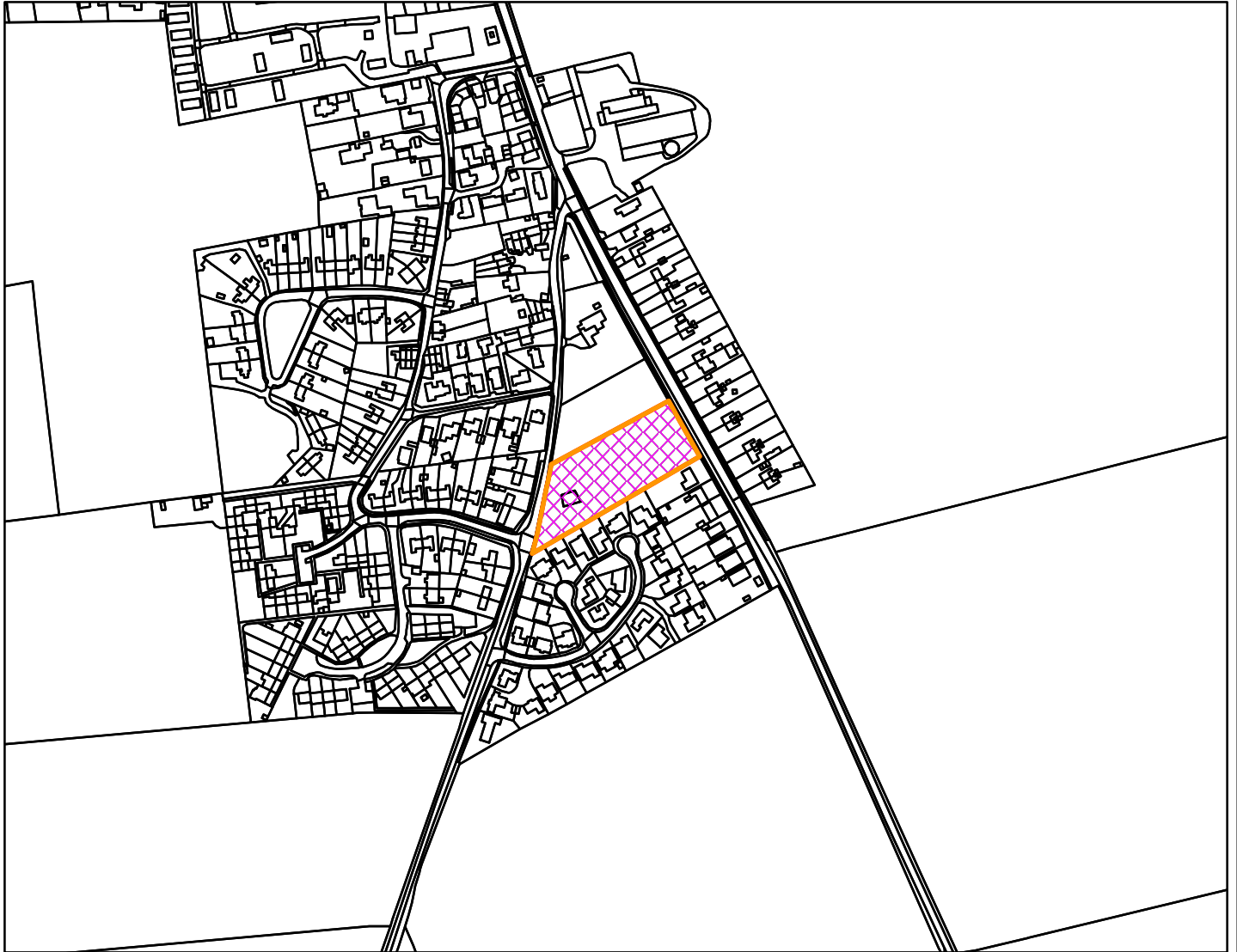
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Organisation	BCKLWN
Department	Department
Comments	
Date	21/11/2023
MSA Number	0100024314



Land Opposite 1 To 4 Beacon Hill PE31 8ET



Legend

Scale: 1:5,000

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Organisation	BCKLWN
Department	Department
Comments	
Date	21/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/1(a)

Parish:	Burnham Market	
Proposal:	The erection of 12 dwellings with associated landscaping, vehicular access and parking provision	
Location:	Land Opposite 1 To 4 Beacon Hill Burnham Market Norfolk PE31 8ET	
Applicant:	Holkham Estates Company Ltd	
Case No:	23/00496/FM (Full Application - Major Development)	
Case Officer:	Lucy Smith	Date for Determination: 6 July 2023 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – Officer recommendation is contrary to the views of the Parish Council

Neighbourhood Plan: Yes

Case Summary

Full planning permission is sought for 12 dwellings (including two affordable units) on approximately 0.61 ha of land at a density of just below 20 dwelling per hectare.

The application site comprises agricultural land to the south of allotments in Burnham Market. The site fronts Creake Road to the east and Beacon Hill Road to the west.

The site is within the development boundary and is within the Area of Outstanding Natural Beauty.

Key Issues

- Principle of development and planning policy
- Impacts on the AONB
- Form and character
- Impact on neighbour amenity
- Highway safety
- Affordable Housing
- Biodiversity and Ecological Enhancements
- Specific comments and issues

Recommendation

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure Affordable Housing, Principal Residences and Biodiversity Net Gain.

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure Affordable Housing, Principal Residences and Biodiversity Net Gain.

THE SITE AND APPLICATION

The application seeks full planning permission for the construction of 12 new dwellings (including 2 affordable units) on land towards the south of Burnham Market.

The site is within the development boundary and the general principle of residential development on site is therefore acceptable.

The application site is within the Area of Outstanding Natural Beauty (AONB).

The site totals approximately 0.61ha of land which results in a density of just below 20 dwellings per hectare. The site has frontage onto both Creake Road and Beacon Hill Road, dominated in both cases by a mature hedge approximately 2.5m tall.

The proposed dwellings are a mix of semi-detached and detached and both two storey and single storey. The layout of the development is formed by the provision of the access road to Creake Road which runs west towards visitor parking and a turning head adjacent to Beacon Hill Road. No vehicular access is proposed to Beacon Hill for safety reasons however a footpath link will be provided which will allow pedestrians at Beacon Hill Road to cut through the site and use safe footpath provision along Creake Road towards the village centre.

To the north, the site is separated from the allotments by the remains of a post-and-wire fence. The allotment land to the north of the site adjoins the Village Hall.

To the south of the site is the rear gardens of houses and bungalows at Kestrel Close. These gardens vary in depth from 7m to 9m. The boundary with these properties is formed by a variety of fences and hedges to individual properties. The dwellings proposed under this application are a minimum distance of 21m from the rear elevation of these neighbouring dwellings.

The site is covered in rough grass and falls noticeably (around 4.5m) from Beacon Hill Road to Creake Road. The eastern frontage on Creake Road is raised only slightly from the back of pavement, but on Beacon Hill Road there is a substantial level change (around 1.0m) between the road and the site.

The Agent has also provided a statement on biodiversity net gain. Biodiversity enhancements delivered through the proposed development will include new native trees and over 200m of new native species hedge, plus nesting boxes for bees, bats, swifts, and swallows. Hedgehog holes will be included in each garden fence. Off-site mitigation for the loss of grassland habitat will be delivered on other land owned by Holkham in the Parish. An area has been identified for habitat creation to the north-east of the village roughly 0.7km from the site. Overall, these mitigation measures will give a Biodiversity Net Gain of 34% on Habitat Value and 17% on Hedgerow Value. Measures for Biodiversity Net Gain can be controlled alongside Affordable Housing as part of the S106 legal agreement.

The application has been revised since submission to ensure suitable separation distances for properties adjoining Kestrel Close and to balance fenestration.

SUPPORTING CASE

This proposed development of 12 dwellings on land within the settlement boundary of Burnham Market forms part of the Holkham estate's vision to be the UK's most pioneering and sustainable rural estate. One of the five key ambitions within this vision is to help local communities thrive by providing employment, homes and support for local businesses and charities. Holkham is a significant local employer and is keenly aware of the difficulty local people face in finding affordable accommodation in one of the most sought after locations to live and visit in the country. In response to this issue, the estate is investing in the creation of new homes in the area with a focus on the delivery of homes for local people. In this respect the proposal would provide:

- 2 no. dwellings as affordable housing (i.e. 20% in accordance with policy);
- 2 no. dwellings to be retained by Holkham for renting to people working in the local area. Private rent
- dwellings are in critically short supply in the area due to the higher yields possible from holiday lets;
- 8 no. dwellings for sale with a focus on smaller more affordable family homes and 2 bedroom
- bungalows that would be suitable for older people wishing to downsize.

Burnham Market is identified by Core Strategy Policy CS02 as a Key Rural Service Centre which are designated by Policy CS06 to be a focus for growth in the rural areas. The site is located within the settlement boundary of the village where Policy DM2 supports the principle of development and it is not subject to any policies that would protect its current use as agricultural land. We are aware of the Parish Council's objections that claim that the site is used / designated as allotment gardens and we wish to categorically set this matter straight. The overwhelming evidence, including that produced by the Parish Council in their emerging Neighbourhood Plan, demonstrates that the site is not used / designated as allotments:

- Aerial photography shows that the site has not been used as allotments during the past 50 years+
- The site has been leased under farm business tenancies and used for agricultural purposes, including growing farm crops or agricultural storage (see aerial photos).
- The neighbouring allotment site is leased to the Parish Council, but we are not aware that the application site has ever been leased to the Parish Council.
- The emerging Neighbourhood Plan does not identify the site as part of the allotments which are designated as Local Green Space and as a Protected Community Facility (see plan overleaf).

The proposal would deliver a high quality, sustainable development on a site located within the settlement boundary where the principle of development is accepted. Key benefits include the delivery of 12 high-quality sustainable homes designed to reflect the character of the local area and the delivery of 34% Biodiversity Net Gain in the parish. The proposal accords with adopted policy on the principle of development and all other planning policies relevant to the consideration of the application and should be approved without delay.

Please Note – The above supporting statement was accompanied by satellite images from 1999, 2006 and 2020 which show the position of the allotments vs the land. A screenshot of the draft Neighbourhood Plan map (figure 43) was also provided. These images can be views on the online file

PLANNING HISTORY

22/00085/PREAPP: Possibility of Approval: 10/11/22 - PRE-APPLICATION FULL (WITH CONSULTATIONS) AND A MEETING WITH A PLANNING OFFICER: Erection of 15 dwellings - Land Opposite 1 To 4 Beacon Hill

RESPONSE TO CONSULTATION

Parish Council: SUPPORT on condition that a scheme can be agreed with Holkham Estates that will allow the Parish to allocate the affordable Housing to residents of the Parish.

Highways Authority: NO OBJECTION with the following comments:

'The proposal is served from the B1355 Creake Road, which has good wide frontage verges, good levels of emerging and forward visibility and a narrow pedestrian provision which could be widened to cater for the increased footfall.'

The LHA therefore recommend conditions relating to access provision, off-site highway improvement works in regard to the upgrading of the footpath along Creake Road, and standard conditions relating to parking/turning areas.

Housing Enabling Officer: NO OBJECTION subject to S106 agreement to control provision of affordable housing.

Historic Environment Service: NO OBJECTION subject to conditions controlling submission of archaeological written scheme of investigation.

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

Contaminated Land - The site is on land not seen developed for the duration of our records. The submitted Desk Study Report provided recommends further intrusive investigation on site due to potential risks identified. Contamination Conditions are recommended.

Air Quality – Building Regulations Approved Document Part L can sufficiently control impacts of emissions associated with the use. Recommended the imposition of condition controlling EV charging details, in particular for the visitor spaces and the submission of a Construction Environmental Management Plan.

Norfolk Fire and Rescue: NO OBJECTION Compliance with Building Regulations will sufficiently control any adverse impacts.

Natural England: NO OBJECTION Provided comments relating to GiRAMS and the need for an Appropriate Assessment.

Anglian Water: NO OBJECTION provided comments relating to Anglian Water assets in the vicinity, recommended informatives relating to public sewer connections.

Secured By Design – Designing out Crime Officer: NO OBJECTION The Secured By Design Officer provided comments relating to defensible space, landscaping options to allow viewpoints to parking areas and other guidance.

Ecology: NO OBJECTION to additional details

'The BNG plan is fit for purpose and resolves my concerns. Although a plan for the habitat created hasn't been explicitly provided as requested, the location plan included within the document is sufficient given that the entire site will be a single habitat (scrub). There is therefore no further objection from Ecology and the +34% net gain that this application will deliver is very much welcomed.'

CSNN: No response received at time of writing

REPRESENTATIONS

FOURTEEN letters of **OBJECTION**, stating comments summarised as follows:

- Loss of Allotment Land
- Impacts on dwellings and garages at Kestrel Close – overlooking, noise and disturbance
- Loss of hedgerow on Beacon Hill Road
- Security and privacy from footpath provision
- Preference for bungalows to prevent adverse impacts on neighbours
- Impact of noise and disturbance on wildlife
- Concern over footpath link and potential harm to hedgerow
- Impact of Air Source Heat Pumps on neighbour amenity
- Overdevelopment/density at odds with locality
- Design of dwellings and use of materials jars with houses at Kestrel Close
- Houses will not be affordable for local people
- No room on Beaconhill for additional footpaths
- Loss of hedgerows will take years to replace
- Safety of access point and request for a roundabout as speed control measure on Creake Road, or alternatively access should be provided to Beacon Hill.
- No need for new homes which will be used for holiday let purposes
- Anglian Water sewage works already at capacity
- Scheme does not address need for local community
- Concern over Plots 1 and 2 not having ensuites or garages
- Close boarded fencing too urban for the location

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS07 - Development in Coastal 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

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NEIGHBOURHOOD PLAN POLICIES

Policy 1: Housing Mix

Policy 2: Affordable Housing

Policy 3: 2nd Homes and Furn Hol Lets

Policy 4: Replacement Dwellings

Policy 5: Extn,Outbuildings and Annexes

Policy 6: Design

Policy 7: Residential Parking Standards

Policy 8: Biodiversity and Green Corrido

Policy 9: Local Green Spaces

Policy 10: Prot of Important Local Views

Policy 11: Dark Skies

Policy 12: Surface Water Management

Policy 13: Protection of Comm Facilities

Policy 14: Imple Walk and Cycle Routes

Policy 15: Burnham Market CA

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development and planning policy
- Impacts on the AONB
- Form and character
- Impact on neighbour amenity
- Highway safety
- Affordable Housing
- Biodiversity and Ecological Enhancements
- Specific comments and issues

Principle of Development and Planning Policy:

Full planning permission is sought for the construction of 12 dwellings to the south of Burnham Market on land between Creake Road and Beacon Hill Road. Kestrel Close, an estate of bungalows approved in the 1980s is immediately to the south.

In terms of the Local Plan, the application site is within the development boundary shown on inset map G17 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016) and the location of the development is therefore considered acceptable in principle in line with Policy DM2 of this plan. This is of course subject to the consideration of other material considerations.

Principal Residences

The Burnham Market Neighbourhood Plan now has full weight in planning decisions.

Alongside policies relating to biodiversity net gain, design etc. The Neighbourhood Plan includes a policy relating to Principal Residency controls (Policy 3). The Agent has confirmed agreement to such a control being imposed on each dwelling via a S106 agreement.

Allotments

The application site is immediately south of existing allotments, which are shown labelled as Local Green Space on figure 24 of the Neighbourhood Plan. The Neighbourhood Plan's Local Green Spaces Assessment outlines the allotments as LGS7 in yellow on a more detailed satellite image. The allotments are protected by virtue of Policy 9 of the Neighbourhood Plan, and the Community Facility policy within the SADMPP (2016).

The application site is immediately south of and shares a boundary with the designated allotments however does not propose the change of use of any part of the allotment land.

In response to comments initially received from the Parish Council, the Agents have provided information within their submission outlining that the application site has not been used as allotment land in the past 50 years and there is no evidence to suggest that this is not the case. The land has previously been leased under farm business tenancies and used for agricultural purposes but not as an allotment that would be protected under community facilities policies.

Policy 9 of the Neighbourhood Plan and Policy DM9 of the SADMPP (2016) therefore do not apply in this instance and the principle of development is acceptable.

Impacts on the AONB

Paragraph 177 of the NPPF (2023) states: When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

Whilst long views will be available as a result of the topography of land to the south of the site, the site fills a current undeveloped gap surrounded by existing development and will be viewed in association with the existing settlement from a distance.

A landscape and visual impact assessment has been provided which demonstrates that the proposal would have limited influence on the character of the landscape surrounding Burnham Market or on the composition of views encompassing the site.

Given the site's position within the main built extent of Burnham Market and surrounded on all sides by existing development, the proposal is not considered to comprise major development in the AONB as defined in the NPPF.

The application would not lead to harm to the natural beauty or special qualities of the AONB and overall complies with the NPPF (2023) and Policy CS07 regarding these impacts.

Form and Character:

The proposed dwellings are contemporary in style however with elements of stonework detailing which relates back to the more traditional character of housing across this part of the Borough. The proposed street layout retains the typical character and frontage development of this part of Burnham Market, and the mix of different materials and proportions further relates to the mixed character of the locality.

Houses to the east of Creake Road are two-storey semi-detached dwellings, primarily rendered with hipped roofs. Many of these houses have been extended/altered which has impacted on the consistent spacing between dwellings and adds variation to the street scene. On the west side of Creake Road, houses are more varied with both one and two storey dwellings of a wide mix of characters fronting the street.

Fronting Beacon Hill Road to the east of the site is a group of red brick terraces which are simple in character. These houses are positioned with ridge lines parallel to the road and behind more verdant boundary treatments/hedging.

The bungalows in Kestrel Close to the south have a different character which reflects the traditional characteristics of smaller cottages in the wider locality. These neighbouring

bungalows are constructed with a mix of flint and facing brick and have elements of detailing not typically seen on the houses fronting Beacon Hill or Creake Road.

The proposed dwellings therefore accord with the mixed character of the wider locality. 12 no. homes comprising two no. 2 bedroom bungalows, four no. 2 bedroom houses, four no. 3 bedroom houses and two no. 4 bedroom houses. The houses proposed are a mixture of detached and semi-detached dwellings.

Policy 3 of the Neighbourhood Plan sets out a requirement for 90% of dwellings to be three or less bedrooms. The proposal would deliver 50% 2 bedroom dwellings, including 2 bungalows suitable for the elderly, 33% 3 bedroom houses and 17% 4 bedroom houses. Whilst therefore slightly below the 90% figure stated in the policy, the Policy allows for flexibility where reasoning has been provided or the scheme would otherwise be unviable, and the Agents have provided in depth discussion of Holkham Estate's housing need survey which is considered suitable to enable this flexibility within the figure. The proposal would deliver a suitable mix of housing of various sizes to meet various needs.

Policy 6 of the Neighbourhood Plan applies, with the site noted to be within Character Area CA2. This policy sets out a design code and checklist against which development should be considered. The design code is again referenced in Policy 7 of the neighbourhood plan in relation to parking arrangements.

The houses would be constructed with a mix of traditional stonework and facing brick, and the layout of the development provides dwellings facing onto Creake Road whilst also allowing surveillance of the proposed footpath link which will run inside the hedgerow to the west of the site.

To the east of the site, plots fronting Creake Road are provided with separate driveways with access onto Creake Road which will be created by removing small portions of hedgerow. This Creake Road frontage allows the existing character of the street scene being retained. An area is set aside for visitor parking bays to the north of the access road.

Two bungalows are proposed in the centre of the site. These bungalows are positioned facing/adjoining an area of courtyard space. Plot 5 is positioned facing the access road which allows a sense of arrival after which the road curves and continues west towards Beacon Hill. Further visitor parking spaces are provided to the back of the site.

Plots 1 and 2 are proposed as simple 2 bedroom semi-detached dwellings arranged over two floors with central porch overhangs. The dwellings are proposed entirely in facing brick however with elements of brick detailing including dentil and string courses.

Plot 3 would be a larger 4 bedroom detached dwelling which shares similar characteristics to the previous plots however with additional stonework infill panels on the front (east) and side (north) elevation.

Plot 4 has been amended during the course of this application to relocate bedroom windows to prevent adverse impacts on amenity. This unit would be three bedroom detached and again include stonework on the front (north) and side (west) elevations. A Juliet balcony on the side elevation provides a viewpoint towards the shared courtyard space.

Plots 5 and 6 are two bedroom bungalows, with plot 5 proposed with stonework on the front elevation and plot 6 with facing brick, both units are proposed with similar levels of brick detailing. These dwellings each have porch overhangs with built in seats on the front elevation, providing space to 'sit out' which faces towards the courtyard space.

Plots 7 and 8 are 2 bedroom semis similar in design to Plots 1 and 2, however these dwellings are proposed with stonework on the front elevation.

Plots 9 and 10 are also similar in design to Plots 1 & 2, proposed as a pair of 2 bedroom semi-detached dwellings.

Plot 11 is similar in design to Plot 4, proposed as a three bedroom detached dwelling with an overhang porch centred on the front elevation.

Plot 12 is the second of the largest dwellings, similar in design to Plot 3. This plot is proposed on an angle to the west of the site which allows sightlines towards the footpath link.

Solar Panels are proposed on roof slopes of each dwelling. Footpath links will also be provided/upgraded on both roadside frontages to allow safe access for pedestrians towards the village centre.

Ridge heights across the site vary depending on design, this allows a degree of variation to street scene which is considered suitable for the character of the immediate locality.

Plots 1&2 – 9m ridge 5.2m eaves
Plots 3 – 8.5m ridge. 5.1m eaves
Plot 4 – 8.1m ridge, 5.2m eaves
Plots 5 & 6 – 6m ridge, 3m eaves
Plots 7 & 8 – 9.3m ridge, 5.2m eaves
Plots 9 & 10 – 9m ridge, 5.2m eaves
Plot 11 – 8.1m ridge, 5.2m eaves
Plot 12 – 8.5m ridge, 5.2m eaves

No significant changes are proposed to site levels across the site, which allows the houses to sit within the site without significant concerns over prominence of any plot. Section plans have been provided for both east/west and north/south directions, which show how the houses will sit within the existing ground levels. The north/south section shows the relationship between Plot 5 and No. 12 Kestrel Close, including Plot 5's garage. It is considered that suitable distances are provided to limit the impact of two storey dwellings to the north of the adjoining bungalows.

Plot 12 will be visible from approach on Beacon Hill and the Agents have provided an image to illustrate this. Considering the mixed character of houses in the locality and the substantial hedgerow, which would be retained, the prominence of this plot within the street scene is not considered to warrant refusal.

The mix of materials is considered to comply with the requirements of the explanatory Policy 6 of the Neighbourhood Plan where it discusses the local character and usage of materials. Whilst some details have been provided as part of this application, conditions are recommended to control the provision of a sample panel for the proposed stonework, boundary treatment details across the site and full details of how the shared open spaces will be managed.

Assessment against Neighbourhood Plan Design Code

Section 4.2 of the Design Code document outlines how development in each character area should be considered/how the design code should be applied. As a whole, the proposed design is considered to comply with the aims of the Design Code within the Neighbourhood Plan. The application site is within Character Area 2 – the Southern Cluster.

The pattern of development and built form responds to the requirements of SL01 in relation to continuity without repetition, and street frontages have been softened by planting proposed and no harsh front boundary fencing or similar is proposed.

The layout of the development and provision of a new footpath link complies with the aims of SL02, SP01 and SP04, allowing interrelationships between the development and existing housing in the locality, being well connected to promote active travel and widening the network of walkable areas. Parking is provided in locations and with screening to comply with SP05. Electric Vehicle charging positions details could be provided via condition.

Garages and sheds have been positioned to ensure compliance with the cycle parking details in SP06.

Trees and planting are shown on the proposed plan in compliance with SP08. Further details will be provided via condition.

SP09 refers to external lighting. No external lighting (i.e. street lights) are proposed as part of this development.

The layout of dwellings and size of rear gardens and amenity spaces complies with the built form BF03. The height and roof arrangements comply with BF04 and the front facing arrangement of dwellings and landscaping complies with BF05.

Sufficient space is provided on each plot to ensure bin storage is provided in line with EE04.

The majority of roadside hedges, as well as hedges within the site are retained to comply with EE05, and the proposal demonstrates a 34% net gain to support biodiversity across the Parish area.

Subject to the above conditions, the proposed design is considered acceptable, and the dwellings will accord with the mixed form and character of this part of Burnham Market. The development accords with Para 130 of the NPPF, Policy CS08 of the Core Strategy (2011), Policy DM15 of the SADMPP (2016) and Policy 6 of the Burnham Market Neighbourhood Plan (2016).

Impact on Neighbour Amenity:

Plots 7-12 are two storey dwellings positioned with rear elevations facing towards rear elevations of existing bungalows at Kestrel Close. The distances have been altered during the course of the application to ensure separation distances of 21m between rear elevations. Plots 7&8 are positioned 22.4m north, Plots 9&10 are approx. 21.2m north, and Plot 11 27.8m north.

Plot 12 is positioned at an angle facing southwest rather than directly towards the adjoining dwellings. The window on the first-floor rear elevation of this dwelling is approximately 21m north of the main rear elevation of the nearest bungalow.

Whilst the bungalows towards the west of Kestrel Close have additional conservatories facing the development, it is considered that the distances involved combined with the substantial hedgerows which are to be retained post-development are sufficient to limit any significant adverse impacts in regard to loss of privacy for these adjoining dwellings. The proposed levels, discussed above, will further limit the potential for impacts on adjoining dwellings.

Objections were received from dwellings at Kestrel Close which refer to overshadowing and overbearing impacts. Given the distances discussed above and the position of the site to the north of these dwellings, no significant overbearing or overshadowing impacts are considered likely.

In regard to Parish Council's initial comments on impacts on the allotments, the site will be clearly defined by proposed boundary treatments and the position of the bungalow as the only dwelling north of the access track will limit the potential for overshadowing of any individual allotment as a result of this proposal.

Representations also noted the potential for noise and disturbance impacts. Whilst the construction of houses may lead to noise and disturbance in relation to construction works/timings, the resultant residential use is not considered likely to lead to any significant impact on the amenity of surrounding dwellings. Conditions are recommended to control construction management plans and to provide details of the air source heat pumps shown on the plans.

In regard to residential amenity of the proposed properties, each dwelling is proposed with suitable garden sizes to provide an appropriate level of private amenity space. Distances and positions of dwellings allow privacy for each garden without impacts from overshadowing or overbearing.

Conditions will also be used to ensure all bathroom, ensuite and a secondary window serving a bedroom of Plot 4 are fitted with obscure glazing to ensure residential amenity for both existing and future occupiers is acceptable.

Overall, the impact on neighbours is considered acceptable and the proposed development complies with Para 130 of the NPPF and Policy DM15 of the SADMPP (2016).

Highway Safety:

Parking provision accords with the required standard across the site, with each plot demonstrating parking for at least the required number of vehicles. Additional visitor parking would be provided in a lay by towards the access point and within a rear parking courtyard space to the west of the site.

The Local Highway Authority raised no objections to the plans. The access point can demonstrate acceptable visibility splays and the footpath link provided from Beacon Hill Road to Creak Road through the site will allow safe pedestrian links to the village which are not currently provided due to the narrow nature of Beacon Hill Road, which does not currently have a footpath for parts of its length.

Neighbour representations requested the provision of a roundabout at the access point for speed control and highway safety. Whilst these comments are noted, the Local Highway Authority raise no objection to the junction arrangement proposed and it is not considered necessary to require the provision of a roundabout or other measure as part of this development. Vehicular access to Beacon Hill Road, also requested by representations, would not be suitable to cater for the development due to the road's insufficient width and the resulting increase in conflict between vehicles.

Comments from neighbours regarding the footpath link are noted. The footpath is set within the site on the east of the hedgerow which results in minimal loss of hedgerow and passive surveillance of the footpath by houses within the development site. The new footpath is not therefore considered likely to lead to crime and disorder impacts, and the width of Beacon Hill Road is unaffected.

Conditions will require the upgrading of the footpath at Creake Road as an off-site highway improvement work. The condition will ensure that the footpath can be widened to an appropriate width without impacts on the existing boundary hedgerow.

Parking is provided in accordance with the relevant parking standards and Policy 7 of the Burnham Market Neighbourhood Plan and the aforementioned conditions are considered suitable to further control highway safety impacts. The application complies with the NPPF (2023), Policies CS08, CS11, DM15 and DM17 of the Local Plan and Policy 7 of the Burnham Market Neighbourhood Plan in regards to access, parking and highway safety.

Affordable Housing:

Housing policies are set out primarily in Policy CS09 of the Core Strategy (2011).

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Burnham Market. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 2 affordable units would be provided as 1 no. 2 bedroom affordable rent home and 1 no. 2 bedroom First Home in accordance with Policy CS09.

The Housing Enabling Officer has confirmed that both Plots 1&2 and 7&8 are policy compliant and either pair could be provided as affordable housing. The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution.

The affordable housing is suitably tenure blind and integrated with the general market housing in compliance with the requirements of Policy CS09.

The information provided as part of this application indicates that Holkham Estates (the applicant) intend to retain 2 additional dwellings for private rental - aimed at providing rental dwellings for local people. Whilst this is noted, there is no policy requirement for this provision and it is not considered reasonable to control provision of affordable units in excess of the policy requirements in this instance.

A s106 is required to ensure that affordable houses are provided in line with Policy CS09 of the Core Strategy (2011) and Policy 2 of the Burnham Market Neighbourhood Plan.

Biodiversity and Ecological Enhancements

Whilst Biodiversity Net Gain delivery at 10% is not yet a requirement within the Environment Act, the NPPF (chapter 15) affords considerable support for protecting and enhancing key landscapes and areas of value in terms of biodiversity. Paragraph 174 states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

Policy 8 of the Burnham Market Neighbourhood Plan also requires a demonstrable 10% Biodiversity Net Gain to be secured for at least 30 years via planning obligations or conservation covenants. This is in line with that which is expected to come into force in 2024.

The proposed development calculates the delivery of a 34% net gain in area units and 17.8% gain in hedgerow units using Metric 3.1. 2.42 units of grassland and 0.02 units of sparsely vegetated land will be lost to development while 0.95 units of urban habitat consisting of developed land; sealed surface, vegetated garden and urban tree will be delivered on-site. An additional 4.44 area units will be delivered off site through creation of 0.48 ha of mixed scrub to achieve a 34% net gain. Two of the three hedgerows on site will be retained but 0.09 units of native hedgerow will be lost in order to provide access to the site. Hedgerows will be compensated for on-site through the creation of an additional 0.13 km of native hedgerow which will deliver 0.28 units and a net gain of 17.8%.

The management of the created habitats is outlined within the Ecological Assessment provided by Hopkins Ecology (March 2023) and additional information provided in the June 2023 version of this document. Further conditions are recommended to ensure on site landscaping details come forward and the development is completed in accordance with those details within a reasonable timeframe.

Original comments from the Parish Council referred to the lack of true benefit where off-site habitat creation is proposed. The Parish Council have since responded supporting the proposal however for the avoidance of doubt, the land proposed to be used for off-site delivery (shown in Figure 1 of the Hopkins Ecology Report) is to the north-east of the village roughly 0.7km from the Site. Whilst off-site, the land is reasonably close to the application site and allows the habitat to be managed and created as a continuation of the existing habitat in the locality, this is of significant benefit overall and will create an improved habitat that would be better than the use of other parcels of land which would not have those connections. As a result of the land for net gain being off-site, a S106 would be required to secure this part of the proposal.

In regard to GiRAMs, the GiRAMS Fee has been paid as part of this application as an agreed approach to mitigate potential impacts from recreational pressure as a result of the site's location in the Zone of Influence for protected sites such as the North Norfolk Coast/the Wash SAC/SPA, Dersingham Bog/Roydon Common RAMSAR etc. An appropriate assessment has taken place separately to assess the suitability of this mitigation measure and it is considered that development can therefore be granted.

Specific comments and issues:

Archaeology - An archaeological evaluation by trial trenching has taken place at the application site. Evidence of possible occupation of Late Anglo-Saxon date was found including a concentration of features, including structural features in the north-east part of the site. 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. Conditions are therefore recommended to ensure a programme of works is submitted prior to commencement of development in order to prevent adverse impacts on buried archaeological remains in line with Para 205 of the NPPF (2023).

Drainage – Drainage details have been agreed in principle by Anglian Water. Anglian Water have confirmed that treatment capacity at the local water recycling centre would be upgraded should the Authority grant permission. Standard foul and surface water drainage conditions are recommended for the avoidance of doubt and to comply with the NPPF in regards to flood risk from surface water flooding.

Crime and Disorder – There are no known crime and disorder impacts. The site is suitably designed to allow passive surveillance of the proposed footpath links and the provision of

appropriate boundary treatments will further control these impacts in line with the requirements of the NPPF and the National Model Design Code.

Contamination – The Environmental Quality Team recommended conditions relating to contamination due to the risks identified within the Desk Study Report submitted to support this application. An intrusive investigation is required to assess the identified risks, and a remediation scheme will subsequently be required to comply with the NPPF (2023) and Policy DM15 in regards to contamination.

The Air Quality Team also recommended conditions to control the submission of an EV charging scheme and a Construction Environmental Management Plan. These conditions will suitably control electric vehicle charging in line with the Neighbourhood Plan and Design Code, and in line with the NPPF (2023), and the CEMP condition which can be combined with the standard Construction Management Plan condition required for highway safety reasons will prevent adverse impacts on neighbours.

Air Source Heat Pumps – Limited detail has been provided in regard to the make and model of proposed Air Source Heat Pump units. In the interests of neighbour amenity, conditions are recommended to ensure details of these units are provided prior to their installation, in order to prevent adverse noise and disturbance impacts.

Response to Parish Council

The Parish Council most recently replied in support of the application in principle, however there is no available planning mechanism to allow the Parish to control who the affordable units on site are allocated to as the Parish has requested and thus the application has been brought to Planning Committee for members to consider.

Response to Neighbour Representations

The majority of concerns and objections raised by neighbours have been addressed within the report.

Neighbour comments stating a preference for bungalows to prevent adverse impacts on adjoining bungalows are noted, however separation distances are sufficient to limit adverse impacts on properties and two storey dwellings are therefore considered suitable for the site and comply with the relevant policies.

A representation noted concern that Plots 1 and 2 do not have en-suites or garages. Plots 9 & 10 are also proposed as two bedroom properties with no en-suite provision and the internal layout of dwellings provides a mix of layouts to suit different needs. Whilst the Applicants have not yet specified which plots would be allocated as affordable housing in the S106, the lack of garages for Plot 1 and 2 would meet the requirements of the registered provider and has not drawn objection from the Housing Team. The scheme as a whole is considered to be sufficiently tenure blind to accord with the require policy, and parking is provided to the front of Plots 1 and 2 in accordance with the required standard. Storage sheds are provided in the rear garden space of this plot.

Comments relating to overdevelopment are also noted, the site proposed a density of just under 20 dwellings per hectare (19.6), and surrounding development at Kestrel Close is approx. 17 dwellings per hectare, dwellings fronting Beacon Hill Road immediately west have a density of around 25 dwellings per hectare, and dwellings fronting Creake Road have a lower density of around 12 dwellings per hectare. The density of the proposed development is not considered to be at odds with the varied density of dwellings in the immediate locality.

Comments on the design of dwellings and use of materials are noted, the design and fenestration of dwellings has been altered throughout the course of this application and is considered acceptable.

CONCLUSION:

The application proposes the construction of 12 dwellings within the development boundary of Burnham Market. The Site is in a sustainable location that is within walking distance of various facilities and services in the village centre. The land is a leftover parcel of land, most recently used for agricultural purposes, which is bordered on three sides by residential development of a mixed character and to the north by existing allotment land.

The site is not within the Conservation Area however is within the AONB. For the reasons outlined above, the proposed development is not considered likely to lead to any adverse impacts on the AONB.

As such the principle of development is considered acceptable.

The design of the dwellings has been amended during the course of this application to better reflect the more traditional character of the wider locality. Window positions have been altered which results in balanced dwellings which fit in well with the local vernacular.

The proposal would deliver 34% biodiversity net gain through securing habitat improvements on Holkham land in the local area. This is greatly over the emerging national requirement for 10% and represents a significant material benefit of the proposed development. Provision in line with the submitted information can be secured as part of a S106 agreement, as can the provision of affordable housing and occupation as principal residences only in line with the policy requirements.

The application is therefore recommended for approval, subject to the completion of a S106 agreement to control provision of Affordable Housing, Principal Residence restrictions and Biodiversity Net Gain.

RECOMMENDATION

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure Affordable Housing, Principal Residences and Biodiversity Net Gain.

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:

- *9645 001 P00 Location Plan
- *9645 003 P02 Site Plan as Proposed, Block Plan
- *9645 004 P02 Site Plan as Proposed, Roof Plan
- *9645 050 P01 Plot 1 & 2 Floor Plans
- *9645 051 P02 Plot 1 & 2 Elevations

- *9645 052 P02 Plot 3 Floor Plans
- *9645 053 P03 Plot 3 Elevations
- *9645 054 P02 Plot 4 Floor Plans
- *9645 055 P03 Plot 4 Elevations
- *9645 056 P02 Plot 5 Floor Plans
- *9645 057 P03 Plot 5 Elevations
- *9645 058 P02 Plot 6 Floor Plans
- *9645 059 P03 Plot 6 Elevations
- *9645 060 P02 Plot 7 & 8 Floor Plans
- *9645 061 P03 Plot 7 & 8 Elevations
- *9645 062 P02 Plot 9 & 10 Floor Plans
- *9645 063 P03 Plot 9 & 10 Elevations
- *9645 064 P02 Plot 11 Floor Plans
- *9645 065 P03 Plot 11 Elevations
- *9645 066 P02 Plot 12 Floor Plans
- *9645 067 P03 Plot 12 Elevations
- *9645 068 P00 Garages Floor Plans
- *9645 069 P02 Garages Elevations

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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.
- 3 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.
- 4 Condition: Notwithstanding the details shown on the proposed plans, 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.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.
- 5 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 5 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.

- 6 **Condition:** Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures, boundary treatments 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.
- 6 **Reason:** To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.
- 7 **Condition:** All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 7 **Reason:** To ensure that the work is carried out within a reasonable period in accordance with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.
- 8 **Condition:** Prior to the occupation of any unit, a landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules and a maintenance scheme for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved. The landscape management plan shall be carried out as approved.
- 8 **Reason:** To ensure that the landscaping is properly maintained in accordance with the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.
- 9 **Condition:** No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
- (a) the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used;
 - (b) the location of any temporary buildings and compound areas;
 - (c) the location of parking areas for construction and other vehicles;
 - (d) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,
 - (e) a scheme for the management and signage of all construction traffic.
- The development shall be carried out in accordance with the approved construction management statement throughout the construction period.
- 9 **Reason:** For the avoidance of doubt and in the interests of the amenities of the locality in accordance with the NPPF (2021) and Policy DM15 of the SADMP (2016).

- 10 Condition: Notwithstanding the details shown on the approved plans, prior to the installation of any air source heat pump(s), air conditioning units or other external plant, including extraction/ventilation systems, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the sound power levels of the proposed unit(s)/plant, the siting of the unit/s or plant and distances to boundaries, and provide details of anti-vibration mounts and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 10 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF, Policies CS08 and DM15 of the Local Plan and Policy 6 of the Neighbourhood Plan.
- 11 Condition: Prior to the first occupation of each dwelling, proposed bathroom and ensuite windows and the bedroom window marked OG on dwg No. 9645 054 P02 (Plot 4), shall be fitted with obscured glazing. The window(s) shall be permanently retained in that condition thereafter.
- 11 Reason: In the interests of the amenities and privacy of adjoining dwelling in accordance with Policy DM15 of the SADMPP (2016).
- 12 Condition: Prior to the first occupation of the development hereby permitted the vehicular accesses over the verge/footway shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (TRAD 1) and thereafter retained at the position shown on the approved plan. 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.
- 12 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 in accordance with the NPPF (2021) and DM15 of the SADMPP (2016).
- 13 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 accesses to Creake Road or Beacon Hill Road unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 13 Reason: In the interests of highway safety in accordance with the NPPF (2021) and Policy DM15 of the SADMPP (2016).
- 14 Condition: Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 14 Reason: In the interests of highway safety in accordance with the principles of the NPPF (2023).
- 15 Condition: Prior to the first occupation of the development hereby permitted the proposed access/on-site car and cycle

parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

- 15 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the principles of the NPPF.
- 16 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works (frontage footpath widening) have been submitted to and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the principles of the NPPF (2023) and Policies CS08, CS11 and DM15 of the Local Plan.
- 17 Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 16 shall be completed to the written satisfaction of the Local Planning Authority
- 17 Reason: To ensure that the highway improvement works are completed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the principles of the NPPF (2023) and Policies CS08, CS11 and DM15 of the Local Plan.
- 18 Condition: No development shall take place on site 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.
- 18 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.
- 19 Condition: No demolition/development shall take place other than in accordance with the written scheme of investigation approved under condition 18 and any addenda to that WSI covering subsequent phases of mitigation.

19 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.

20 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 19 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

20 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.

21 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).

21 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.

22 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.

22 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.

23 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.

23 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.

24 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 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, 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 24.

24 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 in accordance with the NPPF (2023) and Policy DM15 of the SADMPP (2016).

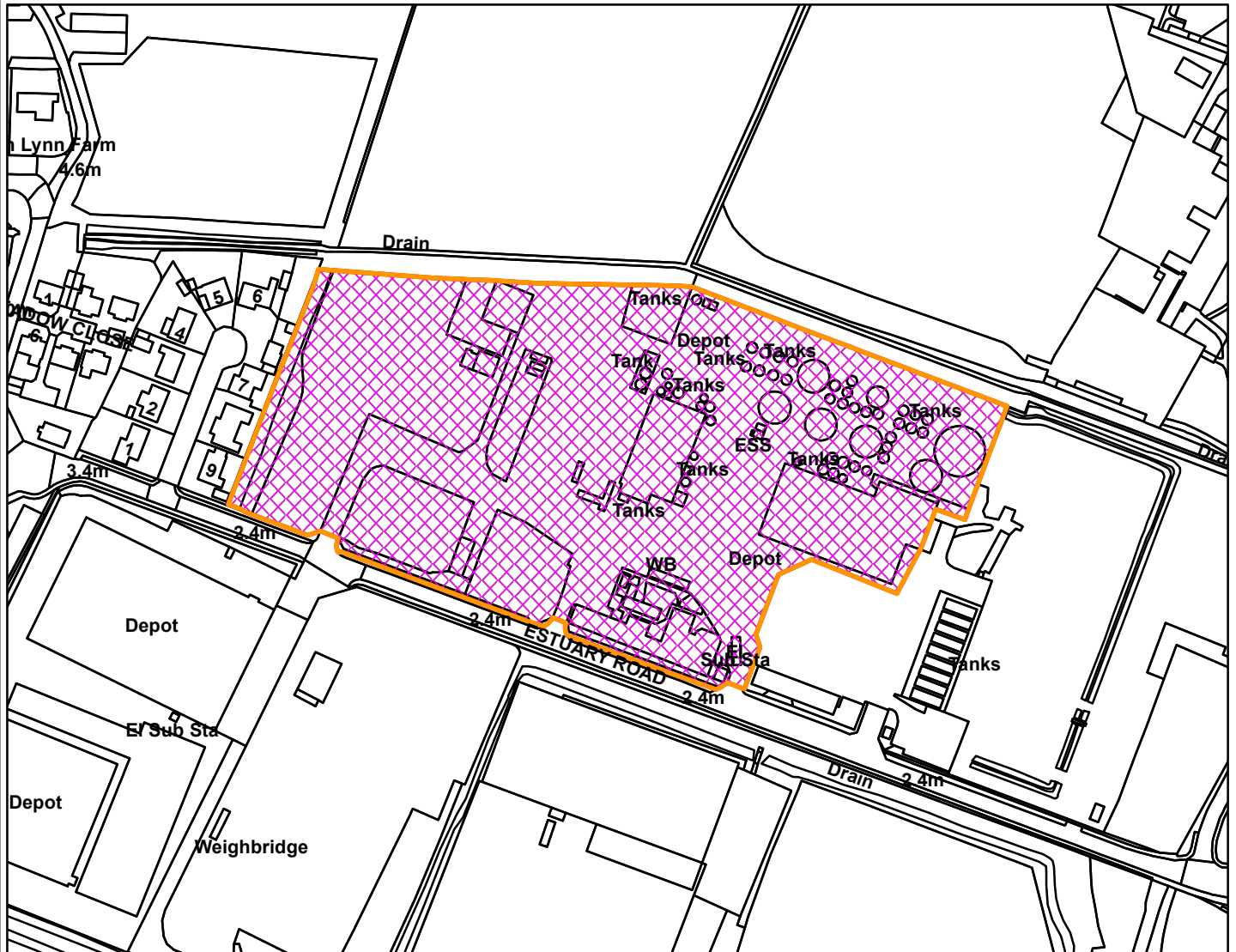
25 Condition: Prior to the first occupation of any dwelling hereby permitted, full details of an EV charging scheme shall be submitted to and approved in writing by the LPA. The development shall be constructed in accordance with the agreed details prior to the occupation of each unit and retained in accordance with these details thereafter.

25 Reason: To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations in accordance with the NPPF (2021).

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure Affordable Housing, Principal Residences and Biodiversity Net Gain.



Omex Agriculture Ltd Estuary Road PE30 2HH



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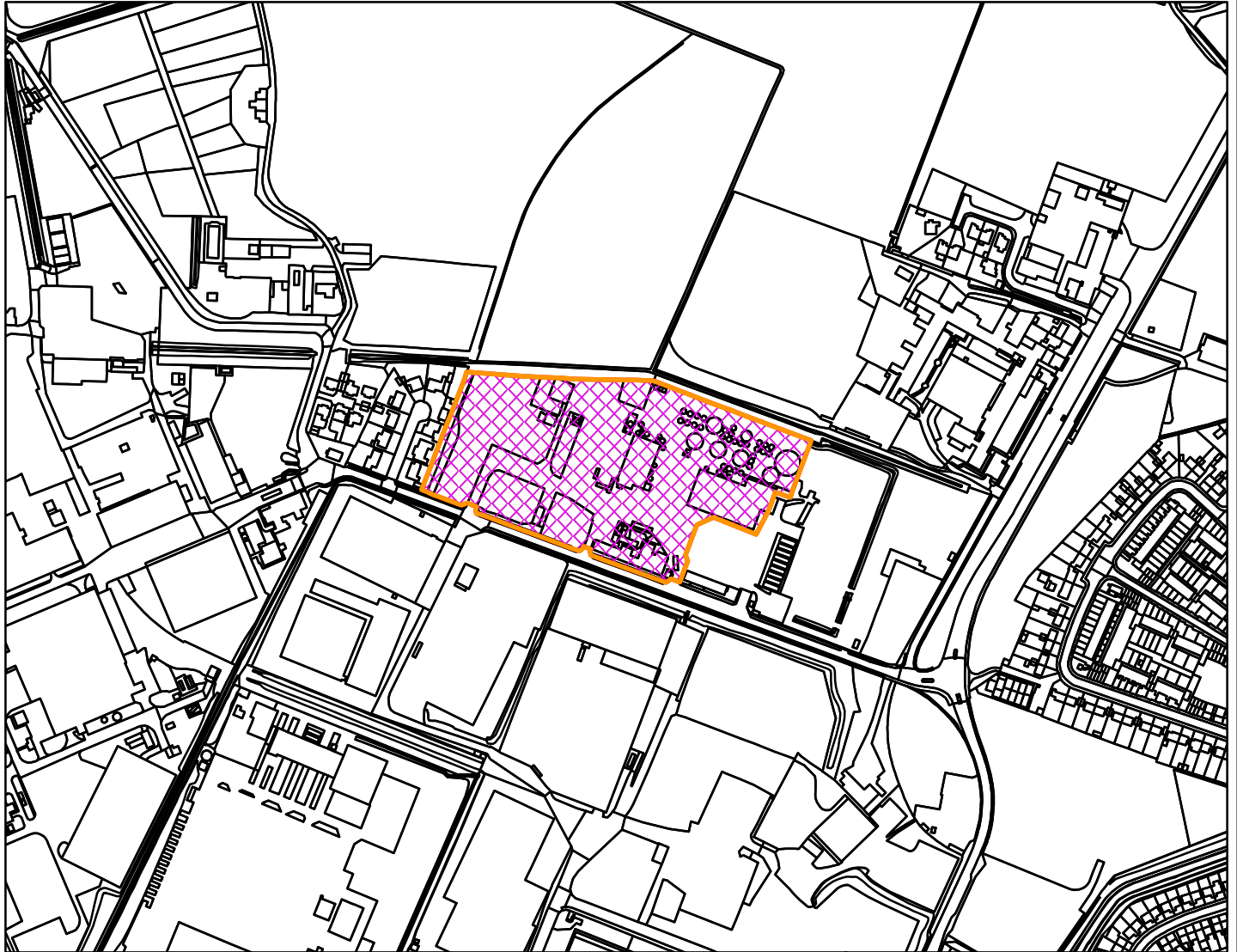
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Organisation	BCKLWN
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Comments	
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Organisation	BCKLWN
Department	Department
Comments	
Date	21/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/1(b)

Parish:	King's Lynn	
Proposal:	Construction of a new building/offices for the blending of existing products with increased capacity and associated drainage	
Location:	Omex Agriculture Ltd Estuary Road King's Lynn Norfolk PE30 2HH	
Applicant:	Omex Agriculture Ltd	
Case No:	23/00735/FM (Full Application - Major Development)	
Case Officer:	Lucy Smith	Date for Determination: 9 August 2023 Extension of Time Expiry Date: 10 November 2023

Reason for Referral to Planning Committee – Referred by Sifting Panel

Neighbourhood Plan: No

Case Summary

The application site is located within the defined settlement boundary of Kings Lynn which is classified as a sub-regional centre within policy CS02 of the Core Strategy 2011.

The application site is accessed via Estuary Road and is host to an existing commercial business. The site incorporates existing buildings relating to the business including gas tanks, offices and a car park.

The Fen Rivers Academy is located to the north of the site with other commercial uses to the south and a residential cu-de-sac positioned to the west.

The proposal seeks permission for construction of a new building/offices for the blending of existing products with the increased capacity and creation for an attenuation reservoir.

Amended plans have been provided throughout the course of the application process including revised elevations, the submission of a construction management plan and a drainage strategy.

Key Issues

Principle of Development
Form and Character
Impact on Neighbour Amenity
Highway Safety and Parking
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located within the settlement boundary of Kings Lynn on Estuary Road and is host to an existing industrial business and associated buildings including offices, gas tanks, a laboratory and a group of foliar buildings. Foliar is a type of fertilizer applied on the leaves of plants.

Planning permission is sought for the construction of a new building/offices for the blending of existing products with the increased capacity. Attenuation crates will be used for drainage purposes.

The proposed building would measure 13.2m in height, 97m in width and varies between 37m and 47m in depth. Internally, the building incorporates a mezzanine floor. The building would provide a warehouse, packing room, blending room, raw material storage and offices.

The proposed building would be positioned a minimum of 22m from the western boundary with the existing earth bund retained. The attenuation crates are also proposed to be positioned to the west of the site and immediately adjacent to the southwest corner of the proposed building.

The proposed plans originally included extensions to the earth bund however this part of the proposal has been removed after concern was raised by Anglian Water due to underground infrastructure. A previously proposed lagoon, initially shown to the southwest corner of the proposed building, has also been removed from the plans since original submission, with the system of attenuation crates proposed to cater for surface water drainage.

SUPPORTING CASE

A supporting statement was requested however no such statement has been provided as of the date of writing this report.

PLANNING HISTORY

21/01420/FM - Permitted - Construction of a new raw materials storage building/shed.- Delegated Decision

20/00218/FM - Permitted - Demolition of existing shed and construction of new raw materials storage building/shed. .- Delegated Decision

19/01266/FM - Permitted - Demolition of an existing single storey shed and construction of a new industrial building to accommodate offices, workshop, storage and laboratories all associated with the site. .- Delegated Decision

18/01863/DISC_A - Permitted - DISCHARGE OF CONDITION 4 AND 6: Construction of modular building to use as main site office. .- Delegated Decision

13/00758/F - Permitted - Clearance of existing oil depot and redevelopment – Q8 Fuelcare, Estuary Road .- Delegated Decision

RESPONSE TO CONSULTATION

Highways Authority: NO OBJECTIONS

Lead Local Flood Authority: NO OBJECTION to amended details, subject to standard conditions and an informative.

Emergency Planning Officer: NO OBJECTIONS: Reference the above application. Because of its location in an area at risk of flooding and in line with best practice in business continuity I would suggest that the occupiers if they have not already: Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood) Install services at high levels to avoid the impacts of flooding A flood evacuation plan should be prepared (more details at www.gov.uk/flood): This will include actions to take on receipt of the different warning levels. Evacuation procedures eg isolating services to reduce risk of pollution, loose plant and taking valuables etc Evacuation routes.

Internal Drainage Board: NO OBJECTIONS: originally the IDB requested that Land Drainage Consent be applied for prior to the determination of the application however, following a reconsultation, confirmation was provided that the applicant has applied for consent under Byelaw 3 and therefore, the application can be determined.

Norfolk Fire and Rescue: NO OBJECTION: providing the proposal meets the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 2 – current edition, or as revised) including any requirements in relation to B5: Access and facilities for the fire service and arrangements for emergency service vehicles, as administered by the Building Control Authority.

Environmental Health & Housing – Environmental Quality: NO OBJECTIONS: subject to a condition requesting an energy report to be submitted prior to development commencing.

Kings Lynn Civic Society: OBJECT: On the basis of the buildings scale and impact on the immediate neighbours to the west. Enhancements and mitigation measures are requested.

Community Safety and Neighbourhood Nuisance Officer: NO OBJECTIONS Following the receipt of amended plans and documents, the CSNN team have no objections to the proposed development subject to conditions relating to a lighting scheme, hours of use hours for piling to be carried out, construction management plan implementation and the use of external doors.

Environment Agency: NO OBJECTION: No objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared by Parsons Consulting Engineers Ltd dated 13/07/2023 are adhered to.

Anglian Water: NO OBJECTIONS: Subject to conditions securing a foul drainage strategy.

KLACC: Raised the following comments and concerns:

- Clarification required in relation to working hours of the operation
- The earth bund should be constructed prior to any piling works commencing
- Landscaping should be provided to soften earth bund

REPRESENTATIONS

ONE letter of **OBJECTION** received, stating the following comments (summarised):

- Overbearing impact and out of character
- Increase in traffic.
- Present use is already viable without the need to expand further.
- Noise pollution during and post construction
- Structural damage to existing residential properties due to heavy/deep pile driving into the surrounding land.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

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

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

Policy CS03 of the Core Strategy states *'In support of the overall development strategy King's Lynn will continue to meet its obligations as a Growth Point and Key Centre for Development and Change and develop as a Sub-Regional Centre.*

Policy CS10 of the Core Strategy states *'The local economy will be developed sustainably: to facilitate job growth in the local economy.*

The site is within an area characterised primarily by commercial and industrial uses however is bordered to the west by a small group of residential dwellings.

The site is located within the development boundary of Kings Lynn and represents a development in relation to an existing established business within the established site boundary. Therefore, the principle of development is considered acceptable subject to compliance with other relevant local and national planning policy and guidance.

Form and Character:

The application seeks planning permission for a new building measuring 13.4m in height, 97.1m in width and 45.9m in depth with a mezzanine floor. The building would provide a warehouse, packing room, blending room, raw material storage and offices.

The addition would be utilitarian in appearance, constructed from green steel composite cladding with grey powder coated aluminium windows and doors.

The proposed attenuation crated would be positioned to the southwest of the site and connect to various drainage infrastructure across the wider site, including a small rain garden to the north of the building, an oil interceptor, a pumping station and rainwater harvesting systems.

Previous permissions have been granted on the site buildings of a similar scale and positioning however, the current proposal is larger and of a different orientation. However, the general principle of a new larger building on this site is established.

The proposed design is similar to the previous approvals, just on a larger scale with the incorporation of a mezzanine floor.

Given the predominantly industrial/commercial character of the wider area the addition is not considered to be an incongruous addition that would be out of keeping.

It is noted that the building is of a larger scale compared to previously approved structures, however, given the size of the site and separation distance to neighbouring residential properties, the proposal is not considered to be appear overbearing and accords with the industrial character of the existing site.

Overall, the proposed development is considered to comply with policy DM15 of the SADMPP and policy CS08 of the Core Strategy.

Impact on Neighbour Amenity:

The application site is located within a mainly industrial/commercial area with a small residential cul-de-sac located to the west.

The site is host to an existing earth bund measuring 2m in height stretching the entire depth of the western boundary. Plans originally indicated that the bund would be raised in height to try and mitigate against potential noise disturbance however this part of the development has been removed from the plans. The previously proposed extension of the bund would lead to conflict with the Anglian Water Foul water rising main positioned below.

Given the existing use of the site, the existing bund and the separation distance of approximately 15m between the site boundary and the nearest residential property, it is considered that the issue of noise disturbance could be mitigated through conditioning the hours of operation.

The CSNN team suggested that the building should only be used between the hours of 0600 and 1900 Monday to Saturday and at no time on Sunday, Bank or Public Holidays, except when required outside of these times where 24 hours are required if all works are internal. Whilst operating hours could be secured via condition, the condition recommended by the CSNN team is ambiguous and the additional wording relating to 24 hours works cannot be applied in this instance as it would not meet the tests outlined in the NPPF. It is considered that conditions relating to delivery hours should be applied, alongside the remaining conditions discussed throughout this report.

A condition is also recommended to ensure that the external doors leading directly to the warehouse or raw material areas must remain closed unless being used for access.

The issue of piling would also be mitigated via a condition which would restrict impact piling completely and only allow for continuous Flight Auger piling to be undertaken. The condition would also restrict the hours that piling can be carried out and requests that a piling method statement is provided prior to any piling being carried out on the site.

Conditions are recommended to require details of external lighting to ensure the impact of light pollution on adjoining uses is limited.

Overall, the application site is already host to industrial uses with almost 90% of the products being blended outside, creating the main source of noise during the production process. Therefore, the addition of a new building would bring the use inside and could lead to a reduction in overall noise impacts.

The separation distances 37m wall to wall, 22m from the building to the shared boundary, conditions and mitigation measures are considered to sufficiently prevent any potential noise disturbance creating from the proposed development.

No windows are proposed on the west elevation and therefore, no overlooking would occur as a result of the addition.

Given its positioning and the orientation of the site, separation distance and the position on the garden area of No.6 Estuary Road (22m to the side boundary), the proposed development is not considered likely to create an unacceptable level of overshadowing or loss of light to the detriment of the amenity of this neighbour.

Therefore, the proposed development is not considered to have a detrimental impact on residential amenity and complies with policy DM15 of the SADMPP and policies CS08 and CS10 of the Core Strategy.

Highway Safety:

The application site is accessed off Estuary Road and is host to two separate accesses and sufficient turning areas which would allow vehicles to enter and exit the site in forward gear. The proposed building and its users would utilise the existing accesses and car parks and hardstanding which provide enough parking and complies with policy DM17 of the SADMPP.

A total of 24 parking spaces including six Electric Vehicle (EV) charging spaces have also been shown on the proposed site plan.

The Highway Authority have also confirmed that they have no objections to the proposed development.

The impact on highway safety is therefore considered acceptable and complies with the NPPF (2023), Policies CS08, CS10 and CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Drainage and Flood Risk:

The application site lies within defended flood zone 3a so is at risk of flooding. However, the development represents a building to serve an existing business in operation at the existing site. As such the building could not realistically be located at an area at lower risk of flooding. It is therefore considered that the sequential test is passed.

The surface water drainage arrangements for the site have been the subject of negotiation with the Lead Local Flood Authority throughout the course of this application. Detailed plans have been submitted which detail the use of attenuation crates and a management plan has been provided which can be conditioned to control maintenance going forwards.

The applicant has provided drainage system calculations which demonstrate that there is no risk of flooding in the event of a 24-hour pump failure up to the 1% AEP + climate change event. This is to be achieved by using the sunken delivery bay as a formal storage area for the pump at the south-eastern edge of the building, which will begin to fill up in larger storm events.

The LLFA raise no objection to the amended details and the drainage arrangements on site are not considered likely to lead to any increased risk of flooding on site or elsewhere. Conditions are recommended to ensure the development is completed in accordance with the agreed details, alongside an informative noting the health and safety implications of setting aside the sunken delivery bay to be used as overflow storage for the pump.

Anglian Water however note outstanding concerns relating to foul water drainage details and sewage connection points and have therefore recommended a foul drainage condition is included on the consent. The applicant needs to clarify where in the public sewers the site will be connecting to, the connection regime and the discharge rates if the proposed connection is a pumped connection. A foul water drainage condition is recommended to ensure that the foul water drainage details are appropriate for the future use.

Subject to conditions, the development therefore complies with Paras 164, 169 and 174 of the NPPF (2023) and Policy DM15 of the SADMPP in relation to drainage and flood risk.

Other material considerations

Contamination – The Environmental Quality Team raise no objection on the basis of contamination. The applicant provided a screening assessment indicating the commercial current and proposed use of site and use of crushed rubble on site used for the hardcore area for tanker parking. The site is on land first seen developed in historic maps dated 1945-1970 as a petroleum depot. The surrounding landscape is largely commercial and industrial.

The information submitted does not indicate the presence of significant land contamination. However, the former use of the site means that it's possible that some unexpected contamination could be present and therefore, an unexpected contamination condition is recommended in order to comply with the NPPF (2023), Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Air Quality – The application includes the provision of 6 No. EV charging parking bays to accord with the comments from the Environmental Quality Officer.

Solar Panels are also proposed on the roof slope of the building, and the Agent has since provided additional details of the PV Panel Output however no detail has been provided of the reduction in overall emissions to comply with Policy CS08. The Environmental Quality Officer recommended additional details are provided to require the submission of an energy report, which can be controlled via condition.

Response to Consultees

Kings Lynn Area Consultative Committee responded with concern raised over the bund and request for additional landscaping to screen and soften its visual impact for adjoining dwellings. The changes to the bund have now been removed from the proposed plans, and it will be retained in-situ.

The Internal Drainage Board (IDB) raise no objection to the proposal, Byelaw Consent has been applied for and will be considered under a separate process.

Response to Neighbour Objection

The majority of comments received from the neighbouring resident have been discussed within the report above. Comments relating to impacts of additional traffic are noted, however it is considered that conditions restricting hours of delivery to between 0800 and 1900 will suitably limit adverse impacts given the mixed character and various unrestricted uses in the locality.

Comments on viability are also noted. The development has been assessed as acceptable in principle and the expansion of businesses is widely supported by policies at both a local and national level.

CONCLUSION

The application seeks the expansion of an existing business use which is widely supported by policies at both a local and national level.

The proposed building is considered to be sufficiently distanced from the nearest residential properties to the west of the site to adequately reduce any opportunities for overbearing or overshadowing, however conditions are recommended to ensure that the noise and

disturbance impacts both throughout construction and after first use are acceptable given the proximity to sensitive uses.

Conditions can be used to control operating hours, piling foundations, the closing of doors during operation, and compliance with the submitted Construction Management Plan. Subject to these conditions, the impact on neighbours is considered acceptable.

Detailed consideration of the impacts on drainage has taken place throughout the course of this application and the details have been agreed by the LLFA. Conditions are recommended to ensure compliance with these details and the agreed drainage strategy.

The application therefore complies with the NPPF (2023), Policies CS03, CS08, CS10, CS11 and CS12 of the Core Strategy and Policies DM2 and DM15 of the SADMPP (2016).

The application is therefore recommended for approval, subject to the imposition of the following conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - *220945-10-01 - Existing Site and Location Plan
 - *220945-10-02 G Proposed Site Plan Showing Buildings to be Removed or Relocated
 - *220945-10-03 D PROPOSED ELEVATIONS AND SECTIONS 6m x6m BAYS PLANNING
 - *220945-10-04 A Proposed Floor Plans
 - *220945-10-05 G Proposed Site Plan Showing External Works
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development shall be built in accordance with the submitted Flood Risk Assessment (Omex Foliar Building - Flood Risk Assessment | Parsons Consulting Engineers | Ref: 22233-FRA-01 | Rev: V6 | Dated: 13 July 2023.) and Drainage Strategy (Drainage Strategy | Omex Foliar Facility | Parsons Consulting Engineers | Drawing No.: 22233-001 | Rev: P9 | Dated: 25 October 2023).

The schematic drainage layout adopted must be that demonstrated in the final submitted drainage strategy drawing (Drainage Strategy | Omex Foliar Facility | Parsons Consulting Engineers | Drawing No.: 22233-001 | Rev: P9 | Dated: 25 October 2023).

The approved scheme shall be implemented fully in accordance with the agreed details prior to the first use of the development hereby permitted and retained and maintained in accordance with those details thereafter.

- 3 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development in accordance with the overarching principles of the NPPF and the Local Plan.
- 4 Condition: Notwithstanding the information provided within the drainage strategy, no works above slab level shall commence on site a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

- 4 Reason: In order to prevent an increased risk of flooding in accordance with the principles of 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.

- 5 Condition: All external doors associated with the building hereby approved must remain closed at all times during the operation/occupation of the building, other than when required for access.

- 5 Reason: In the interests of the amenities of the locality in accordance with the NPPF.

- 6 Condition: No piling shall be carried out on site until a piling method statement (detailing the type of piling to be undertaken, the locations of piles, and the methodology by which such piling will be carried out and the programme for the works including proposed hours of works) has been submitted to and approved in writing by the local planning authority. The method statement should include provision to minimise damage and noise.

Any piling must be undertaken in strict accordance with the terms of the approved piling method statement.

- 6 Reason: For the avoidance of doubt and in the interests of the amenities of the locality in accordance with the NPPF (2023) and Policy DM15 of the SADMPP (2016).

- 7 Condition: Throughout the duration of clearance and construction works on site, all works and activities shall be carried out in strict accordance with the combined 'Construction Management Plan and Construction Traffic Management Plan' document, revision D, submitted on 7 September 2023

- 7 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

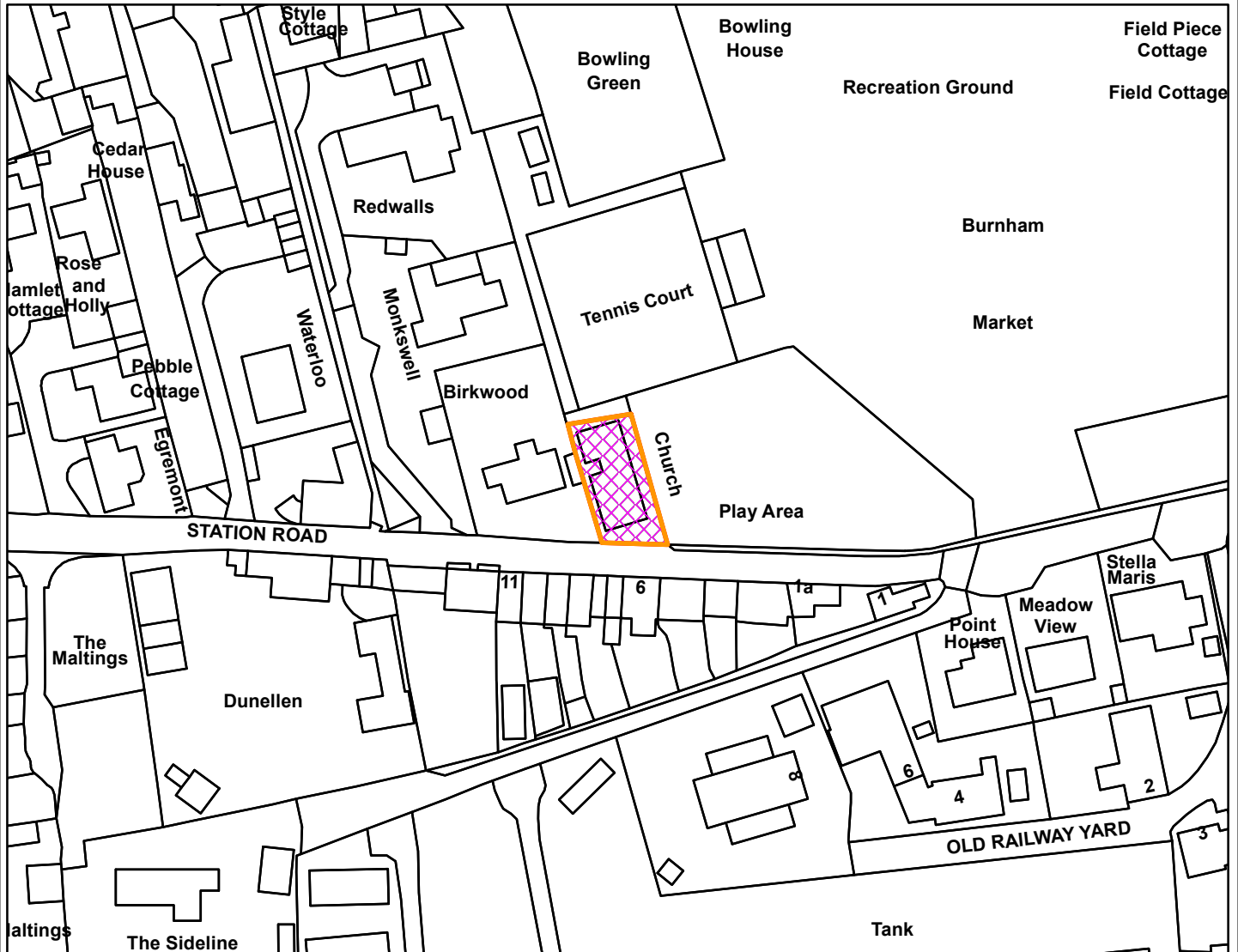
- 8 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting, 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 the approved scheme and thereafter maintained and retained as agreed.

- 8 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 9 Condition: No deliveries should take place on the site outside of the hours of 0600 to 1900 Monday to Saturday.
- 9 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 10 Condition: Prior to the first use of the building hereby permitted, an energy report shall be submitted to the LPA demonstrating the energy efficiency methods which have been implemented into the construction of the building hereby approved. The report should demonstrate an overall improvement of not less than 10%. The measures shall be retained as agreed thereafter.
- 10 Reason: To ensure building design is sustainable in the longer term and to mitigate additional traffic emissions generated in accordance with Section 174(e) of the NPPF and Policy CS08 of the Core Strategy (2011).



Methodist Church Station Road PE31 8HA



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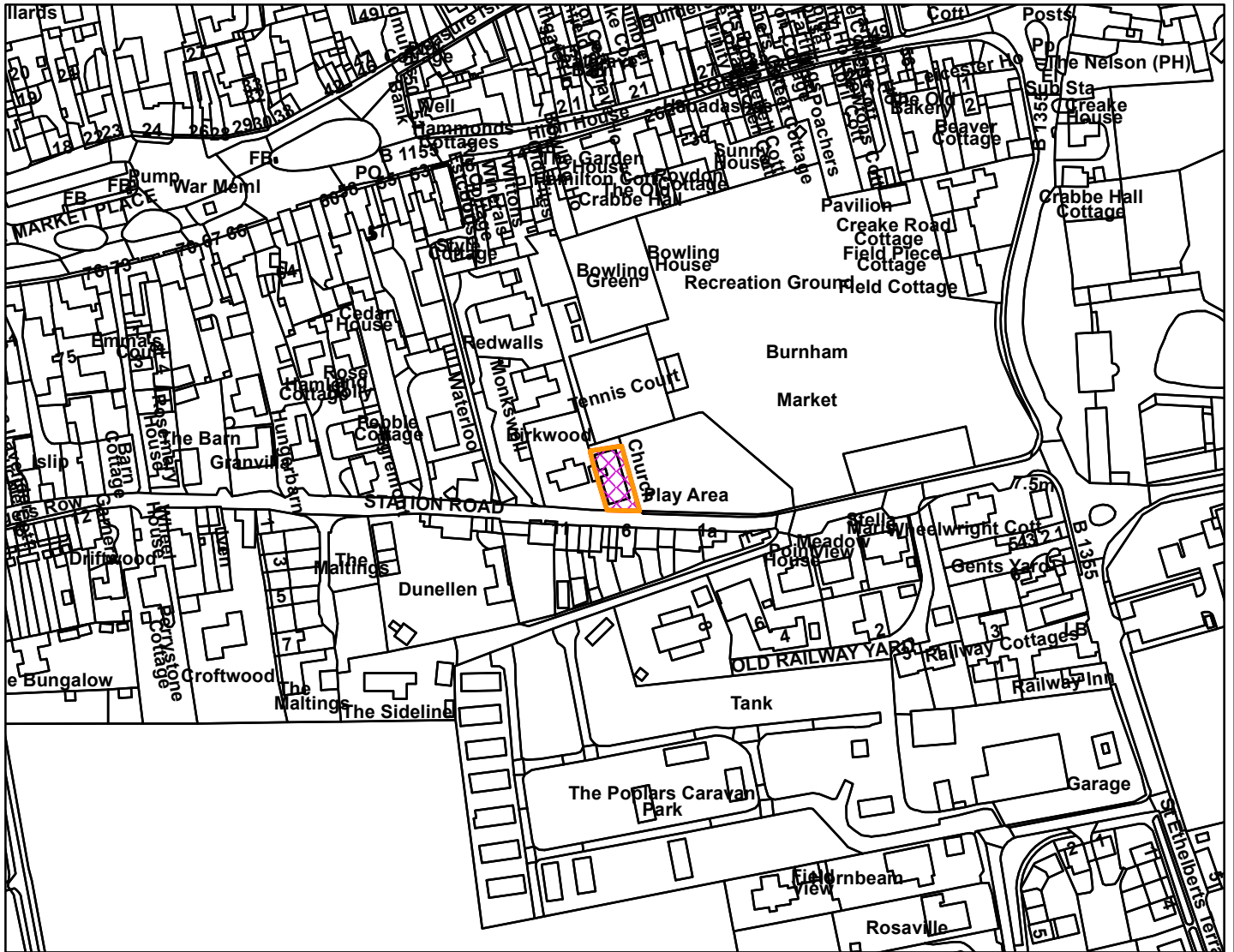
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Organisation	BCKLWN
Department	Department
Comments	
Date	22/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/2(a)

Parish:	Burnham Market	
Proposal:	Conversion of Chapel to form Dwelling.	
Location:	Methodist Church Station Road Burnham Market Norfolk PE31 8HA	
Applicant:	Client of Landles. C/O Landles	
Case No:	23/00805/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 14 August 2023 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – Referred by Sifting Panel following Parish Council objection contrary to officer recommendation.

Neighbourhood Plan: Yes

Case Summary

This application relates to the existing and currently vacant Methodist Church on Station Road in central Burnham Market. The site is within both the Development Boundary and the Conservation Area.

This application itself seeks consent to covert the building into a single residential dwelling and associated works including changes to fenestration, the removal of the existing front boundary (wooden post and metal rail) and approximately 4m of hedge to form a parking space within the front of the plot.

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety and parking
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Recommendation

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure the new dwelling as a Principal Residence.

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure the new dwelling as a Principal Residence.

THE APPLICATION

This application relates to the existing and currently vacant Methodist Church on Station Road in central Burnham Market, constructed and then extended in the 1990's. A large village and Key Rural Service Centre, limited growth of a scale and nature appropriate to secure the sustainability of the settlement will be supported in Burnham Market. The site is within both the Development Boundary and the Conservation Area in a predominantly residential area. Neighbouring dwellings are located to the western boundary and across the road to the south with the park area, including children's play area and tennis courts alongside the field, to the north and east.

This application itself seeks consent to convert the building into a single residential dwelling with limited physical works including the removal of the existing front boundary consisting of a wooden post and metal rail fence and a section of hedge on the eastern boundary (approximately 4m) to form a parking space at the front of the plot as well as changes to the fenestration of the building.

As noted, the last use of the building was as a Methodist Church which has not been used and has therefore been vacant, according to supporting documentation, for around 2 years.

SUPPORTING CASE

Applicants Statement.

The applicant has provided the following statement:

It is almost 2 years since the Church was last used, and our comments are as follows: Burnham Market Methodist Church has sought to reach out into it's community over several years. Sadly this has not borne fruit in terms of increased support for the Chapel. There are no longer sufficient people to bear the load of responsibility of caring for the Chapel, hence the decision to close. Current members of Burnham Market Church will share in the life of other Churches in the Methodist Circuit and hopefully enhance their life and mission.

This demonstrates that the chapel has been proven not to be viable or feasible as a community facility (DM9.b.). And in fact, has not been a community facility for almost two years.

In accordance with CS13, the church has also ensured that current members and now served by other churches in the Methodist Circuit.

Alternative Facilities within the village.

Whilst it is already proven that the Chapel no longer operates as a community facility, it should be appreciated that Burnham Market is well served by accessible and inclusive facilities. In addition to a wealth of shops, restaurants, pubs, sports clubs and recreation grounds, the most appropriate to the subject property is the village hall. This is an active community facility with 500m of the Methodist Chapel.

Conclusion.

This statement demonstrates that the premises does no longer operate as a chapel due to insufficient demand and that the community is suitably serviced by alternative facilities.

PLANNING HISTORY

2/97/1260/F: Application Permitted: 11/09/97 - Extension and alterations.

2/93/1665/F: Application Permitted: 24/12/93 - Construction of replacement chapel.

RESPONSE TO CONSULTATION

Parish Council: OBJECT:

OBJECTION: Based on AECOM Design Codes which form part of the Neighbourhood Plan the objections are as follows:

- Parking provided on driveways directly in front of dwellings should be restricted due to the visual impact that cars have on the street. Front gardens should be a minimum depth of 6m to allow movement around parked vehicles and also be well screened with hedgerows when providing parking space to the front of a dwelling; and
- Parking being provided on a driveway to the side of a dwelling should be of sufficient length (5m minimum) so that a car can park behind the frontage line of the dwelling. This will reduce the visual impact that cars will have on the street scene. When parking is provided to the side of a dwelling a minimum front garden depth of 3m should be provided. The hall is located within the conservation area, so the visual impact is very important. The parking provision relies on the removal of railings at the front of the property so in theory a very large vehicle could be parked there, encroaching on the street and impeding traffic flow.

If the Borough is minded to approve the application, I would again invoke the provisions of our NDP, specifically the PRP, and ask that any permission be conditioned to allow permanent residents only to live at the property, thereby prohibiting its use as an FHL or second home.

Highways Authority: No objection:

Thank you for the consultation received recently relating to the above development proposal, for the conversion of the chapel to residential use. With consideration of the congregational nature of the current use, I would be unable to raise any highway objection to the reuse as residential.

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

Conservation Officer: No objection:

No objection to the conversion of this modern Methodist Church. It will have minimal impact on the setting of the conservation area and will bring an empty building back into use.

Please condition window and door details.

Environmental Quality: No objection.

Natural England: (summarised)

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...

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.

Ecologist:

I believe that the proposed development would be exempt from Biodiversity Net Gain (BNG). BNG will not become mandatory until January 2024, or April 2024 for small sites such as this proposed development, so this assessment is based on the regulations that will become mandatory in January.

The metric gives existing sealed surfaces (such as tarmac or existing buildings) a zero score, meaning that these surfaces are effectively exempted from the percentage gain requirement (10% of 0 is 0). The proposal is for internal alterations only to the building so none of this `habitat` would be lost or gained since the footprint of the building will remain unchanged. I would consider therefore that this habitat is not being impacted in terms of the metric.

The regulations will make exceptions for:

- development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- householder applications
- biodiversity gain sites (where habitats are being enhanced for wildlife)

Part of a non-native laurel hedgerow will be removed as part of the proposal to allow for access/visibility. I believe that less than 5m of this habitat will be removed and the habitat is not protected, irreplaceable or likely to provide habitat for protected species. The development would therefore fit the criteria for the de minimis and be exempt.

I would suggest that we ask the applicant to confirm that this is the case regarding length of hedgerow being removed and then securing this by condition. If we condition the proposed plan, then we should ask that the length of hedgerow to be removed is marked on that plan to ensure the amount of removal is secured. If it is identified that 5m or more of the hedgerow is removed, then the development will not meet the criteria for de minimis and will require net gain. As discussed, this is likely to be quite difficult on this site but could potentially be done by enhancing hedgerows bounding the site.

REPRESENTATIONS

ONE public **NEUTRAL** comment and **TWO** public **OBJECTION** comments (from one objector) (summarised for clarity):

- The proposal must include parking. Station Rd is a "Rat run" used to by-pass the busy marketplace and is next door to the children's play area and playing field, so safety is paramount.
- Conversion of community facility to dwelling.
- Station Road and Burnham Market has enough houses sitting empty
- This property by law should have been marketed for sale on the open market in accordance with charity laws it has not been.
- Parking: When the works are carried out where will the considerable number of contractors vehicles park- no where for them to do so. Where will the intended residents park? There is no space for parking at the property and all on street parking is on the opposite side of the road and fully utilised if not overly so by the current households. It would be dangerous for them to park outside the property and would block the highway. This makes it completely unsuitable as a residential dwelling.

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

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy 1: Housing Mix

Policy 3: 2nd Homes and Furn Hol Lets

Policy 6: Design

Policy 7: Residential Parking Standards

Policy 8: Biodiversity and Green Corrido

Policy 11: Dark Skies

Policy 12: Surface Water Management

Policy 13: Protection of Comm Facilities

Policy 15: Burnham Market CA

NATIONAL GUIDANCE

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

OTHER GUIDANCE

Conservation Area Character Statement.

PLANNING CONSIDERATIONS

The main considerations are:

Principle of development
Form and character
Impact on neighbour amenity
Highway safety and parking
Flood risk
Any other matters requiring consideration prior to determination of the application

Principle of Development:

This application seeks consent to convert the existing Methodist Church building into a two-bedroom residential dwelling. The application site is within the Development Boundary for Burnham Market where development will be permitted provided it is in accordance with the other policies in the Development Plan in accordance with policy DM2 of the Site Allocations and Development Management Polies Plan 2016.

Burnham Market is identified as a Key Rural Service Centre within Policy CS02 of the Core Strategy 2011. Limited growth of a scale and nature appropriate to secure the sustainability of each settlement, will be supported within the Development Limits of the Key Rural Service Centres. Policy 1 of the Neighbourhood Plan supports new residential development of three-bedrooms or fewer which this proposal would meet.

The building forming part of this application is identified within Policy 13: Protection of Community Facilities of the Neighbourhood Plan as a community facility for the protection provided by Policy DM9 of the Site Allocations and Development Management Policies Plan. Policy DM9 states:

“The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth. Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or if not
- b) it is no longer viable or feasible to retain the premises in a community facility use.”

Within Policy 13 of the Neighbourhood Plan a total of 15 community assets are identified within Burnham Market including the village hall, several churches, areas of allotments, bowls club, dentist, doctors surgery, garage, playing field pavilion, playground, post office, tennis club pavilion and vets.

Policy CS13 of the Core Strategy 2011 states: “Development will not be permitted in cases where it would result in a loss of existing cultural facilities, unless equivalent new or improved facilities, where need justifies, can be provided within the same settlement boundary or in close proximity of the existing facility.”

It is clear from this policy that there are ample community facilities within the village, including the village hall of a greater size, plot and with parking. No evidence is available of a bid for the Methodist Church as a Community Asset (asset of community value) and supporting information states that the building has been vacant for 2 years. The current building is small, on a narrow residential street with a very limited plot and no current parking. It is on this basis and the above assessment that this application is assessed. Any other community facility within the village would be subject to a separate assessment based on the individual merits of that case.

Therefore, it is considered that on balance, the proposal would bring into use a currently vacant building with residential use in a sustainable location. As such, the principle of development in this case is acceptable and in accordance with Policies CS02, CS09 and CS13 of the Core Strategy 2011, DM2 and DM9 of the Site Allocations and Development Management Polies Plan 2016, Policy 13 of the Burnham Market Neighbourhood Plan and the NPPF 2023.

Form and Character:

This application itself seeks consent to covert the building into a single residential dwelling with limited physical works. External works would involve the removal of the front boundary (currently a wooden post and metal railing fence) and a section of hedge (approx. 4m) to form a parking space. The front of the dwelling forming the new parking area would be laid to porous block paving. Policy 6 of the Neighbourhood Plan states: “Where cars need to be parked at the front ensure at least 50% of the frontage is landscaped with a relevant property boundary treatment respecting the character area”.

However, whilst the proposal includes the removal of a small area of hedge (around 4m) and introduces a parking space to the front replacing a wooden post and rail fence, it is not considered that this would be overly harmful as to warrant refusal of the application. The existing front boundary railing is not of significantly high quality and the majority of the eastern side hedge is to be retained and would be secured by condition notwithstanding approved plans.

The application site includes a more modern building within a very constrained plot, so limited improvements are available; the loss of the front boundary would remove the need for on street parking associated for the dwelling as explored below in the highways section of the report. The overall building and site would see very limited changes compared to the

existing situation. It is important to note that the Conservation Team do not object and this proposal would bring back into use a currently vacant building.

As well as this, there would be changes to the fenestration of the building. This would include an increased window opening to the rear, bricking up existing window openings to the west (to the rear section) two new doors in place of windows to the west as well as replacement windows and doors in painted timber. These changes and alterations to fenestration are considered to be of a generally small scale and would have an acceptable visual impact. The Conservation Team do not object and a condition for fenestration details would be included on any approval.

In regard to Policy 11: Dark Skies, it is not considered reasonable to control lighting for this limited scale of development. However, the requirements for Policy 11 relevant to this application are included as an informative for any approval. This also takes into account the limited change in fenestration and village centre location.

Overall, based on the limited works proposed and constrained nature of the plot the proposal as presented is considered acceptable and in accordance with Policy CS08 and 12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016, Policy 6 and 15 of the Burnham Market Neighbourhood Plan as well as the NPPF 2023 and the National Design Guide.

Impact on Neighbour Amenity:

It is not considered the works to the front boundary, hedge and new parking space would create any unacceptable amenity impacts. Changes to fenestration include an increased window opening to the rear, bricking up existing window openings to the west (to the rear section) two new doors in place of windows to the west as well as replacement windows and doors in painted timber.

To the north, the elevation faces the tennis court and park, to the east the play park and hedge. The site is open to the south to the road and proposed new parking space. To the west, the boundary consists of planting/hedge and neighbouring garage wall. As such, it is not considered that there would be any overlooking, overbearing or overshadowing as a result of these works that would unacceptably harm neighbour amenity. The development is therefore considered to be in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.

Highway Safety and parking:

The current use of the building as a place of worship, according to NCC Parking Standards would require 1 space per 10m² gfa or 1 space per 10 seats. This would equate to approximately at least 14 car parking spaces (based on the gfa calculation), there is currently no parking provision on site due to its constrained nature.

Policy 7: Residential Parking Standards requires that all parking areas and driveways should be designed to improve impervious surfaces such as permeable paving. All parking areas and driveways should provide opportunities for electric vehicle charging points.

For all new residential developments, where practicable and feasible, the following minimum standards shall apply for the provision of off-road vehicle parking: 1 bed dwelling: 1 off-road car parking space, 2 bed dwelling: 2 off-road car parking spaces, • 3 bed dwelling: 2 off-road car parking spaces, • 4+ bed dwelling: 3 off-road car parking spaces.

On-street parking should be avoided in future development wherever possible particularly in character area CA1.

The policy states this is wherever practicable and feasible. The policy further states that if front parking is used, then its presence should be minimised with thorough soft landscaping. A sufficient depth should be allocated to the length of on-plot parking to allow movement around parked vehicles and the screening of hedgerows or other boundary treatment features when parking is provided to the front of a dwelling.

However, as noted the site consists of a very constrained plot. NCC Highways state that with consideration of the congregational nature of the current use, they would be unable to raise any highway objection to the use as residential. It is considered that the use as residential reduces the number of required spaces compared to the current use and the development would provide an off-street space improving the parking situation. It is important to note that the current use (place of worship) would, when in use, generate more traffic movements with a much higher parking requirement, this would be forced onto the already constrained on street parking on Station Road.

Policy 7 also states that cycle parking and the opportunity for EV charging is required, these are both included as a condition on any approval.

Overall, it considered that the proposal would represent an improvement compared to the current situation. Paragraph 111 of the NPPF states:

“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.”

NCC Highways do not object to the application on highway safety grounds and note the improved parking situation, therefore a refusal on highways or parking grounds is not considered reasonable or substantiated. As such, the development is considered acceptable and in accordance with Policy CS11 of the Core Strategy 2011, DM17 of the SADMPP 2016 as well as, where practicable and feasible, Policy 7 of the Burnham Market Neighbourhood Plan and as well as the NPPF 2023.

Flood Risk:

The application site is within Flood Zone 1, but as identified within the supporting submission documents, an area of the site is shown affected by possible surface water flooding. This states that “the site is reasonably level, that suggests if only part of the site could become flooded by surface water, the depth of this would be quite shallow. There is no recorded incidence of the Methodist Chapel ever flooding from surface water. The current floor level sits approx. 150mm above ground level. To mitigate the risk of any flooding from the indicated surface water, the finished floor level will either remain at its current level or be raised but will not be reduced.”

Mapping shows this to only intrude on the edges of the plot, not the whole footprint of the dwelling. Permeable surfacing is shown to the new front parking area and the majority of the hedge along the boundary is shown to be retained. Therefore, a refusal could not be substantiated, and the application is considered acceptable on flood risk grounds and in accordance with the NPPF 2023.

Other matters requiring consideration prior to the determination of this application:

Parish Council Objection

The Parish Council's objection regarding parking and visual impact is addressed within the above report. As a new dwelling, a Section 106 agreement is included within the recommendation for approval to allow permanent residents only to live at the property, thereby prohibiting its use as an FHL or second home.

Burnham Market Neighbourhood Plan

Policy 3: Second Homes and Furnished Holiday Lets

This Policy requires that new dwellings will only be supported when it can be demonstrated that "a planning condition and supporting Section 106 legal agreement will be imposed to guarantee that such dwellings will be the occupants' sole or main residence (where the residents spend the majority of their time when not working away from home or living abroad).

This Section 106 Agreement will appear on the Register of Local Land Charges. Occupiers of homes with a Principal Residence condition will be required to maintain proof that they are meeting the condition and will be obliged to provide this proof as and when required by the Borough Council of King's Lynn and West Norfolk."

In this instance, in order to avoid duplication a Section 106 Agreement will be required for any approval as this would then appear on the Register of Local Land Charges rather than a condition or both. The recommendation of approval is therefore tied to a suitable Section 106 Agreement.

Policy 8: Biodiversity and Green Corridors (and Ecologist comments)

This policy requires that development proposals should demonstrate at least a 10% net gain in biodiversity. However, the Council Ecologist states, in accordance with Biodiversity Net Gain regulations, that the development would be exempt as the development would be impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows.

The area of hedge is shown on plan with approximately 4m removed. As such, this would be exempt from as outlined above and conditioned for the rest to be retained and replanted if it should die within 5 years.

Withdrawal of Permitted Development Rights

It is noted that permitted development rights are recommend to be withdrawn for Class A,AA,B,C,D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) regarding the enlargement, improvement or other alteration to the dwelling house, enlargement of a dwellinghouse by construction of additional storeys, additions to the roof of a dwellinghouse, porches and buildings incidental to the enjoyment of a dwellinghouse. This is to ensure that the form of the dwelling remains acceptable within the sensitive nature of the locality in regard to the Conservation Area, taking into account the limited and constrained plot. This would also ensure there are no adverse neighbour amenity impacts on the adjoining neighbours, again due to the constrained plot.

Natural England Comment.

The appropriate GIRAMS payment has been made and an Appropriate Assessment would be completed for any approval with the GIRAMS payment considered sufficient.

Third Party Comments

The principle of the conversion of the community facility to dwelling is addressed within the above report as is the parking provision of the proposed scheme. A principal residency Section 106 Agreement would also be required as a result of any approval. It is not considered reasonable to control construction parking for this level of development.

CONCLUSION:

This application proposes to provide a new residential unit, which would provide a principal residence within the village, in place of a currently unused and vacant cultural facility where there is ample alternative provision in the village. It is considered that the wider visual impact would be acceptable including on the Conservation Area and there would be no unacceptable neighbour amenity impacts. Highway safety is considered acceptable and the parking provision, in the context of the constrained plot, would provide an improvement on the current use and situation. It is also considered that the development would be acceptable based on flood risk.

Therefore, the application is duly recommended, on balance, for approval and is considered to be in accordance with Policies CS02, CS08, CS09, CS11, CS12 and CS13 of the Core Strategy 2011, DM2, DM9, DM15 and DM17 of the Site Allocations and Development Management Policies Plan 2016, Policy 3,6,7,8,13 and 15 of the Burnham Market Neighbourhood Plan as well as the NPPF 2023 and the National Design Guide.

RECOMMENDATION:

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure the new dwelling as a Principal Residence.

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: PROPOSED: PLANS AND ELEVATIONS, Drawing Number: 1608-02 c.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding approved plans, prior to occupation an appropriate scheme for the storage of waste and recycling along with details for presentation/collection has been submitted and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to occupation and retained thereafter for this purpose

- 3 Reason: In the interests of the amenity of the locality and in order to protect the appearance and setting of the Conservation Area in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Polices Plan 2016 as well as Policy 6 and 15 of the Burnham Market Neighbourhood Plan and the NPPF 2023.
- 4 Condition: Prior to occupation, a scheme for covered and secured cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to occupation and retained as permitted in perpetuity.
- 4 Reason: To ensure the provision of suitable covered and secured cycle parking for future occupiers and in the interests of encouraging sustainable forms of transportation in accordance with Policy CS08 of the Core Strategy 2011 as well as Policy 7 of the Burnham Market Neighbourhood Plan and the NPPF 2023.
- 5 Condition: The hedge to be removed on the eastern boundary shall be limited to that show on PROPOSED: PLANS AND ELEVATIONS, Drawing Number: 1608-02 c and the remaining hedge retained as detailed. Should any part of the hedge within a period of 5 years from the completion of the development die, be removed or become seriously damaged or diseased, it shall be replaced in the next planting season with a replacement of similar size and species as originally planted, unless otherwise agreed in writing by the Local Planning Authority.
- 5 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with Policy 6 and Policy 8 of the Burnham Market Neighbourhood Plan and the NPPF 2023.
- 6 Condition: Prior to occupation, a scheme for electric vehicle charging point(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to occupation and retained as permitted in perpetuity.
- 6 Reason: To ensure the opportunities for electric vehicle charging points for future occupiers and in the interests of encouraging sustainable forms of transportation in accordance with Policy CS08 of the Core Strategy 2011 as well as Policy 7 of the Burnham Market Neighbourhood Plan and the NPPF 2023.
- 7 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class A,AA,B,C,D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house, enlargement of a dwellinghouse by construction of additional storeys, additions to the roof of a dwellinghouse, porches and buildings incidental to the enjoyment of a dwellinghouse shall not be allowed without the granting of specific planning permission.
- 7 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
- 8 Condition: No development over or above foundations shall take place on site until 1:20 drawings of all new and/or replacement windows and doors have been submitted to and approved in writing by the Local Planning Authority. The plans shall include joinery details, cross sections and the opening arrangements as well as

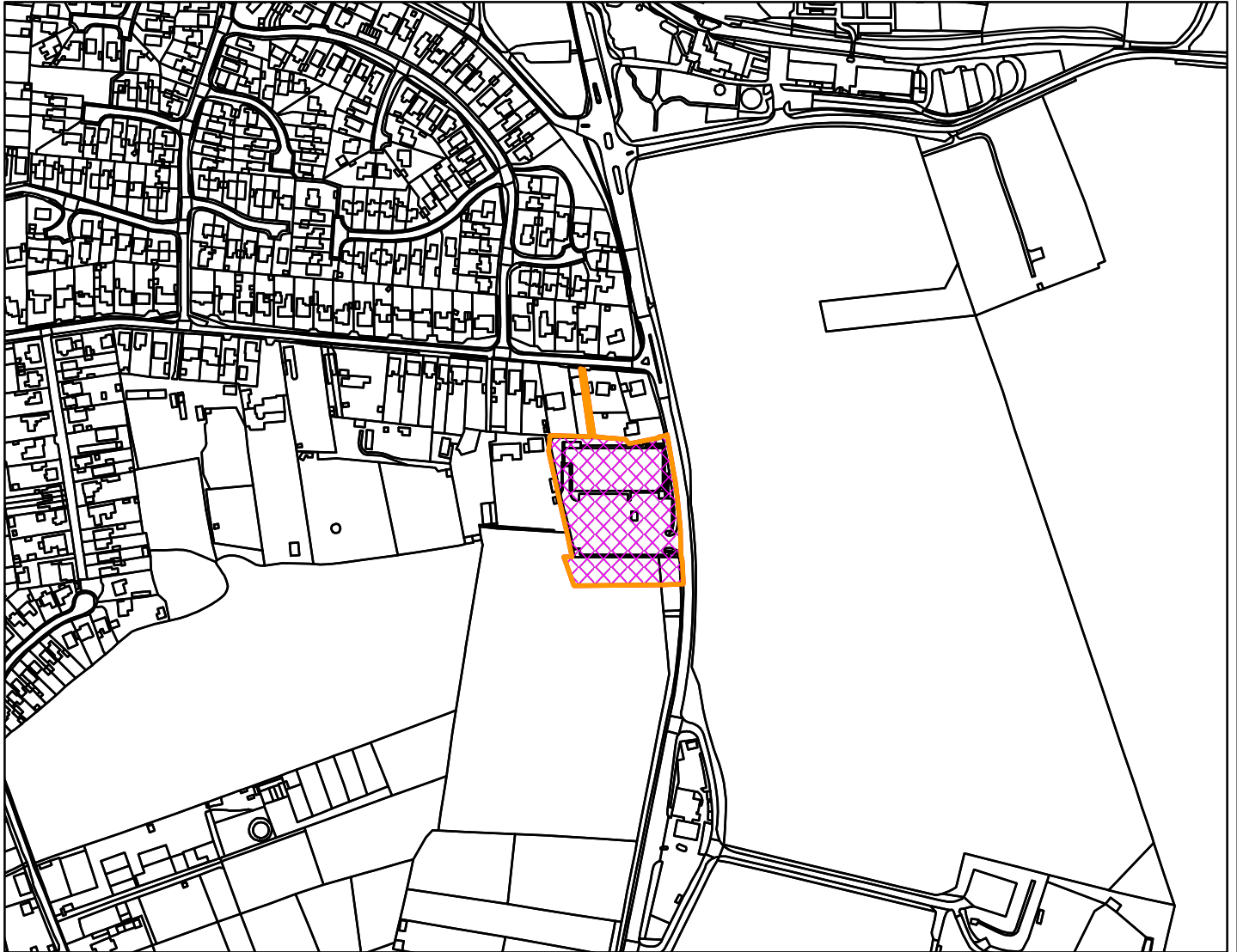
window style, reveal, cill and header treatment. The development shall be implemented in accordance with the approved details.

- 8 Reason: To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF as well as Policy CS08 and CS12 of the Core Strategy 2011 and DM15 of the Site Allocations and Development Management Polices Plan 2016 alongside Policy 6 and 15 of the Burnham Market Neighbourhood Plan.

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure the new dwelling as a Principal Residence.



Lidl 43 Lynn Road Heacham PE31 7JF



Legend

Scale: 1:5,000

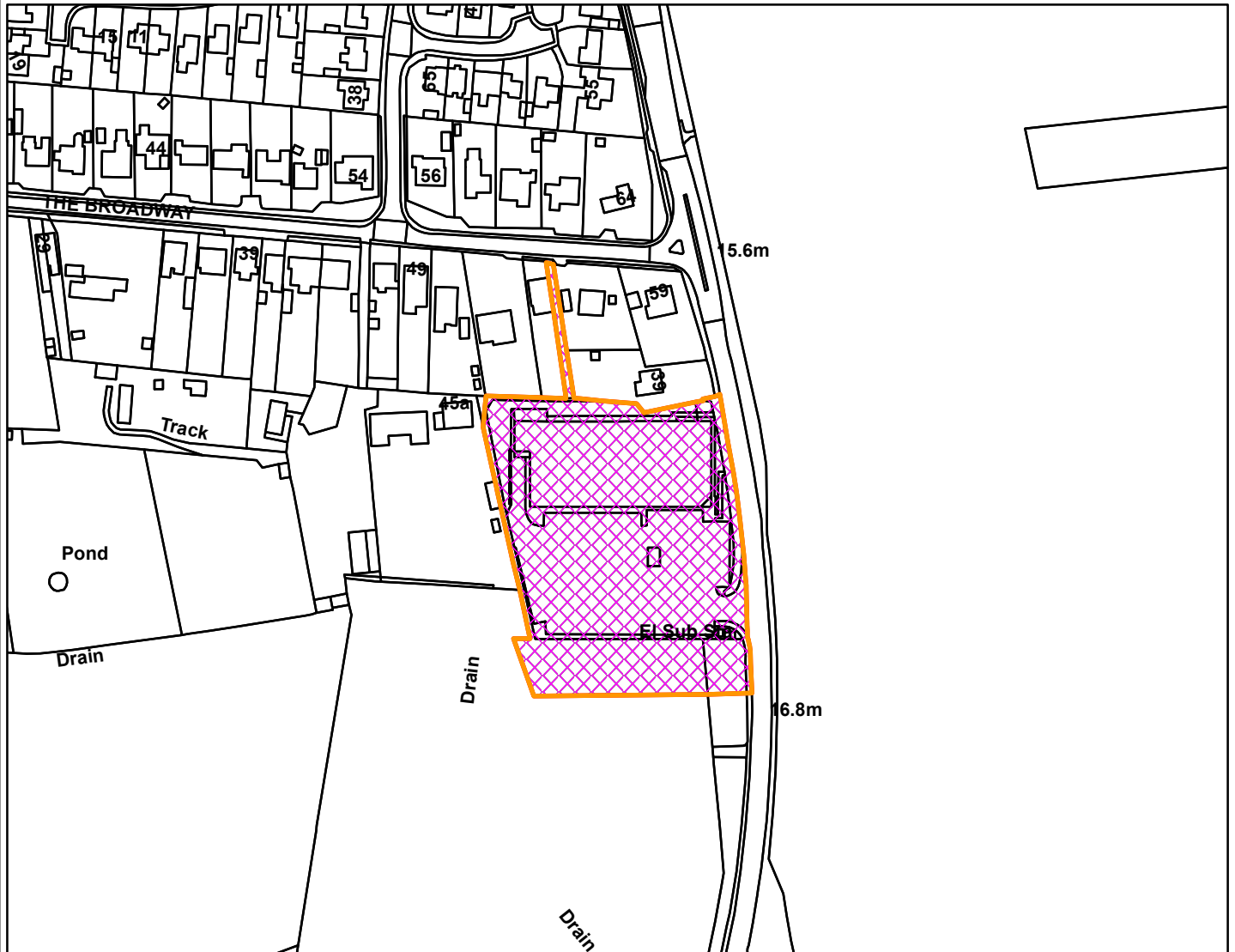
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Organisation	BCKLWN
Department	Planning
Comments	
Date	20/11/2023
MSA Number	0100024314



Lidl 43 Lynn Road Heacham PE31 7JF



Legend

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Scale: 1:2,500

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Organisation	BCKLWN
Department	Planning
Comments	
Date	20/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/2(b)

Parish:	Heacham	
Proposal:	Full Planning Application for the improvements to the existing access and an extension to the existing car park to provide additional 29 car parking spaces including electric vehicle (EV) charging spaces and other associated works	
Location:	Lidl 43 Lynn Road Heacham KINGS LYNN PE31 7JF	
Applicant:	Lidl Great Britain Limited	
Case No:	23/00760/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 28 August 2023 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – Called in by Cllr Parish and Officer
Recommendation is Contrary to Parish Council Recommendation

Neighbourhood Plan: Yes

Case Summary

Full planning permission is sought for an extension to the exiting car park to provide an additional 29 car parking spaces of which 26 would be electric vehicle charging spaces and other associated works including improvements to the existing access from the A149 and landscaping at Lidl, Heacham.

The site lies opposite the North Norfolk Area of Outstanding Natural Beauty in land designated as countryside. The site is greenfield as defined in the NPPF, has a groundwater risk ranking of medium and is Flood Zone 1.

The application site measures 1.03ha which includes the existing Lidl site (0.84ha) and the car park extension (0.19ha.) The application site was increased to include the whole site because the original submission did not include all land where development was sought.

Key Issues

Principle of Development
Form and Character and Impact on the Countryside and Setting of the AONB
Neighbour Amenities
Highway Safety
Drainage
Ecology and Biodiversity
Crime and Disorder
Other Material Considerations

Recommendation**APPROVE**

THE APPLICATION

Full planning permission is sought for an extension to the existing car park to provide an additional 29 car parking spaces of which 26 would be electric vehicle charging spaces (of which 2 would be 'rapid', 11 'fast' (active), 11 'fast' (passive) and 2 accessible), other associated works including improvements to the existing access (to provide a two lane exit) from the A149 and landscaping at Lidl, Heacham.

The site lies opposite the North Norfolk Area of Outstanding Natural Beauty in land designated as countryside. The site is greenfield as defined in the NPPF, has a groundwater risk ranking of medium and is Flood Zone 1.

The application site measures 1.03ha which includes the existing Lidl site (0.84ha) and the car park extension (0.19ha.) The application site was increased to include the whole site because the original submission did not include all land where development was sought.

SUPPORTING CASE

The proposals will provide an additional 29no. car parking spaces including electric vehicle (EV) charging spaces and other associated works at Lidl's existing store.

The development consists of improvements to the existing access through the delivery of a two-lane exit, in addition to an extension of the existing car park on the land to the south of the site.

The proposed amended access will improve the access and egress arrangements for the store, providing a more efficient access, whilst enabling customers and staff as well as delivery vehicles to move safely in, out and around the site.

In regard to the car park extension, the principal reason for this stems from the existing car park being busy at certain periods (especially during the summer months). Due to the area being popular with tourists, the car park is often busy with caravans, campervans and holidaymakers, who can sometimes take up multiple car parking spaces.

The car park extension proposes an additional 11no. fast EVC active bays, 11no. fast EVC passive bays and 2no. disabled EVC bays, helping to promote sustainable travel to the store and to ensure the existing store is accessible for all.

New soft landscaping is proposed to the south of the site, incorporating ornamental shrub ground cover planting, native hedge shrubs and 9no. new trees. This landscaping allows the development to assimilate the car park extension into the surrounding area whilst enhancing and protecting the wider environment of the site.

This proposal demonstrates commitment by Lidl in Heacham, with investment in the local area to ensure residents of Heacham have an improved and satisfying shopping experience when using the store. The extra car parking spaces allows for more customers to visit the store at any one time, whilst ensuring that the car park remains in line with the County Council's Parking Provision requirements. Additionally, the proposal will help to minimise the risk of off-spill parking on the local highway network surrounding the store.

To summarise:

- The proposal is for an extension to the existing Lidl car park and amendments to the site access to improve the overall operation of the existing car park
- There will be no adverse impacts on the surrounding amenity as a result of the development
- The design of the extension is in keeping with the commercial nature of the site and will be sympathetic to its surroundings
- The proposal will include a high-quality landscape plan to assimilate the car park extension into the surrounding area
- The proposal will provide improved parking facilities, including EVC provision and 2no. accessible spaces and
- The proposed extension is wholly in accordance with the national and local planning policy.

It is therefore considered that the Council can properly support the proposal on this basis.

PLANNING HISTORY

22/00817/F: Application Withdrawn: 09/08/22 - Extension to the existing car park.

21/00143/PREAPP: INFORMAL - Likely to refuse: 15/11/21 - PRE-APPLICATION ENQUIRY WITH CONSULTATIONS: Full: Electric charging station, filling points and restaurant.

19/00157/PREAPP: INFORMAL - Likely to refuse: 17/01/20 - Pre-application enquiry (Full with consultations, no meeting): Proposed road-side services (A1/A3/A5 uses) including the construction of 3 no. single storey buildings with associated car parking (89 spaces) and drive thru lanes and extension to existing Lidl food retail store carpark (38 spaces)

16/01712/FM: Application Permitted: 12/01/17 - Demolition of existing building and construction of a Class A1 (retail) food store together with access, car parking, landscaping, and associated engineering works.

15/02004/FM: Application Refused: 09/06/16 - Demolition of existing buildings and construction of Class A1 (Retail) food store together with access, car parking and landscaping, and associated engineering works.

RESPONSE TO CONSULTATION

Parish Council: OBJECT We have a number of concerns that need to be addressed before this proposal can realistically be considered for approval.

1. Incorrect Plans and Road Markings: The submitted plans appear to be inaccurate and require updating before being presented to the Committee. Moreover, the road markings on the A149 leading to the car park direct traffic into the path of exiting vehicles. This situation poses a safety hazard and must be amended to ensure the smooth flow of traffic and prevent potential accidents.
2. This extended design will change the car park into one where vehicles will come from all directions mixing with pedestrians including children, it is a confused layout with no clear rules and needs a one-way system in and out.
3. Inadequate space for Articulated Vehicles: The existing roadway facing the store is too narrow to accommodate articulated vehicles safely, especially those wishing to reverse

- onto the loading bay. This limitation can only be overcome if the store is closed and no cars are parked. Furthermore, the road layout depicted on the plan seems to be intended for left-hand drive HGV vehicles, which is inappropriate for our right-hand driving country.
4. **Pedestrian Safety Concerns:** The pedestrian crossing markings in the car park are insufficient and tend to be obstructed by parked vehicles. I urge the planning authority to extend these markings across the car park and enhance their visibility to ensure the safety of pedestrians.
 5. **Hazardous Extension of Footpath:** The proposed extension of the footpath from the south into the site creates a hazardous situation for pedestrians as it lacks a safe crossing route for pedestrians due to incoming and outgoing traffic. The footpath drops pedestrians into the car park well away from the pedestrian crossing.
 6. **Confusing Entrance Design:** The entrance by the 'viewing strip' requires clear one-way signage to prevent confusion among drivers from the extended car park area attempting to exit through that route.
 7. The current design will allow queuing exit traffic to block the entrance as traffic from the extended area will try and merge with traffic from the current site at the exit, causing a risk to traffic on the A149.
 8. **Outdated Crash Map:** The Transport assessment crash map is outdated, as it only covers data up to 2021. An updated and comprehensive crash map should be included in the proposal to provide a complete picture of traffic-related incidents in the area.
 9. **Lack of Local Bus Service Access:** Considering there is no local bus service that directly serves the A149, the proposed development may lead to an increase in car usage, exacerbating traffic congestion and carbon emissions. The absence of a local bus service near the A149 further emphasizes the need for thorough traffic impact assessments.
 10. Large vehicles such as car caravan combination or motorhomes could cause an issue in the narrow car spaces or even block the car park. This area has large amounts of holiday traffic, so specific space should be provided for this demographic ideally in the extended area.
 11. We would ask that a condition is put that no overnight parking is allowed on this site to prevent camping and HGV parking and that it is enforced with CCTV
 12. Due to the risk to pedestrians and users we would ask that a restriction is put in place preventing deliveries between 07.00 and 22.00. Furthermore, for the benefit of residents we would ask that it is conditioned that lorries waiting should not leave their engines running, to reduce noise and prevent build-up of toxic emissions.
 13. Landscaping was condition on the original planning application but was not implemented. We would ask that a specific timescale is conditioned to ensure that it cannot be ignored for years leaving this facility looking bare and poorly designed.

Highways Authority (NCC): NO OBJECTION The proposal is for a car park extension with minor off-site alterations to the site access arrangements, which is accompanied by a stage 1 safety audit, as previously requested.

In relation to highways issues only, Norfolk County Council does not wish to resist the grant of consent but recommends conditions relating to: parking provision to be provided in accordance with the plans, and detailed drawings of off-site works to be submitted, agreed and implemented.

Historic Environment Service (NCC): NO OBJECTION 'The proposed carpark extension is located in an area where cropmarks of archaeological features have been recorded from aerial photographs. These features consist of consists of rectilinear enclosures, field systems and trackways, of possibly Iron Age and Roman date. 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, that should be secured by condition.

NCC Ecology Landscape (NCC): NO COMMENTS RECEIVED None received at time of writing report.

Lead Local Flood Authority (NCC): DOES NOT WISH TO COMMENT The development falls below our threshold for comment.

Internal Drainage Board: DOES NOT WISH TO COMMENT Having screened the application, the site in question lies outside the Internal Drainage District of the King's Lynn Internal Drainage Board and as per our Planning and Byelaw Strategy, the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore, the Board has no comments to make.

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION

Air Quality: The new revised planning application seeks a reduced number of parking spaces (29) than the previous application (45) but with increased electric vehicle charging infrastructure as shown in the revised plan.

The reason for the extension to the carpark is given by the Applicant in a covering letter, that during summer months the demand for parking spaces can go beyond the capacity provided by the existing carpark including caravan parking. Norfolk CC parking guidelines suggests the car parking should be even greater with up to 171 spaces when based on the GIA of the site in comparison to current (123) capacity.

The NPPF in Section 174(e) requires development to contribute and enhance and local environment by preventing unacceptable risks and wherever possible to improve the air quality. Contributing and enhancing the environment and improving air quality is line with the IAQM guidance for best practice at the outset. So, whilst the development proposal appears car centric it does propose to address the electric vehicle infrastructure for the store with Rapid (2), Fast (11), Accessible (2) plus passive cabling for 11 other spaces. The NPPF advises under Section 112(e) that in terms of electric vehicle infrastructure it should be designed to be safe, accessible and convenient for all future users.

We would not therefore object in terms of air quality and any changes to emissions in the area.

Contaminated Land: The application is for a car park extension.

The applicant has provided a site plan showing the proposed extension.

We have reviewed our files and the site is on land not seen developed 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.

Community Safety and Neighbourhood Nuisance (BCKLWN): NO OBJECTION subject to conditions relating to Surface Water Drainage, Construction Management including Construction Hours, Noise Attenuation and Lighting.

Arboricultural Officer (BCKLWN): NO OBJECTION This application is for a car park extension to include landscape proposals to the new southern boundary. Because the south boundary of the site will be onto open countryside, and architecturally the building is not visually attractive in views from the south, special attention needs to be paid to this edge.

The application for the original development ref 16/01712/FM made much of the need for site landscaping, including visualisations to demonstrate successful tree and hedge planting to the northern boundary and native hedgerows and tree planting to the southern boundary to soften views from the A149, described at the time by the applicant to reflect typical means of enclosure along the A149 corridor. It is disappointing to see no trees within the car park itself, which was a wasted opportunity. Heavily shaded car parks reduce the need to whack up the air conditioning (both in the car and around buildings). They also filter the air, reducing car emissions. The right tree, in good condition, can capture and store up to 100 gallons of water a day, reducing storm water runoff as well as filtering pollutants. This car park is a black top desert.

The applicant advised at the time that new landscape planting would include native trees and hedges. They suggested that native trees would attain height greater than the proposed building and will help to assimilate it into the surrounding landscape.

This original landscaping has failed completely. There is no integration into the existing landscape and the new store is more prominent than the old garage and car wash. Of the 9 trees planted along the southern boundary only two have survived, both oak trees, still tied to their stakes, and growing with much reduced vitality. The hedging has grown, it is gappy, and because it has been maintained at a low height much of the car park is visible and cars are equally prominent as the landscaping to help screen the car park in views from the A149. No one wants to sit in traffic and gaze at a car park.

This application provides an opportunity to put things right.

The southern edge of this car park extension needs to be treated positively in landscape terms, the real space required for landscape features to establish and grow both above and below ground needs to be recognised.

In principle a broad hedgerow with trees should be an appropriate solution, but this scheme if anything is a lesser form of the original, and that has failed completely, it seems that a different approach is now required.

Drawing 21-152-P-02 does not provide for the basic physiological requirements for healthy tree establishment. There are no soil volume or tree planting pit/trench details. Inadequate soil volumes will be available for the healthy growth and successful establishment of trees. To achieve the necessary soil volumes on this site an underground cellular system or structural soils system will be required beneath the car parking, with thoughtful irrigation, this could be part of a surface water drainage strategy for this part of the car park surface.

Underground load bearing root zone technology falls into two Categories: – Structural soils and Crate systems/cell systems e.g., SilvaCells, Root Space, Stratacells etc, both of which allow tree pits to be extended beneath hard surfacing, and to be incorporated with surface water drainage. For more information these techniques are extensively reviewed in the free download document *Trees in Hard Landscape: A Guide for Delivery* by Trees in Hard Landscapes: A Guide for Delivery - Trees and Design Action Group (tdag.org.uk). I know

there are other Lidl stores where such structural cells have been used. Why it has not been recommended here is a mystery, especially in recognition of the previous landscape failure.

The landscape proposals as detailed in Drawing 21-152-P-02 include a narrow native mixed hedge around the perimeter of the site with trees. In principle a broad hedgerow with trees should be an appropriate solution. Between this and the car parking a typical bed of shrubs is proposed, which could be from any generic shrub bed for any type of development in the UK, with zero local distinctiveness in species selection or design. Using only one tree species for the boundary tree planting onto the open countryside with *Acer campestre* (Field maple) is preferred and will better reflect the existing landscape character. Birch and cherry would not.

In its present form the landscaping proposals are inadequate, both in design and detail, and it will not successfully integrate this building and car park into the surrounding countryside.

I'm suggesting conditions for detailed hard and soft landscaping to include specifications for planting, landscape establishment as we don't want the hedge and trees to die because they are not watered. It would be our intention to place a Tree Preservation Order on any newly planted trees here to ensure their long-term survival and when necessary, replacement.

Senior Ecologist (BCKLWN): NO OBJECTION I have reviewed the Ecological Appraisal (EA) and landscaping proposals submitted in support of this application.

Habitats: The EA identifies the habitats on site as poor, semi-improved grassland, species poor defunct hedge, building and hardstanding, the latter two forming the dominant habitats on site. No priority habitats were noted on site.

The defunct hedgerow is highlighted by the Arboriculture Officer as likely to have been established as part of the original application. The hedge is described within the EA as a narrow, low-level hedge of native and non-native species including the presence of three immature oak trees and has effectively failed. This must be remedied as part of this application to provide any meaningful value to biodiversity.

Protected Sites: No impacts are identified from the proposal on protected sites.

Protected Species: No impacts are predicted on any protected species or group. A Preliminary Bat Roost Assessment (PRA) was undertaken of the building on site which resulted in an assessment of negligible potential for roosting bats. No evidence of badger, amphibians, bats, reptiles, breeding birds or hedgehog were recorded during the site visit and habitat was assessed as suboptimal for many of these species.

However, mitigation measures for breeding birds, reptiles, and hedgehogs to avoid residual risk of impact to these species/ groups should be controlled by condition. These include:

- Any vegetation clearance to be cleared outside of breeding bird season or a survey required prior to clearance but a suitably qualified ecologist
- Precautionary reptile method statement
- Precautionary methods for hedgehog

Biodiversity enhancement: All developments must provide a measurable net gain in biodiversity. Habitat enhancements have been recommended within the EA which include:

- The planting of native tree and shrub species within landscaped areas and particularly along the site boundaries.
- Native species hedging along the site boundaries.

- Boundary treatments should be left open where feasible to allow passage for small mammals including hedgehog.

The current landscaping plans require some work to provide any benefit to biodiversity. The Arboricultural Officer's response outlines detailed landscaping requirements which are sympathetic to, and will aid provision of, a net gain in biodiversity.

I have no objection to the proposed development, but the landscaping issues must be remedied, and boundary treatment must facilitate passage to hedgehogs.

Norfolk Constabulary: NO OBJECTION This proposed layout does show that Crime Prevention through environmental design features have mostly been carefully considered and incorporated into this proposal. I would be pleased to work with the agent or developer to ensure that this approach continues. This is by far the most efficient way in which to proceed with commercial developments and is a partnership approach to reduce criminal opportunity. However, I do have some matters that require consideration. These can be summarised as:

- The main entrance should create a symbolic barrier
- Boundary treatments should meet BS1722 standards, with a boundary that provides a Perimeter Detection System which may be provided by formal surveillance
- Any boundary hedging should be planting at the earliest opportunity and should include sharp thorns to dissuade intruders
- Vehicle owners should be provided with a view of their vehicle to offer the best protection
- Internal (non-boundary) hedges and shrubs should have a maximum grown height of one metre
- Lighting should cover all vulnerable areas and should be more than bollard lighting that is purely for wayfinding and can be easily obscured. Additionally, research has proven that a constant level of illumination is more effective at controlling the night environment
- The provision of CCTV is most effective when it forms part of an overall security plan
- The refurbishment and extension of the car parking provision would be an ideal opportunity to improve the provision for cycle security at this venue. I would also advocate that the venue considers promoting both cycle security and cycle marking / registration for employees and customers.

REPRESENTATIONS

FIVE letters of **OBJECTION** have been received. The reasons for objection can be summarised as:

- The additional car parking spaces are not necessary because the car park has only once been full to capacity during the summer period, this does not justify concreting over land
- Improvements to the entrance and exit would have been welcome as part of the application
- Loss of scrubland that is natural habitat
- Increased light pollution
- Increased rubbish
- Increased noise
- Environmental damage
- Lidl have no regard whatsoever for neighbouring properties or wildlife and nature
- The installation of EV charging points is confusing. What would one do whilst waiting for their vehicle to charge? There's no cafeteria, the store isn't large enough to spend any

amount of time there, so I assume one would wait in their vehicle whilst it charged, apparently taking up a parking space that Lidl feel is so desperately needed

- There is no security on the carpark and vehicles, including HGVs sue this at unsociable hours including weekends and bank holidays
- How will drainage be dealt with?
- Pollution is of concern from oil etc from vehicles
- Barn owls use the site to nest and feed

THREE letters of **SUPPORT** have been received from third parties. The reasons for support can be summarised as:

- The entrance / exit arrangements are an improvement over existing
- Electric car charging points are welcomed; however, I'm unconvinced that additional parking is required as there's never a problem finding a parking space. The site is good habitat for wildlife
- Without the additional spaces, if the car park were ever full, where would people park? Not being able to park would discourage people from using the store.

LDF CORE STRATEGY POLICIES

CS13 - Community and Culture

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

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

NEIGHBOURHOOD PLAN POLICIES

Policy 11: Green Infrastructure

Policy 5: Design Principles

Policy 12: Provision of Electric Vehicle Charging

Policy 13: Dark Skies

Policy 15: Settlement Breaks

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

Key Issues

Principle of Development

Form and Character and Impact on the Countryside and Setting of the AONB

Neighbour Amenities

Highway Safety

Drainage

Ecology and Biodiversity

Crime and Disorder

Other Material Considerations

Principle of Development:

The site lies outside of the Development Boundary for Heacham, and therefore in land classed as countryside. However, the site lies immediately adjacent to the development boundary and immediately adjacent to the existing Lidl car park.

Support for the rural economy is a key consideration of both the NPPF and Development Plan.

Paragraph 84 and 85 of the NPPF state *Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings,*
- b) *the development and diversification of agricultural and other land-based rural businesses,*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside, and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are

physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Core Strategy Policy CS10 relates to The Economy and has a specific section that relates to Rural Employment whereby it states that *The Council will support the rural economy and diversification through a rural exception approach to new development within the countryside...*

It continues by stating *Permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Any development must satisfy the following criteria:*

- *It should be appropriate in size and scale to the local area,*
- *It should be adjacent to the settlement, and*
- *The proposed development and use will not be detrimental to the local environment or local residents.*

This is reiterated in Site Allocations and Development Management Policies Plan Policy DM2.

The applicant suggests that the need for the application is that the car park is often 'overflowed' with caravans and holidaymakers in the summer months. The applicant is therefore suggesting there is a legitimate local business need for the proposed development. However, the majority of third-party comments, including those in favour of the proposed development, suggest that the car park is never full.

Notwithstanding these opposing opinions, which are covered in more detail later in this report, it is considered that the principle of the proposed development is acceptable subject to compliance with other relevant planning policy and guidance.

In relation to the principle of development it is considered that the development accords with the NPPF in general and specifically to paragraphs 84 and 85 of the NPPF and Development Plan Policies CS10 and DM2.

Form and Character and Impact on the Countryside and Setting of the AONB:

Paragraph 174b) of the NPPF states *Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*

Paragraph 176 of the NPPF states *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues...The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*

The protection of the countryside and the AONB is reiterated in the Development Plan including Heacham Neighbourhood Plan.

Development Plan Policy CS06 seeks to resist development of greenfield sites in the countryside unless essential for agricultural or forestry. However, as previously referenced,

Development Plan Policy CS10 allows for development in the countryside to support the rural economy where it *it will not be detrimental to the local environment*.

Neighbourhood Plan Policy 8 requires development to ensure *there is no unacceptable impact (visual or otherwise) on the area's landscape and proposals for development will be expected to demonstrate how they have minimised landscape impacts on the open countryside and coastline*.

The extended car park is a low-level development that does not include tall structures or buildings and would therefore not be afforded long views. Once the car park came into view it would be read in relation to the existing car park and retail store to which it relates. It would not therefore appear incongruous or out of place in that regard.

Whilst there would be some visual impact from the proposed development, it would be difficult to suggest this relatively small encroachment into the countryside opposite the AONB would be of such harm to these designations that that harm would outweigh the benefit to the existing business.

Furthermore, and notwithstanding the landscaping proposals that accompanied the application which are not considered acceptable, a robust landscaping plan will be conditioned to ensure appropriate screening of the site. Lighting will also be conditioned. These conditions should further ensure that the development appropriately integrates with its setting and has minimal impact on the visual amenity of the locality. Such conditions would also address Heacham Neighbourhood Plan Policies 5 and 13.

It should be noted that Norfolk Coast Partnership have not commented on the proposed development. It is considered that if they were concerned with the impact of the development on the AONB they would have made representation.

In relation to the impact of the proposed development on the countryside and AONB it is considered that the development accords with the NPPF in general and specifically to paragraphs 174b) and 176 of the NPPF, Development Plan Policy CS10 and Heacham Neighbourhood Plan Policies 5, 8 and 13.

Neighbour Amenity:

Paragraph 130f) of the NPPF requires development to offer a high standard of amenity for existing and future users. This is reiterated in Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5.

The proposed car parking area is further away from residential properties than the existing car park. It is therefore considered that it is unlikely there would be any material impact on the amenity of occupiers of neighbouring dwellings.

Notwithstanding this, the Community Safety and Neighbourhood Nuisance Team has suggested that a 2m high acoustic barrier should be provided along the western boundary of the site to prevent any disamenity that may be caused by noise from the electric vehicle charging bays, primarily the Fast Charge bays to nearby residential properties. However, given the location of the development, opposite the AONB, and the uncertainty that such attenuation is needed (no noise assessment has been undertaken) it is considered that such a measure may not only be visually intrusive, but also unnecessary. It is therefore considered that a noise assessment should be conditioned and that if noise attenuation measures are necessary a suitable solution can be agreed (one that mitigates noise impacts whilst taking account of the sensitive location of the site.)

In relation to the impact of the proposed development on the of neighbouring dwellings it is considered that the development accords with the NPPF in general and specifically to paragraph 130f) of the NPPF, Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5.

Highway Safety:

Paragraph 110b) of the NPPF seeks to ensure *safe and suitable access to the site can be achieved for all users...* with Paragraph 112e) requiring development to *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations* and paragraph 130f) ensuring development is *inclusive and accessible...*

This is reiterated in Development Plan Policies CS11 and DM15 and Heacham Neighbourhood Plan Policies 5 and 12.

The application proposes changes to the existing access by providing a two lane exit and extension of the existing car park on land to the south of the existing site. In total there would be an increase of 29 parking spaces throughout the site 26 of which would be electric vehicle charging bays.

Development Plan Policy DM17 requires all developments other than residential development to provide parking in accordance with Norfolk County Council Parking Standards. In this regard the parking requirements for a supermarket of this size, 2471.5m² (gross external area), is for 177 spaces (1 space per 14m²). Currently the site provides 123 spaces (including 6no. accessible bays and 8no. parent and child spaces), if the additional 29 car parking spaces are approved this would result in a total of 152 car parking spaces including 26 electric vehicle bays, 8no parent and child spaces (same as existing) and 8no accessible spaces (an additional 2no. both of which would be immediately adjacent to the store.) This is still 25no. below NCC Parking Standards.

The applicant suggests that an increase in parking spaces is required due to capacity issues; third parties suggest the car park is never full.

Pragmatically, when one considers that the pressure on the car park is only going to increase by virtue of permissions in the immediate and wider locality (the population is only going to increase and most people going grocery shopping will use their car) as well as parking standards of which the current site falls short, it would be difficult to suggest that the proposed extension is not acceptable.

Cycle provision for a store of this size should be 24no. spaces (2no. spaces per 200m²) and accessible bays should be 6% of the total provision (9no.)

Cycle provision is currently 16 spaces (as conditioned on the original permission), this application does not seek to increase this provision. The total number of accessible bays following development would be 8no.

The parish council raise a number of objections in relation to the proposed access and internal movement within the car park including the location of pedestrian crossings.

However, the Local Highway Authority raise no objection on these grounds finding these aspects technically acceptable in terms of safety. It should be noted that the new access arrangements passed the Stage 1 Safety Audit.

In relation to the impact of the proposed development on highway safety it is considered that the development accords with the NPPF in general and specifically to paragraphs 110b), 112e) and 130f) of the NPPF, Development Plan Policies CS11, DM15 and DM17 and Heacham Neighbourhood Plan Policies 5 and 12.

Drainage:

Paragraph 167 of the NPPF seeks to ensure that new development *incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate...*

This is reiterated in Development Plan Policy CS08.

The drainage strategy that accompanied the application states that the proposed drainage strategy for the car park extension will follow the same discharge methodology from the current development site and discharge via infiltration. The drainage strategy proposes that all surface water flows arising from the proposed car park extension are to recharge to the existing ground. This will be achieved by ensuring that the areas of impermeable surfacing will fall towards the new area of permeable parking bays where infiltration will take place whilst attenuating the larger rainfall events.

However, the drainage strategy concludes that further discussions with the appropriate approving bodies are required to agree the proposed drainage strategy. Therefore, surface water drainage will be conditioned if permission is granted in line with the recommendations of the Community Safety and Neighbourhood Nuisance Team.

In relation to drainage, it is considered that the development accords with the NPPF in general and specifically to paragraph 167 of the NPPF and Development Plan Policy CS08.

Ecology and Biodiversity:

Paragraph 174d) states that *Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains in biodiversity...* Paragraph 180a) states that *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigate, or, as a last resort, compensate for, then planning permission should be refused.*

This is reiterated in Development Plan Policy CS01 and CS12 and Heacham Neighbourhood Plan Policy 11.

The Local Authority's Senior Ecologist (LASE) reviewed the Ecological Appraisal that accompanied the application and has made a considered representation covered in the relevant section of this report.

The Senior Ecologist concludes:

- no priority habitats were noted on site
- the failed non-native species hedgerow previously planted should be remedied by appropriate landscaping plans
- no impacts are identified from the proposal on protected sites
- no impacts are predicted on any protected species or group
- mitigation measures for breeding birds, reptiles, and hedgehogs should be conditioned in line with the Ecological Appraisal
- biodiversity enhancements should be incorporated into the landscape proposals.

In relation to biodiversity, it is considered that the development accords with the NPPF in general and specifically to paragraphs 174d) and 180a) of the NPPF, Development Plan Policy CS01 and CS12 and Heacham Neighbourhood Plan Policy 11.

Crime and Disorder:

Paragraph 92b) states that *Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas...* This is reiterated in Paragraph 130f) that requires developments to be *safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

This is reiterated in Development Plan Policy CS13.

The Police Architectural Liaison Officer (PALO) has made some recommendations in relation to reducing crime and the fear of crime. However, some recommendations result in conflict with other policy considerations e.g., lighting which in terms of the impact on the AONB and countryside should be kept to a minimum; some could not be enforced, e.g., the provision of CCTV; and some seem easily achievable e.g., boundary planting to include sharp thorns although in relation to this aspect it is not considered necessary given the change in levels between the site and neighbouring land and a substantial landscaping buffer that is to be secured by condition.

Notwithstanding this, there is nothing overly concerning within the PALO's comments, and it is considered that the development would not result in any material crime and disorder impacts.

In relation to crime and the fear of crime, it is considered that the development accords with the NPPF in general and specifically to paragraphs 92b) and 130f) of the NPPF and Development Plan Policy CS13.

Other Material Considerations:

There are no other material considerations.

Specific comments and issues:

In relation to the parish council's comments the LPA comments as follows:

1. Incorrect Plans and Road Markings: *The Local Highway Authority has confirmed that the proposed works plan shows turning arrows in the correct position.*
2. Confused layout with no clear rules and needs a one-way system in and out: *The Local Highway Authority has confirmed that the layout allows drivers to find spaces easily and follows the usual 'rules of the road.'*
3. Inadequate space for Articulated Vehicles: *This remains unchanged, and the car park extension does not affect this.*
4. Pedestrian Safety Concerns: *Lidl could take this opportunity to refresh existing markings.*
5. Hazardous Extension of Footpath: *The Local Highway Authority has stated this remains relatively unchanged and has passed the safety audit.*

6. Confusing Entrance Design: *The Local Highway Authority has stated that the layout follows the usual rules of the road.*
7. The current design will allow queuing exit traffic to block the entrance as traffic from the extended area will try and merge with traffic from the current site at the exit, causing a risk to traffic on the A149: *The Local Highway Authority has stated that the layout follows the usual rules of the road.*
8. Outdated Crash Map: *The Local Highway Authority has stated that there have been no recent PIA's (the last one being September 2021.) A PIA is an accident involving personal injury to road users.*
9. Lack of Local Bus Service Access and need for Traffic Impact Assessment: *The application does not represent an increase in the size of the store and the car park it to cater for existing requirements. A traffic impact assessment is therefore not required.*
10. Large vehicles such as car caravan combination or motorhomes could cause an issue in the narrow car spaces or even block the car park. This area has large amounts of holiday traffic, so specific space should be provided for this demographic ideally in the extended area: *There are no policies that require such provision.*
11. We would ask that a condition is put that no overnight parking is allowed on this site to prevent camping and HGV parking and that it is enforced with CCTV: *It is not reasonable or necessary to require this given the scale of the proposed development.*
12. Delivery hours should be restricted to between 07.00 and 22.00 and it should be conditioned that lorries waiting should not leave their engines running, to reduce noise and prevent build-up of toxic emissions: *It is not reasonable or necessary to change the operation of the store by virtue of this application to extend the car park.*
13. Landscaping: *Will be suitably conditioned.*

In relation to third-party comments, the LPA comments as follows:

- The additional car parking spaces are not necessary because the car park has only once been full to capacity during the summer period, this does not justify concreting over land: *covered in report.*
- Improvements to the entrance and exit would have been welcome as part of the application: *improvements are proposed.*
- Increased light pollution: *covered in report.*
- Increased rubbish: *it is not considered that extending the car park will result in additional litter.*
- Increased noise: *covered in report.*
- Environmental damage, including loss of countryside and impact on protected species: *covered in report.*
- The installation of EV charging points is confusing. What would one do whilst waiting for their vehicle to charge? *the provision of EV charging is a welcome addition, accords with policy and is an environmental benefit.*
- How will drainage be dealt with? *covered in report.*

CONCLUSION:

The development proposals a relatively small extension to the car park serving the Lidl store in Heacham. However, the extension encroaches into the countryside and is opposite an Area of Outstanding Natural Beauty (AONB).

The applicant suggests that the development is required to address circumstances when the car park has been full. Such occurrences have not been seen by third parties commenting on the application. Notwithstanding this, parking provision is below current parking standards, and it is likely that pressures on the car park will only increase over time as the

population increases. It is therefore considered that it would be difficult to suggest that the proposed development is not acceptable.

No objections have been received on technical grounds although it is acknowledged that the Parish Council has raised concerns relating to the access arrangements and internal layout in terms of highway / pedestrian safety. The Local Highway Authority do not share the Parish Council's concerns finding the arrangements technical sound. Additionally, the off-site works have passed a stage 1 safety audit.

It is not considered that the development would have a detrimental impact on the countryside or AONB that would outweigh the balance of supporting an existing business.

It is acknowledged that the previous landscape scheme was poor and that the planting that did take place was equally disappointing. However, landscaping will be conditioned to ensure a robust scheme with a supplementary establishment condition that should ensure the plants and trees are firmly established and do not die.

Lighting, drainage, archaeology, construction management and construction hours will all be suitably conditioned.

It is therefore considered, on balance, that the proposed development accords with the NPPF in general and specifically to paragraphs 84, 85, 92b), 110b), 112e), 130f), 167, 174b), 174d), 176 and 180a) of the NPPF, Development Plan Policies CS01, CS08, CS10, CS11, CS12, CS13, DM2, DM15 and DM17 and Heacham Neighbourhood Plan Policies 5, 8, 11, 12 and 13 and should be approved subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan drawing no: 210030 SK-01 Rev.L Proposed Site Plan.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to commencement of development a detailed construction management scheme for the development hereby permitted must be submitted to and approved in writing by the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections, and any piling which, in relation to construction hours and deliveries shall only take place between 0800 and 1800 hours weekdays and 0900 and 1300 Saturdays with none taking place on Sundays, Bank and Public Holidays and in relation to piling, if required, shall only be carried out between 0900 and 1700 weekdays only and should only be auger technique. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compounds, the location of contractor parking, the location and layout of the materials storage areas, machinery storage areas and waste & recycling storage areas, detailed proposed attenuation and

mitigation methods to protect residents from noise, dust and litter and communication methods to the wider community regarding the construction phases and likely disruptions. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.

- 3 Reason: In the interests of the amenity of occupiers of nearby properties in accordance with the NPPF, Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5. This needs to be a precommencement condition as the issues raised are fundamental to the construction phases of the development.
- 4 Condition: Notwithstanding the details submitted with the application, including the 'Drainage Strategy' document, prior to commencement of development a site-specific designed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a design for a 1 in 100-year storm event plus 40% climate change, full details of how the new drainage will connect to the existing drainage for the car park, the results of a detailed site connectivity survey to establish the exact drainage routes and their condition for reuse, and detailed discharge flow rates as agreed with the IDB. The development shall be carried out in accordance with the approved details.
- 4 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.
- 5 Condition: No development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation and
 - f) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 5 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.
- 6 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 5 and any addenda to that WSI covering subsequent phases of mitigation.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 7 Condition: The development shall not be put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation

approved under condition 5 and the provision to be made for analysis publication and dissemination of results and archive deposition has been secured.

7 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.

8 Condition: Notwithstanding the plans that accompanied the application, prior to the first use of the extended car park hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

I) Hard landscape works, to include but not be limited to, finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts, boundary types, and any paved surfaces (including manufacturer, type, colour and size) underground modular systems, and sustainable urban drainage integration (see detailed design proposals for street trees planting pits/trenches at II)

II) Soft landscape works, to include planting plans (which show the relationship to all underground services overhead lighting and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree planting details including method of staking, and irrigations, detailed design proposals for tree planting pits/trenches including, but not limited to, locations, soil volumes in cubic metres, proprietary soil cell structures if required for soil volumes, cross sections and dimensions, drainage, and 3 year irrigation programme (BS 8545-2014). The landscape scheme shall provide boundary treatments that incorporate biodiversity enhancements contained within the Preliminary Ecological Appraisal that accompanied the application.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first use of the extended car park hereby permitted or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

8 Reason: To protect the amenity of the locality in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Heacham Neighbourhood Plan Policy 5.

9 Condition: Prior to the first use of the development hereby permitted a landscape establishment and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the initial establishment and maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.

9 Reason: To protect the amenity of the locality in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Heacham Neighbourhood Plan Policy 5.

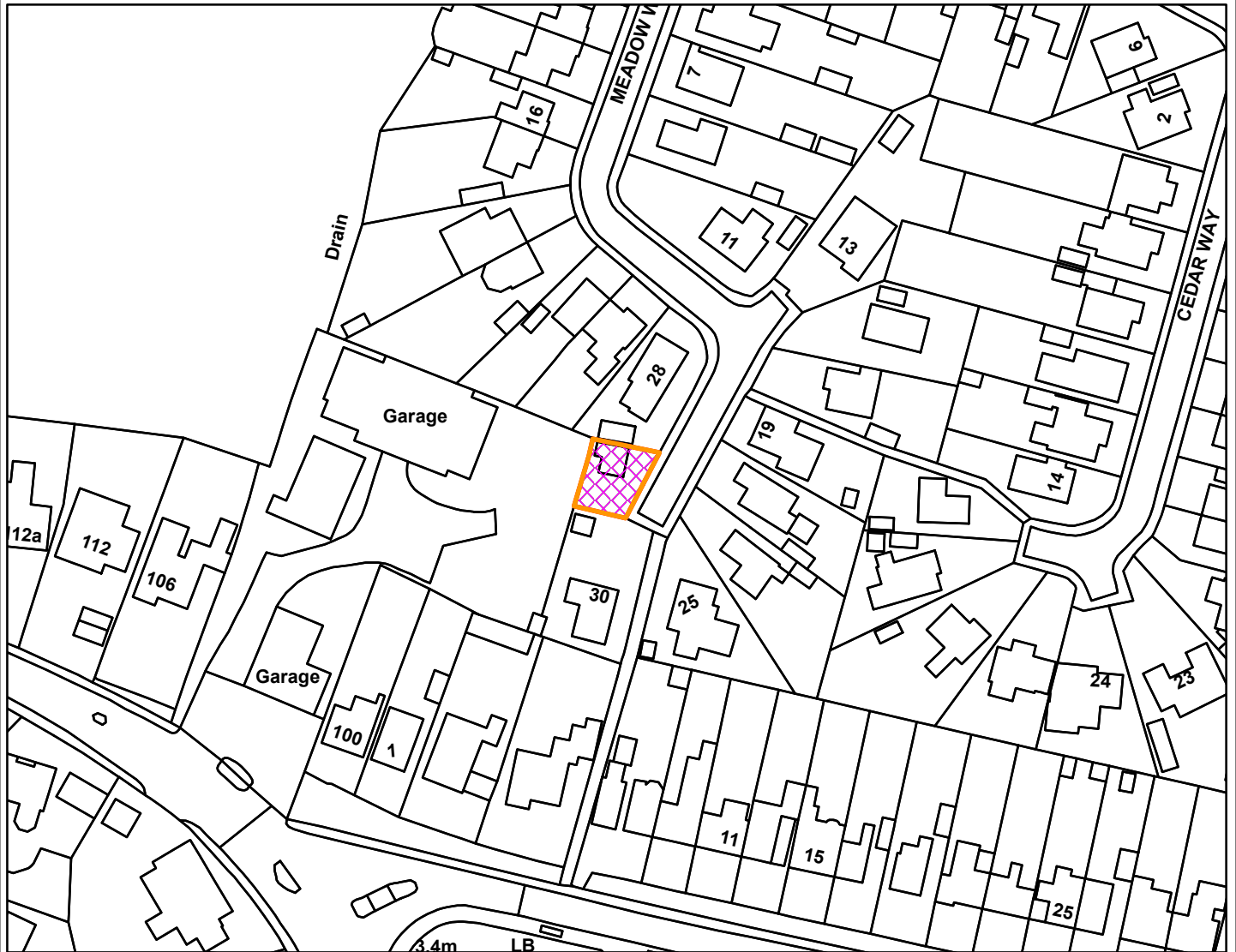
10 Condition: The development hereby permitted shall be carried out in accordance with the mitigation contained within Chapter 6 of the Preliminary Ecological Appraisal

(PEA) Survey Report that accompanied the application (Ref: SQ-831, dated 17th February 2023, produced by EstradaEcology.)

- 10 Reason: In the interests of biodiversity in accordance with the NPPF, Development Plan Policy CS12 and Heacham Neighbourhood Plan Policy 11.
- 11 Condition: Notwithstanding the approved plans or information that accompanied the application, prior to the first use of the extended car park 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 prior to the first use of the extended car park hereby approved 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, Development Plan Policies CS08 and DM15 and Heacham Neighbourhood Plan Policies 5 and 13.
- 12 Condition: Notwithstanding the details indicated on the submitted drawings for the off-site highway improvement works as indicated on Drawing No. 16-1149 101 Rev.A prior to the first use of the development hereby permitted off-site highway improvement works (including Public Rights of Way works), the details of which shall be submitted to and agreed in writing by the Local Planning Authority, shall be completed to the written satisfaction of the Local Planning Authority.
- 12 Reason: To ensure that the highway improvement works are designed to an appropriate standard and delivered in an appropriate timescale in the interests of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Heacham Neighbourhood Plan Policy 5.
- 13 Condition: Prior to the first use of the development hereby permitted the proposed on-site access, car parking, turning, and waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 13 Reason: To ensure the permanent availability of the parking / manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF, Development Plan Policies DM15 and DM17.
- 14 Condition: Prior to the first use of the development hereby permitted a noise assessment shall be submitted to and agreed in writing by the Local Planning Authority to assess the impacts from the electric vehicle charging bays on nearby residential properties. If the noise assessment concludes that there will be an unacceptable impact on occupiers of nearby residential dwellings suitable noise attenuation measures shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation shall be installed / erected / provided prior to the first use of the development hereby permitted and shall thereafter be retained and maintained in accordance with the agreed details.
- 14 Reason: In the interests of the amenity of occupiers of nearby properties in accordance with the NPPF, Development Plan Policy DM15 and Heacham Neighbourhood Plan Policy 5.



Land And Outbuildings S of 28 and N of 30 Meadow Way, West Lynn PE34 3JZ



Legend	

Scale: 1:1,250

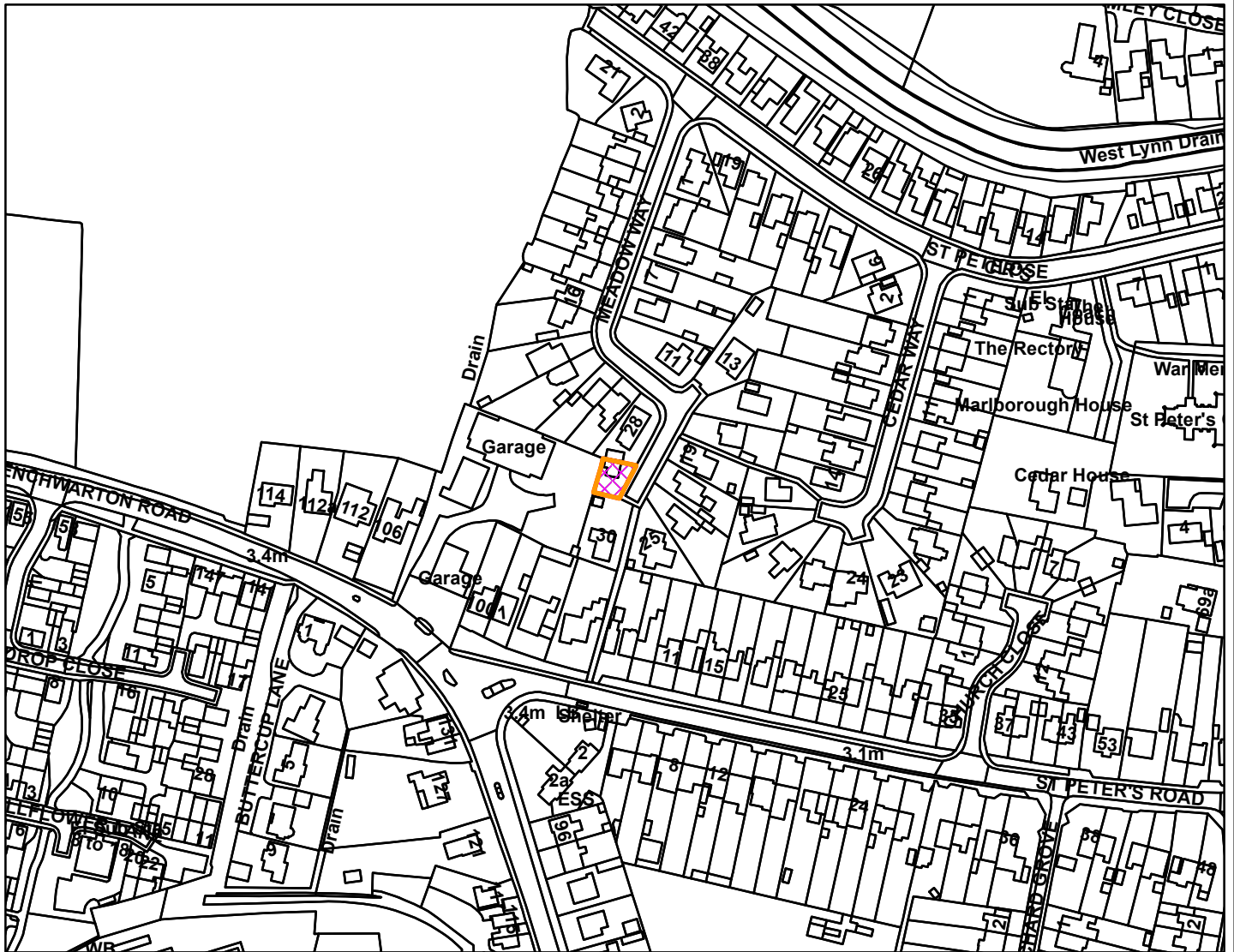
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Organisation	BCKLWN
Department	Department
Comments	
Date	21/11/2023
MSA Number	0100024314



Land And Outbuildings S of 28 and N of 30 Meadow Way, West Lynn PE34 3JZ



Legend

Scale: 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	
Date	21/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/2(c)

Parish:	King's Lynn	
Proposal:	Proposed Demolition of two existing garages with the erection of a private detached dwelling and associated works.	
Location:	Land And Outbuildings S of 28 And N of 30 Meadow Way West Lynn King's Lynn PE34 3JZ	
Applicant:	C/O Agent	
Case No:	23/00586/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 30 May 2023 Extension of Time Expiry Date: 8 December 2023

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

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for a 1.5 storey, 1-bed dwelling.

The site is located within the Development Boundary of West Lynn which is categorised as a 'Settlement adjacent to King's Lynn and the Main Towns' in the Settlement Hierarchy of the Core Strategy (Policy CS02.)

The site accommodates two garages that clearly have not been in use for a considerable period of time. It is unknown which residential property the land and garages once related to as, again, they appear to have been separated for a considerable period of time and there is no planning history or aerial photography that can shed light on this issue.

The site lies in an area at extreme risk of flooding being located within both flood zones 2 and 3 (as defined on the Local Authority's Strategic Flood Risk Maps) and within the Environment Agency's Breach Hazard Area (flooding to a depth of up to 2m.)

Key Issues

- Principle of Development
- Flood Risk
- Form and Character
- Highway Safety
- Neighbour Amenities
- Trees
- Biodiversity
- Crime and Disorder
- Other Material Considerations

Recommendation

REFUSE

THE APPLICATION

Full planning permission is sought for a 1.5 storey, 1-bed dwelling. No habitable accommodation is proposed at ground floor which is dedicated to ancillary uses such as a garage, secure cycle and bin store and a utility room.

The dwelling would have what is best described as a mansard roof covered with concrete interlocking roof tiles with flat roof dormers over a ground floor comprising of a mix of bricks and smooth sand cement render. The ground floor is raised 500mm above surrounding ground levels. Two car parking spaces are proposed.

The site is located within the Development Boundary of West Lynn which is categorised as a 'Settlement adjacent to King's Lynn and the Main Towns' in the Settlement Hierarchy of the Core Strategy (Policy CS02.)

The site accommodates two garages that clearly have not been in use for a considerable period of time. It is unknown which residential property the land and garages once related to as, again, they appear to have been separated for a considerable period of time.

Meadow Way is characterised, in the vicinity of the site, by single storey dwellings. The wider area includes two storey semi-detached dwellings.

The site lies in an area at extreme risk of flooding being located within both flood zones 2 and 3 (as defined on the Local Authority's Strategic Flood Risk Maps) and within the Environment Agency's Breach Hazard Area (flooding to a depth of up to 2m.)

There have been a few amendments in relation to the position of the dwelling, with the latest seeking to address the impact of the proposed development on substantial trees on a neighbouring site.

SUPPORTING CASE

None received at time of writing report.

RESPONSE TO CONSULTATION

Parish Council: No comments received at time of writing report.

Highways Authority (NCC): NO OBJECTION to the principle of the application and request conditions relating to visibility splays and parking provision be appended to any permission granted.

Environment Agency: NO OBJECTION, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Engineering Support Practice Ltd) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be raised 500mm
- Flood resilient measures will be incorporated up to 2.0 m above finished floor levels
- There will be no ground floor sleeping accommodation
- There will be no habitable ground floor accommodation

Sequential Test: In accordance with the National Planning Policy Framework (NPPF) paragraph 162, development should not be permitted if there are reasonably available sites

appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

Please be aware that our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Exception Test: With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

We have reviewed the submitted FRA with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

Internal Drainage Board: No comments received at time of writing report.

Emergency Planning Officer (BCKLWN): NO OBJECTION However, because of the location of the site in an area at risk of flooding I would suggest that the occupiers:

- Sign up to the Environment Agency flood warning system
- A flood evacuation plan should be prepared:
- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures e.g., isolating services and taking valuables etc
- Evacuation routes.

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION
The application is for the demolition of existing garages and construction of a residential dwelling.

The applicant has provided a screening assessment stating no known contamination.

We have reviewed our files and the site is on land first seen developed in aerial photography dated 1999. The surrounding landscape is largely residential with the site bordered by Freebridge garage to the immediate west which has a site history of vehicle servicing/maintenance as well as other potentially contaminative uses.

Due to the proximity of the site to this land we recommend the full suite of contamination conditions be appended to any permission granted.

Due to the age of the property on site there is the potential for asbestos containing materials to be present. With this in mind we recommend an asbestos informative be appended to any permission granted.

Natural England: NO OBJECTION

European Sites: Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary.

Site of Special Scientific Interest (SSSI): 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.

Senior Ecologist (BCKLWN): NO OBJECTION The amended ecology report is sufficient and most of my comments have been addressed within the revised report. However, the report is still missing recommendation of enhancement measures. In the absence of these being provided within the report I recommend the below:

Trees and hedgerows

- The elevations, site and location plans document notes that trees being plant are native which is welcomed. Where new hedgerows are proposed these should equally be comprised of native species. I recommend that at least five native woody species are used such as beech, hornbeam, dogrose, hawthorn, blackthorn and could include honey suckle and ivy to maximise biodiversity benefits of this feature,
- If retained the laurel hedgerow would benefit from enhancement which could include introducing more species diversity such as the addition of ivy and honey suckle and understorey planting to improve the benefits to biodiversity.

Garden

- The garden area is currently bare earth. This presents an opportunity for the developer to plant the new garden with a wildflower species rich mix where the garden will be grassed,
- Any ornamental shrub planting within the garden should include pollinator friendly species and/or night scented species to support invertebrates and foraging mammals.

Other suggested enhancements

- Installation of 2 signed hedgehog gaps per dwelling where more than one boundary will be impermeable (i.e., fencing/wall), and one bee brick per dwelling,
- Installation of the equivalent of 1 bird box per dwelling in line with BS 42021:2022 (swift boxes are recommended to support the swift population in the area (see swiftmapper.org.uk))

Any enhancements that will be included within the development should be discussed and agreed with the applicant.

Arboricultural Officer (BCKLWN): OBJECT

Amended comments: I've reviewed the amended plans in which the applicant has rotated the building in the plot so that there are no longer windows facing directly onto the trees at the rear.

However, the revised Tree Survey ref P3321-TS01 V2 by Ligna Consultancy shows the new proposed location of the building is still going to require work for foundations within the minimum root protection area of a trees T1 Poplar, T3 Poplar, and T4 Ash.

This proposal will require T2 Ash, T3, and T4 Poplar to be pruned to make space for the development, and the foundations will be within the minimum root protection areas for tree T1, Poplar, T3, Poplar and T4 Ash.

In respect of the impact on the existing trees on neighbouring ground, although the revisions are slightly less bad than the original, this proposal still poses an unacceptable threat to the continued wellbeing of trees on neighbouring land, by way of direct damage during construction work, and post development by the creation of an unsustainable relationship between the new dwelling and the trees, and on this basis, I cannot support it.

Original Comments: I cannot support this proposal, the design and layout of the dwelling does not consider the existing trees in the neighbouring garden to the west of the site, if built it would result in harm to the trees during construction work, require branches of the trees to be cut back just to make space for construction work and lead to an unsatisfactory relationship between the trees and the new property, prejudicing the long-term retention of the trees and potentially creating neighbour disputes over the trees.

The trees are visually prominent in the locality, they contribute to the character and appearance of the area and has done so for many years.

It is worth noting that the site was laid out and designed months before the Arboricultural information was made available. The application form even stated there were no trees on the site or adjacent to it that could impact the proposals. The Arboricultural Impact Assessment report by Ligna Consultancy dated 14th July 2023 has tried to retrofit tree proposals into an already designed proposal in the interests of the client, and to the detriment of the trees.

The summary of arboricultural implications at part 3 of the Tree Survey document states that T2 (mature ash) and T3 (mature hybrid black poplar) will need to be pruned just to make space for the new building, the buildings foundations will be within the minimum root protection areas of the same two trees.

The default position is that no new development should be within the minimum root protection area of a tree unless there is an overriding justification for it.

This proposed development is simply too close to the trees. This is a small site, with a very large trees just to the other side of the western boundary fence. Even if the tree protection proposals were followed, it would not leave enough space for building works to take place. The proposed layout would necessitate that construction work would need to be carried out well within the minimum root protection area, foundations for almost half of the property would be within the root protection areas and work to dig them would need to be further inside the root protection areas, space has not been made for foundations on the Tree Protection Plan nor is there any details of service runs, especially those for foul and surface water to the west and south of the proposed dwelling, these would all be within the root protection areas of the trees. It seems doubtful that there would not even be space on site to erect the scaffolding, store materials and be able to build this property while at the same time adequately protecting the trees.

The other critical factor is the affect these trees may have on future occupiers of the proposed dwelling. It is a fact that new residents often fail to appreciate the implications and problems of living next to large mature trees, until it is too late. The ash and poplar tree situated immediately due west of the rear of the proposed dwelling will completely dominate the rear of the property, the small outdoor space and bedroom will be in constant shade, there will be low ambient light levels in these areas, and there will be no views of the sky from bedroom, it will make the room inside gloomy. Then there are also the seasonal issues of leaf and fruit fall, nesting birds, movement, and noise from the crown during high winds, all issues that create apprehension for anyone living near a mature tree.

The proposed development poses a threat to the continued wellbeing of trees on neighbouring land, by way of direct damage during construction work, and post development by the creation of an unsustainable relationship between the new dwelling and the trees.

REPRESENTATIONS

ONE letter of **SUPPORT**, signed by three residents has been received. The letter reads *To all the elected members of the planning committee, please can you register that all the immediate neighbours around the application site support this planning application for a small one-bedroom dwelling. We all have been looking at this dilapidated site over the years / decades and welcome the proposed scheme as it will significantly enhance the area / setting, the proposed dwelling is very small and well-designed and fits well and comfortably within the streetscene and will replace ugly dilapidated garages which can only benefit the community and immediate neighbours. We hope we can gain your support.*

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

CS01 - Spatial Strategy

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

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

Principle of Development

Flood Risk

Form and Character

Highway Safety

Neighbour Amenity
Trees
Biodiversity
Crime and Disorder
Other Material Considerations

Principle of Development:

The site lies within the development boundary for West Lynn which is characterised as a Settlement adjacent to King's Lynn and the main towns. Core Strategy Policy states, relation to such settlements, that *Development will take place in these locations where it can demonstrate a positive impact on the adjacent Sub Regional Centre / Main Town and which will assist in both maintaining and enhancing the provision of services, employment and local retail needs.*

A residential dwelling in this location, whilst not adding a substantial benefit, would nevertheless have a positive impact.

It is therefore considered that the principle of development could be supported provided other detailed matters, which are discussed below, could be resolved.

Flood Risk:

Paragraph 159 of the NPPF states: *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (where existing or future.) Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

Para 161 of the NPPF makes it clear that [necessary] development should be considered on a sequential, risk-based basis, taking into account all sources of flooding. The sequential, risk-based approach to development is via the sequential and exceptions tests. Only if it is not possible to steer development to areas at lower risk of flooding should the exception test be undertaken.

To be acceptable the proposal must satisfy both elements of the exception test:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk, and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In relation to necessity, the LPA can demonstrate in excess of a five-year land supply (6.67 on 1 April 2023.) It is therefore not considered that the proposed development is necessary.

If the development were necessary (which it is not), *to meet the regeneration objectives within King's Lynn and maintain the sustainability of local communities in rural areas*, as required by Development Plan Policy CS01, then the development must be in a sequentially preferable location taking all sources of flooding into account.

The whole of West Lynn lies within flood zones 2 and 3. However, this site lies at a greater residual risk from flooding in a breach event than other areas of the village. The applicant has provided some evidence that there are no reasonably available sites to accommodate the proposed development by looking on Rightmove and Zoopla.

Notwithstanding this, even if the sequential test were considered to be passed, both elements of the exception test must be satisfied. The Environment Agency has suggested the development would be safe for its lifetime because there is no ground floor habitable accommodation and safe refuge is available at first floor level. This lack of ground floor habitable accommodation is also a requirement of the LPA's flood risk protocol contained with Appendices 3, 4 and 5 of the Site Allocation and Development Management Policies Plan (SADMP.) This signifies the significance of the risks associated with flooding, and results in a solid ground floor with limited openings that is not representative of residential dwellings as a whole and certainly not in this location. Whilst the first element of the exception test can be considered to be passed, it is at the expense of the design and appearance of the proposed dwelling. This is covered in more detail later in this report.

In relation to the first criteria of the exception test the development (a single dwellinghouse) would not provide wider sustainability benefits to the community that outweigh the flood risk. In relation to this, the risks associated with flooding are wider than the risks to the property and its occupants and include rescue services.

As both criteria are required to be passed, the development fails the exception test.

This aim of avoiding areas at risk of flooding unless it would meet specific regeneration objectives is reiterated in Development Plan Policies CS01 and CS02.

The development is therefore contrary to the NPPF in general and specifically to paragraphs 159 and 161 of the NPPF and Development Plan Policies CS01 and CS08.

Form and Character:

Paragraphs 130a), b) and c) of the NPPF requires developments *to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovate of change.*

Paragraph 134 of the NPPF makes it clear that development that is not well designed should be refused.

This is reiterated in Development Plan Policy CS08 that requires development to *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* and DM15 which states *The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of material. Development that has a significant adverse impact on the amenity of others or which is of poor design will be refused.*

This part of Meadow Way is characterised by modest, traditional, single storey detached dwellings, although it is acknowledged that there are some modest, traditional, two-storey dwellings in the wider locality.

The proposed 1.5-storey dwelling is of an appearance that bears no resemblance to existing built form and cannot be considered attractive or sensitive or sympathetic to the local setting and is cramped and shoehorned into what is a very small site. The design issues are further exacerbated by the lack of traditional openings at ground floor level which are as a result of

reducing the risks associated with flooding. The development is therefore considered to represent poor design.

Additionally, the garden serving the property would have a very small garden that would be heavily overshadowed for most of the day by the combination of boundary trees to the south and west. This offers poor amenity and is contrary to paragraph 130f) of the NPPF that requires development to offer a high standard of amenity for existing and future user. This requirement is reiterated in Development Plan Policy DM15.

The development is therefore contrary to the NPPF in general but specifically to paragraphs 130a), b), c), f) and 134 of the NPPF, and Development Plan Policies CS08 and DM15.

Impact on Neighbour Amenity:

Paragraph 130f) requires development to offer a high standard of amenity for existing users e.g., neighbours.

*This is reiterated in Development Plan Policy DM15 that states **Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including, overlooking, overbearing and overshadowing... Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.***

The proposed dwelling is only between 1.2 and 1.5m from the boundary of the property to north (No.28 Meadow Way) and there is one first floor window on the northern elevation of the proposed dwelling serving a bedroom (a habitable room.) Given the close proximity of the property to the north and the limited garden area serving this property, it is considered that the proposed development would result in an unacceptable degree of overshadowing and overlooking.

It is therefore considered that the development would have an unacceptable impact on the amenity of occupiers of the dwelling to the immediate north No.28 Meadow Way and is therefore contrary to the NPPF in general but specifically to paragraph 130f) of the NPPF and Development Plan Policy DM15.

Highway Safety:

Paragraph 110b) of the NPPF requires that *safe and suitable access to the site can be achieved by all users.*

This is reiterated in Development Plan Policies CS11 and DM15.

Parking provision is covered in Development Plan Policy DM17 and requires a 1-bed dwelling to provide 1no. parking space.

Two parking spaces are proposed, one more than necessary. Additionally, a garage is also proposed although this cannot be counted as a parking space due to its internal measurements that are below that required by DM17 (3m x 7m). Whilst there is a lack of on-site turning, given the end of cul-de-sac location the local Highway Authority has no objection on the grounds of highway safety.

Therefore, in relation to highway issues and parking, the development is considered to accord with the NPPF in general and specifically to paragraph 110b) of the NPPF and Development Plan Policies CS11, DM15 and DM17.

Trees:

Paragraph 131 of the NPPF states *Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible...*

Paragraph 174b) again seeks recognition of the wider benefits from natural capital and ecosystem services including trees.

The arboricultural officer has made it very clear that, even with tree protection measures in place, the construction of the proposed dwelling would have an unacceptable impact on existing significant trees that offer substantial amenity value due to the impacts on the roots of those trees.

He also has significant concerns in relation to the affect the trees would have on future occupiers of the proposed development stating in his representation that *It is a fact that new residents often fail to appreciate the implications and problems of living next to large mature trees, until it is too late. The ash and poplar tree situated immediately due west of the rear of the proposed dwelling will completely dominate the rear of the property, the small outdoor space and bedroom will be in constant shade, there will be low ambient light levels in these areas, and there will be no views of the sky from bedroom, it will make the room inside gloomy. Then there are also the seasonal issues of leaf and fruit fall, nesting birds, movement, and noise from the crown during high winds, all issues that create apprehension for anyone living near a mature tree.*

It is therefore concluded that the proposed development poses a threat to the continued wellbeing of trees on neighbouring land by way of direct damage during construction work and post development by the creation of an unsustainable relationship between the new dwelling and the trees. The proposed development is therefore contrary to the NPPF in general and specifically to paragraphs 131 and 174b) of the NPPF.

Ecology:

Paragraph 174d) of the NPPF requires planning decisions to minimise impact on and provide net gains for biodiversity. Paragraph 180a) states *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

This is reiterated in Development Management Policies CS01 and CS12.

The Local Authority's Senior Ecologist has confirmed that she accepts the findings of the amended Preliminary Ecological Appraisal (dated July 2023) that accompanied the application that concludes that the site has low ecological value and limited connectivity to any surrounding habitats. However, if planning permission is granted, she recommends a condition securing:

- 1) The inclusion of a wildflower species rich grass mix and pollinator friendly and/or night scented plant species into any garden landscaping
- 2) Installation of minimum two signed hedgehog holes within impermeable boundary treatment

- 3) Installation of one bird box
- 4) Enhancement of laurel hedgerow through addition of native species and species rich understorey planting
- 5) Any new hedgerow planting to comprise native woody species.

The site lies within the Zone of Influence of the following protected sites:

- North Norfolk Coast Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar
- Breckland SPA
- Dersingham Bog SAC and Ramsar
- The Wash SPA and Ramsar

An appropriate assessment has been carried out by the Local Planning Authority (LPA) as Competent Authority that concludes that there would be no direct impacts on protected site and that indirect impacts from increased recreational activity could be mitigated by payment of the Green Infrastructure and Recreational Avoidance Mitigation Strategy Fee (GIRAMS) of £210.84.

The GIRAMS payment, in line with Development Plan Policy DM19, has been made.

Therefore, in relation to biodiversity, the development is considered to accord with the NPPF in general and specifically to paragraphs 174d) and 180a) of the NPPF and Development Plan Policies CS01, CS12 and DM19.

Crime and Disorder:

There are no specific crime and disorder issues associated with the proposed development.

Other Material Considerations:

There are no other material considerations.

Specific Comments and/or Issues:

In relation to the third-party representation the LPA responds as follows:

- 1) The letter was signed by residents of three dwellings and did not include a signature from No.28 the dwelling that would be most affected by the proposed development and cannot therefore be considered to represent *all the immediate neighbours*.
- 2) In terms of the poor state of the site, there is no premium on neglect and the visual impact of the site could be improved without the erection of a dwellinghouse.
- 3) For the reasons outlined in the report it is not considered that the development is well-designed, would sit comfortably within the streetscene or would enhance the area.

CONCLUSION:

The site is located within the development boundary of West Lynn a settlement adjacent to King's Lynn where residential development is generally supported.

The site lies in an area at significant risk of flooding and represents development that is not necessary. Additionally, the proposed development fails the exception test by virtue of not providing wider sustainable benefits that outweigh the risks associated with flooding.

Furthermore, the proposed development would result in a cramped form of development with a dwelling whose scale and appearance are at odds with the built characteristics of the locality. The development does not respond sensitively and sympathetically to the local setting, is not visually attractive and would not add to the overall quality of the area.

Additionally, the development would result in poor amenity for occupiers of both the proposed dwelling and the dwelling to the immediate north by virtue of overshadowing and overlooking. Therefore, the proposed development would not function well or offer a high standard of amenity for existing and future users.

In addition, the development would damage existing trees during construction and put unacceptable pressure on them once the dwelling was occupied.

The development is therefore contrary to the NPPF in general, but specifically to paragraphs 130a), b), c), f), 131, 134, 159, 161 and 174b) and Development Plan Policies CS01, CS08 and DM15.

RECOMMENDATION:

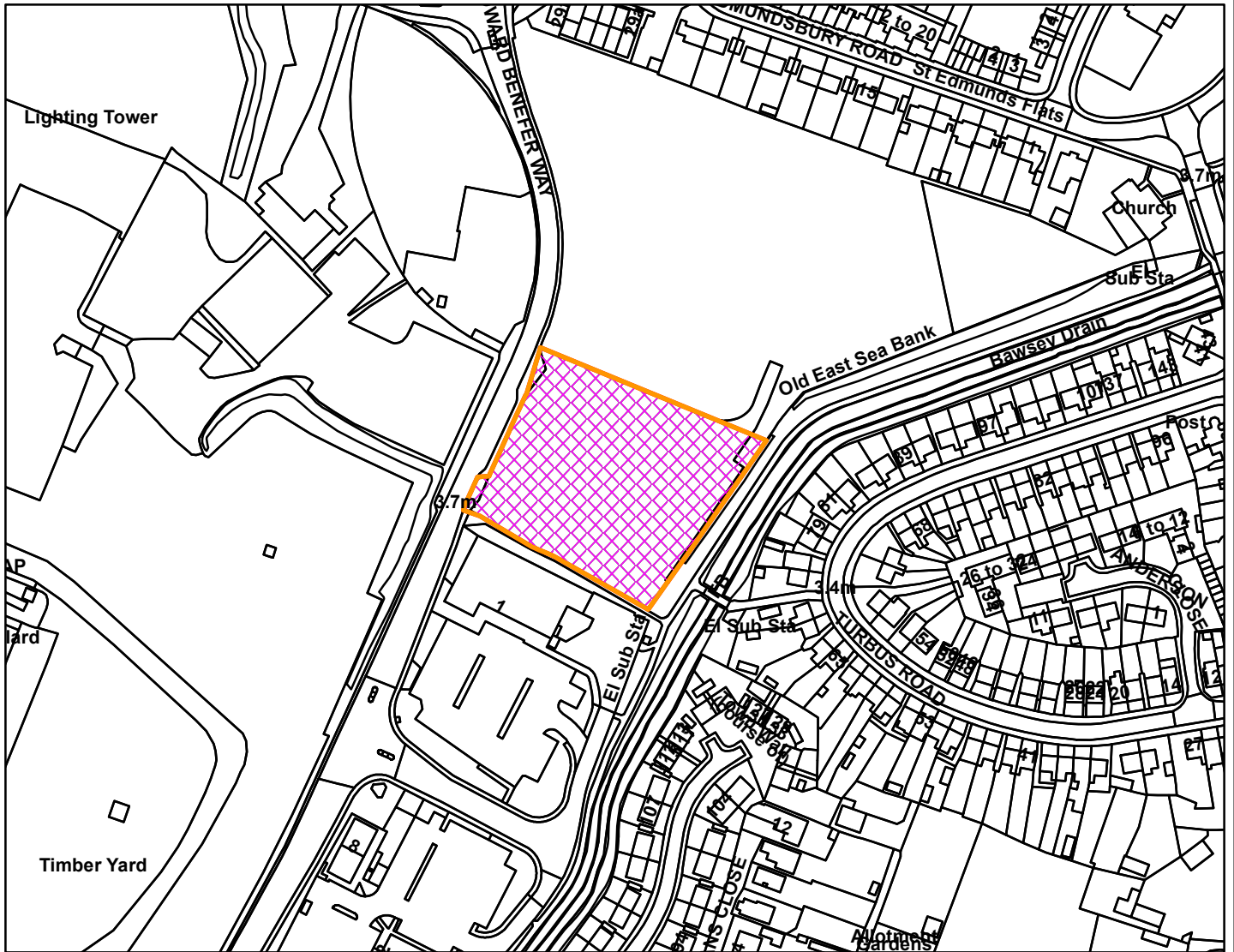
REFUSE for the following reason(s):

- 1) The site is located in Flood Zone 3 as depicted on the Local Authority's Strategic Flood Risk Assessment (SFRA) and within the Environment Agency's Tidal Hazard Breach Mapping Area (TBHM). Tidal Hazard Mapping identifies that the site could flood to depths of up to 2m in a breach event. Given the proposed development is not necessary it is not necessary to undertake the sequential and / or exception tests. However, for completeness, whilst it could be argued that the sequential test is passed, because the development would not provide wider sustainable benefits that outweigh the risks associated with flooding the development fails the exception test. The development is therefore contrary to the NPPF in general and specifically to paragraphs 159 and 161 of the NPPF and Development Plan Policies CS01 and CS08.
- 2) The proposed dwelling would result in a cramped form of development with a dwelling whose scale and appearance is at odds with the built characteristics of the locality. The development does not respond sensitively and sympathetically to the local setting, is not visually attractive and would not add to the overall quality of the area. The development is therefore contrary to the NPPF in general but specifically to paragraphs 130a), b), c), f) and 134 of the NPPF, and Development Plan Policies CS08 and DM15.
- 3) The proposed dwelling due to its height and proximity to the shared boundary with the residential property to the north (No.28 Meadow Way) would overshadow the small amenity area of this neighbouring dwelling to an unacceptable degree and would also result in overlooking from the first-floor window on the northern elevation to the detriment of the amenity of the occupants of that dwelling. The proposal is therefore contrary to the NPPF in general but specifically to paragraph 130f) of the NPPF and Development Plan Policy DM15.
- 4) The proposed development, by virtue of its siting would result in damage to the root protection area of significant trees on neighbouring land and unsatisfactory relationship between the proposed dwelling and the trees and would create a threat to the continued wellbeing of mature trees that make a positive contribution to the visual amenity of the area. The long-term protection of these trees would be prejudiced by the proposed

development. The development is therefore contrary to the NPPF in general, but specifically to paragraph 131 of the NPPF.



1st Self Storage Ltd Edward Benefer Way PE30 2HW



Legend

Scale: 1:2,500

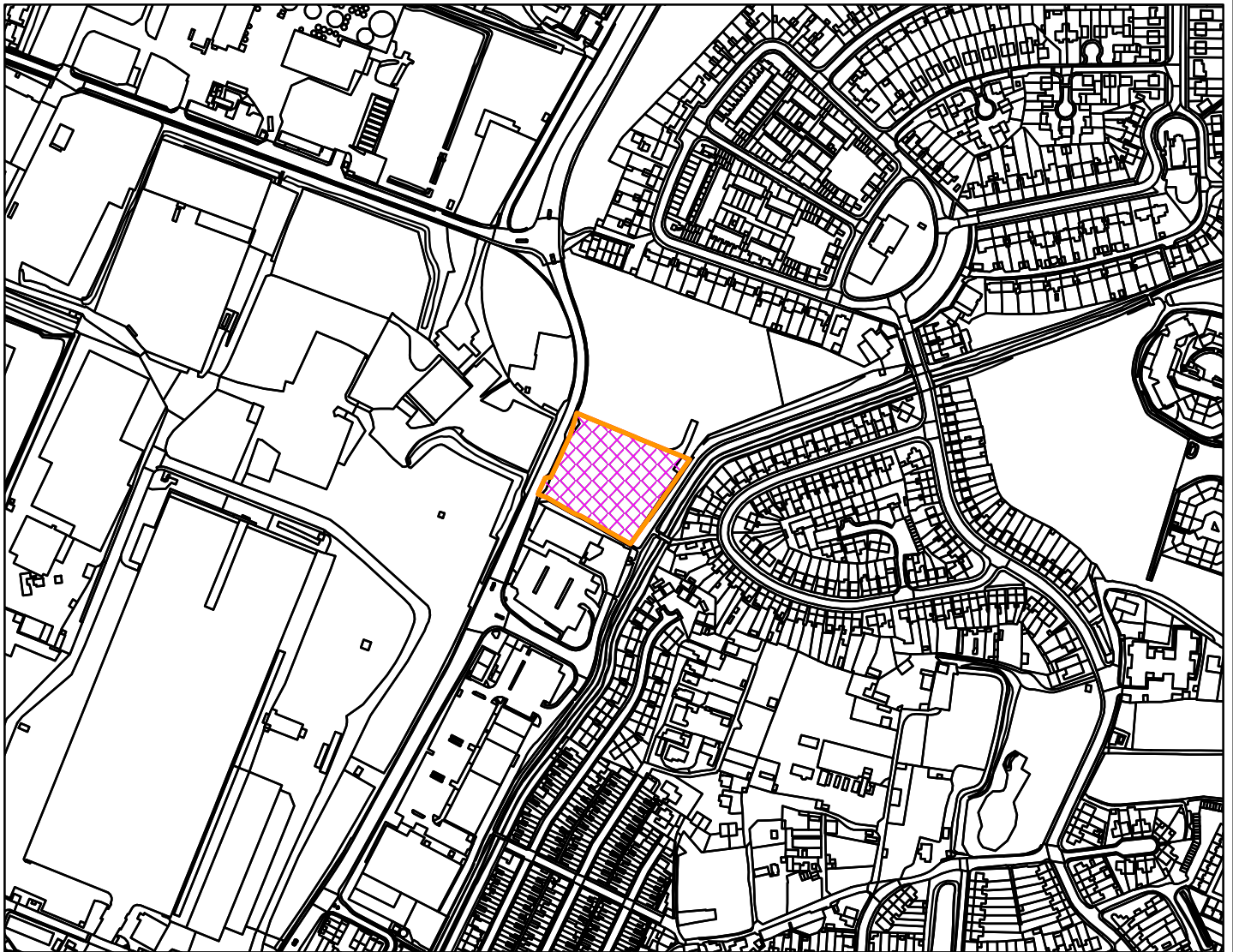
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Organisation	BCKLWN
Department	Department
Comments	
Date	21/11/2023
MSA Number	0100024314



1st Self Storage Ltd Edward Benefer Way PE30 2HW



Legend

Scale: 1:5,000

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Organisation	BCKLWN
Department	Department
Comments	
Date	21/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/2(d)

Parish:	King's Lynn	
Proposal:	Secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units (Part retrospective)	
Location:	1st Self Storage Ltd Edward Benefer Way King's Lynn Norfolk PE30 2HW	
Applicant:	1st Self Storage Limited	
Case No:	22/00641/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 27 October 2022 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – The site has a history of an appeal being dismissed.

Neighbourhood Plan: No

Case Summary

The site lies on the eastern side of Edward Benefer Way opposite the docks. It comprises some 0.66ha just over a quarter of the overall area associated with the former fuel oil storage and distribution depot and corresponds with the hard surfaced part adjoining 'Home Bargains' on the St Nicholas Retail Park. The remainder of the site to the north is not part of this proposal and there is housing beyond on St Edmundsbury Road. To the east there is an embankment and Bawsey Drain (IDB maintained) with residential development beyond (Turbus Road).

Over the past 15 years planning permission has been granted for residential development for up to 95 dwellings and it remains within the Council's SHLAA. However, the site has been redundant/abandoned since the 1990s.

This application seeks part retrospective permission for secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units.

Key Issues

- Principle of development
- Impact on neighbour amenity
- Access and highway implications
- Visual impact
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

The site comprises 0.66ha of former fuel oil storage and distribution depot which has been redundant/abandoned for quite some considerable time. Over the past 15 years planning permission has been granted for residential development for up to 95 dwellings and it remains within the Council's SHLAA.

The site lies on the eastern side of Edward Benefer Way opposite the docks; comprises just over a quarter of the overall area associated with the former fuel storage and distribution depot and corresponds with the hard surfaced part adjoining 'Home Bargains' on the St Nicholas Retail Park. The remainder of the site to the north is not part of this proposal and there is housing beyond on St Edmundsbury Road. To the east there is an embankment and Bawsey Drain (IDB maintained) with residential development beyond (Turbus Road).

This application seeks part retrospective permission for secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units. The site presently contains 30 full sized containers/units, 8 half sized, 8 quarter sized and 1 utility unit.

The storage units comprise shipping containers in differing sizes and configurations, plus bespoke utility storage units painted blue, green and silver.

SUPPORTING CASE

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

"Prior to our client, 1st Self Storage Ltd. purchasing and occupying the site it was a redundant former commercial fuel depot, with hard surfacing across part of the site. It had an overgrown and untidy appearance that detracted from the appearance of the area. The site is located amongst a wide range of retail and commercial buildings and open storage uses.

The benefits of the proposals are:

- Excellent road connections, close to both businesses and residents,
- Low impact commercial use,
- Employment for 3 members of staff, once it is fully operational,
- Supports local businesses with flexible and convenient storage options. Evidence shows that tradespeople store equipment and materials in the units which can be picked up between jobs,
- Allows households to store domestic items that are reused, rather than thrown out, and
- Improves the appearance of the site.

It is noted that no objections have been received from neighbouring properties. The comments that have been received are from Council officers and statutory consultees.

During the processing of the planning application, we have worked with the Borough Council officers to address their concerns about the use and appearance of the site. The applicant has agreed to remove the storage and fabrication of storage buildings on part of site, to address the concerns about noise disturbance from the Environmental Health officer. The roadside fence will be replaced with a new fence and landscaping will be installed to grow against the fence to improve the appearance of the site when viewed from the road. The units will be bolted together to address the concerns from the Environment Agency about the potential effects of flood water, should it enter the site.

The applicant has agreed to restrict the hours of operation so that the facility is not open 24 hours a day. It's important to note that it does need to be available for customers who require access early in the morning and later at night, purely for business reasons. Noise levels from the site are very low as there is no running machinery. Any noise is from vehicles arriving and leaving the site. The rubberised seals around the doors prevent noise from the doors closing on the units.

The recent request from the Highway Authority to install raised kerbs at the existing locked gated access does not form part of our proposals and the costs of the works would be passed to the applicant to pay. In our view this is neither necessary or reasonable, given that it is not proposed to use this access. The vehicular access to the storage facility is from the upgraded access to the south and the existing locked gates will be replaced by the proposed roadside fence. The NPPF advises that development should only be prevented on highway grounds if there would be unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. Our clear view is that the replacement of the dropped kerbs does not meet the NPPF in this respect. A refusal of the planning application on highway grounds can't be justified. As a compromise we would be willing to accept a condition that the proposed storage facility will only being accessed from the upgraded southern point of vehicular access.

For the reasons set out above, the site is considered to be suitable for the proposed storage use in its revised form. It will improve the appearance of a former redundant site and will be economically beneficial for the Borough Council as local businesses and residents will benefit from the availability of flexible and convenient storage. The use is a low impact commercial use and there are no adverse effects as a result of the revisions to the proposals. Accordingly, it is requested that planning permission is given for the proposed use."

PLANNING HISTORY

APP/V2635/C/22/3298588: Appeal dismissed and upheld without variation: 27 September 2022: Without planning permission, the unauthorised change of use for self-storage and open storage compounds and associated development.

20/00167/PREAPP: INFORMAL - Likely to refuse: 19/11/21 - PRE-APPLICATION ENQUIRY WITH CONSULTATIONS: Full Application: Use of land for self-storage and open storage compounds and associated development.

16/01225/RMM: Application Permitted: 14/07/17 - Reserved Matters Application: construction of 95 dwellings (Delegated decision).

14/01679/OM: Application Permitted: 26/11/15 - OUTLINE APPLICATION SOME MATTERS RESERVED: Residential Development (Delegated decision).

12/01010/EXOM: Application Permitted: 21/12/12 - Extension for time for the implementation of a planning permission reference 08/01182/OM appeal ref: APP/V2635/A/09/2094579 (Committee decision).

08/01182/OM: Application Refused: 10/11/08 - Outline Application: residential development - Appeal Allowed 09/07/09 (Committee decision).

06/01237/OM: Application Refused: 18/03/08 - Outline Application: residential development - Appeal Withdrawn 21/08/08 (Committee decision).

RESPONSE TO CONSULTATION

Local Highway Authority: NO OBJECTION subject to conditions regarding closure of secondary access point and access parking and turning area provision.

Environment Agency: NO OBJECTION

District Emergency Planning Officer: NO OBJECTION suggests signing up to EA's flood warning system, install services at high level and prepare flood evacuation plan.

IDB: COMMENTS regarding byelaw matters.

CSNN: NO OBJECTION subject to conditions relating to access times, lighting and limiting the number of storage containers as per plans.

Environmental Quality: Suggest submission of a desk study and preliminary risk assessment.

Historic Environment Service: NO COMMENTS

Norfolk Constabulary ALO: NO OBJECTION – offers advice on Secured by Design accreditation.

Natural England: NO OBJECTION

REPRESENTATIONS

(Initial submission): King's Lynn Civic Society: **OBJECT** on the following summarised grounds:

- A retrograde step in the potential revitalisation of North Lynn and
- A scheme that offers little or nothing to sustainable development of the area and enhancement of this important gateway into King's Lynn town centre
- Site is on Brownfield Register
- Housing preferred
- Retrospective application - use already commenced

(Amended scheme): No further comments received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

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

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in determining this application are as follows:

- Principle of development
- Impact on neighbour amenity
- Access and highway implications
- Visual impact
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Principle of development

Background

The applicant acquired the site in October 2020. Pre-application advice was sought under application ref: 20/00167/PREAPP for use of the whole depot site for self-storage and open storage purposes. The repercussions of the pandemic resulted in a significantly delayed response to the proposal.

In the interim works commenced on site and given the concerns raised by the Local Highway Authority (access off Edward Benefer Way) and CSNN (amenity of neighbouring dwellings) in response to the 'pre-app', an Enforcement Notice was served on 30 March 2022. This was appealed on the ground set out in section 174(2)(g) – i.e., 6-week time period for compliance. This was dismissed on 27 September 2022 and a copy of the Appeal Decision PINS ref: APP/V/2635/C/22/3298588 is appended for ease of reference.

This application was submitted prior to the appeal decision on a site area and scale much reduced from the 'pre-app' and Enforcement Notice site. It has been the subject of negotiations in order to negate the aforementioned issues, which will be elaborated upon within this report.

Policy considerations

The key Development Plan policies to be applied are considered to be as follows:

Policy CS03 – King’s Lynn area

“...Elsewhere throughout the urban area, schemes of renewal or replacement that positively contribute to the regeneration of the town will be encouraged where there is no detrimental impact upon:

- flood-protection strategies set out in CS01 and CS08;*
- the transportation network, including the operation of the port as a strategic transport facility;*
- local services and facilities;*
- significant trees, wildlife or historic assets;*
- enjoyment of the public realm;*
- crime prevention...”*

Policy CS08 – Sustainable Development

“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;*
- enrich the attraction of the borough as an exceptional place to live, work and visit;*
- 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;*
- optimise site potential, making the best use of land including the use of brownfield land;*
- enhance community wellbeing by being accessible, inclusive, locally distinctive, safe and by promoting healthy lifestyles (see Policy CS14 Community & culture);*
- achieve high standards of sustainable design.”*

Policy CS10 – The Economy

Retention of Employment Land

“The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

continued use of the site for employment purposes is no longer viable, taking into account the site’s characteristics, quality of buildings, and existing or potential market demand; or

use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or

an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council’s regeneration agenda.”

Policy CS11 – Transport

Dealing with transport issues in new development

“Development proposals should demonstrate that they have been designed to:

- Reduce the need to travel.*

- *Promote sustainable forms of transport appropriate to their particular location and related to the uses and users of the development.*

In order of preference this should consider:

- *Walking*
- *Cycling*
- *Public transport*
- *Private car (development proposals which are likely to have significant transport implications will need to be accompanied by a transport assessment and travel plan to show how car-based travel can be minimised)*
- *Provide for safe and convenient access for all modes.”*

As indicated above, the locality comprises a mixture of retail and commercial to the south plus a recently constructed drive-thru Costa. The docks and storage facilities lie to the western side of Edward Benefer Way, with the other historic oil storage and distribution facility on the traffic-lit junction with Estuary Road. Policy CS10 encourages the retention of employment uses.

The former use of the site was indeed commercial which is similar to that presently proposed and falling into Use Class category B8 – storage.

The principle of the development is therefore considered to be acceptable substituting one commercial use for another, and accords with Policy CS10 of the Core Strategy, subject to compliance with other policy requirements. It would also constitute sustainable development within the defined area of the town in accordance with Policies CS03 and CS08 of the Core Strategy and Policies DM1 & DM2 of the SADMPP.

Whilst the Civic Society's views are noted, this proposal would not prevent future development of the site for residential purposes, but that would require separate planning permission. Each application has to be determined on its own planning merits.

Impact upon neighbour amenity

Policy DM15 – Environment, Design and Amenity

“Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development.

Proposals will be assessed against a number of factors including:

- *Heritage impact;*
- *Overlooking, overbearing, overshadowing;*
- *Noise;*
- *Odour;*
- *Air quality;*
- *Light pollution;*
- *Contamination;*
- *Water quality and*
- *Visual impact.*

The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Development proposals should demonstrate that safe access can be provided, and adequate parking facilities are available.”

Initial concerns raised by CSNN at the pre-app stage related to unrestricted use of open storage yards in the northern portion of the site directly adjoining residential dwellings on St Edmundsbury Road. The container storage use has now been reduced to be contained within the hard surfaced element of the site.

The original application proposed to have 1000m² of storage and construction/modification of modular storage units plus a canopy situated towards the eastern boundary of the site. In response to CSNN concerns, the applicant has now removed this element from the application and the containerised self-storage is only now proposed. The unauthorised canopy structure is to be removed and the container modifications will cease.

The hours of operation have been negotiated to be as follows:

Monday – Saturday	6.00am – 10.30pm
Sundays	7.00am – 9.30pm

Our officers are now content that these measures would make the proposal acceptable in amenity terms and comply with Policy DM15 of the SADMPP.

Lighting within the site has been attached to the containers and is focussed internally to serve users/visitors. Control of lighting has been requested by CSNN but given the high level of background lighting along Edward Benefer Way plus the docks, this is not considered to be necessary.

It will be noted that the Council has not received any complaints regarding amenity since the use commenced.

The proposal therefore now complies with Policy DM15 of the SADMPP.

Access and highway implications

Edward Benefer Way (EBW) is a principal route into the town and is heavily trafficked. There are two existing gateways serving the site. The southern-most now has a sliding security gate with a keypad entry system and the northern-most has been locked off and effectively closed. The improvements to the fencing will ensure that closure going forward. The Local Highway Authority (LHA) request that the existing dropped kerb provision should be raised to close off the access and support pedestrian safety. This may be secured via condition.

The layout is now such that vehicles can pull off the highway clear of the carriageway and footpath, use the keypad and enter the site. There is also a parking space to the right of the access point to allow visitors to park, turn and re-enter the highway in forward gear.

The LHA are now content with the access arrangements off EBW as per the latest submitted plans. These show appropriate visibility splays and ample parking plus turning space to serve the use within the site.

Any significant intensification of the use (additional containers etc.) would require further planning permission.

In the current format, and with the closure of the second access point, the proposal would provide safe access and not create adverse impact upon the highway network. The proposal would therefore accord with Policies CS03, CS11 and DM15 of the Development Plan.

Visual impact

As already stated above, this is a primary route into King's Lynn. There are presently open public views of the site from the road frontage and less so from St Nicholas Retail Park, but with a footpath link between the site and Home Bargains.

The containers are proposed to be arranged in lines along the southern boundary plus SE corner of the site and parallel to, but set back from, the site frontage to create screens into the site. The containers are painted blue and green denoting different sizes and are in good condition.

To improve the appearance of the site, officers have negotiated new green mesh metal fencing to replace the chain-link on the roadside boundary facing EBW.

The concreted surfacing and contamination issues preclude the effective introduction of trees and hedges as suggested by the Civic Society, however the introduction of planters within the site and parallel to the fence line are proposed to be introduced. These would contain varieties of ivy to climb up the new fencing and create a softened appearance. This would continue the natural boundary treatment to the north of the site created by established mixed hedging. This would be low-maintenance, hardy, evergreen and have ecological benefits.

These mitigation measures could be secured via condition within an appropriate timescale.

Solid boundary treatment was considered but the perpetuation of the hard edge to the docks' storage area was dismissed as the street scene on the eastern side of EBW is more open and natural.

The introduction of peripheral hard and soft landscaping alongside EBW would mitigate and improve the appearance of the commercial site to an acceptable degree. This would not create an adverse impact upon the character and appearance of this locality and would accord with Policies CS08 and DM15 of the Development Plan.

Flood risk

The site lies within Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment, and also within the Environment Agency's Tidal Hazard Mapping Zone.

This is a Class B8 use proposed which for flood risk purposes is classed as 'less vulnerable' and compatible within FZ3a (according to the compatibility table contained in the NPPG).

The Environment Agency have undertaken flood modelling should there be a breach in the river defences and this entire site may flood between 0.25 – 2m in depth (majority of site between 1-2m). The containers are mounted on concrete blocks and the applicant proposes to link/bolt the containers together into blocks which would negate concerns about being swept away. The EA raise no objection subject to these mitigation measures being introduced. This can be secured via condition.

The proposal accords with Policy CS08 of the Core Strategy.

Any other matters requiring consideration prior to determination of the application

Contamination

From previous applications on this site, it is evident that it contains high levels of contamination due to its former use. However, the use presently is contained within the 'capped' area of the overall facility.

The use for self-storage purposes would not require breaches of the concreted area. And indeed, a new fence line to the northern boundary to contain the use, could be installed using meta-posts to avoid undue disturbance of the subsoil.

The proposal therefore accords with Policy CS08 of the Core Strategy and DM15 of the SADMPP.

Ecology

Approx. half of the overall depot site is designated as a site of Open Mosaic Habitat. Open mosaic habitats can be extremely diverse, including such wide-ranging sites as railway sidings, quarries, former industrial works, slag heap, bings and brick pits. Brownfields with open mosaic habitats show evidence of previous disturbance, either through soil being removed or severely modified by previous use, or the addition of materials such as industrial spoil, with spatial variation developing across the site. The resultant variation allows for a mosaic of different habitats to be supported in close proximity. This habitat diversity can support rich assemblages of invertebrates, which has led to 'open mosaic habitats on previously developed land' being added to the UK Biodiversity Action Plan (UK BAP) as a Priority habitat listed on Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act).

This proposal excludes the habitat site which is the open/natural area to the northern half of the overall site. As stated above a fence line is to be added to the northern boundary of the site to contain the use and prevent encroachment into that area.

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

A Screening Opinion was produced in relation to Environmental Impact Assessment Regulations at the pre-app stage on the much larger site area than currently considered. EIA is not required.

The proposal therefore accords with Policy CS12 of the Core Strategy.

Surface Water Disposal

The method of surface water disposal has not changed and the IDB raise no concerns. Advice on byelaw issues is offered. The proposal therefore accords with Policy CS08 of the Core Strategy and DM15 of the SADMPP.

CONCLUSION

This application seeks to continue a commercial use on what has historically been a commercial site. The principle of the development is therefore considered to be acceptable substituting one commercial use for another, and accords with Policy CS10 of the Core Strategy, subject to compliance with other policy requirements. It would also constitute sustainable development within the defined area of the town in accordance with Policies CS03 and CS08 of the Core Strategy and Policies DM1 & DM2 of the SADMPP.

Whilst the Civic Society's views are noted, this proposal would not prevent future development of the site for residential purposes, but that would require separate planning permission. Each application must be determined on its own planning merits.

The introduction of peripheral hard and soft landscaping alongside Edward Benefer Way (primary route into town) would improve the appearance of the commercial site to an acceptable degree. This would negate any adverse impact upon the character and appearance of this locality and would accord with Policies CS08 and DM15 of the Development Plan.

The operation of the site may be controlled to ensure that the amenities of neighbouring properties in the locality are protected in accordance with Policy DM15 of the SADMPP.

All other technical issues may be secured via condition and there are no objections from technical consultees.

The application complies with the provisions of the NPPF, Policies CS01, CS03, CS08, CS10, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15 & DM17 of the SADMPP (2016). The proposal is therefore duly recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

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

- 1 Condition: The development is hereby permitted in accordance with the following approved plans: 20 031956 001 B & 20 031956 104 C.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The premises shall be used as a secure self-storage facility and no other purpose, including any use within Class B8 of the Town and Country Planning (Use Classes) 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 2 Reason: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use otherwise permitted by the above-mentioned Order could be detrimental to the amenities of the locality and have access/highway implications contrary to Policy DM15 of the SADMPP (2016).
- 3 Condition: The site shall accommodate no more than 48 full-sized containers/units, 16 half-sized containers/units, 16 quarter-sized containers/units and 2 utility storage units as per the approved plan (Drawing no. 20 031956 104 C).

- 3 Reason: To define the terms of this permission as an increased number of units could be detrimental to the amenities of the locality and have access/highway implications contrary to Policy DM15 of the SADMPP (2016).
- 4 Condition: The premises shall only be used between the hours of 6.00am and 10.30pm Monday to Saturday, and 7.00am to 9.30pm on Sunday unless otherwise approved in writing by the Local Planning Authority.
- 4 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy DM15 of the SADMPP (2016).
- 5 Condition: Within 3 months of the date of decision, the following shall be implemented/completed as per the approved plan (Drawing no. 20 031956 104 C) and thereafter maintained:
- Planters installed and planted with varieties of ivy;
 - Hard landscaping cobble setts laid adjoining access point;
 - Replacement wire to fencing completed along Edward Benefer Way frontage; and
 - 1.2m high post and rail timber fence erected along northern side of the site.
- 5 Reason: To define the terms of this permission and to ensure that mitigation measures are implemented and maintained in the interests of the visual amenity of the locality and to accord with the NPPF and Policy DM15 of the SADMPP (2016).
- 6 Condition: Within 3 months of the date of this permission, the containers shall be linked/bolted together in blocks as per correspondence from the agent dated 08 September 2023 and thereafter maintained in that condition.
- 6 Reason: To mitigate against flood risk and to accord with the provisions of the NPPF and Policy CS08 of the Core Strategy (2011).
- 7 Condition: Vehicular access to and egress from the adjoining highway shall be limited to the access shown on Drawing No. 20 031956 104 C only. Any other access or egress shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority and completed within 6 months of the date of this decision.
- 7 Reason: In the interests of highway and pedestrian safety in accordance with the provisions of the NPPF and Policy DM15 of the SADMPP.



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 27 September 2022

Appeal ref: APP/V2635/C/22/3298588

Land north east of St Nicholas Business Park, Edward Benefer Way, Kings Lynn, Norfolk, PE30 2HW

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
- The appeal is brought by Mr Steven Layn (1st Self-Storage Ltd) against an enforcement notice issued by the Borough Council of Kings Lynn & West Norfolk.
- The notice was issued on 30 March 2022.
- The breach of planning control as alleged in the notice is "Without planning permission, the unauthorised change of use for self-storage and open storage compounds and associated development".
- The requirements of the notice are: i) Permanently cease the self-storage ii) Permanently remove the self-storage units/containers on the site. iii) Permanently remove bases, kiosks, and paraphernalia associated with self-storage use. iv) Restore the land to its former condition."
- The time period for compliance with Step 1 is "6 weeks from the date this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellant's appeal is that he requires more time to comply with the requirements of the notice as he will need to find an alternative site for the storage units and the electronic gates will need to be dismantled by specialist contractors. He also contends that he will need time to make the appeal site secure again by installing a new entrance and fencing. Therefore, he suggests that the compliance period be extended to 12 months. While I acknowledge the appellant's reasons for requesting more time, I am also mindful that more than 4 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellant will effectively have had more than 5 months to seek out an alternative site and to arrange the removal of the electric gates and installation of new ones. I consider this period to be reasonable and am not convinced there is good reason to extend the compliance period further. The ground (g) appeal fails accordingly.
2. However, while I am dismissing the appeal, should the appellant experience any genuine difficulties in meeting the compliance deadline, it will be open to him to submit a further request to the Council to use their powers under section

173(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

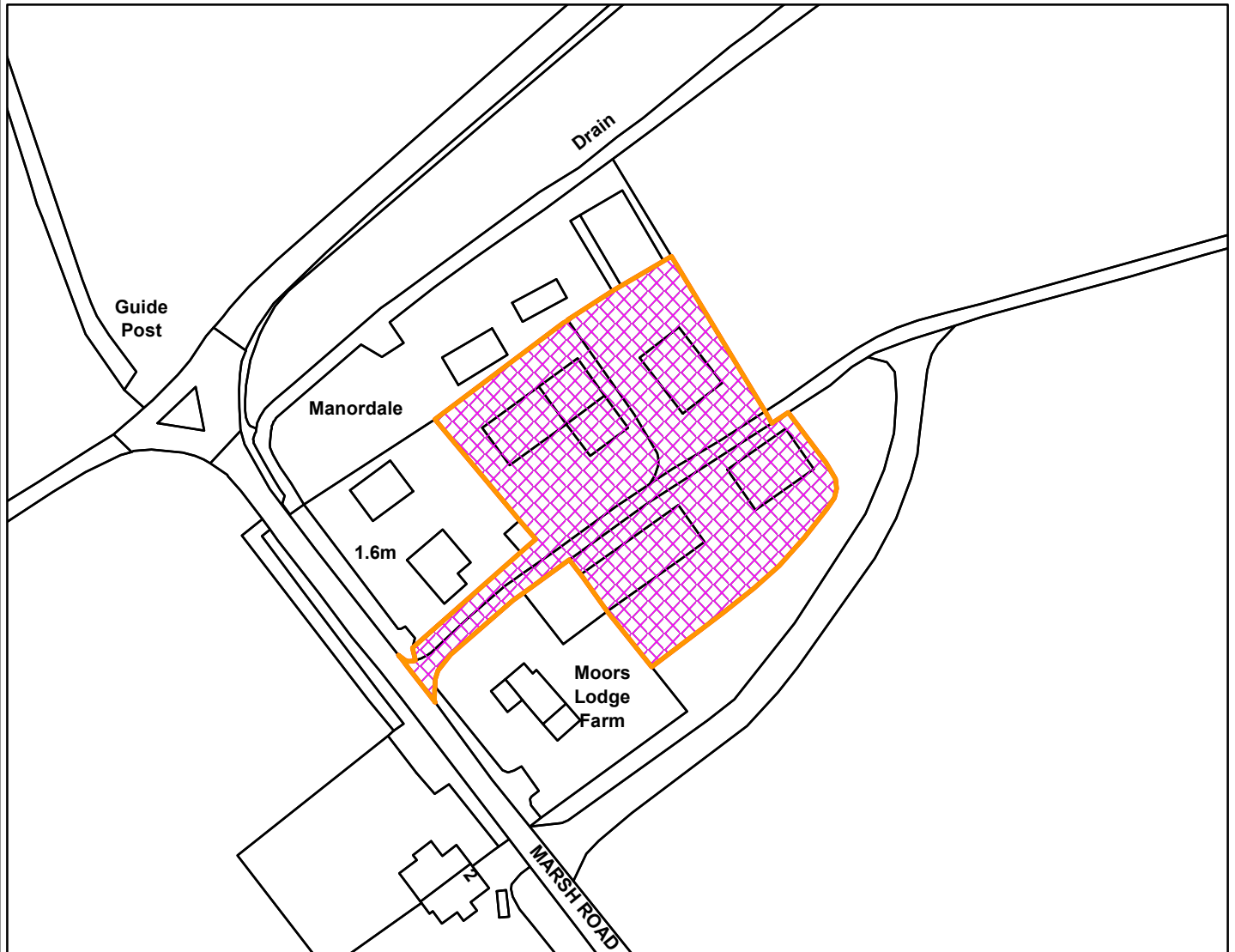
Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee



Beaupre Barns Marsh Road PE14 8BN



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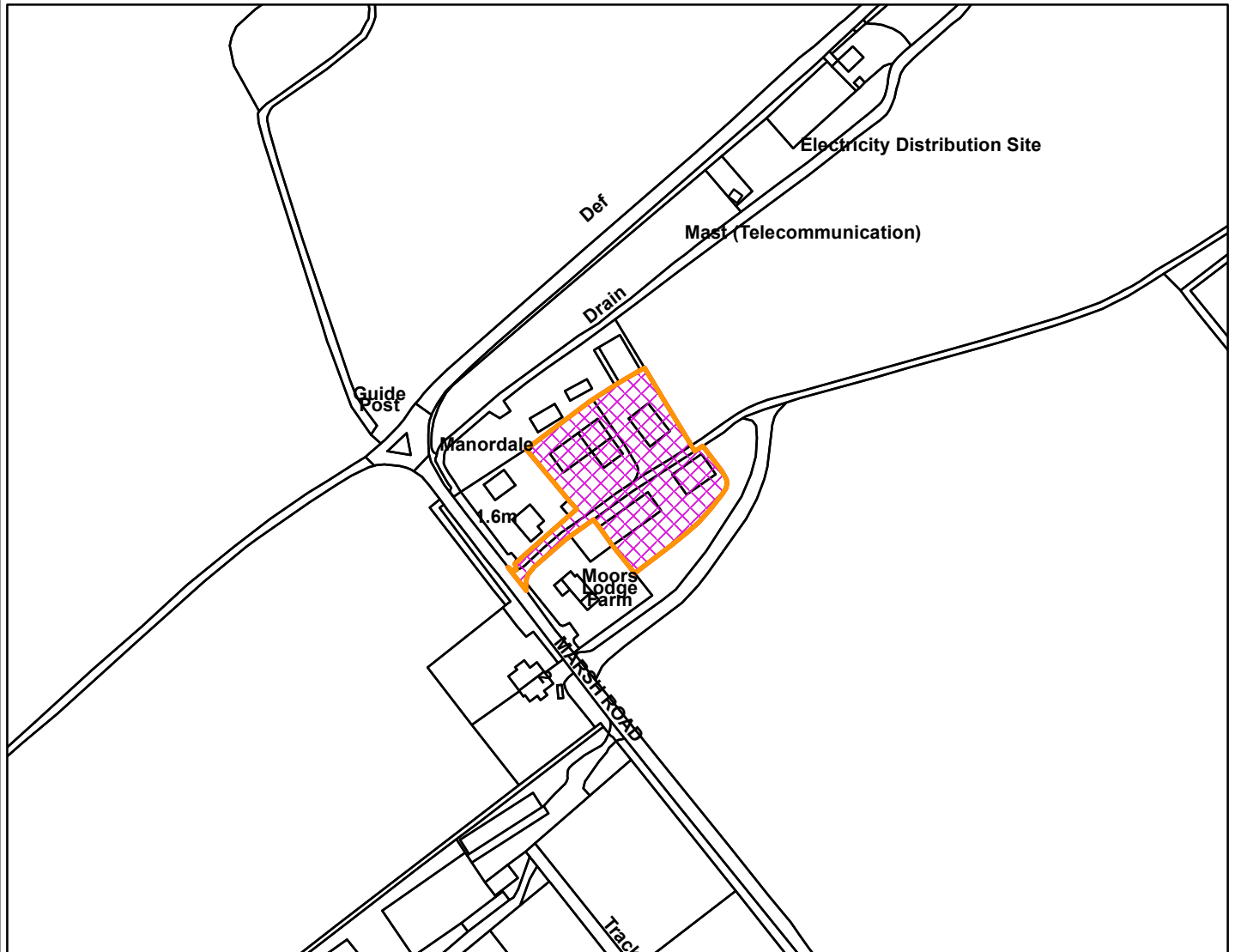
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Organisation	BCKLWN
Department	Department
Comments	
Date	22/11/2023
MSA Number	0100024314



Beaupre Barns Marsh Road PE14 8BN



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Organisation	BCKLWN
Department	Department
Comments	
Date	22/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/2(e)

Parish:	Outwell	
Proposal:	Change of Use of Existing Agricultural Buildings to Residential Dwellings (part retrospective) including standing of temporary static caravans during construction work	
Location:	Beaupre Barns Marsh Road Outwell WISBECH PE14 8BN	
Applicant:	Mr and Mrs P Johnson	
Case No:	23/00540/F (Full Application)	
Case Officer:	Bradley Downes	Date for Determination: 11 July 2023 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – At the discretion of the Executive Director for Planning

Neighbourhood Plan: No

Case Summary

The proposed development is for conversion of the two barns on site to residential dwellings. Material operations have commenced on site including installation of cesspits and removal of roof material, hence the application is part retrospective. The proposal includes siting of temporary mobile homes while the development is carried out. Prior approval has previously been granted under the provisions of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to convert each of the barns to residential use. Despite partial implementation of these applications, they have now expired as development is not substantively complete within the required three year period. The site is approximately 1.2km away from the main built-up edge of Outwell and lay outside the development boundary as defined the SADMPP 2016.

Key Issues

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

Recommendation

REFUSE

THE APPLICATION

The proposed development seeks permission for change of use and conversion of the two barns on site to residential dwellings. Material operations (foul drainage and roof covering removed) have commenced on site between September 2022 and February 2023, hence the application is part retrospective.

Prior approval has previously been granted under 19/01745/PACU3 and 19/01746/PACU3 to convert each of the barns to dwellings under the provisions of Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Paragraph Q.2(3) of Class Q states that development is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date. As the prior approval applications were granted on 19th November 2019, the effective expiry date for completion of the conversions was 19th November 2022.

The proposals also include siting of 4 temporary mobile homes until the development is completed and habitable. The site is approximately 1.2km away from the main built-up edge of Outwell and is outside the development boundary. The application site has historically been used for agriculture since the buildings were constructed in the 1950s. The site contains two other barns within the ownership of the applicants which together with the application barns, have historically have been used for general purpose storage including machinery. The site is accessed via a short driveway in between two unassociated residential dwellings to the south-west.

PLANNING HISTORY

23/00305/PACU3 & 23/00306/PACU3: Applications Withdrawn: 22/03/23 - Notification for Prior Approval: Change of use of Agricultural Buildings to Dwellinghouse (Schedule 2, Part 3, Class Q)

19/01745/PACU3 & 19/01746/PACU3: Prior Approval - Approved: 19/11/19 - Prior Notification: Change of use of agricultural building to a dwelling house

19/00918/F: Application Permitted: 05/07/19 - New agricultural access on to Marsh Road and roadway to serve farm buildings - Land Adjacent, Moors Lodge Farm, Marsh Road, Outwell

SUPPORTING STATEMENT

The following statement has been provided by the agent

The applicants see this barn complex as an appropriate sounding in which to provide a secure home for Mr and Mrs Johnson in the South Barn, and their daughter and her partner in the North Barn. They are at different stages in life with Mr and Mrs Johnson now retired, and looking at this as a retirement project, with their daughter looking at this as a future long-term home for her, her partner and young family.

In reaching this stage, the applicants have endured a long, stressful process, however the matter has to be addressed regarding, what the planning department see as Policy conflicts under Core Strategy CS06, in particular 2 items. Namely, conversion to residential use will only be considered where:

1. 1 - The existing building makes a positive contribution to the landscape;
2. 2 - The building is easily accessible to existing housing, employment and services.

Item 1 – The existing building makes a positive contribution to the landscape

A question to raise over that statement. Doesn't it look at the wrong end of the application process? It is understood that control is needed in development, however should it not be the end product that is assessed, not the existing?

The applicant(s) (and the previous applicant) have recognised the footprint of the existing buildings as something which can be converted into 2 modest, appropriately scaled dwellings, whilst from an environmental perspective, the buildings' fabric is unsuitable (asbestos roof covering). Modern building materials can replace such old materials, and due to current Building Regulatory requirements in terms of fabric insulation, it is seen as an ideal time to increase the suitability of all elements of the fabric of the building. This of course provides for more energy efficient building(s) for the applicant and provides a degree of additional noise reduction for the immediate neighbour/local community and wider environment. The existing building clearly has/had no architectural/historic merit with the conversion providing a more aesthetically pleasing feel to the area. It is seen as not providing any dominance to the road frontage as it is set back from the highway, ample parking can be provided within the site boundary, with any vehicle being able to enter, turn and egress in a forward gear.

If permission is declined, what would the future of the buildings be? Left to become dilapidated/or left to ruin. Any future use will of course make the area worse off than before, because it is still private property which the applicants would have the right to sell. So, the only buyers will be people who can use it for vehicle storage, or storage of containers of various forms, or even old machinery. This means that most likely within 2 years of this potential refusal this land will become more derelict, it will have been sold and most likely there would be increased vehicle movement to and from the site (the existing access is positioned between 2 existing residential properties) with vans, trailers or even agricultural machinery.

It is seen that the proposal does not adversely affect the local amenity, in terms of appearance they will become more aesthetically appealing buildings from that which exist (on the same footprint). The proposal clearly represents a substantial improvement in terms of design, there can be no dispute about the improvement that the proposal will have therefore addressing para 1 of CS06.

Item 2 - The building is easily accessible to existing housing, employment and services

In terms of the remote location, this is Norfolk. It could be argued that all locations (with the exception of towns) are remote. It is lacking in the infrastructure of the county as a whole that makes this policy difficult to be fulfilled. ALL properties are served by cars, this proposal being no exception. Adjoining properties to the site exist, again served by cars, and it should be recognised that travel by car is, and will still be an essential option for many people in rural areas. If sustainability is considered, then vehicle charging points could be included within the scheme.

Paragraph 7.4.12 of KLWN Core Strategy states that *"the rural nature of the borough means that the car will remain the key transport method for many people. The isolated nature of rural areas makes it difficult to promote or adopt more sustainable methods of transport. Improving communications technology, particularly access to high speed internet connections and broadband will allow people in rural areas to access some services, or even work at home, reducing the need to travel by car. In the long term, promoting behavioural*

change such as car sharing, as well as facilitating opportunities to operate from home will reduce the frequency of car usage”.

The buildings are easily accessible to existing housing, employment and services and are in a wonderful semi-rural village location with fields to the rear and neighbours to the front including a terrace of neighbours opposite. The proposal is approximately 1500m from the main Wisbech Road that runs through Outwell village, from which there is a 6 day (Monday – Saturday) bus service.

By implementing a remoteness aspect to any application such as this, is there an inference that Local Authorities are forcing applicants to move to village/town centres to intensify current village/town housing? Not everyone wants to live in that village/town centre situation.

Conclusion

This application has subsequently been recommended for refusal by the planning officer, however I, and the applicant(s) feel that there is disparity between planning application procedures in that the same work can receive ‘approval’ in 2019, and yet a potential refusal in 2023. It should be noted that there has been no change to planning policy in that period of time, just treatment in application of the submissions.

It is therefore considered that the recommendation of refusal of planning permission is considered to be unfounded in this case, therefore ask that the application is considered favourably.

RESPONSE TO CONSULTATION

Parish Council: NO RESPONSE

Local Highway Authority: NO OBJECTION

Given previous use of the site and previous permissions to convert the barns, I believe it would be difficult to substantiate an objection. However, it is disappointing that the site is not accessed from the access provided for the site under planning ref: 19/00918/F

IDB: NO OBJECTION

Land drainage consent may be required.

Environmental Quality: NO OBJECTION

The applicant has provided a screening assessment stating no known contamination. Comments mention the removal of asbestos from the barns after their purchase in 2022. The applicant has provided waste transfer notes evidencing the safe disposal of the asbestos material by DEM Waste Management Ltd. The applicant has also provided an air monitoring certificate by Specialists Asbestos Services to evidence the precautions while undertaking works and that the air quality testing regarding asbestos fibres was satisfactory. Lastly, the applicant has submitted a document by Oakmere Contract Services confirming that all materials have been removed as stated.

The information submitted does not indicate the presence of significant land contamination. However, the long history of agricultural use means it's possible some unexpected contamination could be present. Therefore, the unexpected contamination condition is recommended.

Emergency Planner: NO OBJECTION

Occupier should sign up to EA flood warning system and a flood evacuation plan should be prepared.

REPRESENTATIONS

FIVE letters have been received by third parties, **TWO** stating **NO OBJECTION** and **THREE** raising **OBJECTIONS**. The **TWO** comments stating **NO OBJECTIONS** make the following points:

- The site plan shows vegetation on both sides of the access, but Moors Lodge Farm has access through where vegetation is shown.
- Would like assurances that no commercial use will be carried out. Would object to any commercial or business.
- Site address 'Moors Lodge Farm' is incorrect as that is a neighbouring property.

The **THREE** letters received with **OBJECTIONS** raise the following concerns:

- Asbestos materials removed with lack of compliance to standards.
- Concerned that asbestos fibres litter the site and are in the air.
- Number of trees have been removed. One felled tree damaged neighbouring property.
- Connection to services including electricity has been haphazard.
- Two large septic tanks have been delivered to the site, which seem in excess of what would be needed for a dwelling with two people.
- Applicant has allegedly damaged bank of nearby watercourse by placing dam across, putting stakes, planting trees and cutting stairs. Could affect surface water drainage.
- Proposed caravans for temporary occupation have already been occupied for 12 months.
- Would like assurance caravans are removed once conversion is completed and not left in place or used as holiday let.
- There is a commercial garage in operation from one of the barns.
- Work has commenced without proper permissions in place.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

Principle of development
Form and character
Impact on neighbour amenity
Highway safety
Contamination
Any other matters requiring consideration prior to determination of the application

Principle of Development:

The proposed development is part retrospective for conversion of the two barns on site to two separate residential dwellings. Previous prior approval permitted development applications for residential development of the site 19/01745/PACU3 and 19/01746/PACU3 have expired as of 19th November 2022 and are therefore no longer considered to hold any significant weight.

For clarity, prior approval permissions under Class Q are subject to Condition Q.2(3) which sets out the time limit within which development must be complete as follows:

Paragraph Q.2(3) – “Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date”.

Development under Class Q(a) is comprised solely of the change of use of the buildings to dwellings. Class Q(b) comprises the building operations that are reasonably necessary for the conversion to residential use to be carried out. The condition requires that both parts of the development must be **complete** within 3 years.

According to the information submitted with this application, the applicant moved onto the site approximately August 2022, living in static caravans. They state that development commenced before the expiry of the Prior Approval applications on 19th November 2022 in the form of fitting septic tanks and performing minor structural repairs to the buildings. Evidence has also been provided to demonstrate that the asbestos sheeting roofs were removed in February 2023. Regrettably these works appear to have taken place after the time limit within which development must otherwise be **complete**. The applicant has stated that unfortunately they were not aware of the time limit for completion of development imposed on the Prior Approval permissions.

The development carried out so far (installation of septic tank and removal of the roofs) is not considered to be at a stage sufficiently completed to consider the use of the buildings as dwellings has commenced. While the applicants occupy the site in mobile homes, this does not constitute a completion of the conversions, or indeed a commencement of the residential use of the buildings themselves. Subsequently, development under Class Q(a) and Class

Q(b) has not been completed within 3 years as required by the condition set out in Paragraph Q.2(3). The Council is aware that some unauthorised development has recently been undertaken to re-instate roofs to the buildings, but this can be considered a separate planning enforcement matter and is not considered a relevant material consideration to this planning application.

New prior approval permitted development applications were submitted (ref: 23/00305/PACU3 and 23/00306/PACU3). Officers are of the view that as work to convert the buildings has already started, then no further permitted development prior approval applications could be considered. Consequently, a full planning permission would be required. This is because condition Q.2(1) of Class Q states:

Paragraph Q.2(1) - *"development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required"*.

Fundamentally, as development has already commenced, it is considered the site no longer benefits from permitted development rights under Class Q as the site would fail to meet the requirement of condition Q.2(1) that a prior approval application has to be made **before** development commences. Therefore, the site would not be eligible for future permitted development under Class Q. This approach was upheld in the High Court in *Winters v SoSCLG 2017* where the judge upheld the view of the planning appeals inspector that *"Prior approval cannot be granted in respect of works that have already commenced"*. The inspector concludes in their decision that *"The proposal does not therefore amount to permitted development"*.

Since the previous prior approval applications have expired without substantial works having taken place to complete the conversion of the buildings, it is considered the site does not benefit from any fallback position for residential development. Furthermore, the site no longer meets the requisite conditions to be eligible for Class Q permitted development rights. As such, it is highly improbable that a future prior approval application could be granted on the site. In the absence of any fallback position, the determination of the application must be made in accordance with the Development Plan.

Applications for prior approval under permitted development rights have very different considerations when compared with the determination of a full planning application. A prior approval application can only consider specific matters such as design and appearance, highway safety and flood risk. Whereas for full applications the Local Planning Authority are required to consider all relevant material considerations including matters which may have previously benefitted from the permitted development right but would otherwise fail when subject to the rigour of a full planning application.

The site lies in the countryside where Policy DM2 states that development will be more restricted and limited to that identified as suitable in rural areas in other parts of the Development Plan. Policy CS06 allows for the conversion of buildings to residential use in rural areas when certain criteria are met. It states Conversion to residential use will **only** be considered where:

The existing building makes a positive contribution to the landscape;
a non-residential use is proven to be unviable;

The accommodation to be provided is commensurate to the site's relationship with the settlement pattern; and

The building is easily assessable to existing housing, employment and services.

Rural areas are protected for their own intrinsic value and character, as such development is only approved in rural areas in rare circumstances. The aim of Policy CS06 is to protect and

maintain the character of rural areas in line with the overarching aims of the NPPF (2023), supporting sustainable patterns of development and the sustainable development of rural areas. Paragraph 174 of the NPPF recognises the intrinsic character and beauty of the countryside and supports the protection of the countryside.

Those rare circumstances where policy favours development in rural areas includes Policy CS06 set out above, but also Paragraph 80 of the NPPF which supports conversion of redundant buildings to residential use and Paragraph 120 of the NPPF states that decisions should support the development of under-utilised buildings.

Policy CS10 of the Core Strategy 2011 is also relevant. It sets out that in rural areas, the strategy will be to retain existing employment sites unless it is demonstrated that continued use for employment purposes is no longer viable, gives rise to unacceptable environmental problems or a mixed use would offer greater benefits.

The application site has historically been used for agriculture since the buildings were constructed in the 1950s. The buildings have been used for general purpose storage and machinery. As of late 2018, the buildings have been deemed redundant as they are no longer required for the operation of the agricultural holding. An alternative agricultural access was granted to the south of the site in 2019 so that agricultural machinery could still access the fields to the rear. The original site access is retained for use by the current occupants, which lies in between two un-associated residential dwellings to the south-west. This close relationship with the residential neighbours limits the potential for alternative commercial uses of the site. As such, it is considered the requirements of Policy CS10 and bullet point 2 of the requirements in CS06 set out above have been met.

The buildings are constructed with red brick to the walls and have a traditional utilitarian rural appearance. However, they are not considered to have any significant architectural merit and are not considered to have any substantive positive impact on the wider landscape. Therefore, the proposal does not meet the first bullet point of Policy CS06.

The site is approximately 1.2km away from the main built-up edge of Outwell, with limited public transport provision and not easily accessible to employment and services. As such it is considered the fourth bullet point of Policy CS06 is also not met.

In terms of precedent, a similar application ref: 21/00302/F was considered approximately 1km to the south west of the site for the conversion of a barn on Hall Road, Outwell. These barns were also in a poor state of repair and the officer report does not comment on whether the buildings were considered to have a positive impact on the landscape. However, this building was located immediately adjacent the development boundary of Outwell and read as part of the settlement. It was considered in this case that as the site was located at the edge of the settlement it was well-located for future residents to access services and employment in the key rural service centre of Outwell and Upwell. Ultimately the proposed conversion was approved as a delegated decision as the planning balance weighed in favour of the proposal.

In contrast, the currently proposed site lies further into the countryside and cannot be reasonably considered adjacent the settlement of Outwell. There is no public transport or footpath provision that serves the site and therefore it does not benefit from easy access to employment and services. It is development in these locations which the Development Plan seeks to steer away from.

As set out above, the proposed development does not benefit from a fall-back position by virtue of Prior Approval under Class Q having expired and no further Class Q permitted development being eligible. Following the above, it is considered the principle of conversion

of the existing buildings to the dwelling is not in accordance with Policy CS06 of the Core Strategy 2011 and Policy DM2 of the SADMPP 2016. While the NPPF is more broadly in favour of the re-use of existing buildings in the countryside, it is considered this case represents unsustainable residential development in the countryside due to the conflict with the development plan.

Form and character:

The proposed conversions retain the majority of the existing buildings but include the replacement of the roof and insertion of new fenestration to the elevations. The dwellings would be single-storey in height. Proposed materials include plastisol coated roof sheets in dark grey, and anthracite grey upvc windows. The previous asbestos roof sheets have already been removed from the buildings. The site is well screened from wider view. Overall, it is considered the proposed conversions will not have any significant adverse impact on the character and appearance of the area.

There are currently 4 mobile homes on site which are occupied by members of the family intending to occupy the proposed dwellings. One of the mobile homes is situated within the curtilage of the buildings, while the other 3 mobile homes are located elsewhere within the former yard. These mobile homes are currently unauthorised. In the event of an approval of this application, with the exception of the single mobile home that is situated within the curtilage, the three remaining mobile homes would need to be removed from the site once the dwellings are habitable. For the avoidance of doubt, any such decision should be conditioned to ensure that details of the mobile homes are provided and that they are removed in a timely manner and the land reinstated when they are no longer required. Notwithstanding, permission is recommended for refusal due to fundamental issues with the principle of development.

Impact on Neighbour Amenity:

The proposed dwellings would not have any significant overbearing or overshadowing impact on the neighbouring dwellings to the south-west as the scale of the buildings is remaining the same. There are proposed windows at ground-floor level on the south-west elevation in both the north and south barns which would face towards the neighbours Manordale and Moors Lodge Farm respectively. The north barn is situated approximately 5.3m away from the boundary with Manordale, while the south barn is approximately 2m away from the boundary with Moors Lodge Farm. The boundary alongside the north barn is a 1.8m timber fence with an approx. 2.5m hedgerow under the applicant's control on their side of the fence. The boundary treatment alongside the south barn is a 1.8m timber fence.

It is considered the proposed dwelling to the north of the site would have its views sufficiently screened by the vegetation within the applicants control and the gap of 5.3m is sufficient such that the proposed ground floor windows would not have any significant overlooking impact. The single ground floor bedroom window on the south-west elevation of the south barn would only be slightly screened by the 1.8m fence along the boundary. However, it is considered this ground floor window would not result in any significant detrimental overlooking impact on Moors Lodge Farm sufficient to warrant refusal. No other windows within the proposed development would face towards any neighbouring private amenity space.

It is considered there is sufficient front to front distance of approximately 25m between the two barns that they would not have any significant adverse window to window relationships. As the site lies in Flood Zone 1, raised finished floor levels are not required as part of the scheme which may otherwise impact on overlooking. Overall, it is considered the proposed

conversions would not have any significant adverse impact on residential amenity in accordance with Policy DM15 of the SADMPP 2016.

Highway Safety:

The Local Highway Authority has brought attention to a separate access approved under 19/00918/F. This access is owned separately from the site and was approved to serve the fields to the rear. The existing access for the site is well established and runs between the neighbouring properties to the west. It is considered this access point is sufficient to serve the proposed dwellings and it would not be reasonable to insist the other access is utilised. In any case, the Local Highway Authority do not object to the development and it is considered the proposed conversions would not have any significant adverse impact on highway safety in accordance with Policy CS11 of the Core Strategy 2011 and DM15 of the SADMPP 2016.

Contamination:

Third party representations have raised concern with the way that asbestos containing materials may have been handled on site. The asbestos that was removed from the barns is supported by evidence that demonstrates it was handled in a responsible way. The Environmental Quality team has examined the information and does not consider there to be any significant land contamination issues. However, due to the historic use of the land and buildings for agriculture, the unexpected contamination condition would be recommended in the event of an approval.

Other matters requiring consideration prior to the determination of this application:

The site address previously referred to 'Moors Lodge Farm'. With the agreement of the agent, this was changed to 'Beaupre Barns' to avoid confusion.

Third party comments raise concern with alleged or potential commercial activities from the site. The planning application is only concerned with the residential conversion of the barns. No commercial activity is proposed or assessed as part of this application. An enforcement case is on-going as a separate matter in respect of the alleged breaches of planning control.

Any damage to neighbouring property while carrying out the proposed development or any issues that arise while connecting to services such as electric and water supply are not material planning considerations and should be dealt with as a civil matter or with the service providers.

A third party comment raises concern with the delivery of 2 septic tanks for a dwelling for two people. The proposed development is for two separate dwellings, each would be capable of occupation by more than two people. It is therefore considered the septic tanks are domestic in nature and reasonably required to provide foul drainage for the two dwellings and is not considered to be excessive as suggested.

CONCLUSION:

Planning law requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. It is considered that fundamentally the location of the site is unsustainable for new residential development and that the existing buildings have a limited if any positive contribution to the landscape. Officers may agree that the proposed conversions could be carried out without any significant detriment to the

character of the area or the amenity of the neighbouring occupiers. However, the proposals remain contrary to Policy CS06 of the Core Strategy 2011 and DM2 of the SADMPP 2016.

While the site had previously benefitted from Class Q permitted development rights for conversion to residential use, this fallback position no longer exists and therefore does not represent an overriding material consideration which indicates any deviation from the Development Plan should be taken in this case.

With no other material justification for the residential conversions of the barns to go ahead, then the Officer recommendation for the development is for refusal for the reason below.

RECOMMENDATION:

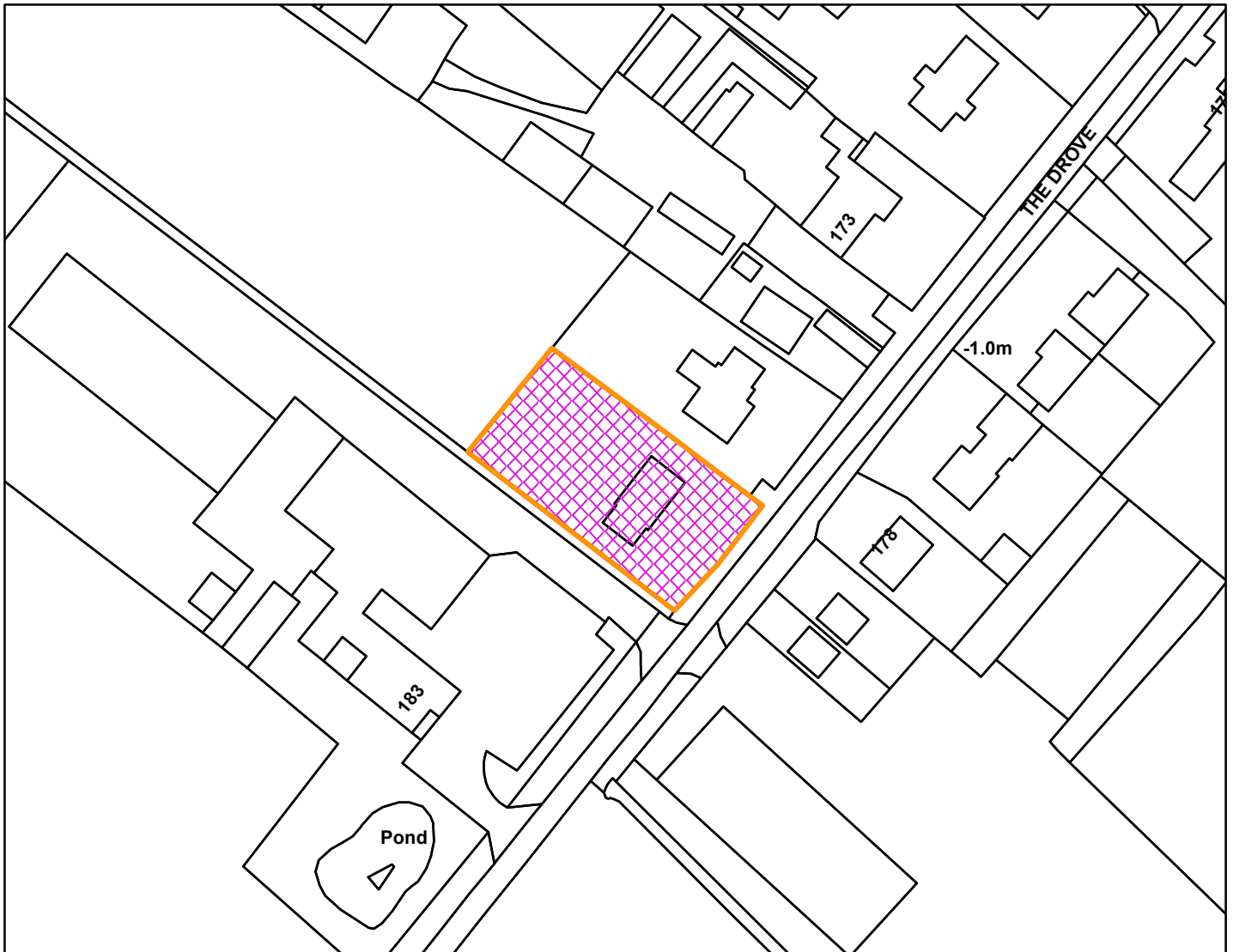
REFUSE for the following reason(s):

- 1 The site lies in the countryside and in accordance with Policy DM2 development is restricted and limited to that identified as suitable in rural areas. Policy CS06 outlines an exception where conversion of existing buildings to residential can be acceptable subject to meeting specific criteria.

It is considered in this case that the proposed dwellings would lie in an area that would not be easily accessible to services and employment and the existing buildings are not considered to have any significant positive contribution to the landscape. As such the proposal would not meet all the requisite criteria in Policy CS06 for the conversion of buildings to residential use. As such, the proposals would instead represent unjustified development of a site in the countryside and an unsustainable location for a new dwelling contrary to Policy DM2 and Policy CS06, together with Paragraphs 80 and 120 of the NPPF



179 The Drove Barroway Drove PE30 0AL



Legend	

Scale: 1:1,250

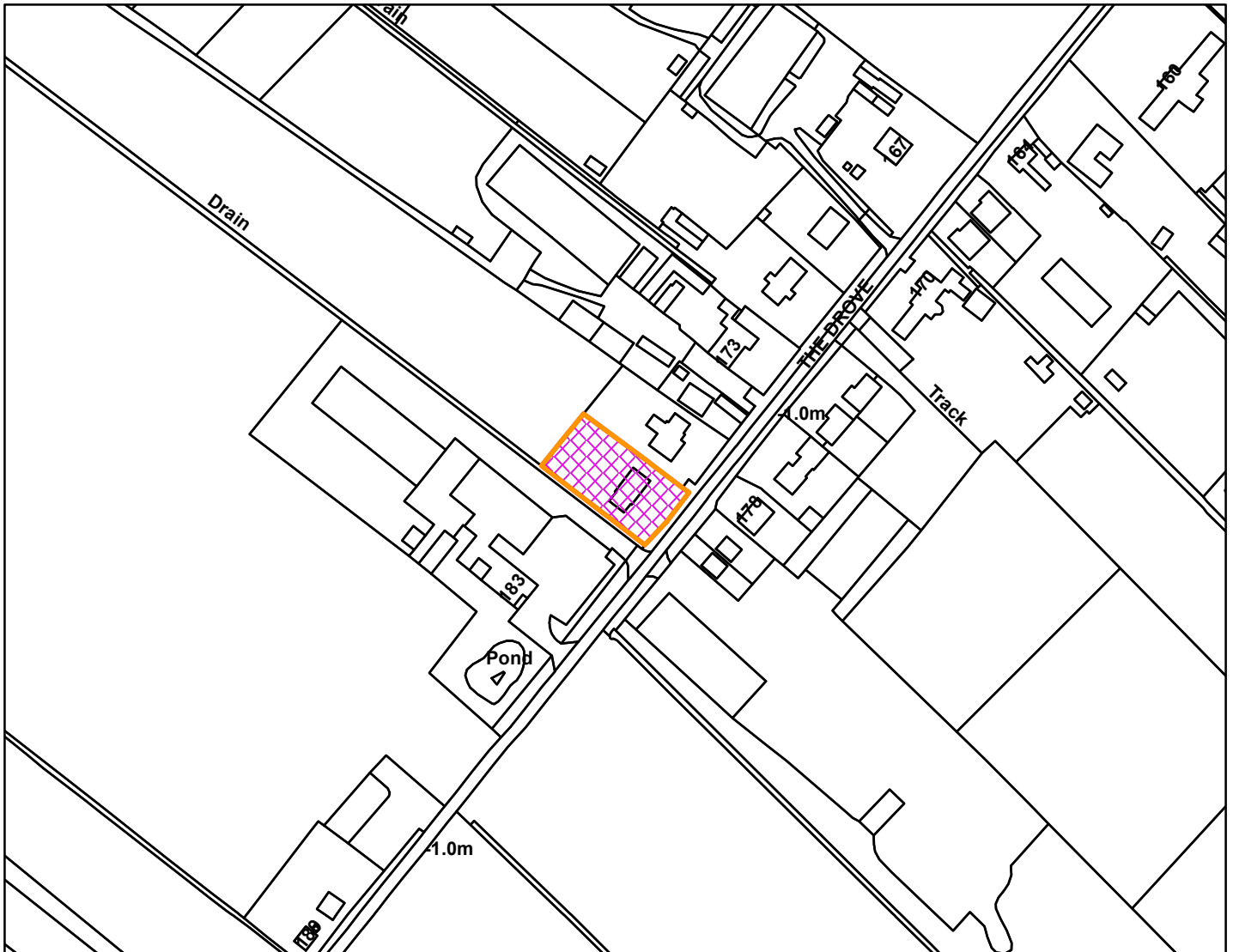
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Organisation	BCKLWN
Department	Department
Comments	
Date	22/11/2023
MSA Number	0100024314



179 The Drove Barroway Drove PE30 0AL



Legend

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Scale: 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	
Date	22/11/2023
MSA Number	0100024314

AGENDA ITEM NO. 9/2(f)

Parish:	Stow Bardolph	
Proposal:	Change of use from residential dwelling to short term supported accommodation.	
Location:	179 The Drove Barroway Drove Norfolk PE38 0AL	
Applicant:	Norfolk And Waveney Mind	
Case No:	23/01632/CU (Change of Use Application)	
Case Officer:	Helena Su	Date for Determination: 19 October 2023 Extension of Time Expiry Date: 15 December 2023

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

Neighbourhood Plan: No

Case Summary

The proposal is to change the use of a residential dwellinghouse to offer short term supported accommodation at 179 The Drove, Barroway Drove, PE38 0AL. Barroway Drove is classified as a Smaller Village and Hamlet within Policy CS02 of the Core Strategy 2011.

The application site is an existing two-storey dwelling approved under planning references 21/01056/F, 18/02168/RM, and 15/02082/O, located within the built-up settlement of Barroway Drove, approximately 397m of Barroway Drove village hall, and immediately northeast of local commercial sites. By virtue of the recent approval of the dwelling, the site is considered to be a sustainable location within a smaller village and hamlet.

Key Issues

Principle of Development
Neighbour Amenity
Form and Character
Highway Safety and Parking Provisions
Drainage

Recommendation:

APPROVE

THE APPLICATION

The proposal is to change the use of a residential dwellinghouse (use class C3) to offer short term supported accommodation (use class C5(b)) at 179 The Drove, Barroway Drove, PE38 0AL.

Barroway Drove is classified as a Smaller Village and Hamlet within Policy CS02 of the Core Strategy 2011. By virtue of the recent approval of the dwelling, the site is considered to be a sustainable location within a smaller village and hamlet.

The application is made by Norfolk and Waveney Mind, a well-established mental health charity that supports local people through their wide range of services and support programmes.

The application for a Short Stay Recovery House (SSRH) was made following the success of a similar scheme approved in South Norfolk in 2020 (known as Holly Tree House). A SSRH is a service which has been developed as part of NHS ambition to improve mental health. It operates 24 hours a week, 7 days per week, providing short term residential care in a calm and relaxing environment for those who struggle to cope with everyday life.

Users of the scheme will be those registered with a West Norfolk GP practice and living locally to the borough. The short-term accommodation does not serve people who require formal admission to an acute mental health hospital.

Lastly, the proposal is intended to serve four residents at any one time, with between two and four members of staff on the site at any one time.

SUPPORTING CASE

Planning Application for 179 The Drove, Barroway Drove (23/01632/CU) we arranged an information event on Wednesday 1st November at Barroway Drove Village Hall to meet with residents and parish councillors to talk through the proposed application for the Short Stay Recovery House. Timings 14:30- 18:30. Attendance 10x Residents including couples plus 1 Parish Councillor, Colin Rose

Residents' comments and concerns were as follows:

- Resident states they have no concerns with our plans for the house and no concerns in regards to safety, security, amenities.
- Resident was not concerned about the service we are planning to deliver, or the people who will be using the service as has their own personal experience of struggling with poor mental health.
- Resident left stating they are even more in support of us after meeting and that they will actively be encouraging local residents to support the service.
- Resident came to highlight the noise we might receive created by the traffic from local farmers especially during Harvest.
- Resident vocalised her opinion on the risks posed by people such as paedophiles, rapists and people that should be in the criminal justice system.
- Resident expressed concerns of pot holes in the road and that we would contribute to them, the traffic / if cars are parked outside the premises, the noise and the impact it might have on deliveries to businesses etc.
- Resident was concerned if late shift handover took place they would disrupt his sleep as he has to get up early for work.

- Resident concerned on the drainage issues of the property. He informed us that the pipes from 179 go under his house and these might not have been installed correctly. Along with privacy to their back garden

Norfolk Wavery Mind (NWM) Responses:

- NWM explained the quiet environment is what we create inside the service, as we can't control external noise, traffic, wherever the service will be located.
- NWM informed under no circumstances would we house people of that nature and due to our strict risk assessment process, referral policy and procedures the type of service we would be running would not happen and therefore should not be of concern.
- NWM talked about the shift patterns and reassured all staff members would be considerate and mindful around handovers, if we have security lights we will make sure they are not directed at anyone's houses.
- NWM have offered to erect fencing in the back garden and will liaise with neighbour directly to make sure he is happy with the plans.
- NWM provided reassurance, we showed the Code of Conduct and explained and provided details, including the presentations of the people we have supported since we have been operational in Norwich.

Residents and Village Hall committee members George and Jackie fully support the service and just wanted to come along and find out more about the operational running of the service.

Colin Rose Parish Councillor attended to formally object but has invited a member of NWM to attend a meeting with them as it was deemed highly useful. This has not been arranged yet.

Overall, a very positive meeting of which we received some encouraging feedback and also the local residents were pleased to have been given further clarity to appease any concerns they may have had.

PLANNING HISTORY

21/01056/F: Application Permitted: 06/07/21 - VARIATION OF CONDITION 1 for Planning Permission 18/02168/RM: to change the design of Plot 1 (Delegated)

18/01772/F: Application Permitted: 12/11/18 - Change of use of agricultural land to garden land to existing development site. (Delegated)

18/02168/RM: Application Permitted: 05/03/19 - Reserved matters application for site for construction of two dwellings. (Delegated)

17/01395/RM: Application Permitted: 10/11/17 - Reserved Matters Application: Site for construction of two dwellings. (Delegated)

15/02082/O: Application Permitted: 16/02/16 - OUTLINE APPLICATION: Site for construction of two dwellings. (Delegated)

RESPONSE TO CONSULTATION

Parish Council: No observations in favour or against.

Highways Authority: In terms of highway safety considerations only we do not have an objection to the principle of the application.

I did observe however that the vehicle access over the highway is yet to be completed as part of condition 3 of planning reference 21/01056/F and this should be completed prior to occupation of the dwelling.

REPRESENTATIONS:

TWO SUPPPORT comments:

- Welcome and support accommodation for people who need help in our community.
- Hope they enjoy living here.
- Do not see anything wrong in the change of use.

FIFTEEN OBJECT comments:

- Wanted to live in a quiet rural location. Short stay accommodation would not benefit our roads.
- Strangers coming into the village
- Invasion of privacy in a rural community
- 2-4 members of staff onsite 24 hours a day supporting residents would bring noise, traffic, light and activity throughout the day and night.
- Not clear whether residents would have vehicles
- Activity during shift change, disturbing peaceful and dark evenings and nigh times that support family routine.
- Property was not built to accommodate or support such a large number of people.
- Drainage - reliant on domestic drainage shared with a number of other properties.
- Residential driveway not designed/built to support large number of vehicles that would be parked or moving at each point.
- Barroway Drove is not an appropriate area for such a facility. It is a small village and does not have sufficient facilities or amenities to support any independence, transport, or safe walking from the site.
- Bus services in the village only run a few times a day.
- Barroway Drove is not a sustainable location given the number of staff required.
- No justification has been given as to why a rural area is favoured over a larger town.
- Not clear what supported accommodation means. Raises questions about house of multiple occupation (HMO) or Residential Institutions.
- Boundaries are not fully enclosed, there is concern that residents may inadvertently enter neighbouring businesses leading to safety issues.
- Good to meet with MIND to understand their plans.
- Lack of/insufficient infrastructure - drainage, internet, shops, public transport.
- MIND have not done anything to alleviate the local communities concerns.
- Funding of the project
- Questions about future occupants - are they trustworthy? Will they disturb the villagers (screaming/shouting etc)

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

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety and Parking Provisions
- Drainage

Principle of Development:

The application site is an approved dwelling under planning reference 21/01056/F, 18/02168/RM, and 15/02082/O, which was recently constructed. By virtue of the planning approvals, the location of the site is considered to be a sustainable location within a Smaller Village and Hamlet, being approved for residential use.

Third parties have queried the sustainability of this site for the proposed use, identifying that Barroway Drove has limited services and amenities, with limited footpath provisions in the village. The closest bus stop is approximately 274m to the northeast of the site, offering services to Downham Market and Welney on Monday - Saturday, and there is no footpath provision from the application site to the bus stop.

In a letter submitted by the applicants to the residents of Barroway Drove, Mind have explained that a rural location was chosen to provide a calm, peaceful setting to help resident's recovery. The scheme seeks to create tranquillity and respite for people who have

been through tough times to allow them to focus on their wellbeing and concentrate their mental health needs. This proposal departs from general residential use under Use Class C3 as residents will be living on the site for no more than five days in a managed environment for a short stay need, so access to local facilities and services will be limited. There is a low-level expectation or ability for residents to integrate with the wider local community. The support staff would have access to alternative modes of transport to reach the site but may have some reliance on private car use given the limited local timetable and likelihood of shift working.

Chapter 8 of the NPPF seeks to promote healthy and safe communities. Paragraph 92 and 93 states planning decisions should aim to achieve healthy, inclusive and safe places, and provide social, recreational and cultural facilities and services the community needs. The proposed short term assisted accommodation would benefit the wider community of West Norfolk, providing a safe supportive space for residents dealing with mental health struggles as they endeavour to reintegrate back into the wider community. As the proposal is not for a medium/highly secured facility, but a space to provide short term respite within the countryside, for a calm environment, the scheme is considered to have a wider public benefit for Barroway Drove and West Norfolk.

In planning terms, the site is considered sustainable within a smaller village and hamlet and as such the principle of development is generally considered acceptable in accordance with Policies CS02, CS06, and CS08 of the Core Strategy 2011 and provisions within the NPPF, subject to compliance with other policies discussed below.

Form and Character:

The application site comprises a two-storey modern sex-bedroom dwelling, with an integrated garage, situated to the northside of The Drove in Barroway Drove. The site sits in-between a residential dwelling of identical scale and appearance to the northeast and a commercial business (Accio Consult and Construct) to the southwest. No alterations to the external appearance of the dwelling and site are proposed.

Concerns have been expressed that the proposed use of the dwelling and associated activities will be out of character of the area, such as with additional vehicle movements from the staff's shift pattern. On some limited occasions, e.g. shift change over, there may be on a balance of probability, that the number of vehicular movements would be greater than that of a six bedroom dwelling. However, the overall position is that, with four members of staff attending in day shifts and limited movements from residents and visitors, that the proposals will not result in any unacceptable harm to the overall residential character of the area.

Regarding impact on form and character of the locality, impacts will be limited and in accordance with Policy CS06 and CS08 of the Core Strategy 2011 and DM15 of the Site Allocation and Development Management Policies Plan (SADMPP) 2016.

Neighbour Amenity:

Neighbours have raised anxieties related to loss of privacy, security concerns to the adjoining commercial business, traffic movements during shift changes disturbing neighbour amenity, impact on living conditions, and anti-social behaviour of future occupiers.

Given the nature of the proposed development, which is for a change of use only, there would be no overshadowing and overbearing impacts.

As there are no physical alterations to the site, impacts on overlooking to neighbours have already been considered acceptable subject to conditions. The site is defined by an

approximate 1.8m tall closed boarded fence on the northeast, northwest, and southwest boundary, and a 2m closed boarded fence to the southeast of the rear garden. Along the northeast boundary of the raised patio, an obscured glazed screening should be installed prior to occupation, which would offer more privacy to the neighbour, No 177, to the northeast. Whilst neighbours have raised concerns with the residents using the garden, the use of the garden would be the same as if the dwelling were occupied as a residential dwelling for a single household.

Concerns were raised regarding the loss of privacy due to existing boundary treatments not being fully enclosed. At the time of the site visit, the rear garden of the site was fully enclosed as mentioned above. In addition, along the northeast boundary of the neighbouring commercial business, the boundary comprises vegetation and metal fencing. The risk of security to the commercial business is considered to be minimal.

There are objections that there could be additional noise and disturbance created by the increase in vehicle movements generated by the staff. Given the level of staff proposed, it is not considered that the number of trips generated would be hugely different from a single dwelling of this scale, and while there may be times when staff are changing shifts and there are more cars on site, there is adequate room on site for parking and manoeuvring and this is considered to be acceptable and would not cause an unacceptable noise and disturbance impact.

Finally, third parties have raised concerns related to anti-social behaviour of residents. Whilst perception of fear can have an impact upon well-being, the applicants have outlined that residents would not be those who require formal admission to an acute mental health hospital. The proposal seeks to provide a calm environment to offer residents respite for up to five days. The operation of the proposed use by Mind is subject to regulatory oversight in terms of professional standards of care and security for residents. During the residents' short time at the site, they would have to follow a strict code of conduct that they will have agreed to prior to a referral being accepted. Mind have a national track record of running such facilities in a professional and appropriate manner, with suitable approval from licensing authorities, as such, the perception of harm in regard to anti-social behaviour issue limited weight in this matter.

Regarding impact on neighbour amenity, the scheme is considered to comply with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Highway Safety and Parking Provisions:

The Local Highway Officer did not object to the principle of the development but observed that the vehicle access over the highway is yet to be completed as part of condition 3 of planning reference 21/01056/F and said that this should be completed before the occupation of the dwelling. Condition 3 relates to the access being built to the specification of TRAD 5 by Norfolk County Council Highways prior to occupation. The same condition will be carried over to this planning consent, should it be recommended for approval, to ensure the driveway will be constructed as per the agreed details prior to the occupation of the building.

A gravelled parking and turning point are provided at the front of the site. The parking area measures approximately 7.9m deep and 13.7m wide, positioned immediately to the southeast/front of the dwelling on the site. An integrated garage is also provided within the dwelling, which could accommodate two additional parking spaces on the site. The application site was originally approved as a six-bedroom dwelling, and therefore required to demonstrate that four parking spaces on the site could be achieved in order to comply with Norfolk Parking Standards and Policy DM17 of the SADMPP 2016. Therefore, the number of parking spaces is considered sufficient to accommodate the proposed use of the site.

Based on the information provided by the applicant, during the day shift there is an expected total of three cars, and two cars during late/waking shifts. Residents of the scheme can arrange for family members to visit. However, it is unknown at this stage how regular this will be. Furthermore, it is also unknown whether residents would also have use of their own vehicles during their time here. Nevertheless, staff numbers are known and given the level of staff proposed at any one time, it is not considered that the number of trips generated would be hugely different than if the dwelling were occupied by a family as a residential dwelling.

Concerns have been raised that the intensification of the site would put pressures on the local road network. Again, considering the potential maximum number of cars visiting the site, impacts would be similar to those expected if the building was occupied as a six bedroomed residential dwelling. Maintenance of the road would be the responsibility of the local highway authority and is not a material consideration within the scope of this application.

In summary, it is considered impacts on highways would ultimately comply with Policy DM15 and DM17 of the SADMPP 2016.

Drainage:

Concerns have been raised that intensification of the site would put pressure on the drainage of the dwelling and local area.

The local ward member has brought to the attention of the Council correspondence with building control, who comment that the "adequacy of the domestic pump chamber of plot 177... may not be adequate to deal with the additional flow loads from more than 6 people (commercial use) who may be living in plot 179 should the change of use be granted."

It is expected at any one time the maximum number of people on the site would be around eight, with four residents at any one time, and at maximum, four members of staff. The applicant has set out that only the residents would be living on site using the shower facilities etc. However, it is still considered appropriate to address the potential for the additional capacity on local drainage and a condition related to full details of foul water drainage will be included on the decision notice so that foul drainage details are submitted and agreed by the Council prior to the occupation of the building for the proposed use.

Regarding drainage, subject to condition, the scheme is considered to comply with CS08 of the Core Strategy 2011.

CONCLUSION:

The application seeks to change the use of a residential dwelling to provide short stay supported accommodation for four residents. The application site is an existing six-bedroom dwelling in Barroway Drove, a smaller village and hamlet, where the sustainability of the site is considered acceptable.

Although concerns were raised by third parties, regarding impact on neighbour impact, drainage, and highways, it is considered that the proposed scale of operations of the proposed use would be similar to the residential use a large dwelling of this size and would not have any unacceptably detrimental impacts to concerns raised by third parties.

The Parish Council had no observations for or against the proposal, and the Local Highway Authority did not raise any objections with the principle of the application.

On the basis of the above, the scheme is considered acceptable and in accordance with Policies CS02, CS06 and CS08 of the Core Strategy, Policies DM15 and DM17 of the Site Allocation and Development Management Policies Plan 2016, and the NPPF. It is therefore recommended that Members approved this 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:
 - Location plan - ref p4e/uk/992247/1337064.
 - Existing and Proposed floor plans. GROUND FLOOR DIAGRAM
 - Existing and Proposed floor plans. FIRST FLOOR DIAGRAM
 - Existing and Proposed floor plans. SECOND FLOOR DIAGRAM
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to first occupation of the development hereby permitted, full details of the foul 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.
- 3 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 4 Condition: Prior to the first occupation of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (Drawing No. B3420-19 Revision B of planning reference 21/01056/F) in accordance with the highway specification drawing no: TRAD 5. 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.
- 4 Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 5 Condition: Prior to occupation of each dwelling hereby approved, the associated patio area shall be screened with obscure safety glazed balustrades as per the approved plans (Drawing nos. PEAS013-P01 Revision C of planning ref 21/01056/F). The screening shall be maintained in that condition thereafter.
- 5 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the NPPF.

- 6 Condition: The number of people residing on the site shall not exceed 4 at any one time.
- 6 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the residential amenities of the locality in accordance with the Policy DM15 of the SADMPP 2016 and the NPPF.

PLANNING COMMITTEE -

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

- (1) To inform Members of the number of decisions issued between the production of the 6 November 2023 Planning Committee Agenda and the 4 December 2023 agenda 103 decisions issued 90 decisions issued under delegated powers with 13 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 –Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area
- (4) Majors are assessed against a national target of 60% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

RECOMMENDATION

That the reports be noted.

Number of Decisions issued between 23 October 2023 – 17 November 2023

	Total	Approved	Refused	Under 8 weeks	Under 13 weeks	Performance %	National Target	Planning Committee decision	
								Approved	Refused
Major	1	0	1		1	100%	60%	3	0
Minor	51	41	10	47		92%	80%	5	2
Other	51	44	7	47		92%	80%	3	0
Total	103	85	18						

Planning Committee made 13 of the 103 decisions, 12%

PLANNING COMMITTEE - 4 DECEMBER 2024

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

DATE RECEIVED	DATE DETERMINED/ DECISION	REF NUMBER	APPLICANT PROPOSED DEV	PARISH/AREA
31.08.2023	26.10.2023 Prior Approval - Refused	23/01596/PACU3	Agricultural Building Docking Road Bircham Newton Norfolk Notification for Prior Approval: Change of Use of Agricultural Building to 5 Dwellinghouse (Schedule 2, Part 3, Class Q)	Bircham
31.03.2023	31.10.2023 Application Permitted	23/00608/F	Land W of Woodstock Mill Hill Road Boughton PE33 9AE PROPOSED NEW RESIDENTIAL DWELLING	Boughton

06.04.2023	17.11.2023 Would be Lawful	23/00649/LDP	1 Prospect Place Harbour Way Brancaster King's Lynn This proposal is to confirm some minor changes to an existing permission consented under number 21/02379/F. These proposals relate to an air source heat pump.	Brancaster
25.05.2023	27.10.2023 Application Permitted	23/00952/F	Broad Lane House Broad Lane Brancaster King's Lynn Demolition of existing single-story extensions and construction of replacement extensions with the reconfiguration of the internal layout and vernacular of the existing dwelling. Demolition of existing shed/garage and garden room and construction of replacement garage and garden room. Creation of new access onto Broad Lane with alterations to the parking and turning area. Construction of new pool.	Brancaster
16.06.2023	06.11.2023 Application Permitted	23/01087/F	The Smithy Main Road Brancaster Staithe King's Lynn Variation of Conditions 1 and 6 of Planning Permission 22/01864/F: Replacement dwelling following partial demolition	Brancaster

10.07.2023	30.10.2023 Application Permitted	22/00500/NMA_1	Royal West Norfolk Golf Club Beach Road Brancaster Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/00500/F: Refurbishment of the Royal West Norfolk Golf Club House including demolition and new build extension.	Brancaster
10.07.2023	01.11.2023 Application Permitted	23/01234/F	Seahenge Town Farm Close Brancaster KINGS LYNN VARIATION OF CONDITION 2 OF PLANNING PERMISSION 21/02116/F: Dwelling and garage following demolition of existing structures	Brancaster
11.07.2023	31.10.2023 Application Permitted	23/01264/F	Kia Ora Main Road Brancaster Staithe King's Lynn Replacement dwelling	Brancaster
14.07.2023	09.11.2023 Application Refused	23/01310/F	10 Branodunum Brancaster King's Lynn Norfolk Two-storey extension and alterations to dwelling	Brancaster
10.08.2023	02.11.2023 Application Refused	23/01468/F	The Limes London Street Brancaster King's Lynn Create opening within front boundary wall and rebuild set back into site to provide off road parking to allow for electric vehicle charging	Brancaster

12.09.2023	14.11.2023 Application Permitted	23/01647/F	Royal West Norfolk Golf Club Beach Road Brancaster Norfolk Replacement NCI watchkeepers modular unit including two flag poles, VHF receiver aerials, two CCTV cameras, small receiver module for WIFI and telephone, a Davis weather station and wind turbine.	Brancaster
21.09.2023	13.11.2023 Application Refused	23/01690/F	The White Horse Main Road Brancaster Staithe King's Lynn VARIATION OF CONDITION 3 OF PLANNING PERMISSION 21/01603/F: Retrospective application for the seasonal erection and use of temporary buildings including a marquee, mobile bar and kitchen to provide an outdoor & covered eating & drinking areas for customers	Brancaster
27.10.2023	30.10.2023 Application Permitted	22/01796/NMAM_1	1 Brentwood Main Road Brancaster Staithe King's Lynn NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/01796/FM: Construction of 12 no. affordable dwellings with associated external works and access	Brancaster
05.09.2023	13.11.2023 Application Permitted	23/01653/F	16 Mill Green Burnham Market King's Lynn Norfolk Proposed loft conversion and first floor front extension	Burnham Market

06.09.2023	31.10.2023 Application Permitted	23/01660/F	Samphire 20 Ulph Place Burnham Market Norfolk Proposed new garden room and extension of utility.	Burnham Market
06.06.2023	16.11.2023 Application Permitted	23/01006/F	Ran Revir Bailey Street Castle Acre King's Lynn VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/00341/F: Proposed rear extension, various internal and external alterations, including garage conversion to bedroom, reconfiguration of existing fenestration and replacement roof covering. Erection of new detached double open fronted carport	Castle Acre
10.07.2023	06.11.2023 Application Permitted	23/00319/NMA_1	Land North of Greenslade House Newton Road Castle Acre Norfolk NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/00319/F: Demolition of agricultural buildings with extant permission to convert to a single dwelling, and erection of a new detached dwelling, with associated change of use of land from agricultural to residential	Castle Acre
18.10.2023	13.11.2023 Consent Not Required	23/01872/SU	O2 Phone Mast Knights Hill Village Grimston Road South Wootton PROPOSED UPGRADE TO EXISTING RADIO BASE STATION INSTALLATION	Castle Rising

31.08.2023	24.10.2023 Application Permitted	23/01599/F	27 Bailey Lane Clenchwarton King's Lynn Norfolk Construction of rear extension & front porch on existing bungalow	Clenchwarton
23.08.2023	15.11.2023 Application Permitted	23/01557/F	Lavana 50 Low Road Congham King's Lynn Extensions and Alterations to bungalow, replacement garage, new carport and dropped kerb	Congham
30.11.2022	23.10.2023 Application Refused	22/02142/F	Land South of Sluice Road Denver Norfolk Construction of 3 X 2 storey 4 bed dwellings and 2 X 2 storey 5 bed dwellings	Denver
01.09.2023	07.11.2023 Application Permitted	23/01643/F	Ancillary Outbuildings At 34 Whin Common Road Denver Norfolk VARIATION OF CONDITION 2 OF PLANNING PERMISSION 22/00149/F: Conversion of barn to dwelling.	Denver
13.09.2023	13.11.2023 Application Permitted	23/01658/LB	College Farm 10 Whin Common Road Denver DOWNHAM MARKET Application for listed building consent for alterations to fireplace surround in dining room, replace existing rooflights to a conservation style frame, replace existing porch flooring and external step tiling	Denver

27.06.2023	07.11.2023 Application Permitted	23/01324/F	The Feathers Hotel 71 Manor Road Dersingham Norfolk Retrospective planning permission for two poles that are in place and two ANPR cameras installed.	Dersingham
27.06.2023	07.11.2023 Application Permitted	23/01325/A	The Feathers Hotel 71 Manor Road Dersingham Norfolk Retrospective Advert Application: Various parking signs.	Dersingham
04.08.2023	02.11.2023 Application Refused	23/01440/F	Gable House High Street Docking KINGS LYNN Adaption/extension to existing single storey garage to be revised to a one and a half storey unit with garage and gym at ground floor level and studio at first floor level. All site levels are to remain unchanged (Resubmission)	Docking
15.09.2023	09.11.2023 Application Permitted	23/01666/F	Forge House Stanhoe Road Docking King's Lynn First floor extension	Docking
11.06.2020	06.11.2023 Application Permitted	20/00858/F	Telephone Exchange Lynn Road Downham Market Norfolk The proposed works include the installation of fresh air vents along the rear elevation and the installation of cowls for the three louvres along the south elevation. Also, the removal of three louvres from the north elevation to be reinstated with glass windows	Downham Market

17.08.2023	03.11.2023 Application Permitted	23/01515/F	Ivy House Site 53 Railway Road Downham Market Norfolk VARIATION OF CONDITIONS 1 AND 9 OF PLANNING PERMISSION 22/01598/F: VARIATION OF CONDITIONS 1 AND 9 OF PLANNING PERMISSION 20/01511/F: Roof covering and closure of void with 51 Railway Road in light of concerns and moisture penetration	Downham Market
30.08.2023	14.11.2023 Application Refused	23/01588/F	1 Ryston Close Downham Market Norfolk PE38 9BD Proposed single storey front, side and rear extension to dwelling. Proposed garage conversion and extension to annexe.	Downham Market
04.09.2023	30.10.2023 Application Permitted	23/01601/F	4 & 4A Paradise Road Downham Market Norfolk PE38 9HS Proposed merge of 2no residential units into 1no. Removal of external brick storage buildings, replacement of rear windows and covered walkway.	Downham Market
04.09.2023	30.10.2023 Application Permitted	23/01602/LB	4 _ 4A Paradise Road Downham Market Norfolk PE38 9HS Listed Building Application: Proposed merge of 2no residential units into 1no. Internal alterations, removal of external brick storage buildings, replacement of rear windows and covered walkway.	Downham Market

15.09.2023	17.11.2023 Application Permitted	23/01668/F	17 Fennel Crescent Downham Market Norfolk PE38 9UR Two storey extension to rear of existing house	Downham Market
22.09.2023	15.11.2023 Application Permitted	23/01736/F	7 Burdock Close Downham Market Norfolk PE38 9AZ Proposed alterations and conversion to form habitable accommodation.	Downham Market
01.09.2023	31.10.2023 AG Approval Approved Prior	23/01622/AG	Poplar Farm Lady Drove Barroway Drove Downham Market Prior Notification: Erection of Grain Store	Downham West
29.09.2023	14.11.2023 Application Permitted	23/01746/F	52 Bagthorpe Road East Rudham King's Lynn Norfolk VARIATION OF CONDITION 2, 3 and 4 OF PLANNING CONSENT 22/00818/F ; Proposed two storey side extension, single storey rear extension & single storey front extension with internal alterations.	East Rudham
19.04.2023	27.10.2023 Application Permitted	23/00706/F	Magpie Farm Magpie Farm Road West Bilney KINGS LYNN Proposed replacement dwelling and garage	East Winch
15.08.2023	31.10.2023 Application Refused	23/01501/F	Louan Chapel Lane Emneth Wisbech Replacing front elevation ground floor window and first floor window to a bay window. The addition of an oriel window to the side elevation, changing main roof from concrete pantiles to slate tiles	Emneth

16.08.2023	06.11.2023 Application Permitted	23/01502/F	38 Paynes Lane Feltwell Thetford Norfolk Construction of vehicle access	Feltwell
10.08.2023	06.11.2023 Application Permitted	23/01470/F	47 St Nicholas Close Gayton King's Lynn Norfolk Construction of a detached garage	Gayton
20.09.2023	14.11.2023 Application Permitted	23/01685/F	34 John Morton Crescent Great Massingham King's Lynn Norfolk Refurbishment and alteration works to include new general arrangement floor plan, new front porch and rear dormer with new windows throughout and external cladding.	Great Massingham
10.07.2023	06.11.2023 Application Permitted	23/01389/F	Crandleford House 82 Chapel Road Pott Row King's Lynn VARIATION OF CONDITION 1 OF PERMISSION 19/00522/RM: Reserved Matters Application, Construction of 4 Dwellings	Grimston
16.08.2023	31.10.2023 Would be Lawful	23/01605/LDP	Oak Lodge 75 Chapel Road Pott Row Norfolk Certificate for Lawful Development: Use of property for a live in carer for my wife	Grimston
03.08.2023	03.11.2023 Application Permitted	23/01517/F	4, 5 And 6 Almshouse Nethergate Street Harpley King's Lynn Replacement of existing soft wood and Crittall windows to the side and the rear of the properties with hardwood double glazed units with the same openings	Harpley

03.08.2023	03.11.2023 Application Permitted	23/01518/LB	4, 5 And 6 Almshouse Nethergate Street Harpley King's Lynn Application for listed building consent for replacement of existing soft wood and critel windows to the side and the rear of the properties with hardwood double glazed units with the same open ups	Harpley
07.08.2023	24.10.2023 Application Permitted	23/01457/LB	The Mill Mill Road Harpley King's Lynn Single storey extension and internal alterations to The Mill House at The Mill Mill Road Harpley King's Lynn Norfolk	Harpley
11.07.2023	08.11.2023 Application Permitted	23/01250/F	Gary Rushmore Flooring Ltd 94 High Street Heacham KINGS LYNN Replacement of existing signage with 'shop front' and enclosure of front garden with metal railings	Heacham
02.08.2023	23.10.2023 Application Refused	23/01423/LB	Heacham Lodge 18 Lodge Road Heacham KINGS LYNN Part demolition of boundary wall facing Lodge Road to provide a wider, safer access. 2 new iron gates will be installed- 6m remote controlled sliding gate and adjacent pedestrian gate.	Heacham

12.10.2023	06.11.2023 Consent Not Required	23/01848/SU	Land At The North Beach Heacham Norfolk NOTIFICATION UNDER REGULATION 5 OF THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) REGULATIONS 2003 (AS AMENDED): Erection of 1 no. 9 m light wooden pole (Grid Reference E566372,N337509)	Heacham
11.08.2023	31.10.2023 Application Permitted	23/01572/O	Riverside Holts Lane Hilgay Downham Market OUTLINE WITH ALL MATTERS RESERVED: One proposed detached dwelling	Hilgay
14.08.2023	24.10.2023 Application Refused	23/01483/F	Riverside Holts Lane Hilgay Downham Market Proposed one bedroom detached chalet style dwelling	Hilgay
29.06.2023	24.10.2023 Application Permitted	23/01339/F	7 The Black Barns Feltwell Road Hockwold cum Wilton Norfolk Change of siting of light industrial unit to allow space for new planned access road	Hockwold cum Wilton
31.03.2023	03.11.2023 Prior Approval - Not Required	23/00621/SU	7 - 11 Kings Lynn Road Hunstanton Norfolk Notification: Proposed Telecommunications: The installation of 1no. GPS node and associated ancillary equipment	Hunstanton

19.06.2023	27.10.2023 Application Permitted	23/01269/F	Greevegate House 50 Greevegate Hunstanton Norfolk Extension and alterations to dwelling	Hunstanton
28.03.2023	25.10.2023 Application Permitted	23/00569/F	Freebridge Farm Clenchwarton Road West Lynn King's Lynn The proposed development is for an Electric Vehicle Charging Station comprising 12 no. EV charging spaces and ancillary development including a substation and LV switchboard	King's Lynn
28.03.2023	25.10.2023 Application Permitted	23/00570/A	Freebridge Farm Clenchwarton Road West Lynn King's Lynn Advertisement application for 1 x proposed advertisement totem. Each of the bays will also feature a 'Fastned' symbol painted onto the floor. The charging infrastructure will also be branded with the Fastned logo	King's Lynn
02.05.2023	06.11.2023 Application Permitted	23/00773/F	Vacant 17 St James Street King's Lynn KINGS LYNN Alterations and creation of a new rear doorway.	King's Lynn

02.06.2023	27.10.2023 Application Refused	23/01201/F	Riverside Business Centre Cross Bank Road King's Lynn Norfolk Variation of Conditions 1, 13 and 24 of Planning Permission 21/02449/F: Variation of Conditions 2, 14a and 25 of Planning Permission 21/00800/F: Variation of condition 25 of planning permission 20/00694/F to change allowance of daily movements	King's Lynn
21.06.2023	07.11.2023 Application Permitted	23/01304/F	71 Vancouver Avenue King's Lynn Norfolk PE30 5RD Proposed two storey dwelling	King's Lynn
11.07.2023	13.11.2023 Application Permitted	23/01261/LB	14A Tuesday Market Place King's Lynn Norfolk Conversion of offices to form two dwellings	King's Lynn
12.07.2023	13.11.2023 Application Permitted	23/01260/F	14A Tuesday Market Place King's Lynn Norfolk Conversion of offices to form two dwellings	King's Lynn

17.07.2023	24.10.2023 Application Permitted	23/01311/A	Unit 2 117 - 118 London Road King's Lynn Norfolk Shop sign above the shop window with the business name and logo as well as other information regarding the shop: telephone number, email, website address. The sign is made from a composite panel (an aluminium skin with a nylon core), with a printed / laminated vinyl cover. The main logo is 290 mm high, the main font is 198 mm high and the telephone number, website address, email is 44 mm high. The background of the sign is white whereas the logo is light pink and the font is black. The height above the ground is 2.10 m	King's Lynn
18.07.2023	08.11.2023 Application Refused	23/01449/F	5 Saturday Market Place King's Lynn Norfolk PE30 5DQ Construction of dwelling following demolition of outbuilding.	King's Lynn
31.07.2023	30.10.2023 Application Permitted	23/01497/F	Street Record Purfleet Street King's Lynn Norfolk Proposal for 2 No. pop up buildings, 2 No. storage boxes, trees/planters and bench seat	King's Lynn
03.08.2023	24.10.2023 Application Permitted	23/01426/F	248 Wootton Road King's Lynn Norfolk PE30 3BH Demolition of existing rear extension and construction of new single storey extension	King's Lynn

08.08.2023	24.10.2023 Application Permitted	23/01462/F	3 Spring Close King's Lynn Norfolk PE30 3ED Rear Extension. Revised design	King's Lynn
24.08.2023	23.10.2023 Application Permitted	23/01566/LB	The Crown & Mitre Ferry Street King's Lynn Norfolk Application for listed building consent for internal alterations to Office, WC and Landing	King's Lynn
24.08.2023	31.10.2023 Application Permitted	23/01567/F	One Mile 67 Gayton Road Gaywood King's Lynn FIRST FLOOR REAR INFILL EXTENSION AND ASSOCIATED NEW ROOF	King's Lynn
30.08.2023	09.11.2023 Application Permitted	23/01589/F	43 Norfolk Street King's Lynn Norfolk PE30 1AH Demolition of Main Roof asbestos cement covering and replacement with clay pan tiles. Demolition of the rear mansard roof and slates, to be replaced with a new first floor structure with vertical walls and a clay pan tile roof. The division of the first floor flat into two flats thus forming an additional dwelling. The removal of the internal staircase, to be replaced with an outside staircase to the first floor. Formation of a bike and bin store to the rear, off Old Sunway.	King's Lynn

30.08.2023	10.11.2023 Was Lawful	23/01592/LDE	88 London Road King's Lynn Norfolk PE30 5EU Application for Lawful Development Certificate for and existing use of the building as a HMO housing 8 persons and covers the entire property-it was converted from part commercial part residential in 2008.	King's Lynn
13.09.2023	01.11.2023 Application Permitted	23/01656/F	WhataHoot Distillery 7A King Street King's Lynn Norfolk VARIATION OF CONDITION 3 OF PLANNING PERMISSION 19/01886/CU: Change of use from A2 to Sui Generis - distillery, shop & spirit workshop	King's Lynn
28.09.2023	24.10.2023 Prior Approval Demolition IS REQUIRED	23/01742/DM	85 Gayton Road King's Lynn Norfolk PE30 4EH Prior Notification: Demolition of a 2.5 storey building, set with a large plot.	King's Lynn
17.10.2023	10.11.2023 Consent Required Not	23/01854/SU	Land West of Briar House Salters Road King's Lynn Norfolk NOTIFICATION UNDER REGULATION 5 OF THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) REGULATIONS 2003 (AS AMENDED): To establish an electricity substation	King's Lynn

19.10.2023	10.11.2023 Consent Required Not	23/01871/SU	1A Waterloo Street King's Lynn Norfolk PE30 1NZ NOTIFICATION UNDER REGULATION 5 OF THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) REGULATIONS 2003 (AS AMENDED): Installation of 1x 8 m wooden pole (6.02 m above ground)	King's Lynn
03.10.2023	16.11.2023 Prior Approval - Approved	23/01765/PACU3	SITE TO THE NORTH of POSTCODE PE14 8JX, SITE LOCATION IS TO THE EAST of BLACK DROVE BEFORE THE 45 DEGREE BEND IN ROAD. Notification for Prior Approval: Change of Use of Agricultural Building to 3no. Dwellinghouse (Schedule 2, Part 3, Class Q)	Marshland St James
30.06.2023	26.10.2023 Application Permitted	23/01157/F	Acacia House Sandy Lane Blackborough End King's Lynn Construction of new Bungalow to replace existing Mobile Home all within the curtilage of Acacia House. New Bungalow to have its own defined boundary and drive onto Sandy Lane.	Middleton
25.08.2023	09.11.2023 Application Permitted	23/01574/O	Riverside Farm Birchfield Road Nordelph Norfolk Outline Application: 1 No. infill building plot	Nordelph

24.03.2023	24.10.2023 Application Permitted	23/00559/O	Land Adjacent To Ardees New Road North Runcton King's Lynn Infill Site for two detached dwellings	North Runcton
08.08.2023	07.11.2023 Application Permitted	23/01464/CU	Church Farm 21 The Green North Runcton King's Lynn Change of use of land for storage of scaffolding equipment	North Runcton
29.08.2023	06.11.2023 Application Permitted	23/01585/F	Church Farm 21 The Green North Runcton King's Lynn Change of use of agricultural building, construction of manege and erection of horse walker for domestic use (retrospective)	North Runcton
05.10.2023	13.11.2023 Application Permitted	23/01779/A	Sainsbury's 2 Scania Way Hardwick Industrial Estate King's Lynn ADVERTISEMENT APPLICATION FOR; 2 NO. ILLUMINATED SIGNS	North Runcton

14.08.2023	14.11.2023 Application Permitted	23/01491/LB	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
22.06.2023	31.10.2023 Application Permitted	23/01111/F	Lodge Hotel 46 Old Hunstanton Road Old Hunstanton Hunstanton Proposed ground floor bedroom to the south east	Old Hunstanton
09.08.2023	24.10.2023 Application Permitted	23/01471/F	3 Kelsey Close Old Hunstanton Hunstanton Norfolk Internal and external remodelling and re-cladding, demolition of existing garage and replacement side and rear extension, re-roofing including rooflight and PV panels, replacement doors and windows.	Old Hunstanton

11.08.2023	24.10.2023 Application Permitted	23/01594/F	1 Hamilton Road Old Hunstanton Hunstanton Norfolk VARIATION OF CONDITION 2 AND 13 OF PLANNING PERMISSION 22/02084/F: Extensions and alterations to house. Detached carport/store. Garden wall / gates (to Hamilton Road)	Old Hunstanton
19.08.2023	01.11.2023 Application Permitted	23/01527/F	5 Wodehouse Road Old Hunstanton Hunstanton Norfolk Replacement Porch to Dwelling	Old Hunstanton
25.09.2023	17.11.2023 Application Permitted	23/01718/LB	Lodge Hotel 46 Old Hunstanton Road Old Hunstanton Hunstanton Proposed extension to provide new bedroom and ensuite.	Old Hunstanton
11.10.2023	02.11.2023 Application Permitted	22/01695/NMA_1	1 Mariners Court Golf Course Road Old Hunstanton Hunstanton NON MATERIAL AMENDMENT TO PLANNING APPLICATION 22/01695/F -The proposed works include demolition of the garage and the addition of a three storey side extension and a dormer loft extension. Reconstruction of the conservatory, including timber framed glazing and a living roof, is also proposed.	Old Hunstanton

13.10.2023	03.11.2023 Application Permitted	22/01487/NMA_1	Apple Tree Cottage 62 Docking Road Ringstead Hunstanton NON MATERIAL AMENDMENT TO PLANNING APPLICATION 22/01487/F -Erection of a single storey dwelling on land adjacent to 62 Docking Road	Ringstead
20.02.2023	09.11.2023 Application Refused	23/00327/OM	The Firs 68 School Road Runcton Holme King's Lynn OUTLINE WITH SOME MATTERS RESERVED - Construction of up to 9 dwellings with garages. Proposed new access.	Runcton Holme
02.05.2023	30.10.2023 Application Permitted	23/00766/F	Storage Land Rivendale Watlington Road Runcton Holme Redevelopment of storage land to from 1 new dwelling	Runcton Holme
04.07.2023	07.11.2023 Application Permitted	23/01190/F	Sedge Cottage Docking Road Sedgeford Hunstanton Link extension between dwelling and outbuilding (Retrospective)	Sedgeford
24.07.2023	24.10.2023 Application Permitted	23/01374/F	49 Kenside Snettisham Norfolk PE31 7PB Retrospective planning for detached timber garage	Snettisham
13.09.2023	25.10.2023 LDP LB NOT Lawful	23/01652/LDE	Diglea Caravan & Camping Park 32 Beach Road Shepherds Port Snettisham Application for a lawful development: Opening the existing park on or about 16 March for 20+ years in line with other parks near by.	Snettisham

24.07.2023	06.11.2023 Application Permitted	23/01474/F	35 Bluestone Road South Creake Fakenham Norfolk Replacement outbuilding for use as annex to dwelling house	South Creake
07.08.2023	06.11.2023 Application Permitted	23/01453/F	10 Front Street South Creake Norfolk NR21 9PE Proposed alterations	South Creake
05.09.2023	31.10.2023 Application Permitted	23/01612/LB	Manor Farm House 57 Burnham Road South Creake FAKENHAM The demolition, widening and rebuilding of gate piers to vehicle access of front parking and turning area. Proposals also include the rebuilding of a collapsed three point arch above pedestrian access and surrounding walls. Wrought iron gates are to be installed to both vehicle and pedestrian entrances.	South Creake
15.08.2023	24.10.2023 Application Permitted	23/01506/F	17 Wimpole Drive South Wootton King's Lynn Norfolk PROPOSED NEW TIMBER OUTBUILDINGS AND RAISED TERRACE AREA (Retrospective)	South Wootton
07.09.2023	07.11.2023 Application Permitted	23/01630/F	Heather Lea 2 Beech Avenue South Wootton Norfolk Proposed two storey front and side extensions and general alterations.	South Wootton
30.06.2023	26.10.2023 Application Refused	23/01167/F	Further Fen Farm Further Fen Lane Southery Downham Market Proposed Dwelling for Farm Manager Accommodation including a new weighbridge office, driver facilities	Southery

12.09.2023	06.11.2023 Application Permitted	23/01674/F	74 Lynn Road Southery Downham Market Norfolk Proposed single storey rear extension.	Southery
22.08.2023	06.11.2023 Application Permitted	23/01549/F	1 Lime Kiln Lane Stoke Ferry King's Lynn Norfolk Removing existing porch to the front of the property and replacing with an new upgraded porch.	Stoke Ferry
15.08.2023	14.11.2023 Application Permitted	23/01498/LB	Paradise Manor Downham Road Stradsett Norfolk Listed Building Consent: The installation of solar panels to the roofs of the three outbuildings comprising the holiday lets, garage and service outbuildings.	Stradsett
12.06.2023	31.10.2023 Application Permitted	23/01238/F	Lombardy High Street Thornham Hunstanton Remove Condition 1 and Variation of Conditions 2,3,4,5,11,14 and 15 of Planning Permisison 22/01913/F: Construction of 2 new dwellings following demolition of existing dwelling	Thornham

20.09.2023	13.11.2023 Prior Approval - Refused	23/01683/PACU3	Barn Adjacent To Lode Hall Silt Road Three Holes Norfolk This is a re-application of 17/01024/PACU3 which was previously granted permission on 04/07/17, but has since lapsed without works to convert taking place. The building is a barn which was previously used as a piggery, located adjacent to Lode Farmhouse. The proposed curtilage would encompass a vehicular access into the building through its open northern gable end and small ancillary storage area. This proposal for a dwelling, which will be used as a holiday let, will form part of the larger site for leisure purposes.	Upwell
24.10.2023	16.11.2023 Application Permitted	23/00027/NMA_1	Land N of 136 And 138 E of 99 Upwell WISBECH Norfolk NON-MATERIAL AMENDMENT to Planning Permission 23/00027/F: Erection of a single dwelling house and garage	Upwell
12.04.2023	02.11.2023 Application Permitted	23/00794/F	Mansefield Marsh Road Walpole St Andrew Wisbech Retrospective application for containers for machine stores associated with the land and gravel material covering	Walpole

26.07.2023	27.10.2023 Application Refused	23/01387/F	Cedar View Walnut Road Walpole St Peter Norfolk 1st floor Extension and alterations to existing dwelling	Walpole
18.09.2023	13.11.2023 Not Lawful	23/01676/LDP	8 Folgate Lane Walpole St Andrew Wisbech Norfolk Single storey rear extension within 4m of detached house	Walpole
05.06.2023	31.10.2023 Application Permitted	23/01005/F	People And Animals Lynn Road Walsoken WISBECH Erection of Teaching Barn with Green Roof, PV and detached workshop.	Walsoken
12.06.2023	31.10.2023 Application Permitted	23/01255/F	Heathfield Nursery Wilkins Road Walsoken WISBECH Retrospective retention of two portacabins for office use	Walsoken
30.08.2023	07.11.2023 Application Permitted	23/01593/F	19 Burrett Gardens Walsoken WISBECH Norfolk VARIATION OF CONDITION 2 OF PLANNING PERMISSION 23/00588/F: Proposed rear and side extension including demolition of neighbouring canopy. Garage conversion to annexe. Proposed Extension to form shed	Walsoken
29.08.2023	14.11.2023 Application Permitted	23/01637/F	72 John Davis Way Watlington Norfolk PE33 0TD Retrospective Change of Use of Agricultural Land to Domestic Use to extend garden.	Watlington

06.10.2023	17.11.2023 Prior Approval - Not Required	23/01784/T3	Land At Watlington Sewage Treatment Works Fitton Road Wiggshall St Germans Norfolk APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED: PROPOSED ARQIVA SMART METERING 1No. OMNI AT 13.83m MEAN MOUNTED ON PROPOSED 12m STREETWORKS POLE. PROPOSED ARQIVA SMART METERING 1No. GPS ANTENNA AT 12.4m MEAN MOUNTED ON PROPOSED STREETWORKS POLE. PROPOSED ARQIVA SMART METERING 1No. 3G OMNI ANTENNA AT 3.8m MEAN MOUNTED ON PROPOSED STREETWORKS POLE. PROPOSED ARQIVA SMART METERING EQUIPMENT ENCLOSURE TO BE INSTALLED ON A ROOT FOUNDATION.	Watlington
11.01.2023	09.11.2023 Prior Approval - Approved	23/00040/PACU3	Land And Barns N of Swan Cottage Hundred Foot Bank Welney Norfolk Notification for Prior Approval for change of use of agricultural building to dwelling (Schedule 2, Part 3, Class Q)	Welney

06.07.2023	31.10.2023 Application Permitted	23/01378/F	Wildfowl And Wetlands Trust Hundred Foot Bank Welney Norfolk Continued use of temporary enclosures for housing black-tailed godwits including 1 x portable cabin and 3 x pens	Welney
22.08.2023	31.10.2023 Application Permitted	23/01550/F	Hill House Farm Bath Road West Dereham King's Lynn PROPOSED SINGLE STOREY REAR EXTENSION, INTERNAL ALTERATIONS AND EXTERNAL FACADE CHANGES	West Dereham
03.08.2023	15.11.2023 Application Refused	23/01436/F	Land North of 1A St Marys Road St Marys Road West Walton Norfolk Residential development - Building of a dwelling	West Walton
11.07.2023	09.11.2023 Application Permitted	23/01405/F	Woodside Barn Lynn Road Setchey King's Lynn Variation of Condition 2 of Planning Permission 20/00783/F: Alterations and conversion to existing barn into a dwelling	West Winch
24.07.2023	26.10.2023 Application Refused	23/01376/F	Land SW of The Coach House Low Road Wretton Norfolk Proposed Detached Dwelling and Garage	Wretton