

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



# Planning Committee

## Agenda

Monday, 5th February, 2024  
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  
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**PLANNING COMMITTEE AGENDA**

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

Please ensure that all mobile phones are switched to silent

**DATE:** Monday, 5th February, 2024

**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 9 January 2024 (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 - 9)**

**9. INDEX AND DECISIONS ON APPLICATIONS (Pages 10 - 167)**

The Committee is asked to note the Index of Applications and to consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

**10. DELEGATED DECISIONS (Pages 168 - 195)**

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

**To: Members of the Planning Committee**

Councillors B Aota, 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, C Rose, 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 8 February 2024** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

### Please note:

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

Please note that the deadline for registering to speak on the application is 12 noon the working day before the meeting, **Friday 2 February 2024**. Please contact [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk) or call (01553) 616818 or 616234 to register.

### For Major Applications

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

### For Minor Applications

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

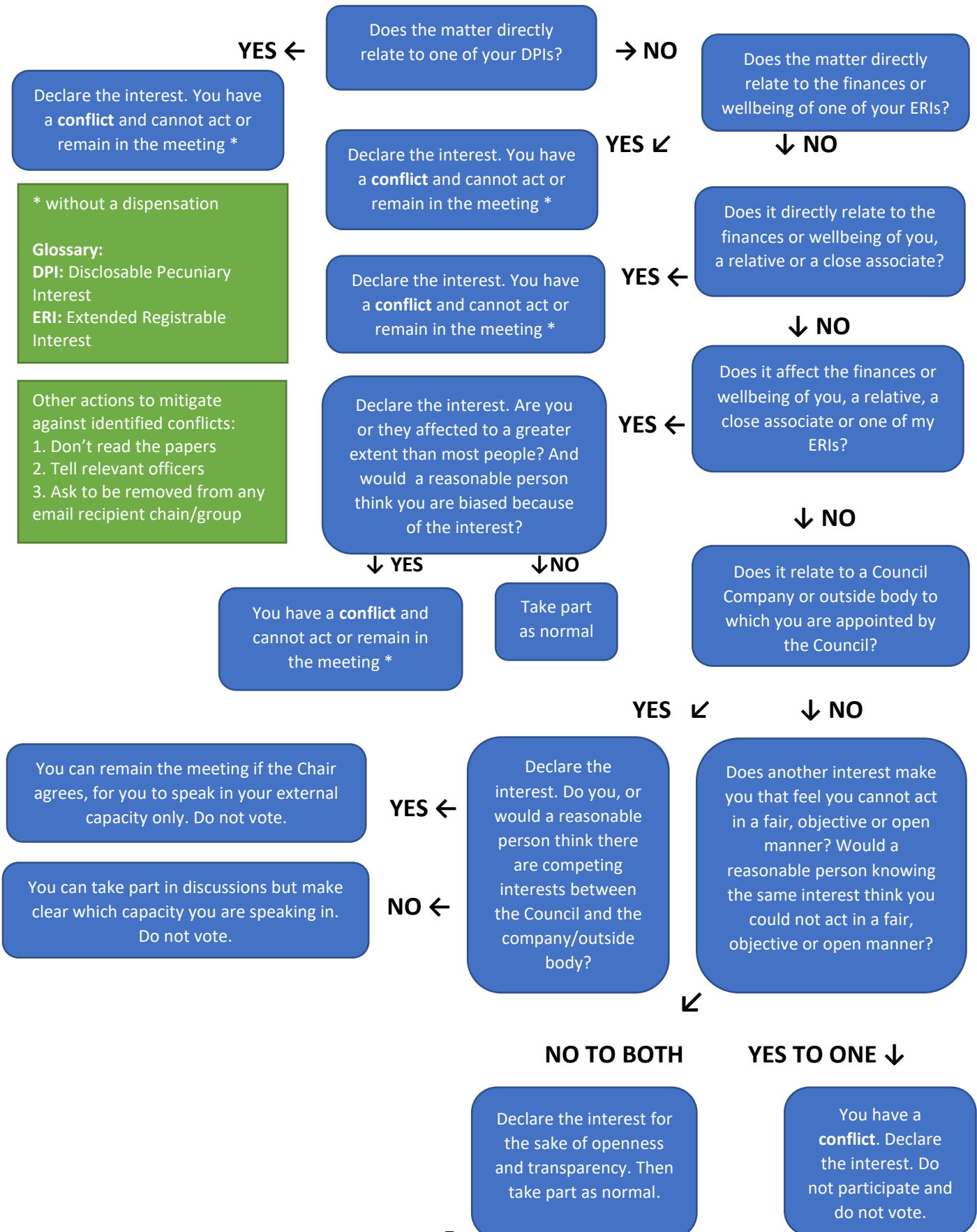
For Further information, please contact:

Kathy Wagg on 01553 616276  
[kathy.wagg@west-norfolk.gov.uk](mailto:kathy.wagg@west-norfolk.gov.uk)

# DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



## START



| <b>Glossary of Terms and Abbreviations</b> |  |
|--|--|
| AIA  | Arboricultural Impact Assessment   |
| AMS  | Arboricultural Method Statement  |
| AOD  | Above Ordnance Datum   |
| AONB                                       | Area of Outstanding Natural Beauty (now National Landscape)                    |
| 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   |
| NL    | National Landscape (formerly AONB)                           |
| 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   |

| <b>Suffixes to Reference Numbers</b> |  |
|--------------------------------------|--|
| 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                                  |

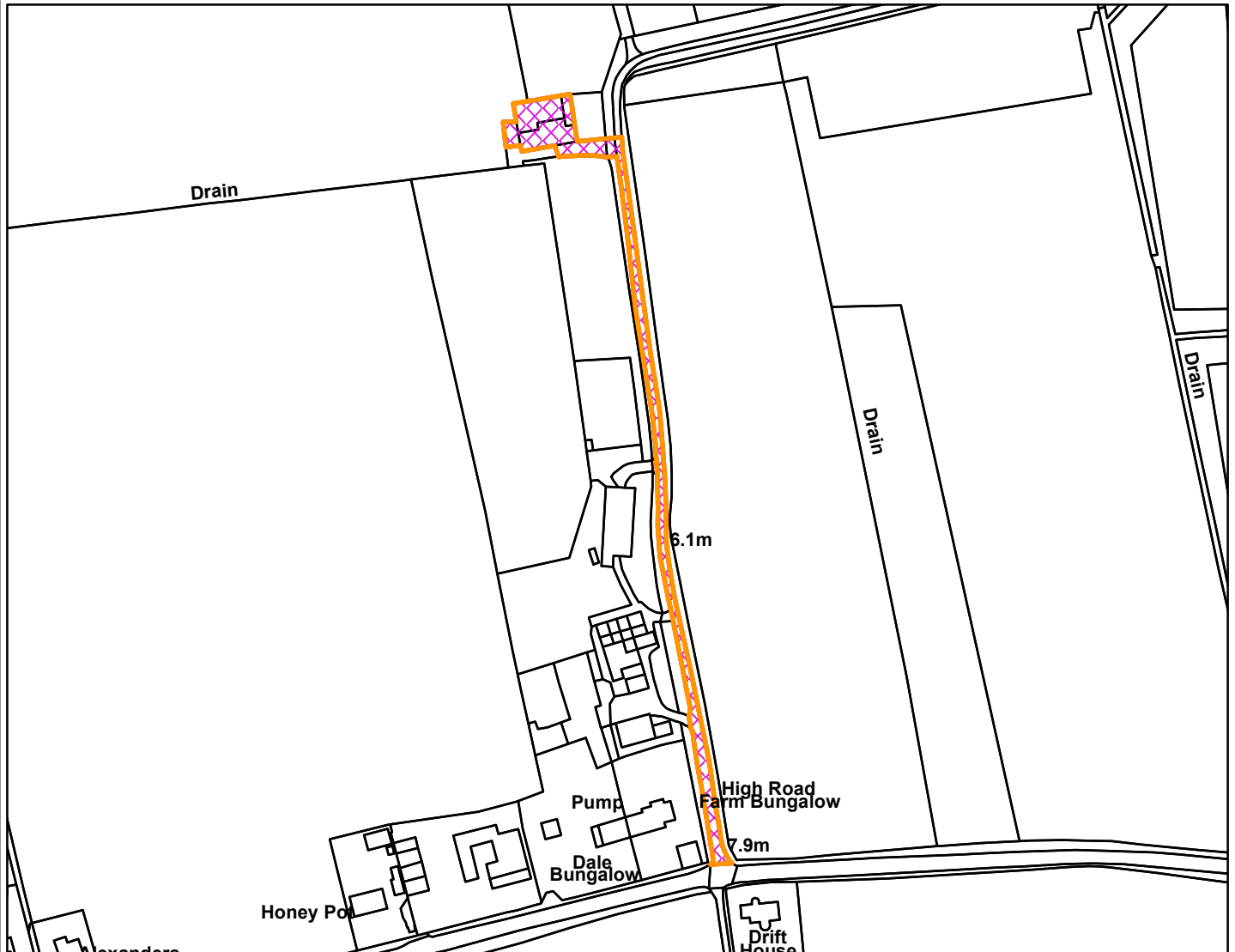
**INDEX OF APPLICATIONS TO BE DETERMINED  
BY THE PLANNING COMMITTEE AT THE MEETING  
TO BE HELD ON MONDAY 5 FEBRUARY 2024**

| Item No.  | Application No.<br>Location and Description of Site Development   | PARISH                | Recommendation     | Page No.  |
|---|---|-----------------------|--------------------|-----------|
| <b>9/1 DEFERRED ITEMS</b>   |   |                       |                    |           |
| 9/1(a)  | <b>23/00580/F</b><br>Barns North of Thornham Road Holme next The Sea Norfolk PE36 6LR<br>Conversion of existing agricultural barns including change of use (C3) to a private detached dwelling and associated works.  | <b>HOLME THE SEA</b>  | <b>NEXT REFUSE</b> | <b>12</b> |
| 9/1(b)  | <b>23/00940/F</b><br>1 Liege Cottages Basin Road Outwell Wisbech Norfolk PE14 8TQ<br>Retrospective: Change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 16 dogs together with the retention of kennel buildings, a cat building and open runs and a proposed field shelter | <b>OUTWELL</b>        | <b>APPROVE</b>     | <b>34</b> |
| <b>9/2 OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE</b> |   |                       |                    |           |
| 9/2(a)  | <b>23/00103/F</b><br>Overy Road Nurseries Overy Road Burnham Market King's Lynn Norfolk PE31 8HH<br>Application for 2no. dwellings and an agricultural barn, demolition and clearance of existing buildings and structures, and associated works.   | <b>BURNHAM MARKET</b> | <b>REFUSE</b>      | <b>49</b> |
| 9/2(b)  | <b>23/01516/F</b><br>Furusato Wells Road Burnham Overy Staithe King's Lynn Norfolk PE31 8JH<br>The proposal is for replacement dwelling on the site of a 1970s bungalow.  | <b>BURNHAM OVERY</b>  | <b>APPROVE</b>     | <b>67</b> |
| 9/2(c)  | <b>23/01438/F</b><br>Land West of Former Methodist Church Bridge Street Downham Market Norfolk PE38 9DJ<br>Proposed new residential dwelling  | <b>DOWNHAM MARKET</b> | <b>REFUSE</b>      | <b>91</b> |

|        |  |                             |                |            |
|--------|--|-----------------------------|----------------|------------|
| 9/2(d) | <b>23/00879/F</b><br>Appletree Cottage The Lane Salters Lode<br>Norfolk PE38 0DL<br>Retrospective change of use of annexe to<br>create independant new home and<br>associated works to create residential<br>curtilage (part retrospective). | <b>DOWNHAM WEST</b>         | <b>REFUSE</b>  | <b>101</b> |
| 9/2(e) | <b>23/00173/F</b><br>The Dabbling Duck 11 Abbey Road Great<br>Massingham King's Lynn Norfolk PE32 2HN<br>Proposed overflow car park  | <b>GREAT<br/>MASSINGHAM</b> | <b>APPROVE</b> | <b>112</b> |
| 9/2(f) | <b>23/01485/F</b><br>27 Little Carr Road North Wootton King's<br>Lynn Norfolk PE30 3RQ<br>Re-modelling of existing dwelling together<br>with new porch and erection of 1 no.<br>dwelling.  | <b>NORTH<br/>WOOTTON</b>    | <b>APPROVE</b> | <b>125</b> |
| 9/2(g) | <b>22/00267/F</b><br>Conifer Lodge Ringstead Road Sedgeford<br>Hunstanton Norfolk PE36 5NQ<br>Construction of 2 residential dwellings in<br>land adjacent Conifer Lodge  | <b>SEDFORD</b>              | <b>APPROVE</b> | <b>144</b> |
| 9/2(h) | <b>23/01743/F</b><br>The Barn, 3 Burrettgate Road, Walsoken<br>PE14 7BN<br>Erection of 2 dwellings involving demolition<br>of existing barns   | <b>WALSOKEN</b>             | <b>REFUSE</b>  | <b>159</b> |



Barns North of Thornham Road Holme next The Sea PE36 6LR



**Legend**

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**Scale:** 1:2,500

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|              |            |
|--------------|------------|
| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 24/01/2024 |
| MSA Number   | 0100024314 |



Barns North of Thornham Road Holme next The Sea PE36 6LR



**Legend**

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**Scale:** 1:5,000

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|              |            |
|--------------|------------|
| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 24/01/2024 |
| MSA Number   | 0100024314 |

**AGENDA ITEM NO. 9/1(a)**

|                      |  |  |
|----------------------|--|--|
| <b>Parish:</b>       | <b>Holme next the Sea</b>  |  |
| <b>Proposal:</b>     | <b>Conversion of existing agricultural barns including change of use (C3) to a private detached dwelling and associated works.</b> |  |
| <b>Location:</b>     | <b>Barns North of Thornham Road Holme next The Sea Norfolk PE36 6LR</b>  |  |
| <b>Applicant:</b>    | <b>Mrs Lyn Garrett</b>   |  |
| <b>Case No:</b>      | <b>23/00580/F (Full Application)</b>   |  |
| <b>Case Officer:</b> | <b>Lucy Smith</b>  | <b>Date for Determination:<br/>30 May 2023<br/>Extension of Time Expiry Date:<br/>10 November 2023</b> |

**Reason for Referral to Planning Committee** – Deferred at 16<sup>th</sup> November Committee Meeting

**Neighbourhood Plan:** Yes

**Case Summary**

The application was deferred from the 16 November 2023 committee meeting to allow an in-depth review and consideration into the planning issues raised by the Parish Council in late correspondence.

The application seeks full planning permission for the conversion of an existing cattle shed to use as a dwelling. The existing cattle shed building consists of a 19th century bothy with a later pole barn addition and is accessed via Thornham Road, Holme Next The Sea.

The site is outside of the development boundary and within the wider countryside for the purposes of planning policy.

The site is within the Norfolk Coast National Landscape and the Heritage Coast and is within Flood Zone 3a of the Borough Council's SFRA (2018).

**Key Issues**

- Principle of development
- Heritage Significance
- Design and Landscape impact
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Other Material Considerations

**Recommendation**

**REFUSE**

## THE APPLICATION

The application seeks full planning permission for the conversion of an existing cattle shed to use as a dwelling. The existing building consists of a 19th century bothy with a later pole barn addition and is accessed via Thornham Road, Holme Next the Sea. As Holme Next the Sea is categorised as a Smaller Village and Hamlet, the site is well outside of any development boundary and within the wider countryside for the purposes of planning policy.

The site is within the Norfolk Coast National Landscape and the Heritage Coast and is within Flood Zone 3a of the Borough Council's SFRA (2018).

The building is small and has been unused for some time, but it has some significance as a vestige of former cattle farming on the pastures bordering the coastal marsh. It has evidential value of past activity and historical and social values. In terms of the NPPF, the cattle shed and bothy are considered to be a 'non-designated heritage asset'. The building is set within a clear established curtilage which would be retained as the property's garden land post-development.

Between the surveying of the tithe map in 1844 and the Ordnance Survey of 1886 the application site was enclosed as a cattle yard and a small rectangular building was provided on its north boundary. The site occupied a position beside the track, east of a pasture and the OS map shows a number of springs nearby to the north which could provide adequate water.

The survey map of 1904 shows the rectangular building with greater clarity. It was in two sections, the larger western part was open cattle shed and the smaller building a bothy on the east side. The arrangement is shown on subsequent maps up to the Second World War. The yard has been extended to the west and the original carstone wall survives. It is now covered by a corrugated roof supported on poles, which is part of a mid-twentieth century pole barn, added in front of the original shed and bothy.

The application has been supported by a structural survey which demonstrates that the structure is capable of retention as the main framing construction for the conversion, however the scheme constitutes significant areas of new build in order to bring the building up to modern residential requirements.

The proposal seeks part-conversion, extensions and alterations of the existing structure to form a two-bedroom dwelling. As a result of the current condition of the building, significant areas of new build are required. The pole barn element of the existing building will be enclosed by new walls, and a small pseudo dovecote extension is proposed to form safe refuge above potential flood levels. All works will take place within the established courtyard and will not extend further into the countryside.

The proposal is to convert and extend the entire structure of cow shed, bothy and cattle shelter to form a single dwelling.

The bothy would be retained unaltered as a store, keeping its chimney and gable shuttered window, whilst the former open fronted cattle shed is proposed to be used as a gym and shower room. The corrugated sheet roofing over these original buildings is to be replaced with clay pantiles.

Whilst the proposed development clearly requires a significant extent of new build and upgrading of existing deteriorating walls and roof structures, the overall form and height of the proposal (excluding the 'dovecote' extension) has been designed to try to retain the

scale and proportions of the existing building alongside the unconventional roof alignments and orientations.

The building is proposed with eaves ranging between approximately 2m to 2.9m, and maximum ridge at 3.70m from ground level. The dovescote style extension is taller, with floor level raised and therefore eaves at approx. 3.5m and ridge at 5.1m.

The 19th century water pump at the south-west corner, currently hidden by dense vegetation, is to be exposed and repaired.

## **SUPPORTING CASE**

The Agent provided the following supporting statement for inclusion in this report:

1. The starting point for the determination of any application is the relevant statutory provisions; s.38(6) of the Planning and Compulsory Purchase Act 2004 requires that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
2. In this context, paragraph 11 of the NPPF requires that planning decisions should apply a presumption in favour of sustainable development; it says that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. Further, paragraph 38 requires that local planning authorities should approach decisions in a positive and creative way, and requires decision-makers at every level to approve applications for sustainable development where possible.
3. The Council’s Core Strategy (adopted and applied since 2011) contains a policy (CS06) which expressly addresses the conversion of existing rural buildings to dwellings, which should therefore make this decision a relatively straightforward one, allowing for conversion to residential use where: the existing building makes a positive contribution to the landscape; a non-residential use is unviable; the accommodation to be provided is commensurate to the site’s relationship to the settlement pattern; and the building is easily accessible to existing housing, employment and services.
4. The officers have scrutinised the application proposal closely, as have the external professional statutory consultees; thus, subject to appropriate conditions, Norfolk County Council as local highways authority have no objection, the Environment Agency and the District Emergency Planning Officer have no objection in relation to flood risk, the Environmental Quality Officer has no objections, the Council’s ecologist has no objections, and the design has attracted favourable comment. There remains the concerns expressed by the Parish Council; however, these concerns have all been addressed by the applicant to the satisfaction of your professional officers.
5. The application proposal will reuse an interesting existing range of buildings to provide a family home; there are only a handful of such conversions along the coastal area of the AONB in West Norfolk, and they do not harm the character or appearance of the area, but enhance it, by preserving historic built forms and complementing the “living” nature of the communities in this landscape.
6. It is perhaps easier to refuse all change; however, that has not been the culture of this Council over the years, but rather to embrace it and shape things for the better.



7. The application proposal is well-considered, and honed by the advice of your officers; it deserves permission, subject to the recommended conditions.'

## PLANNING HISTORY

No relevant planning history

## RESPONSE TO CONSULTATION

**Parish Council: OBJECTION** summarised as follows:

Dated 14 November 2023

- Previous officer report outlines a narrow view, and members should consider all relevant policy issues, including existing 5 year land supply and the EA's response stating 'no objection to this proposal providing that you have taken into account the flood risk considerations which are your responsibility'
- Members are asked to consider whether it would be consistent with this advice to support construction of a new dwelling in an inaccessible, environmentally sensitive location which:
  - is inadequately defended from tidal flooding
  - is c 300m from a road and has no safe access for emergency services in a flood event
  - can be expected to revert to intertidal mud flats in the foreseeable future based on the Shoreline Management Plan (SMP)
  - has habitable accommodation with floor levels substantially below those required by the EA for development in flood risk areas
  - Relies entirely on a small (12 sqm) bedroom space at the top of a 'Dovecote' as a safe refuge
  - Results in a flood hazard that the EA judge to be a 'danger for all including emergency services in the 0.5% (1 in 200) annual probability flood event including climate change'
- there is no demonstrated need for this house, it is difficult to see how the wider sustainability benefits for the community could outweigh the flood risk, the application therefore fails the exceptions test
- Reference is also made to the heritage significance and weight given to this, stating that similar barns are not rare in the area - indeed there are three more close to the application site. They all have the same form incorporating an animal enclosure and a shelter.
- Still potential for the building to be used for agricultural purposes
- Correction in regard to a typographical error, the Cattle Shed and Bothy are 19th Century, not 18th.
- Conversion to a dwelling would not preserve the significance or character of the existing building.
- Reference to refused application at Waxwings, for the construction of a new dwelling in the countryside which was refused
- The development does not comply with HNTS5 which requires that development in the Countryside Zone should demonstrate a need that is clearly related to agricultural activities
- For all of the above reasons Members are urged to refuse this application. However, if despite the arguments presented here Members are minded to approve the application the PC regards it as imperative that the Principal Homes Policy requirement (HNTS18) for a Section

- 106 legal agreement is adhered to and not downgraded to a planning condition as (once again) recommended by Officers.

Dated 20 September 2023

- Maintain objection until further investigation into flood risk situation which is the subject of detailed technical advice and questions from the EA
- The Parish Council is of the view that the main issue is whether the harm done by building a new dwelling in this highly sensitive location is outweighed by the benefit of preserving a building which is presented as an undesignated Heritage Asset. Having considered the available evidence, it will be clear from the following that a number of questions remain to be satisfactorily addressed and the PC's objections remain.
- Sustainability of the location, exposure to flood risk and impact on AONB, Heritage Coast and SSSI
- Distant from community and accessed via A149, has no nearby service, mains drainage and no safe walking access to public transport, will be entirely dependent on private car use
- Location is contrary to Local Planning Policies
- reference to nearby application for construction of a new dwelling which was refuse – ref 23/00422/F
- Parish Council agrees that the cattle shed and bothy may have some heritage significance by reason of their design, use and age, raised question as to how this could be preserved
- Parish Council does not consider the pole barn to have any heritage significance due to age and condition
- Pole Barn to be entirely removed, the open cattle shed would be closed and the roof would be closed beyond recognition. Only three walls of the small bothy (7% of overall floor area) would remain visible. The Parish Council considered this will lead to loss of recognisable significance of the building.
- Funding could be available to restore buildings to their existing use without any loss of significance
- High Flood Risk level and would not be supported by the Parish – Contrary to HNTS2
- Internal flood depths would be dangerous for all
- Concern over detail on drawings and finished floor level of the safe refuge. The AOD level could be conditioned.
- No information on structural integrity has been provided as part of this application, and cannot guarantee retention of the heritage asset in a flood event
- Concern over use of flood warning systems in an area of low signal
- Proposed refuse increases visual impact on the landscape, eroding the character of the AONB
- Size of dwelling vs curtilage is contrary to Policy HNTS14
- Dwelling should be subject to Principal Residence legal agreement
- Concern over direct impacts on protected sites from the proposed use

In so far as the planning balance, the proposed house is in an unsustainable location for residential development, it encroaches on the Protected Sites, impacts negatively on the special qualities of the AONB and the safety of potential occupants as well as the emergency services. These impacts are not considered to be outweighed by the benefits of preserving the heritage asset through conversion to a new dwelling for which there is no demonstrated need.

**Highways Authority: NO OBJECTION** subject to standard access/parking area condition.

**Environment Agency: NO OBJECTION – provided advice to guide LPA assessment** summarised as follows:

- Site is within Flood Zone 3a and has a high probability of flooding
- The conversion would be 'more vulnerable' in terms of flood risk
- Provided an outline of the level of risk on site to enable assessment
- The LPA should review whether safety is acceptable in regard to FFL and predicted flood levels, safe refuge is provided at 6.91mAOD to provide refuge in 0.1% annual probability flood event including climate change, however the ground floor level is at risk of flooding at a depth of 0.39m.
- The site level is 4.18m AOD and therefore flood depths on site are 1.51m in the 0.5% (1 in 200) annual probability flood event including climate change.
- Finished ground floor levels have been proposed at 5.30 m AOD. This is
- below the 0.5% annual probability flood level including climate change of
- 5.69m AOD and therefore at risk of flooding by 0.39m depth in this event
- The LPA should ensure they are content with a FEPP being proposed rather than provided *note – a Plan has now been provided to cover this point to the agreement of the Emergency Planner*
- Given that refuge is identified as a fall-back mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces associated with flood water
- This proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to a 0.5% (1 in 200) annual probability including climate change flood event). The EA have no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been proposed by the applicant but you should determine its adequacy to ensure the safety of the occupants
- Request for consideration of how funding for upgraded defences could be achieved through the planning system
- It is the LPA's responsibility to conduct the Sequential and Exceptions Tests

**Emergency Planner: NO OBJECTION**

**Internal Drainage Board: NO OBJECTION** Provided guidance on the requirements of the Board's Byelaws

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** recommended unexpected contamination condition.

**Ecologist: NO OBJECTION** Recommended conditions to control mitigation measures proposed within the Ecological Assessment.

**Conservation Officer: NO OBJECTION** with the following comments:

'The barn which is the subject of this application has been appropriately assessed in the heritage statement submitted with the application which details, at some length the surviving historic walls which are a remnant of a cattle shed. These remote cattle sheds are often used to get the cattle in off the marshes and can sometimes be some distance away from the farm. It is an important remnant of the former rural way of life in Holme and an important survival of a remote cattle shelter which are being lost from this environment. While there is not enough surviving historic fabric to nationally list it, it is considered to be of local importance, and is therefore a non-designated heritage asset.

The proposal seeks residential conversion of the building and it mirrors the agricultural look of the surviving metal barn. The modern character of the proposal means the proposed building can be kept low in height and the style of building means it will be recessive in the landscape, in keeping with the agricultural nature of the building and its surroundings. The extension is rather unfortunate but, a necessary requirement to comply with the flood regulations and could be said to resemble a dovecote, which is another form of agricultural building.

Overall, it is a good design that retains and restores the historic walls of the cattle shelter.'

## **REPRESENTATIONS**

**ONE** letter of **SUPPORT** received, stating comments summarised as follows:

- Preservation of a historic building
- Practical and efficient use of the building, benefitting aesthetics of the area
- Would allow the applicant to build a modest house on the farm her family have looked after for so long
- The representation states that he will grant pedestrian access over his land to allow the applicant to reach the bus stop at Drove Orchards as well as the shops and facilities there
- Access track is well maintained and is not a challenge to access the site

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS07** - Development in Coastal 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

## **NEIGHBOURHOOD PLAN POLICIES**

**HNTS 1:** Principle of Sustainable Development

**Policy HNTS5:** Countryside Zone

**Policy HNTS10:** Overall Form and Pattern of Settlement

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

**Policy HNTS12:** Conservation Area

**Policy HNTS13:** Heritage Assets

**Policy HNTS14:** New Homes

**Policy HNTS18:** Principal Residences

**Policy HNTS20:** AONB Landscape Quality

**Policy HNTS22:** Biodiversity

**Policy HNTS25:** Traffic and Car Parking

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of development
- Heritage Significance
- Design and landscape impact
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Other material considerations

### **Principle of Development:**

The entirety of Holme Next the Sea is categorised as a Smaller Village and Hamlet in Policy CS02 the Settlement Hierarchy. The application site is well outside of the main built extent of Holme next the Sea and within the wider countryside for the purposes of the Local Plan.

The site is outside the Development Envelope and is within the Countryside Zone as shown on the Plan Zones Map within the Holme next The Sea Neighbourhood Plan.

The site is within the Norfolk Coast National Landscape (Previously AONB).

### *Sustainability of Location*

The application site is well outside of the development envelope, as designated in the Neighbourhood Plan, and in the wider countryside as identified in the Core Strategy and Site Allocations and Development Management Policies Plan. The land is considered to be within the wider countryside, where normally development is restricted.

The subject site comprises a barn (Cattle shed and bothy) and a later pole barn addition, and the bothy and cattle shed and considered to have some heritage significance. The pole barn element is of lesser significance.

The reuse and retention of the non-designated heritage assets and putting them to viable uses is supported in principle by the NPPF (2023) at Paragraphs 203, and Paragraph 210 dictates that the effect on significant of a non-designated heritage asset should be taken into account with a balanced judgement being made. These overall aims are reiterated in Policies CS06 and CS12 of the Core Strategy (2011), however this does not override the weight that should be given to the sustainability of the location and other policies.

With the application's proximity to various buildings along the access track, and around 330m from a different barn previously granted planning permission for conversion, the site cannot be considered isolated for the purposes of Paragraph 84 of the NPPF, however it is remote from services and, as noted above, far outside of any development boundary.

Whilst the Applicant has access to a private footpath link west across agricultural fields towards the centre of Holme next the Sea, the application site is remote from services, and the provision of a new dwelling in such a position is at odds with the overarching aims of the NPPF (2023) in relation to sustainable forms of development as well as reducing the need to travel whilst managing growth (Para 109). The footpath link stretches some 650m across agricultural fields towards Sunnymead Holiday park on Kirkgate.

Paragraph 83 of the NPPF (2023) sets out that in order to promote sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities.

The aim of Policy CS06 is to protect and maintain the character of rural areas in line with the overarching aims of the NPPF (2019), supporting sustainable patterns of development and the sustainable development of rural areas.

Under Policy CS06 of the Core Strategy, whilst the proposal will retain and restore parts of a non-designated heritage asset which will have some heritage and cultural gain supported by other policies throughout the NPPF, the Local Plan and Neighbourhood Plan, this must be balanced against the remaining requirements of the Development Plan when read as a whole.

The application site is within the wider countryside, divorced from the main built extent of Holme and in an area which is contrary to the Development Plan.

Members should consider the overall position of the buildings within the landscape and the degree of separation from the settlement, which is only accessible across a private footpath link across agricultural fields or via the use of a private motor vehicle along an unmade track.

### *Neighbourhood Plan*

Holme next the Sea Neighbourhood Plan is the most recently adopted plan and has weight in any planning decision. As noted above, the site is outside of the development envelope shown on the Neighbourhood Plan Policies Map.

Policy HNTS 1 of the Neighbourhood Plan states that the Plan will adopt a positive approach to sustainable development and development proposals will be supported where they are consistent with this principle and accord with other policies of the Neighbourhood Plan, the Local Plan and the NPPF and in particular where they:

- i. Contribute to the economic and social vitality of the Parish's resident community
- ii. Respect the natural capital and ecosystem services generated by the Parish including its heritage assets (all of which underpin the Parish Economy).
- iii. Take opportunities to secure a positive impact on habitats, including the designated sites (SPA, SAC, RAMSAR, SSSI, Heritage Coast), taking account of the cumulative impacts of incremental development
- iv. Have due regard to the status of the AONB where great weight should be given to conserving and enhancing landscape and scenic beauty and where the conservation of wildlife and cultural heritage are important considerations
- v. Promote adaptation and resilience to climate change, sea level rise and flood risk

The proposal seeks consent for the conservation of a non-designated heritage asset within the National Landscape (AONB). The reuse of the existing building will prevent further deterioration of the structure and could be considered to lead to an enhancement of the immediate setting through improved use of materials and landscaping as well as conserving an element of cultural heritage, however the alternative view is that the residential use and the associated domesticated landscape will adversely affect the tranquillity of the edge of the marshes.

The addition of a new dwelling, which can be controlled to be utilised as a principal residence only, would contribute to the economic and social vitality of the Parish through the provision of a modest new dwelling. However, the position of the dwelling is remote from the services within the village and the rest of the community, and the proposal would have limited contribution to the overall vitality of Holme itself.

Flood risk impacts are discussed in additional detail below.

The application site to the north borders Holme Next the Sea Neighbourhood Plan's 'Protected Sites Zone' however no extension of the building or its curtilage is proposed within this area and the proposal therefore complies with Policy HNTS 3.

Policy HNTS 5 states:

'Proposals for development in the Countryside Zone must respect the purpose and aims of its designation as well as its AONB status. They should demonstrate a need that is clearly related to agricultural activities and linked to a specific location that satisfies that particular need. Where possible development should re-use or replace an existing building and should also be linked both physically and functionally to existing buildings. Development that would result in the creation of redundant structures in the countryside or the introduction of new development in isolated locations will not normally be permitted. All development should be based on high standards of design. It should reflect local character and distinctiveness and in terms of both physical scale and intensity of use, it should be compatible with its particular purpose and sympathetic to the rural setting as well as neighbouring amenity'

The explanatory text for Policy HNTS 5: Countryside Zone states that this zone aims to:

- Safeguard agriculture and soils and protect the countryside from encroachment
- Check the extension of the developed area of the parish and prevent sprawl
- Preserve the AONB setting, heritage and character of the parish

- Conserve strategic gaps between Holme and the neighbouring parishes
- Avoid new development that is prominent on the skyline, constitutes a visual distraction or impacts negatively on the landscape

The proposal is for the conversion and extension of an existing building which has an identified historic and cultural value which is discussed in depth within the supporting information. The Agent does not consider the building to be suitable for modern day agricultural purposes, unless further works to the structure are completed.

Whilst the proposal remains wholly within the building's existing curtilage, doesn't propose encroachment into the wider countryside and therefore would not lead to greater sprawl of built development into the undeveloped countryside, it is clear that the proposal is not necessary for agricultural purposes and the proposal would not comply with this key part of Policy HNTS5. As a result, whilst the re-use of existing buildings is supported by Policy HNTS 5, as there is no identified clear link to agricultural activities ongoing in this site, the proposal fails to comply with HNTS. The extent of new build proposed is further at odds with the aims of this policy.

Policy HNTS13 states that development proposals should recognise, conserve and enhance the significance of heritage assets and respect their setting.

The first part of Policy HNTS14 of the Neighbourhood Plan is not considered to apply in this instance as the dwelling is not within the development envelope allocated within the neighbourhood plan. The application seeks change of use of the building and its existing curtilage, and whilst the proposed percentage plot coverage totals approximately 42% (when excluding the driveway access from the definition) and therefore is marginally over the 40% figure noted within the Plan, this policy requirement must be balanced against remaining policies of the Neighbourhood Plan and NPPF in regard to preventing adverse impacts on the countryside and the National Landscape. An extension to the historic curtilage of the building would lead to greater harm to the local area and visual appearance of the building within the landscape, and therefore that the slight increase in plot coverage would not form a reason for refusal.

Policy HNTS18 relates to Principal Residence Conditions. A Planning Condition and associated S106 legal agreement could be imposed to control occupation of the dwelling.

Policy HNTS20 requires development to demonstrate protection of views from Holme's network of footpaths. The coastal footpaths closest to the site are well-distanced from the application site and the proposal is unlikely to have any significant impact on long views from the north. Whilst the building, in particular the dovecote addition, may be visible from the main extent of the village to the west, considering the modest design which largely relates to the conversion and alteration of the existing building and retains the existing form, the approximately 600m between the nearest footpath identified in the Neighbourhood Plan and the proposed dwelling would suitably limit any significant impact on long views.

The Neighbourhood Plan, when read as a whole, is supportive of proposals which preserve or enhance the National Landscape and preserve the cultural heritage of Holme Next the Sea however this does not diminish the need for new housing in suitable positions, with access to facilities and in appropriate levels of flood risk.

Whilst the proposal includes the conversion of a non-designated heritage asset and this will result in the preservation of the asset going forward, there is a significant element of new build proposed which reduces compliance with various policies throughout the plan which support true conversions and seek to avoid new build development in this position.



Consideration of the impact of flooding and the biodiversity impacts takes place below.

In their most recent comments, received in late correspondence to the previous committee item, Holme Parish Council referred to similar pole barns across the Neighbourhood Plan Area and stated that the building's significance therefore is limited. Whilst each application must be determined on its own merits, following investigations, these barns (one along the A149 towards Thornham, one at Peddars Way, and one around 650m south of the A149) may have similar site layout arrangements, but none are known to have retained chalk bothy/cattle shed elements and all are in varying states of disrepair.

It is the LPA's opinion that the cattle shed and bothy elements here are those that are most worthy of preservation, however the comments regarding the merits and significance of the building are noted and have been utilised in the overall planning balance.

### **Heritage Significance**

Policy CS06 of the Core Strategy (2011) provides for the conversion of buildings to a residential use only 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 to the settlement pattern; and
- The building is easily accessible to existing housing, employment and services.

Policy CS12 goes on to state that proposals to protect and enhance the historic environment and landscape character will be encouraged. The historic and built environment play a crucial role in delivering environmental quality and well-being. The council aim to preserve and where appropriate enhance its qualities and characteristics.

Paragraph 180 of the NPPF (2023) recognises the intrinsic character and beauty of the countryside and supports the protection of the countryside. Paragraph 124d of the NPPF states that decisions should support the development of under-utilised buildings. Full discussion of the landscape impact takes place later in this report.

Paragraph 203 of the NPPF (2023) Requires local planning authorities to take account of the following when determining application:

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

Paragraph 209 of the NPPF (2023) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The NPPF defines 'significance' as "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting".

Significance may be assessed on a scale from very high to none depending on the values society places on a particular historic asset. Historic England's 2008 guidance (Conservation Principles Policies and Guidance For The Sustainable Management of The Historic Environment) considers that these values may be 'evidential' (from past activities or remains), historical, aesthetic, communal (commemorative or symbolic, cultural, social or spiritual) or natural. In assessing significance, the importance of the setting of the heritage asset should also be considered.

The open fronted chalk barn and bothy are visible on site on the 1886 Ordnance Survey Maps and the heritage statement provided as part of this application illustrates the barn was likely constructed on site between the surveying of the tithe maps in 1844 and the later OS mapping. This building arrangement is consistent across subsequent maps up to the Second World War.

The bothy at the east end of the building is a single room with the remains of a fireplace in its north-east corner and an unglazed window with hinged shutter in its east gable.

The bothy, open shed (including roof trusses), east boundary wall and water pump which are existing on site are all identified within the heritage statement to date back to the 1800s.

Limited specific information is available to outline when the pole barn was created adjoining the chalk blockwork structure however it is believed to be a mid-twentieth century addition representing increased use of the shelter for cattle at a point just before the sudden decline in husbandry in the second half of the century.

The application site is within the Heritage Coast and is within the designated Norfolk Coast National Landscape. This part of the Norfolk Coast is characterised by settlements separated from the shoreline by salt marsh and between the two, land has been reclaimed largely for pasture. The landscape character is significant in its own right and throughout history, the gradual increase in small ancillary farm buildings along the coast occurred in the 18th and 19th century following an increase in the construction of sea banks. The historic growth of the farming economy is the reasoning behind the original construction of the bothy and cattle shed as well as its later enlargement.

The Applicant's Heritage Statement states that the entire yard is a summary of the history of grazing on the coastal pastures. It has historic and social value, the main contribution to that being the chalk cattle shed and bothy and its significance is increased by the increasing rarity of such structures, which often fall out of agricultural use due to modern agricultural requirements.

The buildings are of local historic and cultural interest and, in terms of the NPPF, the chalk elements (the bothy, cattle shed and surviving walls) of the existing building are considered to be a non-designated heritage asset.

The proposal has been designed to retain the character of the building and limit harm to historic fabric and the building's character. However, the level of changes to the pole barn structure are significant and tantamount to new build in the countryside. The supporting poles are the only significant elements proposed to be retained and will be within the building rather than retained as part of some external structure. The new build elements are vastly larger than the converted element, and the scheme will be seen as such.

The interaction between roof slopes and the utilitarian character of the building would be retained, and the location of development wholly within the curtilage of the existing building prevents intrusion into the wider landscape setting, however the overall domestication of the

landscape is a consideration, as is the extent of works required to bring the building into a residential use. Full consideration of the design of the building is discussed below.

Whilst the cattle shed and bothy have some heritage significance as a result of their age, the extent of works proposed under this application, in particular the works to the pole barn and the dovecote extension arguably go well beyond what could reasonably be considered a conversion and effectively result in new-build in the countryside, albeit retaining the chalk walls and roof arrangements of the cattle shed and bothy.

The contribution the cattle shed and bothy make to the overall residential use is limited, and the majority of the residential use would be provided for within newly built areas. This limits the opportunity for the scheme to be assessed under conversion policies, including paragraph 203 of the NPPF (2023), Policies CS06, CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

The proposal is considered to fail to meet the overarching aims of the NPPF in regard to guiding development to the most sustainable positions within the settlement. The limited heritage benefits of retaining the bothy and cattle shed would not outweigh the harm caused through the creation of a new dwelling in the countryside in an area which is at odds with the Local Plan.

### **Design and Landscape Impact:**

#### *Design*

The existing barns on site have a distinct character and appearance, their scale and bulk directly relating to their age and historic use, albeit in a state of disuse/disrepair. The building is also set within the National Landscape, with relatively flat agricultural fields allowing long views of the site to the north and west.

The proposal is to convert the entire structure of cattle shed, bothy and pole barn to form a single dwelling. The design aims to achieve this without increasing the size of the enclosure, maintaining the low height of the structure and retaining the cow shed and bothy with as little alteration as possible. The bothy is retained unaltered as a store, keeping its chimney and gable shuttered window, whilst the former open fronted cow shed is used as a gym and shower room with a north wall to enclose the space. The corrugated sheet roofing over these original buildings is to be replaced with clay pantiles.

Whilst the proposal has been designed to try to retain the character of the remaining parts of the building and limit harm to historic fabric, the level of changes to the pole barn structure are significant and tantamount to a new building in the countryside. The supporting poles are the only significant elements proposed to be retained and will be within the building rather than retained as part of some external structure. The new build elements are much larger than the converted element, and the scheme will be seen as such. This is a point made by the parish council.

The interaction between roof slopes and the utilitarian character of the building would be retained, and the location of development wholly within the curtilage of the existing building prevents intrusion into the wider landscape setting. However the overall domestication of the landscape is a consideration, as is the extent of works required to bring the building into a residential use.

Whilst the cattle shed and bothy have some heritage significance as a result of their age, the extent of works proposed under this application, in particular the works to the pole barn and the dovecote extension required arguably go well beyond what could reasonably be

considered a conversion and effectively result in new-build in the countryside, albeit retaining the chalk walls and roof arrangements of the cattle shed and bothy.

The 19th century water pump at the south-west corner, currently hidden by dense vegetation, is to be exposed and repaired.

The main change is to the remainder of the yard which is covered by the corrugated cattle shelter supported on timber poles. The poles are to be kept, but the corrugated sheeting is to be replaced with horizontal weatherboarding and a zinc sheet roof and a floor will be added. The height and profile of the building are to be kept as low as possible in order to minimise any impact on the landscape.

The boundary walls and shape of the building and its curtilage provide a feeling of enclosure which would be retained post development. Whilst an extension to the building is proposed for flood risk purposes, the overall design, notwithstanding the fact that significant parts are entirely new build, is sympathetic to the existing character of the building as well as to its history. The careful use of appropriate materials is imperative to achieve a suitable final appearance and samples could be conditioned.

The poles currently forming a main part of the more modern structure are proposed to be retained within the dwelling although will not be visible externally, as external walls will be re-covered in grey horizontal weatherboarding and a zinc sheet roof.

Chalk elements of the proposal would be retained in-situ with minimal changes proposed to their appearance.

The 'dovecote' extension required for flood risk purposes raises no objection from the Conservation Team. The glazed link to the main barn ensures that the positioning of the extension does not erode the significance of the retained parts of the structure, however furthers the impact in regards to light pollution, discussed in depth below.

Whilst not being sufficiently innovative to be supported entirely by Paragraph 139 of the NPPF (2023), the proposal does take into account the significance and form of the non-designated heritage asset. The proposal is therefore considered to comply with design policies such as Paragraph 134 of the NPPF (2023), Policy DM15 of the SADMPP (2016) and Policy HNTS11. The proposal will, however, lead to buildings with a fundamentally domestic character encroaching into the National Landscape and wider countryside, the landscape impact must be considered as part of this decision.

### *Landscape Impact*

The Neighbourhood Plan is consistent in its aims to protect the National Landscape and achieve suitable designs for development which does not harm the National Landscape, the Countryside, or Heritage Assets.

Whilst the majority of the footprint of the proposed building will build on elements of the existing, and therefore the curtilage of the building is retained, the domestication of the site, the increase in glazing and lighting, the provision of a taller 'dovecote' extension, and the overall residential use will have an impact on the landscape character of this part of Holme Next The Sea.

The proposed use will not be viewed in connection with any existing residential uses and, especially in periods of darkness, the residential use of the site will have a more significant and visible impact on the landscape than the current low-key agricultural storage use.

Whilst external lighting could be controlled via appropriately worded planning conditions, the domestication of the site (manicured gardens, hedgerows, driveways etc) combined with the extent of glazing which will allow light pollution overnight could not be controlled or prevented as part of this decision. The imposition of glazing restrictions would not remove the harm to the overall landscape character and the tranquillity of this part of the National Landscape, which is currently largely undeveloped and the overall development would be viewed as encroachment into the undeveloped countryside which is at odds with the aims of the NPPF (2023) and would harm the landscape character, at odds with Holme Next The Sea Neighbourhood Plan.

### **Impact on Neighbour Amenity:**

The application site is remote from neighbouring dwellings and would not impact on the amenity of the nearest properties. The application is therefore in line with Policy DM15 of the SADMPP (2016).

### **Highway Safety:**

The Local Highway Authority raise no objection to the principle of the application, which would result in no significant increase in vehicular activities along the private track and to Thornham Road when compared with the lawful agricultural use.

Conditions are recommended to ensure that the landscaping scheme allows the provision of parking spaces for at least two vehicles. Subject to conditions, the proposal is considered to comply with the aims of the NPPF (2023), Policies CS08, CS11 and DM15 of the SADMPP (2016) and Policy HNTS25 of the NP.

### **Flood Risk:**

Various amendments have taken place throughout the course of this application to update plans and the Flood Risk Assessment provided upon submission, ultimately resulting in the withdrawal of the Environment Agency's objection. The Environment Agency have most recently stated no objection to the proposal, subject to consultation of the Borough Council's Emergency Planner and provided various additional suggestions which have all be considered as part of this report.

The Emergency Planner raises no objection to the proposal.

Conditions could be used to control submission of full structural reports to evidence how the building will withstand flood risk in the event of a tidal breach or other serious flood event. This can take place alongside the Building Regulations process when the structural details are finalised. The structural report provided with this application indicates the building is suitable for the proposed use, however does not provide a sufficient level of information to assess flood resilience and resistance measures going forward. Conditions could enable this detail to be provided prior to commencement of any works.

The dovecote extension provides a safe refuge above the highest expected flood level – with a finished floor level (FFL) of 7.18m AOD. The EA's response incorrectly notes that the proposed floor level is lower than this, however the FRA addendum can be conditioned to refer to this figure. Conditions would be imposed to ensure that the FFL of the dovecote is constructed at no lower than 7.18mAOD. This is 300mm above the 1 in 1000 year plus climate change allowance noted within the EA's advice.

A Flood Emergency Preparedness Plan (FEPP) was prepared and submitted alongside the revised FRA. This document has not drawn objection from the Emergency Planner. Further

conditions could ensure, alongside details on the structural integrity of the building, that flood resilience and resistant measures are provided throughout the construction as agreed by the Local Planning Authority.

The NPPF's clear aims relate to steer development away from areas at the most risk, and only permit development in areas at flood risk where it is appropriate or necessary (Para 165).

In regards to the sequential tests, the Planning Practice Guidance sets out that this does not apply for changes of use. Whilst this proposal includes a change of use, the vast majority of the application seeks consent for extensions and alterations which are considered new build. The converted parts of the dwelling provide for a gym and store rather than habitable accommodation, and the extended parts are tantamount to a new dwelling in their own right and could operate as such. Therefore, the LPA consider that the application fails the sequential test, as there is ample opportunity for the creation of a new dwelling in an area of lesser flood risk elsewhere in Holme, with the majority of Holme's development envelope positioned outside of Flood Zone 3.

Whilst following failure of the sequential test, the exceptions test is not necessary, for the avoidance of doubt assessment against the exceptions test is as follows.

With no objection from the Environment Agency on safety grounds, the application could be deemed safe for its lifetime subject to conditions restricting finished floor levels, the submission of structural details to evidence flood resistance and resilience measures, and the use of the submitted FEPP.

However, the second part of the exceptions tests requires wider sustainability benefits to the community that outweigh the flood risk, and both parts of the exceptions tests would need to be passed.

Holme Parish Council raised concern surrounding the Shoreline Management Plan, which shows the application site in an area likely to become intertidal mudflats in the future (2105). Whilst the Environment Agency do not object, this reduces the lifetime of the development and impacts on whether the proposal could be considered safe for its lifetime long term. The resilience and resistance measures proposed do not prevent the flooding of the vast majority of the dwelling in the event of a flood.

Members should consider whether the high risk of flooding on site is outweighed by the benefits of the proposal. The application site proposes a new dwelling which will contribute towards the housing supply and would also reuse a currently redundant non-designated heritage asset within the National Landscape which has some contribution in regard to preserving heritage and culture. However, whilst the EA have not objected in regard to the safety of the building, and the Emergency Planner also does not raise objection in regard to the FEPP, the proposal does constitute the creation of a new dwelling in an area of flood risk and will increase the number of people/residences at risk in the event of a high-level flood. The LPA do not consider it necessary to allow the addition of a new dwelling, and therefore increase the number of people at risk in the event of a flood.

As discussed above, the principle of a residential use in this position has not been established, and the benefits of one additional dwelling in such a significant area of flood risk are limited. Furthermore, the Borough Council can demonstrate a housing land supply of in excess of the required period which further limits any community benefit associated with the scheme.

The LPA therefore do not consider the exceptions test to be passed, and the application fails to comply with HNTS Policies 1 and HNTS 4, Paragraphs 169-170 of the NPPF (2023), and Policy CS08 of the Core Strategy (2011).

#### **Other material considerations:**

**Contamination** The applicant has provided a screening assessment stating no known contamination and that the use of this site has been as a cattle store that is now redundant, no asbestos containing materials are noted in the structure's construction.

The information submitted does not indicate the presence of significant land contamination. However, the former agricultural use means that it's possible that some unexpected contamination could be present. A condition is recommended to ensure that the site is suitably protected from contamination, in line with Para 183 of the NPPF (2023) and Policy DM15 of the SADMPP (2016).

**Protected Sites** Natural England recommended a Habitats Regulations Assessment take place as to recreational disturbance impacts on nearby protected sites. The Protected Sites are scoped into the Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy, and the GIRAMS fee has been paid as part of this submission. This fee is considered sufficient to overcome the associated recreational disturbance impacts associated with the construction of one new dwelling, and a separate Habitats Regulations Assessment has taken place to record this decision. Planning permission is therefore able to be granted, and significant effects of protected sites ruled out.

The Parish Council raised comment on direct impacts on the nearby protected sites as a result of the use. Neither the Council's Ecologist or Natural England has raised concern in regard to this element of the proposal and given the scale of the application, no adverse impacts are likely.

**Ecology** - A Preliminary Roost Assessment and a Bat Survey have been provided to support the application. There is evidence of barn owl roosts within the bothy and mitigation measures are proposed to control these impacts on protected species. Further Bat Surveys concluded negligible roost potential within the buildings on site, however both reports set out further mitigation and enhancement measures for the avoidance of doubt this includes the provision of 2 bird boxes and bat roosting boxes.

Conditions are recommended to ensure the installation of bird and bat boxes on site in accordance with the submitted details. The proposal therefore complies with the NPPF (2023) and Policy HTNS22 in regard to impacts on protected species.

#### **CONCLUSION:**

The proposal seeks consent for the conversion of an existing 18th Century cattle shed, bothy and pole barn to use as a two-bedroom dwelling. A structural report provided to support this application demonstrates that the existing building is capable of conversion, and the proposed design has been considered to ensure that the historic character and significance of the building is retained.

However, the application site is within the wider countryside for the purposes of the Local Plan and is within the Countryside Zone as shown on the Plan Zones Map within the Holme next The Sea Neighbourhood Plan where residential development would not normally be considered acceptable. Therefore, the benefits of the conversion of the cattle shed and bothy when combined with the extent of extensions and alterations proposed to the pole

barn to form the dwelling must be considered against the fundamental objection to the principle of the creation of a new dwelling in the countryside and remote from services and facilities.

The cattle shed and bothy are shown on the 1886 OS Mapping and likely date from the mid-19th Century. The Conservation Team consider the structure to be a non-designated heritage asset and support its retention.

Whilst conditions could be imposed to provide a degree of safety for future occupiers, the FRA demonstrates that the vast majority of the building would be flooded in a flood event (up to 600mm). This leaves the proposed dovecote as the only safe refuge for occupants.

Members should consider whether the high risk of flooding on site is outweighed by the benefits of the proposal. The application site proposes a new dwelling which will contribute towards the housing supply and would also reuse a currently redundant non-designated heritage asset within the National Landscape which has some contribution in regard to preserving heritage and culture. However, whilst the EA have not objected in regard to the safety of the building, and the Emergency Planner also does not raise objection in regard to the FEPP, the proposal does constitute the creation of a new dwelling in an area of significant flood risk and will increase the number of people/residences at risk in the event of a high-level flood.

As discussed above, the principle of a residential use in this position has not been established, and the benefits of one additional dwelling in such a significant area of flood risk are limited. Furthermore, the Borough Council can demonstrate a housing land supply of in excess of the required period which further limits any community benefit associated with the scheme.

The dovecote style extension, required to account for flood risk, further adds to built development in the countryside and the overall works to the building go beyond typical conversion of a building, being tantamount to a new dwelling.

The use of the land and extension and alterations of buildings for residential purposes would lead to landscape impacts within the Norfolk Coast Landscape Impact as a result of domestication of the site and the impact on dark skies resulting from additional areas of glazing and the associated light pollution. As a whole, this would lead to harm to the tranquillity of the National Landscape and goes against the overarching aims of the NPPF (2023) and the Development Plan in regard to protecting the character of the countryside and the National Landscape.

Considering the high level of flood risk combined with the overall location of the development outside of any development boundary and distanced from the main built extent of Holme Next The Sea, the LPA do not consider that the proposal complies with the NPPF (2023) in regards to preventing risk from flooding, or providing for sustainable forms of development overall.

The very minor benefits of the construction of a new dwelling towards the Borough Council's Housing Land Supply and the retention of a non-designated heritage asset would not outweigh the contradictions with the overall development plan in regards to flood risk and the location of new housing. The application therefore fails to comply with the NPPF (2023), Policies CS01, CS02, CS06 and CS08 of the Core Strategy (2011), Policies DM1, DM2, DM3 and DM15 of the SADMPP (2016) and Policies HNTS 1, 5 and 7 of the Holme Next the Sea Neighbourhood Plan.



## RECOMMENDATION:

**REFUSE** for the following reason(s):

- 1 The application proposes the creation of a new dwelling outside of any development boundary/development envelope, and distanced from the main built extent of Holme Next The Sea in an area which is remote from services and facilities. The LPA do not consider that the proposal complies with the overarching aims of the NPPF (2023) and development plan in regards to providing for sustainable forms of development.

The very minor benefits of the construction of a new dwelling towards the Borough Council's Housing Land Supply and the retention of a non-designated heritage asset would not outweigh the contradictions with the overall development plan in regards to the location of new housing. The application therefore fails to comply with the overarching aims of NPPF (2023) in particular Paragraph 83, Policies CS01, CS02, CS06 and CS08 of the Core Strategy (2011), Policies DM1, DM2, DM3 and DM15 of the SADMPP (2016) and Policies HNTS 1, 5 and 7 of the Holme Next the Sea Neighbourhood Plan.

- 2 Whilst the application includes part conversion of existing structures, the proposal as a whole is tantamount to a new dwelling within an area of significant flood risk, Flood Zone 3a. The NPPF states at Paragraph 165 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and where development is necessary in such areas, the development should be made safe for its lifetime.

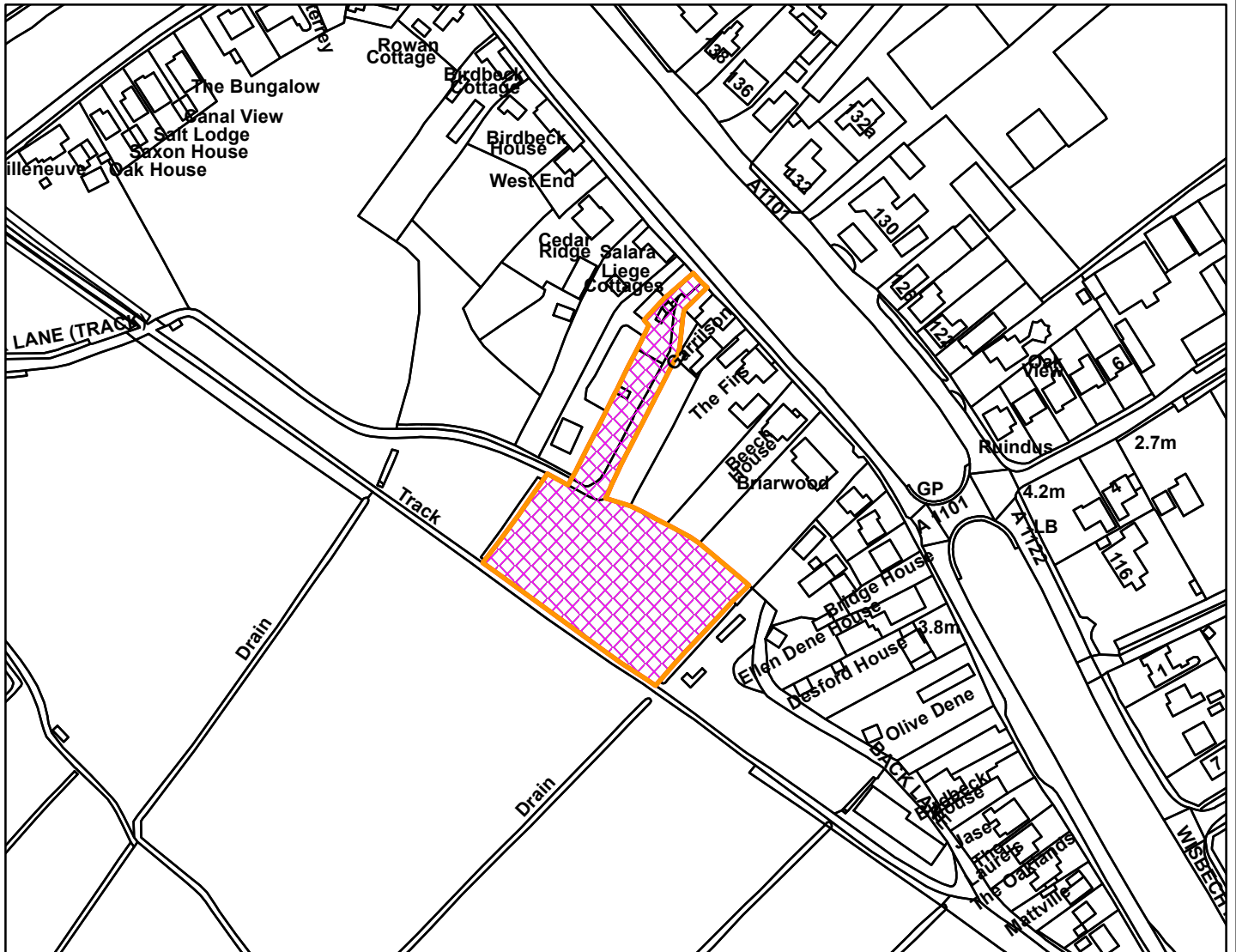
The LPA can currently demonstrate a Housing Land Supply of in excess of 5 years and the LPA does not consider the creation of a new dwelling in this position to be necessary. The proposed development fundamentally contradicts the overarching aims of the development plan in regard to sustainability of location and impacts on the national landscape and the LPA do not consider the very limited benefit of one additional dwelling would overcome the adverse impacts associated with putting additional people at risk of flooding, nor would they render the development as necessary. Notwithstanding this, the application also fails the sequential test, with the majority of Holme Next The Sea being outside of Flood Zones 2 & 3.

The application therefore fails to accord with Paragraphs 165 and 168 of the NPPF (2021), Policy CS08 of the Core Strategy (2011) and Policies 1, 5 and 7 of the Holme Neighbourhood Plan.

- 3 The proposal will introduce sporadic residential development into the wider countryside, in a remote position within the Norfolk Coast National Landscape. The proposed design will result in the domestication of this part of the National Landscape and the associated impact of the development on tranquility and dark skies is at odds with Paragraphs 135 and 191 of the NPPF (2023), Policies CS06, CS07 and CS08 of the Core Strategy (2011) and Policies HNTS 5 and HNTS 20 of the Holme Next The Sea Neighbourhood Plan.



1 Liege Cottages Basin Road Outwell Wisbech PE14 8TQ



**Legend**

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**Scale:** 1:2,500

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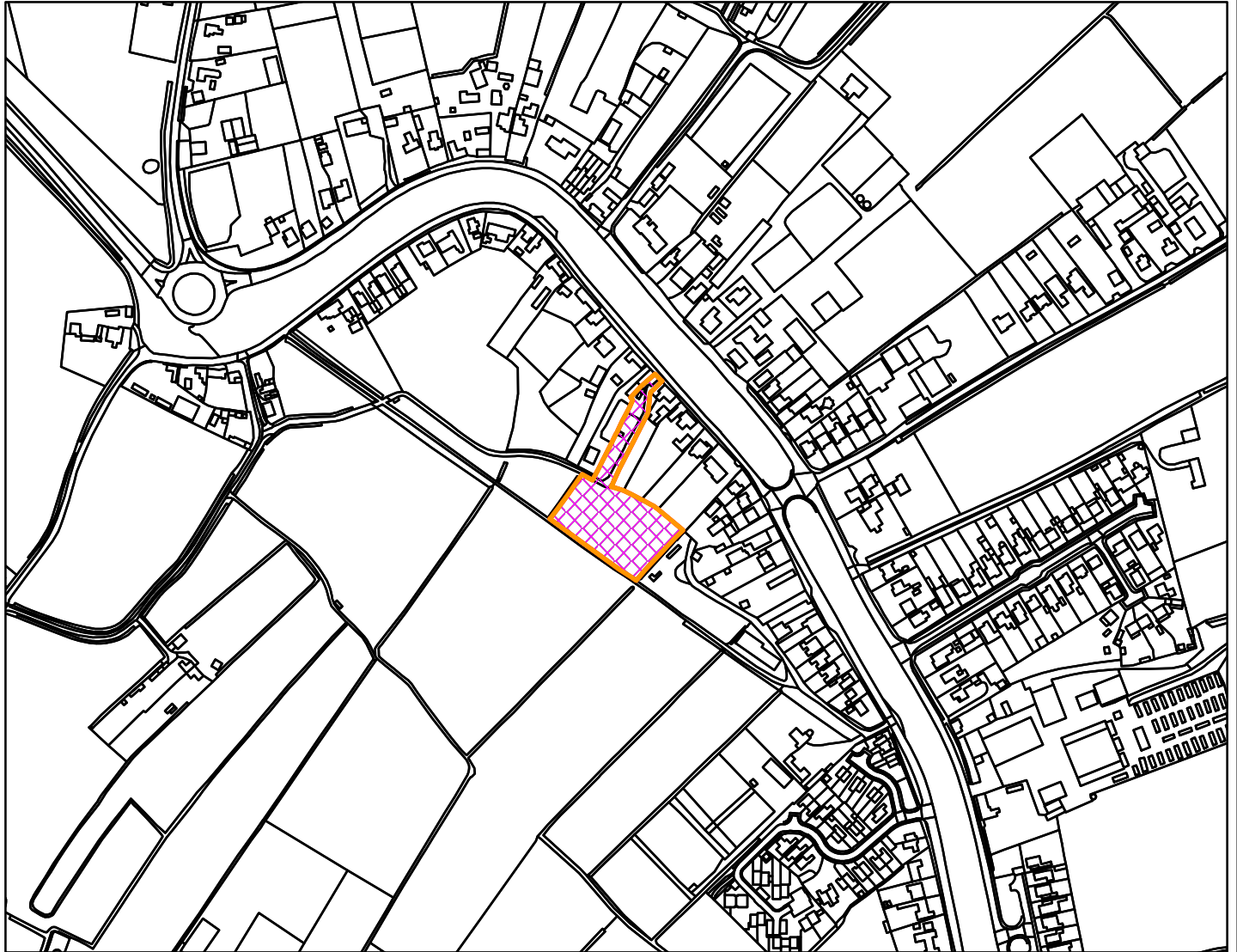
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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
| MSA Number   | 0100024314 |

23/00940/F

Borough Council of  
King's Lynn &  
West Norfolk



1 Liege Cottages Basin Road Outwell Wisbech PE14 8TQ



**Legend**

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|----------------------|--|--|
| <b>Parish:</b>       | <b>Outwell</b>   |  |
| <b>Proposal:</b>     | <b>Retrospective: Change of use of dwellinghouse to a mixed use as a dwellinghouse and for the keeping and breeding of up to 16 dogs together with the retention of kennel buildings, a cat building and open runs and a proposed field shelter.</b> |  |
| <b>Location:</b>     | <b>1 Liege Cottages Basin Road Outwell Wisbech PE14 8TQ</b>  |  |
| <b>Applicant:</b>    | <b>Mr &amp; Mrs Jones</b>  |  |
| <b>Case No:</b>      | <b>23/00940/F (Full Application)</b>   |  |
| <b>Case Officer:</b> | <b>Bradley Downes</b>  | <b>Date for Determination:<br/>18 August 2023<br/>Extension of Time Expiry Date:<br/>9 February 2024</b> |

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

**Neighbourhood Plan:** No

**Case Summary**

**Deferred item: updated parts in bold.**

The site lies on the south side of Basin Road to the rear of the donor dwelling 1 Liege Cottages. While the semi-detached main dwelling is within the built up extent of Outwell and within the development boundary, the application site lies outside the development boundary and is therefore classified as countryside. The proposal is retrospective for the change of use of part of the residential garden to Sui Generis use for commercial breeding and selling of puppies together with ancillary development and uses. The proposal involves erection of a kennel building and runs, a cat building, and field shelter. The business currently has a breeding licence for up to 16 adult dogs and maximum of 3 litters **on site at any one time**. The application arose as a result of an enforcement investigation.

**Key Issues**

- Principle of development
- Form and character
- Noise and disturbance of neighbours
- Highway safety and access
- Other material impacts
- Specific comments and issues

**Recommendation**

**APPROVE**

## THE APPLICATION

The site lies on the south side of Basin Road to the rear of the donor dwelling 1 Liege Cottages. While the semi-detached main dwelling is within the built-up extent of Outwell and within the development boundary, the application site lies outside the development boundary and is therefore classified as countryside. Outwell is classified as a key rural service centre, joined with Upwell.

The proposal is retrospective for the change of use of part of the residential garden to Sui Generis use for commercial breeding and selling of puppies. The proposal involves erection of a kennel building and runs near the rear of the site for accommodating the animals, together with a cat building, and field shelter. The business currently has a breeding licence for up to 16 adult dogs and maximum of 3 litters **on site at any one time**. The business has a 3-star breeding license which means it meets the minimum expected welfare standards. The application arose as a result of an enforcement investigation.

**PLANNING HISTORY** No relevant planning history

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** for the following reasons:

- Site is in built-up area, not suitable for this type of business.
- all work has been carried out before permission is granted - should be no presumption this would be allowed.
- Proposed shelter is on a right of way of a private land owner.
- noise from this property is not good for the mental state of those living close by.
- what facilities are put in place for dog waste and drainage?
- the site in in a flood plain.
- there is not adequate off road parking for staff and customers.
- Outwell PC are not aware that the owners have a licence to breed.
- the noise, smell and lighting from the business will cause great consternation.

**Highways Authority: NO OBJECTION**

On the basis that the facilities are being used in relation to the breeding of dogs which tends to attract low levels of traffic, I believe it would be difficult to substantiate an objection on highway safety grounds to the small increase in on-street parking that may result. Your authority may wish to consider any social or domestic concerns that on-street parking may create.

**NCC Public Rights of Way: NO OBJECTION**

No objection in principle but would highlight that Public Right of Way known as Outwell Bridleway 3 is aligned east-west within the section shaded orange on the submitted plans. The full legal extent of this bridleway must remain open and accessible for the duration of the development and subsequent occupation.

**Emergency Planning: NO OBJECTION**

As the site could become isolated during a flood event, the occupiers sign up to the EA flood warning service and a flood evacuation plan should be prepared.

## **CSNN: NO OBJECTION**

Provided the number of adult dogs is restricted to 16 to comply with the licence for breeding; the attached site plan is conditioned to be retained as agreed with respect to the fencing, noise attenuation measures, uses of different areas of the site, external lighting and the location of dog waste bins; full adherence with the noise plan document; and the EPA informative is attached to any approval issued, I confirm we would not object to this proposal.

The CSNN team have no registered complaints regarding the site. There remains potential for some dog noise impact on attached and adjacent residents, given the number of dogs and the close location of neighbours to the site. However, the applicants have worked with me to consider control of noise and have made detailed efforts to try and mitigate impacts on residential amenity. By attaching the EPA informative I make it clear that, regardless of planning consent, justified complaints will be investigated and action could be taken by this team upon evidencing a statutory nuisance.

I have no concern with noise levels of the proposed air conditioning units or external lighting as provided on the plan.

## **Environmental Quality: NO OBJECTION**

The site lies to the west of the Wisbech canal landfill which has been investigated by the Council. No potential sources of contamination are identified in our records or in the information provided by the applicant.

## **Licensing: NO OBJECTION**

(Verbal correspondence - file note on file). The site benefits from a breeding licence for up to 16 adult dogs and 3 litters per year, including 12 breeding bitches and 4 studs. The licence is 3 stars which meets minimum welfare standards. The operator has more than 10 years of experience. If welfare conditions are not being met then licensing can inspect and take action.

## **Ecologist: NO OBJECTION**

(Verbal correspondence – file note on file). The buildings on-site have low/negligible potential to support bats based on the features of those buildings as assessed from site photos. It is unlikely therefore that a bat roost was destroyed, but in any case, the matter would be for the police, not the Council. However, there are likely to be foraging and/or commuting bats through the site, but they would not be significantly affected by the proposed development.

The Council does not have any records of barn owls in the immediate area. It is considered there is not sufficient evidence to indicate that further surveys are necessary. On that basis, it is considered the ecology matters are sufficiently covered under the Wildlife and Countryside Act 1981.

## REPRESENTATIONS

**FIFTEEN** different letters were received in total, with **FOURTEEN OBJECTION** letters and **ONE SUPPORT**.

Since the last committee meeting, **EIGHTY-TWO** additional letters of **SUPPORT** have been received, and **ONE OBJECTION** letter has been received. Salient points in bold below.

The supporting letter was received by owner of the field within the site area which is rented to the applicants and raises the following points:

- Dogs barking from other properties, not all from the site.
- Outwell has many heavy vehicles on the roads, therefore proposed business would not significantly impact on traffic flow in the village.
- The area was not entirely residential historically, site was previously used as a working farm with pigs and chickens.
- As site used to be working farm there is plenty of space for parking.
- Neighbouring property has a large workshop to the rear which benefits from permission for commercial vehicle repair.
- Applicants previously had licenced breeding business for over 20 years in Fenland and had not received complaints.
- The applicants live adjacent the site which shows they are confident they can minimise impact from the kennels on themselves or neighbours.
- Outwell needs new and diverse businesses. The business will also contribute to the economy of other businesses in the village.

**Other supporting comments as follows:**

- **Don't see issue with breeder in the countryside, isn't that where they should be?**
- **Applicants previous address was more densely populated and no noise complaints.**
- **Never any bad smells or nuisance noise from dogs at the previous address.**
- **Customers visiting is no different than having friends or family visit.**
- **Applicants are caring, animal focussed and responsible.**
- **Applicants maintain a safe and secure environment.**
- **Dogs are well looked after, friendly, healthy and happy.**
- **The set up is clean and calm with minimal noise and no smells.**
- **Applicants provide a serve supplying well socialised and mannerly puppies.**
- **Wasn't aware the applicants breed dogs until they told me.**
- **Owners are preserving a traditionally built property.**
- **Approval would benefit local community.**
- **Kennels are soundproofed and use proper waste management.**

The **FOURTEEN** letters of objection raise the following concerns:

Noise and disturbance

- Housing 16 dogs, puppies, cats and staff is going to cause significant disturbance to neighbours.
- Donor dwelling is small semi-detached and unsuitable for breeding of dogs with additional noise and traffic.
- Vehicle movements on site cause disturbance due to the gravel driveway.

- Policy CS10 in relation to impact on local residents has not been considered in the details submitted.
- Supporting text for Policy DM15 states that developments likely to have a significant impact on residential amenity should be sited away from residential areas.
- The area is mainly occupied by older generation. Dogs barking is not conducive of a peaceful old age.
- Working from home, proposal will cause disturbance on calls from clients and meetings.
- Application has caused significant worry and stress and would affect mental wellbeing.
- If applicant breeds larger dogs the situation would be unbearable.
- Kennels at Mullicourt Road have large dogs which can be heard almost a mile away.
- Current noise levels with 4 dogs reveals that soundproofing is hopelessly inadequate.
- Noise will restrict practical use of opening windows.
- How will the noise, smell, and vermin be managed at night.
- Any movement in neighbours gardens is likely to set off barking.
- Barking would be worse if neighbours get a pet dog themselves.
- Application takes away the peace of the countryside.
- Noise travels far in this area due to the openness of the surroundings.
- Noise plan refers to nearest dwelling as The Firs, but Garrilson and 2 liege cottages are even closer?

#### Traffic and parking

- Multiple workers will be required despite limited parking.
- Basin Road is often used as an alternative route during repairs and sees many near misses.
- Traffic will increase, increasing air pollution and houses getting damaged by vibration.
- No suitable off-road parking on Basin Road.
- Parking on Basin Road will cause problems with larger farm vehicles getting past.
- No parking has been shown for the business on the submitted plan.

#### Public right of way

- Application form states that site cannot be seen from public footpath but the application site intersects a public Bridleway.
- General Public has right of way over Back Drove, including the area between the applicant's land and the rented field.
- Concerned that public right of way will be cut off.
- If using the right of way will set off barking of dogs in close proximity to elderly neighbours then I'd likely avoid it entirely, making the right of way un-useable for the public as intended.

#### Other comments

- Business will add to the residential drainage system, is there capacity?
- Cannot see that drainage is provided or what happens to the dog faeces.
- The development conflicts with character and appearance of the area.
- Council was made aware the kennels were being built but made no effort to investigate.
- Applicant allegedly destroyed bat roost.
- Potentially barn owl roost within 40m of the site.
- Description of Basin Road in DAS is inaccurate and manipulated in favour of applicant.
- Description is ambiguous. Does it mean puppies will be conceived and delivered in the dwelling?
- The application does not mention the type of dogs being bred.



- The DAS states that the dwelling will not be used for the business except for paperwork, but then says that viewings will take place within the dwelling.
- DAS sets out that the business will be a positive and add to local economy without any substance as to what these benefits are.
- LPA should issue a stop notice if they have been made aware of work requiring planning permission continuing without consent.
- Construction work has continued including buildings that are not mentioned on the application.
- Only 10 kennels on site, how will 16 dogs be accommodated? Is there more kennels on site or do multiple dogs share with puppies.
- Concerned with welfare of dogs. Could more information be provided on welfare and which animals are being bred.
- What is the purpose of planning rules if they are ignored.
- Kennels would affect property value.
- Properties will be harder to sell, nobody wants to live next to a property breeding dogs.
- Would the committee members accept this if it was their neighbours?
- If people need dogs they should obtain from the many that are being abandoned due to covid-19, not from someone profiting from more breeding.
- Applicant can't see their own buildings due to vegetation, but the building can be seen from Garrilson detracting from open countryside.

**Other objecting comment as follows:**

- **Concerns regarding visual impact of site.**
- **Too many dogs in restricted space.**
- **Shouldn't have been built without permission.**

**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**

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

### **The main considerations:**

- The principle of development
- Impact on character and appearance
- Impact on neighbour amenity
- Highway Safety
- Other material impacts
- Specific comments and issues

### **Principle of development**

While the dwelling 1 Liege Cottages lies within the development boundary for Outwell, the operational part of the proposals involving the kennels is outside the development boundary, so it is subject to those policies which seek to restrict development in the countryside to that which is identified as suitable in rural areas as set out in other policies of the Development Plan. Outwell is designated with Upwell as a key rural service centre in Policy CS02 of the Core Strategy 2011. Policy CS02 states that in key rural service centres limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported.

Policy CS10 of the Core Strategy 2011 is also relevant, which concerns economic development. The policy makes an allowance for rural employment sites in the countryside, with the criteria that the operation should be appropriate in size and scale to the local area, it should be adjacent to the settlement, and the proposed development would not be detrimental to the amenity of local residents. Further, the NPPF says that planning decisions should enable the sustainable growth of all types of business in rural areas and there are many cases of kennels and dog breeding business in rural areas in the borough.

It is considered the site lies adjacent to the settlement and that the scale of the business is appropriate for the local area. The proposed breeding business employs 1 full time and 1 part time member of staff. The full time member of staff lives at the address. The proposal would contribute to economic benefit in terms of employment and supporting economic development of rural areas. Overall, it is considered the land use and principle of development is acceptable subject to the impact on the amenity of neighbours, which is considered later in the report.

### **Impact on character and appearance:**

The development involves erection of a kennel building with footprint of approximately 59 sqm and a total height of 3.05m. A field shelter is proposed in the field to the rear of site, this will be approximately 9.6sqm and 2.6m tall. The development also involves fencing. While some of the fencing is currently above a height of 2m, it is understood this will be reduced to avoid the need for another planning application i.e. considered permitted development.

The small scale of the buildings and location to the rear of the dwelling means that they are not easily visible from the street. The buildings are similar in scale to what could be constructed as domestic outbuildings and therefore it is considered they do not have any significant impact on the character and appearance of the street scene.

It is also considered the proposed buildings are small enough in scale that they do not have any significant impact on the character and appearance of the countryside. Overall, it is considered the development would not conflict with the character and appearance of the

area, in accordance with Policies CS06 and CS08 of the Core Strategy 2011 and DM15 of the SADMPP 2016.

### **Impact on neighbour amenity:**

The proposed buildings are not considered to have any significant overbearing or overshadowing impact on neighbouring occupiers due to their small scale. No first-floor windows are proposed and windows at ground floor level in the kennels building will not have any significant overlooking impact. It is considered the main issues in relation to this application is the impact of the proposal on neighbouring residential amenity as a result of noise and handling of waste.

The supporting text for Policy DM15 states that developments which are likely to have a significant impact on residential amenity should ideally be sited away from residential areas. This is reflected in the main text of the Policy which states that development that has a significant adverse impact on the amenity of others will be refused. As such, while it is noted the site lies immediately adjacent to a predominantly residential area, this does not automatically prohibit the development proposed unless it can be demonstrated there will be a significant adverse impact on the residential amenity of neighbouring occupiers which cannot be mitigated. It is also noted that land immediately to the north-west benefits from a lawful development certificate for MOT and vehicle repairs under 04/01831/LDE, and therefore the application is not considered within the context of a pristine background noise environment.

Regarding waste and surface water drainage, the outdoor runs are set out over a grassy area and will naturally absorb surface-water waste when the dogs are using these areas. When the dogs are in the kennel, it is not anticipated that there will be significant urine waste. A soakaway is provided for the proposed kennel building which will assist surface-water runoff and would adequately prevent any increased risk of surface-water flooding off-site. Solid waste shall be double bagged and stored temporarily in bins on-site, which are collected regularly by a waste company.

The dwelling associated with the proposed use lies in a row of linear dwellings. Immediately to the north-west is the other half of the semi-detached pair 2 Liege Cottages, beyond that 'Salara'. From the nearest point of the kennel building to the nearest point of the neighbouring dwelling, there is a gap of approximately 72m to Salara, and 48m to 2 Liege Cottages. To the east of the site lies 'Garrilson' (56m), followed by 'The Firs' (54m). The Firs is slightly closer as it is set further back in its plot. The proposed kennel building lies in between the gardens of 2 Liege Cottages and Garrilson, who ultimately would be most affected by the proposed development as a result.

There have been objections to the proposal relating to noise and disturbance issues, and concerns raised regarding the welfare of the animals. The welfare of the dogs and the general management of the site are not planning considerations, these matters are subject to a separate licencing regime. However, it is acknowledged that poor welfare may impact on the overall noise that may be generated from the use. The welfare of the dogs and the management of the business is monitored by Licensing; they are responsible for enforcement to ensure minimum standards of space and enrichment are provided for the dogs. It is considered this will limit the noise from barking to an extent. However, additional control is required from planning control to ensure that noise is minimised and will not give rise to undue adverse effects on neighbouring occupiers.

During the course of this application, certain aspects of the scheme have been amended in order to mitigate the noise impact from dog barking as far as practicable. This has included reducing the total number of adult dogs from 17 to 16, erecting additional noise attenuation

fencing, and producing a robust noise management plan. **The number of litters on site at once is set by the breeding licence to a maximum of three. Numbers provided by the agent indicate that a total of 18 puppies have been accommodated on site in the last 9 months of 2023, indicating approximately 6 puppies per quarter. However, the applicant considers this to be a low figure and wishes to expand to approximately 12 puppies per quarter while remaining within the limit of 3 litters on-site at once.**

The submitted noise management plan sets out the strategies which will be employed to further mitigate noise on site. This management plan sets out when the dogs are confined to the kennels (8pm to 8am), how many will be in each outdoor pen at once and how many taken to the exercise field at any one time (maximum of 4 dogs at once), how the site will be monitored (CCTV and noise sensors) and methods of enrichment to placate the dogs in absence of staff (radio, toys, regular feeding).

Some confusion was raised in third party comments regarding whether viewings would take place in the dwelling or the kennel as the supporting statement says both at different points. The agent has confirmed that viewings for puppies will take place in the dwelling to minimise disturbance to the dogs to the rear of the site. Breeding of puppies will only take place in the kennel building.

The Borough Council Community Safety and Neighbourhood Nuisance team (CSNN) consider the noise attenuation measures put in place and the noise management plan submitted and subject full compliance with these measures, will enable the proposed dog breeding business to be carried out without significant detriment to neighbouring occupiers. While some barking from dogs is unavoidable, it is considered the proposed mitigation would be capable of minimising any significantly adverse impact on residential amenity.

The recommended conditions include compliance with the noise management plan, permanent retention of physical noise attenuation features, timings and uses of different areas of the site, controlling installation of external lighting and ensuring of dog waste storage and collection is carried out as proposed. The application will also be conditioned to limit the use to keeping and breeding of the applicants own dogs, with no boarding or grooming of other peoples dogs to take place. Customer visiting hours shall also be limited, and the maximum number of adult dogs permitted to be on site for the purposes of the business is no more than 16 dogs. Officers note the applicant has two pet dogs which would not count toward the 16 dog limit.

If the site causes amenity issues, the Council will have suitable planning enforcement powers to enforce the planning conditions imposed and statutory nuisance powers from the CSNN team to control noise on the site. The CSNN team do not object on the basis of the conditional mitigation set out above. Subsequently, it is considered that the proposed dog breeding business would not have a significant adverse impact on residential amenity that may otherwise warrant refusal.

Third party comments have raised additional concerns in relation to amenity. Firstly, is the gravel driveway and noise generated from additional vehicle movements from customers. As set out in the supporting statement, the business expects **a maximum of approximately 20 visits from customers per quarter. This includes viewings which are not undertaken virtually, and some visits which may not result in a sale. Lastly the figure accommodates for the unpredictable size of litters; Larger litters would naturally result in a higher number of customer visits. So the number of 20 visits per quarter is a maximum estimate and would not be representative of a typical quarter.** Most viewings of puppies are carried out remotely via video call.

Based on the numbers provided, additional vehicle movements arising from the business would be limited to 2-3 a week. A third party also raised concern that increased traffic visiting the site would result in additional road vibration causing damage to neighbouring property. It is considered that such a low number of visits would not have any significant impact on residential amenity in terms of noise and disturbance from vehicle movements or vibrations. Notwithstanding, damage to neighbouring property is not a material consideration, rather it is a civil matter.

Third parties have also raised concern that the applicant may wish to breed larger dogs in the future. It is considered that the existing noise attenuation and noise management plan would still be effective in managing the noise at the site. It would also be unreasonable to impose a restriction on which breeds of dog can be kept on the site via planning condition. Officers note that the specific breed of dog is controlled via the Borough Council licencing along with the scale of the individual kennels and runs.

It is considered the proposed waste storage and disposal details provided, in addition to the extensive cleaning regime set out in the supporting statement are sufficient such that it is considered the development would not have any significant impact in terms of odour or vermin. Licencing controls add robustness to this consideration.

While it is noted that there are 16 dogs on site but only 10 kennels, the agent has stated that dogs are often doubled up in the kennels with the same breeds to aid socialisation skills. Third party comments raised concern that the proposed breeding business would affect property values and the ability to sell their properties in the future. While this is noted, it is not a material consideration for which any weight can be attached. Lastly, a third party raised concern that the proposed kennel building disrupts their view of the countryside. Views are also not material planning considerations and as set out above, it is considered the building would not have any significant overbearing or overshadowing impact.

Overall, for the reasons set out above, and subject to full compliance with the recommended conditions, it is considered the development would not have any significant detrimental impact on residential amenity in accordance with Policy DM15 of the SADMPP 2016 and CS08 of the Core Strategy 2011. Subsequently, it is considered the application meets the requirement in Policy CS10 that the proposed business would not be detrimental to the local residents.

#### **Highway safety:**

The development is not likely to pose a risk to highway safety due to the relatively low number of trips generated from the business. Public comments have raised concerns regarding the parking arrangements, however the parking spaces proposed are adequate to serve the needs of the business, and it is considered limited on-street parking in this location would not be detrimental to highway safety. On this basis there is no objection from the County Highway Officer.

#### **Other material impacts:**

Third party representations raised concern that a bat roost may have been destroyed on the site. The Borough Council ecology officer considers that the buildings on site have low to negligible potential to support roosting bats and therefore it is unlikely that a bat roost has been destroyed. In any case, it would be a matter for the police to deal with and the allegation is not a material planning consideration. Roosting barn owl was also mentioned. The Borough Council do not have any records of a barn owl roost within close proximity to the site. It is not considered necessary for any further surveys to be carried out. Overall, it is

considered the proposed development would not have any significant impact on protected species or biodiversity.

Third party responses expressed concern that the Public Right of Way could be affected as a result of the development. Two impacts were raised, firstly being the potential for the right of way to be physically blocked. Ensuring the right of way remains open is the responsibility of the landowner and enforceable by the County Council, it is not a material planning consideration. The second impact is the fear that using the public right of way will set off barking and that this will lead to nuisance. The possibility of passing dog walkers to set off barking on-site is acknowledged, however it is considered the infrequency of the use of the Public Right of Way and the measures put in place to limit dog barking are sufficient to ensure that usage of the adjacent Public Right of Way does not pose a significant risk to the amenity of neighbouring occupiers in terms of noise and disturbance.

The Parish Council have raised concern that the proposed field shelter is situated on a private right of way. It is noted that the proposed field shelter does not intersect with the extent of the adjacent Public Right of Way. Due notice has been served on all relevant landowners. Any other matters relating to private covenants or rights of way are not material planning considerations. The Parish Council also expressed uncertainty whether the business was licenced to breed. It is noted the Parish Council comment was received on the 20th June at which time the business did not have a granted licence. However, a dog breeding licence was granted on the 4th July so the site does not benefit from a breeding licence. The Parish Council lastly mentioned that the 'site is in a flood plain'. The site does not lie in any flood zone, however it does lie in a 'Dry Island' which could become isolated in a flood event. This is not considered to have significant implications for the proposed development.

The Borough Council emergency planner has recommended that a flood evacuation plan is prepared and that the occupiers are subscribed to the EA flood warning system. As the site lies within a dry island and not within any area at direct risk of flooding, it is not necessary to impose these requirements via planning condition. However, the recommendations can be set out via an informative on the decision notice.

#### **Specific comments or issues:**

Some third-party responses raised concern with the way the case was dealt with via planning enforcement. One comment suggests that the Council has made no effort to investigate the site, while another comment states that a stop notice should have been issued. An enforcement file is open for the site,(ref: 23/00261/UNAUTU) and a site visit was carried out by the enforcement officer. A full expediency consideration has been completed in this matter, and it has not been necessary to serve an enforcement notice. This planning application was submitted shortly after the site visit from the enforcement officer.

Lastly, the description mentions a 'cat building' and this is reflected on the plan as it forms part of the kennel building, attached to the north side. No change of use is proposed for breeding or boarding of cats. For the avoidance of doubt, the 'cat building' will be conditioned for private use only.

#### **CONCLUSION:**

The land use principle of the proposed development is considered acceptable. The key issue is consideration of potential impact on neighbours from the operation of the business. Officers consider that due to the existing controls in place by the Licensing team and the further mitigation proposed in the form of acoustic fencing and the noise management plan,

it is considered the operation of the business would not have a significant detrimental impact on the amenity of neighbouring occupiers. The development would pose no significant material impact on the character and appearance of the area and would not be detrimental to highway safety.

Subject to the conditions set out below, the proposal is considered to comply with Policies DM2 and DM15 of the SADMPP 2016 and CS06, CS08 and CS10 of the Core Strategy 2011. The recommendation is to approve the application.

## **RECOMMENDATION:**

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

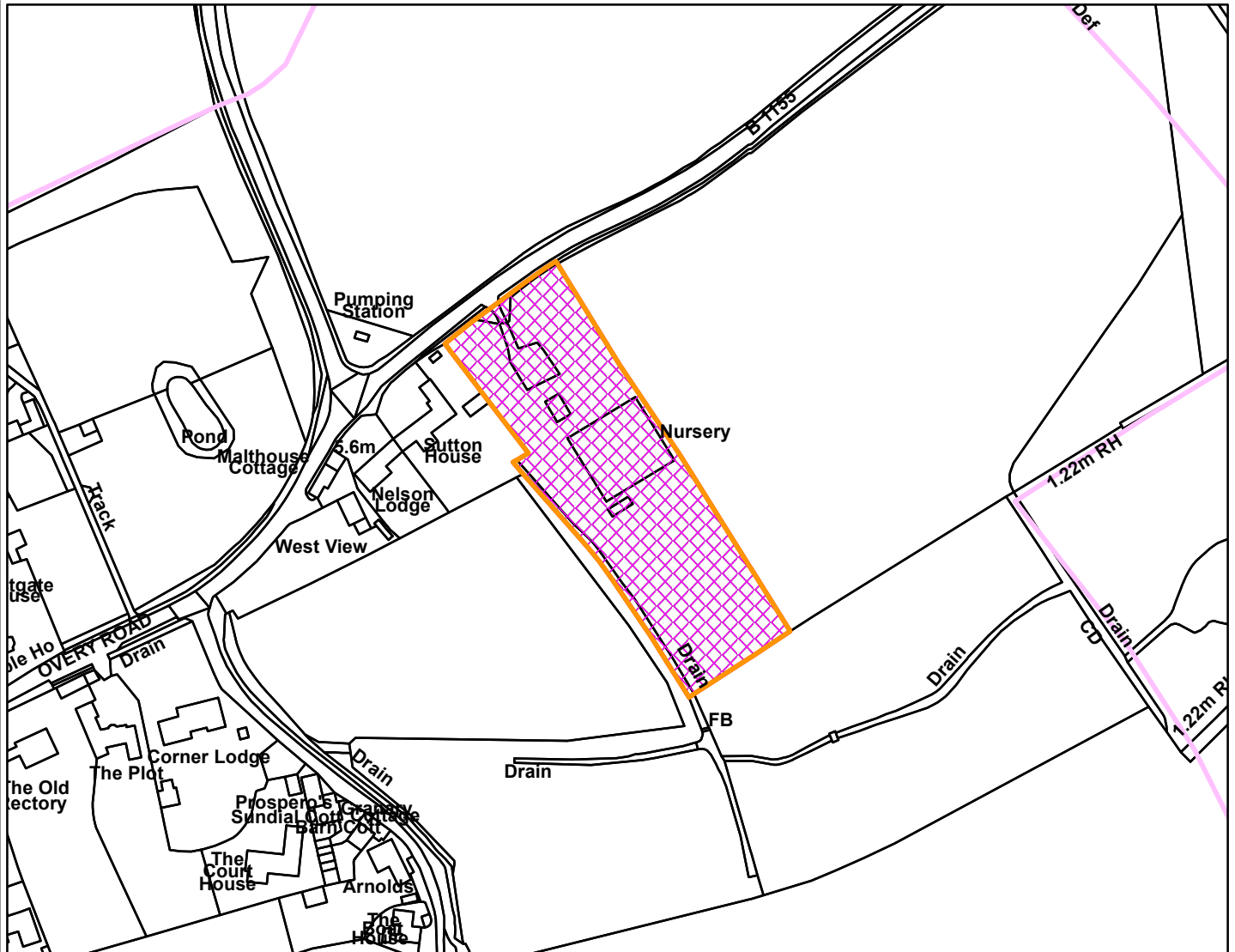
- 1 Condition: The development hereby is hereby permitted in accordance with dwg nos. 03B (Location Plan), 04E (Proposed Site Plan), 05B (Proposed Floor Plan), 06A (Proposed Kennel Elevations), and 07A (Proposed Field Shelter Elevations).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The use of the dwelling and garden as a place for keeping and breeding dogs for commercial purposes shall be limited to 16 adult dogs for commercial purposes and for the sole use of the occupiers of the dwelling 1 Liege Cottages, Basin Road, Outwell and shall at no time be separated or sold as a separate business site. No boarding, grooming or day care of dogs not owned by the applicant is permitted.
- 2 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 3 Condition: The proposed development shall be carried out in accordance with the Noise Management Plan submitted 4th October 2023. In particular, the noise management plan states:
  - Dogs shall be kept inside the kennel building between 20:00 PM and 08:00 AM every day.
  - No more than 4 dogs shall be exercised in the field to the rear (shaded green on the dwg no. 04E) at any one time. The field shall only be used for the dogs between the hours of 08:00AM and 20:00PM.
  - No more than 4 dogs shall occupy any single outdoor pen as detailed on Dwg no. 05B at any one time and shall only be used for dogs between the hours of 08:00AM and 20:00PM.
  - All noise attenuation fencing and insultation to the kennel building as detailed in the noise management plan and shown on Dwg nos. 04E and 05B shall be retained in perpetuity.
  - No more than 1 customer may visit the site at any one time by appointment only between the hours of 10:00 AM and 18:00 PM Monday to Sunday.
  - Puppy viewings shall take place in the main dwelling only.
- 3 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 4 Condition: Installation of external lighting and storage of waste shall be carried out and retained hereafter in accordance with the details on dwg nos. 04E and 05B Site Plan and Floor Plan), unless otherwise agreed in writing by the Local Planning Authority.

- 4 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 5 Condition: The use of the 'cat house' and 'cat run' hereby approved as annotated and shown on dwg no. 05B shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling 1 Liege Cottages and shall at no time be used for business or commercial purposes.
- 5 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.





Overy Road Nurseries Overy Road Burnham Market Kings Lynn PE31 8HH



**Legend**

**Scale:** 1:2,500

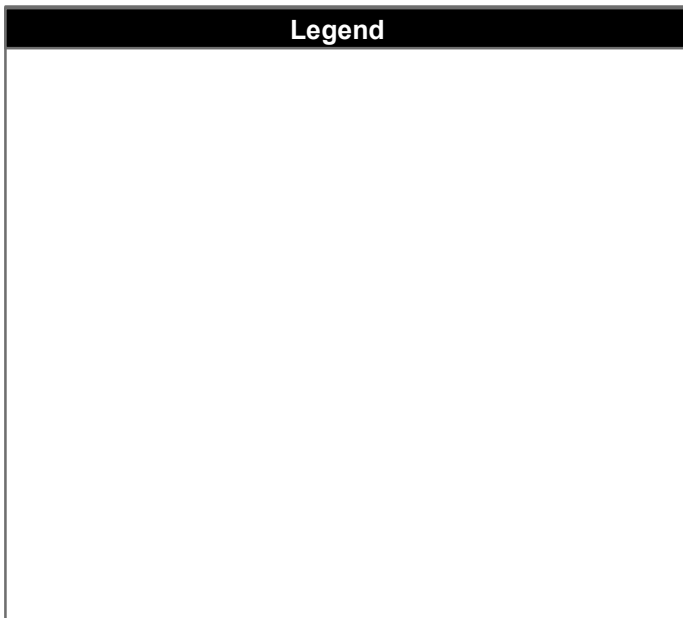
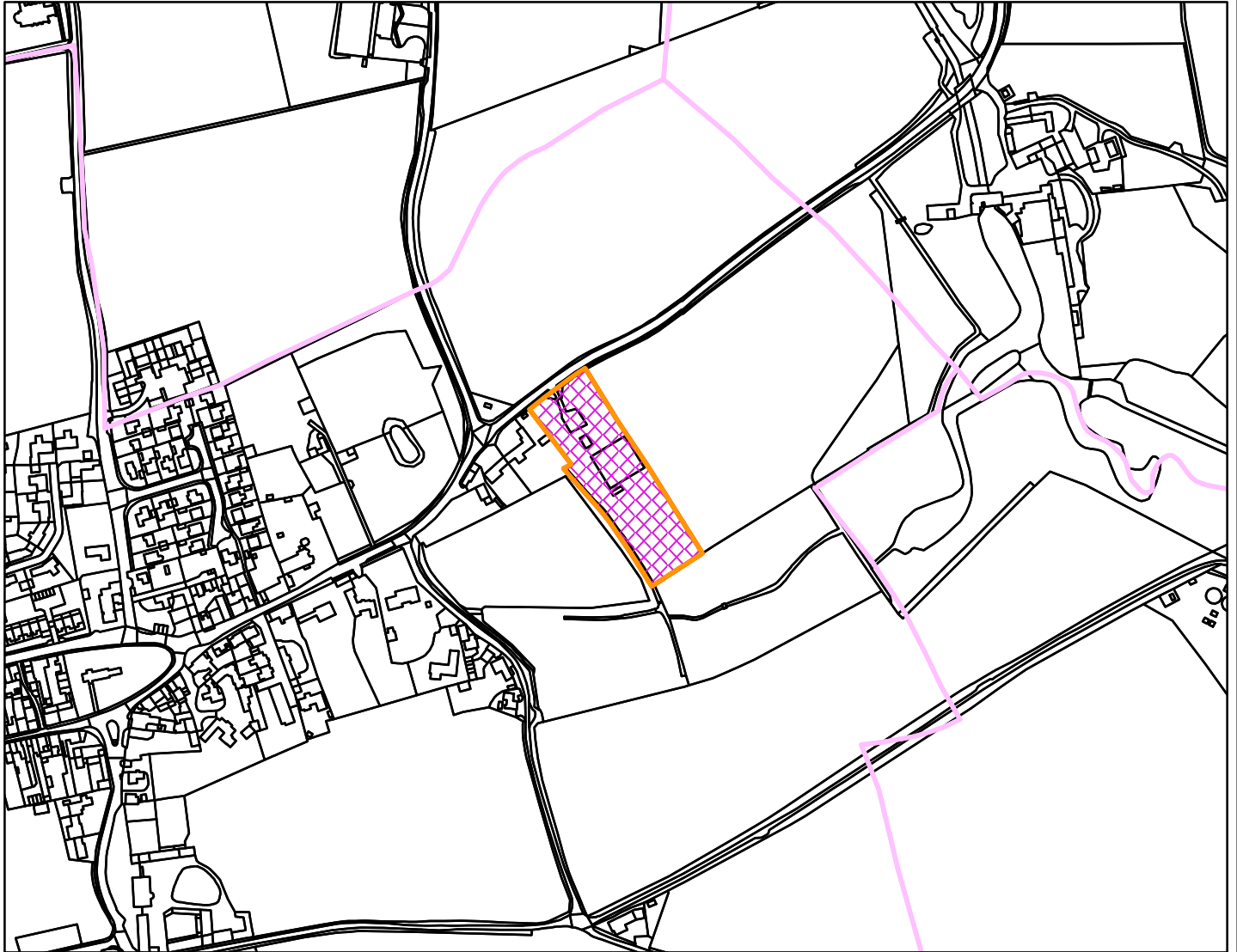
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|--------------|------------|
| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 24/01/2024 |
| MSA Number   | 0100024314 |



Overy Road Nurseries Overy Road Burnham Market Kings Lynn PE31 8HH



**Scale:** 1:5,000

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**AGENDA ITEM NO. 9/2(a)**

|                      |  |  |
|----------------------|--|--|
| <b>Parish:</b>       | <b>Burnham Market</b>  |  |
| <b>Proposal:</b>     | <b>Application for 2no. dwellings and an agricultural barn, demolition and clearance of existing buildings and structures, and associated works.</b> |  |
| <b>Location:</b>     | <b>Overy Road Nurseries Overy Road Burnham Market King's Lynn PE31 8HH</b>   |  |
| <b>Applicant:</b>    | <b>Mr And Mrs Smith</b>  |  |
| <b>Case No:</b>      | <b>23/00103/F (Full Application)</b>   |  |
| <b>Case Officer:</b> | <b>Lucy Smith</b>  | <b>Date for Determination:<br/>10 April 2023<br/>Extension of Time Expiry Date:<br/>8 September 2023</b> |

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

**Neighbourhood Plan:** Yes

**Case Summary**

Full planning permission is sought for the construction of 2 dwellings and an agricultural barn at Overy Road Nurseries, Overy Road, Burnham Market. Existing greenhouses and structures to the rear of the site, associated with the site's previous use as a nursery would be demolished to enable the construction of the barn, with the proposed dwellings to the front of the site.

The site is immediately adjacent to the Burnham Market Conservation Area, 250m from the Burnham Overy Town Conservation Area and outside of the Burnham Market Development Boundary shown on Inset Map G17 of the SADMPP (2016). The land is therefore considered to be within the wider countryside for the purposes of planning policy.

The site is within the Norfolk Coast National Landscape and is within an area at risk of flooding in the 0.5% annual exceedance probability event including climate change (Future Flood Zone 3).

**Key Issues**

Principle of Development  
Design and Impact on the Conservation Area  
Impact on Neighbours  
Highway Safety  
Flood Risk  
Other material considerations

**Recommendation**

**REFUSE**

## **THE APPLICATION**

Full planning permission is sought for the construction of 2 dwellings and an agricultural barn at Overy Road Nurseries, Overy Road, Burnham Market. Existing greenhouses and structures to the rear of the site, associated with the site's previous use as a nursery would be demolished to enable the construction of the barn, with the proposed dwellings to the front of the site.

The site is immediately adjacent to the Burnham Market Conservation Area, 250m from the Burnham Overy Town Conservation Area and outside of the Burnham Market Development Boundary shown on Inset Map G17 of the SADMPP (2016). The land is therefore considered to be within the wider countryside for the purposes of planning policy.

The site is within the Norfolk Coast National Landscape and is within an area at risk of flooding in the 0.5% annual exceedance probability event including climate change (Future Flood Zone 3).

The application site encompasses approximately 0.82 hectares of land currently occupied by a number of disused agricultural buildings and a former garage. The west and east boundaries are formed primarily of mature hedging and trees, and the north boundary adjoining Mill Road is only thinly hedged and largely open, allowing views of the raised site from the highway.

The dwellings proposed as part of this application are two storey detached properties with attached garages. Each property has three bedrooms and both units are of similar design, although plot one is orientated to have its front elevation facing west, which results in minor changes to fenestration compared to plot 2, which fronts Mill Road.

The dwellings are modern in proportion and window detailing and proportions further detail the dwellings as modern/contemporary units. The properties are proposed with two elevations of flint with brick quoins and more basic facing brickwork to the remaining elevations.

Whilst an agricultural barn is proposed as part of this application, the dwellings are not proposed to be tied to or occupied in connection with any existing agricultural business.

The agricultural barn is proposed to be sited to the rear of the dwellings behind an existing hedgerow, shown to be removed and replaced with planting as part of this proposal. The building is proposed as a relatively low pitch utilitarian character building, to be clad in natural timber with a corrugated metal roof. This element of the proposal will be largely screened from view by existing and proposed landscaping and will accord with the rural character of fields in the wider vicinity.

The agricultural barn will be used in conjunction with the existing and ongoing farming business operated by the Applicant. The need to locate the barn to the rear, and within view of the dwellings, reflects concerns of security and a desire to protect significant pieces of equipment.

## **SUPPORTING CASE**

I write in respect of the abovementioned planning application which is to be considered by Members at planning committee on 5th February 2024. I understand it is to be recommended for refusal. I write on behalf of the applicant's Mr and Mrs Smith. At the time

of writing, I do not know the detail of the reasons for refusal, but I understand the broad topics to be heritage and lack of supporting archaeological trial trenching.

#### Heritage

There is clearly a difference of opinions between the Council's Principal Conservation Officer and the Heritage Consultant (who prepared the Heritage Impact Statement). The Conservation Officer considers that the proposal will have 'a moderate level of less than substantial harm...of the conservation areas'; and the Heritage Consultant considers that there will be 'no harmful effects to the special interest of the conservation areas'. The comments and report are available to view and will be summarised in the officer's report, so I will not regurgitate both arguments here. However, I will note that heritage impact is a subjective topic and should be considered as part of a balanced planning decision, albeit that they all agree on the benefits in removal of the visual detractors in the AONB.

#### Archaeology

There are two letters on file from the Historic Environment Service (HES), one dated 30th November 2023 and the other dated 7th December 2023. The initial response proposes a planning condition to secure a post determination programme of archaeological mitigatory work, starting with informative trial trenching. The later letter proposes that the lack of information submitted in respect of archaeological works be added as a reason for refusal. Other than the passage of time it is not clear what has changed in the 7 day period between the two letters. It is our view that this should not constitute a reason for refusal and the 'no development/demolition' condition proposed by the HES in their letter of 30th November is all that is required to secure appropriate archaeological works. The applicants are willing to undertake this work, but understandably they would want the security of having a planning permission before doing so given the cost.

#### Conclusion

Ultimately the acceptance or otherwise of the proposed dwellings comes down to the benefits that the scheme can provide when balanced against the potential impacts. Local people struggle to be able to afford homes in Burnham Market and with significant growth in second homes there are few opportunities for renting long term. The proposal is for two self-build properties and an agricultural barn which the applicant's children will live in and the applicants will use respectively, as part of their farm. As made clear in the applicant's supporting statement their families have a long history of living in area dating as far back as the 1740's. These dwellings and the barn will provide much needed affordable accommodation for their family to continue to live and work in the area for years to come. The proposal will tidy up the site and there will be no detrimental landscape impacts. It is my view that the benefits outweigh any perceived heritage impacts, and that the development is appropriate for the site. It should be noted that the Parish Council supports this application, as does a local Member. Further to this all the letters of representation support the application, of which there are a significant number for a scheme of this size'

## **PLANNING HISTORY**

09/02016/O: Application Refused: 29/01/10 - Outline application for agricultural dwelling, retail unit and associated new entrance and car park - Overy Road Nurseries

09/00978/O: Application Withdrawn: 19/08/09 - Proposed agricultural dwelling, retail unit and associated new entrance and car park - Overy Road Nurseries

04/00967/F: Application Permitted: 06/07/04 - Construction of retail unit - Overy Nurseries

2/03/1180/F: Application Permitted: 28/07/03 - Erection of replacement wooden store/workshop - The Nursery  
Overy Road

## RESPONSE TO CONSULTATION

**Parish Council: SUPPORT, subject to condition** with the following comments:

'The Parish Council wishes to support local families to find local homes in order to contribute to a thriving community. However, the Parish Council also has a duty to heed the concerns of the Conservation Officer, particularly with regard to urban creep and inappropriate design in a sensitive rural environment. The Burnham Market Neighbourhood plan sets out in some detail, via the Design Codes, how a new dwelling should be designed, in order to hopefully enhance but certainly not to harm the character of the village. The Parish Council would ask that if the Planning Committee decides to approve this application, that a condition be applied to prevent the properties being sold to a third party who has no local connection to the village; this would be in addition to the Principal Residence Policy, applied by default, which forms part of the NP. In this way, it is hoped, these dwellings will always be available for local people and as such contribute in a positive way to the local community.'

**Highways Authority: NO OBJECTION** subject to standard access/turning area conditions.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** recommended condition for unexpected contamination and asbestos informative.

**Environment Agency: NO OBJECTION, however drawing attention to Future Flood Risk issues** as follows:

'We have reviewed the documents as submitted and can confirm we remove our objection to this planning application.'

Our maps show the site boundary lies within tidal Flood Zone 2 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a medium probability of flooding. The proposal is for the construction of two new residential dwellings and an agricultural barn which is classified as a 'more vulnerable' development, as defined in Annex 3:Flood Vulnerability Classification of the National Planning Policy Framework (NPPF).

We are satisfied that the flood risk assessment, referenced 0344/FRADS and dated October 2023, provides you with the information necessary to make an informed decision.

In particular:

- All proposed built development has been sequentially sited within Flood Zone 1. However, although the development is sited within present-day Flood Zone 1, the entire site lies within future Flood Zone 3 and is at risk of flooding in the 0.5% annual exceedance probability event including climate change.
- Finished ground floor levels for the 2 residential dwellings have been proposed at 6.75mAOD. This is below the 'design' flood level of 6.80 mAOD and therefore the development is at risk of flooding internally to a depth of 0.05m in this event.

We are not objecting to this application as the development has been sequentially sited within Flood Zone 1, however you should strongly consider the future flood risk to the development when making your decision.'

**Conservation Officer: OBJECTION** The Conservation Team provided in-depth comments in regards to the position of the development and its design. For ease, these comments are discussed in depth within the report.

**Historic Environment Service: OBJECTION, in the absence of Trial Trenching** with the following comments:

'Our original advice given May 2022 was that pre-determination archaeological evaluation by trial trenching is required in accordance with NPPF.

The application site is in an area where there is ample evidence of an important settlement and probably trading site of Anglo-Saxon date and constitutes an archaeological site of at least regional importance.

Archaeological work is required pre-determination as mitigation through design changes may be required and the overall feasibility of the proposed scheme as deliverable development may need to be assessed.

We recommended pre-determination archaeological evaluation by trial trenching again in February 2023.

We have had no engagement with the applicants, or anyone acting on their behalf. To our knowledge no archaeological work has taken place on the site.

We therefore consider that lack of the required archaeological evaluation could constitute additional ground for refusal.'

## REPRESENTATIONS

**EIGHTY** Letters of **SUPPORT** (across three rounds of consultation), summarised as follows:

- Proposal does not diminish gap between settlements
- Increased set back of houses improves views of Sutton House
- Tidying the site will improve overall view
- Loss of existing greenhouses and surrounding structures is a planning gain
- Modest self-build homes will allow young people to stay in the area
- Small scale proposal is in-keeping with location
- Demands and expectations from the Conservation Officers and Environment Agency are unreasonable
- Site has been in the family for generations and the applicants remain local
- Small horticultural use unlikely to be viable going forwards
- will not lead to light pollution
- traffic from the site will be manageable
- request for control on occupation and ownership to those who live and work in the area
- Houses would appear as part of the Sutton House complex

## LDF CORE STRATEGY POLICIES

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy 3:** Second Homes and Furnished Holiday Lets

**Policy 6:** Design

**Policy 8:** Biodiversity and Green Corridors

**Policy 15:** Burnham Market Conservation Area

## **NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of Development
- Design and Impact on the Conservation Area
- Impact on Neighbours
- Highway Safety
- Flood Risk
- Other material considerations

**Principle of Development:**

Two new dwellings and an agricultural storage barn are proposed on land previously used for agricultural purposes in association with a nursery. Existing redundant greenhouses are to the rear of the site alongside other smaller derelict buildings. There is no evidence submitted with the application demonstrating that the land is used in connection with an agricultural or horticultural enterprise.

The construction of a barn for agricultural purposes would be in line with economic development policies at both a local and national level.

In regards to the residential element of the proposal, Burnham Market is categorised as a Key Rural Service Centre in Policy CS02 of the Core Strategy (2011). As a result, the settlement benefits from a Development Boundary to guide development to the most suitable locations.



This application site is outside of the development boundary which ends around 215m to the west of the site adjacent to houses known as The Old Rectory and Eastgate House and therefore within the wider countryside for the purposes of planning policy.

The starting point for consideration of a planning application is the development plan, and planning legislation dictates that planning decisions should be made in accordance with the development plan unless material considerations clearly dictate otherwise. The Borough Council's Core Strategy (2011) and Site Allocations and Development Management Policies Plan (2016) set out a strong presumption against new residential development in the countryside.

Countryside protection policies apply in line with Policies CS02 and CS06 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016).

Within their planning statement, the Agent acknowledges the site's position outside of the development boundary and in a location which is at odds with the Development Plan however sets out the following in an attempt to overcome this concern: self build provision, the re-use of brownfield land, and the tidying of the site.

#### *Self-Build*

The Agent states the houses will be self-build units that will go towards the Borough Council's current supply. It is acknowledged that current forecasts indicate a limited shortfall in supply of self-build permissions and further, it is accepted that the 2023 Levelling Up and Regeneration Act (LURA) changes the legal obligations for the Borough Council in relation to the supply and monitoring of sites for Custom and Self-Build Housing. LURA places additional obligations upon the Borough Council, to permit sufficient housing land explicitly for the purposes of delivering SB&C housing **however the Council must consider its statutory obligations as a whole, with reference to LURA but also to other material considerations such as the legal duty to preserve and enhance Conservation Areas under the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72, as amended and the great weight given to conserving and enhancing National Landscapes in accordance with NPPF para 182.**

Furthermore, the NPPF explains in footnote 29, that the Self Build and Custom Housebuilding Act 2015, (as amended recently by the LURA), places a legal duty "to give enough **suitable** development permissions to meet the identified demand". The requirement that permissions need to be suitable means that the need to grant planning permission to meet demand for SB&C housing plots does not eliminate the need to consider the suitability of the site in other respects – for example, the need to outweigh the harm to heritage assets for which there is a duty to preserve and enhance, as required by both the LBCA and NPPF (section 16) and great weight given to conserving and enhancing National Landscapes in accordance with NPPF para 182.

For the reasons outlined throughout this report, the custom and self-build nature of the dwellings proposed attracts minimal weight and does not outweigh the harm caused by this proposal or the primacy of the Development Plan.

#### *Re-use of Brownfield Land*

Evidence submitted during the course of this application shows a small part of the site was historically used for vehicle storage including scrap vehicles and for MOTs. A small building (approx. 68m<sup>2</sup> and less than 1% of the total site area) immediately north of the greenhouses is the only remaining evidence of this use being on site, with the other buildings removed

following storm damage in the 1990s/early 2000s. There is no obvious curtilage around the MOT building and it is clear that the site as a whole has naturalised to an extent **that it would not be considered previously developed land for the purposes of the NPPF (2023)**.

Also of note is that the houses proposed under this application do not overlap with the footprint of the MOT building. As a whole, the proposed houses therefore cannot be considered to constitute the repurposing or reuse of previously developed land.

Notwithstanding the fact that this cannot be considered the redevelopment of previously developed land, the NPPF at paragraph 124 sets out that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes. As per the discussion above, the wording of the policy dictates that the land must be suitable in other respects, as well as being within a settlement. The site complies with neither part of this policy and as a result, no weight is attached to the assertion that the land is previously developed.

#### *Tidying of the Land*

The Agent further sets out that the removal of the existing structures will have a positive benefit on the landscape stating that this should provide some benefit to outweigh the material policy contradictions above.

Whilst the Conservation Team have noted there is some benefit from the removal of these structures, greenhouses and agricultural buildings are a typical sight in the countryside and the visual appearance of the structures is not so significantly beneficial to the landscape as to justify the construction of housing in this position. **There is no premium on neglect** – the buildings could just be demolished or maintained/repared. No weight is attached to the argument that the site would be tidied up as a result of this proposal.

#### *Conclusion on the Principle of Development*

Paragraph 83 sets out clearly that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The additional justification provided by the Agent does not adequately or appropriately justify the provision of two additional dwellings outside of the development boundary and in an area which is not supported by the Local Plan. Further, the land is not isolated and paragraph 84 of the NPPF (2023) does not apply.

Whilst there are houses immediately adjacent to the application site, the character of this part of Burnham Market is increasingly rural and there exists a striking divide between the edge of main built extent of Burnham Market and this application site which is further pronounced as a result of the verdant character of street frontages and the wider expanses of agricultural land and paddock land which divide the site from the settlement itself. The existence of a footpath link from the site to the main built extent of the settlement does not render the application site a suitable place to build additional dwellings.

For reasons outlined above, the principle of development on site is at odds with the NPPF (2023), Policies CS01, CS02 and CS06 of the Core Strategy (2011), Policies DM1 and DM2 of the SADMPP (2016). The justification provided as part of this application does not outweigh or overcome the policy provisions discussed above in regard to providing for the sustainable development of new housing in appropriate locations.

## **Design and Impact on the Conservation Area and National Landscape:**

The application site is immediately outside of the Burnham Market Conservation Area and in proximity to the edge of the Burnham Overy Town Conservation Area which is separated from this site by one field (approx. 250m east). This places the site in a position where development could lead to impacts on the setting of either (or both) conservation areas whilst also impacting on the existing rural gap between the settlements. The small gap between the two distinct villages is important to the sense of identity to each village and the erosion of this gap, in particular through development of a residential nature and an inappropriate form, would be detrimental to the character and significance of each village.

Whilst the Burnham Market Neighbourhood Plan (NP) sets out various design parameters for each character area, the site is outside of any classification and in the wider countryside. The Neighbourhood Plan does not set out specific requirements for the design or character of development outside the four character areas, however it is clear that the design of dwellings should comply with the overarching design and conservation area policies throughout the development plan as a whole.

Policy 6 of the NP relates to design and requires the use of the Design Codes and Checklist as part of consideration of planning applications.

The checklist includes consideration of maintaining or enhancing identified views, impacts on landscape quality, impacts on tranquillity of the area, respecting the existing gaps between settlements, consideration of building layouts, heights and rooflines, materials and surfacing, architectural details etc.

The site is immediately adjacent to Burnham Market Conservation Area and also adjacent to important unlisted buildings within it (Sutton House). Page 7 of the Conservation Area Character Statement makes it clear that Overy Road 'is the main eastern approach from Wells across the Burn Valley' and 'Sutton House forms the centrepiece of the first isolated group of traditional buildings' on entrance to the village. It is clear that Sutton House is the gateway to Burnham Market from the east and its traditional proportions and chimneys are visible on approach from Burnham Overy Town and contribute to the character of the edge of the Conservation Area.

Paragraph 013 of the Historic Environment PPG is clear that the impact upon setting can come from an understanding of the historic relationship between places and it is not dependent on there being a public viewpoint. The site is an important piece of land which forms a rural gateway to the village whilst also forming part of the rural gap between Burnham Market and the nearby settlement Burnham Overy Town.

The space between the two villages has historically been of an agricultural character primarily of agricultural uses. The nursery buildings and its associated buildings erected in the 1970s are only a relatively short lived use of the site that involved only limited overall impact. The main greenhouse buildings were set back behind the established conifer hedge and those which protruded forward of that point were smaller and more utilitarian in their use and appearance.

The front of the site is currently unoccupied and the lack of built form preserves the open character of this edge of settlement location whilst also maintaining Sutton House's position as the key gateway into the village. The building of two dwellings on open land would impact on the open setting of the Conservation Area as well as the significance of the two important unlisted buildings. This would create a creep effect of the village into the countryside and past the historic boundaries and therefore adversely impact on the setting and significance of the adjacent heritage assets.

Notwithstanding the in principle objections to the siting of dwellings in this location, considerable discussion into the design of the dwellings took place during the course of the application however no significant amendments were submitted to overcome the concerns raised. A Heritage Impact Assessment was provided in an attempt to overcome the concerns however does not outweigh or otherwise overcome the issues at hand.

The design of a proposal is expected to be sympathetic to local character and history, including the surrounding built environment and its landscaping setting as required by Paragraph 135 of the NPPF (2023).

Notwithstanding the above discussion of the layout and position of the dwellings and the provision of dwellings on this site in principle, the design of the dwellings is standard and fails to show a regard to the traditional scale and proportions found elsewhere in the village, in particular within vicinity of the proposed site. Windows in traditional buildings tend to be sash or smaller casement windows and the proposed dwellings are at odds with this, resulting in a basic more contemporary feel which when combined with the use of flint in this part of the village is not considered appropriate.

Policy 15 of the NP sets out that the setting of the Conservation Area should be protected from development that adversely affects views into and out of the area and further defines how the mix of building types and their arrangement should be considered. The policy specifies that particular regard should be given to the effect of proposals on the significance of important unlisted buildings, include the dwellings immediately west of the site.

Whilst the Conservation Team consider there will be some benefit to the Conservation Area from the removal of the existing nursery buildings on site, there is no premium on neglect – the buildings could just be demolished, maintained or repaired. Whilst the removal of the disused greenhouse and subsequent tidying of the Land would have some minor conservation and national landscape gain through restoration of the site, it does not justify the creation of two dwellings outside of the development boundary.

The proposed large detached dwellings would result in a skewed hierarchy of dwellings which puts large detached dwellings in an edge of village location where historically this has not been present. This will lead to harm to both the Conservation Area and the character of the countryside. The inappropriate design and use of materials will lead to further harm to the street scene and the Conservation Area. The associated impacts would also lead to a degree of harm to the National Landscape through the expansion of dwellings beyond the existing settlement limits and loss of a verdant gap. The NPPF (para 182) requires that great weight should be given to conserving and enhancing the landscape and beauty in National Landscapes which have the highest status of protection in relation to these issues.

The agricultural building is sited behind an existing hedgerow and would not impact on the setting or significance of the Conservation Area. The provision of an agricultural barn in such a position would be considered to comply with the relevant policies discusses above.

The proposal would result in a moderate level of less than substantial harm to the setting and significance of the Burnham Market and Burnham Overy Town Conservation Areas and fails to comply with the design parameters set out within the Neighbourhood Plan. The creep of built form of an unsatisfactory design into the countryside and the erosion of historic boundaries of the village and the associated harm to the Conservation Area would not be outweighed by any wider public benefit of the proposal. The proposal would also not conserve or enhance the National Landscape, to which great weight is given to its protection. The application is therefore at odds with Paragraphs 182 and 208 of the NPPF

(2023), the Burnham Market Neighbourhood Plan Policies 6 and 15 and Policies CS08 and CS12 and DM15 of the Local Plan.

## **Archaeology**

The development proposal affects a site of considerable archaeological potential. The proposed new dwellings lie within an area where numerous finds of pottery and metal work of Middle Anglo-Saxon date have been recovered along with considerable quantities of artefacts of Roman, Early and Late Anglo-Saxon date. All of this amounts to considerable evidence of settlement and possibly craft production and trading activities.

The desirability of preserving archaeological remains, whether scheduled or unscheduled is a material planning consideration and developers and local authorities should take into account archaeological considerations from the beginning of the development control process.

Footnote 72 of the NPPF sets out that Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. The Glossary defines Archaeological Interest as holding, on in this case potentially holding, evidence of past human activity worthy of expert investigation at some point.

Despite a request at Pre-Application Stage by the Historic Environment Service (HES) for trial trenching on site prior to the submission of the application, no such works have taken place to support this application and the archaeological implications of the development are therefore unknown. A desk-based exercise, which are sometimes requested by HES would not be appropriate in this instance and would be unlikely to provide any further information about the presence, form, surviving condition and significance of any heritage assets (buried archaeological remains) at the development site.

The application site is in an area where there is ample evidence of an important settlement and probably trading site of Anglo-Saxon date and constitutes an archaeological site of at least regional importance. In this instance, Archaeological work is required pre-determination as mitigation through design changes may be required and the overall feasibility of the proposed scheme as deliverable development may need to be assessed.

In the absence of trial trenching, insufficient information has been provided to show that the development will not harm archaeological assets of regional significance. This is subject to the full weight of policy which applies to designated heritage assets under the NPPF. Under this policy substantial harm to or loss of should be wholly exceptional. Without trial trenching taking place, full assessment of the degree of harm cannot take place.

It would not be reasonable to impose pre-commencement conditions on this consent to control trial trenching as the possibility for finds of regional significance in archaeological terms has a very high potential to result in requirements to change the design/layout of the scheme.

The application is therefore at odds with Section 16 of the NPPF (2023) and conflicts with the aims of the Local Plan in regard to protecting heritage assets, in particular Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

## **Impact on Neighbours**

As a result of the positioning of the houses in relation to neighbours, the proposal would not lead to any significant impact on the amenity of adjoining properties.

The agricultural barn is proposed for storage purposes only and could be suitably conditioned to prevent adverse impacts in regards to noise and disturbance on nearby residential uses.

The impact on neighbours and residential amenity is therefore considered acceptable and complies with the NPPF, Policy CS08 of the Core Strategy (2011), and Policy DM15 of the SADMPP (2016).

### **Highway Safety:**

Access to the site is proposed via improvements to the existing centralised access to Overy Road/Mill Road, with parking and turning area proposed to meet the relevant requirements. The proposed development of 2 dwellings with an associated agricultural barn would be an acceptable reuse, subject an ongoing synergy between the residential and agricultural uses, the resurfacing of the access to cater for the agricultural vehicles stored within the site, along with adequate parking and turning within the site.

Conditions have been recommended by the LHA to ensure the highway safety implications are acceptable for the lifetime of the development.

The application complies with the paragraphs 114 and 116 of the NPPF, Policies CS08, CS10 and DM15 of the Local Plan and Policy 7 of the Burnham Market Neighbourhood Plan in regard to highway safety and access.

### **Flood Risk:**

The key area for concern within the submitted Flood Risk Assessment is Fluvial Flooding.

The site is mainly located within Flood Zone 1 however the southwest corner of the site is within current Flood Zone 2 as defined by the PPG Flood Risk and Coastal Change as having a medium probability of flooding. The proposal is for the construction of two new dwellings and an agricultural barn which as a whole is considered more vulnerable development as per Annex 3 of the NPPF.

Whilst all proposed build development is sited in current Flood Zone 1, the entire site lies within Future Flood Zone 3 and the site is at risk of flooding in the 0.5% annual exceedance probability event including climate change.

Finished ground floor levels for the 2 residential dwellings have been proposed at 6.75mAOD. This is below the design' flood level of 6.80 mAOD noted by the EA within their response and therefore the development is at risk of flooding internally to a depth of 0.05m in this event. The FRA goes on to state various flood resilience measures which could alleviate some damage caused in the event of floodwater entering the property which could be controlled via condition.

The NPPF and PPG set out that all sources of flooding should be considered as part of a planning application, this includes increased flood risk in the future.

Whilst the EA do not object due to the current FRA indicating the development is within Flood Zone 1, it is the LPA's responsibility to consider future flood risk whilst making the decision.

Paragraph 168 of the NPPF sets out that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

The access to the application site and the north portion of the site is within the Tidal 0.1% Annual Exceedance Probability, and the parts of the proposed dwellings are within Tidal 0.5% Annual Exceedance Probability.

The Environment Agency confirm that they consider the application site to be at risk of flooding in the future (Future Flood Zone 3). This is a material consideration when considering the suitability of the land for housing and the Sequential Test must be applied.

The vast majority of Burnham Market is not at risk of flooding in the future and opportunity therefore exists for dwellings to be constructed at a lower risk of flooding.

The application therefore fails the sequential test and the proposal is at odds with Paragraph 165 and 168 of the NPPF (2023) in regards to flood risk. As the development fails the sequential test, there is no requirement for the LPA to consider the exceptions test as per Paragraph 169 of the NPPF (2023).

#### **Other material considerations:**

#### **Specific comments and issues:**

Principal Residences - Burnham Market Neighbourhood Plan Policy 3 includes a Principal Residence requirement. Were this application to be approved a S106 and Planning Condition would be required to control compliance with this policy.

Contamination - The information submitted to support this application does not indicate the presence of significant land contamination. However, the former use as a workshop means that it's possible that some unexpected contamination could be present. An unexpected contamination condition could be applied were this application to be approved in order to comply with the NPPF and CS12. An asbestos informative is also recommended due to the age of the existing buildings on site.

Trees – Various trees and hedgerows are existing on site. In light of the lack of detailed landscaping and replacement planting schemes, conditions could be used to ensure suitably replacement planting details come forward before any existing trees are removed from site. This complies with the aims of the Neighbourhood Plan in regards to loss of trees.

#### **Response to Parish Council**

The Parish Council requested that if Planning Committee were to approve this application, conditions are used to ensure that the dwellings are retained in the ownership/occupation of those with a local connection to the village. There is no policy requirement for such a control to be put in place and therefore, the proposed dwellings cannot be controlled or restricted in terms of their ownership by local people. The dwellings would be typical market dwellings with the standard principal residency policy applied.

#### **Response to Neighbour Support Letters**

The majority of issues raised within neighbour representations are discussed in depth within the report. In response to comments on the provision of self-build housing for a local family which will allow family members to remain in the community, whilst these comments are noted, this is not a material planning consideration which has weight in a planning decision. The self-build element of the proposal is discussed in depth above.

Comments on the requests for additional information from the Environment Agency and discussion with the Conservation Team are also noted. There is a requirement for a Flood Risk Assessment to be provided where a proposal is at risk of flooding. This applies to all sites for this type of development. The request for amendments and a Heritage Impact Assessment were to overcome specific concerns raised by the Conservation Team to allow full consideration of this proposal. Neither of these requests are considered unreasonable given the nature of this application and the lack of information originally submitted.

### **Biodiversity and Ecology**

A preliminary ecological appraisal was submitted to support this application and sets out various construction and management controls to prevent adverse impacts on habitats, birds, reptiles etc. A reptile mitigation strategy can be specifically conditioned to control impacts during construction.

The Neighbourhood Plan, which has been finalised during the course of this application, sets out measures for 10% Biodiversity Net Gain however no clear indication has been provided during the course of this application to specify how this can be achieved.

Significant greenspace is being retained at the southern portion of the site (approx. 0.5ha) which could be utilised to demonstrate the required 10% biodiversity net gain if this application were to be approved. This land is proposed to be retained as non-domestic land and therefore allows flexibility for various biodiversity improvements to be made to the current agricultural land.

### *GIRAMs*

The Green Infrastructure and Recreational Avoidance Mitigation Strategy Fee was paid on submission of this application to prevent adverse impacts on the Zone of Influence outlined as part of the study. The application site is within the ZOI for The North Norfolk Coast and The Wash SAC/SPA/RAMSARs, however an appropriate assessment has taken place in line with the approach agreed with Natural England, and it is considered that planning permission can be granted as adverse effects can be ruled out.

### **CONCLUSION:**

The NPPF reiterates the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The material considerations advanced by the agent, namely the benefits of self-build housing, the use of previously developed land and the tidying of the site, do not provide strong material planning considerations which would outweigh the overall conflicts with the spatial strategy and development plan in regards to the position of housing and sustainable development.

The application includes the construction of two dwellings on land which is outside of the development boundary and no sufficient justification has been provided to outweigh the conflicts with the development plan, in particular Policy DM2 of the SADMPP (2016). The site is not in a suitable position and the construction of additional houses in this location is considered likely to adversely consolidate the built form to the detriment of the countryside, form and character and lead to the partial loss of an existing gap between the settlements of Burnham Market and Burnham Overy Town.



The proposed design of the dwellings would also result in a moderate level of less than substantial harm to the setting and significance of the Burnham Market and Burnham Overy Town Conservation Areas and fails to comply with the design parameters set out within the Neighbourhood Plan. The creep of built form of an unsatisfactory design into the countryside and the erosion of historic boundaries of the village and the associated harm to the Conservation Area would not be outweighed by any wider public benefit of the proposal. The proposal would also not conserve or enhance the National Landscape, to which great weight is given to its protection. The application is therefore at odds with Paragraphs 182 and 208 of the NPPF (2023), the Burnham Market Neighbourhood Plan Policies 6 and 15 and Policies CS12 and DM15 of the Local Plan.

Thirdly, in the absence of trial trenching, insufficient information has been provided to show that the development will not harm archaeological assets of regional significance. As per the provisions of the NPPF, substantial harm to or loss of potential archaeological assets should be wholly exceptional. Without trial trenching taking place, full assessment of the degree of harm cannot take place. The application is therefore at odds with Section 16 of the NPPF (2023) and conflicts with the aims of the Local Plan and Neighbourhood Plan in regards to protecting heritage assets.

The EA consider the site to be within Future Flood Zone 3 and the access to the application site, the north portion of the site is within the Tidal 0.1% Annual Exceedance Probability including Climate Change flood risk area, and parts of the proposed dwellings are within Tidal 0.5% Annual Exceedance Probability including climate change and the proposed more vulnerable use is therefore at risk of flooding. Notwithstanding the fact that the above considerations confirm the development is not necessary (as per Paragraph 165), as land is available within Burnham Market which is not at an identified risk of flooding now or in the future, the application fails the sequential test and approval would be at odds with Paragraph 168.

Whilst the application would result in the removal of disused and redundant greenhouses which are currently visible on approach towards the site, there is no premium on neglect and the minor gain resulting from the removal of the structures would not outweigh the conflicts with the policies discussed throughout this report.

The application proposes inappropriate development in the countryside which is at odds with the overarching aims of the NPPF (2023), Policies CS01, CS02, CS06, CS08 and CS12 of the Core Strategy (2011), Policies DM1, DM2 and DM15 of the Site Allocations and Development Management Policies Plan (2016) and Policy 6 and 15 of the Burnham Market Neighbourhood Plan and is recommended for refusal on the following grounds.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

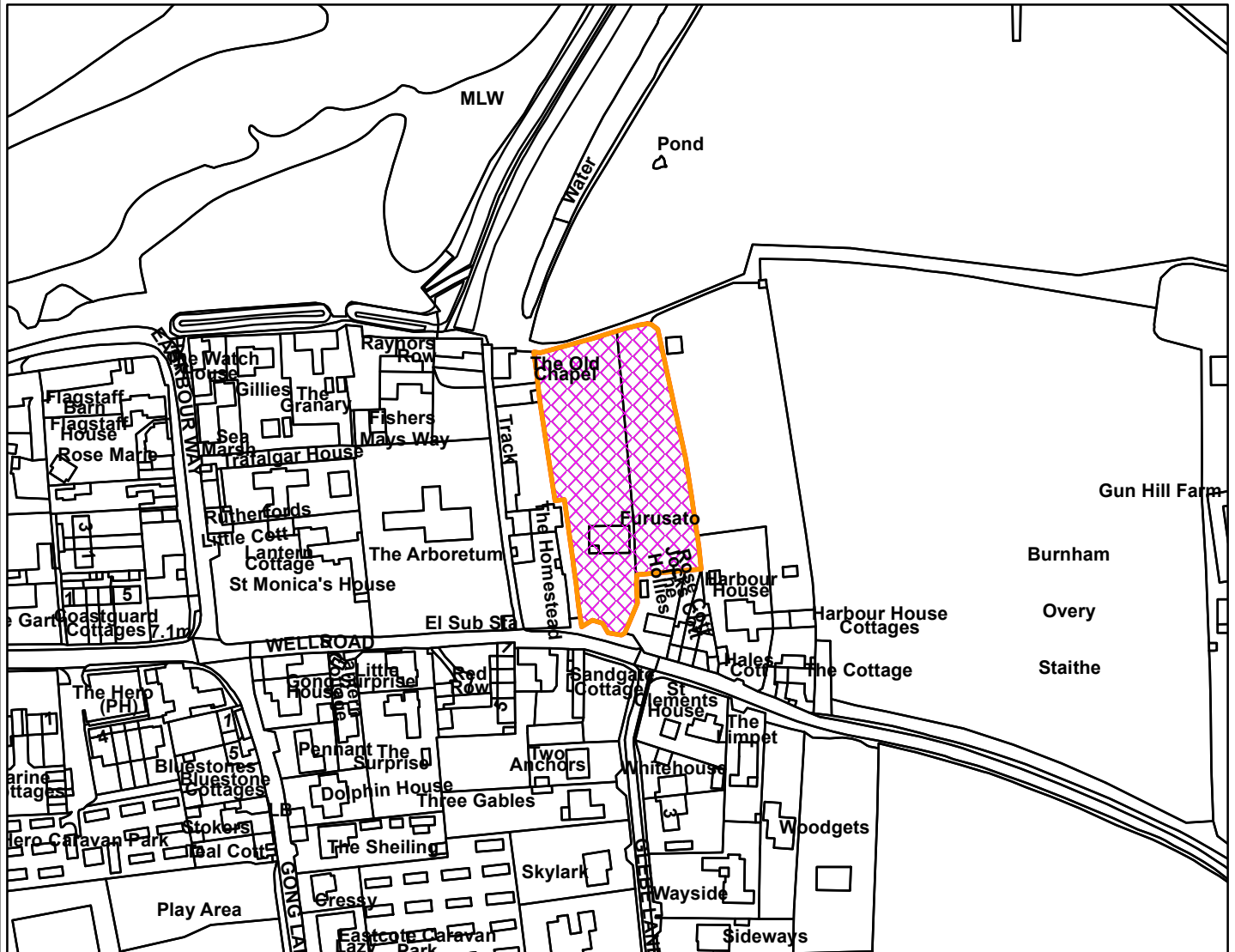
- 1 Residential development in the countryside is strictly controlled by the Local Plan in order to provide for sustainable development in line with the aims of the NPPF (2023). The application includes the construction of two dwellings on land which is outside of the development boundary and no strong material planning reasons have been advanced to outweigh the conflicts with the development plan, in particular Policy DM2 of the SADMPP (2016). The site is not considered to be in a suitable position for housing and the principle of development is therefore at odds with the requirements of

the NPPF (2023), Policies CS01, CS02 and CS06 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016).

- 2 By reason of poor design which fails to take into account local character and history, the proposal would result in a moderate level of less than substantial harm to the setting and significance of the Burnham Market and Burnham Overy Town Conservation Areas and fails to comply with the design parameters set out within the Burnham Market Neighbourhood Plan. The creep of built form of an unsatisfactory design into the countryside and the erosion of historic boundaries of the village and the associated harm to the Conservation Area would not be outweighed by any wider public benefit of the proposal. The proposal would also not conserve or enhance the National Landscape, to which great weight is given to its protection. The application is therefore at odds with Paragraphs 182 and 208 of the NPPF (2023) and Policies 6 and 15 of the Burnham Market Neighbourhood Plan and Policies CS08, CS12 and DM15 of the Local Plan.
- 3 In the absence of trial trenching, insufficient information has been provided to show that the development will not harm archaeological assets of regional significance. As per the provisions of the NPPF, substantial harm to or loss of potential archaeological assets should be wholly exceptional. Without trial trenching taking place, full assessment of the degree of harm cannot take place. The application is therefore at odds with Section 16 of the NPPF (2023) and conflicts with the aims of the Local Plan in regards to protecting heritage assets, in particular Policies CS08 and CS12 of the Core Strategy (2011), and Policy DM15 of the SADMPP (2016).
- 4 The application site boundary is within Future Flood Zone 3, the north portion of the site is within the Tidal 0.1% Annual Exceedance Probability including Climate Change flood risk area, and parts of the proposed dwellings are within Tidal 0.5% Annual Exceedance Probability including climate change and the proposed more vulnerable use is therefore at risk of flooding. As land is available within Burnham Market which is not at an identified risk of flooding now or in the future, the application fails the sequential test and approval would be at odds with Paragraph 168 of the NPPF (2023) and Policy CS08 of the Core Strategy (2011).



Furusato Wells Road Burnham Overy Staithe King's Lynn PE31 8JH



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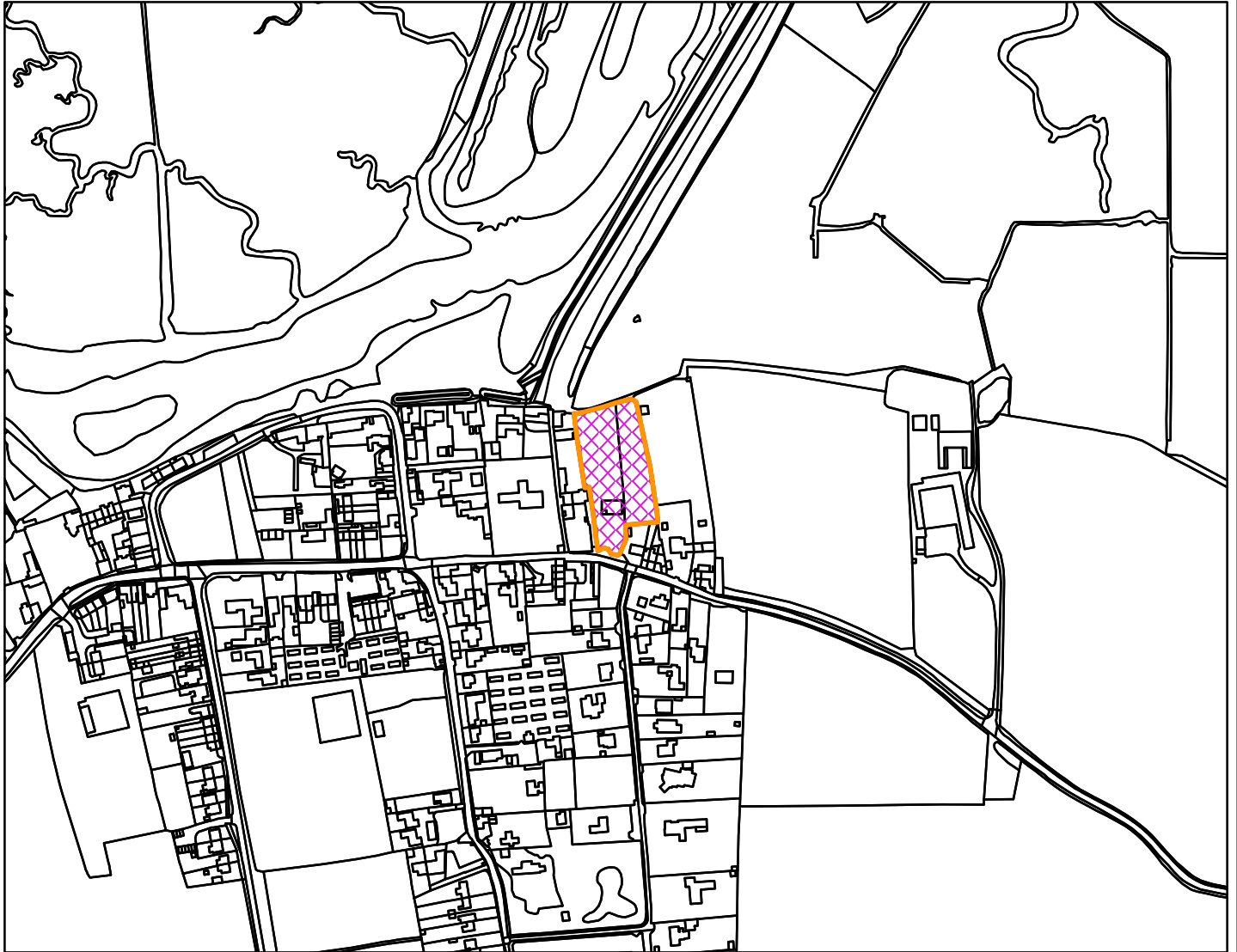
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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
| MSA Number   | 0100024314 |



Furusato Wells Road Burnham Overy Staithe King's Lynn PE31 8JH



**Legend**

**Scale:** 1:5,000

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**AGENDA ITEM NO. 9/2(b)**

|                      |  |   |
|----------------------|--|---|
| <b>Parish:</b>       | <b>Burnham Overy</b>   |   |
| <b>Proposal:</b>     | <b>The proposal is for replacement dwelling on the site of a 1970s bungalow.</b> |   |
| <b>Location:</b>     | <b>Furusato Wells Road Burnham Overy Staithe King's Lynn PE31 8JH</b>            |   |
| <b>Applicant:</b>    | <b>Mr And Mrs D Mackenzie</b>  |   |
| <b>Case No:</b>      | <b>23/01516/F (Full Application)</b>   |   |
| <b>Case Officer:</b> | <b>Mrs N Osler</b>   | <b>Date for Determination:</b><br><b>16 October 2023</b><br><b>Extension of Time Expiry Date:</b><br><b>9 February 2024</b> |

**Reason for Referral to Planning Committee** – Officer Recommendation is Contrary to Parish Council Recommendation and Referred by Sifting Panel

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for a replacement dwelling including an integrated annexe.

The site is located on the northern side of Wells Road in Burnham Overy Staithe, which is classified as a Rural Village in the Settlement Hierarchy (CS02.)

The site is dissected in approximately a 40:60 split with the southern 40% of the site, where the existing dwelling is located, falling within the development boundary and the northern 60% lying outside of the development boundary.

The site accommodates a 1.5 storey detached dwelling which is located within the front (southern) part of the site. The existing dwelling is of no particular architectural merit.

The site has residential uses to its west, east and south and countryside to the north.

The site lies within Burnham Over Staithe's Conservation Area and the North Norfolk Coast National Landscape (formally known as the Area Outstanding Natural Beauty.)

The northern part of the site lies within Flood Zones 2 and 3, whilst the southern part, where both the existing and proposed dwellings are located, lies within Flood Zone 1.

The site is bounded by a mixture of garden wall, close boarded timber fencing and hedging / garden planting.

## **Key Issues**

Principle of Development  
Form and Character and Impact on Conservation Area and National Landscape  
Neighbour Amenity  
Highway Safety  
Flood Risk and Drainage  
Landscaping and Trees  
Ecology  
Crime and Disorder  
Other Material Considerations

## **Recommendation**

**APPROVE**

## **THE APPLICATION**

Full planning permission is sought for a replacement dwelling including an integrated annexe.

The existing dwelling is 1.5 storey dwelling and built from common brick under a Norfolk pantile roof. The dwelling is of no particular architectural merit.

The proposed dwelling is a two-storey unashamedly modern dwelling with south facing single storey courtyards enclosed by flint walls and timber walkways. The two-storey elements of the house step up beyond these southern elements with the first-floor material being Corton under a pitched sedum roof running east/west and a flat roof to the north which would accommodate photovoltaic panels behind a low parapet. The north elevation is more broken up than the southern with a two storey rear projection framing the first-floor terrace which both conceals views from the Homestead to the west as well as preventing overlooking to it. The house has Corten steel colonnades which provide covered seating areas at ground floor level. The remainder of the house is fronted by a timber pergola further breaking up the building's silhouette.

The proposed dwelling would provide the following:

At ground floor level

- Garage, storage and plant contained within a flat roofed entrance structure that would have solar panels on the roof
- Entrance hall
- Boot room
- Utility
- Snug
- Open plan kitchen and dining area
- Living area
- WC
- Larder
- Outdoor terraces

At first floor level

- 3 ensuite bedrooms
- Internal seating area
- External seating area

and an integrated annexe / guest accommodation comprising:

At ground floor level

- Open plan kitchen, dining and living area
- A larder
- 1 bedroom with closet and bathroom
- Outdoor terraces

At first floor level

- A home office

There is a door connecting the annexe to the main dwelling at both ground and first floor level.

The site has residential uses to its west, east and south and countryside to the north.

The site lies within Burnham Over Staithe's Conservation Area and the North Norfolk Coast National Landscape (formally known as the Area Outstanding Natural Beauty.)

The northern part of the site lies within Flood Zones 2 and 3, whilst the southern part, where both the existing and proposed dwellings are located lies within Flood Zone 1.

The site is bounded by a mixture of garden wall, close boarded timber fencing and hedging / garden planting.

## **SUPPORTING CASE**

*APPLICANT'S STATEMENT* We love Burnham Overy Staithe and agree that preserving the character of the village is very important, as is preserving the beauty of the coast path, however if we rebuild Furusato according to the current plans, we do not believe there will be a negative impact on either.

My husband and I are confident that we can build a beautiful modern house and create a beautiful garden (using the services of a talented young landscape designer) that will enhance the property. We also feel that if we were to go back to the drawing board and redesign another modern house using different materials there is a good chance it would still not appeal to some of the neighbours.

We acknowledge that the house is large but it is slightly smaller than the Arboretum which is also quite visible from the coast path and it is about the same size as another prominent modern house, Westering, the first house one sees as one enters BOS from the west. There is a concern about the view of the house from the coast path, however there is a lot of screening in front of our house, indeed quite a lot more than the surrounding houses, and we intend to plant more trees and shrubs in the garden and along the north in keeping with our "ecology first" landscape plan. We love a nice garden and value green space, and while we would like to have unobstructed views of the marsh and creek, we understand this is a uniquely beautiful conservation area and so we will be planting more trees, not just for our

benefit, but for the people walking past the property along the coast path, which we ourselves do daily.

The village comprises many different architectural styles and nowhere is this more on show than from the coast path with the varied and eclectic houses of different sizes, periods and materials all sitting in harmony with each other and we believe the new Furusato will blend sympathetically with its neighbours and echo the landscape with its earth coloured structure and green sedum roof.

While there have been a number of objections to our plan we have also had quite a lot of in person support from people locally.

*AGENT'S STATEMENT:* This house is one of a number of houses designed by our award-winning practice which, though treated in a contemporary manner relates closely and responds to the specific characteristics of the site.

*Position:* Whereas the existing house sits closer to Wells Road than neighbouring properties we believe that placing the new house more in line with these houses makes more sense. A subsidiary north wing creates privacy to north facing terraces and prevents overlooking between the Furusato and the Homestead

*Scale and form:* The proposed house is two stories in keeping with other buildings in this location. It is only 800mm higher than the existing bungalow and 100mm higher than the Arboretum to the west. The massing, as seen from the north, is broken up and stepped creating a varied silhouette. This variation is further enhanced by using the different materials of flint, corten and timber.

*Visibility:* From the north there is existing screening along the northern boundary which conceals and reveals the house similar to other houses adjacent. Like the existing bungalow it will be mostly concealed by vegetation as seen from the south and Wells Road.

*Materials:* These have been chosen in sympathy to local materials. Flint is familiar and commonly used in the area. Corten has similar tones, texture and colour to a red Norfolk brick; however, it is lighter weight and with less carbon footprint. As architects we have used this successfully on various coastal sites, one not far away in Blakeney and one in Jersey on the sea front. It is non-toxic and does not pollute ground water. Corten is steel that self-seals by oxidation providing a protective layer of rust. The Arboretum similarly uses a mixed palette of materials in a contemporary manner namely flint, metal cladding and timber.

Light spill will be contained by shutters.

*Energy:* The house is designed to be low energy with photovoltaic panels (concealed by parapet wall on the south side of the house), an air source heat pump (placed away from neighbouring properties) and highly insulated walls and roof.

## **PLANNING HISTORY**

No recent relevant history.

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** to the application and amendments because of the following:



1. Development extending beyond the village development boundary. It would set a significant negative precedent.
2. Significant harm to the character of the conservation area when viewed from the sea wall (primary view) and from other locations in the village due to massing, materials (especially Corten steel facades) and monolithic design.
3. It is misleading to use the term “replacement dwelling” as there are clearly 2 units on the plans.

The Burnham Overy Parish Council also reiterates its previous objections:

1. The Borough Council’s site Allocations and Development Management Policies Plan Policy DM2 seeks to limit new development in rural areas. The proposal is therefore not in accordance with the development boundary.
2. The Parish Council are very concerned that if this planning application is allowed to extend over the village envelope boundary, then this will set a precedent for other properties in the village and many other villages along the coast of this county.
3. The plans for the building sets out that this house will be split into two separate dwellings. This should be a condition that it is not to be used as a separate house or annex.
4. The house is very large and overbearing (with consideration to the Coastal footpath in the AONB)
5. The materials are not in keeping within the parish conservation statement. The materials, particularly the Corten steel facade, add to the dominant and discordant appearance and are not in keeping with the conservation area.
6. The property will be visible from the coastal footpath which is in an AONB and conservation area. The proposed house would be very visible and the intrusive design will dominate a sensitive view from the footpath along the sea wall, which is walked more than 100,000 times a year and currently looks towards a visually compact and coherent conservation area.
7. National Planning Policy Framework (NPPF) Clause 180c and Norfolk County Council’s Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies.

**Highways Authority: NO OBJECTION** subject to conditions relating to parking and turning provision and no obstruction of near channel edge of carriageway.

**PROW: NO OBJECTION** Although Burnham Overy Footpath 13 is in the vicinity, it does not appear to be affected by the proposals.

**Conservation Officer: NO OBJECTION** Furasato lies within the Burnham Overy Staithe Conservation Area. It is situated on a mature plot with good vegetation screening from the main Wells Road. It is also a good size plot. The site and the existing chalet bungalow are visible from the Norfolk Coast Path.

From the coast path there are a number of different styles of dwelling, some with Dutch gables, some with dormer windows and some with a mix of hip and pitch gables. At some points indeed the metal roof of the modern building called ‘The Arboretum’ is also visible. While most of these buildings, excepting The Arboretum, are constructed of traditional materials, they share a similar form, that of the long rectangular shape with varying extensions and alterations. Indeed, The Arboretum also follows this same form.

While the existing chalet bungalow on the site uses these same traditional materials, it does not make a positive contribution to the view back into the conservation area. Indeed, the best that can be said of it is it makes a neutral contribution. From Wells Road and inside the conservation area, the scale of the building is rather awkward being neither the long

rectangle form nor the smaller cottage form and again, it at best makes a neutral contribution to the street scene.

The principle of a replacement building on this site is therefore accepted.

The replacement building proposed within this application is strikingly modern in its use of materials. However, the form of the building takes the long rectangle, so familiar in Burnham Overy Staithe as its base. The long uninterrupted roof line is not dissimilar to the Sandgate Cottages opposite the site. The rear projection is a familiar form found along the coast and indeed on houses throughout the Borough. The height of the proposed building is higher than the existing but only by just over half a metre. It is moved further back into the site which will further reduce the perception of height within the conservation area street scene.

The materials used are striking. However, they do have some resonances with the traditional materials found within the conservation area. The use of flint is common and the Corten steel echoes the colour palette of the traditional Norfolk Red brick tones. The overall effect is a building which takes a similar form to that found elsewhere within the conservation area, it uses materials which are complimentary to those found throughout the conservation area and will not be too dissimilar in height to the existing building. However, given the orientation of the building and the additional length, the building will appear more dominant on the plot but, due to the already mature vegetation on the front of the site, the lines of the roof will be visibly broken up and the building will not be dominating within the street scene.

This being said, sedum roofs are always a cause for concern and in coastal areas where the weather is noticeably harsher, these do have a tendency to fail more quickly. Similarly, the use of Corten steel has also been considered to have a lesser life span in coastal areas. The agent should be certain before the application is approved, that the details proposed in this application are able to be built, and that the materials are suitable for the location proposed.

Landscaping will also be key to this proposal. While the desire for a view is acknowledged, landscaping could be used at the front and rear of the plot to reduce the impact of the building and assimilate it more quickly into the landscape. A suitable landscaping scheme should be submitted, and I am content that this is able to be a condition on any application.

The conservation team therefore do not object to the proposal. However, should the materials need to be altered following the application, this would water down the proposal and create a design which is no longer acceptable. The long elevations are only considered to be appropriate due to the use of Corten which mirrors the colour palette of brick. Other finishes such as timber would be out of keeping with the conservation area and create an overly dominant building despite the accepted forms of the proposed building. The agent should therefore be certain that the materials are able to be used successfully in the location proposed.

As it currently stands, we consider the proposal to be in line with paragraphs 130, 199 and 200 of the NPPF. You should therefore undertake the planning balance as required by paragraph 202 of the NPPF.

**Environment Agency (EA): NO OBJECTION.** The EA recommends some conditions and states that the applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres from a fluvial main river and from any flood defence structure or culvert or 16 metres from a tidal main river and from any flood defence structure or culvert.

**Internal Drainage Board: NO COMMENTS TO MAKE**

**Emergency Planning Officer: NO OBJECTION** Recommends a condition requiring applicant sign up to the EA's flood warning system and produce a flood evacuation plan.

**Natural England: NO OBJECTION** Natural England considers that the proposed development will not have significant adverse impact on statutorily protected nature conservation sites or landscapes.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION.** Recommends informatives be appended to any permission granted relating to burning wood and coal and asbestos.

**Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION.** I no longer have any concerns regarding pool filtration / circulation.

I request conditions relating to the following are appended to any decision issued:

- External lighting details
- Air Source Heat Pump details
- Incidental use (pool and pickle court)
- Construction Hours
- Construction Workers Parking

and informatives relating to:

- Noise, Dust and Smoke from Clearing, Demolition and Construction Work
- Burner and flue/chimney

**Anglian Water: NO OBJECTION** We can confirm that there is a 150mm foul sewer within the area of the proposed layout plan. The easement required for this sewer is 3m from the centre line of the sewer. If this easement cannot be achieved, we would recommend that the applicant consults Anglian Water direct and speaks to our local drainage team to discuss a potential build over agreement.

**Arboricultural Officer: NO OBJECTION** Although there will be a minor impact to the local landscape of the area, principally in views from the Norfolk Coastal path, by the removal of low and medium quality trees, this can be adequately compensated for by new-landscaping and tree planting. I have no objection to this proposal subject to conditions for protection of existing trees and landscaping including new tree planting. I have considered the siting and layout of the proposed new building, demolition of the existing building and the arboricultural information submitted by the applicant in the arboricultural impact assessment report by Norfolk Wildlife Services.

**Senior Ecologist: NO OBJECTION.** Recommend conditions relating to planting and lighting.

**Norfolk Constabulary: NO OBJECTION** The following recommendations are made:

- Unobserved parking areas are not advised
- Secure boundaries are preferable and should not provide stepping platform opportunities
- Lighting should be carefully designed to work in harmony with natural surveillance
- The home should be designed to incorporate physical security elements.

**Norfolk Fire & Rescue: NO OBJECTION** Draws the applicant's attention to Building Control requirements.

**Conservation Area Advisory Panel: OBJECT** The Panel felt in principle a replacement dwelling on the site would be appropriate. The Panel felt the size and scale of the dwelling would be appropriate but felt the materials used were inappropriate and felt it should be more in keeping with materials found locally and elsewhere in the conservation area and were therefore unable to support the application.

## REPRESENTATIONS

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

- The preapplication advice was factually incorrect to state that the site lied within the development boundary
- The proposed dwelling extends outside of the village envelope; any replacement dwelling should be within the village envelope
- The plans lack clarity
- A copy of an appeal that was dismissed within the borough that relied on Policy DM5 has been submitted. This case is in line with the appeal decision because the new dwelling is not a replacement because it is in a different place and larger. Approval of this application would be the grounds of a Judicial Review because "*like cases must be decided alike*".
- The comparative ridge heights are incorrect, Furusato, which is a bungalow, cannot be higher than the Homestead which is a three-storey dwelling
- Overlooking to neighbouring properties
- The development is contrary to the Development Plan and should therefore be refused unless there are material considerations which indicate otherwise
- The building materials are totally out of keeping with the area and the use of Corten in a coastal environment is not recommended by the manufacturers; the sedum roof will be highly visible and likely is not appropriate in a coastal environment or on a pitched roof
- The house will be an eyesore and be of detriment to the AONB and Conservation Area
- Views from the coastal path will be ruined
- The proposed dwelling and annexe equate to two dwellings
- The dwelling will have a formidable and imposing built form which is contrary to the established character and will spoil and erode the rural setting of this part of the village conservation area and undeveloped coastline
- The development will fail to preserve and enhance the character and appear of the conservation area and would have a demonstrably harmful impact and fail to respect the integrity of the AONB
- The dwelling is simply too large and not of an appropriate design or materials
- The design is totally out of keeping with the vast majority of the built environment of the village
- Impact on trees
- Additional buildings are proposed outside of the village boundary including a large pavilion, sauna and a pickle court. These structures are large, highly intrusive and clearly visible from the coastal path and should be scaled back
- Landscaping will take years to establish and should not therefore be considered an appropriate form of screening
- The public sewer runs down the west site boundary. The 3m easement should be shown on the plans

- The solar panels will be visible from the neighbouring property and may have a dazzling effect. One third party suggests that they would be better placed on the main dwelling
- The plans do not show the position of the ASHP
- Ecological impact of the chemical run-off from the metal materials
- Light sources need to be strictly controlled
- The pickle court, pool and pavilion (with sauna, wet room, etc.) would generate a large amount of disturbance and noise affecting local amenity
- Windows of The Chapel (an adjacent property) overlook the entire site
- The applicants acquired the land which in planning terms comprises three separate parcels: 1) The Hollies, an end terrace house, 2) Furusato a chalet style bungalow and 3) a field with no planning use. This application is for a replacement of the bungalow (Furusato) and should only include that residential planning use
- The village boundary is shown in a different position on the proposed site plan from the exiting site plan
- The proposed frontage boundary wall is out of keeping with the locality
- No site notice was posted and some neighbours did not received neighbour notifications
- The sewage and drainage systems will not be able to cope
- This is a missed opportunity
- Boundary issues
- Important spacing between buildings is being lost at the detriment to the form and character of the locality. This is another example
- Specialised glass that decreases light emission should be investigated and applied in the build
- Loss of views of the sea
- The dwelling will be 15 feet closer to the neighbouring property to the west (the Homestead.) The Homestead is referred to in the Burnham Overy Staithe Conservation Area Statement as being an important 17th century building. The size and siting of the proposed new property will adversely impact the Homestead and be overbearing and result in overshadowing
- Section drawings should be provided to enable proper consideration of the impacts and context
- the use of knapped flintwork and rusty Corten will be a forbidding combination with the large glazed areas
- The development pays scant regard to the pre-application advice that was given and does not address the issues raised
- It is a precedent for inconsiderate development if approved
- The height of the lightwell should be included
- Further details of the flues are required
- The light well should not be allowed because at night this will create a shaft of artificial light upwards into the night sky
- Works have already commenced on site
- The proposed pavilion will be overbearing to the Chapel to the west
- The development does not follow the building frontage line
- Has the applicant been asked to amend the scheme
- All permitted development rights should be removed if permission is granted
- Would it be possible to substitute the Corten with red zinc

A letter of representation was also made by Cllr Cowper, who is a member of the planning committee. Cllr Cowper's representation was reflective of the issues summarised above from both the Parish Council and third parties.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS07** - Development in Coastal Areas

**CS08** - Sustainable Development

**CS11** – Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM7** - Residential Annexes

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

**The main considerations in the determination of this application are:**

- Principle of Development
- Form and Character and Impact on Conservation Area and National Landscape
- Neighbour Amenity
- Highway Safety
- Flood Risk and Drainage
- Landscaping and Trees
- Ecology
- Crime and Disorder
- Other Material Considerations

### **Principle of Development:**

The site is dissected in approximately a 40:60 split with the southern 40% of the site, where the existing dwelling is located, falling within the development boundary and the northern 60% laying outside of the development boundary. However, aerial photography clearly

shows that there has never been a physical boundary between the two, and the land is clearly in one residential planning unit. In this regard the development boundary, that has no physical distinction on the ground, is somewhat of an arbitrary line in this instance.

The land to the immediate east also lies outside of the development boundary but is also clearly in residential use and has been for some considerable time. Furthermore, there is considerable built form, albeit within the development boundary, to the west and northwest of the site and to a lesser extent to the east and northeast outside of the development boundary.

Given that residential uses bound three of the site's four boundaries (east, west and south) and that the land forms part of the same residential planning unit, it would be difficult to suggest that it would be unacceptable for the land to be used in association with the dwelling regardless of whether the dwelling is to be replaced or not. In this instance, for the reasons outlined above, it is not considered that the development boundary, that has no physical demarcation on the ground, is reason to suggest that residential use of the land and encroachment of the dwelling and other incidental structures onto this land is unacceptable.

Permitted development rights are already limited given the site's location within a National Landscape and Conservation Area. However, if Members consider it necessary permitted development rights could be further restricted by condition.

The existing dwelling is of no particular architectural merit and its demolition is therefore considered acceptable.

The replacement dwelling with integrated annexe is to be located further north within the site than the existing dwelling, but still largely within the development boundary. However, the rear two projections and outdoor terraces serving both the dwelling and the annexe, as well as the pavilion, natural pool and pickle court all lie outside of the development boundary. Notwithstanding this, there is a substantial amount of built form to the west / northwest and some limited to the east / northeast of the proposed replacement dwelling and incidental buildings / structures. Therefore, it is not considered that built form further north within the site would be incongruous or unacceptable in principle.

A number of third parties and the Parish Council consider the description of development is incorrect and that two dwellings are proposed rather than one. However, the plans and Design and Access Statement refer to the eastern third of the dwelling as either 'guest accommodation' or an annexe. Additionally, there is an internal connecting door at both ground and first floor level and the parking and gardens are not subdivided. The use of the annexe can, and if permission is granted would, be controlled by condition to ensure it is retained in the same ownership and is not used as a separate and independent dwellinghouse.

It is therefore considered that the principle of the proposed development including encroachment outside of the development boundary is acceptable subject to compliance with other relevant planning policy and guidance.

### **Form and Character and Impact on Conservation Area and National Landscape:**

The site is located within Burnham Overy Staithe Conservation Area and the North Norfolk Coast National Landscape (formally Area of Outstanding Natural Beauty.)

The Conservation Area Statement makes no specific reference to the site or the contribution the land outside of the development boundary makes to the character of the Conservation Area. The neighbouring property to the west (the Homestead) is mentioned in passing as is

the Old Chapel which lies to the northwest of the site. Neither mention suggests that the proposed development would be of detriment to the Conservation Area or spacing of the built form within it.

Other than the issue of the development boundary which has been covered above, the scale, mass, design / appearance, and materials of the proposed replacement dwelling are the most contentious issues with all objections from third parties and the Parish Council mentioning this aspect.

The general consensus of public opinion is that the replacement dwelling is wholly unacceptable in terms of its scale, massing and general appearance and that the use of Corten and sedum roofs is likewise unacceptable and not in keeping with the existing built form of Burnham Overy Staithe. They consider that the development would result in a dwelling that would be overbearing, incongruous and of significant detriment to the character of the Conservation Area and North Norfolk Coast National Landscape.

Paragraph 209 of the NPPF states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

This is reiterated in Development Plan Policies CS01, CS07, CS08, CS12 and DM15 which all seek to protect the historic environment.

In relation to the impact on Protected Landscapes, paragraph 180 of the NPPF requires planning decision to contribute and enhance the natural and local environment by *a) protecting and enhancing valued landscapes, ...(in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside; and c) maintaining the character of the undeveloped coast...*

The NPPF continues at paragraph 182 by stating that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (now National Landscapes.) It states that *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.*

Protection of the National Landscape is reiterated in Development Plan Policies CS01, CS07, CS08, CS12 and DM15.

It is clear that public opinion is that the development would result in harm to the conservation area and the National Landscape and that, in their opinion, that harm would be substantial and unacceptable.

However, the Conservation Officer has a different opinion and considers, for the reasons given in their detailed response to the application which can be viewed in full above, that whilst the development would be visible and 'more dominant on the plot' it would not be 'dominating' and would not result in harm. The Conservation Officer acknowledges that the use of Corten is not the norm and that the design is modern. However, she concludes that the dwelling is sensitive to the defining characteristics of the locality in terms of built form (long rectangular shape with rear projection) with the colour of the Corten steel reflecting the red tones of Norfolk bricks. The use of flint, a vernacular material, has raised little commentary from objectors which is also true of the modest amount of timber proposed.



The NPPF makes it clear at paragraph 135c) that being sympathetic to local character and history does not necessarily mean that development has to follow the norm and that decisions should not prevent or discourage appropriate innovation or change.

There have also been many comments relating to the lack of detail on the plans and inaccuracies in the height of the proposed replacement dwelling. However, the applicant has confirmed the measurements to be correct and your officers consider the plans acceptable and sufficiently detailed. Whilst the replacement dwelling is obviously taller than the dwelling it will replace, its position further north within the site on lower ground largely counters the increase in ridge height. The existing ridge height is 7m and the proposed ridge height is 8.4m; however, the difference in land levels means the replacement dwelling will only be 0.8m taller in reality. Comparative ridge heights have been given with Jocks Cottage being 2m taller, Harbour House 1.3m taller, The Arboretum 0.1m lower and The Homestead 1.2m lower. Plans showing how the replacement dwelling relates in height to existing built form has also been provided.

It is clear that there is a difference of opinion in regard to the design and materials of the proposed replacement dwelling. However, design is subjective and personal taste cannot be used to determine what is considered 'beautiful'.

The key aspects of the proposed development are the impact on the conservation area and National Landscape. In relation to the former the Conservation Officer considers the development would not result in harm and in relation to the latter Natural England made no specific comment and the Norfolk Coast Partnership made no comment at all. One would have to conclude that if either considered the development would be of detriment to the National Landscape they would have commented accordingly. Furthermore, there are other examples of new, large, modern dwellings in substantial plots in the immediate locality e.g., the Arboretum to the west. Members therefore need to consider the conflicting opinions of the Parish Council and third parties with that of the Conservation Officer and lack of comment from Natural England and the Norfolk Coast Partnership in relation to the proposed development and whether its impact on the National Landscape and Conservation Area would result in unacceptable harm.

Your officers consider, on balance, that the scale, mass, design / appearance and materials of the proposed replacement dwelling are acceptable and would not result in harm to the historic environment (Conservation Area) or natural environment (National Landscape) and therefore accords with the NPPF in general and specifically to paragraphs 135c), 180a), b) and c), 182 and 209 of the NPPF and Development Plan Policies CS01, CS07, CS08, CS12 and DM15.

If permission is granted, materials and a sample panel will be suitably conditioned.

### **Neighbour Amenity:**

Paragraph 135f) of the NPPF requires development to have a high standard of amenity for existing and future users. This is reiterated in Development Plan Policy DM15.

Whilst occupiers of the Homestead consider that the development would result in unacceptable impacts, there would be no material overlooking because there are only two first floor windows on the western elevation (a secondary bedroom window and an ensuite bathroom window) both of which are shown to be obscurely glazed and will be conditioned as such. The distance of 11m between side elevations is sufficient to prevent overbearing impacts and is akin to spacing of other development in the locality, and whilst there would be

some increased overshadowing it would be for limited parts of the day and would not be sufficient to warrant refusal.

Concerns have also been raised in relation to primarily noise from the summer pavilion (which is shown to accommodate a store, wet room, sauna, veranda and boat rack and will have a rooflight), natural pool and pickle court, and there is also a suggestion that the summer pavilion is too large.

It should be noted that all these facilities are incidental (and similar to facilities that neighbouring properties benefit from) and will be conditioned as such. The pickle court is located in a similar position to the existing tennis court serving the property to the immediate east. No external lighting will be allowed and therefore the court will only be able to be used in daylight hours. It is considered that this 'natural' restriction as well as its proposed location will mean that there would not be any material disamenity. However, if it transpired that there was, Community Safety and Neighbourhood Nuisance have their own powers to address issues of statutory nuisance.

Likewise, the natural pool and summer pavilion will be incidental uses and it is unlikely that such uses would result in neighbour nuisance. It is also not considered that light escaping from the rooflights would be sufficient to result in neighbour disamenity.

Additionally, further details in relation to the pickle court and natural pool will be sought by condition (such as surfacing, enclosure, depth.)

Concern has also been expressed in relation to the proposed solar panels in terms of glare. However, modern solar panels result in limited glare, and it not considered that there would be any material neighbour impact from the panels.

It is therefore considered that neighbour amenity is acceptable and complies with the NPPF in general but specifically to paragraph 135f) of the NPPF and Development Plan Policy DM15.

### **Highway Safety:**

Access is shown to be in the same location as existing to which the local highway authority raises no objection. However, the plans show some potential development in this locality. For the avoidance of doubt a condition will be appended to any permission granted ensuring the access is not altered without specified plans being submitted.

Parking provision is in accordance with parking standards and therefore in accordance with Development Plan Policy DM17.

It is therefore considered that there are no highway safety implications arising from the proposed replacement dwelling and that the development accords with the NPPF and Development Plan in that regard.

### **Flood Risk and Drainage:**

*Flood Risk:* Chapter 14 of the NPPF requires development to be steered away from areas at highest risk of flooding. This is reiterated in Development Plan Policies CS01 and CS08.

Whilst part of the site (the northern part) lies in flood zones 2 and 3 and the southern part where both the existing and proposed dwellings are located lies within flood zone 1. There is therefore no increase in risk associated with the proposed development.

The Environment Agency suggests that the incidental buildings / uses would be better relocated into flood zone 1. However, given their incidental nature and lack of habitable accommodation it is considered that the risks are minimal and it is not considered necessary to require them to be moved into the southern part of the site.

Likewise, the condition requested by the Emergency Planning Officer regarding an evacuation plan is not considered necessary. However, it will be appended as an informative.

*Drainage:* Anglian Water has confirmed that either a 3m easement or a build over agreement is required. In this instance a 3m easement has not been provided and therefore a build over agreement will be required. This is an issue between Anglian Water and the applicant that is covered by alternative legislation and therefore does not need further consideration under this planning application.

In relation to the risks associated with flooding and drainage it is therefore considered that the proposed development accords with the NPPF in general and specifically to Chapter 14 of the NPPF.

### **Landscaping and Trees:**

Limited landscape details have been submitted and therefore this aspect will be suitably conditioned if permission is granted.

None of the trees on site are protected by a Tree Preservation Order although a number of trees will be protected by virtue of their size and location within a conservation area. No trees were identified in the Arboricultural Impact Assessment (AIA) as being veteran or ancient trees.

The importance of trees is highlighted in paragraph 136 of the NPPF which requires retention of existing trees wherever possible and the incorporation and long-term maintenance of new trees. The AIA that accompanied the application concludes that the predicted tree loss associated with development of the site will cause a short-term loss of amenity value, although it continues by suggesting that replacement planting will mitigate this loss in the long-term.

In summary, the AIA states:

- T2 (a category B Eucalyptus) will require a canopy lift of 5m above existing ground level to allow access for delivery vehicles and materials
- G2 (category C Cherry Trees), T6 (a category C Plum), T14 (a category B Yew), T15 (a category B Cherry Plum), T16 (a category B Apple), T17 (a category C Pear), T18 (a category B Cherry Plum), and T20 (a category B Apple) will be lost to accommodate the development
- Retained trees will require protection during construction works
- The following tree planting is proposed: yew (x3), apple (x3) pear (x2) judas tree (x2) common hawthorn (x5)

The arboricultural officer has confirmed he raises no objection to the loss of the trees and has provided suggested conditions in relation to tree protection, landscaping and tree planting.

It is therefore considered that the development accords with the NPPF in general but specifically to paragraph 136 of the NPPF in relation to landscaping and trees.

## **Ecology:**

The NPPF places great weight on protecting and enhancing habitats and biodiversity, with Chapter 15 of the NPPF concentrating on this subject that includes protected sites, sites of specific scientific interest, habitats, and protected species.

This is reiterated in Development Plan Policy CS12.

This application is for a replacement dwelling and therefore impacts on protected sites are assessed as minimal and neither an appropriate assessment nor GIRAMS are required.

In relation to the ecological value of the site itself the Local Authority's Senior Ecologist raises no objection agreeing with the assessment that accompanied the application that the site has limited ecological value or potential and that no further surveys are required.

The Senior Ecologist recommends that hedgerow planting and light pollution be controlled via condition. The former will be covered by the landscaping condition requested by the arboricultural officer.

It is therefore considered that in terms of ecology the development accords with the NPPF in general and specifically to Chapter 15 of the NPPF and Development Plan Policy CS12.

## **Crime and Disorder:**

There are no specific crime and disorder issues arising from the proposed development and the Police Architectural Liaison Officer has made suggestions to the applicant in relation to Designing out Crime.

## **Other Material Considerations:**

In relation to Parish Council and third-party comments not covered in the main body of the report your officers comment as follows:

- Development beyond development boundary that would set a precedent – *covered in report and all applications have to be considered on their own merits and therefore approval of the application would not set a precedent*
- The preapplication advice was factually incorrect to state that the site lied within the development boundary – *preapplication advice is not in the public domain. Furthermore, the application has been determined on its own merits with full consideration that some of the site lies outside of the development boundary*
- A copy of an appeal that was dismissed within the borough that relied on Policy DM5 has been submitted. This case is in line with the appeal decision because the new dwelling is not a replacement because it is in a different place and larger. Approval of this application would be the grounds of a Judicial Review because "like cases must be decided alike" - *The LPA is putting no weight on Development Plan Policy DM5 which is not relevant to the current application because the development does not relate to the replacement or extension of a dwelling in the countryside*
- *The plans do not show the position of the ASHP – the position of the ASHP is shown on the plans*
- Ecological impact of the chemical run-off from the metal materials – *the applicant has stated that there is no pollution potential.* Furthermore, the LPA's Senior Ecologist raises no concern in relation to this
- Windows of The Chapel (an adjacent property) overlook the entire site – *this is the current situation*

- The proposed frontage boundary wall is out of keeping with the locality – *details of the frontage wall will be secured by condition*
- No site notice was posted and some neighbours did not received neighbour notifications – *there is photographic evidence that the site notice was posted and a record that neighbours sharing a boundary with the site, other than The Chapel, were consulted which is the Council's practice. The statutory requirement is to undertake only one of these methods of notification and therefore the LPA's lawful requirements were met. Furthermore, it is apparent that nobody was prejudiced, and comments have been received from occupiers of The Chapel*
- Boundary issues – *this is a civil matter. Notwithstanding this, the red line site boundary appears to accord with the Title Deeds for the site*
- Specialised glass that decreases light emission should be investigated and applied in the build – *specified glazing could be conditioned if considered necessary*
- Loss of views of the sea – *there is no right to a public view*
- The height of the lightwell should be included – *the lightwell protrudes 0.4m above the ridge height*
- Further details of the flues are required – *CSNN are satisfied with the amount of information submitted*
- Works have already commenced on site – *the works underway appear to relate to development on the neighbouring property (in the same ownership as the applicant)*
- The development does not follow the building frontage line – *it is not considered that there is a definitive building line*
- Has the applicant been asked to amend the scheme - *the application needs to be considered as submitted*
- All permitted development rights should be removed if permission is granted – *it is not considered reasonable nor necessary to remove all permitted development rights. To do so would therefore fail the conditions tests laid down in Planning Practice Guidance*
- Would it be possible to substitute the Corten with red zinc - *the application needs to be considered as submitted.*

## CONCLUSION:

The development proposes a replacement dwelling with integrated annexe largely contained within the development boundary of Burnham Overy Staithe. Some encroachment of built form into land outside of the development boundary will occur. However, the land in question is within the same residential planning unit and has residential uses on three of its four boundaries, and therefore, whilst contrary to the Parish Council and a significant number of third-party opinions, the development is considered acceptable in this respect.

Likewise, it is considered that provision of an annexe, that can be suitably conditioned, is not tantamount to an additional dwelling.

Other than the issue of the development boundary, the most contentious issue with this application is that of the scale, design and materials of the proposed dwelling itself. Members will need to consider if they believe these aspects of the proposed development are acceptable.

In line with the Conservation Officer, it can be confirmed that officers consider, on balance, that the scale, mass, design, appearance, and materials are acceptable and would conserve the character of the Conservation Area and North Norfolk National Landscape.

It is not considered that the proposed development would result in unacceptable neighbour amenity or highway impacts subject to appropriate conditions and that tree protection, planting and landscaping can be suitably conditioned.

It is therefore considered, on balance, that this application accords with the NPPF in general and specifically to chapters 14 and 15 and paragraphs 135a) and c), 136, 180a), b) and c), 182 and 2019 of the NPPF and Development Plan Policies CS01, CS02, CS07, CS08, CS11, CS12, DM1, DM2, DM7, DM15 and DM17 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 plans drawing numbers:  
  
PL-002 Rev.A Site Plan as proposed  
PL-100 Rev.B Ground Floor as proposed  
PL-101 First Floor as proposed  
PL-110 Rev.A Roof Plan as proposed  
PL-200 Rev.B North Elevation as proposed  
PL-201 Rev.A East Elevation as proposed  
PL-202 Rev.A South Elevation as proposed  
PL-203 Rev.A West Elevation as proposed  
PL-204 Rev.A Front Elevation as proposed  
PL-205 North Garage Elevation as proposed  
PL-300 Rev.A Section A as proposed  
PL-301 Rev.B Section B as proposed  
PL-302 Rev.A Section C as proposed  
PL-400 Rev.A Summer Pavilion as proposed.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No works or development shall take place until a scheme for the protection of the retained trees (section 5.5, BS 5837:2012, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
  - A. A site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.
  - B. A schedule of tree works for all the retained trees in paragraphs (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.
  - C. The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion

zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). Barrier and ground protection offsets should be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection. The Tree Protection Barriers/ground protection must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- D. The details and positions (shown on the plan at paragraph (A) above of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

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

- 3 Reason: To ensure the existing trees within the Burnham Overy Staithe Conservation Area are suitably protected throughout the demolition and construction phases of this development in accordance with the NPPF.
- 4 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the demolition and construction period has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented until the development is completed.
- 4 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 5 Condition: Demolition, construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays. Piling, where applicable, shall only be carried out weekdays between the hours of 0900-1700.
- 5 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 6 Condition: Prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with tree, plants, and grass establishment) schedules of trees

plants noting species, tree and plant sizes and proposed numbers and densities where appropriate. Tree planting details to include tree planting pit specifications, method of irrigation and method of support.

- 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.
- 7 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 7 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 8 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8 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 and Development Plan Policies DM15 and DM17.
- 9 Condition: Prior to any development in relation to new access provision full details of the access including surface materials, boundary treatments and access gates, bollards, chains or other means of obstruction/closure (the latter of which shall be set a minimum distance of 5 metres from the near channel edge of the adjacent carriageway) full details shall be submitted to and approved in writing by the Local Planning Authority. The access shall be provided in accordance with the approved details prior to the first occupation of the development hereby permitted.
- 9 Reason: In the interests of highway safety and visual amenity and to enable vehicles to safely draw off the highway before any gates/obstruction is opened in accordance with the NPPF and Development Plan Policies CS08, CS11 and DM15.
- 10 Condition: Prior to any development in relation to the pickle court, full details of the pickle court including surface materials and enclosure details shall be submitted to and approved in writing by the Local Planning Authority. The native pool shall be provided in accordance with the approved details and maintained and retained thereafter as approved.
- 10 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 11 Condition: Prior to any development in relation to the natural pool, full details of the pool including depths, materials and enclosure details shall be submitted to and approved in writing by the Local Planning Authority. The natural pool shall be provided in accordance with the approved details and maintained and retained thereafter as approved.



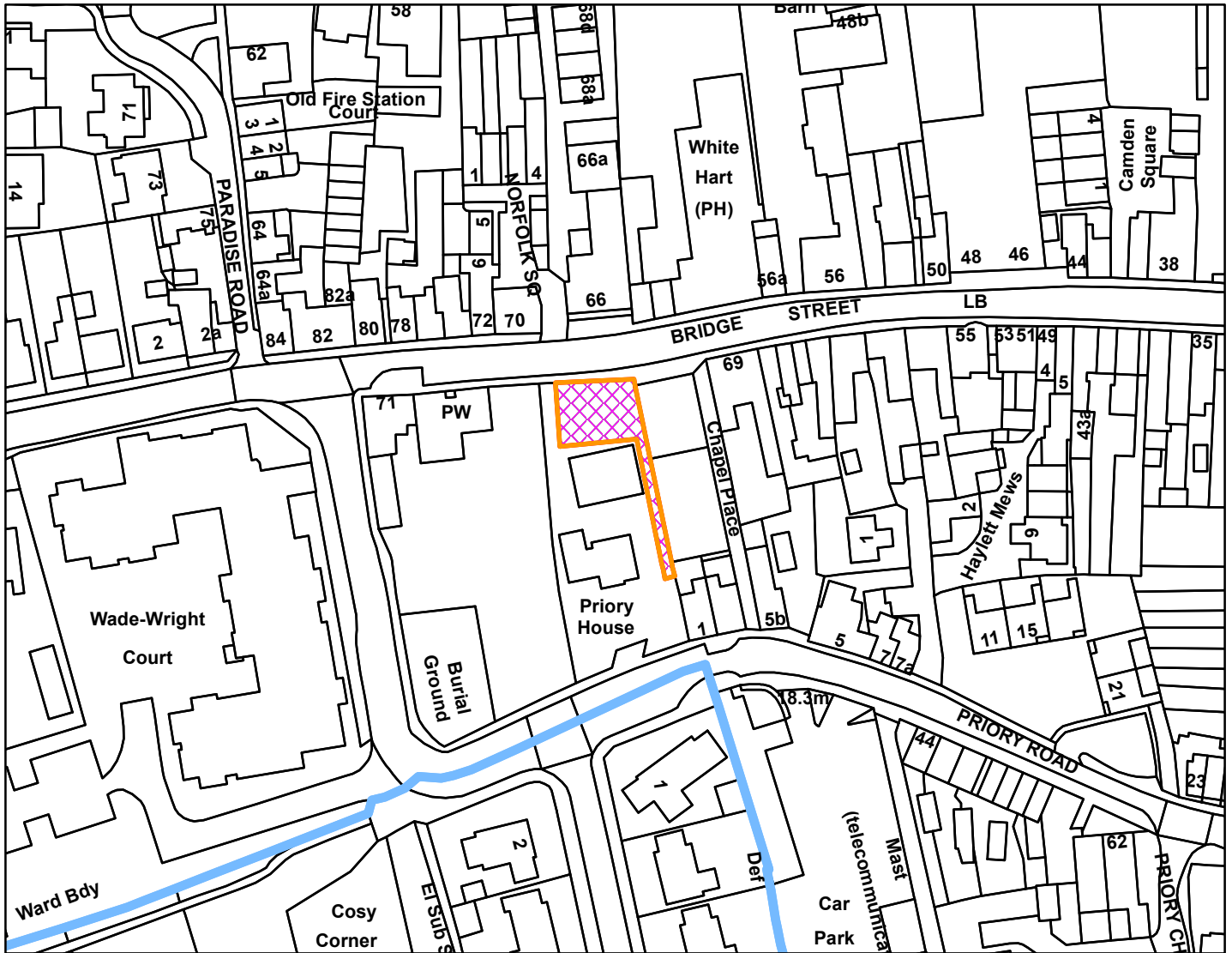
- 11 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 12 Condition: Prior to the installation of any external lighting a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning 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.
- 12 Reason: In the interests of minimising light pollution in the interests of the amenity of the locality and ecology in accordance with the NPPF and Development Plan Policies CS12 and DM15.
- 13 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 13 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 14 Condition: No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of 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.
- 14 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 15 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.
- 15 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 16 Condition: Finished ground floor levels shall be set no lower than 6.82m AOD.
- 16 Reason: To reduce the risks associated with flooding in accordance with the NPPF.
- 17 Condition: Prior to the first occupation of the development hereby permitted the first floor windows on the western elevation of the dwelling hereby permitted, shown on drawing number PL-101 to serve a bedroom and its ensuite bathroom, shall be glazed with obscure glass and shall be non-opening unless the parts of the window which can

be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall thereafter be retained and maintained as installed.

- 17 Reason: In the interests of the amenity of occupiers of neighbouring dwellings in accordance with the NPPF and Development Plan Policy DM15.
- 18 Condition: The use of the natural pool, pickle court and summer pavilion hereby permitted shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes or as habitable accommodation.
- 18 Reason: In the interests of the amenity of the locality and to reduce the risks associated with flooding in accordance with the NPPF and Development Plan Policy DM15.
- 19 Condition: Prior to the first occupation of the development hereby permitted, the dwelling shall be glazed with glass that has a Visible Light Transmission (VLT) of no more than 0.65 VLT. Glazing within the development shall thereafter be retained and maintained at a VLT of no more than 0.65 VLT unless otherwise agreed in writing by the Local Planning Authority
- 19 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 20 Condition: The guest accommodation / annexe hereby approved shall remain in the same ownership as, and be occupied in conjunction with, the principal dwelling at all times sharing the access, garden and parking of the principal dwelling and shall at no time be let or used as an independent unit of residential accommodation.
- 20 Reason: For the avoidance of doubt and to ensure that a separate dwellinghouse, that has not been considered as part of this application, is approved without due consideration in line with the NPPF and Development Plan.



Land West of Former Methodist Church Bridge Street Downham Market PE3



**Legend**

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**Scale:** 1:1,250

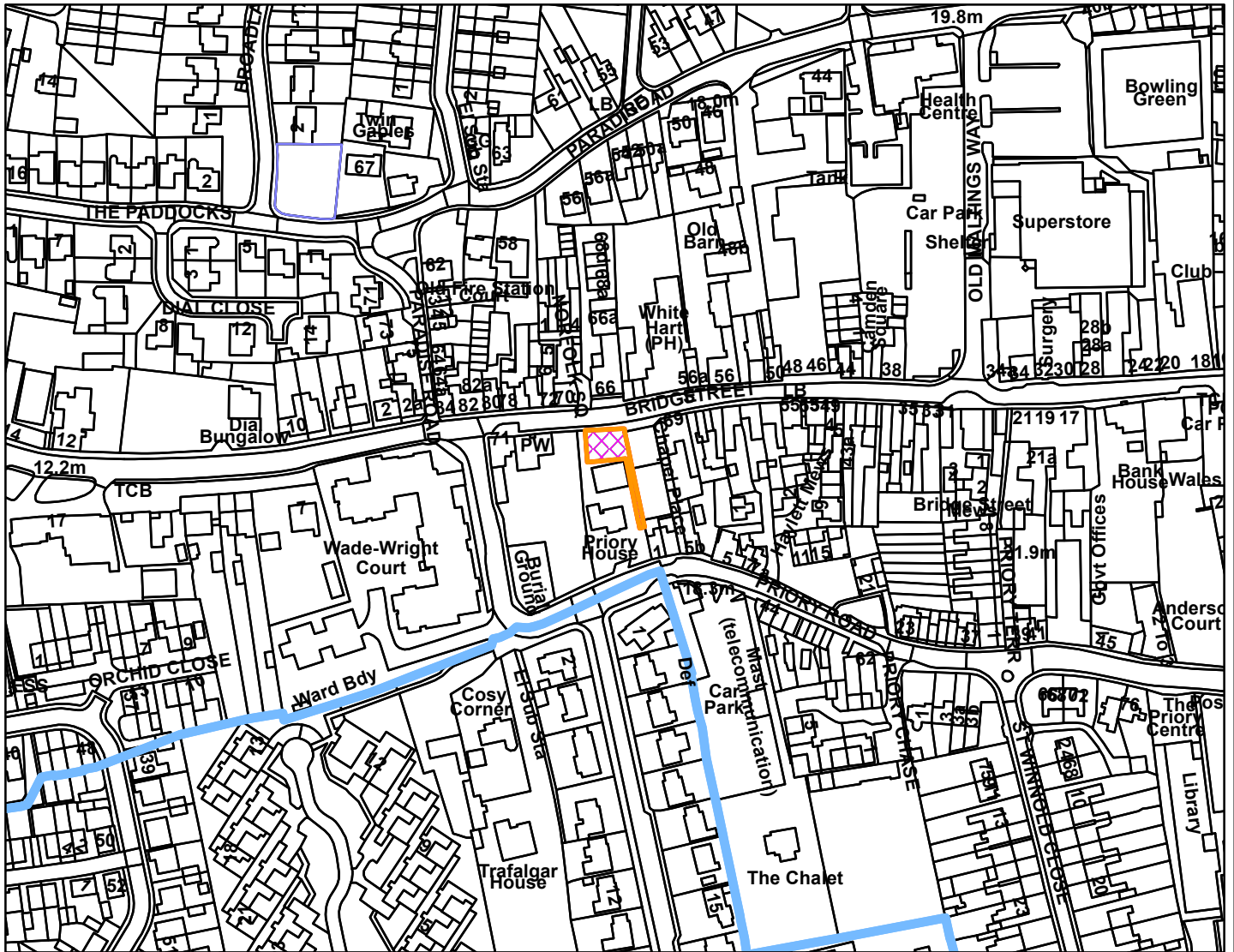
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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
| MSA Number   | 0100024314 |



Land West of Former Methodist Church Bridge Street Downham Market PE3



**Legend**

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**Scale:** 1:2,500

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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
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## AGENDA ITEM NO. 9/2(c)

|                      |   |  |
|----------------------|---|--|
| <b>Parish:</b>       | <b>Downham Market</b>   |  |
| <b>Proposal:</b>     | <b>Proposed new residential dwelling</b>  |  |
| <b>Location:</b>     | <b>Land West of Former Methodist Church Bridge Street Downham Market Norfolk PE38 9DJ</b> |  |
| <b>Applicant:</b>    | <b>THE EXECUTORS of THE LATE MR. J. REED</b>  |  |
| <b>Case No:</b>      | <b>23/01438/F (Full Application)</b>  |  |
| <b>Case Officer:</b> | <b>Bradley Downes</b>   | <b>Date for Determination:</b><br><b>31 October 2023</b><br><b>Extension of Time Expiry Date:</b><br><b>12 February 2024</b> |

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

**Neighbourhood Plan:** No

### Case Summary

The application is for the erection of a detached two-storey dwelling. The site lies on Bridge Street in the town centre of Downham Market, within the Conservation Area and adjacent Listed Buildings. A Grade II Listed Building the Former Methodist Church lies to the east, and another Grade II Listed Building a Former Library and Meeting House lies to the west. Immediately to the south of the site is a neighbouring dwelling and its outbuilding known as Priory House. The site is roughly square with a pedestrian link to Chapel Place.

### Key Issues

Principle of development  
Form and character  
Impact on neighbour amenity  
Highway safety  
Arboricultural impacts  
Other material considerations

### Recommendation

**REFUSE**

## THE APPLICATION

The application is for the erection of a detached two-storey dwelling. The site lies on Bridge Street in the town centre of Downham Market, within the Conservation Area and adjacent Listed Buildings. The site is currently vacant and within the setting and ownership of the adjacent Grade II Listed Former Methodist Church to the east. Another Grade II Listed Building, the former Library and Meeting House lies approximately 14m to the west with mature trees abutting the western boundary of the site.

Bridge Street is part of a one-way system in the Town Centre with single lane traffic. Immediately to the south of the site is a neighbouring dwelling and its outbuilding known as Priory House. The site is roughly square in shape and includes a long and thin section extending southwards to link with a private pedestrian access onto Chapel Place. The site area is approximately 213sqm, of which approximately 176sqm is developable space.

**PLANNING HISTORY** No relevant history

## **RESPONSE TO CONSULTATION**

### **Parish Council: SUPPORT**

The design has gone a long way in addressing the concerns previously raised by the Town Council.

### **Local Highway Authority: NO OBJECTION**

The application would not include any private off-street car parking provision. But given that this site is located within the town centre with excellent access to public services and Bridge Road's on-street parking is controlled with waiting restrictions, we would not wish to restrict the grant of permission.

### **Historic Environment Service: NO OBJECTION**

There are no known archaeological implications.

### **Historic England: NO COMMENTS**

### **Conservation Officer: OBJECT**

Reduction in scale of the proposed dwelling and no longer proposing to make another opening within the prominent frontage wall is welcome. However, they do not address the concerns related to loss of openness. While the scale and form of the dwelling have been reduced, the continued erosion of the open character of this part of the street scene would remain detrimental to the character and significance of the adjacent two listed buildings. We remain of the view that the scheme would cause a moderate level of less than substantial harm for the reasons given previously.

#### *Relevant previous comments*

The site lies between two listed buildings and within the Downham Market Conservation Area. Historic maps indicate that there has been an area of open space between the Methodist Chapel and the library (now Salvation Army) since the first edition OS map which dates to approximately 1885. It is therefore a key portion of open space within the town and acts as an important buffer between the built environment in this part of the conservation area. Moreover, it is a part of the setting of both listed buildings and makes a positive contribution to the setting of each.

The library (now the Salvation Army) dates from the 17th century and is listed grade II. It is clear that this building has a complex history but, for much of its existence it has been sat within verdant grounds with a substantial town centre curtilage. The tithe map illustrates this. The Methodist Church was built in 1859 and is grade II listed. It is an impressive building

with dominating architectural details which historically has been set in a substantial green plot. It creates a sizeable gap between the two listed buildings which, although diminished in recent times can still be appreciated from the Bridge Street frontage.

Properties along the street frontage are generally high-density buildings up against the street. Although the wall here still presents a sense of enclosure, behind the wall is a sense of changing hierarchies and higher status buildings due to the space created behind. Westwards down Railway Road, although the houses return to higher density, trees are visible and the buildings are not so close to the street. The application site therefore represents a transition space between two character areas of Downham Market.

We therefore consider that the scheme would not be in accordance with the NPPF and would result in a moderate level of less than substantial harm to the setting and significance of the Downham Market Conservation Area as well as harm to the setting and significance of the grade II listed Methodist Chapel and the Grade II listed Library (Former Friends Meeting House).

### **Arboriculture Officer: OBJECT**

No information has been submitted by the applicant relating to existing trees on site or adjacent the site. The application form for trees and hedges has been ticked no, when clearly there are three large mature sycamore trees in the size garden of the Salvation Army to the west. Their size and location appear likely to be of influence to the proposed development and are certainly important as part of the local landscape character, and character of the Conservation Area. These trees are not fully grown in height and spread.

Because the applicant has not provided any supporting Arboricultural information, and the layout has not been informed by Arboricultural information, an accurate assessment of the impact on these large trees cannot be made. The applicant has failed to demonstrate that the siting of the proposed dwelling will avoid future conflicts between occupiers and the neighbour sycamore trees. It also seems unlikely that enough space around the trees has been provided and the development may result in harm to the roots of the trees during construction work.

On the site are two small multi-stemmed self-seeded trees. Removal of these two small trees will not materially harm the character and appearance of this part of the Downham market Conservation Area.

### **Ecology officer: NO OBJECTION (verbal)**

The proposed development site does not have any features of significant ecological interest. Agree with officers summary that the site has negligible potential to support protected species.

## **REPRESENTATIONS**

### **SEVEN letters received raising OBJECTIONS**

- Would be a shame to hide the Chapel from view.
- New building would be too big.
- Dwelling would spoil privacy and result in loss of light for neighbouring dwellings.
- Not enough parking especially as located in a business area which all need parking.
- Site provides no off-street parking.
- Plot too small for proposed dwelling.

- Green land should be retained and looked after.
- Proposal would result in loss of a space for nature.
- Development would require felling of a mature tree.
- Bins being placed on the pavement, causing obstruction to users of the footpath.
- Concerned with security as there is no gate to block off the bottom of the garden.
- The people around the area haven't been taken into consideration or had a letter.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS12** - Environmental Assets

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

**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
- Arboricultural impacts
- Other material considerations

### **Principle of Development:**

This application is for a new dwelling to the south of Bridge Street, within the town centre of Downham Market. Policy DM2 of the SADMPP 2016 states development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan. The principle of development for the residential development of this site is therefore considered acceptable, however subject to other planning policies as outlined below.



## **Form and Character and Impact on Designated Heritage Assets:**

The application site is located to the south of Bridge Street in Downham Market, within the conservation area and within the setting of the Grade II former Methodist Church and Grade II former Library (now the Salvation Army). Bridge Street comprises largely of linear frontage development, with buildings immediately fronting the pavement on both sides of the road. The site is currently overgrown land associated with the former Methodist Church forming an important undeveloped space in the Conservation Area and within the setting of the two Listed Buildings. It is enclosed by a period brick wall along the north boundary (adjacent to Bridge Street), and contemporary closed boarded timber fencing approximately 1.8m tall along the east, south and west boundaries.

A pastiche Georgian style 2.5 storey dwelling with a ground floor bay window feature was initially proposed on the site. Railing adjacent to the dwelling was proposed to replace part of the historic wall along Bridge Street. Following objections and comments, the proposed dwelling was amended in size, scale, and design. The proposal is now for a traditional modest contemporary style two-storey dwelling. The wall adjacent to Bridge Street is now proposed to be uninterrupted, retained as existing.

The space between these historic buildings has been diminished in recent times by a small warehouse and residential building. However, their historic functional, hierarchical heritage and visual relationships can still be appreciated from the Bridge Street frontage as the gap isn't totally lost. In addition, the site offers a transitional space between the character of Downham Market town centre where buildings are close to the carriageway and more densely spaced, which is different towards Railway Road where instead buildings are more set-back from the road and the street scene is more verdant in character.

Following amended plans, officers retain objections to the proposal. As a matter of principle, the development of this site would lead to loss of the openness offered by the existing undeveloped nature of the site which contributes to the setting and significance of the adjacent listed buildings and Conservation Area. It is considered this is exacerbated by the siting of the proposed dwelling which does not adhere to the grain and pattern of built form along Bridge Street, being set back into the site and framed by a historic wall. The proposed dwelling would erode the character of this part of the Conservation Area by creating a harmful consolidation of the two distinct character areas of townscape, which is currently separated as a more dense development to the east and more verdant and spacious development to the west.

The NPPF (2023) sets out the approach for considering potential impacts on designated heritage assets. Paragraph 213 states that loss of an element which makes a positive contribution to the significance of a Conservation Area (in this case, the undeveloped gap in the otherwise continuous frontage), should be treated as substantial or less than substantial harm, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area. In this case it is considered the gap makes a strong contribution to the character and appearance of this part of the Conservation Area, and it is therefore significant in its own right. As such, Officer's opinion is that the development would result in a less than substantial harm under paragraph 208 of the NPPF.

In addition to a less than substantial harm on the significance of the Conservation Area the proposed dwelling would encroach into the last piece of open space forming a key part of the setting adjacent the Listed Methodist Church and former Library which contribute to their significance as historically being situated within spacious plots. The proposed dwelling would also block views of the side elevations of the Listed Buildings, detracting from their appreciation / appearance and setting. The impact on the setting and significance of the Listed Buildings is also considered to be less than substantial.

Paragraph 208 of the NPPF (2023) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against any public benefits from the proposal, these may include securing its optimum viable use. It is considered the benefit from the provision of a single dwelling would add very limited value in terms of contribution to housing supply, and similarly limited benefit to the economic value added by construction and occupancy of a single dwelling in the district. Those very limited public benefits do not outweigh the identified harm on the designated heritage assets. Furthermore, the proposed development would not secure any optimum future use of a designated heritage asset, rather it would harm the integrity of local heritage assets through loss of significance.

Policy DM15 of the SADMPP 2016 states that development must protect and enhance the amenity of the wider environment including its heritage value. Also, 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. Development which is of a poor design will be refused. Policy CS12 of the Core Strategy 2011 states that development should seek to avoid, mitigate, or compensate for any adverse impacts on heritage and design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment.

The harmful consolidation of two distinct character areas created by this proposal is considered to cause less than substantial harm to the character and significance of the Downham Market Conservation Area. In addition, the development would harm the significance of the two adjacent Grade II Listed Buildings by encroaching into their open setting. This less than substantial harm would not be outweighed by any significant public benefits, as such the NPPF indicates that permission should be refused. Subsequently it is considered the proposed development does not protect or enhance the amenity of the wider environment contrary to Policies DM15 and CS12 of the Development Plan.

### **Impact on Neighbours:**

Immediate residential neighbours to the site would be north on the other side of Bridge Street and south of the site. The former Methodist Church to the east is used as a warehouse of a local retail business, Reeds, and the former Library to the west is currently used by the Salvation Army.

The proposed dwelling would be sited in the west half of the site, with external amenity space to the east. Immediately south of the proposed dwelling is a large garage belonging to Priory House. Considering the size and scale of the garage, impacts of the dwelling to Priory House's amenity spaces would be minimal in regard to outlook and overlooking. The dwelling would not result in any significant overshadowing impact on Priory House given the siting, scale and orientation.

The proposed dwelling would be sited approximately 14m from No 66 (KP&Sons) and 66A (residential flat) to the north which is considered sufficient to avoid any significance impacts. Overall, it is considered the proposed development would not have any significant adverse impact on residential amenity in accordance with Policy DM15 of the SADMPP 2016.

### **Highway Safety and Parking:**

Concerns have been raised about highway safety by third party correspondence. Primarily that the development of this site being on a one-way road in the town centre and lack of parking provisions on the site would lead to conditions detrimental to highway safety.

Being within the town centre grants the site good access to public services in terms of proximity to service provision, employment and access to public transport. Given the accessibility to services, it would not be essential for occupiers of the dwelling to be reliant on a private car. On this basis, the Local Highway Officer considered that it would be hard to substantiate an objection. On-street parking on Bridge Street is controlled with waiting restrictions, but parking in the town centre can be found nearby, for instance within the parking area of Downham Market's Old Fire Station. As such, it is considered the proposed development, despite providing no off-road parking, would not be likely to result in any significant detrimental impact on highway safety in accordance with Policy DM15 of the SADMPP 2016 and CS11 of the Core Strategy 2011.

**Arboricultural impacts:**

There are two small self-seeded sycamore trees on the site which have only started growing in the last 10 years. It is considered the felling of these trees to facilitate the development would not have a significant impact on the character and appearance of the site or the sites contribution to the Conservation area. However, larger more mature trees immediately to the west and within the grounds of the former library which are considered to have a substantial positive contribution to the character of the Conservation Area and in particular the function of the site as a transition space between the two character areas.

It is considered these trees would be vulnerable to damage due to the construction phase of the development and no Arboricultural information has been submitted to otherwise demonstrate that the trees would not be affected as a result of the development. Any impacts to these trees would further detract from the character and appearance of the site and adversely affect the setting and significance of the Listed Buildings and Conservation Area contrary to Policies CS12 of the Core Strategy 2011 and DM15 of the SADMPP 2016.

**Other material considerations:**

One third party comment stated that the proposal would result in the loss of a space for nature which are rare in Downham Market Town Centre. The site is cut off from any wider network of green infrastructure and does not have any significant features of ecological interest; the small features of vegetation on site having negligible potential to support protected species. Overall, it is considered the proposed development would not have any significant adverse impacts on protected species.

In the event that bins are placed on the pavement for collection, it is considered this would only be temporary and would not result in any significant impact on highway safety. Many dwellings in the area already have to put their bins on the pavement, as such the proposed dwelling would not have any significant increase in this behaviour as a whole.

Lastly, a third party response has brought attention to the absence of any gate to block off the southern tip of the garden. While no such gate is shown on the plan, it would not prevent gating being installed at a later date. It is not considered sufficiently necessary to insist on the erection of a gate at this point given it relates to a private pedestrian access track.

One third party comment from an occupier not immediately adjacent the site was concerned that letters had not been sent to all people in the area. Officers are content that the Council's statutory duty to publicise this development have been complied with.

## **CONCLUSION:**

The proposed dwelling would result in the loss of a valuable open and undeveloped space which contributes to the significance of both the Downham Market Conservation Area and the adjacent Grade II Listed Buildings former Methodist Church and former Library (now Salvation Army). It would result in a less than substantial harm on the setting and significance of these heritage assets that would not be outweighed by any significant public benefit. The proposed development has also failed to demonstrate that it would not give rise to adverse impacts on the mature sycamore trees to the west of the site which make a positive contribution to the character and setting of the Listed Buildings and Conservation Area.

The NPPF indicates that permission should be refused in such circumstances. Furthermore, the proposed development would detract from the inherent quality of the environment contrary to Policies DM15 of the SADMPP 2016 and CS12 of the Core Strategy 2011. It is recommended this planning application is refused for the reason below.

## **RECOMMENDATION:**

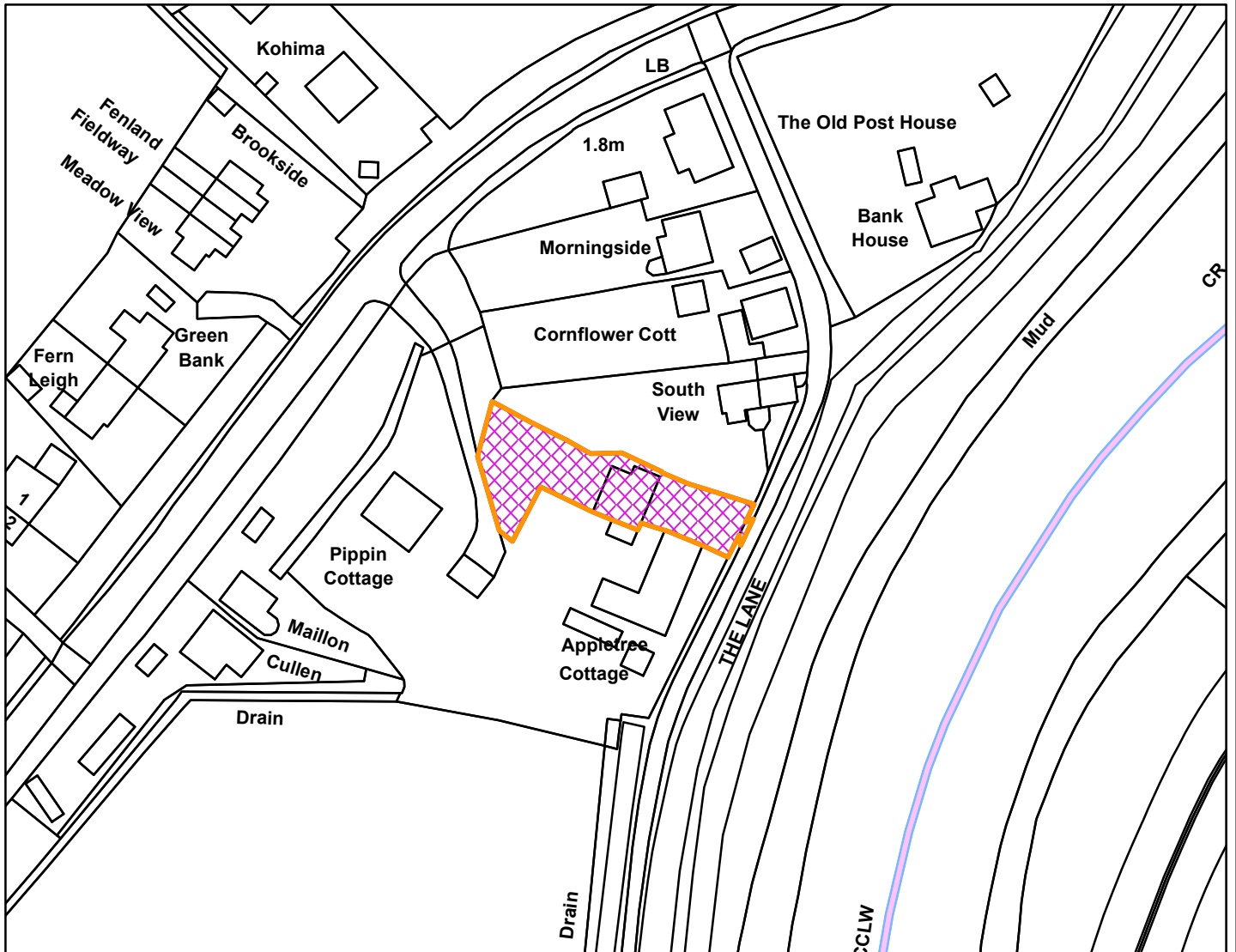
**REFUSE** for the following reason(s):

- 1 Paragraph 208 of the NPPF (2023) states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. Policy DM15 of the SADMPP 2016 states that development must protect and enhance the amenity of the wider environment including its heritage value. Policy CS12 of the Core Strategy 2011 states that development should seek to avoid, mitigate or compensate for any adverse impacts on heritage and design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment.

The proposed development would cause less than substantial harm to the character and significance of the Conservation area due to the harmful consolidation of two distinct character areas, and less than substantial harm to the setting and significance of the two adjacent Grade II Listed Buildings former Methodist Church and former Library (now Salvation Army) by encroaching into their open setting. The proposal also fails to demonstrate that mature trees adjacent the site which positively contribute to the setting and significance of adjacent heritage assets will not be adversely affected as a result of the development. This identified harm would not be outweighed by any of the limited public benefits from the proposal. Subsequently it is considered the proposed development does not protect or enhance the amenity of the wider environment contrary to Policies DM15 and CS12 of the Development Plan and would be contrary to the NPPF.



Appletree Cottage The Lane Salters Lode PE38 0DL



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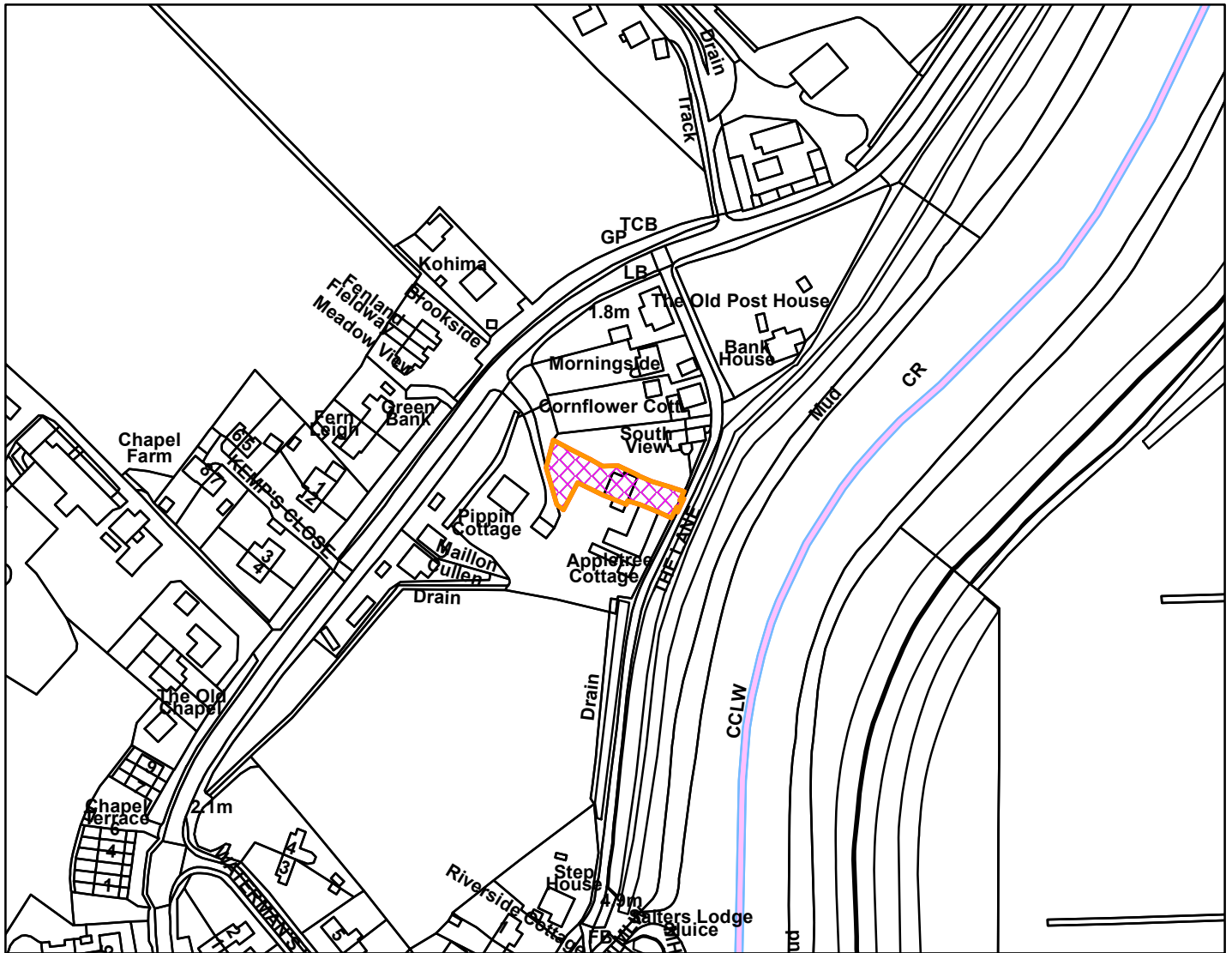
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| MSA Number   | 0100024314 |



Appletree Cottage The Lane Salters Lode PE38 0DL



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**AGENDA ITEM NO. 9/2(d)**

|                      |  |  |
|----------------------|--|--|
| <b>Parish:</b>       | <b>Downham West</b>  |  |
| <b>Proposal:</b>     | <b>Retrospective change of use of annexe to create independant new home and associated works to create residential curtilage (part retrospective).</b> |  |
| <b>Location:</b>     | <b>Appletree Cottage The Lane Salters Lode Norfolk PE38 0DL</b>  |  |
| <b>Applicant:</b>    | <b>Mr &amp; Mrs Crawford</b>   |  |
| <b>Case No:</b>      | <b>23/00879/F (Full Application)</b>   |  |
| <b>Case Officer:</b> | <b>Bradley Downes</b>  | <b>Date for Determination:<br/>19 July 2023<br/>Extension of Time Expiry Date:<br/>9 February 2024</b> |

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

**Neighbourhood Plan:** No

**Case Summary**

The application is retrospective for the change of use of a residential outbuilding and subdivision of curtilage to create an independent dwelling. The outbuilding was originally approved as a detached garage serving a replacement dwelling. Planning permission was granted for a first-floor extension to the garage, which remained ancillary to the replacement dwelling. The building been subject of enforcement investigations concerning use as a separate dwelling contrary to the authorised use. The applicant is content that the outbuilding comprises an appropriate building for conversion to a modest “stand-alone” single dwelling and has now submitted the application for the regularisation of this matter.

The outbuilding lies immediately adjacent the donor dwelling Appletree Cottage and situated within a small group of dwellings on the edge of Salters Lode, which is designated as a smaller village or hamlet in Policy CS02 of the Core Strategy 2011. The Lane is single track width and lies adjacent the embankment of the river Ouse.

**Key Issues**

- Planning history
- Principle of development
- Impact on neighbour amenity
- Highway safety
- Flood risk

**Recommendation**

**REFUSE**

## **THE APPLICATION**

The application is retrospective for the change of use of a residential outbuilding and subdivision of curtilage to create an independent dwelling. The outbuilding was originally approved as a detached garage as part of a scheme for a replacement dwelling. Planning permission was granted for a first-floor extension to the garage with the decision subject to the condition that the use of the extended garage be limited to the needs and personal enjoyment of the occupants of the dwelling. The building has been subject of enforcement investigations related to unauthorised use as a separate dwelling.

The outbuilding lies adjacent Appletree Cottage, The Lane, and originally served as a detached garage for the property with a footprint of approximately 32sqm. The site lies within a small group of dwellings on the edge of Salters Lode, which is designated as a smaller village or hamlet in Policy CS02 of the Core Strategy 2011. As such Salters Lode does not have a development boundary and the site is classed as countryside, where Policy DM2 states that development is more restricted and limited to that identified as suitable in other areas of the Development Plan. The Lane is single track width and lies adjacent the embankment of the river Ouse, hence Flood Risk is a key consideration.

## **SUPPORTING CASE**

The following summary has been prepared by Sequence (UK) Ltd in support of application 23/00879/F for permanent residential use of The Annexe, Appletree Cottage, Salters Lode. This summary sets out our compelling case as to why planning permission should be granted, which is detailed in full within the submitted Planning Statement. We reserve the right to comment further once we have seen the officer's report and recommendation and are grateful to members of the planning committee for their consideration of this summary.

It is important to clarify that there are no physical works proposed under this application. The application is solely to allow permanent residential occupancy of The Annexe independent to Appletree Cottage as a variation to the lawful annexe use.

Therefore, a fundamental point is that if planning permission is granted, there would be no physical changes. The built form of The Annexe, parking provision, private garden space to the rear and general arrangement would remain exactly the same as the current position.

Similarly, addressing that the application is part-retrospective, it should be clarified that if planning permission was refused, again there would be no physical change. All physical works on site are lawful, and therefore there are no unlawful elements that are under consideration and that would be removed if planning permission is refused. Again, the application is solely to allow permanent, independent occupation of The Annexe.

The submitted application demonstrates that there is a high level of residential amenity provided for both The Annexe and retained for Appletree Cottage and no conflict between the 2 properties (or other neighbours). Both homes have sufficient parking provision to meet the adopted standards and a good level of private rear garden space. The nature of the 2 homes with The Annexe having no windows to the rear at first floor level, and Appletree Cottage having only high level rooflights and a bathroom window with frosted glass, ensure there is no overlooking of rear gardens, giving a high level of privacy within those spaces. There are also no windows to the sides of the respective properties, thereby not facing each other, or other neighbouring properties.

The Annexe also exceeds the nationally described space standards in terms of its internal layout, being entirely suitable for permanent residential use. It is understood from the most



recent correspondence from the case officer (email to agent dated 16 January 2024) that planning officers agree that there are no grounds to refuse planning permission in terms of residential amenity and relevant planning policies (CS06, DM15 and DM17) are met.

Policy DM3 allows for sensitive infilling of small gaps to provide new homes within 'Smaller Villages and Hamlets' such as Salters Lode. The minor variation in use of an existing annexe building located within a gap between dwellings to provide a new home could not be more sensitive with no physical works proposed. The proposal therefore meets policy DM3 in full.

It is our contention that Policy DM3 is more directly applicable to the proposals as set out above. However Policy CS06 which allows for the re-use of buildings for residential use is also met by the proposals with The Annexe making a positive contribution to the landscape, non-residential use not being viable in this location and the site being broadly sustainable in terms of access to housing and other services.

Whether considered under policy DM3 or CS06, the plot layouts are in keeping with the pattern of the settlement, which has no distinct prevailing character. Again no physical works are proposed under this application to change this, the layout will remain exactly as the current lawful position should planning permission be granted.

There are no technical objections to the scheme from statutory consultees. Updated information was provided and consulted on to confirm parking arrangements with Norfolk County Council highways who offer no objection subject to standard conditions. The site lies within flood zone 1 and we have worked collaboratively with the Environment Agency (EA) to address flood resilience in the highly unlikely event of a breach of flood defences that would affect The Annexe. Accordingly they have no objection to the proposals. It is important to clarify the building is flood resilient in its current form and no further physical works are required in this context.

There is acknowledged support from the Parish Council. We recognise 1 letter of objection has been received from the property to the north but officers agree with the applicant's position that there are no concerns in terms of residential amenity and we would suggest this objection should be given very limited weight.

The proposal is therefore considered to be in full accordance with the development plan in the form of the 2011 Core Strategy, and 2016 Site Allocations and Development Management Policies DPD, with no grounds for refusal.

The agent Graham Bloomfield of Sequence (the national brand for William H Brown) will attend the committee meeting on 05 February 2024 and will be happy to answer any questions that members of the planning committee may have.

## **PLANNING HISTORY**

16/00843/F: Application Permitted: 06/07/16 - Single storey and two storey extension to dwelling - Appletree Cottage, The Lane, Salters Lode

05/02579/F: Application Permitted: 03/02/06 - Extension to garage forming car port and loft - Appletree Cottage, The Lane, Salters Lode

2/02/1287/F: Application Permitted: 26/09/02 - Substantial alterations and extension to create two storey dwelling - The Bungalow, The Lane, Salters Lode

2/01/0256/O: Application Permitted: 04/04/01 - Site for construction of dwelling after demolition of existing dwelling - Land adj South View, The Lane, Salters Lode

## **RESPONSE TO CONSULTATION**

**Parish Council: SUPPORT**

**Local Highway Authority: NO OBJECTION**

With reference to the revised plan, the parking levels for the existing cottage and the proposed home would accord with standards and are accessed from existing points of access. Recommend condition to ensure parking and turning areas permanently retained.

**Environment Agency: NO OBJECTION**

No objection to the proposed development but strongly recommend that mitigation measures set out in Flood Risk Assessment are adhered to. These include no ground floor sleeping accommodation and that in any future development on the site the applicants considers use of flood resilient materials.

**IDB: NO OBJECTION**

Boards byelaws must be complied with.

**NCC Public Rights of Way: NO OBJECTION**

Public right of way known as Downham West Bridleway 4 is aligned along the river bank adjacent to the site. The full legal extent of this bridleway must remain open and accessible for the duration of the development and subsequent occupation.

**Emergency Planning: NO OBJECTION**

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

**Natural England: NO OBJECTION**

Standing advice in relation to GIRAMs.

## **REPRESENTATIONS**

**THREE** third party letters were received raising **OBJECTIONS** to the development. The following concerns were raised:

- Proposed dwelling had permission for a garage and now is larger than South View cottage and overlooks its gardens and bedrooms.
- Tenants of Appletree Cottage are often noisy and show no caution when driving on the lane.
- Traffic is already an issue with another recent death on the A1122 bad bend.
- Devaluation to neighbouring property.
- Concerned with fire risk due to timber framed building.
- Tenants of Appletree cottage have been running businesses from the property impeding parking.

- Garage becoming a house has made life a misery.
- Chimney is not correct height or specification, smoke gets blown across windows of South View.
- Security lights on property shining into neighbours windows.
- South View has been a registered smallholding for 40 years with operational outbuildings along the length of the boundary with the site obscuring view and causing associated noise and disturbance.
- Noise from residents and parking issues.
- Retrospective application makes a mockery of planning regulations.
- Building has been extended without permission.
- Would a dwelling really be permitted if it was applied for initially?
- Concerned that Parish is biased towards applicants due to the fact that one of them is on the Parish Council.

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

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

**DM2** – Development Boundaries

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

**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:**

- Planning history
- Principle of development
- Impact on neighbour amenity
- Highway safety
- Flood risk

### **Planning history:**

The application is retrospective for change of use of the domestic garage and subdivision of curtilage to create an independent dwelling. The garage was originally permitted as a single

storey building of approximately 32sqm footprint with flat roof under 2/01/0256/O as part of the scheme for a replacement dwelling resulting in the current Appletree Cottage. The garage then underwent significant extension to add first-floor storage space together with a pitched roof and windows resulting in a total footprint of approximately 55sqm. (72sqm floorspace including both storeys) under 05/02579/F. That permission was subject to a condition that the use of the building be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling to safeguard the amenities and interests of the occupiers of nearby property. Since 2005, additional extensions and alterations have been carried out to the building so that now the total footprint is approximately 87sqm (119sqm of floorspace including both storeys). These alterations are not the subject of this application.

Enforcement complaints have been received stating that the garage building was being rented and occupied independently of the main dwelling. An enforcement notice was served on the 15th November 2022. The notice alleged that the Council considers condition 3 of 05/02579/F is not being complied with. The reasons for issuing the notice were that the breach of planning control had occurred within the last 4 years and that condition 3 was imposed to safeguard the amenities and interests of the occupiers of nearby property. The notice required the applicants to comply with condition 3 by ensuring the use of the garage, car port and loft shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling and shall at no time be used for business or commercial purposes.

The applicant has appealed the breach of condition notice under Ground B, stating that no breach has occurred as a matter of fact. Notwithstanding the ongoing enforcement appeal, the applicant has applied for retrospective full planning permission for subdivision of the curtilage and change of use of the 'annexe' to an independent dwelling and seeks to regularise the breach observed by Officers.

### **Principle of development:**

Salters Lode is a smaller village or hamlet and is therefore classified as countryside where Policy DM2 states development is more restricted and limited to that identified as suitable in rural areas in other policies in the plan. Policy DM3 sets out that one such appropriate category of development is for the conversion of existing buildings in line with Policy CS06.

Policy CS06 states that the Core Strategy is supportive of the conversion of existing buildings to residential use where:

- The existing building makes a positive contribution to the landscape;
- A non-residential use is proven to be unviable;
- The accommodation is commensurate to the site's relationship with the settlement pattern; and
- The building is easily accessible to existing housing, employment and services.

Regarding the first bullet point, the existing building is a domestic detached garage finished in timber cladding with a red pantile roof and brown uPVC fenestration. It is considered the appearance of the existing building is appropriate as a domestic outbuilding of the main dwelling Appletree Cottage. However, the building does not have any significant architectural merit, heritage significance or otherwise have any significant positive contribution to the landscape. As such it is considered the first bullet point is not met. The aim of this part of the policy is to encourage the conversion of buildings in rural areas where they contribute positively to the visual amenities of the area because it enables the building to provide that benefit to future generations and not fall into disuse or disrepair.

Regarding the second bullet point, 'a non-residential use is proven to be unviable'. This point is usually applied in relation to commercial/agricultural buildings so that viable employment facilities are not lost. As the building is already used for residential purposes, it is considered this bullet point is complied with in default as no employment use is in fact lost.

Regarding the third bullet point, the proposed dwelling is situated in a close juxtaposition with the donor dwelling which is considered would lead to a detrimental impact on the grain of development in the area. While the building already exists, there is a distinct change in character from a domestic outbuilding to an independent dwelling. Condition 3 of 05/02579/F requires that the use of the building remains incidental to the needs and personal enjoyment of the occupants of the dwelling. The reason given for this condition confirms that it is required to protect the amenity of the adjacent occupiers. Officers consider amenity issues separately in the following section. As such, it is considered the building is only suitable when used as a domestic outbuilding. Further intensification of use either commercial or residential is prohibited by the condition as it is considered inappropriate due to the poor relationship with surrounding dwellings.

Lastly, the proposed building would not be considered to have easy access to employment or community facilities and services. The site lies relatively close to a bus stop approximately 280m walk to the west which is connected via footpath to the site and which offers a semi-regular service from Downham Market to Wisbech. Otherwise, Salters Lode itself does not have any facilities or services and lies approximately 2km away from Downham Market to the east. It is highly likely that occupants of the proposed dwelling would use their own private car to travel.

Overall, it is considered the proposed development would not meet the criteria within Policy CS06 to enable conversion of the building. The existing building does not have a positive contribution on the landscape, the resulting dwelling would not be commensurate with the settlement pattern and the site is remote from employment opportunities, community facilities and services. It is considered the proposed dwelling would represent unsustainable residential development in the countryside. The proposal would be contrary to Policies DM2 and DM15 of the SADMPP 2016 and CS06 of the Core Strategy 2011.

#### **Impact on Neighbour Amenity:**

The proposed dwelling would not have any significant overbearing or overshadowing impact on neighbouring occupiers as the building already exists and no operational development is involved in the proposed change of use. The use of the building as a dwelling has also not resulted in any additional windows or have any significantly greater overlooking impact on neighbouring occupiers. However, it is considered occupation of the building as a dwelling would give rise to conditions detrimental to residential amenity due to the juxtaposed relationship of the dwellings and frequency of vehicular movements and general activities in close proximity to the donor dwelling.

The enforcement notice served on the dwelling states that the reason for issuing the notice is as follows: "Condition 3 was imposed to safeguard the amenities and interests of the occupiers of nearby property, in accordance with Policy 9/29 of the Local Plan. While now superseded by more recently adopted Policy, it is considered the wording still carries forward into the current development plan. Policy 9/29 states that the Council will promote good standards of building design and landscaping, and a respect for visual and residential amenities. This is similar to Policy DM15 which goes into more detail and states that proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of future occupiers. Development that has a significant adverse impact on the amenity of others will be refused.

The enforcement notice was served as it was considered the creation of an independent dwelling resulted in a development which was contrary to the Development Plan in terms of impact on residential amenity. The proposed dwelling is situated in a cramped relationship with the donor dwelling which is likely to give rise to an unneighbourly relationship. The parking areas for the proposed dwelling lie immediately adjacent the side elevation and part of the rear garden area for the donor dwelling which could result in disturbance via noise and vibration. Other domestic fixtures such as external lighting would also have potential to adversely affect the amenity of neighbouring occupiers due to the spatial relationship.

A third party comment has brought attention to the property South View being part of a smallholding with various outbuildings adjacent the site which have potential to generate noise and disturbance. It is considered the presence of this unit would not result in any adverse impact on future occupiers of the proposed dwelling sufficient to warrant refusal by itself, but it does contribute to the overall concerns related to the cramped form of development. It is considered the siting of the proposed dwelling is poorly designed and gives rise to impacts detrimental to the amenity of neighbouring occupiers. Subsequently the proposal is contrary to Policy DM15 of the SADMPP 2016 and the NPPF.

### **Highway Safety:**

A third-party comment has raised concern with highway safety due to the access point onto the A1122 and parking arrangements. The scheme has set out that parking spaces previously used for Appletree cottage are now proposed to be used for the proposed dwelling, and new parking spaces within the spacious private driveway will be created for use by Appletree Cottage. The Local Highway Authority do not object to the proposed development on the basis that parking and turning facilities for both Appletree Cottage and the proposed dwelling are provided and retained in perpetuity. It is considered the proposed development would not have any significant adverse impact on highway safety.

### **Flood Risk:**

The site lies in Flood Zone 3a and could be at risk from a breach of the adjacent embankment. It is considered the overall risk of flooding on the site is low and in the unlikely event of a breach of defences immediately adjacent the site, the submitted FRA indicates that flood depths could reach approximately 1m with very fast velocity. This would pose a risk to human life, however the proposed dwelling retains all sleeping accommodation to first floor level, and due to the relatively low flood depth, safe refuge at first floor level can be achieved.

The FRA also recommends that future development of the building 'considers' using flood resilient materials, and this statement is echoed in the EA response. It would not be enforceable or necessary to impose a condition requiring the applicant 'considers' using flood resilient construction in any future development of the site. However, permitted development rights can be removed so that any proposals for extensions or outbuildings would be subject to the approval of the Local Planning Authority to ensure that they can be made reasonably safe from the risks of flooding.

On the basis of the above, it is considered occupants of the proposed dwelling would not be subject to significant risk in the event of a flood or breach of adjacent defences in accordance with Policy CS08 of the Core Strategy 2011 and the NPPF. Notwithstanding, permission is recommended for refusal for other reasons set out in this report.

### **Specific comments and issues:**

A third party comment raised concern that the proposed development would devalue neighbouring property. The impact of proposals on the value of neighbouring property is not a material planning consideration. The third party comment also raised concern regarding a potential fire risk due to the timber clad exterior of the building. Timber buildings are common throughout the borough and the proposed development does not include any operational development. The timber clad exterior was approved in 2005 when the garage was extended, this application is only dealing with the use of the building.

Concerns have been raised that businesses are being run from the donor dwelling Appletree Cottage. In addition, concern was raised with a chimney on the proposed dwelling. These are not a matter for the planning application and should be referred to Planning Enforcement. Lastly, concern was raised that one of the applicants is a councillor at the Parish Council. Parish Clerk for Downham West has stated in a telephone conversation that one of the applicants may have been involved in the Parish Council in the past but are not currently serving on the Parish Council.

### **RECOMMENDATION:**

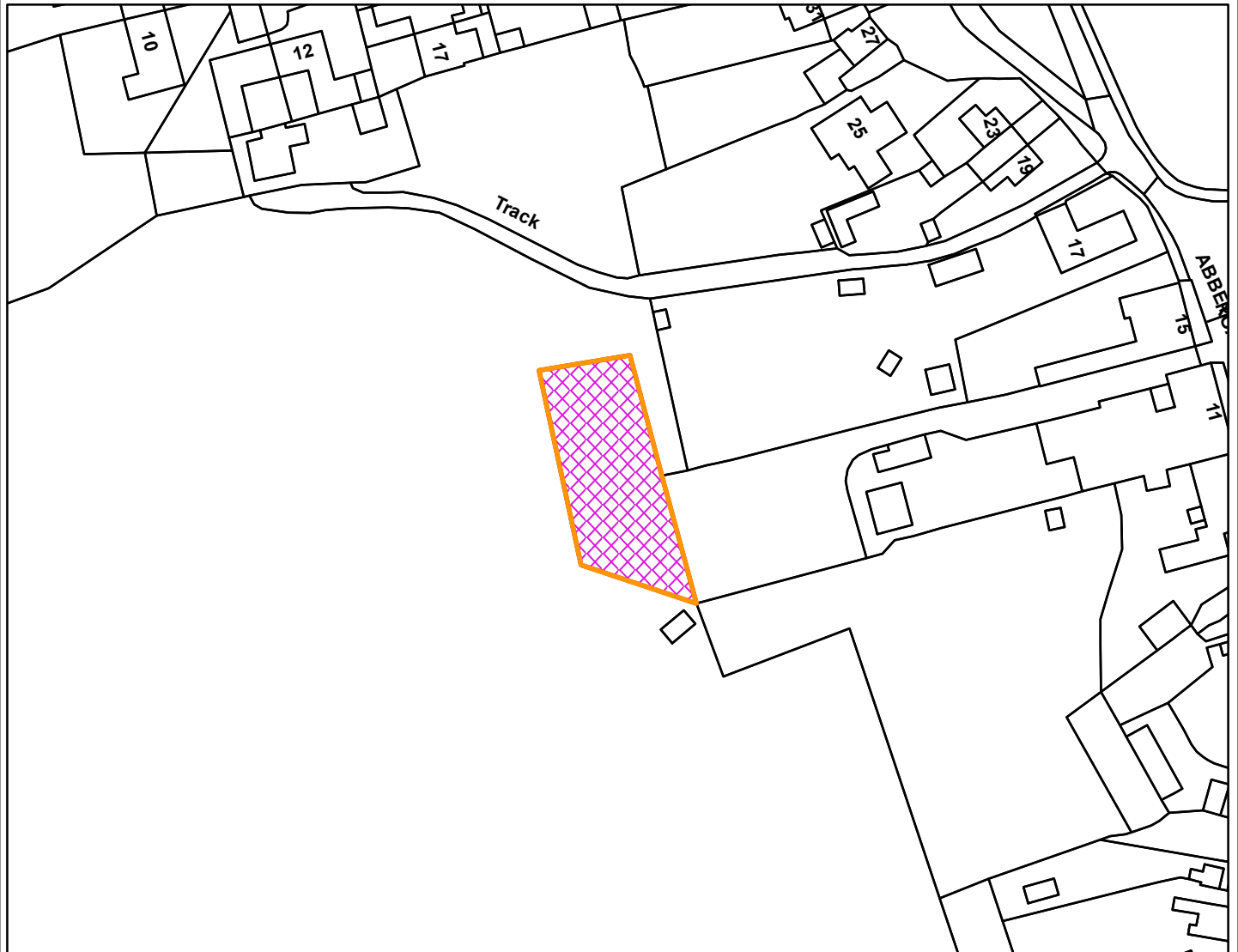
**REFUSE** for the following reason(s):

- 1 The site lies in a smaller village or hamlet which is classified as countryside where 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 dwelling would lie in an area that would not be easily accessible to community facilities /services and employment opportunities. In addition that the existing buildings are not considered to have any significant positive contribution to the landscape which would otherwise justify their retention and conversion for alternative uses. Furthermore, the proposed dwelling would represent a cramped form of development detrimental to the local pattern of development and would have an unacceptably detrimental impact on the amenity of adjacent occupiers. As such the proposal would not meet all the requisite criteria in Policy CS06 for the conversion of buildings to residential use, and would otherwise represent unsustainable development in a countryside location for a new dwelling contrary to Policy DM2 and Policy CS06, together with Paragraphs 84 and 124 of the NPPF



The Dabbling Duck 11 Abbey Road Great Massingham Kin's Lynn PE32 2HL



**Legend**

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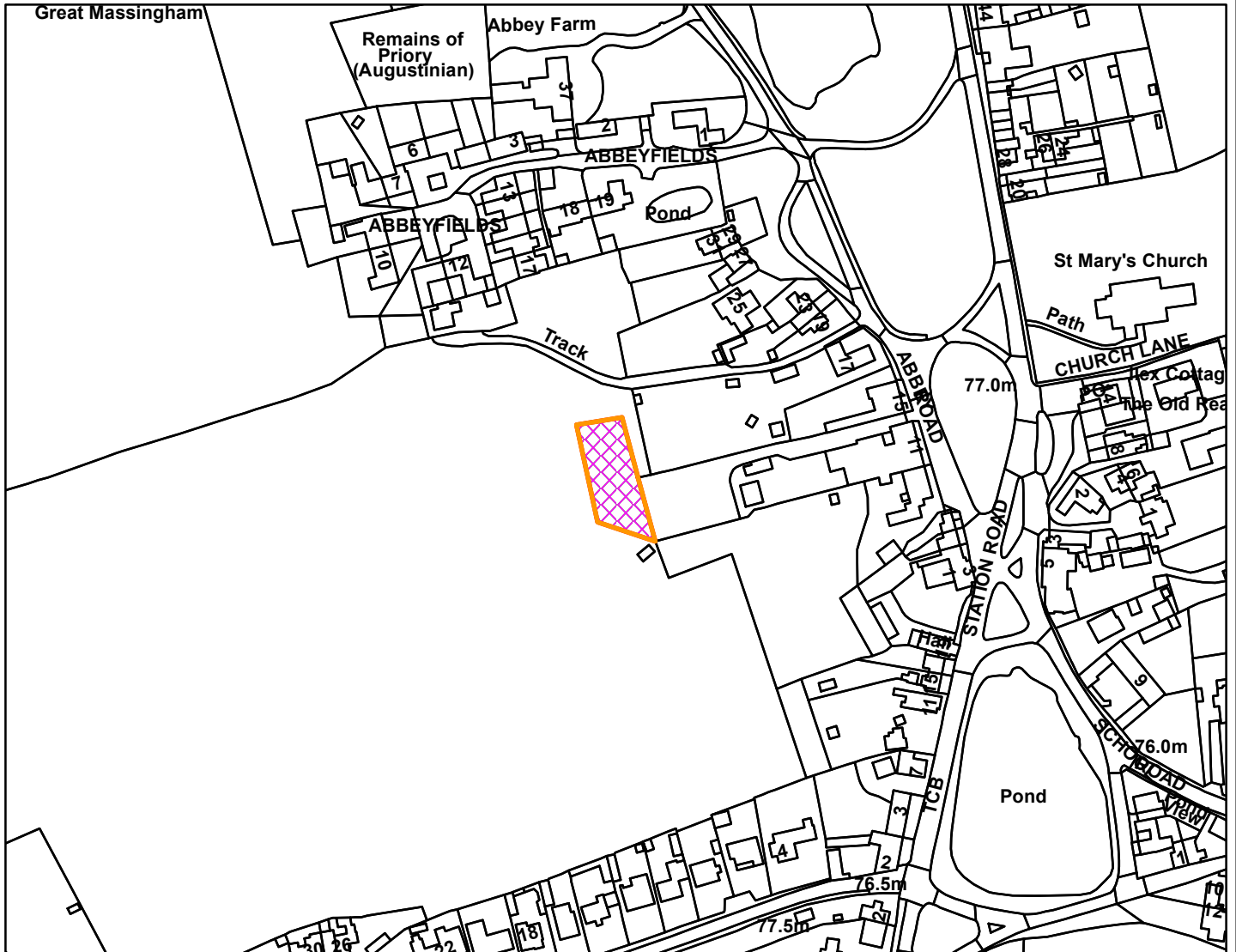
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| MSA Number   | 0100024314 |





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| MSA Number   | 0100024314 |

**AGENDA ITEM NO. 9/2(e)**

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

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

**Neighbourhood Plan:** No

**Case Summary**

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

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

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

**Key Issues**

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

**Recommendation**

**APPROVE**

## **THE APPLICATION**

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

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

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

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

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

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

## **SUPPORTING CASE**

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

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

## **PLANNING HISTORY**

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

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

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

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

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

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

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

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

## RESPONSE TO CONSULTATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## REPRESENTATIONS

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

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

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

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

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

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

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

**DM2** – Development Boundaries

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## PLANNING CONSIDERATIONS

### The main considerations are:

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

### Principle of Development:

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

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

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

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

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

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

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

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

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

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

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

### **Form and Character and Impact on the Conservation Area**

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

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

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

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

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

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

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

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



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

### **Neighbour Amenity**

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

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

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

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

### **Highway Safety**

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

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

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

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

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

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

## **Other Material Considerations**

### **Response to Neighbour Representations**

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

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

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

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

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

### **Crime and Disorder**

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

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

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

## **CONCLUSION:**

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

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

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

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

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

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

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

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

## **RECOMMENDATION:**

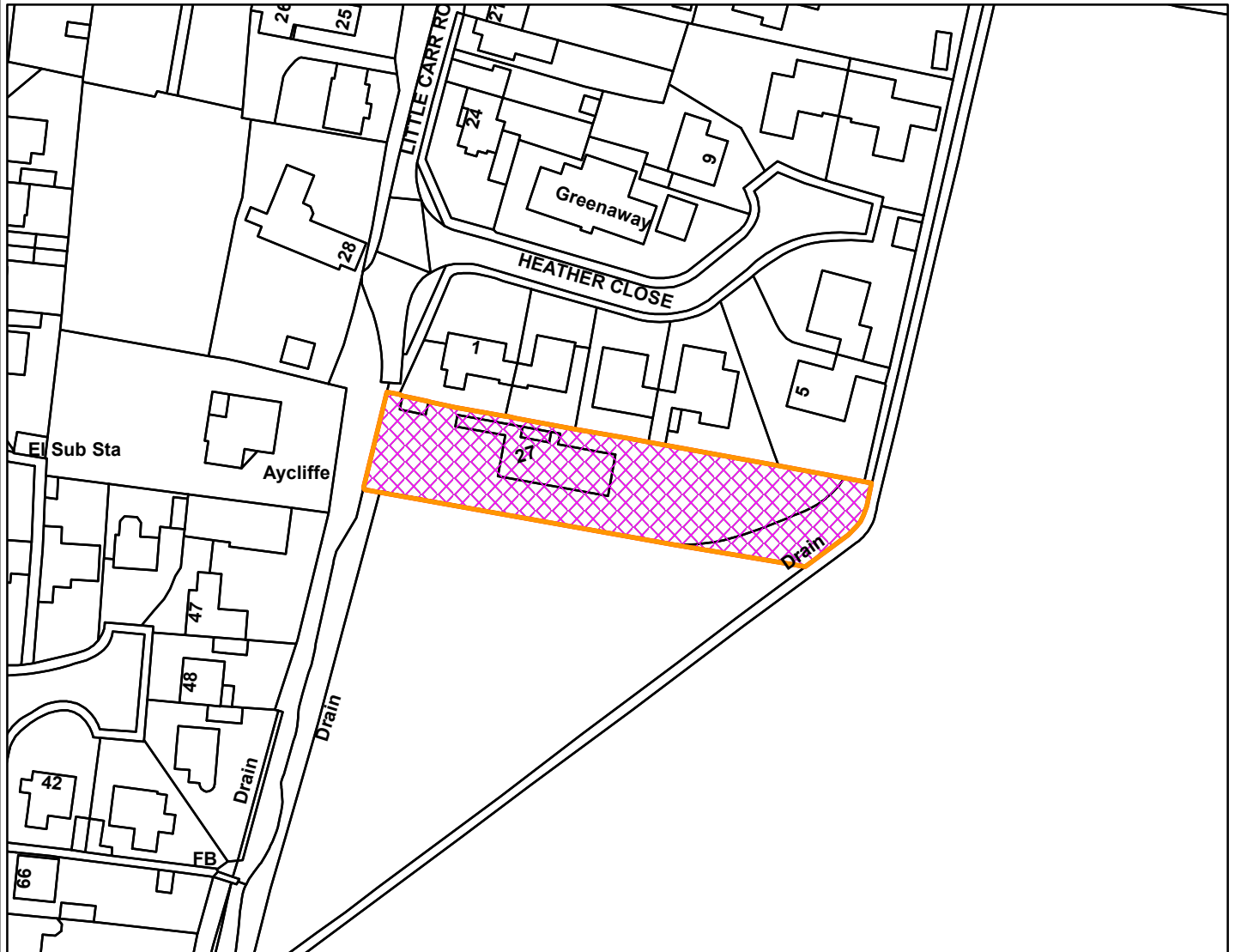
**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition: This permission shall expire on 5th February 2025 and unless on or before that date application is made for an extension of the period of permission and such application is approved:
  - a) the use of the land shall be discontinued, and
  - b) there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this use
  
- 1 Reason: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality contrary to the NPPF.
  
- 2 Condition: The land outlined in red on dwg No. 22183 01 Rev B shall only be used as an overflow car park in connection with the existing business known as The Dabbling Duck, shown in blue on the approved plan. The car park shall operate in full accordance with the Management Plan submitted via email dated 14/02/2024.

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



27 Little Carr Road North Wootton King's Lynn PE30 3RQ



**Legend**

[Empty legend box]

**Scale:** 1:1,250

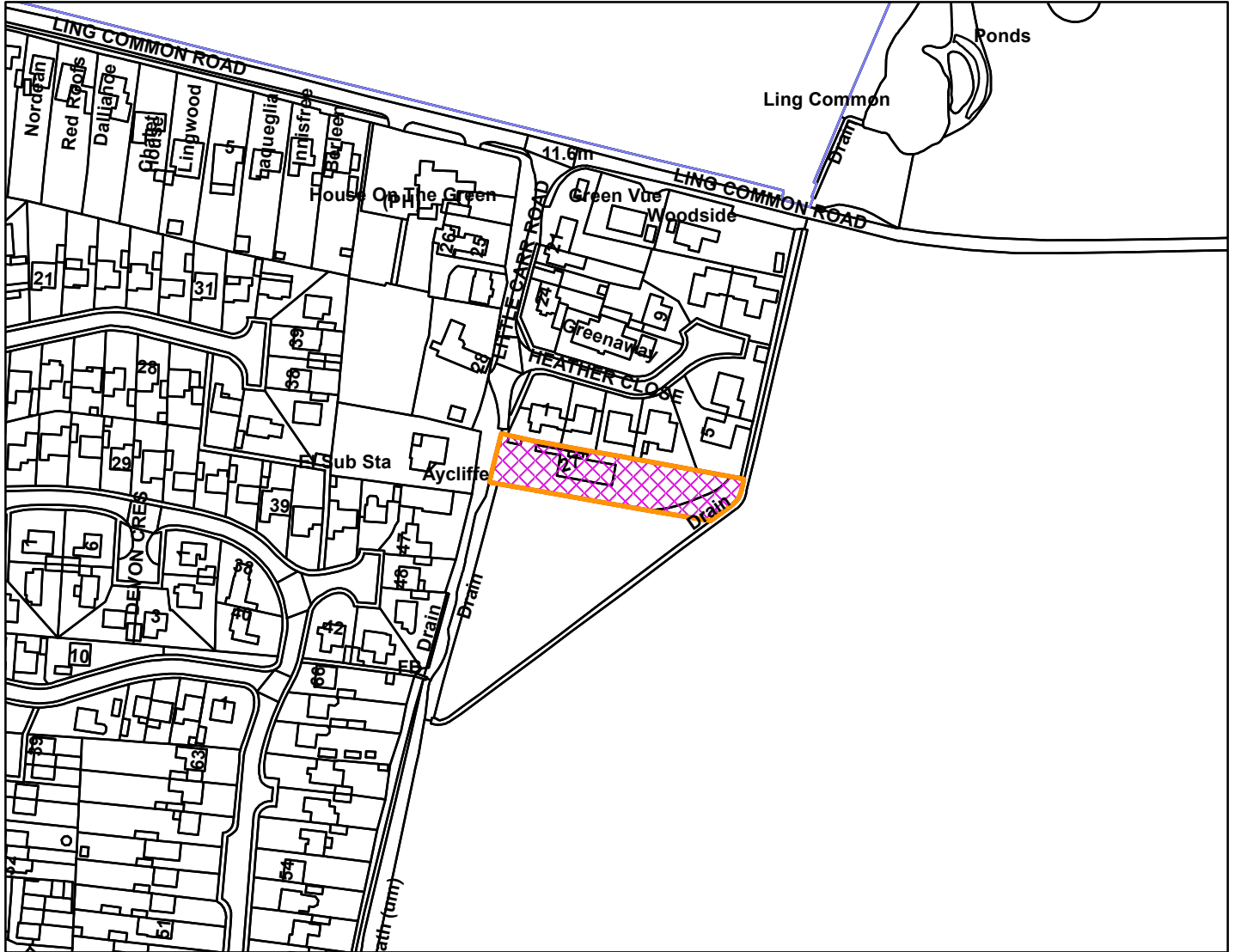
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|--------------|------------|
| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
| MSA Number   | 0100024314 |



27 Little Carr Road North Wootton King's Lynn PE30 3RQ



**Legend**

**Scale:** 1:2,500

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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
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**AGENDA ITEM NO. 9/2(f)**

|                      |  |   |
|----------------------|--|---|
| <b>Parish:</b>       | <b>North Wootton</b>   |   |
| <b>Proposal:</b>     | <b>Re-modelling of existing dwelling together with new porch and erection of 1 no. dwelling.</b> |   |
| <b>Location:</b>     | <b>27 Little Carr Road North Wootton King's Lynn Norfolk PE30 3RQ</b>                            |   |
| <b>Applicant:</b>    | <b>Tower Street KL Ltd</b>   |   |
| <b>Case No:</b>      | <b>23/01485/F (Full Application)</b>   |   |
| <b>Case Officer:</b> | <b>Mrs N Osler</b>   | <b>Date for Determination:<br/>2 November 2023<br/>Extension of Time Expiry Date:<br/>9 February 2024</b> |

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

**Neighbourhood Plan:** No

**Case Summary**

Full Planning Permission is sought for the re-modelling of an existing dwelling and the construction of 1No. additional dwelling in the garden of the existing dwelling. Arguably most of the re-modelling works fall within permitted development and therefore do not require express permission.

The site lies within the development boundary of North Wootton immediately adjacent to the North Norfolk Coast National Landscape (formally Area of Outstanding Natural Beauty), a County Wildlife Site and an Ancient Woodland.

Two public footpaths are located within the immediate vicinity of the site (North Wootton FP10 and North Wootton FP11.)

The site lies within Flood Zone 1.

**Key Issues**

Principle of Development  
Form and Character and Impact on the setting of the National Landscape  
Impact on Neighbour Amenities  
Highway Impacts  
Trees and Landscaping  
Drainage  
Ecology  
Crime and Disorder  
Other Material Considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

Full Planning Permission is sought for the re-modelling of an existing dwelling and the construction of 1No. additional dwelling in the garden of the existing dwelling. Arguably most of the re-modelling works fall within permitted development and therefore do not require express permission.

The original dwelling that is being modernised was a 3-bed single-storey dwelling, one of the bedrooms was ensuite. The dwelling had a kitchen, separate living and dining rooms, bathroom and porch, the latter of which extended from the northern elevation. There was an attached garage and plant room accommodated in a flat roof element that ran parallel with the northern boundary. The dwelling also benefitted from a detached garage. The detached garage, flat roof garage / plant room and porch have been demolished, and the length of the building has been reduced from c21.2m to 18.6m. The width (8.1m), height to ridge (4.7m) and height to eaves (2.4m) remains the same. The remodelled dwelling would comprise 4 bedrooms (1 ensuite with a dressing room), a separate bathroom, utility / boot room and open plan kitchen / dining and living area. A porch is proposed off the southern elevation. The plans do not include materials. The works undertaken to date (demolition) and arguably to complete the development in relation to the existing dwelling fall within permitted development rights.

The new dwelling, to be positioned to the east of the remodelled dwelling, would be a 1.5 storey high dwelling and would have 4-bedrooms, 3 of which would be ensuite. Two ensuite bedrooms would be at first floor level with two further bedrooms at ground floor level along with a separate bathroom, utility room, office and open plan living, kitchen / dining area. A porch is proposed off the western elevation. There are no first-floor windows facing the north and only one high level ground floor window on this elevation. The dwelling would be 12.65m long x 9.65m wide and have a ridge height of 5.2m and eaves of 2.7m. The plans do not include materials.

The site lies within the development boundary of North Wootton immediately adjacent to the North Norfolk Coast National Landscape (formally Area of Outstanding Natural Beauty), a County Wildlife Site and an Ancient Woodland.

Two public footpaths are located within the immediate vicinity of the site (North Wootton FP10 and North Wootton FP11.)

The site lies within Flood Zone 1.

## **SUPPORTING CASE**

The application site on Little Carr Road in North Wootton lies within the defined development boundary of the village and currently comprises a single residential bungalow in a large plot accessed via public right of way (PROW) North Wootton FP10 that begins where Little Carr Road terminates.

When the applicant purchased the property, the site was very overgrown, and the existing dwelling was in need of significant refurbishment. The proposal therefore seeks approval for re-modelling of the existing dwelling including provision of a porch on its south elevation, in addition to the erection of 1 no. new dwelling towards the rear of the plot. The works to the existing dwelling are considered to fall under permitted development rights, not requiring planning permission, but were included on the plans for completeness.



The original proposal was for 2 no. new dwellings; however, in light of concerns raised by Officers the proposal was amended to provide only 1 new unit.

Both the existing dwelling and new unit have been designed to accommodate a modern open plan living space, with spacious living, kitchen and dining areas, family bathrooms and master ensembles. Units boast large floor to ceiling bi-fold doors, providing access to the generous gardens to the side and rear, whilst the external design seeks to continue the established vernacular of both Little Carr Road and Heather Close in terms of massing and scale.

The site lies outside but adjacent to the Norfolk AONB (Area of Outstanding Natural Beauty). As such, the proposal has been appropriately scoped as to its landscape impact. Given the location of the site within the built-up area of the settlement and the existing property and proposed additional unit are bungalows, the impact on the adjacent AONB is considered minimal.

Vehicular access from the highway to the site will remain as existing with the proposal not affecting the PROW. Both the units will be provided with 3 no. on site car parking spaces that comply with adopted standards and the width of the proposed driveway to the new unit is more than sufficient with adequate turning space provided.

The siting and orientation of the proposed new dwelling, alongside its distance from shared boundaries, its modest height and the position of habitable room windows ensures there will be no overbearing impact or significant overlooking / loss of privacy to any neighbouring properties that adjoin the site.

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

In terms of trees, the site was cleared upon purchase as it was very overgrown, but the applicant was within their rights to do this given the site is not within a conservation area and the trees were not protected by a TPO. An arboricultural impact assessment has been submitted in support of the application which takes full account of the woodland to the east and south and will ensure suitable tree protection. Additional new tree planting will also be provided on site to integrate the scheme within its surroundings.

The concerns of the Parish Council in relation to drainage and flooding are noted but the site lies within flood zone 1 the lowest risk of flooding and a drainage strategy has been prepared that will ensure there are no negative impacts of surface water runoff from developed areas.

To conclude, the proposed development would provide an additional modest dwelling on an existing residential site within the development boundary of North Wootton. The proposal is acceptable in terms of flood risk, drainage and highway safety, would provide a high-quality living environment for future occupiers and would not result in any detrimental impact on the existing character of the area or neighbour amenity.

As a result, the development is considered to accord with all relevant planning policies of the adopted Local Plan, as well as national planning policies and guidance within the revised NPPF (2023). It is therefore respectfully requested that Members grant planning permission subject to conditions in accordance with the Officer recommendation.

## PLANNING HISTORY

No recent relevant history.

## RESPONSE TO CONSULTATION

**Parish Council: OBJECT** With reference to the amendment consultation and associated drawings, the Parish Council continues to object to the application.

In addition to the detailed objections already submitted, the issue of drainage and flooding remains a concern especially as the applicant removed many trees prior to starting work on the site and the drainage appears to be under the access road. The size of the access road and access to parking for property number 2 still appear inadequate for larger vehicles.

*Previous and Original Comments:* The Parish Council has concerns regarding this application:

- Overdevelopment – 3 houses are too many for the size of the site.
- Buildings not in keeping with the surroundings – there is nothing on the proposals for external material however the elevations are white, however the surrounding bungalows are all brickwork, this point is confirmed on the application form.
- The existing buildings are all traditional roof with brickwork gables where as the proposals have a hip style roof.
- Restricted access onto site as Little Carr Road is narrow.
- Significant works have been started on the site already including demolition of the existing bungalow and clearance of trees.

**Highways Authority (NCC): NO OBJECTION** subject to a condition requiring parking provision be provided prior to first occupation.

**Public Rights of Way (NCC): NO OBJECTION** We have no objection in principle to the application but would highlight that a Public Right of Way, known as North Wootton Footpath 10 is aligned within the site, coincident with the proposed access. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation. This includes vehicles, materials and any structures such as garden fences, gates, etc.

Any proposed surface improvements within the PROW must be agreed with Norfolk County Council prior to the commencement of any works. The applicant will need to apply for a Temporary Traffic Regulation Order which must be confirmed before any works commence which would impact upon the PROW, this includes surfacing and the laying of services. North Wootton footpath 10 does not offer any means of public vehicular access and it is not maintainable at the public expense to a vehicular standard. It would be expected that any damage caused to the footpath by the exercise of the private rights remains with the rights holders to repair.

**Anglian Water: NO OBJECTION** The foul flows from the proposed development which is for the re-modelling of existing dwelling together with new porch and erection of 1 no. dwelling, will present a minimum impact on our foul sewer network. We note that the surface water is being proposed into the local ditch and therefore we are unable to make comments related to the surface water strategy. We need to advise you that Anglian Water has no designated surface water sewers in the area, and we will be unable to offer a surface water solution for the surface water. If there are concerns in the area, we would recommend that you also consult the LLFA for the surface water management for their comments.

**Lead Local Flood Authority: NO OBJECTION** Based on AW's comments, the applicant may require Land Drainage Consent for the surface water outfall to the local ditch from the LLFA, which is separate to the planning process, and may also require consent from the IDB.

**Internal Drainage Board: NO COMMENTS TO MAKE**

**Arboricultural Officer: NO OBJECTION** I've no objection in principle to the amended proposals, subject to conditions for the protection of existing trees and planting of new trees.

The Arboricultural Impact Assessment by A.T. Coombes Ltd dated 19th December 2023 accurately assesses the trees on and adjacent to the site, the tree constraints and how the trees may be protected during development work. It also includes at section 6.4, 6.5, and 6.6 replacement tree planting proposals for those already lost. The proposals are for 25 new trees as listed below, which are suitable for the site:

- 2 Crab apple (*Malus sylvestris*)
- 1 Discovery apple (*Malus* 'Discovery')
- 2 Erman's birch (*Betula ermanii*)
- 2 Japanese maple (*Acer palmatum*)
- 3 Juneberry (*Amelanchier lamarckii*)
- 3 Midland hawthorn (*Crataegus laevigata* 'Paul's Scarlet')
- 1 Purple-leaved Turkish hazel (*Corylus colurna* 'Te-Terra Red')
- 1 Sweet Gum (*Liquidambar styraciflua*)
- 1 Rowan (*Sorbus aucuparia*)
- 2 Tibetan cherry (*Prunus serrula* 'Tibetica')
- 5 Upright cherry (*Prunus amanogawa*)
- 2 Victoria plum (*Prunus domestica* 'Victoria')

The report includes detailed planting specifications and proposes a 5-year maintenance plan.

Tree protection proposals are detailed in appendices, 4 Tree Protection Plan, 5 Arboricultural Method Statement, and 6 Timetable for Implementation of Tree Protection Works.

Can you please add the Arboricultural Impact Assessment by A.T. Coombes Ltd dated 19th December 2023 to the list of approved documents and consider attaching conditions for the protection of existing trees and planting of new trees.

**Natural England: NO OBJECTION** subject to securing appropriate mitigation [GIRAMS payment for the additional dwelling]

**Norfolk Wildlife Trust: NO OBJECTION** We support the comments made by the County Ecologist. Additionally, we request a hedge is planted along the southern section of the site.

**Refuse and Waste Team: NO OBJECTION** I have carefully considered the above application and have no objection subject to a condition requiring a bin presentation area be provided.

**Senior Ecologist: NO OBJECTION** If you are minded to grant consent please condition:  
Details of wildlife enhancements which should include:

- Any boundary treatment must allow free movement for small mammals including hedgehogs. This may include the Installation of 2 signed hedgehog gaps per dwelling where impermeable boundaries are proposed for one or more boundary. The boundary to the south must be buffered from development. I suggested a strip of species rich wet grassland of at least 5m is planted between the proposed development and the woodland boundary. A suitable species mix must be used to suit the wet ground conditions
- Use of flowering lawn seed mixes for gardens and native species in soft landscaping design (including climbers, and night scented shrubs / flowers which will enrich the foraging resources available to bats)
- One bird box and one bat box (or bat tile) should be included per new dwelling to support the local bat and bird populations
- Wildlife sensitive lighting scheme which is in accordance with guidance available from the Institution for Lighting Professional
- Retention of the silver birch boundary.

**Community Safety and Neighbourhood Nuisance: NO OBJECTION** The site is within 30m of a foul main connection point (manhole) and therefore connection will be required for foul water disposal.

Surface water and land drainage details are noted and acceptable with the understanding that land drainage consent may be required via the LLFA.

However, it has been suggested that waste from site clearance has been dumped into the drains around the site (filling/blocking them), and that these drains are known to overflow. If this has occurred, the drains must be fully cleared out again.

It is also important to add that this site is currently under investigation by this team due to the impact of the works on the site (noise, and bonfires/odour) with respect to this retrospective application. The noise complaints are only days old. We therefore must request conditions relating to site hours and construction parking are attached to any approval issued to enforce the control measures required to protect residential amenity for the existing residents around the site.

#### **Environmental Health & Housing – Environmental Quality: NO OBJECTION**

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.

**Police Architectural Liaison Officer: NO OBJECTION** The amended plans have suitably addressed previous concerns.

**Norfolk Fire and Rescue: NO OBJECTION** the development will need to meet the necessary requirements of Building Regulations.

## REPRESENTATIONS

**FOUR** letters of **OBJECTION** were received in relation to the original proposal for 2No. new dwellings. The reasons for objection can be summarised as:

- Surface water flooding is a problem since the removal of several of trees (c.30.) Therefore, drainage needs to be fully considered
- The drain serving the woodland is shown in the wrong place on the plans
- Noise, foul language from the workmen, and fires to burn materials are unwelcome
- The site should be made secure
- Refuse bins should not be placed near the boundaries with existing dwellings
- Overlooking; a 1.8m high close boarded timber fence should be provided to the rear of all affected dwellings
- Works have already started
- It appears that the access is over land not in the applicant's ownership, including a public right of way
- Concerns regarding Anglian Water foul water drains and their capacity to deal with additional loads
- Impact on protected species, especially bats
- Increased vehicular activity
- The dwellings should be single storey in keeping with Heather Close to the north and the existing dwelling on the site
- If the application is approved hard surface for all driveways should be required to reduce noise impacts
- It is unlikely that the access arrangements will work and two cars will not be able to pass each other which may mean vehicles having to reverse onto Little Carr Road
- The Council's refuse lorry would not be able to access all the dwellings
- There is not a continuous footway for occupiers of plots 2 and 3 to reach Little Carr Road. A continuous footway should be provided

Following submission of amended plans reducing the number of new builds to 1No., **FOUR** letters of **OBJECTION** have been received. The reasons for objection can be summarised as:

- Drainage / flooding. The removal of the trees has resulted in surface water flooding of adjacent gardens
- The access to the properties goes over mature tree roots so should be reconsidered
- The remaining part of the footpath has been completely ruined due to the removal of the trees and construction vehicles that has resulted in flooding
- The PROW is not being left accessible as required
- The planting of new trees will not compensate for the removal of the mature trees
- The new trees will cause overshadowing of properties on Heather Close and may result in damage to existing properties and boundaries
- Noise – there has been a whole year of noise as a result of works on the site
- The site is constantly under water (at least 2 inches); placing a large building on this waterlogged site is only going to make matters worse
- Contractor vehicles should be parked on the site
- Working hours should be 8am to 4.30pm Monday to Friday only with no weekend working
- The new dwelling should not be a chalet bungalow as this will result in overlooking
- Trees were removed before an arboricultural assessment was undertaken
- The proximity of new trees to neighbouring dwellings is of concern\* A plan showing where the new trees are to be planted should be submitted

- Increased traffic generation as a result of the proposed development with no turning circle means there could be conflict with users of the PROW.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS09** - Housing Distribution

**CS11** – Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

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

## **NEIGHBOURHOOD PLAN POLICIES**

### **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
- Form and Character and Impact on the setting of the National Landscape Impact on Neighbour Amenity
- Highway Impacts
- Trees and Landscaping
- Drainage
- Ecology
- Crime and Disorder
- Other Material Considerations

### **Principle of Development:**

Paragraph 123 of the NPPF states that *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*

The site lies within the Development Boundary of North Wootton, a settlement defined as being adjacent to the main town of King's Lynn in the settlement hierarchy (Core Strategy Policy CS02) and in an area where the principle of residential development, of an appropriate scale, can be supported subject to compliance with other relevant planning policy and guidance.

### **Form and Character and Impact on the setting of the National Landscape:**

Paragraph 135 states *Planning policy and decisions should ensure that developments:*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*

This is reiterated in Development Plan Policy CS08 that states *All new development in the borough should be of high quality design. New development will be required to demonstrate its ability 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 that 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.*

Additionally, the site lies adjacent to the North Norfolk Coast National Landscape. The NPPF requires development within the setting of a designated area to be sensitively located and designed to avoid or minimise adverse impacts on the designated area (para 182.)

This is reiterated in Development Plan Policies CS01 and CS12.

It is pertinent to note that the proposed development has been reduced from remodelling of the existing dwelling and the erection of 2no. new dwellings to the remodelling of the existing dwelling and the erection of 1no. new dwelling. This was in order to address the concerns of the Parish Council (in relation to overdevelopment), the LPA (in relation to impact on occupiers of neighbouring dwellings), and the arboricultural officer (in relation to the impact on trees.)

Little Carr Road and Heather Close, the latter of which is accessed from Little Carr Road and lies to the immediate north of the site, provide a variety of dwelling types, ages, design and materials, although Heather Close is largely characterised by modest and traditional single storey dwellings on relatively small plots constructed from brick under concrete roof tiles. The site is read more in context with Heather Close than the remainder of Little Carr Road. The density of development of the properties on Heather Close that share a boundary with the site is 23.8d/ha; the density of the proposed development is 11.8d/ha. It is therefore considered that the density, that is well below the adjacent development, is acceptable and that the reduction in the number of units on the site has addressed the issue of overdevelopment.

The existing dwelling is constructed from a mixture of buff brick and render under a tiled roof. The remodelled dwelling is of the same height and width as the original dwelling with the length is to be reduced by approximately 2.6m. Materials are not shown on the plans but are stated in the application form to be render under a tiled roof which are the same materials as proposed for the new dwelling. Whilst some third parties suggest render is not appropriate, the existing dwelling had render on its eastern and western elevations and render is therefore considered acceptable. The majority of these works, if not all of them given that new materials are not being proposed because of the existing render, fall within permitted development.

Given the relatively low ridge and eaves height of the proposed new dwelling (5.2m and 2.7m respectively) it is not considered that the fact that the dwelling is 1.5 stories results in development that would be overbearing, dominating or incongruous in the locality.

The existing, remodelled and new dwellings are of simple architectural design. Given the scale of development and separation from the National Landscape by substantial trees it is not considered that the proposed development would have an adverse impact on the designated area.

As such, and whilst contrary to some third-party comments, it is considered that the development would relate adequately to the site and its wider setting and accords with the NPPF in general and specifically to paragraphs 135 and 182 of the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.

#### **Impact on Neighbour Amenity:**

Paragraph 135f) of the NPPF requires development to have a high standard of amenity for existing and future users. This is reiterated in Development Plan Policy DM15 that states that *Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.*

The remodelled dwelling will have no greater overlooking, overbearing or overshadowing impacts than the existing.

The new dwelling has only one window on its northern elevation, and this is a high-level secondary window. As such there would be no material overlooking. Whilst the development would result in some overshadowing, this would be for limited periods of the day and would not be sufficient to warrant refusal. Additionally, it is clear that the properties to the north of this dwelling would have been more heavily overshadowed by the trees that have been removed from the site than the proposed dwelling. Likewise, it is not considered that the new dwelling would have an unacceptably overbearing impact given the distances involved (5m to the boundary and 13 metres to the nearest elevation which is a diagonal distance.) In comparison the existing dwelling is only 3.5m from the boundary and 8.4m to the nearest elevation which is a direct back-to-back relationship. Additionally, the position of the new dwelling, centred between the two dwellings to the north leaves substantial spacing between developments retaining an open feel.

As such, and whilst contrary to some third-party comments, it is not considered that the proposed development would result in unacceptable overlooking, overbearing or overshadowing impacts and would not therefore have a significant adverse impact on the amenity of others.

It is therefore considered, in relation to neighbour amenity, that the development accords with the NPPF in general and specifically to paragraph 135f of the NPPF and Development Plan Policies CS08 and DM15.



## **Highway Impacts:**

The NPPF requires safe and suitable access to be achieved for all users (para 114b) and states, at paragraph 115, that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

This is reiterated in Development Plan Policies CS11 and DM15.

In relation to public rights of way, paragraph 104 of the NPPF states that *Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

The existing and proposed dwellings will be accessed via the access that currently serves the existing dwelling. This access is shown to partly include a PROW (North Wootton FP10.) Subject to conditions neither the Local Highway Authority nor Public Rights of Way Team at Norfolk County Council object to the proposed development.

Some third-parties have stated that the existing PROW is being affected by construction works. Photographs supplied by third parties were forwarded to the PROW team who have their own powers to take action if they consider it necessary.

The proposed development complies with parking standards as required by Development Plan Policy DM17 (2 spaces for 2 and 3-bed properties; 3 spaces for 4 or more bed properties.)

It is therefore considered, in relation to highway issues, that the development is in general accordance with the NPPF and specifically to paragraphs 104, 114b and 115 of the NPPF and Development Plan Policies CS11, DM15 and DM17.

## **Trees and Landscaping:**

Paragraph 136 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. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*

A number of trees have been removed from the site (c.30.) These trees were not protected and therefore the applicant was well within their rights to remove the trees. Notwithstanding this, to counter the loss, the applicant is proposing to plant new trees. There is some discrepancy in the numbers, with the plans showing 40 trees, but the tree report suggesting 25. The vast majority of these have been shown along the northern boundary of the site, between the site and existing dwellings in Heather Close. Unsurprisingly this has resulted in concerns from occupiers of dwellings living in Heather Close in relation to overshadowing and impacts from the tree roots to their properties and boundary treatments. Discussion with the arboricultural officer support these concerns and therefore, whilst tree planting will still be required by condition, the condition will require agreement to the number, location, and type of the proposed trees to ensure that they won't result in future unacceptable impacts to occupiers of the development itself or neighbouring properties.

A new native hedge is proposed to be planted along the southern boundary at the request of Norfolk Wildlife Trust to enhance biodiversity, and this will be conditioned if permission is granted.

It is therefore considered that the development accords with the NPPF in general and specifically to paragraph 136 of the NPPF.

### **Drainage:**

Paragraph 173c) of the NPPF requires development to incorporate sustainable drainage systems where appropriate. This is reiterated in Development Plan Policies CS08 and CS12.

Third parties have suggested that the loss of the trees has resulted in drainage issues on both the site and neighbouring land including neighbours' gardens. This is not an unacceptable conclusion.

Notwithstanding this, a surface water drainage scheme has been submitted that has satisfied the Community Safety and Neighbourhood Nuisance Team that surface water drainage can be suitably addressed.

The IDB has confirmed that they have no comments to make because the site lies outside of their drainage district. Likewise Anglian Water has no comments to make because the surface water drainage proposal does not affect their assets. Additionally, they have confirmed that foul drainage can be accommodated.

The surface water drainage strategy states that soakaways are not possible due to the depth of the groundwater table and therefore discharge to an existing ditch to the southeast of the site with attenuation crates to deal with storm events is proposed. This is in line with the drainage hierarchy. The Lead Local Flood Authority has suggested that land drainage consent maybe required. If this is the case this would take place outside of the planning system between the LLFA and the applicant.

The development will be conditioned to be carried out in accordance with the submitted scheme.

It is therefore considered that drainage can be suitably conditioned and that the development is therefore in accordance with the NPPF in general and specifically to paragraph 173c) of the NPPF and Development Plan Policies CS08 and CS12.

### **Ecology:**

The NPPF requires development to minimise impacts on biodiversity and providing net gains where possible (para 180c). This is reiterated in Development Plan Policy CS12 which requires development to *avoid, mitigate or compensate for any adverse impacts on biodiversity*.

The LPA's Senior Ecologist raises no objection to the proposed development on the basis of its impact on protected species and site biodiversity subject to conditions relating to enhancements including the planting of the southern hedge previously mentioned, wildlife sensitive lighting and the provision of 1no. bird and 1no. bat box per dwelling as well as flowing lawn seed mixes for gardens.

In relation to the impact on [European] Protected Sites Natural England has confirmed that the Appropriate Assessment submitted by the applicant is suitable for adoption by the Local Planning Authority and that they agree with its findings that payment of the GIRAMS fee, in line with Development Plan Policy DM19, will suffice in this instance to address any impacts.

It is therefore considered that the development accords with the NPPF in general and specifically to paragraph 180c) of the NPPF and Development Plan Policies CS12 and DM19.

#### **Crime and Disorder:**

There are no specific crime and disorder issues arising from the proposed development.

#### **Other Material Considerations:**

In relation to the Parish Council and third-party comments not covered above your officers respond as follows:

- The size of the access road and access to parking for property number 2 still appear inadequate for larger vehicles – *neither the Local Highway Authority nor Waste and Recycling Team raise any objection in relation to access and parking*
- Overdevelopment – 3 houses are too many for the size of the site – *it is considered that this has been addressed by the reduction from 3 to 2 (net gain of 1)*
- Significant works have been started on site – *there is nothing preventing works commencing without planning permission at the risk to the applicant. Notwithstanding this at the time of the site visit the only works taking place were in relation to the existing dwelling which fall within permitted development*
- Noise, foul language from the workmen, and fires to burn materials are unwelcome – *the majority of these impacts should be addressed by the proposed site construction hours*
- Increased vehicular activity – *it is not considered that a net increase of 1 dwelling will materially increase vehicular activity in the locality.*

#### **CONCLUSION:**

The development relates largely to the provision of an additional dwelling because works to the existing bungalow are considered to fall within permitted development rights. Notwithstanding this the remodelling of the existing dwelling has been included in the application and has therefore been given due consideration and in this regard the development is considered acceptable in all aspects.

Paragraph 2 of the NPPF states that *Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.* This is reiterated in Paragraph 47 of the NPPG.

The provision of an additional dwelling in this location, contrary to the Parish Council and third-party objections, is considered acceptable in terms of visual, neighbour, highway, drainage, landscape and ecological issues and is in accordance with the NPPF in general and specifically to paragraphs 2, 47, 104, 114b), 115, 123, 135a), b), c) and f), 136, 173c), 180c) and 182 of the NPPF and Development Plan Policies CS01, CS02, CS08, CS11, CS12, DM1, DM2, DM15, DM17 and DM19.

It is therefore recommended that permission be granted subject to the following conditions.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers:  
  
NA-227 LCR-NW-N-SL02 Rev.W  
NA-227 LCR-NW-N-SL04  
NA-227 LCR-NW-N-05 Rev.A  
NA-227 LCR-NW-N03 Rev.D  
MS-D-N-02 Rev.F  
23205-001 P4  
23205-001 P3
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Within two months of the date of this permission or prior to the commencement of any works in relation to Plot 2 a scheme detailing provision for on-site parking for construction workers and storage of materials for the duration of the construction period shall be submitted to and approved in writing by the LPA. Construction shall take place in accordance with the approved scheme.
- 3 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 4 Condition: Within two months of the date of this permission or prior to the commencement of any works in relation to Plot 2 all tree protection measures including tree protective fencing, ground protection, arboricultural monitoring and site supervision shall be implemented in strict accordance with the Tree Protection Plan (appendix 4), Arboricultural Method Statement (appendix 5), and Timetable for Implementation of Tree Protection Works (appendix 6) contained within the approved Arboricultural Impact Assessment by A.T. Coombes Ltd dated 19th December 2023.
- 4 Reason: To avoid harm to existing trees that enhance the general amenity of the area in which the development is located in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 5 Condition: Prior to any works that would affect the public right of way (PROW) full details shall be submitted to and agreed in writing by the Local Planning Authority. Additionally, the applicant will need to apply for a Temporary Traffic Regulation Order which must be confirmed before any works commence which would impact upon the PROW, this includes surfacing and the laying of services.
- 5 Reason: To protect the Public Right of Way in accordance with the NPPF.
- 6 Condition: Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between

the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.

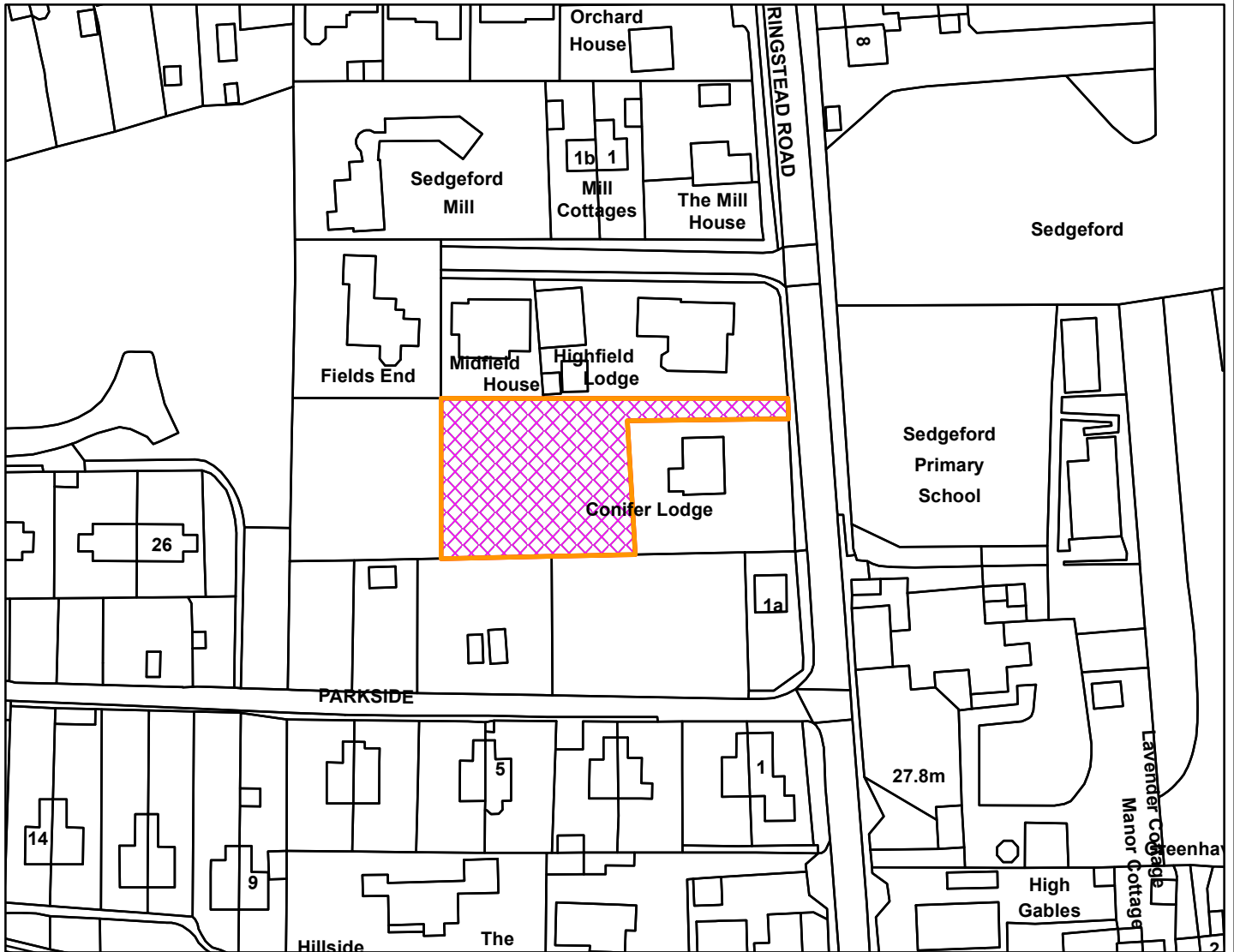
- 6 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 7 Condition: Prior to the first occupation of Plot 2 facilities shall be provided within its curtilage for the storage of recycling, refuse and waste materials bins. Additionally, an impervious 4 x 240 litre wheeled bin presentation point immediately adjacent to Little Carr Road shall be provided prior to the first occupation of Plot 2, in accordance with details to be submitted to and approved by the Local Planning Authority.
- 7 Reason: To ensure that waste and recycling is properly taken account of and that the development functions well in accordance with the NPPF.
- 8 Condition: Notwithstanding the approved plans, prior to the first occupation of Plot 2 at least 25 new garden trees shall be planted in accordance with Section 6 of the Arboricultural Impact Assessment by A.T Coombes Ltd dated 19th December 2023 and a tree planting plan showing the locations for the new trees that shall be submitted to and approved in writing by the Local Planning Authority. The planting locations shall avoid future conflicts with and provide for a harmonious long-term relationship with neighbouring properties to the north of the development site. The development shall be carried out prior to the first occupation of Plot 2 in accordance with the approved plan. Any trees which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- 8 Reason: To ensure trees are planted and subsequently protected to ensure continuity of tree cover in the interests of the visual amenity of the locality in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 9 Condition: Prior to the first occupation of Plot 2 a hedge shall be planted along the southern boundary of the site as shown on approved plan NA-227 LCR-NW-N-SL020 Rev.W in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The hedgerow should be native and biodiverse and include fruiting species. The details shall include planting plans, written specifications (including cultivation and other operations associated with establishment), and schedules of plants noting species, sizes and numbers. Any plants that, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing by the local planning authority.
- 9 Reason: In the interests of biodiversity in accordance with the NPPF and Development Plan Policy CS12.
- 10 Condition: Excluding the area covered by condition 9 of this permission, prior to the first occupation of Plot 2, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

- 10 Reason: To ensure the development is appropriately landscaped in the interests of visually amenity in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 11 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of Plot 2 or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 11 Reason: To ensure the development is appropriately landscaped in the interests of visually amenity in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 12 Condition: No development shall take place on any external surface of Plot 2 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.
- 12 Reason: To ensure a satisfactory external appearance and grouping of materials in the interests of visually amenity in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 13 Condition: Prior to the first occupation of Plot 2, 1no. Schwegler wall-mounted bat shelter 2FE and 1no. Schwegler Nest Box 1B, or products of a similar specification, shall be erected / installed onto each dwelling and shall thereafter be maintained and retained for the lifetime of the development.
- 13 Reason: In the interests of biodiversity in accordance with the NPPF and Development Plan Policy CS12.
- 14 Condition: Prior to the installation of any external lighting associated with Plot 2, a detailed wildlife sensitive outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 14 Reason: In the interests of biodiversity and amenity in accordance with the NPPF and Development Plan Policies CS12 and DM15.
- 15 Condition: The proposed access, car parking and turning areas shall be laid out, surfaced and drained in accordance with the approved plan prior to the first occupation of each respective dwelling 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 NPPF and Development Plan Policies CS11 and DM15.

- 16 Condition: The drainage shall be carried out in accordance with drawing numbers 23205-001 Rev.P4 and 23205-002 P3 prior to the first occupation of each respective dwelling and thereafter been retained and maintained as constructed.
- 16 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Development Plan Policies CS08 and CS12.



Conifer Lodge Ringstead Road Sedgeford Hunstanton PE36 5NQ



**Legend**

**Scale:** 1:1,250

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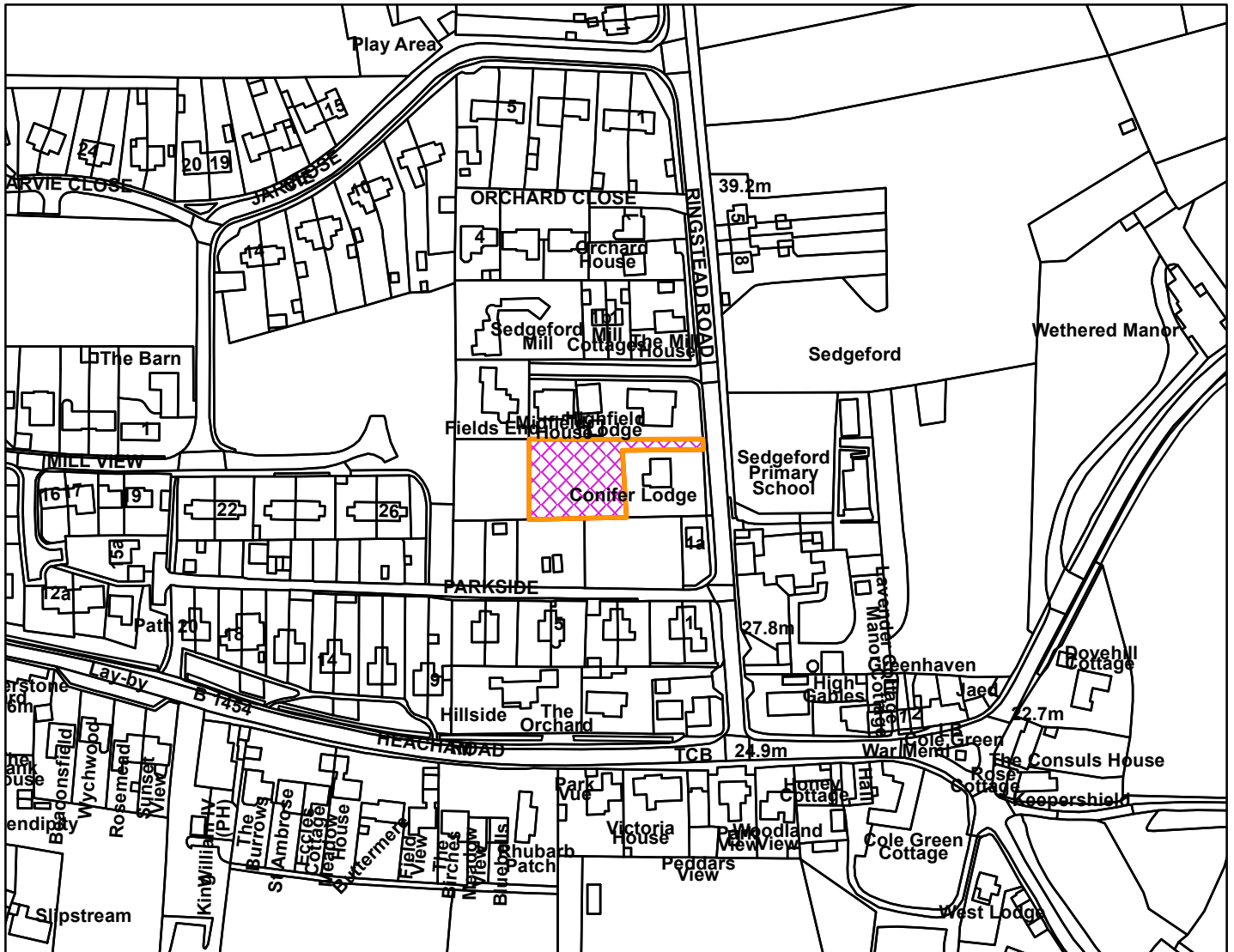
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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
| MSA Number   | 0100024314 |





Conifer Lodge Ringstead Road Sedgeford Hunstanton PE36 5NQ



**Legend**

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## AGENDA ITEM NO. 9/2(g)

|                      |   |  |
|----------------------|---|--|
| <b>Parish:</b>       | <b>Sedgeford</b>  |  |
| <b>Proposal:</b>     | <b>Construction of 2 residential dwellings on land adjacent Conifer Lodge</b> |  |
| <b>Location:</b>     | <b>Conifer Lodge Ringstead Road Sedgeford Hunstanton PE36 5NQ</b>             |  |
| <b>Applicant:</b>    | <b>Norfolk Flint Ltd</b>  |  |
| <b>Case No:</b>      | <b>22/00267/F (Full Application)</b>  |  |
| <b>Case Officer:</b> | <b>Mrs N Osler</b>  | <b>Date for Determination:<br/>1 May 2023<br/>Extension of Time Expiry Date:<br/>9 February 2024</b> |

**Reason for Referral to Planning Committee** – Officer Recommendation is Contrary to Parish Council Recommendation and Referred by Sifting Panel

**Neighbourhood Plan:** Yes

### Case Summary

Full planning permission is sought for the erection of 2no. dwellings on land adjacent to Conifer Lodge in Sedgeford.

The site lies within the development boundary for Sedgeford which is designated as a rural Village in the settlement hierarchy of the Development Plan (CS02.)

The site is largely overgrown and once benefitted from planning permission for the erection of two dwellings. That permission, granted under application 15/00913/F, has since expired (on 03.02.2020.)

The site lies within the North Norfolk Coast Landscape Designation (formally Area of Outstanding Natural Beauty) and is located within Flood Zone 1.

The site lies within 30 metres from the Conservation Area.

### Key Issues

Principle of Development

Principal Residence

Form and Character and Impact on National Landscape and Setting of the Conservation Area

Impact on Neighbour Amenity

Highway Impacts

Trees

Ecology

Crime and Disorder

Other Material Considerations

### Recommendation

**APPROVE**

## THE APPLICATION

Full planning permission is sought for the erection of 2no. dwellings on land adjacent to Conifer Lodge in Sedgeford.

The dwellings are 3-bed, 1.5 storey dwellings (7m to ridge; 3.75m to eaves) with accommodation in the roof. Catslide dormers are proposed front and rear and a front gable projection, accommodating an entrance and W/C at ground floor and bathroom at first floor, is also proposed. The plans do not specify the materials, but the applicant has suggested they will be multi-red bricks and flint work.

Access to the dwellings will be to the north of Conifer Lodge onto Ringstead Road to the east.

The site is largely overgrown and once benefitted from planning permission for the erection of two dwellings. That permission, granted under application 15/00913/F, has since expired (on 03.02.2020.)

The site is largely overgrown and once benefitted from planning permission for the erection of two dwellings, but that has since expired.

The site lies with the North Norfolk Coast Landscape Designation (formally Area of Outstanding Natural Beauty) and is located within Flood Zone 1.

The site lies within 30 metres from the Conservation Area.

## SUPPORTING CASE

The agent for the application submitted the following supporting statement: *I am writing to present the planning proposal for Application 22/00267/F for the construction of two residential dwellings on the land adjacent to Conifer Lodge in Sedgeford. As part of the planning committee, it is essential to consider the following points in the decision-making process:*

- 1. Previous Approval: It is important to note that the site in question has previously received approval under planning reference 15/00913/F for the construction of two residential dwellings. This previous approval was deemed appropriate by the planners and locals, indicating that the site is suitable for residential development.*
- 2. Adherence to Sedgeford Town Plan: The current application has been carefully developed to align with the now relevant Sedgeford Town Plan, which has been adopted into policy by the Borough Council of King's Lynn & West Norfolk. The proposal takes into account the specific guidelines and policies outlined in the Sedgeford Town Plan, demonstrating a commitment to meeting the local planning requirements and contributing to the sustainable development of the area.*
- 3. Local Family Development: It should be noted that the proposed development is being undertaken by a local family with the intention of building and living in the new residential dwellings. This aligns with the goal of supporting local people and addressing the influence of the second home market in the area. The development will contribute to the local housing supply and provide opportunities for local families to reside within the community.*

*In light of the above points, I recommend that the planning committee considers the previous approval, the alignment with the Sedgeford Town Plan, and the local nature of the development when evaluating Application 22/00267/F. The proposal reflects a commitment to responsible and sustainable development, and it is in line with the local planning framework and the needs of the community.*

## **PLANNING HISTORY**

15/00913/F: Application Permitted: 03/02/17 - Refurbishment of dwelling and provision of 2 no additional dwellings (Delegated).

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

The Parish Council continues to object to this application for the following reason:

Although the height of the proposed properties has reduced to 1.5 storeys high, with dormer windows, the revised plans do not appear to show any reduction in the overall footprint of the properties. These two houses will take up far more than 40% of the available plot and therefore contravene Policy H3 of Sedgeford's Neighbourhood Plan (NP)

Taking account of these points, the Parish Council would consider supporting the construction of a single 2/3 bedroomed property on this site with the following conditions:

- The property should be conditioned as a principal/ permanent residence - Policy H8 NP
- The property should be in keeping with surrounding properties – i.e., height and scale - 1.5 storeys high, with dormer windows. Materials and finishes should also be in keeping - brick and pantiles - Policy H3 NP
- The driveway should be constructed of a solid permeable material to prevent dispersed shingle becoming a hazard to pedestrians and vehicles on the adjacent footpath and road.
- The trees and hedges to the north of the site should be retained - Policy H3 NP.

**Highways Authority: NO OBJECTION** subject to conditions relating to parking provision, access upgrading, gradient of access, removal of pd rights for gates, bollards, etc, and visibility splays being appended to any permission granted.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** Recommends that an informative relating to wood burning stoves be appended to any permission granted.

**Norfolk Coast Partnership:** None received at time of writing report.

**Conservation Officer: NO OBJECTION** The proposed development would not affect the setting or character of the nearby Conservation Area.

**Senior Ecologist: NO OBJECTION** Please condition that development is carried out in accordance with the method statement.

**Arboricultural Officer: NO OBJECTION** I have no objection to the proposal; it is tight, but the Arb supporting information demonstrates that the existing trees can be adequately

protected through construction work and the buildings themselves are outside the minimum root protection areas.

Some facilitation pruning will be required to the ash tree, this is an acceptable level of pruning work.

There is only one issue and that is the tree protection plan on the last page, doesn't have any dimensions for the accurate setting out of the tree protection barriers, everything else is fine.

If we can get dimensions added to the tree protection plan to show where the fencing is to be set out then we can attach a condition for all tree protection measures to be in strict accordance with the Arb report, if not then we'll need a notwithstanding condition requiring a dimensioned tree protection plan.

## **REPRESENTATIONS**

**FOUR** third parties **OBJECT** to the proposed development. The reasons for objection can be summarised as:

- Materials are not clear, but render and / or cladding is not appropriate
- Overdevelopment of the site
- The development affects the setting of the conservation area and school
- Inaccurate plans
- Dwellings should not be 4-bed
- The design of the dwellings is not reflective of the locality
- Details of the refurbishment of Conifer Lodge have not been included
- 'Flat top' dormers are not appropriate
- Whilst dormers have been provided there has been no reduction in the ridge height and therefore the dwellings are not 1.5 storey dwellings.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** – Transport

**CS12** - Environmental Assets

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

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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

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

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy H3:** Infill development within the Development Boundary

**Policy H5:** Housing Mix

**Policy H8:** New Housing as Permanent Dwellings

**Policy E6:** Dark Skies

## **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
- Principal Residence
- Form and Character and Impact on National Landscape and Setting of the Conservation Area
- Impact on Neighbour Amenity
- Highway Impacts
- Trees
- Ecology
- Crime and Disorder
- Other Material Considerations

### **Principle of Development:**

Paragraph 123 of the NPPF states that *Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.*

The site lies within the development boundary of Sedgeford, a Rural Village as classified in the Settlement Hierarchy of the Development Plan (CS02) and where the principle of residential, of an appropriate scale, can be supported subject to compliance with other relevant planning policy and guidance.

Furthermore, a previous approval for development of the site is a material consideration. However, this can only be given limited weight considering that since that approval in February 2017 policy and guidance has been updated by virtue of adoption of the National Design Guide, Neighbourhood Plan in 2019 and updates to the NPPF the latest of which was in December 2023.

### **Principal Residence:**

Sedgeford Neighbourhood Plan (SNP) Policy H8 'New Housing as Permanent Dwellings' states that *New open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a Principal Residence.*

*Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement. New unrestricted second homes will not be supported at any time.*

As such any permission granted will be conditioned to be occupied as a principal residence.

It is therefore considered, subject to condition, that the development accords with SNP Policy H8.

### **Form and Character and Impact on National Landscape and Setting of the Conservation Area:**

Paragraph 135 states *Planning policy and decisions should ensure that developments:*

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*

This is reiterated in Development Plan Policy CS08 that states *All new development in the borough should be of high quality design. New development will be required to demonstrate its ability 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 that 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.*

Additionally, Sedgeford Neighbourhood Plan Policy H3: 'Infill development within the Development Boundary' states

*Within the development boundary of Sedgeford infill development, of individual, or small groups of dwellings will be supported where:*

- They would relate well to the neighbouring development in terms of height, scale and impact on the street scene, and, where applicable, would preserve or enhance the character or appearance of the Conservation Area, and*
- They would not have an unacceptable detrimental impact on the living conditions of the occupants of neighbouring property, and*
- The provision of a vehicular access would not have an unacceptable detrimental impact on to highway safety and on-site parking can be provided in accordance with NCC standards.*
- Dwellings should maintain adequate spacing and not appear cramped on the plot or in relation to neighbouring dwellings and their footprint should not normally exceed 40% of the plot area;*
- The development does not conflict with other development plan policies.*

The site also lies within the North Norfolk Coast National Landscape. In relation to the impact on Protected Landscapes, paragraph 180 of the NPPF requires planning decisions to contribute and enhance the natural and local environment by *a) protecting and enhancing valued landscapes, ... (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside; and c) maintaining the character of the undeveloped coast...*

The NPPF continues at paragraph 182 by stating that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty (now National Landscapes.) It states that *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.*

Protection of the National Landscape is reiterated in Development Plan Policies CS01, CS08, CS12 and DM15.

Furthermore, the site lies within 30m of the Conservation Area, and as is the case with the National Landscape Designation, development is required to respect the setting of the Conservation Area.

It is pertinent to note that the proposed development has been amended from 2no. 4-bed 2-storey dwellings with render to 2no. 3-bed, 1.5 storey dwellings (reduction in ridge height of 1.2m) with dormer windows to be constructed from multi-red bricks and flint work. This was in order to address the concerns of the Parish Council and meet the requirements of SNP Policy H5 'Housing Mix' that requires *Proposals for new residential development of two or more houses to demonstrate how the housing mix reflects the identified need for two and three-bedroom dwellings...* It should be noted however that the Parish Council retains their objection. Materials are not shown on the plans and will therefore be suitably conditioned if permission is granted.

Whilst contrary to the views of the Parish Council and some third-party representatives, it is considered that the proposed dwellings are of a scale, mass, design and appearance that relate adequately to the site and its wider setting and are visually attractive and sympathetic to locally character and history and relate well to neighbouring development in terms of height, scale and impact on the streetscene. The materials and catslide dormer windows are likewise appropriate.

In relation to other requirements of SNP Policy H3, the dwellings maintain adequate spacing and do not appear cramped and the footprints do not, contrary to the opinion of the Parish Council, exceed 40% of the plots area being closer to 30%.

The Conservation Officer has confirmed that the development would not have a material impact on the setting of the Conservation Area, and realistically, given the scale of the proposed development and fact that it is surrounded by existing built form, would not have an adverse impact on the National Landscape Designation.

As such, and whilst contrary to the Parish Council and some third-party comments, it is considered that the development would relate adequately to the site and its wider setting and accords with the NPPF in general and specifically to paragraphs 135 and 180, 182 of the NPPF, Development Plan Policies CS01, CS08, CS12 and DM15 and SNP Policy H3 and H5.



### **Impact on Neighbour Amenity:**

Paragraph 135f) of the NPPF requires development to have a high standard of amenity for existing and future users. This is reiterated in Development Plan Policy DM15 that states that *Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused*, and SNP Policy H3 that requires development to *...not have an unacceptable detrimental impact on the living conditions of the occupants of neighbouring property*.

The proposed dwellings have no first-floor windows on their side elevations (north and south) and there would therefore be no material overlooking to any non-associated dwelling. Furthermore, any windows that could be inserted on the side elevations at first floor level under permitted development rights would have to be obscure glazed and non-opening. There would be some overlooking to the donor dwelling, Conifer Lodge. However, considering the distances involved, 20.6m being the closest habitable window to habitable window relationship (22.5m at first floor level) and 11m being the closest habitable window to garden boundary relationship, it is considered that these relationships are acceptable.

There would be no material overbearing or overshadowing impacts given the distances, change in levels and presence of a substantial evergreen hedge of c.3.5m in height, that is to be retained, along the length of the northern boundary.

It is therefore considered, in relation to neighbour amenity, that the development accords with the NPPF in general and specifically to paragraph 135f) of the NPPF, Development Plan Policies CS08 and DM15 and SNP Policy H3.

### **Highway Impacts:**

The NPPF requires safe and suitable access to be achieved for all users (para 114b) and states, at paragraph 115, that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This is reiterated in Development Plan Policies CS11 and DM15 and SNP Policy H3 that latter of which requires *vehicular access to not have an unacceptable detrimental impact on to highway safety and on-site parking can be provided in accordance with NCC standards*.

The existing and proposed dwellings will be accessed from Ringstead Road to the east via the existing access serving Conifer Lodge. Subject to conditions the Local Highway Authority raises no objection to this subject to conditions requiring improvements to the existing access with Ringstead Road.

The proposed development complies with parking standards as required by Development Plan Policy DM17 and SNP Policy H3 (2 spaces for 2 and 3-bed properties), and parking serving the donor dwelling remains unaffected by the proposed development with adequate parking and turning available to the front of the dwelling.

It is therefore considered, in relation to highway issues, that the development is in general accordance with the NPPF and specifically to paragraphs 114b and 115 of the NPPF, Development Plan Policies CS11, DM15 and DM17 and SNP Policy H3.

### **Trees:**

Paragraph 136 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. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*

No trees are proposed to be felled to enable the proposed development and the arboricultural officer has confirmed that the development could be constructed without significant impact on existing trees or the existing evergreen hedge along the northern boundary. Tree protection will be suitably conditioned if permission is granted.

It is therefore considered that the development accords with the NPPF in general and specifically to paragraph 136 of the NPPF.

### **Ecology:**

The NPPF requires development to minimise impacts on biodiversity and providing net gains where possible (para 180c). This is reiterated in Development Plan Policy CS12 which requires development to avoid, mitigate or compensate for any adverse impacts on biodiversity.

The LPA's Senior Ecologist raises no objection to the proposed development on the basis of its impact on protected species and site biodiversity subject to a condition ensuring that the development is carried out in accordance with the Bat Method Statement that accompanied the application.

The LPA has undertaken an appropriate assessment that has concluded that the development would not have any significant impact on [European] Protected Sites subject to the payment of the Green Infrastructure and Recreational Avoidance Mitigation Strategy (GIRAMS) fee in accordance with Development Plan Policy DM19. The Habitat Mitigation fee (£55) that was in place when the application was validated was paid on submission of the application. However, since this time GIRAMS has been adopted at £210.84 per dwelling. As such the shortfall of £311.68 has been paid by the applicant.

It is therefore considered that the development accords with the NPPF in general and specifically to paragraph 180c) of the NPPF and Development Plan Policies CS12 and DM19.

### **Crime and Disorder:**

There are no specific crime and disorder issues arising from the proposed development.

### **Other Material Considerations:**

*Drainage:* Very limited drainage information has been submitted. Although what has been submitted accords with the drainage hierarchy (surface water drainage via soakaway and foul water drainage via main sewer.) However, given the gradient of the land, and therefore potential for impact on neighbouring land downhill, it is considered, as was the case with the previous permission, that further drainage details should be secured by condition if permission is granted.

*Dark Skies: SNP Policy E6 'Dark Skies' requires Development proposals that include external lighting to minimise the extent of any light pollution that could be harmful to the dark skies that characterise this part of Norfolk.*

Therefore, if permission is granted, external lighting will be suitably conditioned.

### **Specific comments and issues:**

In relation to Parish Council and third-party representations not covered above your officers respond as follows:

- The driveway should be constructed of a solid permeable material to prevent dispersed shingle becoming a hazard to pedestrians and vehicles on the adjacent footpath and road – *the first 10 metres of the driveway has been conditioned and will ensure that shingle is not dispersed onto the highway*
- Overdevelopment of the site – *the development is not considered to represent overdevelopment of the site*
- Inaccurate plans - *this was addressed by the submission of amended plans*
- Dwellings should not be 4-bed - *the dwellings are not 4-bed dwellings they are 3-bed dwellings*
- Details of the refurbishment of Conifer Lodge have not been included - *Conifer Lodge does not form part of the proposal*
- 'Flat top' dormers are not appropriate - *catslide dormers are considered appropriate for the locality and there is an example in the immediately vicinity of the site (to the north of Conifer Lodge)*
- Whilst dormers have been provided there has been no reduction in the ridge height and therefore the dwellings are not 1.5 storey dwellings – *the ridge height has been reduced by 1.2m.*

### **CONCLUSION:**

Paragraph 2 of the NPPF states that *Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.* This is reiterated in Paragraph 47 of the NPPG.

The development is for the erection of 2no, 3-bed dwellings within the development boundary of Sedgeford, a Rural Village where residential development of an appropriate scale is to be supported in principle. The scale, mass, design and appearance of the dwellings is considered to relate adequately to the site and its wider setting and is sympathetic to existing built form and would not have a detrimental impact on the setting of the National Landscape or Conservation Area.

The dwelling can be appropriately conditioned to be retained as a Principal Residence.

The provision of the additional dwellings in this location, contrary to the Parish Council and third-party objections, is considered acceptable in terms of visual, neighbour, highway, and ecological issues and is in accordance with the NPPF in general and specifically to paragraphs 2, 47, 114b), 115, 123, 135a), b), c) and f), 136, 180 and 182. of the NPPF, Development Plan Policies CS01, CS02, CS08, CS11, CS12, DM1, DM2, DM15, DM17 and DM19 and Neighbourhood Plan Policies H3, H5, H8 and E6.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos:  
  
D1.1-00045 dated 08/08/2022  
D2.3-00045 dated 05/08/2022  
D10.1-00045 dated 05/08/2022.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The dwellings hereby permitted shall not be occupied other than as a Principal Dwelling and shall at no time be used, purchased or occupied as a holiday let, buy-to-let or second home.
- 3 Reason: To ensure the development accords with Policy H8 of the Neighbourhood Plan.
- 4 Condition: Notwithstanding the details submitted or approved plans, 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.
- 4 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Development Plan Policies CS08 and CS12. 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: Notwithstanding the details submitted in the Tree Protection Plan and Method Statement by C Y Yardley Landscape Survey and Design LLP dated December 2023, prior to the commencement of the development hereby permitted, a dimensioned Tree Protection Plan (section 6.2 of BS5837:2012) shall be submitted to and approved by the Local Planning Authority. The Tree Protection Plan shall include locations of tree protection barrier and ground protection offsets dimensioned from existing fixed points on the site to enable accurate setting out, which is missing from the submitted Tree Protection Plan. All tree protection measures including facilitation pruning, tree protective fencing, and ground protection, shall be implemented in strict accordance with the approved 'Tree protection Plan and Method Statement by C Y Yardley Landscape Survey and Design LLP dated December 2023.
- 5 Reason: To avoid harm to existing trees that enhance the general amenity of the area in which the development is located in accordance with the NPPF and Development Plan Policies CS08 and DM15.
- 6 Condition: Prior to the first occupation of either dwelling hereby permitted the vehicular access shown on drawing no:D1.1-00045 dated 08/08/2022 shall be upgraded /

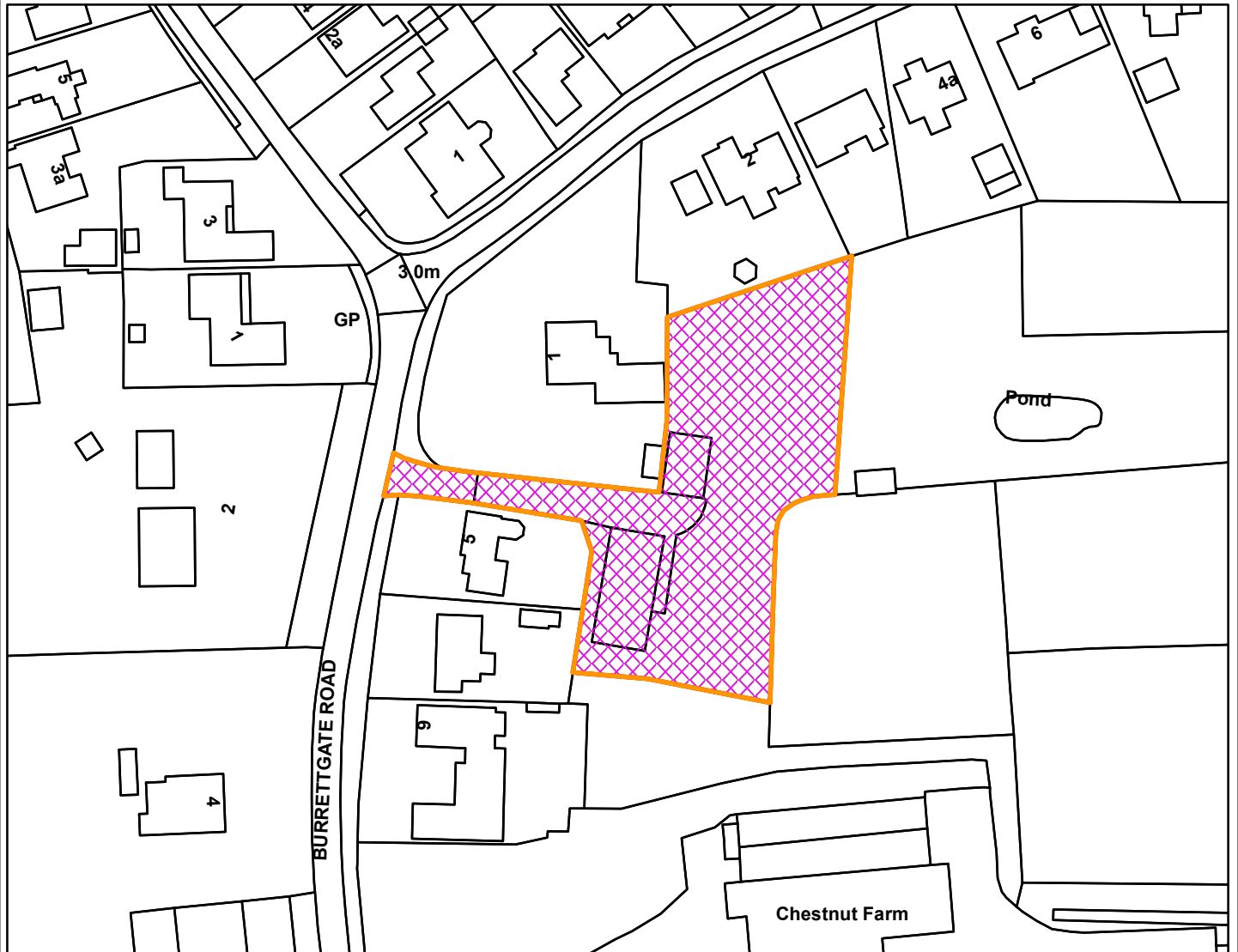
widened to a minimum width of 4.5 metres in accordance with the Norfolk County Council residential access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

- 6 Reason: In the interest of highway safety and traffic movement in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy H3.
- 7 Condition: The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 7 Reason: In the interests of the safety of persons using the access and users of the Highway in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy H3.
- 8 Condition: Prior to the first occupation of either dwelling hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 8 Reason: In the interest of highway safety in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy H3.
- 9 Condition: Prior to the first occupation of either dwelling hereby permitted the proposed on-site access, car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use for that specific dwelling.
- 9 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy H3.
- 10 Condition: Notwithstanding the provision of Class A of Schedule 2, Part 2 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 or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 10 Reason: In the interests of highway safety in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy H3.
- 11 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11 Reason: To ensure a satisfactory external appearance and grouping of materials in the interests of visually amenity in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Neighbourhood Plan Policy H3.

- 12 Condition: Prior to the installation of any external lighting associated with the development hereby permitted, a detailed wildlife sensitive outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 12 Reason: In the interests of the amenity of the locality in accordance with the NPPF, Development Plan Policies CS12 and DM15 and Neighbourhood Plan Policy E6.
- 13 Condition: The development hereby permitted shall be carried out in accordance with the Bat Method Statement that accompanied the application (Ref: P2023-44 R1, prepared by Philip Parker Associates Ltd, dated 27th July 2023.)
- 13 Reason: In the interests of ecology in accordance with the NPPF and Development Plan Policy CS12.
- 14 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 14 Reason: In the interests of the amenity of the locality in accordance with the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy H3.



The Barn 3 Burrettgate Road Walsoken PE14 7BN



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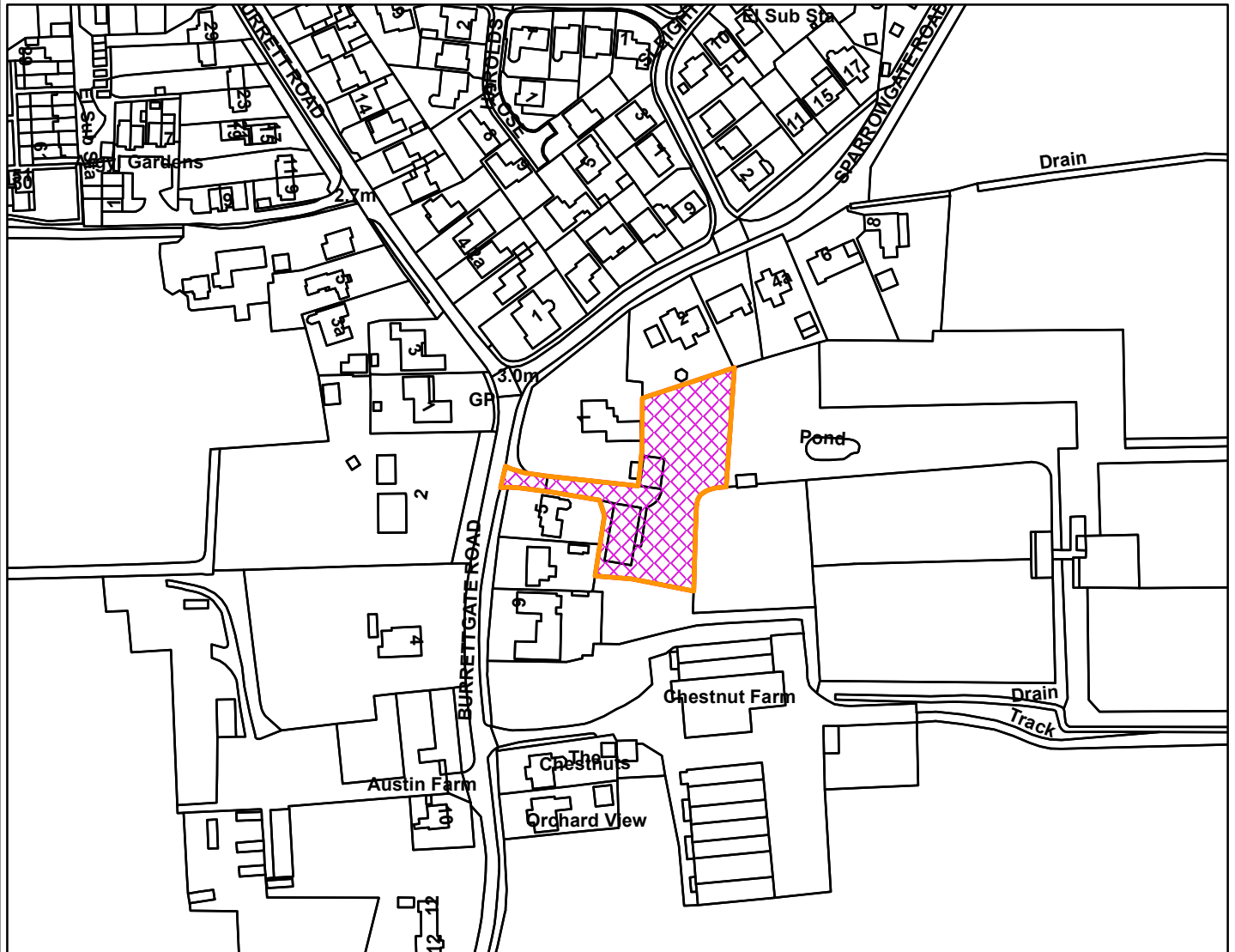
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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
| MSA Number   | 0100024314 |



The Barn 3 Burretgate Road Walsoken PE14 7BN



**Legend**

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**Scale:** 1:2,500

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| Organisation | BCKLWN     |
| Department   | Department |
| Comments     |            |
| Date         | 23/01/2024 |
| MSA Number   | 0100024314 |



**AGENDA ITEM NO. 9/2(h)**

|                      |   |   |
|----------------------|---|---|
| <b>Parish:</b>       | <b>Walsoken</b>   |   |
| <b>Proposal:</b>     | <b>Erection of 2 dwellings involving demolition of existing barns</b> |   |
| <b>Location:</b>     | <b>The Barn 3 Burrettgate Road Walsoken Norfolk PE14 7BN</b>          |   |
| <b>Applicant:</b>    | <b>Mr S McCurry</b>   |   |
| <b>Case No:</b>      | <b>23/01743/F (Full Application)</b>                                  |   |
| <b>Case Officer:</b> | <b>Mr K Wilkinson</b>   | <b>Date for Determination:</b><br><b>8 December 2023</b><br><b>Extension of Time Expiry Date:</b><br><b>9 February 2024</b> |

**Reason for Referral to Planning Committee** – Called in for determination by the Planning Committee at the request of Cllr Richard Blunt.

**Neighbourhood Plan:** No

**Case Summary**

This is an irregular shaped site, covering approx. 0.3ha of land to the east of frontage development on Burrettgate Road and south of that onto Sparrowgate Road in Walsoken.

There is an existing access off Burrettgate Road between Nos. 1 & 5 serving the site. It presently contains a sizeable (247m<sup>2</sup>) brick and slate single storey barn on Plot 1 (southern-most) and a smaller (96.5m<sup>2</sup>) timber barn on Plot 2 (northern-most).

The access to the site lies within the defined development area of the village, however the majority of the site lies in 'countryside'.

Permission has historically been granted (initially under the prior notification procedure for permitted development) for change of use of two barns into dwellings (19/01979/PACU3) and subsequently the 'fall-back' position justifying the development of two new dwellings (21/02377/F) with footprints of 247m<sup>2</sup> and 94.6m<sup>2</sup> respectively.

This application seeks to change the design of the proposed dwelling on Plot 1.

**Key Issues**

Principle of development  
Design, appearance and impact upon character of the countryside  
Impact upon adjoining properties  
Any other material considerations

**Recommendation**

**REFUSE**

## **THE APPLICATION**

This application effectively seeks to amend the design of the dwelling on Plot 1 of two plots previously approved on this site.

Two new dwellings were granted under application ref: 21/02377/F following demolition of the existing two agricultural barns with earlier prior notification approval (ref: 19/01979/PACU3) to convert into two dwellings.

Plot 2 (northern-most) is a modest two bedroomed single storey dwelling of rustic character, sited between 18.3m and 19.7m away from the common boundary with The Limes/No.1 Burrettgate Road, and is identical to that already approved under application ref: 21/02377/F.

The most significant change applies to the proposed new dwelling on Plot 1 (southern-most). The replacement dwelling approved under application 21/02377/F on this plot was a substantial three bedroomed single storey dwelling once again with rustic features in brick and slate construction. It was of the same footprint and proportions as the existing barn on the site but positioned between 15m and 17.5m away from the common boundary with Nos. 5 & 7 Burrettgate Road.

This is now proposed to be a four double bedroomed two-storey dwelling with a H-form footprint. There are two double pitched elements east-west aligned with a connecting north-south link. Double gables are therefore presented to the east and west, plus two balconies at first floor level facing east. It is a contemporary design with brick ground floor, vertical timber cladding at first floor and metal sheet roofing.

## **SUPPORTING CASE**

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

“Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) states that development will be permitted inside of development boundaries. Outside of these boundaries will be considered as countryside where development will be more restricted.

The site lies part inside/part outside of the development boundary for Walsoken, with the access being positioned inside and the dwellings being positioned outside of the defined boundary. However, the proposal will replace the two barns which benefit from planning permission for demolition and rebuild into two new dwellings under reference 21/02377/F. This permission has been implemented as has been confirmed by CNC Building Control. Accordingly there is extant planning permission for the erection of two new dwellings on this site which constitutes a fallback position for the site and a material planning consideration. The principle of the development is therefore established.

Under 21/02377/F, the replacement dwellings would be positioned further back within the site to provide for a better relationship with the existing dwellings to the east. The current application proposes to replicate the siting of the dwellings in 21/02377/F. Plot 2, which is the northernmost plot, will remain as approved and there will be a redesign of Plot 1.

Plot 1 is a bespoke design which meets the specific aspirations of the applicant. It remains of an agricultural-type character, paying homage to the original building and the setting beyond the site. The dwelling is a contemporary, executive property which will address the

ever-changing lifestyle needs of the applicant, complying with the aspirations of the National Design Guide.

It is submitted that the dwellings are of sufficient distance from the rear boundaries of the properties to the west so to not cause any harm to their residential amenities by reasons of overlooking or overshadowing. The existing landscaping and hard boundary treatments on the western boundary will protect the rear garden areas of the dwellings along Burrettgate Road.

The proposal would result in a high quality, beautiful and sustainable building which is promoted by paragraph 131 of the NPPF and there are no technical objections to the development. It is therefore respectfully requested that planning permission is granted.”

## **PLANNING HISTORY**

21/02377/F: Application Permitted: 30/11/22 - Erection of 2 x single storey dwellings involving the demolition of the existing barns on site (Delegated decision)

19/01979/PACU3: Prior Approval - Approved: 13/01/20 - Prior Notification: Change of use of agricultural buildings to two dwelling houses (Delegated decision)

2/99/0185/O: Application Refused: 20/04/99 - Site for construction of dwellinghouse (Delegated decision)

## **RESPONSE TO CONSULTATION**

**Parish Council:** The Parish Council would like to defer the decision on this application to the Planning Officer.

**Local Highway Authority (NCC): NO OBJECTION** subject to condition to implement access, parking and turning provisions prior to occupancy.

**King’s Lynn Internal Drainage Board: NO OBJECTION** advice offered on Byelaw issues.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** – suggest condition regarding unexpected contamination.

## **REPRESENTATIONS**

**SIX** items of correspondence received raising **OBJECTION** on the following summarised grounds:

- Surface water flooding
- Overlooking properties on Burrettgate Road
- Proximity of Plot 1 to Burrettgate Road properties
- Disposal of asbestos containing material
- Septic tank connection issue
- Breach of covenants attached to the sale of the land
- Size of building far exceeds that which was approved
- Devaluation of adjoining property
- Future developments

**Cllr Richard Blunt:** Requests that the application is called in for determination by the Planning Committee.

## **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

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

**DM2** – Development Boundaries

**DM5** – Enlargement or Replacement of Dwellings in the Countryside

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations in determining this application are as follows:

- Principle of development
- Design, appearance and impact upon character of the countryside
- Impact upon adjoining properties
- Any other material considerations

### **Principle of development**

The land use principle for the development of two dwellings on this site has already been established by previous planning applications (refs: 19/01979/PACU3 & 21/02377/F). The latter of which has been commenced and is extant.

This matter must turn on points of detailed analysis. Officers note case law (*Mansell vs Tonbridge and Malling Borough Council [2017]*); that enables a “fall-back” position for replacement permission for dwellings under an extant “Part Q” Permitted Development permission. In this case, this amounts to a decision as to whether:

*“a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights”.*

Furthermore, whether the proposals under this application are in fact an acceptable fallback position as judged against the extant planning permission 21/02377/F for the replacement dwelling at Plot 1.

This proposal therefore revolves around the proposed amended design for the dwelling on Plot 1.

### **Design, appearance and impact upon character of the countryside**

The key Development Plan policies involved in assessing this application are as follows:

Policy CS06 – Development in Rural Areas: which seeks inter alia to “...maintain local character and a high-quality environment...” and “...in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty...”

Policy CS08 – Sustainable Development: which states inter alia: “All new development in the borough should be of high-quality design. New development will be required to demonstrate its ability 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 “...achieve high standards of sustainable design.”

Policy DM 5 – Enlargement or Replacement of Dwellings in the Countryside also applies to this proposal which states as follows:

“Proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.”

As indicated above, the dwelling on Plot 1, approved and commenced under application ref: 21/02377/F, was single storey with eaves at 3m and ridge at 6.8m, and a floor plan of some 247m<sup>2</sup>.

The dwelling now proposed is two-storey with eaves at 5m and principal ridges at 7.9m. The floor plan comprises some 505m<sup>2</sup> (including balconies), so the accommodation has effectively doubled in size. The ground floor comprises an integral garage, entrance hall, utility, three bedrooms plus a study. The first floor comprises a bedroom, living room, living/kitchen/dining room plus two east-facing balconies.

The siting of the dwelling has moved closer to the common boundaries with Nos. 5 & 7 Burrettgate Road (11-13m accordingly).

The design of the new dwelling is of a contemporary style with large, glazed gables and windows facing east and west. Its size, proportions, form and over-fenestration do not portray a rustic building; it therefore fails to reflect the scale and character of the building it seeks to replace and its surroundings.

The site is somewhat screened by the frontage development of detached houses on Burrettgate Road to the west and Sparrowgate Road to the north and there are large agricultural storage buildings to the south; the remainder of the land in the applicant's ownership lies to the east with the A47 beyond.

There would be glimpsed views of Plot 1 between existing buildings along Burrettgate Road and potentially at some distance from the east. The building would therefore be visible from public areas and have an impact upon its rural setting.

With regards to the dwelling on Plot 2, this has not changed so the impact of that particular unit is considered to be acceptable.

The design and appearance of the proposed dwelling on Plot 1 is however considered to be significantly larger than that already/previously approved and its design and appearance is out of context with the locality. The proposal therefore conflicts with Policies CS06, CS08 & DM5 of the Development Plan.

### **Impact upon adjoining properties**

As stated above, the accommodation is such that bedrooms are mostly at ground floor level and active rooms are at first floor level. The siting of the dwelling is closer to the common boundaries with Nos. 5 & 7 Burrettgate Road (11-13m away respectively) than the earlier consent (15-17.5 metres). The large west-facing glazed gables with full height fenestration, especially that serving the lounge/kitchen/dining room, is likely to give rise to overlooking of those neighbouring properties to the immediate west.

Whilst objections have been made on the grounds of loss of views, there is no private right to view across third party land. There would also be adequate separation distance to negate concerns regarding overbearing and overshadowing implications.

The large, glazed gables combined with other fenestration are likely to create light pollution which would adversely affect the adjoining properties specifically and the locality generally.

The proposal therefore fails to comply with Policy DM15 of the Development Plan.

### **Any other material considerations:**

Access already exists off Burrettgate Road and has no issues, subject to condition recommended by the Local Highway Authority to provide on-site parking and turning areas prior to occupancy.

All other technical matters are capable of being secured via condition and there are no objections from technical consultees including the IDB.

Asbestos-containing material disposal is covered under separate legislation and is not therefore a planning matter.

Connection to a neighbour's septic tank and breach of covenants attached to the sale of the land are civil issues rather than planning matters.

The effect of development, albeit up or down, upon the valuation of adjoining property is not a planning consideration.

Any future developments would be subjected to further planning applications which would be considered on their merits.

## **CONCLUSION**

The proposed dwelling on Plot 1 is considered to be significantly larger than that already/previously approved and its design and appearance is out of context with its countryside setting. The large west-facing glazed gables with full height fenestration, especially that serving the lounge/kitchen/dining room, is likely to give rise to overlooking of those neighbouring properties to the immediate west. The over-fenestration is also likely to create light pollution which would adversely affect the adjoining properties specifically and the locality generally.

On this basis then officers are minded that these proposals are not an acceptable fall-back as set against the extant permission 21/02377/F. Furthermore, the current proposals were informally tabled during processing of 21/02377/F and considered against the earlier "Part Q" permission. Officers considered that the proposals did not represent a more comprehensive and coherent redevelopment of the site as opposed to the "Part Q" consent and the design was rejected resulting in the single storey replacement being negotiated and approved under 21/02377/F.

The proposal therefore fails to accord with the provisions of the NPPF, Policies CS06 & CS08 of the Core Strategy (2011) and Policies DM5 & DM15 of the SADMPP (2016). It is duly recommended for refusal for the reason stated below.

There is a 'fall-back' position in that the earlier permission granted under ref: 21/02377/F can be developed/completed, officers contend that this earlier position is policy compliant and preferable to the unacceptable harm created under the current proposals.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The proposed dwelling on Plot 1 is considered to be significantly larger than that already/previously approved and its design and appearance is out of context with its countryside setting. The proposal therefore conflicts with Policies CS06 & CS08 of the Core Strategy (2011) and Policy DM5 of the SADMPP (2016).
- 2 The large west-facing glazed gables with full height fenestration, especially that serving the lounge/kitchen/dining room, is likely to give rise to overlooking of those neighbouring residential properties to the immediate west to the detriment of residential amenity. Also, the large, glazed gables combined with other fenestration are likely to create light pollution which would adversely affect those adjoining properties specifically and the locality generally. The proposal therefore fails to comply with Policy DM15 of the SADMPP (2016).

**PLANNING COMMITTEE – 5 FEBRUARY 2024**

**APPLICATIONS DETERMINED UNDER DELEGATED POWERS**

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**PURPOSE OF REPORT**

- (1) To inform Members of the number of decisions issued between the production of the 09 January 2024 Planning Committee Agenda and the 05 February 2024 agenda. 103 decisions issued 98 decisions issued under delegated powers with 5 decided by the Planning Committee.
- (2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority’s powers contained in the Town and Country Planning Act 1990 and have no financial implications.
- (3) This report does not include the following applications – Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area
- (4) Majors are assessed against a national target of 60% determined in time. Failure to meet this target could result in the application being dealt with by Pins who will also receive any associated planning fee.

**RECOMMENDATION**

That the reports be noted.

Number of Decisions issued between 15 December 2023 – 14 January 2024

|              | Total      | Approved  | Refused   | Under 8 weeks | Under 13 weeks | Performance % | National Target | Planning Committee decision |         |
|--------------|------------|-----------|-----------|---------------|----------------|---------------|-----------------|-----------------------------|---------|
|              |            |           |           |               |                |               |                 | Approved                    | Refused |
| <b>Major</b> | 5          | 5         | 0         |               | 5              | 100%          | 60%             | 1                           | 0       |
| <b>Minor</b> | 47         | 36        | 11        | 41            |                | 87%           | 80%             | 3                           | 1       |
| <b>Other</b> | 51         | 42        | 9         | 48            |                | 94%           | 80%             | 0                           | 0       |
| <b>Total</b> | <b>103</b> | <b>83</b> | <b>20</b> |               |                |               |                 |                             |         |

Planning Committee made 5 of the 103 decisions, 4%



## PLANNING COMMITTEE - 5 FEBRUARY 2024

### APPLICATIONS DETERMINED UNDER DELEGATED POWERS

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#### PURPOSE OF REPORT

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

#### RECOMMENDATION

That the report be noted.

#### DETAILS OF DECISIONS

| DATE RECEIVED | DATE DETERMINED/<br>DECISION                 | REF NUMBER | APPLICANT<br>PROPOSED DEV  | PARISH/AREA |
|---------------|--|------------|--|-------------|
| 13.07.2023    | 21.12.2023<br><b>Application<br/>Refused</b> | 23/01295/F | 2 Harbour View Terrace Main<br>Road Brancaster Staithe King's<br>Lynn<br>Rear extension & alterations to<br>dwelling                     | Brancaster  |
| 03.10.2023    | 22.12.2023<br><b>Application<br/>Refused</b> | 23/01761/F | Saxons 22 Dale End Brancaster<br>Staithe Norfolk<br>Proposed Glazed balustrade to flat<br>roof area with staircase access to<br>balcony. | Brancaster  |

|            |  |                |  |                |
|------------|--|----------------|--|----------------|
| 30.10.2023 | 19.12.2023<br><b>Application Permitted</b> | 23/01976/F     | Tangle Pickers Main Road<br>Brancaster Staithe King's Lynn<br>Proposed single storey extension and installation of PV solar panels to existing Garage roof.  | Brancaster     |
| 20.10.2023 | 02.01.2024<br><b>Application Permitted</b> | 23/01875/F     | Cobham House 43 North Street<br>Burnham Market King's Lynn<br>Alterations to single storey element of dwelling   | Burnham Market |
| 12.12.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/00866/NMA_1 | Sussex Farm Ringstead Road<br>Burnham Market Norfolk<br>NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/00866/F: Variation of Condition 7 (to confirm ASHP details for Barns 1 and 2 ) of Planning Permission 22/01938/F: To amend barns 1 and 2 and parking / storage for barns 2 and 3 (Variation of condition 2 of planning permission 21/01558/F) | Burnham Market |
| 18.10.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/01852/F     | The Hollies Wells Road Burnham<br>Overy Staithe King's Lynn<br>VARIATION OF CONDITION 2 OF PLANNING PERMISSION 23/00390/F: For a replacement dwelling on the site of a 1970s semi-detached dwelling.   | Burnham Overy  |
| 29.10.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/01923/F     | The Last House Cuckstool Lane<br>Castle Acre King's Lynn<br>Erection of a single storey extension to the rear and an enlarged dormer to the rear.  | Castle Acre    |

|            |  |              |  |               |
|------------|--|--------------|--|---------------|
| 15.11.2023 | 09.01.2024<br><b>Consent Required</b> is   | 23/02047/T3  | The Knights Hill Hotel Knights Hill Village Grimston Road South Wootton<br>APPLICATION TO DETERMINE IF PRIOR APPROVAL IS REQUIRED: Telecommunication equipment and cabinets  | Castle Rising |
| 12.05.2023 | 20.12.2023<br><b>Application Permitted</b> | 23/00827/RM  | 149 Main Road Clenchwarton King's Lynn Norfolk<br>RESERVED MATTERS<br>APPLICATION: Demolition of the existing dwelling and garage and the construction of 3No dwellings and a new access along with parking, landscaping and associated infrastructure | Clenchwarton  |
| 18.09.2023 | 22.12.2023<br><b>Would be Lawful</b>       | 23/01677/LDP | 222 Main Road Clenchwarton King's Lynn Norfolk<br>Proposed 1 bedroom static caravan to be used as an annex to the primary property.  | Clenchwarton  |
| 28.09.2023 | 12.01.2024<br><b>Application Refused</b>   | 23/01740/F   | Crested Wood 286 Main Road Clenchwarton KINGS LYNN<br>PROPOSED OAK FRAMED SINGLE GARAGE  | Clenchwarton  |
| 23.10.2023 | 18.12.2023<br><b>Application Permitted</b> | 23/01880/F   | Willow Farm 15 Black Horse Road Clenchwarton KINGS LYNN<br>Retrospective: Link Extension.  | Clenchwarton  |
| 23.10.2023 | 22.12.2023<br><b>Application Refused</b>   | 23/01889/F   | 27 Bailey Lane Clenchwarton King's Lynn Norfolk<br>Retrospective: wooden fence of 1.8 metre at the front of the property.  | Clenchwarton  |

|            |  |             |   |                |
|------------|--|-------------|---|----------------|
| 09.11.2023 | 11.01.2024<br><b>Application Permitted</b> | 23/02039/CU | Kudos Market Lane Crimbleham<br>King's Lynn<br>Change of use of existing residential annexe to form home office, occupational health treatment room with associated office space  | Crimbleham     |
| 27.02.2023 | 03.01.2024<br><b>Application Permitted</b> | 23/00407/F  | 7 Bexwell Road Downham Market<br>Norfolk PE38 9LQ<br>Drop kerb for vehicle access to driveway   | Downham Market |
| 26.06.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/01122/F  | The Therapy Lounge Clock View<br>26 High Street Downham Market<br>Continued use of outside seating area   | Downham Market |
| 26.09.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/01731/F  | 1A St Johns Way St John's<br>Business Estate Downham Market<br>Norfolk<br>Variation of condition number 6 attached to planning permission 20/00746/F: Construction of 4 no. industrial units with associated parking and hardstanding areas.  | Downham Market |
| 31.10.2023 | 15.12.2023<br><b>Application Permitted</b> | 23/01979/LB | 4 Market Place Downham Market<br>Norfolk PE38 9DE<br>APPLICATION FOR LISTED BUILDING CONSENT; Erecting shelves, placing a counter - placing refrigeration units. Replacing old sink and toilet. Pendant lights over counter. Tiling behind bar. Rewired outdated wiring. Replaster damaged ceiling. | Downham Market |

|            |  |              |  |                |
|------------|--|--------------|--|----------------|
| 27.11.2023 | 10.01.2024<br><b>Application Permitted</b> | 23/02108/F   | 1 Ryston Close Downham Market Norfolk PE38 9BD<br>Proposed single storey front (porch), side (bedroom) and rear extension (kitchen & conservatory) to dwelling.  | Downham Market |
| 06.10.2023 | 09.01.2024<br><b>Application Refused</b>   | 23/01787/O   | Land NW of 52 Elmside Emneth Norfolk<br>OUTLINE WITH ALL MATTERS RESERVED: PROPOSED SINGLE STOREY DWELLING   | Emneth         |
| 23.10.2023 | 03.01.2024<br><b>Application Permitted</b> | 23/01887/F   | Whiteacres 54 Elmside Emneth Wisbech<br>Continuing use of dog training area from existing permission 21/02327/F  | Emneth         |
| 14.11.2023 | 09.01.2024<br><b>Would be Lawful</b>       | 23/02032/LDP | 129 Elm High Road Emneth Wisbech Norfolk<br>LAWFUL DEVELOPMENT CERTIFICATE APPLICATION FOR A PROPOSED ; Modification of the internal layout of the garage, adding an additional room by taking some of the garage space, leaving space for garaging two cars. Externally the toilet will entail a new soil pipe to link in with the existing drains. | Emneth         |
| 13.03.2023 | 19.12.2023<br><b>Application Permitted</b> | 23/00429/FM  | G C Field & Sons Southery Road Farm Ploughmans Drove Feltwell<br>Agricultural Development: New Grain Storage Building  | Feltwell       |

|            |  |             |   |                  |
|------------|--|-------------|---|------------------|
| 23.05.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/00936/FM | G C Field & Sons Southery Road<br>Farm Ploughmans Drove Feltwell<br>General purpose agricultural<br>building  | Feltwell         |
| 11.07.2023 | 22.12.2023<br><b>Application Permitted</b> | 23/01240/FM | Land At Grange Farm Old<br>Methwold Road Feltwell Thetford<br>Erection of grain store with<br>concrete pad to the front   | Feltwell         |
| 06.11.2023 | 19.12.2023<br><b>Application Permitted</b> | 23/01969/F  | Old Post Office High Street<br>Fincham King's Lynn<br>Extension to rear of property<br>following removal of conservatory,<br>utility wall and outbuilding                                 | Fincham          |
| 06.11.2023 | 19.12.2023<br><b>Application Permitted</b> | 23/01970/LB | Old Post Office High Street<br>Fincham King's Lynn<br>Listed Building Application:<br>Extension to rear of property<br>following removal of conservatory,<br>utility wall and outbuilding | Fincham          |
| 14.11.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/02042/F  | 12 Station Road Great<br>Massingham King's Lynn Norfolk<br>Demolition of existing single storey<br>rear section and construction of<br>two storey rear extension                          | Great Massingham |
| 31.07.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/01410/F  | Long House 33 Chequers Road<br>Pott Row KINGS LYNN<br>Proposed Porch on Front Elevation<br>of 33 Chequers Road  | Grimston         |
| 10.10.2023 | 22.12.2023<br><b>Application Permitted</b> | 23/01806/F  | Walnut Cottage Back Lane Pott<br>Row King's Lynn<br>Retrospective: Wooden porch on<br>side of static caravan  | Grimston         |

|            |  |              |  |          |
|------------|--|--------------|--|----------|
| 28.11.2023 | 09.01.2024<br><b>Consent<br/>Required</b> <b>Not</b> | 23/02219/SU  | Land East of Spring House<br>Candlestick Lane Grimston King's<br>Lynn<br>Electricity Act 1989: Overhead<br>Line (Exemption) (England and<br>Wales) Regulations 2009 Statutory<br>Instrument 2009 No.640 electricity,<br>Paragraph 3 (1): To Facilitate a<br>new connection, install a new lane<br>leg pole adjacent to an existing<br>pole, to support the upgrade of a<br>pole mounted transformer. | Grimston |
| 13.03.2023 | 19.12.2023<br><b>Application<br/>Permitted</b>       | 23/00534/CU  | Dairy Farm 58 School Road<br>Heacham Norfolk<br>RETROSPECTIVE<br>APPLICATION: Change of use of<br>commercial unit from B1 to Unit 1 -<br>Workshop. Unit 2 - Storage. Unit 3<br>- Car Workshop/Garage Yard to<br>front - Storage/ Car Parking   | Heacham  |
| 19.10.2023 | 18.12.2023<br><b>Not Lawful</b>                      | 23/01869/LDE | 72 South Beach Road Heacham<br>KINGS LYNN Norfolk<br>LAWFUL DEVELOPMENT<br>CERTIFICATE APPLICATION<br>FOR AN EXISTING USE OR<br>OPERATION OR ACTIVITY: The<br>use of existing building for<br>agricultural storage purposes,<br>including 2 x toilets, 2 x<br>washrooms, 2 x changing rooms<br>and restroom, which are located<br>within the building and used by<br>agricultural workers.           | Heacham  |

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| 22.11.2023 | 20.12.2023<br><b>Consent<br/>Required</b> <b>Not</b> | 23/02101/SU | Ely Road Hilgay Norfolk<br>NOTIFICATION UNDER<br>REGULATION 5 OF THE<br>ELECTRONIC<br>COMMUNICATIONS CODE<br>(CONDITIONS AND<br>RESTRICTIONS) REGULATIONS<br>2003 (AS AMENDED): Installation<br>of 10 no. 9 metre height light wood<br>pole.  | Hilgay              |
| 16.11.2022 | 19.12.2023<br><b>Application<br/>Permitted</b>       | 22/02066/F  | Land N of Lode Cottages And W of<br>Lode House Church Lane<br>Hockwold cum Wilton Norfolk<br>RETROSPECTIVE: siting of two<br>polytunnels, welfare unit, and<br>associated works   | Hockwold cum Wilton |
| 02.11.2023 | 20.12.2023<br><b>Application<br/>Permitted</b>       | 23/01946/F  | Land North of Lode Cottages<br>Church Lane Hockwold cum Wilton<br>Norfolk<br>RETROSPECTIVE APPLICATION<br>FOR; The provision of a track, at<br>the southern end of our retained<br>agricultural field, to provide access<br>both to our land and to the two lots<br>of arable land. | Hockwold cum Wilton |
| 18.10.2023 | 09.01.2024<br><b>Application<br/>Permitted</b>       | 23/01853/F  | 11 Collingwood Road Hunstanton<br>Norfolk PE36 5DY<br>Extension and Re-roofing (Revised<br>Design).   | Hunstanton          |



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| 02.11.2023 | 19.12.2023<br><b>Application Permitted</b> | 22/01235/NMAM_1 | Holiday Flats And Former Holiday Chalet Site Manor Road Hunstanton Norfolk<br>NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 22/01235/FM: A new 70 No. beds care home within a 2 & 3 storey building.  | Hunstanton  |
| 02.05.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/00763/F      | 25 Kitchener Street King's Lynn Norfolk PE30 5BJ<br>Retrospective application for the installation of a new gate and fence at the front and side of the property  | King's Lynn |
| 11.05.2023 | 09.01.2024<br><b>Application Refused</b>   | 23/00989/F      | Land Rear of 23 York Road King's Lynn Norfolk<br>Proposal for two dwellings on a triangular infill site   | King's Lynn |
| 14.07.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/01314/A      | Inheritance Legal Services Ltd 53A High Street King's Lynn Norfolk<br>1. Name off shop on removable board - Not Illuminated. 2. Small sign at right angle to the shop - Not Illuminated. 3. Signage on front window and glass doors using removable stick on letters. 4. Hanging sign inside shop. not to be illuminated. 4. Sign on side wall next to door. Not illuminated. | King's Lynn |

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| 11.09.2023 | 18.12.2023<br><b>Application Permitted</b> | 23/01639/FM | Travis Perkins Hamlin Way<br>Hardwick Narrows King's Lynn<br>Amendments to external layout including alterations to parking layouts, vehicle movements and rearrangement of external storage areas. New double entrance doors into existing building. New external lights fitted to building elevation.                               | King's Lynn |
| 23.10.2023 | 03.01.2024<br><b>Application Permitted</b> | 23/01928/F  | 22 Euston Way South Wootton<br>King's Lynn Norfolk<br>Single storey rear extension and alterations.   | King's Lynn |
| 24.10.2023 | 11.01.2024<br><b>Application Permitted</b> | 23/01900/LB | 47 Friars Street King's Lynn<br>Norfolk PE30 5AP<br>Application for listed building consent for replacement of condemned gas boiler. Reroofing of rear porch roof that has been leaking, replacing the roof with overlapping pantiles to prevent further water ingress. Replace 3 rotten front windows in hardwood and the front door | King's Lynn |
| 27.10.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/01958/F  | 202 Wootton Road King's Lynn<br>Norfolk PE30 3BQ<br>Extensions and alterations to existing two storey dwelling, including raising existing roof height and construction of front porch.   | King's Lynn |

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| 06.11.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/01982/F  | Unit 5 18 Hamburg Way North Lynn Industrial Estate King's Lynn Extensions and alterations to existing small works light industrial units, to allow for new E Use Class units, including demolition of Units 6 and 7. | King's Lynn |
| 06.11.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/02009/LB | Inheritance Legal Services Ltd 53A High Street King's Lynn Norfolk Listed Building Application: New Signage  | King's Lynn |
| 15.11.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/02044/F  | 2 Field Road Gaywood King's Lynn Norfolk Proposed single storey rear extension   | King's Lynn |
| 15.11.2023 | 09.01.2024<br><b>Application Refused</b>   | 23/02062/F  | 4 Old Berol Court Scania Way Hardwick Industrial Estate King's Lynn Change of use of existing commercial storage facility to crazy golf centre and external area for mobile catering units.                          | King's Lynn |
| 15.11.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/02064/F  | Argos Extra Superstore Unit 2 Hardwick Retail Park Campbells Meadow Minor physical works to the facade   | King's Lynn |

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| 17.11.2023 | 18.12.2023<br><b>Application Permitted</b>   | 23/01497/NMA_1 | Street Record Purfleet Street King's Lynn Norfolk<br>NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 23/01497/F : Proposal for 2 No. pop up buildings, 2 No. storage boxes, trees/planters and bench seat.  | King's Lynn |
| 01.12.2023 | 12.01.2024<br><b>NO OBJECTION TO NCC APP</b> | 23/02170/CM    | Grandcourt Quarry (Extension) Leziate King's Lynn Norfolk<br>COUNTY MATTERS APPLICATION: Discharge of conditions No. 9 (Dust Management Plan), 14 (Written Scheme of Investigation), 16 (Ecological Management Plan), 17 (Constuction Environmental Management Plan), 18 (Landsacaping Scheme), 19 (Tree Protection Plan) and 28 (Aftercare Scheme) of planning permission reference APP/X2600/W/21/3289250 | Leziate     |
| 02.11.2023 | 10.01.2024<br><b>Application Permitted</b>   | 23/01951/F     | 357 Elm Road Upper Marham King's Lynn Norfolk<br>Single storey extension to rear of property comprising bedroom and disabled wet room.  | Marham      |

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| 03.08.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/01433/F   | 21 Walton Road Marshland St James Wisbech Norfolk<br>Retrospective change-of-use of agricultural land to domestic garden and storage with facilitating garage, summer house and driveway   | Marshland St James |
| 09.11.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/02005/F   | Willow Farm Black Drove Marshland St James Wisbech<br>Proposed Erection of single storey front porch.  | Marshland St James |
| 01.09.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/01600/F   | Wissington Sugar Factory College Road Wissington Wereham<br>Sugar extraction debottlenecking process/equipment.  | Methwold           |
| 25.10.2023 | 10.01.2024<br><b>Application Permitted</b> | 23/01910/F   | Holly Tree House 2 Main Road Brookville Thetford<br>Reposition existing vehicle access from the northern boundary to the southern.   | Methwold           |
| 10.11.2023 | 04.01.2024<br><b>Not Lawful</b>            | 23/02023/LDE | Land Between 12 And 16 The Avenue Brookville Norfolk<br>LAWFUL DEVELOPMENT CERTIFICATE APPLICATION FOR EXISTING ; Lawful Demolition of No.14 The Avenue, Brookville. The site is an existing residential plot used as a private dwelling which benefits from planning approval for replacement dwelling. | Methwold           |

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| 10.10.2023 | 18.12.2023<br><b>Application Permitted</b>         | 23/01846/F  | Deanscroft 7 West Winch Road<br>West Winch King's Lynn<br>Front porch extension, single storey rear extension with first floor balcony area, internal alterations and detached pergola.                     | North Runcton  |
| 18.08.2023 | 03.01.2024<br><b>Application Permitted</b>         | 23/01526/F  | 25 High Street Northwold Norfolk IP26 5LA<br>VARIATION OF CONDITION 4 OF PLANNING PERMISSION 08/02409/F: Conversion of attached 2 storey outbuilding to form ancillary accomodation to existing dwelling    | Northwold      |
| 11.12.2023 | 08.01.2024<br><b>Prior Approval - Not Required</b> | 23/02210/SU | Church of St Mary Church Road Old Hunstanton Norfolk<br>NOTIFICATION UNDER REGULATION 5 OF THE ELECTRONIC COMMUNICATIONS CODE (CONDITIONS AND RESTRICTIONS) REGULATIONS 2003 (AS AMENDED): 1 x No. GPS node | Old Hunstanton |
| 06.11.2023 | 21.12.2023<br><b>Application Permitted</b>         | 23/01985/F  | Kanerva 8 Well Creek Road Outwell Wisbech<br>Proposed single-storey rear extension to dwelling, including demoltion of existing garage and link.  | Outwell        |

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| 09.11.2023 | 10.01.2024<br><b>Application Permitted</b> | 23/02037/F   | 54 Well Creek Road Outwell<br>Wisbech Norfolk<br>Proposed porch extension and alterations to external appearance of dwelling  | Outwell    |
| 27.11.2023 | 12.01.2024<br><b>Application Refused</b>   | 23/02114/F   | 5 Burnham Road Ringstead<br>Hunstanton Norfolk<br>Replacement of existing rear conservatory and first floor side extension  | Ringstead  |
| 19.07.2023 | 20.12.2023<br><b>Application Refused</b>   | 23/01452/CU  | Stonehills Farm Bexwell Lane<br>Ryston Norfolk<br>Change of use of building from livery stables to self-storage use.  | Ryston     |
| 06.11.2023 | 10.01.2024<br><b>Would be Lawful</b>       | 23/01971/LDP | Melrose House 4 Norwich Road<br>Shouldham King's Lynn<br>Lawful Development Certificate:<br>Siting of a Park Home to be used as an Annexe   | Shouldham  |
| 26.10.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/01912/F   | Sunnybank 44 Bank Road<br>Shepherds Port Snettisham<br>Front and side elevation extensions and alterations to dwelling  | Snettisham |
| 03.11.2023 | 11.01.2024<br><b>Application Permitted</b> | 23/01965/LB  | The Coach House Snettisham<br>House St Thomas Lane<br>Snettisham<br>Proposed alterations to the internal layout of the dwelling to provide bedrooms with ensembles and the insertion of 1 new ground floor windows to allow natural light into the proposed ground floor ensuite and dressing room. | Snettisham |

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| 14.11.2023 | 09.01.2024<br><b>Application Refused</b> | 23/02040/F   | 18 The Cedars Snettisham King's Lynn Norfolk<br>VARIATION OF CONDITION 2 OF PLANNING CONSENT<br>2/78/2864/F/BR ; 25 Holiday Chalets at the Cedars holiday site.<br>(To amend occupancy restrictions)  | Snettisham   |
| 31.10.2023 | 05.01.2024<br><b>Would be Lawful</b>     | 23/01927/LDP | Flint House 16 Back Street South Creake KINGS LYNN<br>Application for a Lawful Development Certificate for the proposed replacement of external windows and door, removal of one chimney stack, 2 x rooflights, external renovation of fabric (like-for-like basis) plus internal renovation work | South Creake |



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| 02.11.2023 | 12.01.2024<br><b>Application Permitted</b> | 23/01952/F | Manor Farm House 57 Burnham Road South Creake FAKENHAM VARIATION OF CONDITION 2 OF PLANNING PERMISSION 22/01975/F: Widening of access from Burnham Road including part demolition and rebuilding of part front wall to improve visibility from access point,. General repairs to roadside wall,landscaping garden area including enhanced parking and turning area to front of house. Addition of porch to front of house and extension to rear of house for boot room/rear entrance, extension to south elevation for conservatory, upgrading driveway surface areas, erection of new and replacement gates, general overhaul and repairs to house | South Creake |
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| 02.11.2023 | 12.01.2024<br><b>Application Permitted</b> | 23/01988/LB | Manor Farm House 57 Burnham Road South Creake FAKENHAM VARIATION OF CONDITION 2 OF LISTED BUILDING CONSENT 22/01978/LB: Widening of access from Burnham Road including part demolition and rebuilding of part front wall to improve visibility from access point,. General repairs to roadside wall,landscaping garden area including enhanced parking and turning area to front of house. Addition of porch to front of house and extension to rear of house for boot room/rear entrance, extension to south elevation for conservatory, upgrading driveway surface areas, erection of new and replacement gates, general overhaul and repairs to house | South Creake |
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| 21.11.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/02079/F | Land W of South Wootton School<br>Off Edward Benefer Way King's Lynn Norfolk<br>Variation of condition number 13 attached to planning permission 17/01151/OM: Outline Major Application: Sustainable mixed-use urban extension comprising: upto 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as creche/day centre/community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, childrens play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure. | South Wootton |
| 27.10.2023 | 20.12.2023<br><b>Application Permitted</b> | 23/01959/F | 20 Lynn Road Southery Downham Market Norfolk<br>Construction of one dwelling & garage following demolition of existing bungalow and outbuildings.   | Southery      |
| 17.11.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/02118/F | Windmill Hill 8 Mill Lane Southery Downham Market<br>Single storey extensions to sides, reconstruction of part rear wall due to subsidence, internal and external alterations.  | Southery      |

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| 18.09.2023 | 22.12.2023<br><b>Application Permitted</b> | 23/01721/F     | Lavender Cottage Lynn Road<br>Stoke Ferry King's Lynn<br>Internal and external alterations to an existing outbuilding for use as an Annex to the main house                                       | Stoke Ferry           |
| 24.09.2023 | 18.12.2023<br><b>Application Permitted</b> | 23/01701/F     | Dolver Farmhouse Cuckoo Road<br>Stow Bridge Norfolk<br>VARIATION OF CONDITION 2 OF PLANNING CONSENT 22/02267/F; Rear dormer window and alterations  | Stow Bardolph         |
| 30.08.2022 | 20.12.2023<br><b>Application Refused</b>   | 22/01548/F     | Delamore Farms Ltd Moat Road<br>Terrington St Clement Norfolk<br>1No proposed agricultural building for cattle  | Terrington St Clement |
| 20.03.2023 | 09.01.2024<br><b>Application Refused</b>   | 23/00524/F     | Orange Farm 1 Orange Row Road<br>Terrington St Clement King's Lynn<br>Erection of two dwellings including new vehicular access and hard and soft landscaping                                      | Terrington St Clement |
| 31.10.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/01932/F     | 46 Popes Lane Terrington St<br>Clement King's Lynn Norfolk<br>Rear Single Storey Extension & Alterations to Existing Conservatory   | Terrington St Clement |
| 15.11.2023 | 20.12.2023<br><b>Application Permitted</b> | 21/00712/NMA_1 | Green Marsh Farmhouse Green<br>Marsh Road Terrington St Clement<br>KINGS LYNN<br>The amendment seeks to add grey profiled metal sheeting to the side and back of the lean-to/covered storage area | Terrington St Clement |

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| 21.11.2023 | 22.12.2023<br><b>Consent Not Required</b>  | 23/02099/AG | The Laurels Ongar Hill Road<br>Terrington St Clement King's Lynn<br>NOTIFICATION UNDER SCH 2<br>PART 6 CLASS A OF THE<br>GENERAL PERMITTED<br>DEVELOPMENT ORDER -<br>General purpose Agricultural<br>building extension to existing<br>building. | Terrington St Clement |
| 11.10.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/01811/F  | Coopers Transport Middlegate<br>Main Road Terrington St John<br>Proposed storage building and<br>associated change of land use<br>from agricultural to industrial  | Terrington St John    |
| 13.07.2023 | 22.12.2023<br><b>Application Refused</b>   | 23/01296/F  | Megget Ploughmans Piece<br>Thornham HUNSTANTON<br>Replacement Dwelling   | Thornham              |
| 25.09.2023 | 22.12.2023<br><b>Application Permitted</b> | 23/01716/F  | Salt Marsh Ship Lane Thornham<br>HUNSTANTON<br>Proposed first floor<br>accommodation over existing<br>garage   | Thornham              |
| 16.11.2023 | 08.01.2024<br><b>Application Refused</b>   | 23/02053/F  | Archies Cottage High Street<br>Thornham Hunstanton<br>Proposed replacement annex   | Thornham              |
| 18.10.2023 | 18.12.2023<br><b>Application Refused</b>   | 23/01840/F  | Sycamore Farm Chapel Road<br>Tilney Fen End Tilney St Lawrence<br>Proposed ground floor extension<br>and upgrades to the existing<br>property at Sycamore Farm at<br>Chapel Road, Tilney Fen End,<br>Norfolk PE14 8JL.                           | Tilney St Lawrence    |

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| 31.10.2023 | 08.01.2024<br><b>Application Refused</b>   | 23/01929/F | The Cedars New Road Terrington<br>St John Wisbech<br>Proposed detached outbuilding to rear of dwelling and associated change of use to motor vehicle repairs/servicing to relocate existing family business.                           | Tilney St Lawrence |
| 24.10.2023 | 21.12.2023<br><b>Application Permitted</b> | 23/01901/F | 12 Willow Place Tottenhill King's Lynn Norfolk<br>REPLACEMENT AND ENLARGEMENT OF SIDE PORCH AND INTERNAL ALTERATIONS   | Tottenhill         |
| 01.09.2023 | 22.12.2023<br><b>Application Permitted</b> | 23/01645/F | Fountain Foods Ltd 79 New Road Upwell Wisbech<br>Single storey extension to office   | Upwell             |
| 13.07.2023 | 22.12.2023<br><b>Application Refused</b>   | 23/01291/F | Land North East of Cley Cottage The Marsh Walpole St Andrew WISBECH<br>Erection of an agricultural building (retrospective)  | Walpole            |
| 17.08.2023 | 04.01.2024<br><b>Application Permitted</b> | 23/01521/F | Bustards Farm Bustards Lane Walpole St Andrew Norfolk<br>Replacement dwelling. The new dwelling will comprise a 2-storey, 4-bed property and will involve the demolition of an existing 2 storey dwelling which is located on the site | Walpole            |

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| 21.09.2023 | 20.12.2023<br><b>Application Permitted</b>         | 23/01692/F     | National Grid Electricity Transmission Walpole Substation Walpole Bank Walpole St Andrew Norfolk<br>Full Planning Application for the Installation of Generator User Bay Extension of the Walpole 400kV Substation. | Walpole |
| 10.10.2023 | 12.01.2024<br><b>Prior Approval - Not Required</b> | 23/01801/PACU3 | Birchwood Mill Road Walpole St Peter Wisbech<br>Notification for Prior Approval: Change of Use of Agricultural Building to One Dwellinghouse (Schedule 2, Part 3, Class Q)  | Walpole |
| 12.10.2023 | 11.01.2024<br><b>Application Permitted</b>         | 23/01814/O     | Land South of Applegate House Walnut Road Walpole St Peter Norfolk<br>OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR; Residential two storey building with 4 bedrooms and separate garage.                      | Walpole |
| 26.10.2023 | 04.01.2024<br><b>Application Permitted</b>         | 23/01914/F     | 100 Church Road Walpole St Peter Wisbech Norfolk<br>Change of use from Agricultural to Equestrian   | Walpole |
| 14.11.2023 | 08.01.2024<br><b>Would be Lawful</b>               | 23/02043/LDP   | 8 Folgate Lane Walpole St Andrew Wisbech Norfolk<br>LAWFUL DEVELOPMENT CERTIFICATE APPLICATION FOR A PROPOSED; Single storey rear extension within 4m of detached house.  | Walpole |

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| 23.06.2023 | 08.01.2024<br><b>Application Permitted</b> | 23/01127/RMM | Buildings SE of 21 Sutton Road<br>Walpole Cross Keys Norfolk<br>Reserved matters application for<br>16 Dwellings  | Walpole Cross Keys |
| 27.10.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/01918/F   | Oak And Ash Market Lane<br>Walpole St Andrew Wisbech<br>Variation of condition number 1<br>attached to planning permission<br>20/00954/RM: Reserved Matters:<br>Construction of one new dwelling. | Walpole Cross Keys |
| 15.07.2022 | 22.12.2023<br><b>Application Permitted</b> | 22/01257/CU  | Tarrazona 16 S-Bend Lynn Road<br>Walsoken<br>Retrospective Change of use of<br>part of redundant barn to wood<br>joinery workshop   | Walsoken           |
| 01.06.2023 | 12.01.2024<br><b>Application Permitted</b> | 23/00988/F   | Caravan At Maipop Farm Biggs<br>Road Walsoken<br>Retrospective application for<br>temporary farm dwelling unit  | Walsoken           |
| 12.06.2023 | 20.12.2023<br><b>Application Permitted</b> | 23/01046/F   | 68 Chapnall Road Walsoken<br>WISBECH Norfolk<br>Demolition of No.s 68 & 70 and<br>construction of 5no Dwellings<br>(PHASE 2)  | Walsoken           |
| 26.10.2023 | 12.01.2024<br><b>Application Permitted</b> | 23/01907/O   | Adderley House 71 Burrett Road<br>Walsoken Wisbech<br>Outline application for 2No. infill<br>building plots   | Walsoken           |



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| 12.12.2022 | 04.01.2024<br><b>Prior Approval -<br/>Refused</b> | 22/02210/PACU3 | Multiple Barns Between Bank Farm And Hobby Cottage Hundred Foot Bank Welney Wisbech Notification for Prior Approval for change of use of agricultural building to dwelling (Schedule 2, Part 3, Class Q) | Welney |
| 12.12.2022 | 04.01.2024<br><b>Prior Approval -<br/>Refused</b> | 22/02211/PACU3 | Multiple Barns Between Bank Farm And Hobby Cottage Hundred Foot Bank Welney Wisbech Notification for Prior Approval for change of use of agricultural building to dwelling (Schedule 2, Part 3, Class Q) | Welney |
| 12.12.2022 | 04.01.2024<br><b>Prior Approval -<br/>Refused</b> | 22/02212/PACU3 | Multiple Barns Between Bank Farm And Hobby Cottage Hundred Foot Bank Welney Wisbech Notification for Prior Approval for change of use of agricultural building to dwelling (Schedule 2, Part 3, Class Q) | Welney |

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| 03.11.2023 | 04.01.2024<br><b>Was Lawful</b>                | 23/01963/LDE | The Chestnuts Wisbech Road<br>Tipps End Welney<br>Application for a Lawful<br>Development Certificate for<br>existing stable barn built adjacent<br>to existing garage building, and the<br>garage partitioned to provide a part<br>which serves as an entrance to the<br>stable barn. It serves as storage<br>for horse feeds etc, as well as the<br>main barn area which provides<br>stabling for up to three horses. It<br>is modular so the bars on the<br>boxes may be removed to create<br>3, 2 or 1 stables as required | Welney      |
| 04.12.2023 | 08.01.2024<br><b>Consent Not<br/>Required</b>  | 23/02159/AG  | Grazing Field Accessed Via<br>Permission Paths West Acre<br>Estate West Acre<br>Forestry Prior Notification: 2<br>polytunnels constructed using an<br>all-steel framework using hoops,<br>foundation tubes not requiring<br>concreting into position, timber<br>door frames with double hinged<br>doors at each end and a thermal<br>Anti Drip polythene covering. The<br>polytunnels will be positioned on<br>an all soil base  | West Acre   |
| 23.10.2023 | 08.01.2024<br><b>Application<br/>Permitted</b> | 23/01883/F   | Office Cabins At Bellamys Lane<br>West Walton Norfolk<br>RETROSPECTIVE APPLICATION<br>FOR; the siting of existing office<br>cabins.  | West Walton |

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|------------|--|-----------------|---|-------------|
| 8.01.2024  | 11.01.2024<br><b>Application Permitted</b> | 18/01421/NMAM_7 | Land To South of The Poplars<br>Lynn Road Walton Highway<br>Norfolk<br>NON-MATERIAL AMENDMENT to<br>Planning Permission<br>18/01421/RMM: Reserved Matters<br>Application: construction of 25<br>dwellings | West Walton |
| 24.11.2023 | 12.01.2024<br><b>Application Permitted</b> | 23/02105/F      | Archdale Manor 14 Back Lane<br>West Winch King's Lynn<br>Retrospective erection of Pool<br>House  | West Winch  |
| 23.10.2023 | 09.01.2024<br><b>Application Permitted</b> | 23/01881/F      | Land West of New Road<br>Wormegay Norfolk<br>Installation of 54.5kWp ground-<br>mounted solar array to serve the<br>irrigation pump   | Wormegay    |