

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



Planning Committee

Agenda

Monday, 6th January, 2025
at 9.30 am

in the

Assembly Room
Town Hall
King's Lynn

Also available to view at:

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



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
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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, 6th January, 2025

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 2 December 2024 (previously circulated).

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. SECTION 106 UPDATE (Pages 6 - 8)

To consider the attached report.

9. DECISION ON APPLICATIONS (Pages 9 - 105)

The Committee is asked to consider and determine the attached Schedules of Planning Applications submitted by the Assistant Director.

10. DELEGATED DECISIONS (Page 106)

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

To: Members of the Planning Committee

Councillors B Aota, T Barclay, R Blunt, A Bubb, R Coates, M de Whalley, T de Winton, P Devulapalli, S Everett, S Lintern (Vice-Chair), T Parish (Chair), C Rose, 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 9th January 2025** (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 5.00 pm on the Wednesday before the meeting will be emailed. 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 before 5.00 pm two working days before the meeting. Please contact borough.planning@west-norfolk.gov.uk or call (01553) 616818 or 616234 to register.

For Major Applications

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

For Minor Applications

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

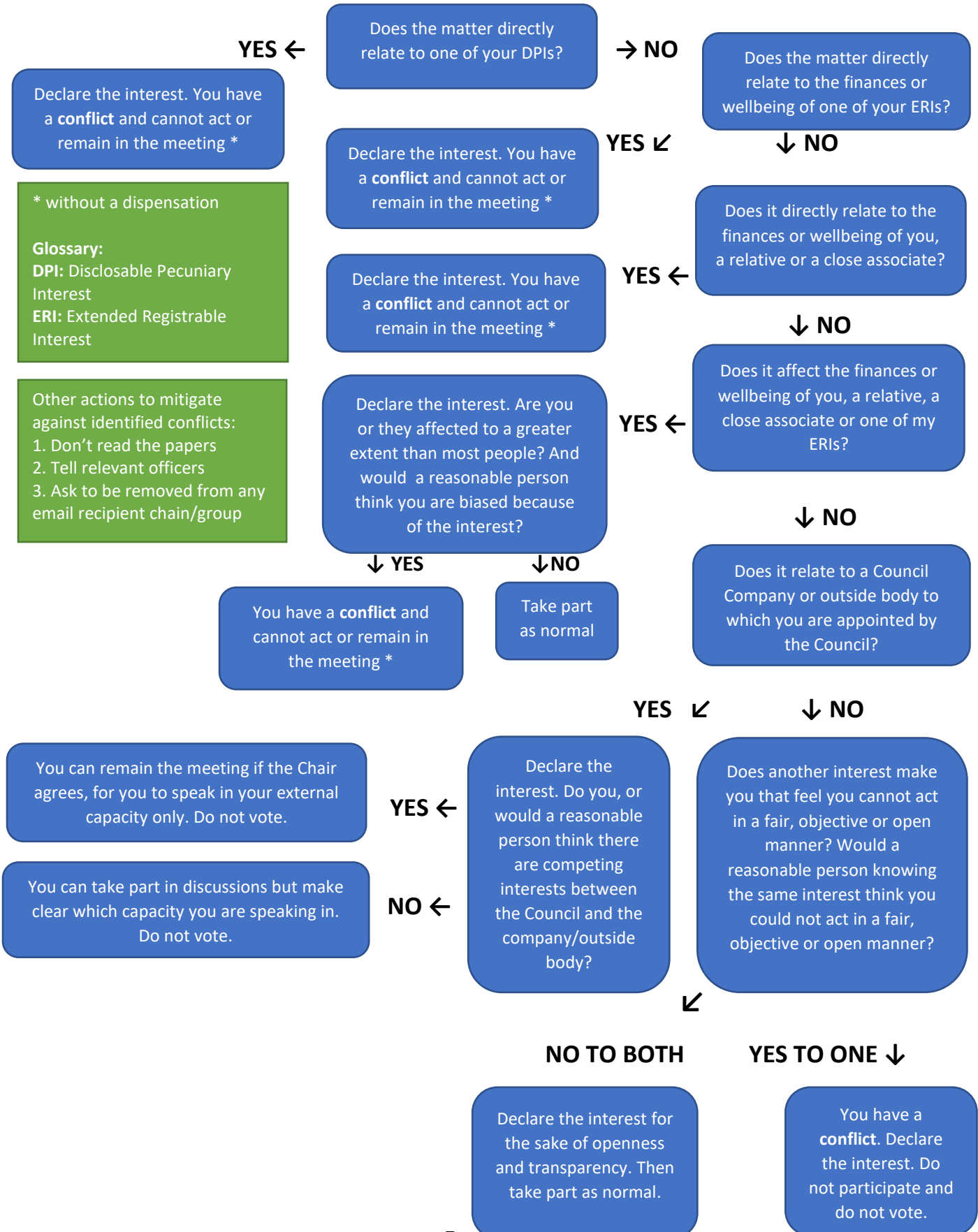
For Further information, please contact:

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

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



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

* without a dispensation

Glossary:
DPI: Disclosable Pecuniary Interest
ERI: Extended Registrable Interest

Other actions to mitigate against identified conflicts:

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

Report of the Planning Control Manager pursuant to the Scheme of Delegation

Parish:	NORTH RUNCTON
Purpose of report:	SEEK AUTHORISATION FROM PLANNING COMMITTEE TO FINALISE AND COMPLETE S106 AGREEMENTS AND ISSUE DECISION NOTICE PERTAINING TO APPLICATION 13/01615/OM
Location:	Land West of Constitution Hill, Constitution Hill, North Runcton, Norfolk, PE33 0QP
Summary:	
<p>The purpose of the report is to seek authorisation from Planning Committee to finalise and complete the S106 agreements pertaining to application ref 13/01615/OM on the following grounds:</p> <p>13/01615/OM– agree a further 1 month from the date of this committee resolution until 6th February 2025 to finalise the agreements and issue the decision. If the agreement is not completed by 6th February 2025, but reasonable progress has been made i.e. documents being finalised and/or out for signature, delegated authority is granted to the Assistant Director/Planning Control Manager to finalise the agreements and issue the decision. If in the opinion of the Assistant Director/Planning Control Manager no progress is made, the application is refused based on the failure to secure the obligations contained within the S106 agreements that make the development acceptable as defined in paragraph 2.1 of this report.</p>	

1.0 INTRODUCTION

- 1.1 Planning Committee has previously given authorisation to negotiate S106 agreements and ensure their completion within 4 months of the date of the committee resolution. This is to ensure that planning permissions are issued expeditiously. However, from time-to-time issues arise with signing agreements which results in delay. Examples of such an occurrence are when Banks/Building Societies are required to be a party, landowners live abroad or there is an error in the Title Deeds etc.
- 1.2 At present, officers have no authority to negotiate past the 4-month period as committee resolutions direct that applications be refused permission in the event they are not completed within time. Given that applicants can appeal the decision, the failure to allow a further reasonable period of time (particularly when agreements are circulating) may give rise to costs awarded against the Council for unreasonable

behaviour in accordance with the Planning Practice Guidance on Appeals. The ability to agree an extension of time on a case-by-case basis negates potential costs awards.

1.3 The following sets out the position on Planning Application 13/01615/OM.

2.0 PLANNING APPLICATION 13/01615/OM

2.1 Application ref 13/01615/OM for Outline Application with All Matters Reserved for: Outline application: change of use from agricultural/undeveloped land to a new development of housing and associated facilities; comprising a mix of up to 1110 residential units (Class C3); primary school (Class F1), local centre (Class E, F2); public open space, landscaping and highway access on the A47 and A10. Members resolved to approve the application on 28th August 2024 subject to the satisfactory completion of the following S106 Agreements within 4 months of the resolution to approve:

- (a) Framework Agreement Part A – to secure the transfer of the land for the delivery of the WWHAR;
- (b) Framework Agreement Part B – to commit to delivering integrated development in accordance with the West Winch Growth Area Strategic Master Plan and to contributing to and/or delivering the infrastructure set out within the IDP.
- (c) Site Specific S106 Agreement – to secure the pro rata contribution as set out in Table 1, affordable housing and GIRAMS contributions.

The agreements are therefore required to be completed by 28 December 2024.

2.2 Significant work has been undertaken by Officers and the Applicants in progressing all three legal agreements but due to the complexity, the agreements will not be able to be completed within the 4-month period. Given the existing Planning Committee resolution, Officers do not have authority to enter further negotiation or finalise the S106 agreements after 28th December 2024. However, the drafts for Framework Agreements Part A and B are almost settled with more discussion on the Site Specific S106 required. Given the interrelationship between the site and the West Winch Housing Access Road (WWHAR), it is important that the timescales for completion of the agreements are defined to ensure that the WWHAR delivery programme is maintained and proceeds at pace. Given the circumstances, it is recommended that Members agree a further 1 month from this committee resolution with the expectation that the Framework Agreements Part A and B will be signed by mid-January 2025 and the remaining agreement signed by all parties by 6th February 2025 to allow the planning permission to be issued.

3.0 RECOMMENDATION

- 3.1 Given the specific circumstances advanced above, it is recommended that Members **Grant authority to continue to negotiate and complete the S106 agreements and issue the decision notice** on the following grounds:

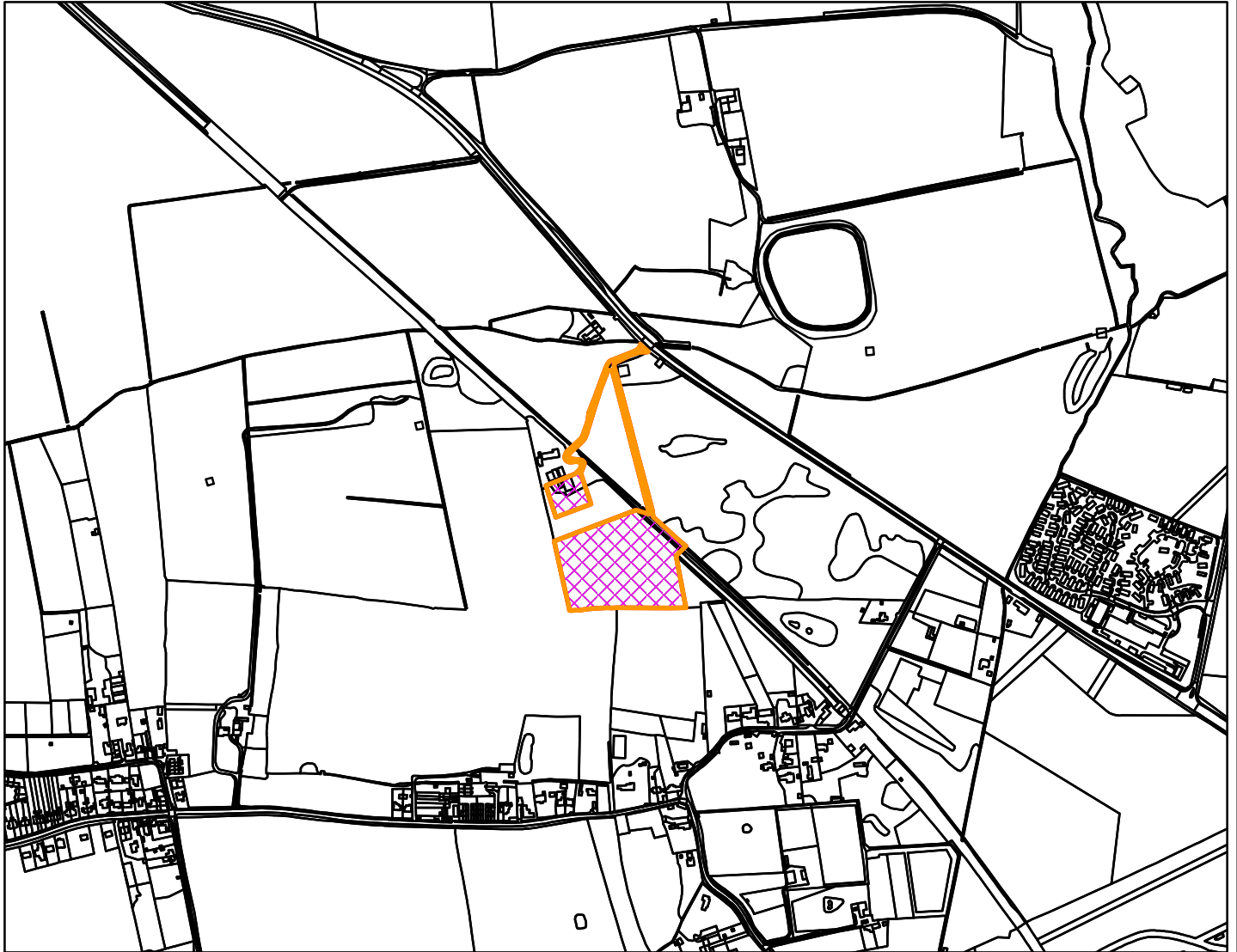
13/01615/OM – agree a further 1 month from the date of this committee resolution until 6th February 2025 to finalise the agreements and issue the decision. If the agreements are not completed by 6th February 2025, but reasonable progress has been made i.e. documents being finalised and/or out for signature, delegated authority is granted to the Assistant Director/Planning Control Manager to finalise the agreements and issue the decision. If in the opinion of the Assistant Director/Planning Control Manager no progress is made, the application is refused based on the failure to secure the planning obligations within the S106 agreements that make the development acceptable as defined in paragraph 2.1 of this report.

**INDEX OF APPLICATIONS TO BE DETERMINED BY THE
PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 6 JANUARY 2025**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
9/1 DEFERRED ITEMS				
9/1(a)	21/02392/OM Oakland Gardens Main Road Pentney Norfolk PE32 1FG Outline application for new warehousing, a new dwelling house, a wildlife and tourism lake with holiday lodges, nature reserve and associated accesses and facilities, installation of a new sluice gate to assist and ease flooding in Pentney	PENTNEY	APPROVE	10
9/2 OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/2(a)	24/01793/F Navenby Gong Lane Burnham Overy Staithe King's Lynn Norfolk PE31 8JG Demolition of existing house and replacement self-build dwelling constructed	BURNHAM OVERY	REFUSE	42
9/2(b)	24/00484/F West Heath Barn Lynn Lane Great Massingham King's Lynn Norfolk PE32 2HL Subdivision of existing plot involving demolition of the existing barn with class Q approval and construction of a new replacement dwelling with separate private access and improvements to driveway, parking and turning area of existing dwelling	GREAT MASSINGHAM	APPROVE	58
9/2(c)	24/01488/F Reeve Wood Rollesby Road Hardwick Industrial Estate King's Lynn Norfolk PE30 4LS Alterations and Subdivisions of existing industrial buildings to create two separate units, including re-siting of biomass boiler	KING'S LYNN	APPROVE	83
9/2(d)	24/01561/F Land SW of The Bungalow Common Road South Walton Highway Norfolk PE14 7ER Retrospective change of use of previously developed land to enable standing of a residential static caravan and storage of one touring caravan and ancillary works	WEST WALTON	APPROVE	93



Oakland Gardens Main Road Pentney Norfolk PE32 1FG



Legend

Scale: 1:10,000

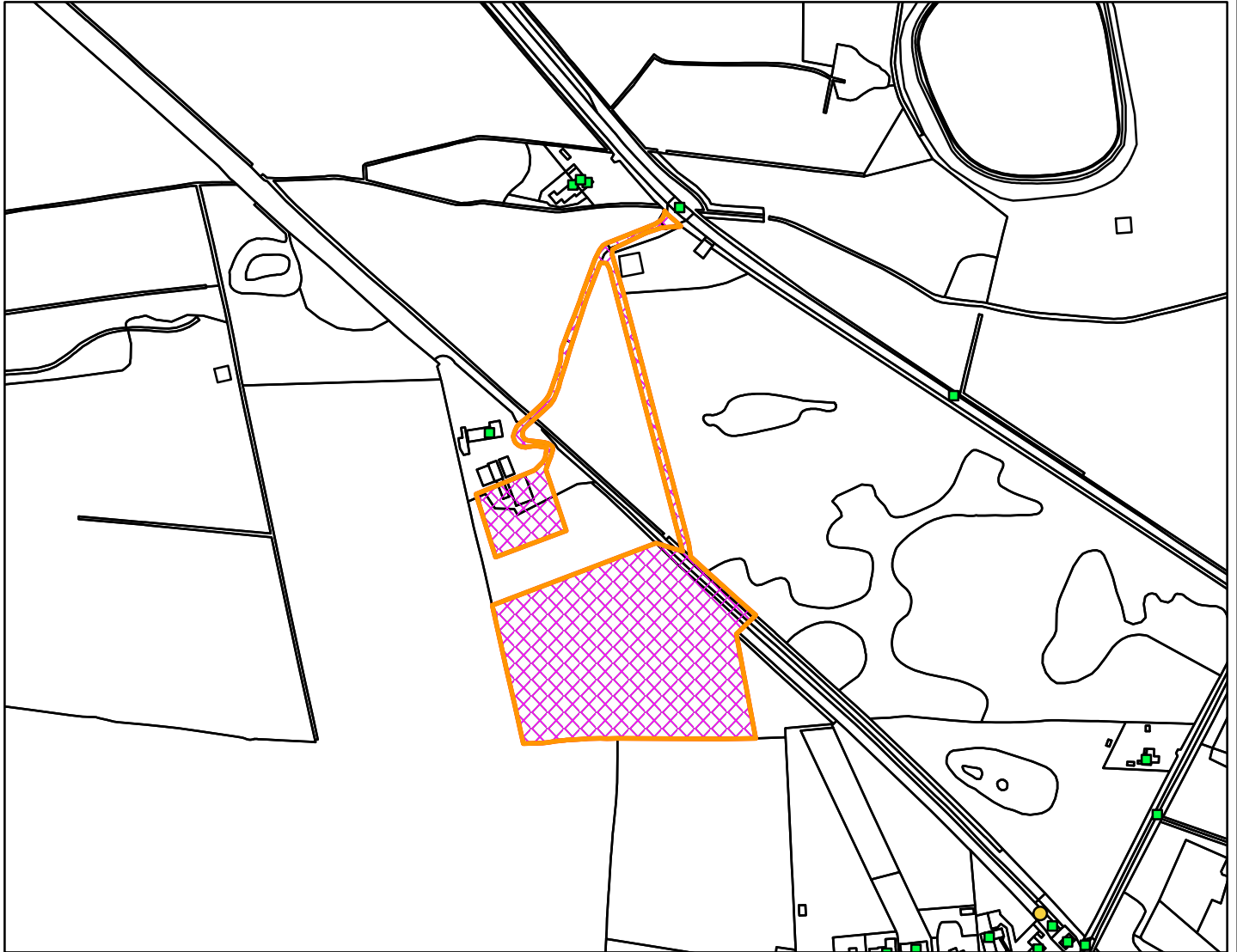
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314



Oakland Gardens Main Road Pentney Norfolk PE32 1FG



Legend

Scale: 1:5,000

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314

Parish:	Pentney	
Proposal:	Outline application for new warehousing, a new dwelling house, a wildlife and tourism lake with holiday lodges, nature reserve and associated accesses and facilities, installation of a new sluice gate to assist and ease flooding in Pentney	
Location:	Oakland Gardens Main Road Pentney Norfolk PE32 1FG	
Applicant:	Oakland Gardens	
Case No:	21/02392/OM (Outline Application - Major Development)	
Case Officer:	Clare Harpham	Date for Determination: 20 April 2022

Reason for Referral to Planning Committee – The application was called in to Planning Committee by the Assistant Director of Environment and Planning due to the scale of the issues it raises.

The application was deferred at the February 2023 Planning Committee to enable the applicant to submitted further information relating to ecology.

Neighbourhood Plan: No

Case Summary

Members may recall this application was first heard at Planning Committee in February 2023 when it was deferred to enable the applicant to provide further information relating to protected species surveys. Due to the passage of time and information submitted, a new committee report has been written.

The application site is located within the countryside and is accessed directly off the A47 and comprises predominantly agricultural land. The wider site, within the blue land, comprises an existing business dealing with horticultural storage and distribution which is located within a former agricultural building, agricultural land and a long access drive which follows the line of a disused railway track south-eastwards towards Pentney Lane.

The application site comprises 2.96 hectares with the application seeking outline planning permission with all matters reserved for new warehousing for the existing storage and distribution business, a new dwelling house, a wildlife and tourism lake with holiday lodges (indicative plan shows eight), nature reserve and associated accesses and facilities, as well as the installation of a new sluice gate to assist and ease flooding in Pentney Lane which is located to the south of the site. An indicative plan illustrates the positioning of each proposal although this is indicative only at this stage and full details are reserved matters. The application is immediately west of Pentney Heath which is a County Wildlife Site and is within the hydrological catchment of the River Nar SSSI.

Key Issues

The principle of development
Impact on Ecology
Visual Impact
Impact upon Neighbour Amenity
Highways Impacts
Flood Risk
Crime and Disorder
Other material considerations

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

The application site is irregular in shape and is situated on the south-western side of the A47 and to the north-west of Pentney Lane, Pentney. The site is accessed in the north-eastern corner directly off the A47 with the access utilising an existing internal road which crosses open agricultural land laid to grass, towards the existing business on site. The application proposes a second internal access to run along the eastern side of this agricultural land towards a parcel of agricultural land which is south of the existing business and which is currently classed as agricultural land.

The wider site, within the blue land, comprises an existing business dealing with horticultural storage and distribution which is located within a former agricultural building, agricultural land and a long access drive which follows the line of a disused railway track south-eastwards towards Pentney Lane. At the time of the original site visit there was additional temporary storage and lorry containers on site.

The application site comprises 2.96 hectares of agricultural land with the application seeking outline planning permission with all matters reserved for new warehousing for the existing storage and distribution business (which has a condition limiting it to the distribution of gardening equipment); a wildlife and tourism lake with holiday lodges; a new temporary dwelling house; nature reserve and associated accesses and facilities; as well as the installation of a new sluice gate to assist and ease flooding in Pentney Lane. An indicative plan illustrates the positioning of each proposal although this is indicative only at this stage.

Since the application was originally considered by Planning Committee the applicant has submitted an Ecological Impact Assessment which includes a number of species surveys and a Mineral Resources Investigation as required by Norfolk CC Minerals and Waste Policy Team.

SUPPORTING CASE

Orsi-Contini were instructed to propose this enabling project on behalf of Oakland Garden Supplies Ltd. In 2021 Oakland's were approached by Joe Orsi, who at the time was the

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acting Parish Chairman and team leader of the Neighbourhood Plan and the Pentney Flood and Drought Committee. The approach was made to establish a way of controlling flood and drought risks to the north of the village.

Directors Lee and Kerry Ward, agreed to design an outline enabling plan for the consideration of the Parish Council. Site visits were arranged and proposals were discussed at Parish meetings. The parish outlined their requests and Legal contracts between the Parish council and the owners were agreed to. This covered ditch connections, holding lake and sluice gate control. To fund the latter, this proposal was submitted to BCKLWN Planning department. Following site visits, discussions and comments with the LPA's representatives, the application was revised to meet the planning policy requirements.

This application enables much needed flood and drought support to the Northeast of the village, by holding and releasing flood water to benefit of wildlife, businesses, and residential properties. It will also benefit the local employment prospects and people with mental and physical needs and their care givers nationally. A dedicated respite lakeside cabin is provided in perpetuity to give back to a community that has already helped the Ward family when they, and their son, needed help. The lake area is part of the flood and drought solution. Working in conjunction with new ditches, they enable heavy rain to discharge quickly away from the village and hold water back during periods of drought. This project also provides the Ward family with a more diverse portfolio of income from the site to better weather future economical storms which have hindered the current business model over the years.

Since our revised submission, we have the full support of the local residents and the Parish council with no complaints or objection from any village residents.

Since deferral at planning committee a full ecological report has been submitted.

Our clients have been operating from this site for over 10 years. They have already significantly improved the site for the benefit of wildlife and have been a good local employer. Securing the long-term location of this family business in Pentney for generations to come will allow them to continue to demonstrate their love and enthusiasm of their gardening business and to support and improve the native wildlife diversity.

Finally, we would like to make it known that Orsi-Contini were proud to be asked to help with this proposal as it fits perfectly with their own ambitions to help with the needs of wildlife and wider communities, for this reason we accepted the role of agents. We very much hope that the Planning Committee share the same views as us for the benefits of this proposal.

PLANNING HISTORY

Site history:

17/00875/F: Application Permitted (delegated decision): 05/09/17 - Variation of condition 2 of planning permission 15/01929/F - Construction of storage and distribution building in connection with horticultural business (Class B8), following rescinding of building approved under planning reference 11/01556/F: To vary previously approved drawings – Oaklands Pentney Lane Pentney

15/01929/F: Application Permitted (delegated decision): 21/06/16 - Construction of storage and distribution building in connection with horticultural business (Class B8), following

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rescinding of building approved under planning reference 11/01556/F – Oaklands Pentney Lane Pentney

14/00938/F: Application Permitted (committee with recommendation): 09/10/14 - Retrospective change of use from agricultural buildings and land to storage and distribution in connection with horticultural business (Class B8) to include the siting of 2no. portacabins and provision of passing bay - Land Off Pentney Lane Pentney

14/00003/CUPD: Refused to Determine: 13/06/14 - Prior Notification: change of use from agricultural building to Class B8 (Storage and Distribution) - Agricultural Buildings Pentney Lane Pentney

11/01556/F: Application Permitted (committee overturn): 23/12/11 - Construction of storage and distribution building in connection with horticulture business (class B8) - Land Off Pentney Lane Pentney

10/01411/F: Application Refused (delegated decision): 08/10/10 - Change of use from agricultural building and land to storage and distribution in connection with horticultural business (Class B8) to include the siting of 2 no. portacabins - Land And Buildings North West Of Dutch House Pentney Lane Pentney
Appeal Dismissed 13/04/11

Wider site history (blue land):

17/00032/O: Application Permitted (committee overturn): 03/03/17 - Outline planning application: 3 dwellings and to upgrade North access directly onto A47 to use as permanent site entrance. – Oaklands Pentney Lane Pent

18/01150/RM: Application Permitted (delegated decision): 22/08/18 - Reserved Matters application: Three proposed dwellings - 1 Oakland Cottages Pentney Lane Pentney

A number of applications to vary conditions on the above applications.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

National Highways: NO OBJECTION summarised as follows:

- Holding objection withdrawn following additional information.
- The proposal utilises the A47 which forms part of the Strategic Road Network.
- Applicant has provided additional information to address our previous concerns relating to accessing the highway and the trip generation from the proposal uses.

Local Highways Authority (NCC): NO OBJECTION recommended condition with summarised comment:

- Pentney Lane is not acceptable to access this application.
- Direct access to Pentney Lane would not be made.
- National Highways are required to comment in relation to the access onto the A47.
- A condition is required to ensure that vehicular access is permanently closed onto Pentney Lane to ensure access and egress is limited to the A47 access only.

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Community Safety & Neighbourhood Nuisance: NO OBJECTION recommended condition with summarised comment:

Further details are required that can be managed sufficiently via suitably worded conditions.

- The application indicates surface water drainage is to be via a Sustainable Urban Drainage Scheme (SUDS). A full scheme describing the SUDs arrangements should be submitted for approval before the commencement of the development.
- No details of how foul water is to be treated / disposed of has been submitted.
- Operating hours for the on-site business and external lighting should also be conditioned.

Environment Agency: NO OBJECTION

- We have no objection to the proposal, but the IDB should be consulted as the site is within their rateable catchment area and the proposed works may impact upon the drainage of the area, especially the proposed sluice gate.
- In addition, the works may need land drainage consent from the IDB.

Internal Drainage Board (East of Ouse, Polver and Nar): NO OBJECTION

The site is outside the Board District, although it is a highland area that eventually drains into it. Provided the works do not increase the risk of flooding or drainage issues to neighbouring property and land, the Board has no objections to the application.

Internal Drainage Board (Water Management Alliance): NO COMMENT

The site in question lies outside the IDB Drainage District and as per out planning and byelaw strategy the proposed application does not meet our threshold for commenting.

Anglian Water: NO COMMENT

The proposal falls out of our statutory sewage boundary and as such we have no comment.

Emergency Planning: NO OBJECTION

Due to part of the application site being located within an area at risk of flooding I suggest that the occupants should sign up to the Environment Agency Flood Warning System, install services at high levels to avoid the impacts of flooding and prepare a flood evacuation plan.

Arboricultural Officer: NO OBJECTION

Whilst I have no objection in principle, it is difficult to assess any implications for the trees on site. I will need to see a full tree survey, arboricultural implications assessment and arboricultural method statement to BS 5837:2012 at reserved matters stage.

Natural England: NO OBJECTION

Based upon the plans submitted and the updated hydrological report provided (Amazi, November 2022), Natural England is satisfied the report addresses our outstanding questions about the plan (requested on 11th Feb) and can conclude that the plan is unlikely to be detrimental to the interest features for which the River Nar SSSI has been designated.

Natural England also recommended that given the proximity to the River Nar which is classed as a main river by the EA that they are consulted as an environmental permit may be required relating concerning the lake creation and water supply. Regarding the sluice gate we recommend that the relevant body (EA and/or local IDB) are consulted regarding the installation of the sluice gate as consent may be required.

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We recommend a contribution to the Borough Council's habitat monitoring and mitigation fund in accordance with local plan policy to mitigate against recreational disturbance (now GIRAMS).

Norfolk Wildlife Trust: NO OBJECTION suitably worded conditions are required, and comments are summarised below:

The site lies immediately adjacent to Pentney Heath Wildlife Site (County Wildlife Site), designated for its rich mosaic of heath, acid grassland, marshy grassland, woodland and scrub habitats. Planning policy requires an ecological assessment to assess the impact of the proposal and should cover the impacts of water quality downstream from waste-water discharge, including the River Nar SSSI but also any other wetland wildlife sites potentially at risk; the noise and light pollution impacts on the adjacent CWS; and potential increases in visitor pressure on the adjacent CWS and other designated wildlife sites nearby from increased human presence.

Impacts on the CWS:

- The Ecological Impact Assessment (EclA) states mitigation within (para. 6.33) that signage, interpretation and an appropriate fence to protect the CWS from visitors, but allowing wildlife to pass, should be conditioned.
- Para. 1.17 of the Preliminary Ecological Assessment (PEA) recommends additional botanical surveys to be undertaken in June to confirm the absence of any notable species with the proposed development area. This would also provide additional information regarding which species are likely to inhabit the area as part of the rewilding. No further botanical information has been provided within the EclA and this should therefore be submitted at reserved matters stage.

Hydrological Impacts:

- Based upon the information within the Hydrological Assessment, we are satisfied the proposal will not have a significant adverse impact upon the River Nar SSSI.
- There is the potential that hydrological changes on site as well as the disposal of waste and surface water may impact upon the hydrological conditions and water quality on the adjacent CWS. There should consent be granted robust conditions will be required ensure that new drainage arrangements on site do not result in changes in groundwater availability or quality to the adjacent CWS.
- Para. 6.14 of the EclA states there must be co-operation with the CWS to maintain water levels. This indicates hydrological connectivity between the sites and a water-level management plan should be included as part of any consent.
- A construction management plan will be needed to ensure site surface water and ground water are managed to avoid pollution.
- The hydrological report states treated foul water will be discharged into the existing watercourse. Foul water disposal will have to be conditioned to ensure that this occurs.

Mitigation:

- Please condition the mitigation within section 6 of the EclA.

BNG

- The EIA states that the proposal will result in a 162% increase in biodiversity. The statutory biodiversity metric has not been completed in order to check this figure.

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Senior Ecologist: OBJECT summarised as follows:

- The original PEA (May 2022) recommended a number of surveys including a botanical survey (June), bat survey (May – Oct), bird survey (April – June), reptile survey (7 visits April-May or September) and access to water bodies to undertake an HSI (Habitat Suitability Index) and potentially eDNA for Greater Crested Newts (GCN) presence (mid-April to end of June).
- The Hydrological report (Nov 2022) concludes that the effect of the proposed lake upon surface and ground waters is anticipated to be insignificant.
- The Ecological Impact Assessment (EclA) reported bat activity of local/regional importance; breeding value of local value; reptiles of county value (slow-worm, grass snake and common lizard confirmed present); Great Crested Newts present in five waterbodies of local importance.
- Due to the presence of GCN within surrounding waterbodies (within 250m of proposed development), there is a requirement to cover the site under a suitable derogation licence from Natural England. District Level licensing is the recommended approach and the LPA only need an 'Impact Assessment and Conservation Payment Certificate' countersigned by Natural England to be submitted as evidence of site registration under this mitigation scheme.
- The NWT and ecologist request a condition to ensure boundary fencing is in place and maintained in perpetuity.
- The botanical survey (June) recommended in the PEA has not been reported within the EclA. Following discussions with the project Ecologist (Philip Parker Associates) agreement is reached that additional botanic surveys are not required. This is due to the development being moved out of areas of botanical interest.
- The foul drainage (package treatment plant) should be conditioned, and details provided as a biological system should be favoured as opposed to a chemically dosed plant. Details potentially provided at reserved matters stage.
- BNG is not a mandatory requirement for this application as it was submitted prior to BNG being in force. Notwithstanding this the ecological consultant did undertake an assessment as an exercise to demonstrate that the proposal would provide measurable gain. Securing the recommended enhancements and mitigation will ensure that a measurable gain is delivered.
- The proposals will result in an increase in overnight accommodation with the ZOI of protected European sites. There is known in combination recreational impacts for any increase in overnight accommodation. The planning officer has carried out an appropriate assessment and a GIRAMS payment will be required to support the proposal as bespoke mitigation has not been proposed. This payment will be required at reserved matters stage when the full details are known.

The Ecologist maintains her objection as the Impact Assessment and Conservation Payment Certificate which is required for the District Level Licensing has not been submitted prior to determination.

Environmental Health & Housing - Environmental Quality (Land): NO OBJECTION recommended conditions and summarised as follows:

The submission indicates the presence of the former railway but states no known contamination.

A previous contamination report is mentioned on the screening assessment and has been submitted under this application titled Site Investigation Report, dated June 2017 completed by Harrison Group. However, the report is associated with land approximately 250m south

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and has already been submitted under application 17/00032/O. Therefore, the risk assessment is not specific to this application site.

Due to the presence of the railway, there is the potential for contamination to be present. The proposal shows the site becoming more sensitive to contamination with the 8 holiday lets and dwelling proposed. In the absence of a report demonstrating the site is suitable for the proposed use, full contamination conditions are recommended, which will include pre-commencement conditions.

Environmental Health & Housing - Environmental Quality (Air): NO OBJECTION

The proposal includes a new dwelling plus holiday lodges situated around a new lake, plus a new distribution warehouse. Access is via an existing access onto the A47.

In terms of additional traffic movements, it is noted that the proposal will allow significant reduction in commuter miles to the premises as it would allow the owner to live on site as opposed to commuting.

The IAQM (2017) guidance sets out indicative criteria whereby an air quality assessment would be required. The proposal would not result in an exceedance of the air quality objectives locally.

Notwithstanding comparison to the maximum pollution limits, the IAQM (2017) guidance refers to the design following principles of good practice. This is especially important as total movements from this type of use is likely to be high. EV charging infrastructure is now part of the building regulations.

It is unclear regarding the method of heating to the buildings, with risk of biomass combustion (as the area is likely to be off-grid) with the need to ensure best practice to reduce impacts from particulate matter (PM10 and PM2.5). Additional information should be provided at reserve matters stage regarding the heating systems and if heated by solid-fuel (biomass) then a communal wood store building will be required to ensure only dry wood is supplied for the guests.

The drawings show the approximate scale of the lake but does not show depth (currently). Understanding capacity helps to understand the quantity of waste material (tonnes) to be managed. The excavated material should be reused on site, to prevent additional HGV movements and related emissions will mean temporary stockpiles being created. I agree that the spoil can be managed/conditioned through the landscaping plan to ensure it remains on site, once further detail is known regarding the size and depth of the lake.

Housing Enabling Officer: NO OBJECTION

The application only includes one residential dwelling and 8 holiday lodges. If the use of these holiday lodges will be restricted to non-residential (i.e. restricted to holiday use and not permanent dwellings) then these would not attract an affordable housing case. Whilst the site area is over 0.5 hectares, an affordable housing provision would only be required if the site is capable of accommodating five dwellings (not including holiday units).

Historic Environment Service: NO OBJECTION

There are currently no known archaeological implications at the application site.

Norfolk Constabulary: comments summarised as follows:

- Detailed advice given to applicant relating to Secured by Design aims.

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- Appropriate design features that enable natural surveillance should be included i.e. single point of access, CCTV, a Capable Guardian on-site (management of site), boundary treatments relating to planting and heights, positioning of parking areas and cycle storage and lighting design.
- At this stage the application is for outline consent and not all information has been submitted.

Norfolk Fire & Rescue Service: NO OBJECTION

The proposal must meet the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 2 – current edition, or as revised) including any requirements in relation to B5 access, facilities and arrangements for emergency service vehicles as administered by the Building Control Authority.

Cadent Gas: NO OBJECTION

National Grid Gas: NO OBJECTION does not affect any National Grid Gas Transmission PLC apparatus.

National Grid Electricity: MUST NOT PROCEED without further assessment by Asset Protection. The proposed works location is within the High-Risk Zone from National Grid Electricity Transmission PLC apparatus. Further details are required, including how deep you are excavating and any plans.

UK Power Networks: The plan attached is an extract from our records and only shows cables and overhead lines owned by UK Power Networks.

Minerals and Waste (NCC) NO OBJECTION

Holding objection withdrawn following the submission of additional information.

- A condition is requested, and the response is summarised as follows:
- This response follows the submission of a Mineral Resource Investigation (MR Investigation) using intrusive site investigations to assess the quality of mineral which may be extracted during groundworks and reused during the construction phases.
- The MR Investigation concludes that on-site resources, which would be extracted as part of the groundworks, would be suitable for a range of construction activities, and that this material should be stockpiled and reused.
- The quantity of mineral to be extracted during the formation of the lake would mean that it would be a County Matter (NCC) if a significant proportion of the mineral was to leave site. We do not consider this to be the case, so long as the re-use of mineral onsite takes place as outlined within the MR Investigation.

NCC as the Mineral Planning Authority (MPA) considers the reuse of the mineral can be conditioned, which is consistent with the MR Investigation.

REPRESENTATIONS

SIX letters of **OBJECTION** from two neighbours, covering the following:-

- Objector involved in restoration plans for Hoveringham Gravel Works (now Pentney Lakes) including the sluice arrangements which raise water levels in winter and lower in spring (eastern lagoon) which is now a County Wildlife Site (CWS). To reduce concern regarding future development the site was made subject of a Section 106

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agreement, however the net result is insufficient control under the Section 106 agreement has occurred.

- I purchased Pentney Heath (immediately adjoining the application site) with the intention of restoring it, with lowland heath being a priority habitat under the biodiversity action plans. This is continuing to be done with help and advice from the Wildlife Trust.
- The submitted business plan states that the applicant is 'interested in wildlife' and have 'improved it over the years', however I see no evidence of this.
- The proposal will provide disturbance to the neighbouring CWS Pentney Heath with an increase in human activity causing noise and disturbance.
- Light pollution could affect various botanical audits i.e. the area is subject of long-term moth studies which date back to the 1990s etc.
- There could be groundwater issues, as the proposal will have an effect on the natural fluctuation of the water table. At present there is an annual variation of 4 feet measured in the pond on the adjacent CWS, maintenance and viability of the site being dependent on this, e.g. otters and voles use the site which could be impacted by lowering the water table.
- There is the potential for pollution issues to arise due to sewerage disposal.
- Concern regarding 'disposal of flood water'. Water coming from roads, drains, households etc is considered foul water and should not go to natural watercourses, ponds etc
- Concern regarding the intensification of the access onto the A47 trunk road, with additional traffic including articulated lorries. There are points of access in close proximity with one access (carried out by National Grid to gain access to an electricity tower) with the objector being told the access should have minimal use.
- Area does not need more tourist development, with the area being served by a large number of sites, e.g. Pentney Lakes and Norfolk Woods and with other proposals also submitted for consideration such as Forestscapes proposal north of Pentney Lakes.
- Proposal does not accord with current planning policy, being located in an unsustainable location. Pentney is a Small Village and Hamlet where development should be limited, and the large scale of the proposal would make it visually intrusive.
- The proposal would have an adverse impact upon the neighbouring residents.
- The proposal will increase the amount of vehicular movements to the site which will increase noise and disturbance to the residential neighbours immediately to the north.
- The proposal does not comply with paragraph 48 of the Design Guide as it will not integrate well or relate to the surroundings, causing an adverse visual impact.
- There are much better locations for the proposed business uses in more sustainable locations.
- The proposal would overshadow the dwelling located to the north of the application site (this element has been withdrawn from the application and amended layout received).

FOUR letters of **SUPPORT** covering the following:

- Positive job creation/diversification of existing business encouraging growth.
- Positive for wildlife and flood relief.
- Like the fact they want to reserve one cabin for charity / disabled use.
- Applicant is working closely with the Parish Council to ensure the proposal meets the needs of the village.

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ONE letter of **COMMENT** covering the following:-

- Support growth of local business but more shielding on western / southern boundaries is needed to mitigate visual disturbance.
- Holiday units need to be screened for light and noise disturbance.
- Holiday accommodation should be temporary and timed for when the site does not flood.
- Holiday units should remain the property of the site owners.
- If the current owner retires the conditions and covenant should apply to third party operators.
- Camping and touring caravans should be prohibited.
- Wildlife and biodiversity study is needed and will need to be monitored.
- Vehicle movement around the lake should be minimised.
- Current Pentney Lane access needs to be removed for safety.
- Pedestrian / cycle access to Pentney Lane may benefit holidaymakers / residents.
- Whilst I see the need for Secured by Design we value dark skies and the proposal should minimise light pollution.
- Not much of value to Pentney residents, notwithstanding the improvements to local drainage / wildlife.
- Improving the footpath east of Pentney Lane would make the facilities at Norfolk Woods more accessible.
- Concern regarding access onto the A47 having increased use (neighbouring site was told to limit use of access).

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM3 - Development in the Smaller Villages and Hamlets

DM6 - Housing Needs of Rural Workers

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DM11 – Touring and Permanent Holiday Sites

DM12 - Strategic Road Network

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

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

The Principle of development

Impact on Ecology

Visual Impact

Impact upon Neighbour Amenity

Highways Impacts

Flood Risk

Crime and Disorder

Other material considerations

The Principle of development:

The application site is located within the countryside as defined by the Site Allocations and Development Management Policies Plan 2016 (SADMPP). It is also noted that Pentney village is defined within Policy CS02 of the Core Strategy 2011 as a Smaller Village and Hamlet where development is limited and will be judged against the range of policies within the Local Plan, including and in particular, Policy DM3 of the SADMPP, Development in Smaller Villages and Hamlets. In addition, development should seek to avoid conflict with environmental protection and nature conservation policies within the plan.

The application is for outline planning permission with all matters reserved for a number of proposals. For clarity the principle of each proposal is addressed individually below:-

A: New Warehousing

Amended plans were received during the course of the application which removed the proposed new business rental units and re-sited the proposal to expand the existing business warehousing, to a location which is immediately adjacent (south) to the existing business.

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Currently within the blue land, there is an existing storage and distribution business which specialises in gardening and horticultural products (conditioned as such) and which utilises the existing access onto the A47. Retrospective planning permission was granted in October 2014 (14/00938/F) to change the use of the existing agricultural buildings to storage and distribution (B8) in connection with the horticultural business. Since this retrospective application, consent has been granted on site for the construction of an additional building in connection with this storage and distribution business (15/01929/F which was varied by application 17/00875/F). This consent has commenced as it was considered within 17/00875/Disc_A to have met the definition within Section 56 (Time when development begun) of the Town and Country Planning Act 1990, as amended. The applicant states that building was not erected following groundworks due to a number of factors; including Brexit implications for the business, Covid restrictions and the business now outgrowing the size of the building which has consent. This application seeks to provide larger warehousing for the business in the same location as the building that has extant approval (17/00875/F).

The indicative plan shows a footprint larger than has previously been approved, however the full details of the building would be subject of a reserved matters application. Justification has been provided which states that the business is growing (hence the temporary storage on site) and it is time consuming to have to store products in different containers rather than one purpose-built building.

Policy DM3 of the SADMPP states that new development in Smaller Villages and Hamlets will be limited to small scale employment uses under Policy CS10. Policy CS10 does state that the Council will be supportive of the rural economy and diversification through a rural exception approach to new development within the countryside; through a criteria based upon retaining employment land and premises. Consent may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Development should satisfy the following criteria; it should be appropriate in size and scale to the local area; it should be adjacent to the settlement; the proposed development and use will not be detrimental to the local environment or residents.

In this instance it is the expansion of an existing business, which was originally approved in December 2011 (11/01556/F) as it was considered by Planning Committee that it could help support rural employment. While the proposal does not fully comply with the criteria within Policy CS10 as the site, whilst located adjacent to the A47, is located at some distance from the development boundary of any settlement and is outside the development boundary that previously applied to the settlement of Pentney; para. 88 of the NPPF 2024 does encourage the sustainable growth and expansion of all types of business in rural areas through both existing and well-designed new buildings. The indicative plan does indicate a substantial building, however details are not yet known and amended plans were submitted which moved the location of the proposed building from the northern part of the blue land and further away from the existing dwellings which are to the north of the applicant's land, in order to help protect amenity and reduce the visual impact.

Given the previous approval at planning committee (11/01556/F), the extant approval (17/00875/F) to provide additional warehousing, and the fact that it supports the expansion of an existing rural business, this element of the proposal is considered on balance to be acceptable (subject to ecology issues which is discussed below) and complies with the principles of the NPPF, in particular paras. 88 and 89, Policies CS06, CS08, CS10 and CS11 of the Core Strategy 2011 and Policies DM2, DM3 and DM15 of the SADMPP 2016.

B: Wildlife and tourism Lake with nature reserve and sluice gates

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The application proposes the provision of a lake which will be linked to existing drainage ditches to help store / retain water in times of drought and alleviate flooding (particularly in the Pentney Lane area) when water is excessive. At the current time the exact size and depth of the lake is unknown and is a reserved matter. It is proposed to control the water flow with a sluice gate linked to an existing ditch (a new ditch was dug in 2019 which does not have consent) which will take the water away from the site to the north. No further information or evidence has been submitted with regard to water drainage issues experienced by residents of Pentney Lane, whether flooding occurs, or how severe it may be.

Water management proposals are acceptable in principle, however when determining such applications, the LPA should ensure that flood risk is not increased elsewhere in accordance with para. 170 of the NPPF. In addition, para. 193 of the NPPF states that 'development whose primary objective is to conserve or enhance biodiversity should be supported...' While the addition of wildlife to the lake and a nature reserve is not the only objective of the proposal this is an element that planning policy is supportive of.

The provision of the proposed lake and sluice, whilst acceptable in principle does have implications for the existing ecology at the site, the River Nar SSSI and the adjacent County Wildlife Site (CWS) known as Pentney Heath and this will be discussed further in the Ecology section below. Therefore, whilst acceptable in principle, it must be ensured that the ecological impacts of the proposal would comply with the principles of the NPPF, in particular Section 15 'Conserving and enhancing the natural environment' and Policy CS12 of the Core Strategy 2011.

C: Holiday Lodges

The proposal includes the provision of holiday lodges (indicative plan shows eight cabins) and also a building labelled 'facilities of cabins' is shown on the indicative plan. Full details have not been provided as to the form of the holiday units or the 'facilities' building as the application is for outline consent. However, information submitted with the application suggests that the 'facilities' building would be where meals could be shared, well-being classes could be taken etc. The information submitted with the application states that the provision of this part of the application is to help enable the construction of the wildlife lake/sluice gate.

Whilst the Council is supportive of diversification, the proposal does need to comply with Policy DM11 'Touring and Permanent Holiday Sites' of the SADMPP 2016. Within the locational requirements of Policy DM11 it states that 'Proposals for new holiday accommodation sites or units or intensification to existing holiday accommodation will not normally be permitted unless:

- The proposal is supported by a business plan demonstrating how the site will be managed and how it will support tourism or tourist related uses in the area;
- The proposal demonstrates a high standard of design in terms of layout, screening and landscaping ensuring minimal adverse impact upon visual amenity and the historical and natural environmental qualities of the surrounding landscape and surroundings; and
- The site can be safely accessed;
- It is accordance with national policies on flood risk;
- The site is not within a Coastal Hazard Zone indicated on the Policies Map, or within areas identified as tidal defence breach Hazard Zone in the Borough Strategic Flood Risk Assessment and the EA's mapping;

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- Proposals for uses that adversely affect SSSI's or European sites will be refused permission.

During the course of the application a supporting plan was submitted and revised relating to the holiday accommodation. The rationale behind the proposal seems to be to utilise the proposed lake to provide a 'Wildlife, Wellness & Coworking B&B' where people can come to site who want a quiet retreat as well as having access to wellbeing classes and workshops. In addition, one of the units is proposed to be used to offer holiday accommodation for free to charity / disabled occupants. Whilst this latter element is admirable in theory, there is no mechanism within the application to ensure that this element is provided, and it could be considered onerous to condition this element, given potential changes that could occur in the applicant's financial situation over time.

At the February 2023 Planning Committee, Members indicated support for the provision of holiday accommodation in this location given the Norfolk Woods holiday site (east) on the opposite side of the A47 and other holiday accommodation in Pentney. The business plan was revised and whilst unrealistic expectations of holiday unit rental value have been revised to a more realistic level, the estimated financial figures are based upon high occupancy of all seven rentable cabins in the first year of operation when the site, lake and landscaping may not be well established. Members may wish to consider this when considering the proposal.

The applicant has indicated that it is the intention that the holiday units are kept in the control of the applicant and the management of the site will be conditioned to remain in the control of the owners of the adjoining business (Oakland Gardens) and not sold off or managed individually.

The applicant has submitted a draft deed of covenant to be signed with the Parish Council regarding managing the sluice, but this would not form part of this consent as the Council cannot enforce a legal agreement between the applicant and a third party.

The application is for outline planning permission and therefore little detail has been submitted regarding the proposed holiday units and the layout is indicative only at this stage. While design of the holiday units is not known at this stage it is a reserved matter where the design will be further assessed to ensure it is appropriate in this rural setting. Whilst the site is visually well screened to the east by the neighbouring County Wildlife Site (Pentney Heath) the current boundary treatment at the site is native hedging with some trees and therefore the scale of the proposal may have a visual impact, especially when taking into consideration the scale of all the development proposed on site. Notwithstanding this, it is proposed to rewild the site and a landscaping condition would be applied to limit visual impacts particularly to the south and west.

The applicant states that the proposed development is required to enable the water management works to proceed which will be of benefit to the residents within Pentney Lane. No information has been submitted regarding the issues relating to flood/drought in the area and an alternative water management scheme has not been investigated. Consequently, the proposal has been considered in conjunction with Policy DM11, although Members may also want to consider the fact the proposal also provides some water management within the locality.

On balance, the proposal is considered to comply with Policy DM11 and that although full details are not known due to the nature of an outline application, full details would be conditioned via a reserved matters application and further landscaping would address the visual impact of the proposal.

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The proposal also includes the provision of an on-site dwelling to provide accommodation for the manager of the holiday accommodation (this addressed below). The provision of a number of holiday units, would on balance comply with Policy DM11 of the SADMPP 2016.

Overall, this element of the proposal accords with the principles of the NPPF, Policy CS06, CS10, and CS12 of the Core Strategy and Policy DM3 and DM11 of the SADMPP 2016.

D: New Dwelling

The application also proposes a new dwelling on site. The indicative plan shows that the dwelling would be sited within the southern parcel of land adjacent to the holiday cabins. During the course of the application the indicative plans were changed to show that the proposed dwelling would be 'temporary wardens accommodation mobile facility for 24 hour security purposes'. This element would still represent a residential dwelling, however under Policy DM6 of the SADMPP 'Housing Needs of Rural Workers', it is clear that if a new dwelling is considered essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan or other temporary accommodation.

Para. 84 of the NPPF states that decisions should avoid the development of isolated homes in the countryside unless ... there is an essential need for a rural worker to live permanently at or near their place of work. Policy DM6 states that new temporary dwellings should only be allowed to support rural based activities providing the following:-

- 3a) There is a clearly established functional need, requiring the occupants to be adjacent to their enterprise in the day and at night;
- 3b) The need could not be met by existing dwellings within the locality;
- 5b) The application is supported by clear evidence of a firm intention and ability to develop the enterprise concerned (for example significant investment in buildings etc is often a good indication);
- 5c) The application is supported by clear evidence that the proposed enterprise is planned on a sound financial basis.

3a) Functional Need - The business plan states that the proposed holiday cabins will be run like a B&B with breakfast and meals being offered on site as well as well-being classes etc. In addition, there is the potential for noise and disturbance on site to impact upon the neighbouring sites, including the CWS. Therefore, in addition to security an on-site presence is justified and would be required to manage the holiday site.

3b) Existing Dwelling - Information has not been submitted demonstrating whether an alternative dwelling could serve the functional need, however the nature of the proposal would require an onsite presence, whether provided by the same person or in shifts.

The submitted information does state that the applicant lives in Spalding, however it would seem that this is in fact the applicant's son Mr Lee Ward, who would be running the holiday accommodation, and the proposed temporary dwelling is for him rather than the applicant.

5b) Intention - The existing site is agricultural land and there are currently no holiday units, or associated development permitted on site.

Whilst the applicant does own the adjacent existing business, which also forms part of this application to expand the warehousing, this is not sufficient justification for a dwelling in this location. Notwithstanding this the proposal is for a new business and the proposed dwelling

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would be granted temporary consent only, in the first instance for three years, and prior to a more permanent dwelling being considered the applicant would have to demonstrate the holiday business was financially sound and well-established.

On balance the proposed dwelling is considered to meet the requirements of a temporary dwelling in accordance with Policy DM6 of the SADMPP 2016. The proposal would therefore comply with para 83 and 84 of the NPPF, Policy CS06 of the Core Strategy 2011 which seeks to protect the intrinsic character of the countryside, and policies DM2, and DM6 of the SADMPP 20216.

Impact on Ecology:

The application was submitted before biodiversity net gain became mandatory and the BNG requirement for 10% gain does not therefore apply.

The ecological information has been updated throughout the course of this application to reflect in-depth surveys which took place after submission.

There are third-party objections relating to the potential impact on the adjacent County Wildlife Site as well as some support relating to the creation of the wildlife lake.

Protected Sites:

The application site is located within the countryside and immediately to the west of Pentney Heath which is a County Wildlife Site (CWS) which is designated for its rich mosaic of heath, acid grassland, woodland and scrub habitats. In addition, the application site is within the catchment of the River Nar SSSI and therefore it is the statutory duty of the LPA under the Habitat Regulation (The Conservation of Habitats and Species Regulations 2017) and the Countryside and Wildlife Act 1981 to ensure that the proposed development will not adversely affect the SSSI, or any protected species and have a duty to have regard to the conservation and enhancement of Priority Habitats under the Natural Environment and Rural Communities Act 2006 and the Environment Act 2021.

The application includes proposed development that could impact upon ecology in a number of ways, such as:

- additional noise and disturbance,
- increased levels of lighting,
- human activity (including foul drainage), and
- an impact upon ground water levels which could affect the water table.

During the course of the application a Preliminary Ecological Appraisal (PEA) was submitted as well as a Hydrological Review. Members may recall that the application was deferred in February 2023 to allow for a number of further ecological surveys to take place and an Ecological Impact Assessment (EclA) to be submitted.

The PEA and EclA identified a number of ways that the proposed development could impact upon the SSSI and County Wildlife Site (CWS) immediately to the east and how adequate mitigation measures could be put in place.

A hydrology report was also necessary to assess the drainage impact of the water management proposals (lake and sluice gates) on the groundwater levels and the River Nar SSSI and the adjacent CWS.

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A hydrology report was submitted which states that the site is hydraulically connected to the River Nar SSSI and that the watercourse between the site and the Nar is not considered to be at risk of degradation from the activities associated with the proposed development, however measures will be required with regard to construction and maintenance. This would include managing the site run-off rates to prevent an increase in flood risk elsewhere. This report also states that the proposed sluice gate could be of benefit by controlling water in times of flood and drought, however management of the operation and maintenance of the sluice gate would be required, and this would be the responsibility of Oakland as riparian owners of the watercourse.

The hydrology report states that the management of the sluice will be in liaison with Pentney Parish Council and a draft deed of covenant has been submitted with the application which is between the applicant and Parish Council. However, this draft deed is not a Section 106 agreement or condition that could control the management of the sluice gates in conjunction with this planning application.

The EcIA report states that the control of water should be managed following discussion with the owners of the adjacent Pentney Heath (CWS) to ensure a level is set on the sluice to ensure the indirect impact of the sluice on local groundwater levels does not have a detrimental impact on the neighbouring CWS. There is currently no proposed water management scheme relating to the ground water levels in conjunction with the owners of the neighbouring CWS, (the owner of Pentney Heath objects to the proposal and one of the reasons for objection is the impact upon the groundwater levels within the CWS and its impact upon the priority habitat). A pre-commencement condition will be placed on the decision to ensure that a Water Management Plan, involving the third parties is submitted before development begins. The applicant has confirmed that the ecologist has been in talks with the owner of the CWS to provide a water management plan.

There are no objections to the proposal from Natural England following the submission of the additional information as it demonstrates that the proposal would not adversely affect the River Nar SSSI.

The application site falls within a Zone of Influence of the following European designated sites scoped into the Norfolk GIRAMS;

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

It is anticipated that certain types of development in this area are likely to have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure. The GIRAMS has been put in place to ensure this additional recreational pressure does not lead to an adverse effect on European designated sites in Norfolk. An appropriate assessment has been carried out by the LPA and it has been determined that mitigation could be adequately provided with regard to these protected sites by payment of the GIRAMS fee.

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The current application is for outline consent only, at reserved matters stage, when full details of the overnight accommodation are known, the GIRAMS fee will be required prior to approval of the reserved matters.

Protected Species:

The submission of the EclA has enabled the LPA to assess the impact of the proposal upon protected species with further surveys identifying:

- Bat activity transect - nine species recorded; site of local regional importance;
- Breeding/wintering birds - The fields (grassland) are considered to be of Site value for breeding birds whilst the boundary habitats including the CWS are considered to be of Local value;
- Reptiles - slow-worm, grass snake & common lizard confirmed present, so site of county value; and
- Great Crested Newts - presence confirmed in five waterbodies and of local importance.

The Norfolk Wildlife Trust (NWT) has withdrawn its objection provided the mitigation provided within the EclA is conditioned. This would also include signage and boundary fencing to the CWS which would protect the CWS and stop visitors accessing the site, while allowing for wildlife to permeate the fencing. A construction management plan to ensure that surface water and ground water are not polluted during construction, as well as details of the surface and foul water drainage to ensure that this is adequately dealt with.

It is noted that the NWT has also highlighted the importance of a Water Management Plan in conjunction with the owner of the CWS to ensure that water levels are not adversely affected within the CWS. It has been confirmed by the ecologist (Philip Parker & Associates) that the botanical survey (June) stated within the PEA was not required as it was in relation to land to the north of the existing business, however following amended plans being received this area of land is no longer included within the application site and the survey is not required.

Licensing Requirements:

The EclA states that following the presence of Greater Crested Newts (GCN) being identified in surrounding waterbodies within 250m of the proposed development, there is a requirement to cover the site under a suitable derogation licence from Natural England.

It has been determined that this could be carried out within the District Level Licencing scheme (DLL). This scheme enables developers to apply for an Impact and Conservation Payment Certificate (IACPC) where Natural England measure the impact of the proposed development on GCN and assess the cost of compensating for the impact through new or improved pond provision for GCN. This licensing provides a positive contribution towards the conservation status of the protected species and the area where the application site is located has a favourable conservation status. The application site is within a 'green risk zone' and the licensing guidance states that in green zones all types of development are suitable for the scheme. To join the scheme, developers need to apply for the IACPC which will be countersigned by Natural England.

The Senior Ecologist objects to the proposal because the applicant has not yet submitted the IACPC which has been countersigned by Natural England.

While gaining this certificate prior to determination of the application would be ideal, it is understandable that developers do not always apply for the licence prior to gaining consent due to the potential costs.

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Government Guidance does state that where an application is assessed without an IACPC the LPA will need to check the risk zone of the application (green in this case) and then consider the tests of derogation to ascertain whether Natural England would be likely to grant a license for the proposed works.

1 There is an overriding public interest

The proposal is considered to comply with this test. The application complies with policies of the development plan, providing economic benefits both to the existing business and proposed tourism business in line with local plan policies.

2 There is no satisfactory alternative

The proposal is positioned where there will be minimal impacts on protected species with mitigation in place to minimise impact.

3 The resulting permitted actions will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status within their natural range.

The proposal is unlikely to be detrimental to the maintenance of the GCN population, with works being appropriately managed and mitigation in place. The site is within a green risk zone for the district level licensing scheme, and it is the LPA's opinion that a district level licence is likely to be granted on the above basis in accordance with the Habitat Regulations, Policy CS12 of the Core Strategy and para. 193 of the NPPF. While the LPA ecologist objects as the certificate has not been submitted, on balance the LPA take the view that this can be applied for prior to commencement as it is likely that Natural England would grant the IACPC.

Therefore, provided the ecological mitigation within the EclA is conditioned, a water management plan is submitted (in conjunction with the owner/manager of the CWS) to ensure that the proposal not only considers that flood risk is not increased elsewhere, but that the changes in groundwater do not adversely impact upon the priority habitats within Pentney Heath CWS. The proposal complies with Section 15 of the NPPF and Policy CS12 of the Core Strategy 2011.

Visual Impact:

The application is for outline planning permission and therefore the full plans are not available. However, given the scale of the proposed development, lodges etc., it is reasonable to assume there would be some degree of visual impact.

The main impact would be to the south and west of the site as the site is well screened visually to the east by the adjacent CWS, however this visual impact could be mitigated by well thought out landscaping, although this would take some time to mature. The arboricultural officer has requested a full tree survey, Arboricultural Impact Assessment and Method Statement be submitted at reserved matters stage once the proposed layout is known.

A landscaping scheme would also be necessary at reserved matters stage to fully assess the proposal in the context of the proposed landscaping and any potential changes to existing levels should the spoil from the proposed lake be used on the application site.

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Overall, whilst full details are not known at this stage, the proposal would comply with the principles of the NPPF, Policies CS06 and CS08 of the Core Strategy 2011.

Impact upon Neighbour Amenity:

The impact upon the neighbours to the north of the application site have been considered and objections have been received from these neighbours. Amended plans were submitted during the course of the application which removed the originally proposed business units and warehousing which were located directly south of these dwellings, and which could have caused amenity issues.

No objections have been received from CSNN who have stated that additional details regarding surface and foul drainage, operating hours regarding the on-site business and external lighting could be dealt with by condition. CSNN did not respond to the reconsultation following the relocation of the proposed new warehousing to the south of the existing business and which would be further away from the nearest residential neighbour than the location in their original response. The proposal in the revised location is not considered to cause any adverse impact upon these neighbours to the north. The proposed warehousing is located where the now lapsed warehousing was proposed and could be conditioned in a similar manner. It is noted that the current business does not have a condition regarding hours of operation, and it is considered onerous to place this condition on the decision as the proposed warehouse is screened to the north by the existing business and to the south by the proposal holiday site which is within the same ownership.

Overall, the proposal would therefore comply with the principles of the NPPF, Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Highways Impacts:

The proposal would be accessed directly off the A47 which is classed as a Strategic Road Network. Policy DM12 of the SADMPP states that the Strategic Road Network which includes the A47 will be protected outside the settlements specified within Core Strategy policy CS02:

* New development, apart from specific plan allocations, will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of this Strategic Road Network;

* New development served by a side road which connects to a road forming part of the Strategic Road Network will be permitted provided that any resulting increase in traffic would not have a significant adverse effect on:

- The routes national strategic role as a road for long distance traffic;
- highway safety;
- the routes traffic capacity; and
- the amenity and access of any adjoining occupiers.

In appropriate cases a Transport Assessment will be required to demonstrate that development proposals can be accommodated on the local road network, taking into account any infrastructure improvements proposed.

The proposed development involves the intensification of an existing access directly onto the A47 which is conflict with Policy DM12 of the SADMPP and there are third party objections to this. Notwithstanding this a transport assessment was requested by National Highways

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who stated that they have no objection to the proposal based upon the figures given. It is also of note that since this response the applicant has withdrawn the new business units from the proposal which would have reduction in vehicular traffic movements from the original transport assessment for which the highways authority has no objection.

The applicant is in control of land, which is able to access Pentney Lane, to the south. This access is not considered suitable to serve the proposed development and therefore NCC Highways Officer recommends a condition ensuring that this potential access is permanently closed.

Therefore, whilst there is conflict with Policy DM12 of the SADMPP 2016 there is no objection from the statutory consultee with regard to the impact upon the Strategic Road Network or highway safety. Consequently, on balance it is considered that the proposal would comply with para 115 of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Flood Risk:

The application site is predominantly located within Flood Zone 1, with some of the access road onto the A47 in Flood Zone 3. The application site is within an area susceptible to groundwater flooding (between 50% and 75%), the northern part of the site predominantly where the access point is within a reservoir flooding area and part of the southern application area is within the climate change surface water flood risk area (1% AEP Climate Change). There is no objection to the proposal from the Environment Agency who recommended the IDB were consulted. Whilst outside the Board District the application site is within an area which drains into the IDB district. They have no objections to the proposal provided the proposed works do not increase the risk of flooding or drainage issues to neighbouring land or property.

Surface water drainage is proposed to be to the watercourse, proposed lake and a sustainable drainage system. Whilst this may be acceptable final details for this cannot be submitted at outline stage and would need to be conditioned (pre-commencement condition). Given the nature of the proposal and its potential to impact upon groundwater levels a water management plan/strategy would be required by condition to ensure flood risk was not increased elsewhere, and also would have to be managed in conjunction with the adjacent County Wildlife Site.

The proposal complies with para 170 of the NPPF, Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Crime and Disorder:

Comments have been received from the Police architectural liaison officer with recommendations to be considered when designing the proposal at reserved matters state to ensure natural surveillance. It is of note that comments made with regard to lighting and landscaping may be at odds with the comments from the ecologist regarding minimal levels of lighting being necessary due to the adjacent CWS.

Other material considerations:

Whilst there are no objections from Environmental Quality, given the location adjacent to the former railway line full contamination conditions would be required (including pre-commencement conditions) should the application be approved.

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The disused railway line is not sited within Policy DM13 as a route that is safeguarded from development within DM13 of the SADMPP 2016. It should be noted that the submitted plan is indicative only and at the current time does not indicate development on the track, but it would be necessary to cross it and the indicated proposal does about the location of the disused track. In addition, it is not yet known the volume of spoil that would be excavated in order to create the wildlife pond and therefore it may be necessary for dust suppression measures to be applied through a Construction Ecological Management Plan (CEMP).

In addition to ensure that there is no pollution of the water environment due to foul water disposal, these details can be dealt with via condition.

Comments have been received from National Grid Electricity that the proposal must not proceed without further assessment from their Asset Protection Team as the proposed works location is within a High-Risk Zone from National Grid Electricity Transmission plc apparatus. Within comments received from the owner of Pentney Heath CWS there is an electricity tower located within the CWS. This is more a matter for reserved matters when the detail of site layout and the position and depth of the proposed lake is known.

There are no outstanding issues from the Historic Environment Service, Housing Enabling Officer, Norfolk Fire and Rescue, or Cadent Gas or UK Power Networks with regard to this application.

CONCLUSION

The proposed application involves a number of elements, the full detail of which is unknown at the present time as the application is for outline planning permission with all matters reserved. However the applicant has established it shall be for the expansion of an existing business with the provision of a new warehouse unit, a wildlife and tourism lake with holiday lodges and associated new (temporary) dwelling, nature reserve with associated accesses and facilities, along with installation of a sluice gate.

Notwithstanding this, when considering the planning balance, the proposal would allow for economic benefits, such as the expansion of the existing business on site (supplying gardening equipment) and would involve the provision of a wildlife lake and tourist facility.

The impact upon the adjacent priority habitats within the County Wildlife Site (Pentney Heath), both with regard to protected species, and with regard to habitat impacts which may be caused by changes to groundwater conditions has been addressed by the submission of an Ecological Impact Assessment and related conditions.

Members are asked to weigh-up the benefits of the proposed development, versus the large scale of the proposed development, in a location which is not well served by services and facilities. The proposal is finely balanced, however it is considered to be in accordance principles of the NPPF, Policies CS01, CS02, CS06, CS08, CS10 and CS12 of the Core Strategy 2011 and Policies DM2, DM3, DM6, DM11, DM12, DM15 and DM17 of the SADMPP 2016 and therefore it is recommended that the application be approved.

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RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 6 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 8 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

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Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

- 8 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 9 Condition: The development shall be carried out in accordance with the Mineral Resource Investigation submitted in support of planning application 21/02392/OM. During the construction phase, the developer shall keep a record of the amounts of material obtained from on-site resources which are used onsite and the amount of material returned to an aggregate processing plant through a Materials Management Plan-Minerals. The developer shall provide an annual return of these amounts to the Local Planning Authority and the Mineral Planning Authority, or upon request of either the Local Planning Authority or Mineral Planning Authority.
- 9 Reason: To ensure that needless sterilisation of safeguarded mineral resources does not take place in accordance with the National Planning Policy Framework and Policy CS16 of the Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD 2010-2026.
- 10 Condition: No development shall commence until full details of the foul and surface water drainage arrangements (including sustainable drainage systems) 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.
- 10 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

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

- 11 Condition: The details submitted in accordance with Condition 1 shall include a full tree survey. This tree survey shall include any tree located within the site and within a 15m distance of the application site and shall be accompanied by an Arboricultural Implication Assessment and Method Statement carried out by a suitably qualified arboriculturist and in accordance with the current BS:5837 'Trees in relation to construction – Recommendations'.
- 11 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF. This needs to be submitted at reserved matters stage to ensure that the development can be accommodated once full details of layout are known.
- 12 Condition: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF. This needs to be considered at reserved matters stage to ensure that the spoil from the proposed lake is reused on site, which may impact the detail relating to layout.

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- 12 Reason: The details submitted in accordance with Condition 1 shall include full details of the reuse of on-site excavated soil within the landscaping of the site and in accordance with the 'Habitat Creation' section of Section 6.0 (Mitigation/Enhancement Strategy) of the Ecological Impact Assessment by Philip Parker Associates Ltd (Ref: P2022-21 R3FINAL) dated 15th March 2024.
- 13 Condition: The development hereby approved shall be carried out in full accordance with Section 6 'Mitigation/Enhancement Strategy' of the Ecological Impact Assessment (Ref: P2022-21 R3FINAL) prepared by Philip Parker Associates Ltd and dated 15/03/2024:
- Habitat Creation
 - Water Resource Control
 - Habitat Management
 - Bats
 - Breeding Birds
 - Reptiles/Amphibians/Small Mammals
 - Signage/Engagement
 - Monitoring
 - Advisory Note
- 13 Reason: In the interests of protected species and ecology and in accordance with Section 15 of the NPPF and Policy CS12 of the Core Strategy 2011.
- 14 Condition: No development shall commence on site until a Water Management Plan (WMP) has been submitted to the LPA and agreed in writing. This WMP shall have been written in collaboration with the owner/manager of Pentney Heath (CWS) to address the management of the sluice gate and water levels within the adjacent County Wildlife Site (CWS). This Plan shall be agreed and signed by all parties prior to being submitted to the LPA. The Water Management Plan shall then be implemented as agreed in perpetuity.
- 14 Reason: To ensure the water levels within the County Wildlife Site are not adversely affected by the water management proposals on site, and do not impact upon the existing habitats on the adjacent CWS in accordance with Policy CS12 of the Core Strategy 2011 and Section 15 of the NPPF.
- 15 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme that is compliant with the 'Bats' mitigation of Section 6.0 'Mitigation/Enhancement Strategy' of the Ecological Impact Assessment, 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 lights, 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.
- 15 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the principles of the NPPF and Policy CS12 of the Core Strategy 2011.
- 16 Condition: Prior to the first use of the holiday lodges hereby approved, the boundary fence to the County Wildlife Site (Pentney Heath) and signage as detailed within the

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'Signage/Engagement' part of Section 6.0 'Mitigation/Enhancement Strategy' of the Ecological Impact Assessment shall be erected and maintained in perpetuity.

- 16 Reason: To ensure there is minimal disturbance to the County Wildlife Site in accordance with Section 15 of the NPPF and Policy CS12 of the Core Strategy 2011.
- 17 Condition: Prior to the commencement of development, the LPA must be provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.
- 17 Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s17 Crime & Disorder Act 1998, Policy CS12 of the Core Strategy 2011 and Section 15 of the NPPF.
- 18 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:
- a) Risk assessment of potentially damaging construction activities such as noise, light and creation of dust.
 - b) Details outlining mitigation measure that will be in place to avoid pollution events such as fuel spills, oil leaks and discharges and how these will be controlled should they occur accidentally.
 - c) Identification of "biodiversity protection zones" accompanied by a figure identifying their location and extent.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features. This will include construction timed to be outside of breeding bird season (1st March and 31st August inclusive) unless a competent ecologist has undertaken preconstruction checks for nesting birds.
 - e) A precautionary working method statement to avoid the risk of impacts to reptiles which will include the sensitive removal of vegetation and any brush piles
 - f) Details of security/construction lighting including the design, location, orientation and level of illuminance which must specify the avoidance of illuminating ecological features such as hedges, garden boundaries and mature tree to maintain dark corridors
 - g) The times during construction when specialist ecologists(Ecological Clerk of Works) need to be present on site to oversee works and what the role and responsibilities of that person will be.
 - h) Responsible persons and lines of communication.
The development shall be constructed in full accordance with the details agreed.
- 18 Reason: In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF. In order to comply with the Habitats Regulations (2017) and avoid likely significant impacts to River Nar SSSI and Pentney Heath CWS. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.

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- 19 Condition: The warehouse hereby approved shall be used for the distribution of garden equipment only and for no other purpose, including any use within Classes E or B8 of the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory Instrument revoking and reenacting that Order with or without modification and no part of the premises shall be used for the display or sale of garden equipment directly to visiting members of the public.
- 19 Reason: In the interests of neighbour amenity and to ensure that the impacts on highway safety and the free flow of traffic have been assessed in line with the principles of the NPPF, Policy CS11 of the Core Strategy and Policy DM12 of the SADMP 2016.
- 20 Condition: Notwithstanding the provisions of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no change of use shall be allowed relating to the warehouse hereby approved, without the granting of specific planning permission.
- 20 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order. In accordance with the provisions of the NPPF and Policy DM2 of the Core Strategy 2011.
- 21 Condition: Vehicular access to and egress from the adjoining highway shall be limited to the A47 access only as shown on Drawing No. PL21/2D Any other access or egress from the development with Pentney Lane shall be permanently closed in accordance with a detailed scheme to be agreed with the Local Planning Authority.
- 21 Reason: In the interests of highway safety in accordance with para. 115 of the NPPF and Policy CS11 of the Core Strategy 2011.
- 22 Condition: The holiday lodges hereby permitted shall only be used as holiday accommodation and shall not be occupied as any persons sole or main place residence at any time.
- 22 Reason: For the avoidance of doubt and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation which would be inappropriate in this location and contrary to the provisions of the NPPF, Policies CS01 and CS06 of the Core Strategy 2011 and DM11 of the SADMP 2016.
- 23 Condition: The holiday lodges hereby permitted shall be for short term holiday accommodation and/or commercial leisure lets only and for no other purpose (including any other purpose defined in Use Class C3) and each lodge shall only be occupied for short stays not exceeding 28 days for each letting or period of occupation.
- 23 Reason: For the avoidance of doubt and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation which would be inappropriate in this location and contrary to the provisions of the NPPF, Policies CS01 and CS06 of the Core Strategy 2011 and DM2 and DM11 of the SADMP 2016.
- 24 Condition: The owners / operators of the holiday cabins shall maintain an up-to-date register of lettings / occupation with details of occupants arrival and departure dates,

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names and addresses and this information shall be made available at all reasonable times to the local planning authority.

- 24 Reason: For the avoidance of doubt and to ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation which would be inappropriate in this location and contrary to the provisions of the NPPF and Policies CS01 and CS06 of the Core Strategy 2011 and DM2 and DM11 of the SADMP 2016.
- 25 Condition: All the holiday lodges hereby approved shall be owned/leased and managed by the occupants/owners of the business to the north known as Oakland Gardens, Main Road, Pentney and at no time shall they be sold off as separate accommodation or managed individually.
- 25 Reason: For the avoidance of doubt and to ensure that the approved holiday accommodation is not sold off piecemeal or used for unauthorised permanent residential occupation which would be inappropriate in this location and contrary to the provisions of the NPPF and Policies CS01 and CS06 of the Core Strategy 2011 and DM2 and DM11 of the SADMP 2016.
- 26 Condition: The residential accommodation shown on drawing no. PL21/2D as 'Temporary Wardens accommodation mobile facility for 24h security purposes' shall be occupied in conjunction with the holiday lodge accommodation only, and shall not be occupied until the holiday lodge business has commenced.
- 26 Reason: The site lies in an area where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the dwelling in connection with a rural enterprise in accordance with the NPPF.
- 27 Condition: The residential accommodation shown on drawing no. PL21/2D as 'Temporary Wardens accommodation mobile facility for 24h security purposes' is hereby approved for three years from the date of occupation of the holiday lodges as set out within Condition 26.

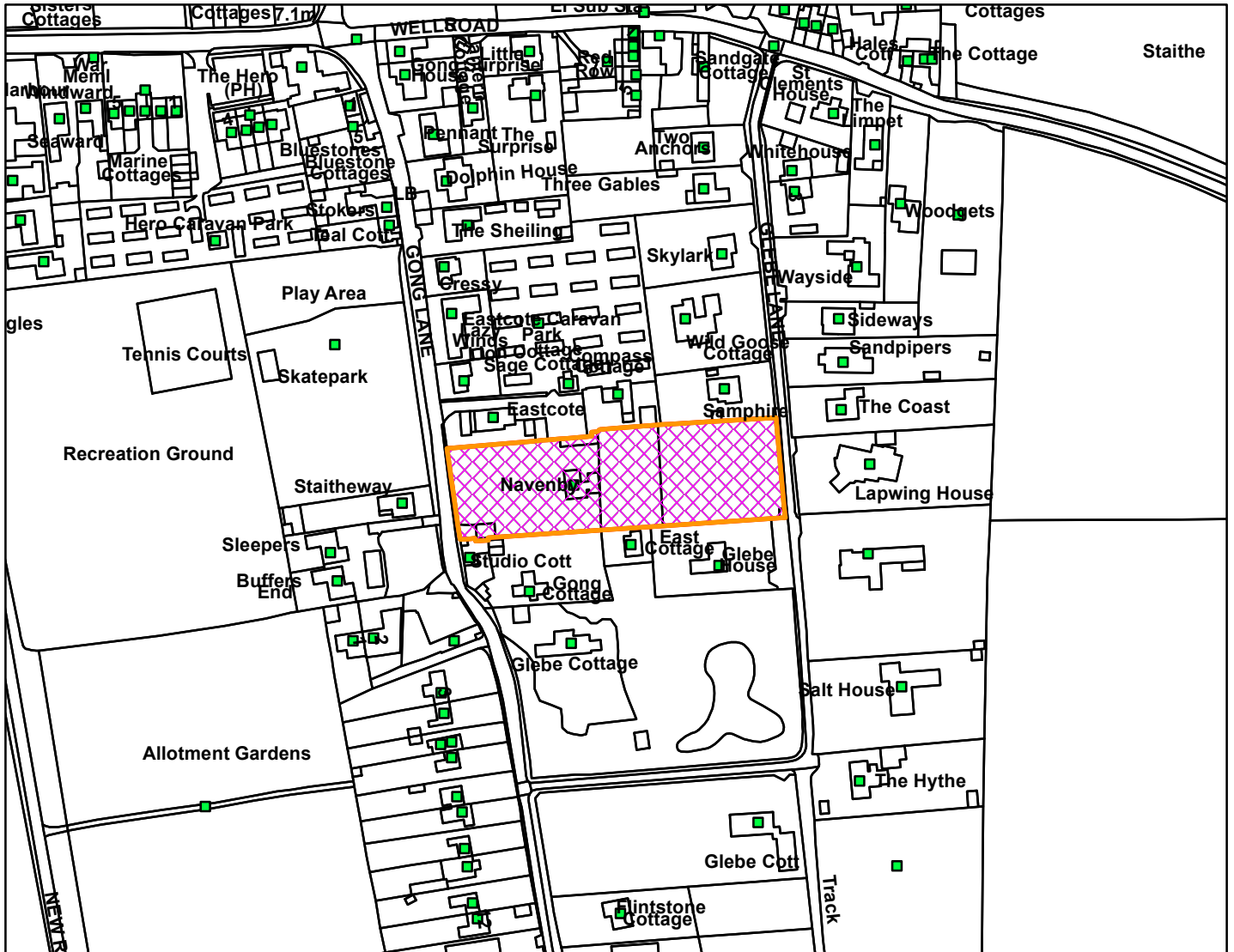
Once this date has passed, the permission for this accommodation shall expire and unless on or before that date application is made for an extension of the period of permission and such application is approved:

- (a) the building shall be removed from the application site,
- (b) the use of the land shall be discontinued, and
- (c) there shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of this temporary permission.

- 27 Reason: The site lies in an area where the Local Planning Authority would not normally grant permission for new dwellings. This temporary permission is granted in recognition of the special need for the dwelling in connection with a new rural enterprise in accordance with the NPPF and Policy DM6 of the SADMP 2016.



Navenby Gong Lane Burnham Overy Staithe King's Lynn Norfolk PE31 8JG



Legend

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Scale: 1:2,500

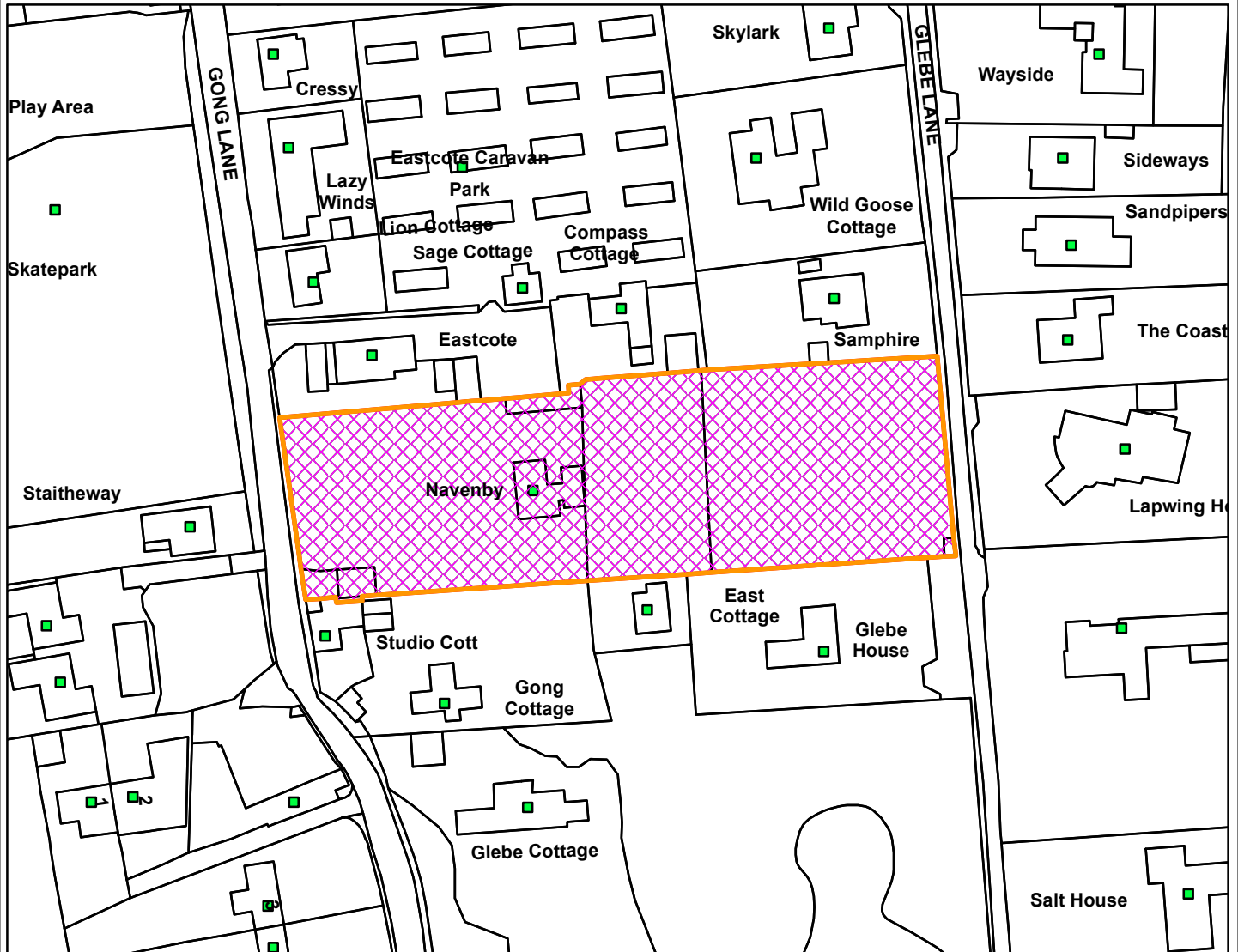
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314



Navenby Gong Lane Burnham Overy Staithe King's Lynn Norfolk PE31 8JG



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Scale: 1:1,250

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314

Parish:	Burnham Overy	
Proposal:	Demolition of existing house and replacement self-build dwelling constructed	
Location:	Navenby Gong Lane Burnham Overy Staithe King's Lynn PE31 8JG	
Applicant:	Mr Dominic Edmonds	
Case No:	24/01793/F (Full Application)	
Case Officer:	Helena Su	Date for Determination: 3 December 2024 Extension of Time Expiry Date: 13 January 2025

Reason for Referral to Planning Committee – Referred by the Assistant Director – Environment & Planning

Neighbourhood Plan: No

Case Summary

The application is for a replacement self-build one-and-a-half storey dwelling and single-storey detached workshop at Navenby, Gong Lane, Burnham Overy Staithe.

The application site is approximately 0.47ha to the east of Gong Lane and west of Glebe Lane in Burnham Overy Staithe. The site has a pedestrian access via Gong Lane and vehicular access via Glebe Lane. A west portion of the site is within Burnham Overy Staithes' Conservation Area and the dwelling is considered a Non-Designated Heritage Asset for its local architectural importance, belonging to a group of dwellings built by Welcome Thompson, a local developer, in the inter-war period.

Key Issues

Principle of Development

Impact on a Conservation Area, Non-Designated Heritage Asset and National Landscape. Trees.

Impact on Neighbour Amenity

Any other matters requiring consideration prior to determination of the application

Recommendation:

REFUSE

THE APPLICATION

The application is for a replacement self-build one-and-a-half storey dwelling and single-storey detached workshop at Navenby, Gong Lane, Burnham Overy Staithe.

Burnham Over Staithe is classified as a Rural Village in the settlement hierarchy of Policy CS02 of the Core Strategy 2011. The site is located in the development boundary of Burnham Overy Staithe shown on Inset Map G19 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

The application site is approximately 0.47ha to the east of Gong Lane and west of Glebe Lane in Burnham Overy Staithe. The site has a pedestrian access via Gong Lane and vehicular access via Glebe Lane. A west portion of the site is within Burnham Overy Staithe's Conservation Area and the dwelling is considered a Non-Designated Heritage Asset for its local architectural importance, belonging to a group of dwellings built by Welcome Thompson, a local developer, in the inter-war period.

A planning application for this proposal was submitted earlier this year under Planning reference 24/01146/F but was withdrawn by the Applicant/Planning Agent due to an insufficient information in the Heritage Statement to justify the loss of the Non-Designated Heritage Asset and impact on the Conservation Area. This application seeks to address such matters.

SUPPORTING CASE

The Applicant/Planning Agent has provided the following supporting case:

Planning Application 24/01793/F is for the demolition of an existing home, "Navenby", built in 1937, and its replacement with an architect-designed, sustainable, fully accessible, single-storey dwelling suitable for modern living for current and future generations of our client's family in the Burnham Overy Staithe Conservation Area (BOSCA). The proposal replaces the existing 5 bedroom, 2 bathroom house and sheds with a modest 3 bedroom, 2 bathroom bungalow built to PassivHaus standards.

The sole objection to the application comes from the Conservation Officer (CO), who asserts that Navenby has non-designated heritage asset (NDHA) status, because it is one erected by a local sailor and speculative builder, Mr Welcome Thompson (WT). This conclusion should be rejected by the members of the committee and we ask you to grant planning permission for these reasons:

1. The proposal is for a well-designed modern sustainable house to provide a full-time, long term home for a well-established, local, year-round resident and his family; the existing house is badly built, uninsulated, poorly laid out, inaccessible, structurally unsound and unfit for occupation in the 21 st century;
2. WT's constructions have no architectural quality or significance worthy of preservation in their own right. His work's most distinctive feature was the somewhat eccentric use of unwashed, salty shingle recovered from the beach mixed with Portland cement to cast concrete blocks and lintels that harbour damp; these are now beyond their useful lifespan and starting to crack and crumble. Most of the WT built houses in the village are used as summer holiday cottages, as they are not suitable for year-round occupation;
3. The Planning Inspector's decision in a planning appeal in 2021 relating to "Victoria" - a prominent WT built house in Gong Lane - rejected the CO's assertions that it should be considered NDHA status after failing to provide " any substantive evidence ... [to identify it]

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... as a NDHA, having regard to the guidance outlined within the National Planning Policy Framework and the PPG" . To date, this extremely relevant appeal decision has been ignored by the council's officers: neither debated nor mentioned;

4. Even if Navenby had NDHA status, the NPPF 135 requires that " ... 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 ". Our proposal has precisely those qualities, whereas any a retrofit would not satisfy either;

5. Your officers have not engaged in any real way with the material provided in support of the application, including the professionally produced Heritage Impact Assessment and architect's Retrofit Strategy . It appears that the Conservation Officer has not visited the site to make objective internal or external assessments;

6. The Conservation Officer's assertion that demolition of Navenby would erode significance of the group of WT houses is specious: Navenby is not publicly visible within the BOSCA and cannot be seen in context with any other member of the group, which are scattered over a wide area of the village, interspersed with others;

7. As Navenby is not visible from the street, it makes no contribution to the character and significance of the BOSCA and, although it sits just within the BOSCA, it is not identified as an "important unlisted building". An objective observer could find nothing about it to justify preservation; it lacks any unique features, has been substantially and unsympathetically altered over the years, and is now in very poor condition, largely due to WT's poor quality construction methods and materials;

8. We have comprehensively demonstrated that, even if our client wanted to upgrade the existing building, to do so is not a sensible, practical or economic exercise (see the Retrofit Strategy). Even full retrofit renovation would leave the building well below current building regulation standards, make the small rooms smaller and still (wheelchair) inaccessible. Significant public benefit is derived from upgrading a family dwelling of permanent residency, thereby securing optimum viable use within the BOSCA;

9. There are more than 40 individual representations on record in support of the application and zero objections. Burnham Overy villagers are not shy about objecting to new building development that they consider would adversely affect the local area; in this case, they warmly support it;

10. We urge the council to rely on our professional judgement and that of the author of the Heritage Impact Assessment, together with the precedent set by a previous planning appeal , but also: to make a decision reflecting the overwhelming support for the proposal by the applicant's neighbours in the village, who would be most closely affected by the scheme, and to save the council the expense of contesting an appeal very likely to succeed based on our evidence and recent precedent.

PLANNING HISTORY

24/01146/F: Application Withdrawn: 13/08/24 - Demolition of existing house and replacement dwelling constructed.

21/00064/TREECA: Tree Application - No objection: 26/04/21 - Works to various trees, see attached details of planned works within a conservation area

20/00058/TREECA: Tree Application - No objection: 13/03/20 - TREES IN A CONSERVATION AREA: Variety of trees to be trimmed/reduced

2/02/0050/O: Application Withdrawn: 06/01/03 - Site for construction of bungalow

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RESPONSE TO CONSULTATION

Parish Council: NO OBSERVATIONS either in favour or against the proposal.

Conservation Officer: OBJECTION comments as follows:

The property is within the Burnham Overy Staithe Conservation Area and sits within an important street for the character and history of the area. Gong Lane was the site of 8 houses built between 1927 and 1932 by Welcome Thompson, a local fisherman turned property developer and landlord. Welcomes houses were built using a unique concrete block at a time when concrete block construction was not considered standard. Welcomes blocks were created using bits of things he found on the beach such as bottles, pebbles and shells which made them very hard and very sharp!

The first of Welcome Thompsons buildings was built in 1927 for Andrew Butler. This is the southernmost building along Gong Lane. Navenby was the 4th property to be constructed by Thompson using his distinctive combination of blockwork, red tile and red brick details. It was constructed for a Mr Maples, a retired solicitor from Lincolnshire who then commissioned, as a business opportunity, 3 further cottages from Thompson further down Gong Lane. Thompson was also commissioned by the Holkham Estate to rebuild, in his distinctive block, an area of estate wall which had collapsed and, the entrance to the windmill at Burnham Overy Staithe. The garage at the Mill, certainly still displays the distinctive block and brick design that Thompson was so known for.

As the 4th house and commission for Thompson, Navenby is one of the earliest and one of the most impressive of the commissions. It displays the characteristics of the style employed by Thompson with red brick dentilled eaves, the distinctive concrete block design and brick step details on the gable ends.

The Heritage Statement states that the building is not of enough interest to be considered a non-designated heritage asset and that there is no harm to the character and significance of the conservation area from the proposed scheme.

The site lies within the Burnham Overy Staithe Conservation Area and is one of a group of buildings that is considered to be built by the fisherman turned speculative builder, Welcome Thompson. The agent is correct that the source that tells us the houses were built by Welcome Thompson is a newspaper article written by someone who did not know the man himself. It is therefore a secondary source when considering the information in an academic sense. However, the author of the article does give thanks to three people bearing the last name Thompson, which it can be assumed are relatives and so the source is not wholly untrustworthy. The detail given and the mentioning of houses by name indicate a degree of knowledge by the author of the facts of the case as well as the architectural and material similarities between the properties all point towards one designer, whether we call him Welcome Thompson or not.

Architecturally, Navenby displays similar characteristics to the other properties identified as Welcome Thompson houses. The use of concrete block with red brick detailing, the dentilled eaves are the same as those on The Three Sisters (apparently built by the owner of Navenby as a speculative business venture) and the prominent chimney. The block and brick detail is a modern version of the grey flint and red brick houses seen around the group of houses and when the houses are combined with the block walls with red brick bands that surround them, they certainly form a unique group of buildings that create a distinct character area within the wider Burnham Overy Staithe conservation area.

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The Borough Council of Kings Lynn and West Norfolk do not have a Local List which records the buildings and structures considered to be of local interest. The conservation area appraisal which was reviewed in 1992, does contain a map showing the Important Unlisted Buildings but, due to the passage of time, this list does not reflect the current importance of the undesignated heritage assets to the character of the area. More information is coming to light all the time of buildings and groups of buildings that are of interest both for their individual importance and for their group value.

One building that is recorded as an Important Unlisted Building is Glebe Wood, the first of the developments as recorded by the newspaper article. This dwelling displays the same concrete block, prominent chimney and red brick corner detailing and banding as the other buildings, but it is not clear why the other buildings were not recorded as important at the time. Unfortunately no records survive for this time so the reasons will remain unknown.

The grouping of buildings that display similar, unique architectural qualities, whether they can be seen from the public realm or not, are of interest to the character and development of the Burnham Overy Staithe Conservation Area. The development of this one part of the village in this unique way with these unique materials that would have been rather new in their day, is of interest to the conservation area and as a group they add character and history and are part of the story of the conservation area.

The other buildings mentioned have been altered over time with rear and side extensions but, the main focus of the development remains the Welcome Thompson dwelling along with the materials and architectural detailing. The complete loss of these buildings have thank fully remained rare but given how few were built, the loss of any of them impacts upon the character of the group. Particularly of any from the first few built by a local character, whether they can be seen or not.

The applicant has stated in the design and access statement that to upgrade the property to modern living standards is possible, albeit expensive. No evidence has been provided to say that a middle ground suitable for a non-designated heritage asset is not possible to be achieved within a reasonable budget for example, internally insulate and replacement appropriate Crittall windows which would make a big difference to the U Value of the property without the need to knock the building down. Extensions to this property, of an appropriate form and scale could also be appropriate while retaining the appearance and form of this important building.

The loss of Navenby would represent the loss of the fourth of the buildings in this series which we know from the article was built for a named person obviously to his specification. In a similar way to Glebe Wood, it is set into a larger site, indicating its status as opposed to the smaller cottages built by the owners of these buildings for relatives or as speculative ventures. Although both houses have seen alteration, there is no evidence provided that Navenby is not capable of restoration and an extension more fit for modern living, added to it.

By virtue of the link with the other houses likely to of been built by Welcome Thompson the site has historic value. By virtue of the architectural link between all of the houses the site has architectural value and it has group value along with the other houses. The local authority can through the planning process identify any site it considers as a non-designated heritage asset. The PPG only states it can be helpful to display these assets in a local list which does not indicate that it has to. We are starting to work with the Local Historic Environment Record to display the sites that are identified as non-designated heritage assets however, the placement of records on this system takes time and it is therefore not

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an accurate representation of the known importance of a site at any given time. The Council is aware of the need to review the conservation area appraisals and will do so in due course.

The demolition of the building would result in a total loss of a building that the conservation team consider a non-designated heritage asset. The total loss would result in the loss of one of the buildings that form part of a group of importance. Paragraph 216 of the NPPF 2024 should therefore be considered in the decision making process and a balanced judgement made against other evidence presented in terms of the public benefit.

The group of buildings make a positive contribution to the character and significance of the conservation area. The loss of one of these buildings would erode that significance of the group and diminish the importance of the group as a whole. Paragraph 220 of the NPPF 2024 therefore states that a level of harm should be determined and given the representation above, the council considers that this harm is likely to be less than substantial harm, moderate/high in scale. The balanced judgement should therefore be carried out in line with paragraph 215 of the NPPF 2024.

Arboricultural Officer: NO OBJECTIONS subject to condition.

Senior Ecologist: NO OBJECTIONS subject to condition related to Protected Species Licence, Mitigation Measure within the Protected Species Survey Report and Self-Build/Custom Dwelling BNG Exemption.

REPRESENTATIONS 43 SUPPORT comments, summarised below:

- Navenby is dilapidated and hidden from the public view and would have no impact on the conservation area.
- Navenby is one of a group of dwellings erected cheaply and quickly in the 1930s by a local fisherman.
- the assertion "there is no public benefit that outweighs any harm resulting from the demolition of one of a group of buildings" also fails to address the compelling evidence presented in the proposal's Design Access Statement, Heritage Impact Assessment and Retrofit Strategy documents.
- Inclusive design and energy efficient dwelling. Aesthetic and environmental improvements.
- Navenby is in a crumbling state, with issues such as poor insulation, bad foundations, and inaccessibility. These significant structural problems likely make retrofitting extremely challenging, and the environmental cost of attempting to upgrade the building could be higher than starting fresh.
- the house is not visible from the road and does not have significant architectural value, the argument for preserving the building purely for heritage purposes becomes less compelling, especially if its current state limits its potential for energy efficiency.
- Positive comments about the applicant's character as well-respected, active and positive community figure in Burnham Overy Staithe.
- Council should be encouraging the building of low environmental housing for local residents.
- Comments from family members, now residing in London, about keeping the site/dwelling in the family for future generations and occupancy and visiting during holidays.
- There are other examples of Thompson's work in the village in prominent places.
- The beach shingle concrete might seem like a quirky local detail worth preserving, but they are ugly, not fit for purpose, and are now past their lifespan and starting to crack up.
- Any harm is outweighed by having a high-quality, sustainable house suitable for permanent occupation by an active member of the village community.

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- Navenby was built as a holiday home - but not occupied as one and is now crumbling.
- The Conservation Officer claims that weight should be given to the "group value" of the house as one of eight built in the area by WT in his distinctive style. Numerically she is correct of course but that is nothing to the point if the example to be lost cannot be seen or appreciated by the public and is so well hidden it makes no contribution to the character and appearance of the conservation area.
- the applicant has been required to go to extensive lengths to demonstrate the practicality of trying to modify Navenby so as to make it suitable as a living space by current standards.

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

NATIONAL GUIDANCE

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

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

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

PLANNING CONSIDERATIONS

The main considerations are:

Principle of Development

Impact on a Conservation Area, Non-Designated Heritage Asset and National Landscape.

Trees.

Impact on Neighbour Amenity

Any other matters requiring consideration prior to determination of the application

Principle of Development:

The application site is located in Burnham Overy Staithe, which is classified as a Rural Village in the settlement hierarchy of Policy CS02 of the Core Strategy 2011. The application site is in the development boundary of Burnham Overy Staithe shown on Inset Map G19 of the SADMPP (2016). Development is generally permitted within the development boundaries

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in accordance with Policy DM2 of the SADMPP (2016). However, this is subject to other local planning policies.

Additionally, the application is for a self-build dwelling. The NPPF explains in footnote 28, 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. A planning balance is required.

Impact on a Conservation Area, Non-Designated Heritage Asset (NDHA) and National Landscape:

Navenby comprises a modest two-storey dwelling, with evidence of extensions to the rear, situated within a substantial plot, demarcated to the west by an established solid wall, with a black timber pedestrian gate, and single storey garage. The site includes a woodland to the east and is heavily landscaped along the north and south boundaries.

The existing dwelling is distinctive as part of a group of dwellings built by Welcome Thompson and is a NDHA for its local architectural importance. Thompson's dwellings share similar features and characteristics: concrete block with red brick detailing, the dentilled eaves, and the prominent chimney. These features are evident to other dwellings in Burnham Overy Staithe along Gong Lane, such as Glebe Cottage, Gong Cottage, Studio Cottage, Victoria Cottage, Lazy Winds, Cressy and East Cottage. All of these dwellings fall within Burnham Overy Staithe's Conservation Area and the shared distinctive features of the group of dwellings form a unique group that create a distinct character area within the wider conservation area.

The proposed dwelling would be a one and a half-storey dwelling, approximately 6.4m - 6.7m tall (depending on surrounding ground levels), 24.3m deep, and 12.3m wide, sited on the footprint of the existing dwellinghouse. The outbuilding would be constructed to the north of the proposed dwelling along the north boundary wall. The outbuilding is made up of two parts: a single storey lean-to against the north boundary wall (footprint of 3.4m x 14.2m) and a dual pitched workshop and honey room (7m x 8m). The lean-to part of the outbuilding would be 2.9m tall and the dual pitched part 4m tall.

Materials have not been specified on the proposed plans but appear to be stained vertical timber cladding board to the dwelling and outbuilding, zinc shingles to the dwelling roof and corrugated metal roof to the outbuilding, a mix of timber and aluminium window frames, and timber insulated doors. Materials can be conditioned to ensure they are appropriate for the locality and setting of the Conservation Area and National Landscape.

Given the scale and height of the proposed development, set within a substantial plot, impact to the Norfolk Coast National Landscape is minimal, as per Policy CS12 of the Core Strategy 2011.

Whilst the contemporary design of the proposed dwelling is not considered wholly in keeping with the form and character of the Conservation Area, views to the site from Gong Lane and Glebe Lane are restricted by an established wall to the west and wooded area to the east. There are some views of Navenby, together with Studio Cottage, Gong Cottage and Glebe Cottage when looking south-east up Gong Lane. However, given that this is a spacious well treed site, combined with neutral materials and modest design, the dwelling would appear recessive within the landscape. No objection has been raised to its appearance.

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The main issue relates to the demolition of Navenby and its effect on the group of NDHA. The western part of the application site, including the dwelling, lies within Burnham Overy Staithe's Conservation Area. Officers consider Navenby as one of a group of buildings along Gong Lane, built or designed by Welcome Thompson, a local fisherman turned into a builder/developer in the inter-war period, and therefore a NDHA for its local architectural importance. The demolition of Navenby would result in harm to the character of the Conservation Area, as a result of the total loss of one of these distinctive dwellings in the centre of this grouping.

The Applicant and third-party comments refer to a recent Appeal decision (APP/V2635/W/20/3250741, planning reference 19/01953/F) for a nearby property (Victoria Cottage), one of Welcome Thompson's dwellings whereby the Inspector dismissed the Council's claim that the dwelling was a NDHA due to the lack of evidence submitted at the time. Since the determination of the application, new evidence, in the form of a newspaper article, lists the dwellings in this group, including Navenby, as a Thompson dwelling. Whilst the applicant's Heritage Statement disputes the evidence, the Planning Practice Guidance states "local planning authorities may also identify NDHAs as part of the decision-making process on planning applications" (Paragraph: 040 Reference ID: 18a-040-20190723).

The Applicant and third parties also comment that the NDHA issues were not raised on previous planning applications that the Council had determined within this group, such as, extensions and alterations to at Victoria Cottage, Lazy Winds, and Cressy - the 'three sisters' identified within the news article. The approvals of these planning applications were for sympathetic extensions and alterations which retained the existing notable character of the dwellings - such as the concrete block with red brick detailing, the dentilled eaves, and the prominent chimney.

Although Navenby and the other dwellings are not mentioned in Burnham Overy Staithe's Conservation Area Character Statement, under 'IMPORTANT UNLISTED BUILDINGS', the statement states that "Most of the remaining buildings in the Conservation Area are unlisted cottages, outbuildings and Victorian industrial buildings along the quay. Collectively they make a major contribution to the form and character of the area" due to their prominent position, use of traditional materials, substantially unspoilt character, "and because they often relate to other historic buildings close by". The loss of a dwelling within the centre of this important group of Thompson dwellings would therefore negatively impact this area of the conservation area as identified by the Character Statement.

The Applicant has not sufficiently demonstrated why the dwelling could not be retrofitted with sensitive extensions and alterations, similar to other dwellings in this group. In the submitted Retrofit Strategy provided by the Applicant, it concluded that "it is possible to significantly improve the performance of the existing building". However, this would not match the performance of a new building, would come at a significant financial cost with the building being inhabitable whilst works are being carried out, and would not result in a functional dwelling in respect to internal arrangements and space. Nevertheless, Officers do not consider this justification for the demolition of the NDHA, which would affect this locally important group of dwellings, has been substantiated and therefore its total loss, would affect the overall character of Burnham Overy Staithe's Conservation Area.

Paragraph 215 of the NPPF 2024 requires that where a development proposal will 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, where appropriate, securing its optimum viable use.

The proposal is considered to have limited public benefit, being for the replacement of one dwelling and therefore would not contribute to the Council's housing numbers. Limited public benefit may be gained by the introduction of an energy efficient dwelling built to modern standards. However, the harm identified, i.e. the loss of one of the important group of dwellings by Thompson, would result in a moderate to high level of "less than substantial harm", identified by paragraph 215 of the NPPF and would not be outweighed by the limited public benefit.

Paragraph 216 of the NPPF 2024 require that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The group of buildings make a positive contribution to the character and significance of the conservation area. The loss of one of these buildings would erode that significance of the group and diminish the importance of the group as a whole. The proposed development would result in a moderate to high level of "less than substantial harm", and therefore fail to preserve or enhance the character of Burnham Overy Staithe's Conservation Area, with the total loss of a NDHA.

As such, the application is contrary to Policies CS08 and CS12 of the Core Strategy 2011, Policy DM15 of the SADMPP 2016, and the NPPF 2024.

Trees:

The Applicant has submitted an Arboricultural Impact Assessment which details that only four trees should be removed - a Hawthorn tree because of its very poor condition and the other three are small unimportant trees close to the existing house. The removal of these trees will have no impact on the character or contribution to the amenity value of the area or to the immediate character of the Conservation Area due to the dense vegetation surrounding the property and screening it from Gong Lane to the west and Glebe Lane to the east.

The application proposes to retain almost all of the existing vegetation, with a few additions. Any other removals of trees in the future would be subject to Conservation Area notification. The Arboricultural information does not include details for tree protection of trees, which can be secured by way of pre-commencement condition, which the Applicant has agreed to.

The proposal would comply with Policies CS08 and CS12 of the Core Strategy 2011 and provisions of the NPPF 2024 for impact on trees.

Impact on Neighbour Amenity:

The application site is adjoined by Eastcote, Compass Cottage and Samphire to the north, and Studio Cottage, Gong Cottage, East Cottage, and Glebe House to the south. Neighbours to the east and west are separated from the site by Gong Lane and Glebe Lane and would be amply distanced from the proposed replacement dwelling and workshop outbuilding.

As a one and a half-storey dwelling approximately 9.2m from the south boundary and 14.4m from the north boundary, the proposed dwellinghouse would not have a shadowing or overbearing impact to neighbours to the north and south. Moreover, ground floor windows on the east, south and west elevation of the proposed dwelling would be sufficiently screened by the existing boundary treatments. Ground floor windows on the north elevation would be well screened by the proposed outbuilding.

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At first floor level, there is a window serving a void on the west elevation, a window serving the balcony on the east elevation, and a dormer window serving the yoga room on the north elevation. The window on the west elevation would have no overlooking impact. The window on east elevation would be sufficiently distanced from amenity space of surrounding neighbours being approximately 20m from the neighbours to the north and south. Lastly, the dormer window would be sufficiently distanced from neighbours to the north being 16.9m from the north boundary.

The outbuilding would be built hard on the north boundary, replacing a collapsed greenhouse on the site. Given it is single storey, it is unlikely to have an overbearing impact. There would be a slight impact in respect to loss of light and daylight, but this would be restricted to a few hours in the day and limited due to the height of the building.

Windows of the outbuilding would face into the site (on the south, east and west elevations) and sufficiently screened by the existing boundary treatments and would face into the site.

Lastly, views from the decking to neighbour amenity would be unlikely given the established boundary treatments.

In terms of impact on neighbours, the proposal would meet Policy CS08 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

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

Ecology:

The application is for a self-build a custom house and therefore exempt from providing biodiversity net gain.

The Preliminary Roost Inspection of the existing dwelling confirmed the presence of a bat roost. The Survey concluded that there were no other significant findings. In light of this, the Senior Ecologist has recommended conditions related to Protected Species Licence, Mitigation Measure within the Protected Species Survey Report and Self-Build/Custom Dwelling BNG Exemption.

The NPPG advises that the LPA must be confident that Natural England will issue a licence before granting planning permission.

Natural England will only grant a licence if satisfied that the three statutory tests prescribed under the directive and regulations have all been met. The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

The obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

Taking each of the three tests in turn: -

1. Imperative Reasons of Overriding Public Interest (IROPI) - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. In this case, whilst the principle of a replacement dwelling accords with the provisions of the NPPF and the Local Development Plan, the LPA does not consider the proposed development itself to be acceptable in policy terms by the loss of a non-designated heritage asset within Burnham Overy Staithe's Conservation Area, which has no overriding public benefit. Furthermore, the development does not provide the benefit of an additional dwelling which would contribute towards the LPA's housing supply and as such would question how the proposal can be in the public interest.

That said, there may be a case for the fact that the replacement dwelling could provide for a more sustainable development when compared to the existing dwelling due to its age.

2. As a replacement of an existing building, the proposal cannot reasonably be re-located elsewhere.

3. It appears unlikely that the development of the site, subject to the appropriate mitigation and compensation measures, will affect the conservation status of the protected species. The effect of a proposal would be less significant to the specie's national population.

Taking the above into account, the LPA cannot see any reason why NE would not likely grant a derogation license under the Regulations in relation to this development.

In regard to Ecology, the proposal would comply with Policy CS12 of the Core Strategy 2011 and provisions of the NPPF.

Highway Safety:

Although the Local Highway Authority have not commented, the proposal seeks to utilise an existing access via Glebe Lane, which would not increase traffic and result in any highway safety implications. In terms of highway safety, the application would comply with Policy CS08, CS11 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

Flood Risk and Drainage:

The application site is located in Flood Zone 1, which has a low probability of flooding. The application site is approximately 0.47ha, and therefore a flood risk assessment is not required. Moreover, a residential dwellinghouse has a 'more vulnerable' classification and the development of this site does not make the site more vulnerable. The proposed development would comply with standing advice from the Environment Agency.

As a replacement dwelling, the proposal would be sufficiently served by existing drainage infrastructure. Moreover, rainwater runoff from the site is proposed to be collected in rainwater harvesting storage.

In terms of flood risk and drainage, the proposal would comply with Policy CS08 of the Core Strategy 2011.

Specific comments and issues:

Comments were also made about the Applicant's character, which is not a material planning consideration.

CONCLUSION:

This application is for the development of one self-build replacement dwelling at Navenby, along Gong Lane, within the development boundary of Burnham Overy Staithe and Conservation Area.

A balanced judgement is required to balance the demolition of a non-designated heritage asset in Burnham Overy Staithe's Conservation Area, against any public benefit of the scheme and the provision of a self-build dwellinghouse.

The dwelling of Navenby is considered a NDHA for its local architectural importance, being one in a group of dwellings along Gong Lane constructed by Welcome Thompson, a local developer in the inter-war period. The total loss of the NDHA would result in a moderate to high level of less than substantial harm, on the character of the Conservation Area as a result of the demolition of this dwelling in the centre of the group. The proposal attracts limited public benefit as a self-build replacement dwelling which would not contribute to the Council's housing numbers. Weight has to be given to the potential nature of a self-building dwelling; however, this is limited when measured against the harm to the character of the conservation area and total loss of a non-designated heritage asset. Lastly, the public benefit of an energy efficient dwelling would also be limited.

The Applicant has shown through a submitted Retrograde Strategy that upgrading the dwelling would be possible, albeit expensive and not to the specification of the applicant. This is not considered sufficient justification for the harm to the conservation area by the loss of a NDHA and the impact on the overall group of dwellings.

It is thereby recommended that Members refuse the application as the scheme fails to accord with the provisions of the NPPF 2024, and the adopted Local Plan Policy CS12 of the Core Strategy (2011) and DM15 of the Site Allocation and Development Management Policies Plan (2016).

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Burnham Overy Staithe's Conservation Area Character Statement states that "Most of the remaining buildings in the conservation area are unlisted cottages...collectively they make a major contribution to their form and character of the area...because of their prominent position, use of traditional materials, their substantially unspoilt character, and because they often relate to other historic buildings close by."

The application site is located in Burnham Overy Staithe's Conservation Area and considered a non-designated heritage asset for its local architectural importance, belonging to a group of dwellings built by Welcome Thompson, a local developer, in the inter-war period. The group of buildings make a positive contribution to the character and significance of the conservation area. The loss of one of these buildings would erode the significance of the group and diminish the importance of the group as

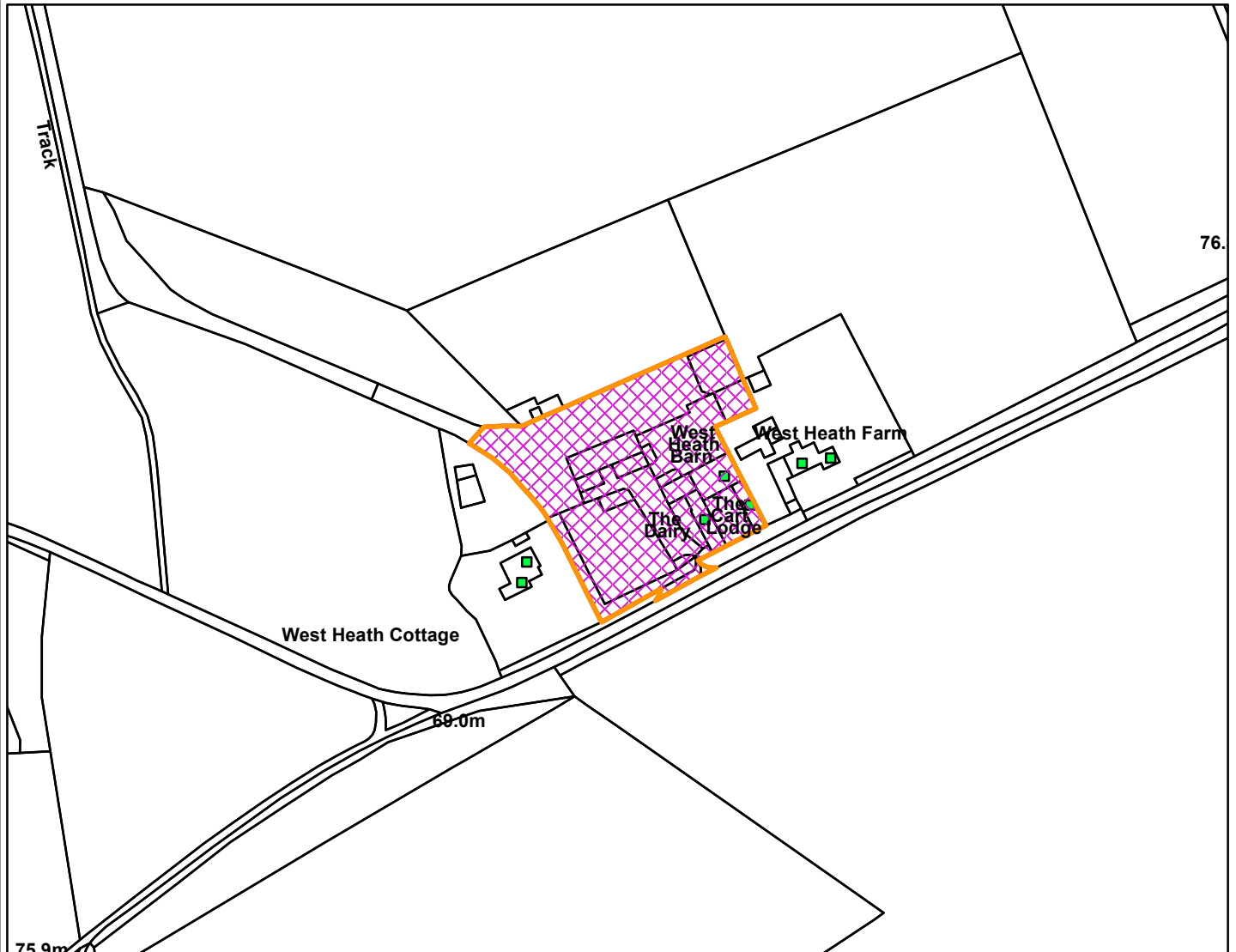
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a whole. The proposed development, for one replacement self-build would have limited public benefit in the Council's housing numbers and providing a modern energy-efficient dwelling. The harm to the Conservation Area and loss of the non-designated heritage asset is not outweighed by the limited public benefit of the proposal.

The application therefore fails to meet Policy CS12 of the Core Strategy 2011, Policy DM15 of the Site Allocation and Development Management Policies Plan 2016, and the provisions of the NPPF.



West Heath Barn Lynn Lane Great Massingham PE32 2HL



Legend

(Empty legend box)

Scale: 1:2,500

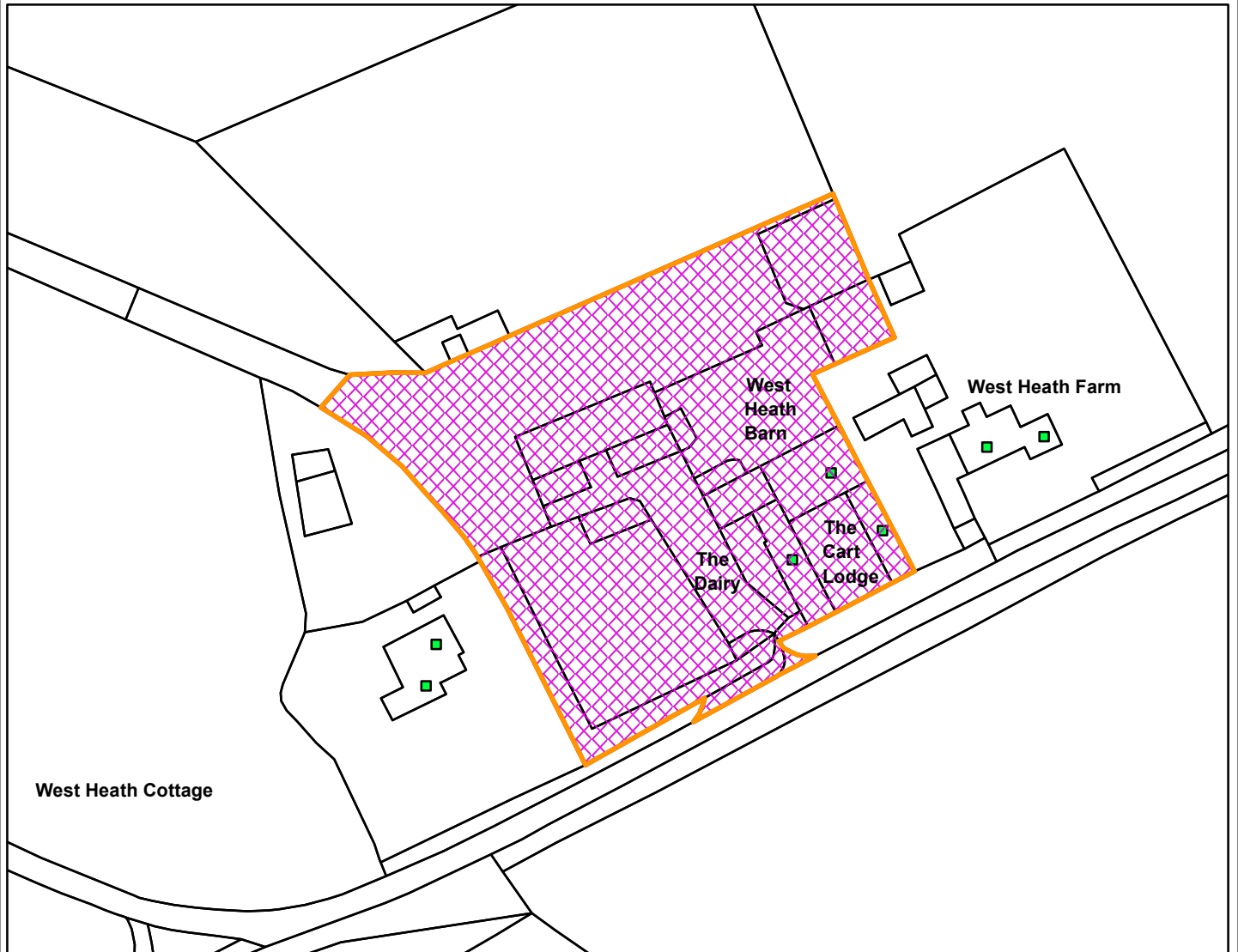
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314



West Heath Barn Lynn Lane Great Massingham PE32 2HL



Legend	

Scale: 1:1,250

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314

Parish:	Great Massingham	
Proposal:	Subdivision of existing plot involving demolition of the existing barn with class Q approval and construction of a new replacement dwelling with separate private access and improvements to driveway, parking and turning area of existing dwelling.	
Location:	West Heath Barn Lynn Lane Great Massingham King's Lynn PE32 2HL	
Applicant:	Mr & Mrs D. Davies	
Case No:	24/00484/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 10 May 2024 Extension of Time Expiry Date: 10 January 2025

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

Neighbourhood Plan: No

Case Summary

The application site consists of the existing West Heath Barn site including converted historic barns, associated parking and plot as well as an existing detached barn with permission under Class Q to be converted into a four-bedroom residential dwelling. The site is located within the countryside and is rural in character. Neighbouring dwellings are located to the north-east and south-west of the site representing a small node of built form within the wider agricultural setting.

The application itself proposes the subdivision of the existing West Heath Barn plot involving demolition of the existing detached and clad barn subject to the Class Q approval and construction of a new replacement dwelling with a separate private access alongside alterations to the driveway, parking and turning area of the existing dwelling and associated holiday lets.

Key Issues

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

Recommendation

APPROVE

THE APPLICATION

The application site consists of the existing West Heath Barns site including converted historic barns, associated parking and plot as well as an existing detached Barn with permission under Class Q to be converted into a four-bedroom residential dwelling (23/00622/PACU3). To the south of the barn lies an existing paddock area alongside parking and the access to the site. To the north of the barn is a grassed area and fields beyond while to the west lies an existing area of trees and further grassed area. The site slopes from the north to south with a change in elevation. The site is located within the wider countryside and is rural in character. Neighbouring dwellings are located to the north-east and south-west of the site representing a small node of built form within the wider agricultural setting.

The application itself proposes the subdivision of the existing West Heath Barn plot involving demolition of the existing detached and clad barn and construction of a new two storey replacement dwelling with a separate private access alongside alterations to the driveway, parking and turning area of West Heath Barn and associated holiday lets.

The application has been amended over time to address design concerns.

SUPPORTING CASE - Summarised for clarity with full response available online. Pictures included in this response can viewed with the full response on the applications online file.

The applicant's current home is not suitable to grow old in however, they love the location and their application represents an aim to remain where they are but in a house better suited to their retirement. Great Massingham has a strong community spirit, and the applicant's wish to continue to be a part of that for many years to come. On their land is a concrete and steel structure with an asbestos cement roof built in the late 1940s which served as a tractor shed in the past. It fell into disrepair, and was generally considered an eyesore. In 2006, planning permission was granted for three 1850s agricultural barns on the same plot. The then owners developed these and set up a successful holiday accommodation business. In 2011, the shed was given a cosmetic facelift masking the concrete block with black timber cladding, painting the windows and replacing the corrugated iron doors with roller shutters. 12 years on the asbestos roof is leaking and the cladding is cracking and peeling.

Class Q consent was applied for to convert the shed to a dwelling. Consent was given, but the approved scheme has shortcomings. Adhering to the existing footprint yields a long and narrow house, larger than required with an impractical internal layout. The design has no architectural merit and conversion will not deliver optimal sustainability and energy efficiency. For these reasons the applicants wish to demolish the old building and replace it with a new dwelling. The new proposal is for an efficient, future proofed house which will meet their needs through their retirement years.

The proposed design was shared with both neighbours. Those to the east were supportive but neighbours to the west were unhappy. A number of revisions in direct response to their comments were made prior to submission:

- Removed a chimney on the west elevation
- Replaced the brick and flint section on the west elevation with black cladding
- Adjusted the westerly window configuration and relocated two rooflights
- Increased the extent of cladding to the ground and first floor on the front elevation

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- Reduced the ridge height of the front canopy
- Removed high level glazing to the front façade

After the application was submitted in March 2024, neighbours to the west formally objected on the basis of planning legality, impact on their amenity, ecological concerns and the design of the house in its rural context. In response to their concerns, and after taking advice from the Conservation Officer, further changes were made:

- Reduced the ridge height, amended the roof pitch and substituted the proposed pantiles with slate, as a grey roof was deemed more similar to the existing tractor shed
- Reduced the width and height of the rear projections so they were not visible from the front facade
- Further reduced the glazed areas to the front and west elevations
- Relocated the upstairs lounge and balcony to the rear, looking north over own land
- Removed the balcony, gable and dormer from the front elevation and the hip from the garage
- Added more flint to the south and west elevation and a flint panel to the garage gable
- Confirmed that the paddock area at the front of the property would remain as a paddock with post and rail fencing as current to maintain the existing rural appearance viewed from the public highway

These amendments were met with the approval of the Conservation Officer, Parish Council and all other statutory consultees and in late summer the Planning Officer advised that they were recommending approval. However, with continuing objection from neighbours to the west, it was scheduled to go before the Planning Committee on 4th November 2024.

A week before that meeting, the Planning Control Manager withdrew the application to allow for further discussion and to reconsider the design in the context of the Class Q fallback position. At a subsequent on-site meeting, the applicants were advised that contrary to the earlier guidance and approval from the Conservation Officer, the Planning Control Manager felt that the design should more closely reflect the adjacent West Heath Barns rather than retaining some similarity to the existing tractor shed.

Further revisions have now met with approval from the Planning Office and the application has entered a 3rd phase of consultation prior to its submission to the Planning Committee on 6th January 2025, almost 10 months since its original submission.

The latest round of changes include:

- Reverting to a pantile roof (as per original design which was requested to change earlier in the consultation process). This now mirrors the roof of West Heath Barns and the neighbouring properties
- The front elevation is now entirely brick and flint, with cladding reserved for the rear elevation which is not visible from the public highway
- The roof design has been amended on the side and rear elevations to a softer profile including the removal of a gable at the rear
- Adjustment to alignment and width of windows to a more “barn-like” appearance
- Further slight reduction in ridge height
- The proposed building has been moved 2 metres to the east to increase the overlap with the footprint of the existing building and the pre-approved design. This has also increased the distance from the neighbours to the west.

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The gross internal area (GIA) is 24% less than the pre-approved GIA. The revised footprint of the proposed living space is 23% less than the existing footprint. Inclusion of the single-storey garage still yields a footprint slightly smaller than the original tractor shed. The applicants believe the proposal complies with planning policy having taken professional advice. An ecological survey, three bat surveys and a tree survey have been undertaken to ensure no adverse impact on the habitat and local environment. The Ecology, and Arboricultural Officers support the proposal. The Planning Officer has confirmed they are recommending for approval.

The only remaining objection is from the neighbours to the west who believe that their privacy will be significantly affected. However, West Heath Cottage is not completely private today. It faces onto the highway, and the driveway and front windows to the kitchen/dining room (which they refer to as their orangery) and their back door are in public view.

The neighbours desire for privacy has resulted in considerable thought into positioning and design to ensure no material impact on their amenity:

- The proposed house is 29 metres at its closest point to the neighbouring property (corner to corner) and 14.5 metres at the narrowest point to the hedge. The boundary comprises a 6ft tall beech hedge belonging to neighbours.
- The existing building line on the front elevation has been adhered to so the proposed building is set back from the dwellings on both sides. The position of the proposed building is 2 metres closer towards the western boundary than the existing building, this being driven by the topography of the land (building into the slope), and also to better centre it on the plot. The proposed position is largely equidistant from the neighbouring properties to the east and west and it sits comfortably within the landscape and views from the highway.
- Building into the sloping plot minimises the visual impact. This obscures visibility into the neighbouring property from the ground floor windows on the western elevation. None of the west facing windows face the neighbouring house or their private patio area but are orientated towards the very rear of their property. The sloping ground means that the upstairs dining room and kitchen window cills on the western elevation are no greater than 1.4 metres above ground
- The glazing on the western elevation has been significantly reduced vs. the Class Q approved scheme which now amounts to an area of 4.6 sq metres, almost 60% less than the previously approved scheme where it amounted to 11.2 sq metres. A marked reduction in the glazing area to the front elevation has also been made in response to concerns re dark skies.
- The upstairs lounge and balcony have been relocated to the rear, facing out over applicant's land, switching positions with a bedroom which has a modest window looking south and curtained at night eliminating light leakage.
- As agreed with the Arboricultural Officer, it will be necessary to remove some trees in the course of development regardless of whether it is the Class Q scheme or the proposed new dwelling. A tree planting scheme forms part of the application to plant semi-mature trees in carefully selected locations to further enhance screening and privacy

The application has received many supportive comments (44 at the time of writing) from local residents including neighbours to the east. This recognises the value this change will bring to the local environment and endorses the many revisions to respond to objections and the wishes of the Planning Department. A local landowner who had submitted an objection to the original design citing the impact on neighbours as their primary issue, is completely unaffected by the development and has not submitted further comment following changes made to the design.

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The applicants believe they have gone above and beyond to address neighbours' concerns. There is approval to enact the Class Q scheme if there is no option, but this application represents a major improvement both for the applicants and for the rural environment in which it sits. The Planning Officer has recommended its approval. It is hoped Councillors agree and permit a sustainable home for the future and do not miss an opportunity and force the applicants to pursue a second-rate compromise.

PLANNING HISTORY

There is various history on the wider site, with the most relevant history to this decision outlined below.

23/01106/CHSR17: Application Permitted: 11/07/23 - Application under the Habitats Regulations 2017: Regarding application 23/00622/PACU3 (Change of use of Agricultural Buildings to Dwellinghouse (Schedule 2, Part 3, Class Q)) – delegated decision.

23/00622/PACU3: Prior Approval - Approved: 11/07/23 - Notification for Prior Approval: Change of use of Agricultural Buildings to Dwellinghouse (Schedule 2, Part 3, Class Q) – delegated decision.

RESPONSE TO CONSULTATION (summarised for clarity where possible)

All responses are correct at the time of writing, additional responses and correspondence will be included in late representations if received after the finalisation of this committee report.

Parish Council: No response received at time of writing to latest plans. Previously raised no observations.

Highways Authority: No response received at time of writing to latest plans. Previously raised no objection:

Having considered the information submitted, it is noted that the applicant is seeking permission to demolish an existing agricultural building (which benefits from permission for conversion to a dwelling) and construct a new dwelling. Therefore, in terms of highway considerations the proposals are not considered to generate additional traffic to the site.

They are however seeking to construct a new vehicular access to serve the new dwelling which would be located adjacent to the existing current shared access with West Heath Barn. Whilst the proposals would result in a new access onto the highway network, close to an existing private access, this would not lead to a significant highway concern.

Conditions and an informative are recommended which would be included on any approval regarding: specification of new access, obstructions near the access, visibility splays, turning area and an informative regarding works within the public highway.

Conservation Officer: No response received at time of writing to latest plans. Previously raised no objection:

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Original Comment

The application site is a modern concrete barn clad in timber with a 'wrinkly' metal roof. It is a utilitarian building that is an obvious addition in a farmyard setting. The former farmhouse is now in separate ownership but is adjacent to the boundary of the site.

The proposed scheme would have a domestic appearance that would be out of keeping on this plot. The design of a proposal in this location needs to be more 'barn-like' in appearance rather than domestic. A modern take on a traditional barn could be an acceptable approach.

We have met with the agent and explained our position. We have no in principle objection to a dwelling in this location subject to the design being appropriate for the context

Additional Comment

The proposal has been made less tall and it has been simplified, particularly on the front elevation which is now more akin to a traditional barn in its style.

We no longer object to this application.

Please can you consider conditions relating to;
Sample panel of brick and flint.
Details of all external materials.
Joinery details including the rooflight.
Extractor vents ducts and flues as well as meter boxes.
Rainwater goods.
Hard landscaping including the driveway.

Ecologist: No response received at time of writing to latest plans. Previously raised no objection:

Original Comment

BNG

The applicant has claimed exemption from Biodiversity Net Gain under the Temporary exemption for non-major developments (small sites exemption). The application form is dated 15/05/2024 which would make this exemption valid.

Under the NPPF all development still has a duty to provide a measurable net gain in biodiversity. The enhancements should be proportionate to the scale of the development but should be included on any architectural plans were appropriate. I advise that the applicant should include one integrated bat box and one integrated bird box (preferably swift given the arable context of the site) as a minimum. Other enhancements will also be welcomed.

Protected species

The building has some potential to support bats, notably the barge boarding covering the entirety of the building. There are records of bats within 2km of the site which suggests that are in the local area. The building will be demolished as part of the proposal which could have the potential to impact roosting bats should they be present. A bat survey is therefore required.

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Protected sites

A sHRA has been submitted and a s111 detailing the mitigation payment that has been made. Once the Planning Officer has completed the remaining section of the form this can be adopted as our record of HRA. Natural England have not raised any further concerns regarding impacts to protected sites.

The site is not within the Nutrient Neutrality (NN) catchment area but it is in close proximity to the western limits of the Wensum SAC catchment. The application form states that a PTP will be used but its unknown if the drainage will connect up to systems already present. The current PTP is located to the south of the footprint of the current building which would not raise any NN issue if the new development was connected to this. Given that the details are currently unknown please confirm the drainage arrangements with the applicant prior to granting any consent to confirm the PTP is not draining into the catchment.

Additional Comment

An Ecological Appraisal was submitted in June (Philip Parker Associates Ltd., 2024). This included a recommendation for further bat surveys following the assessment of the barn as possessing high potential to support roosting bats. Precautionary measures are recommended for protected species which includes the careful removal of on site habitat in respect of reptiles/amphibians and small mammals and recommendations for bats.

The recommendations for bats are updated within the Phase 2 Bat Survey Report (Philip Parker Associates Ltd, August 2022). This report also provides details of the further surveys that are required. A small maternity roost of common pipistrelles (max count 13), one common pipistrelle day roost, one Brown long eared bat (BLE) day roost and up to five soprano pipistrelle day roosts were identified within the building. The pipistrelle roosts were found to largely occur beneath the cladding on the southern elevation with a lesser number of day roosts for BLE and common pipistrelle located internally within the buildings roof structure.

The reports outline the requirements for a Natural England Bat Mitigation Licence to facilitate the proposed works and I advise that this should be conditioned. The recommendations for bat mitigation will be secured by this licence so we would not necessarily need to condition this. However, lighting is not likely to be secured in this way so this would need to be conditioned. I am unsure of what roofing material is proposed for the new development but if any felt is to be used where bats can come into contact with it, it is important that 1F bitumen hessian reinforced felt is used. It would be ideal if the design of the new property included an element of weather boarding to replicate what will be lost, although bats will be compensated through mitigation included with any licence.

I have no objection to the proposed development based on the results and recommendations of the Ecological Appraisal and Phase 2 Surveys.

Conditions are recommended regarding applying for the bat licence as well as enhancements and a wildlife sensitive lighting scheme and installation of bird boxes which would be included on any permission as well as an informative regarding bats and roof felt.

Arboricultural Officer: No response received at time of writing to latest plans. Previously raised no objection.

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No objection subject to tree protection and new tree planting conditions. Although it is disappointing to see the healthy Pine trees removed for no reason than to make way for a larger building, the trees are unlikely to justify a Tree Preservation Order due to the presence of many other trees in the area to the east of the site, which in part mitigates the loss of these trees. Views will be opened up of the trees to the rear on higher ground.

Environmental Quality: No response received at time of writing to latest plans. Previously raised no objection.

A condition is requested regarding unexpected contamination which would be included on any approval alongside an informative regarding asbestos.

Natural England: No objection.

REPRESENTATIONS (summarised for clarity)

Original Application

TWENTY-TWO Public **SUPPORT** comments.

TWO public **OBJECTIONS** regarding:

- This application is not in keeping with the surrounding landscape – scale and context - which is an area of extraordinary natural beauty and recently selected as a DEFRA landscape recovery project.
- Light pollution would be ecologically damaging for migrating birds, moths, bats.
- Impact on neighbours due to size and elevation.
- Barn already has consent for conversion to residential. Development over and above the Class Q consent would be contrary to Policies DM5 and DM15, CS06, CS10 and CS12.
- This proposal would be contrary to local examples of barn conversions.
- Minor changes to amended plans do not overcome previous issues.
- Loss of trees and visual/character impact.
- The proposed new building should adhere to the existing agricultural building's footprint, to maintain the look and feel of the existing agricultural buildings and area.
- Proposal is higher than and outside of the footprint of the existing barn.
- Extensive glazing impacting light pollution.
- Impact on neighbour's amenity and privacy as a result of overlooking.
- Neighbours to the southwest are the only ones affected by this proposal.
- There is a duty of care to preserve the fabric and character of the village, and our agricultural heritage. If this application is approved, it will set a precedent for any agricultural barn to be turned into modern, unsympathetic houses, and the rapid demise of prime agricultural areas.

Amended scheme

FIFTEEN Public **SUPPORT** comments

THREE public **OBJECTIONS** regarding:

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- Key issues are reiterated from previous objection above.
- Minor changes made to the design do overcome issues.
- In relation to the new design, the proposed side elevation to the west is enormous and is over 50% bigger than existing (with no trees for screening).
- Proposal would extend 5 metres further west toward neighbour, with 7 windows overlooking, invading privacy and the quiet cottage garden. This would change the very rural and isolated situation of the neighbouring property and the surrounding area.
- Where will items currently stored in the existing barn be stored.
- More barns may be required to be built in the future.
- Oversight of required bat survey.
- Applicants stated that they had no intention of converting the barn in accordance with the Class Q permission as it was not a house design that they would live in. This was an exercise to achieve the first round of planning permission. Therefore, there is definitely “no real prospect” of the barn getting converted if this subsequent application is denied in accordance with case law.
- The first design related to this application was completely different to the original Class Q design.
- Case law in support is from 2017 in Kent.
- Appearance of proposal in relation to the barn and agricultural context.
- Reiterated overlooking concerns.
- Neighbours to southwest have plans to landscape the entire area to the north of the dwelling including the building of a seating area. This area is currently overgrown, and some trees would need to be removed.
- **Photos are provided in support of the impact on this neighbour which are available on the online file.** The back door entrance on neighbours eastern elevation is the main access and the proposal will impact on privacy. The garden area would be overlooked that is used regularly. The kitchen window and orangery window on the eastern elevation are also in full view of the proposed development. Neighbours driveway and front garden would be completely overlooked and therefore neighbours will have lost all privacy.
- Concerns over potential outbuildings.
- Noise and light pollution – noise from DIY (applicant is an ‘enthusiast’) from various saws and drills, this will be closer to neighbour as a result of development.

Final Amended Scheme

At time of writing: **FOURTEEN** Public **SUPPORT** comments:

- Design is in keeping with the existing West Heath Barns.
- Many iterations of plans has been a waste of time.
- An ugly and largely unused building, of no particular value to the area, should be turned into an attractive and well designed family home.
- The existing barn has little architectural merit.
- This will be an interesting house and will contribute to the built environment in Great Massingham and surrounds.
- Proposed materials would be entirely in keeping with traditional Norfolk farmyards.
- Changes have been made to accommodate the issues that have been raised.
- The design includes features that make it eco-friendly such as solar panels, water harvesting and tree planting.

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- It has also sought to address a neighbour's objections by re-siting the house a few meters further north.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

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 are:

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

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Principle of Development:

In July 2023 prior approval was granted under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 to convert the existing agricultural building into a dwellinghouse (23/00622/PACU3). Applications under Part 3 of the GPDO allow for the change of use of certain buildings (following detailed regulations and conditions) and in the case of Class Q allows for the conversion of agricultural buildings which may be redundant for agricultural purposes into residential dwellings, which would not otherwise be permitted. Consequently, while the conversion has not yet been carried out the principle of a residential use has been established.

Whilst there are strict criteria within the regulations around what can be granted approval under Class Q, this does not prevent an application for planning permission being submitted for building works which do not fall within the scope of permitted development to be made after a prior approval application in respect of the change of use of the same building. This full application should therefore be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is within the countryside as identified within the Site Allocations and Development Management Policies Plan (SADMPP) 2016 and a dwelling in this location is not considered appropriate unless it meets the relevant criteria within the Local Plan.

However, notwithstanding the above, it is a material consideration that there is prior approval permission at the application site for the conversion of the existing building to a residential dwelling. The applicant has a 'fall-back' position should this application be refused which means that the existing building could be converted into a dwelling notwithstanding this application. Based on the consent(23/00622/PACU3), the works would have to be complete by July 2026. This demonstrates that there is substantial time left that the development could be completed under the Class Q consent.

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

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

Consequently, taking the above into account it is considered that there is a 'real prospect' of the applicant implementing the fall-back position of converting the existing building given that

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the consent is extant and has three years from the date of decision to be completed (must be completed by July 2026 as outlined). This is therefore a material consideration of significant weight in the determination of this application. However, decisions need to be consistent across the Borough and Members will be aware having considered similar types of applications, any proposed replacement should be consistent with the form, scale and massing of existing buildings.

The main issue therefore with regard to the determination of this application is whether the proposal would materially harm the character and appearance of the countryside. As it is proposed to replace the building approved for conversion under Class Q, Policy DM5 of the SADMP 2016 is relevant. This states that proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of high quality and will preserve the character or appearance of the area in which it sits.

The level of accommodation proposed within the new dwelling would be the same in terms of four proposed bedrooms. In terms of design, this is discussed in detail below however, with amendments an acceptable scheme has been reached in terms of design and the proposal is considered to be, on balance, acceptable - not having a detrimental impact on the character and appearance of the surrounding countryside.

The red line differs from what was approved under Class Q, which has restrictions on curtilage size. However, the red line for this application is larger as it incorporates works to both the access to the neighbouring/host dwelling and a larger garden space. The proposed garden land to the proposed dwelling would however relate well to the form and character of neighbouring plots and this is not considered to be incongruous or out of keeping. In addition, as explained below Permitted Development rights are removed for the enlargement, improvement or other alteration to the dwelling house and additions to the roof of a dwellinghouse as well as buildings incidental to the enjoyment of a dwellinghouse to ensure a suitable visual impact on the wider landscape.

Consequently, taking the above into consideration the proposal is considered acceptable in principle.

Form and Character:

The proposal relates to the demolition of the existing timber clad, steel framed barn, replaced with a new detached dwelling and subdivision of the site. The original proposal consisted of a large two storey dwelling. This would have had a large front gable with extensive glazing, pitched roof elements alongside two rear gables and a single storey projection to the northeast side. Materials were a mix of pantiles to the roof, cladding, brick and flint. To the west, in response to the levels change, there would be a retaining wall with the levels immediately to the side of the house comparable with that to the front of the dwelling. With the slope continuing further to the west. In addition, an upper seating area and sunken courtyard element were present to the rear.

However, concerns were raised in regard to the dwellings design relating to the overall size and scale of the dwelling. It was felt that this should better relate to the overall footprint and scale of the existing barn. The proposal would also have been overly dominant within the established setting of the immediate area/locality. In addition, it was considered that the design, while not poor quality, should better reflect the setting noting the nearby historic barns, this was a point specifically mentioned by the Conservation Team.

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In addition, a new access was proposed to serve the new dwelling accessed from Lynn Lane next to the access for West Heath Barn. Alongside this, there would be alterations to the parking, drive and turning area of the host dwelling and associated holiday lets with parking close to the access and then a gate and boundary leading to the new parking area at the rear. As outlined above the form and design of the dwelling was not considered acceptable. However, the subdivision, plot size and works to parking, turning, drive and accesses elements were not considered visually harmful.

Based on the above, an amended scheme was submitted which sought to reduce the height of the dwelling and simplify the built form seeking to be more visually akin to a barn to the front elevation. Materials included slate to the roof, cladding, brick and flint. Conservation no longer objected nothing that the scale and design were now in keeping compared to the first submission.

However, concerns were still present in terms of the wider landscape impact including the proposed development compared to the existing barn structure. It was considered that the proposal, whilst an improvement to the original, did not retain enough agricultural character. This also then exacerbated the impact on the landscape as the current barn is not particularly obtrusive in this established landscape setting and in relation to the other built form in the locality. Concerns were also raised in regard to the scale/form/depth and height of the proposal as well as consideration to the use of materials and level of glazing. The difference in horizontal and vertical emphasis of the proposal was also a point of concern.

As such, a final amended scheme has been submitted to address these concerns.

The main element of the dwelling would have a pitched roof with side facing gables and a rear gable facing north with an additional pitched roof element to the rear with a side facing (east) gable end. To the east, a single storey projection is proposed containing a two bay garage and car port space.

The front elevation would consist wholly of brick and flint with the roof material throughout consisting of clay pantiles. Centrally to this elevation would be a large, glazed section from ground floor to eaves, reflective of a barn opening. To the western side gable materials would be as with the front with brick and flint, this would include attractive brick detailing. The rear projection would consist of a mix of horizontal and vertical cladding. The western side elevation would also see changes in levels, whilst remaining mostly as existing towards the boundary, close to the main dwelling these would be lowered to the side of the dwelling (the house and area immediately around it are shown on plan as 70.46 AOD) with a retaining wall up to the higher level to the side and rear behind the dwelling. To the rear, this higher level would continue to the rear of the dwelling (73.16 AOD along the width of the rear gable) with an upper level at first floor (outdoor seating area). This would then shift to a lower courtyard area (shown as 70.46 AOD) with steps up and a retaining wall. Levels towards the north and west are shown to then match existing.

The rear elevation would have cladding as outlined with various fenestration and a large balcony at first floor. The eastern side elevation would be brick and flint alongside the single storey side projection which would also be brick and flint with the same attractive detailing as to the west, the roof to the single storey side projection would include solar panels to the south.

A key point is the front elevation and its barn inspired appearance. Alongside this, the inclusion of clay pantiles responds to the historic barns to the east and the brick and flint is

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reflective of the vernacular character of the local area. The scale/form/depth and height of the proposal is improved with the proposal now only approx. 0.9m above the height of the existing barn ridge as shown on plans. The existing barn is approx. 7m in height whilst the proposed would-be approx. 7.9m in height. The use of materials is further simplified with a more consistent approach especially to the front and sides. The level of glazing is considered appropriate.

Conditions are recommended regarding a sample panel of brick and flint, details of all external materials as well as joinery details and soft and hard landscaping including the driveway. All of these would be included on any approval. However, it is not considered reasonable or necessary to include conditions regarding extractor vents ducts and flues as well as meter boxes and rainwater goods based on the development and its setting. It is not considered that the setting of the neighbouring historic barns would be negatively impacted in this regard.

It is also important to note that the size of the plot and associated garden spaces is commensurate to neighbouring dwellings, Permitted Development rights would be withdrawn via condition on any approval to prevent excessive built form on the plot in terms of outbuildings as well as changes of dwelling - full details are within the below report.

Conditions are also included in terms of landscaping as well as boundary treatments to ensure the final details are suitable given the sensitive rural setting and character.

Overall and taking a balanced view, the proposed dwelling is now considered to be of an in keeping and acceptable design based on the final amendment that is reflective of its setting, character of the area and is now of an appropriate scale. The dwelling would represent a change within the established landscape, but the proposal is now considered to be visually acceptable and would not harm the wider rural landscape setting within the established historic node of development. The proposal is therefore in accordance with Policies CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF and National Design Guide.

Impact on Neighbour Amenity:

In terms of the final amended scheme, there is a distance of approx. over 13m at the closest point to the western boundary with further separation beyond to the main dwelling. This separation and distance are key in considering the relationship between the proposal and this neighbouring dwelling and plot. It is also important to note the slope in levels from the south up to the level the house would be on. This continues to raise adjacent to the house and boundary to the west and to the rear beyond. Proposed levels are discussed above. Compared to the levels on the western boundary, the house would be at 70.46 AOD while points at the boundary adjacent to the proposed dwelling note 70.60 AOD and 71.49 AOD on plan.

Further, in terms of fenestration the front elevation would consist of the large central glazed area. However, there would be a set back from this in terms of internal floor layout and this would be set away from the boundary with a limited angle of view to the west. The window at first floor would be set in from the side of the dwelling with acute angles towards the western boundary and plot beyond. The lower ground floor window would be screened by levels, boundary hedge as well as being acceptable in terms of the separation distance. To the western side, ground floor windows would be screened as above in terms of levels, boundary hedge but also acceptable based on separation.

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At first floor, the two windows towards the front elevation would be conditioned to be obscure glazed as they serve a bathroom. The other two windows would serve a dining and kitchen space which would not be the sole windows with large rear openings. Further, the separation to the boundary would be beyond approx. 13m as the angle of the boundary skews to the west. It is acknowledged that the footprint of the proposed dwelling is closer to the western boundary than the proposed dwelling and would be approx. 0.9m taller than the existing barn as shown on plans with a deeper footprint from north to south. However, based on the above assessment noting levels, scale and separation, it is considered that the impact to the western plot/dwelling/boundary, while changed from existing, would be acceptable.

To the east, there would be approx. 3m to the boundary from the single storey side projection. In addition, there is over 12m from the two-storey element of the main dwelling. Considering the then further separation to the dwelling to the southeast it is not considered that there would be any adverse impacts in terms of overlooking, overbearing or overshadowing. To the north, fenestration and the balcony etc would face towards the open field beyond. To the south, the impact would be to the open space serving the proposed dwelling.

Other elements such as parking, landscaping and the new access would not create any adverse amenity impacts and the interrelationship between the proposed dwelling and development and neighbouring uses is acceptable for the reasons outlined. Based on the above assessment, it is therefore considered that the proposed development would be in accordance with policies CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.

Impact on Ecology and Trees:

Protected Species

A Preliminary Ecological Appraisal (13/05/2024) followed by a PHASE 2 BAT SURVEYS Report (05/082024) have been submitted in support of this application.

Bats

A small maternity roost of common pipistrelles (max count 13), one common pipistrelle day roost, one Brown long eared bat (BLE) day roost and up to five soprano pipistrelle day roosts were identified within the existing building. The pipistrelle roosts were found to largely occur beneath the cladding on the southern elevation with a lesser number of day roosts for BLE and common pipistrelle located internally within the building's roof structure.

No other protected species have been identified or are considered to be impacted as a result of the proposed development.

The submitted report as well as the response from the BCKLWN Ecologist outlines that a full European Protected Species Licence (EPSL) is required. Local planning authorities must consider the potential for developments assessed as affecting European Protected Species to satisfy the three derogation tests set out in the Conservation of Habitats and Species Regulations 2017(as amended) for licensing to permit otherwise unlawful activities.

The Three tests of Derogation are as follows:

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Test 1 - Overriding Public Interest

The overriding public interest of the proposed development project is derived from the provision of some economic benefits for local builders and suppliers. The development would be a replacement of the existing barn that already has permission to be converted to residential under Class Q. The submitted PHASE 2 BAT SURVEYS Report also outlines mitigation and enhancement consisting of appropriate supervision during construction, appropriate use of scaffolding as well as new bat roosting provision (a telegraph pole to be erected in the vicinity of the barn onto which three maternity style slot boxes (Kent or similar) will be erected as mitigation, four access slots on proposed timber cladding 20mm x 150mm, three bat boxes on the proposed dwelling).

Test 2 - No Satisfactory Alternative

The proposal is to replace the existing building. The only alternative to this proposal would be to leave the existing building as it is. This option would be a set-back, despite the extant Class Q permission for conversion, to the property owner (Natural England give weight to the personal costs of the applicant). The economic benefit from the construction works associated with the replacement building would also be lost compared to refurbishment.

Test 3 - Maintaining A Favourable Conservation Status

The third test, maintaining a favourable conservation status for the local protected species population, is shown to be possible for the development given the identified roosts and mitigation/enhancement outlined within the submitted report.

Based on the information provided within the submitted reports it is also important to note the fact that Natural England give weight to the personal costs of the applicant. It is therefore considered that a license is likely to be granted and that the scheme therefore passes the test of derogation.

It is recommended that any approval of the works should only be subject to a planning condition to ensure that a mitigation licence is secured prior to commencement and the compensation is delivered on site. Accordingly, it is recommended that this be controlled by way of planning condition.

Therefore, the application is considered to be in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.

Biodiversity Net Gain

This application benefits from the minor sites exemption as the application was submitted prior to this being mandatory in April 2024.

Protected Sites

The site is not within the Nutrient Neutrality (NN) catchment area, but it is in close proximity to the western limits of the Wensum SAC catchment. The application form states that a package treatment plant would be used but it was unknown if the drainage would connect up to systems already present. The Agent has confirmed it is the intention to connect up to the

Planning Committee
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existing package treatment plant. Therefore, nothing further is required as the BCKLWN Ecologist confirmed that this arrangement would not raise any Nutrient Neutrality issue.

Trees

Whilst this application would result in the loss of the node of pine trees adjacent to the existing barn, the Arboricultural Officer raises no objection. They state “the trees are unlikely to justify a Tree Preservation Order due to the presence of many other trees in the area to the east of the site, which in part mitigates the loss of these trees. Views will be opened up of the trees to the rear on higher ground”.

Based on this, any approval would have a tree projection condition as well as a landscaping condition to ensure remaining trees are protected and an appropriate scheme with tree planting is delivered onsite. Therefore, the application is considered to be in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.

Highway Safety:

No objection is raised by Norfolk County Council Highways in terms of the new access, subdivision or parking for either the proposed or host dwelling. Conditions and an informative are recommended which would be included on any approval regarding: specification of new access, obstructions near the access, visibility splays, turning area and an informative regarding works within the public highway. Therefore, the application is considered to be in accordance with Policy CS11 of the Core Strategy 2011, DM17 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.

Flood Risk and Drainage:

The application site is located within Flood Zone 1, the area with the lowest risk of flooding. Mapping also shows that the site is not at risk of surface water flooding. Based on this, no further information is required.

Foul drainage would be as outlined above, and no further information is needed on this basis.

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

Removal of Permitted Development Rights

Permitted development rights regarding the enlargement, improvement or other alteration to the dwelling house, additions to the roof of the dwellinghouse, buildings incidental to the enjoyment of the dwellinghouse and enlargement of a dwellinghouse by construction of additional storeys are removed via condition so that the Local Planning Authority may retain control of development in the interests of neighbour amenity impacts and the visual amenities of the locality and wider countryside.

Response to Third Party Objections

These comments relate to the previous scheme and are addressed as such, any new objection to the current scheme received after the finalisation of this report will be included and addressed in late representations.

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Issues relating to the principle of development and the 'fall back position', form and character, neighbour amenity, impact on trees, ecology and highways/parking are addressed within the above report.

In terms of the loss of the barn and storage, there is an existing barn on the host dwellings plot, but it is not directly relevant or material to the consideration of this specific application. Any further barn or development would be subject to separate consideration where relevant or required.

While the required ecology survey was not initially carried out, this has now been completed to the satisfying of the BCKLWN Ecologist. In addition, the previous Class Q barn would not have been subject to this as it is not part of the requirements for that legislation – separate to a full planning application.

As stated, the impact on neighbour amenity is considered acceptable and is addressed within the above report. If the neighbouring owners wish to separately landscape their plot differently to the current situation, this would be a matter outside of the scope of this application. However, the impact is considered acceptable as outlined based on separation to the boundary and overlooking etc notwithstanding.

Lighting is conditioned as outlined however, based on the existing residential uses an element of light is to be expected and cannot be fully resisted.

In terms of noise pollution, the use of a residential dwelling is considered acceptable in the context of the site and immediate locality. However, should noise be an issue this may be a statutory nuisance covered by separate legislation outside of the scope of this application.

CONCLUSION

Overall, it is considered that the proposed development would be acceptable in principle due to the 'real prospect' of the applicant implementing the fall-back position under the previous Class Q approval: 23/00622/PACU3. In addition, a new dwelling, in its amended form, would have an acceptable visual impact taking a balanced view. Materials would be in keeping with the character of the locality and the overall dwelling would be acceptable in terms of wider landscape impact.

In addition, it is also considered that the proposal has an acceptable impact on the neighbouring dwelling to the west as well as the host dwelling to the east. All other considerations are considered acceptable as outlined in the above report.

The development would therefore be in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM5, DM15 and DM17 of the Site Allocation and Development Management Policies Plan 2016 as well as the National Planning Policy Framework and National Design Guide.

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RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - PROPOSED ELEVATIONS, Drawing Number: DAV01.01.11 (received 16/12/24).
 - PROPOSED FLOOR PLANS AND SECTIONS, Drawing Number: DAV01.01.10 Rev: E
 - PROPOSED SITE PLAN, Drawing Number: DAV01.01.08 Rev: F
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to commencement of the development hereby permitted all Tree Protection Measures shall be implemented in complete accordance with the approved Tree Protection Plan project number 722/23 drawing number TPP01 dated 14/03/2024 and Arboricultural Method Statement by Richard Morrish Associates Ltd. The erection of fencing and or ground protection for the protection of any retained tree shall be carried out before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing and or ground protection shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing and or 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 are suitably protected throughout the construction phases of the development hereby approved in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.
- 4 Condition: Prior to the first occupation of the development hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

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

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originally planted, unless the Local Planning Authority gives written approval to any variation.

- 4 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with Policy CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.
- 5 Condition: Prior to the commencement of works on the house a Natural England Bat Mitigation Licence shall be secured from Natural England.

In addition, the development hereby permitted shall be carried out in strict accordance in regard to the 6.0 MITIGATION /ENHANCEMENT STRATEGY within the submitted PHASE 2 BAT SURVEYS FINAL, Authored by Philip Parker Associates Ltd, Report ref: P2024-64 R2 Final. This shall include but not be limited to:

- Appropriate Supervision.
 - Use of scaffolding.
 - New bat roosting provision (a telegraph pole to be erected in the vicinity of the barn onto which three maternity style slot boxes (Kent or similar) will be erected as mitigation, four access slots on proposed timber cladding 20mm x 150mm, three bat boxes on the proposed dwelling).
- 5 Reason: To ensure that the development takes place in accordance with the principles and parameters contained with the PHASE 2 BAT SURVEYS FINAL, Authored by Philip Parker Associates Ltd, Report ref: P2024-64 R2 Final in accordance with Policy CS08 and CS12 of the Core Strategy 2011 as well as DM15 and DM19 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.
 - 6 Condition: Prior to the installation of any outdoor lighting, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority which shall be in accordance with the recommendations within Section 6.13 Lighting of the submitted PHASE 2 BAT SURVEYS FINAL, Authored by Philip Parker Associates Ltd, Report ref: P2024-64 R2 Final. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height/locations of the lighting, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.
 - 6 Reason: In the interests of minimising light pollution, impact on protected species and to safeguard the amenities of the locality in accordance with Policy CS08 and CS12 of the Core Strategy 2011, Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.
 - 7 Condition: Prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. Any impermeable boundary treatment must include signed egress for small mammals i.e. hedgehog holes.

The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the building is occupied or in accordance with a timetable to be

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approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 7 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with Policy CS08 and CS12 of the Core Strategy 2011 as well as DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.
- 8 Condition: Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, E and AA of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house, additions to the roof of the dwellinghouse, buildings incidental to the enjoyment of the dwellinghouse and enlargement of a dwellinghouse by construction of additional storeys shall not be allowed without the granting of specific planning permission.
- 8 Reason: To protect the residential amenities of the occupiers of nearby property as well as the visual amenities of the locality in accordance with Policy CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.
- 9 Condition: Prior to the first occupation of the development hereby permitted the vehicular access over the verge shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification (TRAD 4) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
- 9 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.
- 10 Condition: Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.
- 10 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.
- 11 Condition: Prior to the first occupation/use of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 11 Reason: In the interests of highway safety in accordance with the principles of the NPPF in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.

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- 12 Condition: Prior to the first occupation/use of the development hereby permitted the proposed access/on-site car and cycle parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 12 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF.
- 13 Condition: Notwithstanding approved plans, no development shall take place on any external surface of the development hereby permitted until samples of the materials to be used 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.
- 13 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and the principles of the NPPF.
- 14 Condition: No development shall commence on any external surface of the development until a sample panel of the brick and flint to be used for the external surfaces of the development 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.
- 14 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and the principles of the NPPF.
- 15 Condition: Notwithstanding approved plans, no development over or above foundations shall take place on site until 1:20 drawings of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. The plans shall include joinery details, cross sections and the opening arrangements as well as window style, reveal, cill and header treatment. The development shall be implemented in accordance with the approved details.
- 15 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as Policy CS12 of the Core Strategy 2011 and the principles of the NPPF.
- 16 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the

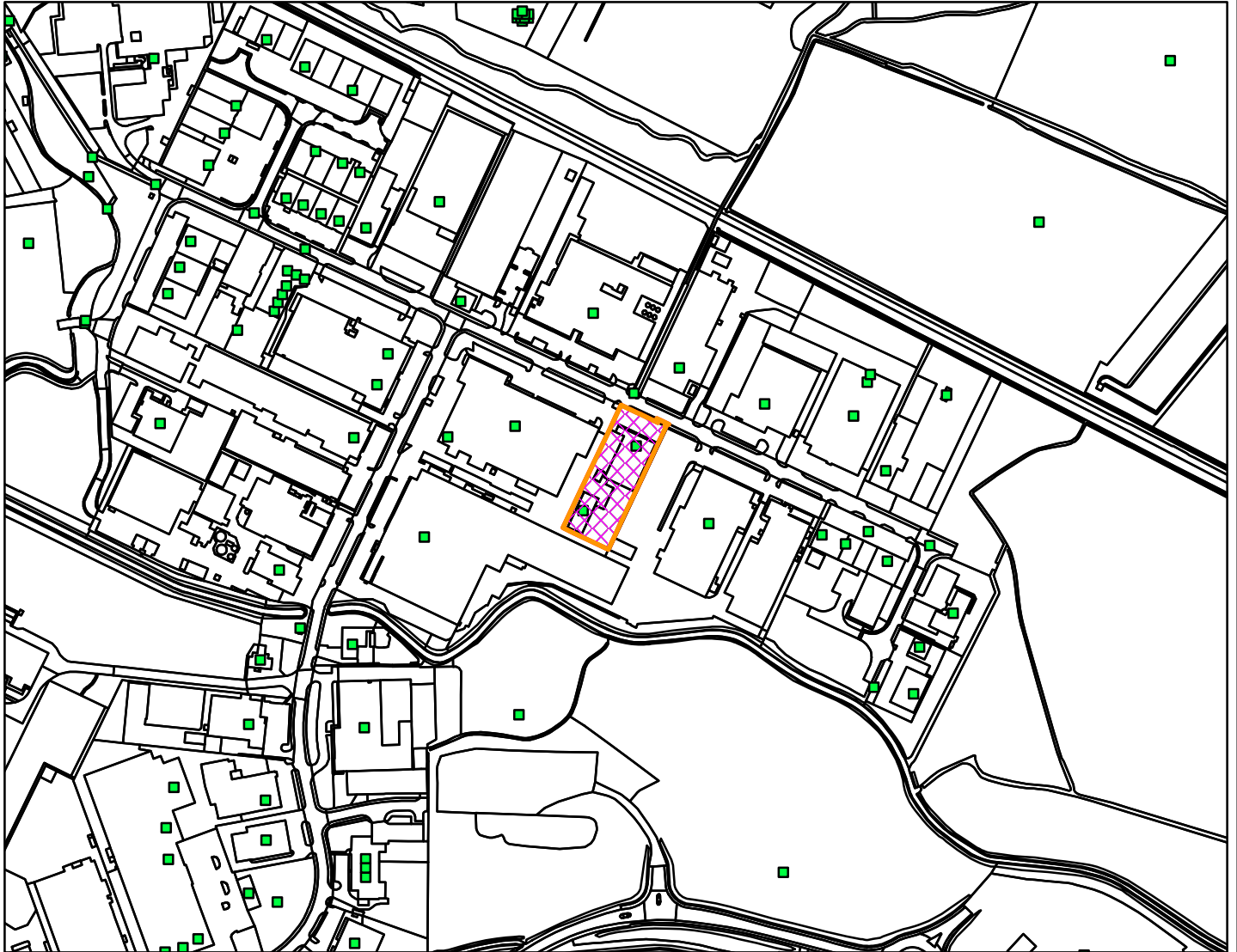
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approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 16 Reason: In the interests of protecting the environment and the future occupants of the development in accordance with Policy DM15 of the Site Allocations and Development Management Polies Plan 2016 and the NPPF.
- 17 Condition: Before the first occupation of the building hereby permitted, the windows at first floor serving a bathroom to the western elevation shall be fitted with obscured glazing and any part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 17 Reason: To protect the residential amenities of the occupiers of nearby property in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Polices Plan 2016 and the NPPF.



Reeve Wood Rollesby Road Hardwick Industrial Estate King's Lynn Norfolk PE



Legend

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Scale: 1:5,000

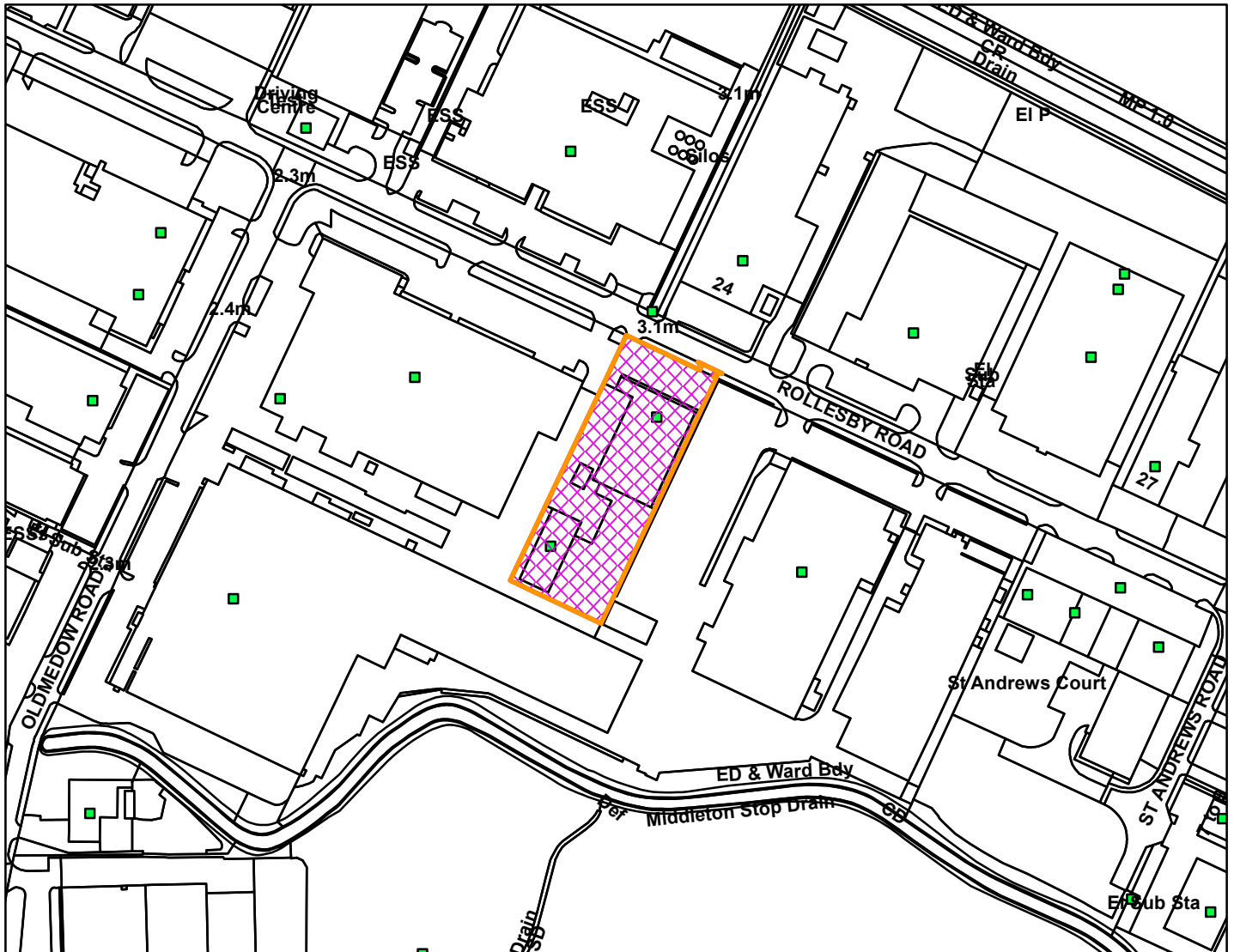
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314



Reeve Wood Rollesby Road Hardwick Industrial Estate King's Lynn Norfolk PE



Legend

Scale: 1:2,500

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314

Parish:	King's Lynn	
Proposal:	Alterations and subdivisions of existing industrial buildings to create two separate units, including re-siting of biomass boiler and dust extractor.	
Location:	Reeve Wood Rollesby Road Hardwick Industrial Estate King's Lynn PE30 4LS	
Applicant:	Barrow Breck Ltd	
Case No:	24/01488/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 28 October 2024 Extension of Time Expiry Date: 10 January 2025

Reason for Referral to Planning Committee – Applicant is Borough Councillor De Winton

Neighbourhood Plan: No

Case Summary

The application site relates to an existing industrial site containing the 'Reeve Wood' business within the wider Hardwick Industrial estate. The locality is typical of an industrial estate with a mix of business uses including industry and distribution alongside offices and some retail.

The application itself proposes the redevelopment of the existing site including alterations to existing industrial buildings and subdivision of the site to create two separate units, including the re-siting of the existing biomass boiler and dust extractor.

Key Issues

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

Recommendation

APPROVE

THE APPLICATION

The application site relates to an existing industrial site containing the 'Reeve Wood' business within the wider Hardwick Industrial estate. The locality is typical of an industrial estate with a mix of business uses including industry and distribution alongside offices and some retail. Neighbouring uses are to the east, south and west boundaries with Rollesby Road to the north.

The application itself proposes the redevelopment of the existing site including alterations to the existing industrial buildings and subdivision of the site to create two separate units, including the re-siting of the existing biomass boiler and dust extractor. This would be alongside an altered site layout, with an additional access, altered and additional parking, relocated containers and landscaping.

SUPPORTING CASE

Reeve Wood is an established family business along Rollesby Road. As part of this proposal, the applicant intends to subdivide the site to create two industrial units. The site currently consists of a large industrial unit, which Reeve Wood uses to produce its products, and a steel frame storage warehouse at the rear of the site.

Due to technological advancements, Reeve Wood no longer requires such a large unit to facilitate its business. Therefore, the applicant intends to move the business into the existing warehouse at the rear of the site. The warehouse will become Reeve Woods's new factory and allow for a much more efficient use of space. The existing factory will then be available for occupancy by another business requiring the increased floor space without building an additional industrial building.

The biomass boiler serving the main industrial building will be relocated to the proposed rear unit to continue using the waste produced to heat the factory and reduce Reeve Woods's carbon footprint.

The existing industrial unit will be altered to provide a much more efficient space for the potential new occupiers. The alterations will consist of demolishing part of the existing offices to allow for the installation of a new roller door and access on the front elevation for easier delivery access.

The overall site will benefit from increased parking as part of the proposal to sufficiently accommodate the two separate units.

This planning application seeks to maximise the efficient use of the site at Reeve Wood, Rollesby Road, by subdividing the existing industrial premises into two units and relocating the biomass boiler. These changes will allow Reeve Wood to streamline its operations while opening opportunities for another business to utilise the remaining space. The proposed alterations and improvements, including increased parking facilities and improved access, will enhance the functionality and appeal of the site. Importantly, the continued use of the biomass boiler demonstrates a commitment to sustainable practices. This proposal supports economic development in the area without requiring additional industrial construction, aligning with modern business needs and environmental considerations.

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PLANNING HISTORY

22/01037/F: Application Permitted: 13/03/23 - Retrospective Application for a workshop Biomass Boiler – delegated decision.

19/01813/F: Application Permitted: 11/12/19 - Construction of 2 new industrial units – delegated decision.

15/01843/FM: Application Permitted: 07/03/16 - Proposed extension to existing warehouse – delegated decision.

14/00974/F: Application Permitted: 09/10/14 - Extension to existing store room to provide biomass plant room and biomass fuel store – committee decision.

RESPONSE TO CONSULTATION

Highways Authority: NO OBJECTION

With reference to the revised plan DEW02.02.02 B. The access parking and servicing would accord with the adopted guidance. Conditions are requested and would be attached to any approval regarding the new access specification and parking and turning area as well as an informative regarding works within the public highway.

Internal Drainage Board: NO OBJECTION

Environment Agency: NO OBJECTION

We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) ECL0128-2/ATELIER ASSOCIATES are adhered to. In particular, the FRA recommends that the developer should ensure that the eventual users of the site are sufficiently aware of the risk of flooding, and the standard of the existing defences. The Environment Agency operates a flood warning system for properties at risk of flooding to enable householders to protect life or take actions to manage the effect of flooding on property. Floodline Warnings Service is a national system run by the Environment Agency for broadcasting flooding warnings. The users of the site should register to receive flood warnings.

Emergency Planning Officer: NO OBJECTION

Flood risk advice would be included as an informative on any approval.

Environmental Quality: NO OBJECTION but makes the following comments:

Contaminated Land

We have reviewed our files and the site is on land first seen developed in aerial photography from 1988. The surrounding landscape is largely commercial and industrial. Due to the age of the property on site there is the potential for asbestos containing materials to be present. An informative is recommended in this regard and would be attached to any approval.

Air Quality

In terms of this development proposal as it will involve moving the biomass boiler to heat a warehouse building to the rear of the existing, it is necessary to re-assess in terms of air

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24/01488/F

quality to ensure there are no unacceptable pollution impacts that would be contrary to section 180 of the NPPF.

As this biomass boiler is of relatively large capacity (ETA Hack 199kW), moving it to the new location has the potential to impact nearby receptors. However, as we have previously assessed this boiler's emissions, it is possible to re-assess based on its new location and its proposed height of flue.

This screening assessment shows that, as long as the wood being burnt remains dry and within manufacturer limits, the pollutants emitted will unlikely exceed the objectives. As such we would not object to the proposed change.

Ecology: NO OBJECTION

The de minimis exemption for Biodiversity Net Gain is agreed. The dust extractor will impact habitat, but I measure that as 16m² = below the threshold. The other areas impacted appear to be hardstanding. An informative is recommended and would be attached to any approval.

REPRESENTATIONS None received at time of writing.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

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

Principle of Development:

The application proposes the provision of a new separate unit (B2 use separate from the Reeve Wood Business) with a subdivided and reconfigured layout within the existing 'Reeve Wood' site in the Hardwick Industrial Estate.

The application site is within the Development Boundary for King's Lynn as defined within the Site Allocations and Development Management Policies Plan 2016. Policy DM2 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".

Further to this, Policy CS10 outlines that the local economy will be developed sustainably facilitating job growth and additional employment land. The development of a local business alongside the redevelopment of an existing site and the provision of a new additional unit would all be in accordance with the aims and objectives of Policy CS10 as well as the aims of increased job growth within Policy CS03 – King's Lynn.

Therefore, the principle of development is acceptable.

Form and Character:

The application itself proposes the redevelopment of the existing site including alterations to the existing industrial buildings. This includes demolition of part of the front projection to each side of the main unit (unit 1 – B2 unit) to the front of the site. This would bring the projection in line with the western side elevation of the main building behind and inset from the east allowing for the provision of a new roller door on the front elevation.

Further changes include the subdivision of the site to create two separate units (Unit 1 - new B2 unit and Unit 2 - Reeve Wood), including the re-siting of the existing biomass boiler which includes a flue (approx. 2.5m in total height from where it exits the roof) and dust extractor to the east of the rear unit (Unit 2 - Reeve Wood). This would be alongside an altered site layout, with an additional access from Rollesby Road alongside altered and additional parking, relocated containers and landscaping. The containers would be relocated to the

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southeast of the rear parking area. Landscaping would be located across the site including within parking areas as well as to the rear southeast corner of the site.

Overall, in the context of the site and its setting these changes are more minor and would not have an unacceptable or adverse visual impact. The development would therefore be in accordance with Policy CS08 of the Core Strategy 2011, Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2024.

Impact on Neighbour Amenity:

Given that the site is located within the existing industrial estate, it is not considered that the proposed development would create any adverse or unacceptable impacts on adjoining uses. There are also no residential dwellings within the immediate locality of the site. No objection has been raised by any neighbouring businesses or uses. Further, while relocated within the site the biomass boiler, associated flue and the existing dust extractor are already present on site. The development would therefore be in accordance with Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2024.

Highway Safety:

The Local Highway Authority raises no objection to the latest amended plan based on layout, access or parking with recommended conditions and an informative as outlined. The development would on this basis be in accordance with parking standards and Policy DM17 of the Site Allocations and Development Management Policies Plan 2016 and Policy CS11 of the Core Strategy 2011. In addition, cycle parking provision would be conditioned on any approval to ensure the provision of suitable cycle parking for future occupiers and in the interests of encouraging sustainable forms of transportation in accordance with Policy CS08 of the Core Strategy 2011 and the NPPF 2024.

Flood Risk:

The application site is within Flood Zone 3, however it is important to note that the proposal is for the re-development of an existing industrial site, within an existing industrial estate and the proposal would be in connection with the existing business.

The Environment Agency do not object but do note that the mitigation measures within the submitted Flood Risk Assessment (FRA) are adhered to. The EA state: "In particular, the FRA recommends that the developer should ensure that the eventual users of the site are sufficiently aware of the risk of flooding, and the standard of the existing defences. The Environment Agency operates a flood warning system for properties at risk of flooding to enable householders to protect life or take actions to manage the effect of flooding on property. Floodline Warnings Service is a national system run by the Environment Agency for broadcasting flooding warnings. The users of the site should register to receive flood warnings".

A condition is attached to this decision to ensure that the development is carried out in accordance with this.

It is also important to note that the BCKLWN Emergency Planning Officer raises no objection and flood risk advice is included as an informative to this decision.

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

Ecology

The application has been confirmed by the Senior Ecologist to be subject to the de minimis exemption in regard to Biodiversity Net Gain. Notwithstanding, this additional landscaping is shown throughout the site as per the proposed site plan and the area to the south/east of the site is shown to be retained for dedicated land for Biodiversity Net Gain. This is a benefit in accordance with Paragraph 187 of the NPPF 2024 as well as Policy CS12 of the Core Strategy 2011.

Contamination/Air Quality

The Environmental Quality team raise no objection based on contaminated land considerations. In terms of air quality, Environmental Quality note that as the biomass boiler is of relatively large capacity, moving it to the new location has the potential to impact nearby receptors. However, as they have previously assessed this boiler's emissions, it is possible to re-assess based on its new location and its proposed height of flue. This screening assessment shows that, as long as the wood being burnt remains dry and within manufacturer limits, the pollutants emitted will unlikely exceed the objectives. They raise no objection based on this.

As such, the development would be acceptable in this regard and in accordance with Policy CS08 of the Core Strategy, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.

CONCLUSION

Overall, the development would be supported in principle by introducing a new industrial unit and supporting an existing business within King's Lynn. The development would also be acceptable as outlined in regard to form and character, neighbour impact, highways, flood risk and ecology. Therefore, the development is in accordance with Policy CS03, CS08, CS10 and CS11 of the Core Strategy 2011, Policy DM2, DM15 and DM17 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF 2024.

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:
 - EXISTING & PROPOSED ELEVATIONS, Drawing Number: DEW02.02.01, received 26/11/24.

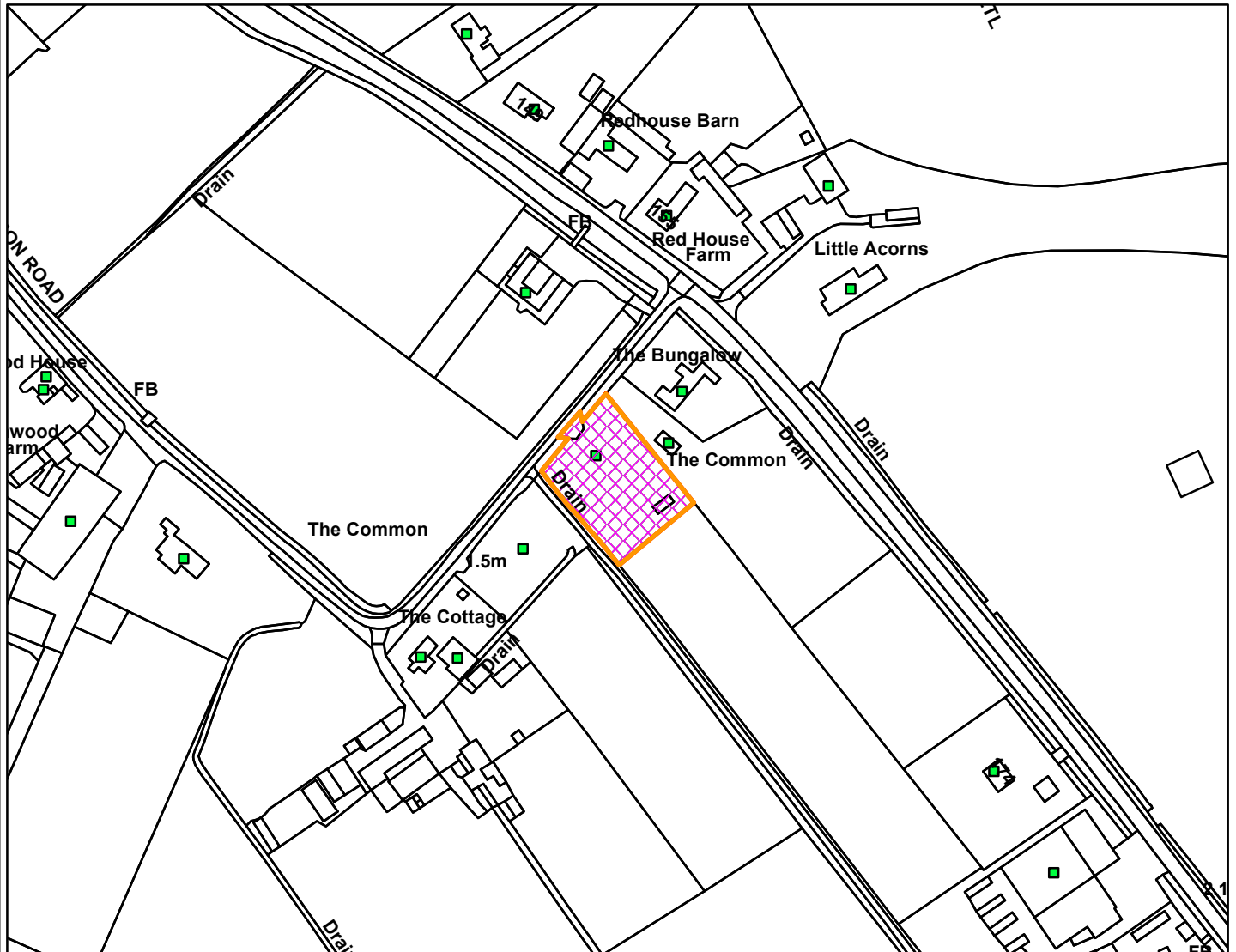
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- EXISTING AND PROPOSED SITE PLAN & LOCATION PLAN, Drawing Number: DEW02.02.02 Rev: B.
- EXISTING AND PROPOSED FLOORPLANS, Drawing Number: DEW02.02.03.

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (authored by: ELLINGHAM CONSULTING LTD, Dated: AUGUST 2024) in regard to Section 5.0 FLOOD RISK MITIGATION.
- 3 Reason: To reduce the risk of flooding on the users of the facility hereby permitted in accordance with the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2024.
- 4 Condition: Prior to the first occupation of the development hereby permitted the vehicular access / crossing over the footway shall be constructed in accordance with the highways industrial access specification and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 4 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF 2024.
- 5 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / servicing / loading / unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy CS11 of the Core Strategy 2011 and the NPPF 2024.
- 6 Condition: Prior to use of the development hereby permitted, a scheme for cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to use and retained as permitted in perpetuity.
- 6 Reason: To ensure the provision of suitable cycle parking for future occupiers and in the interests of encouraging sustainable forms of transportation in accordance with Policy CS08 of the Core Strategy 2011 and the NPPF 2024.



Land SW of The Bungalow Common Road South Walton Highway



Legend

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Scale: 1:2,500

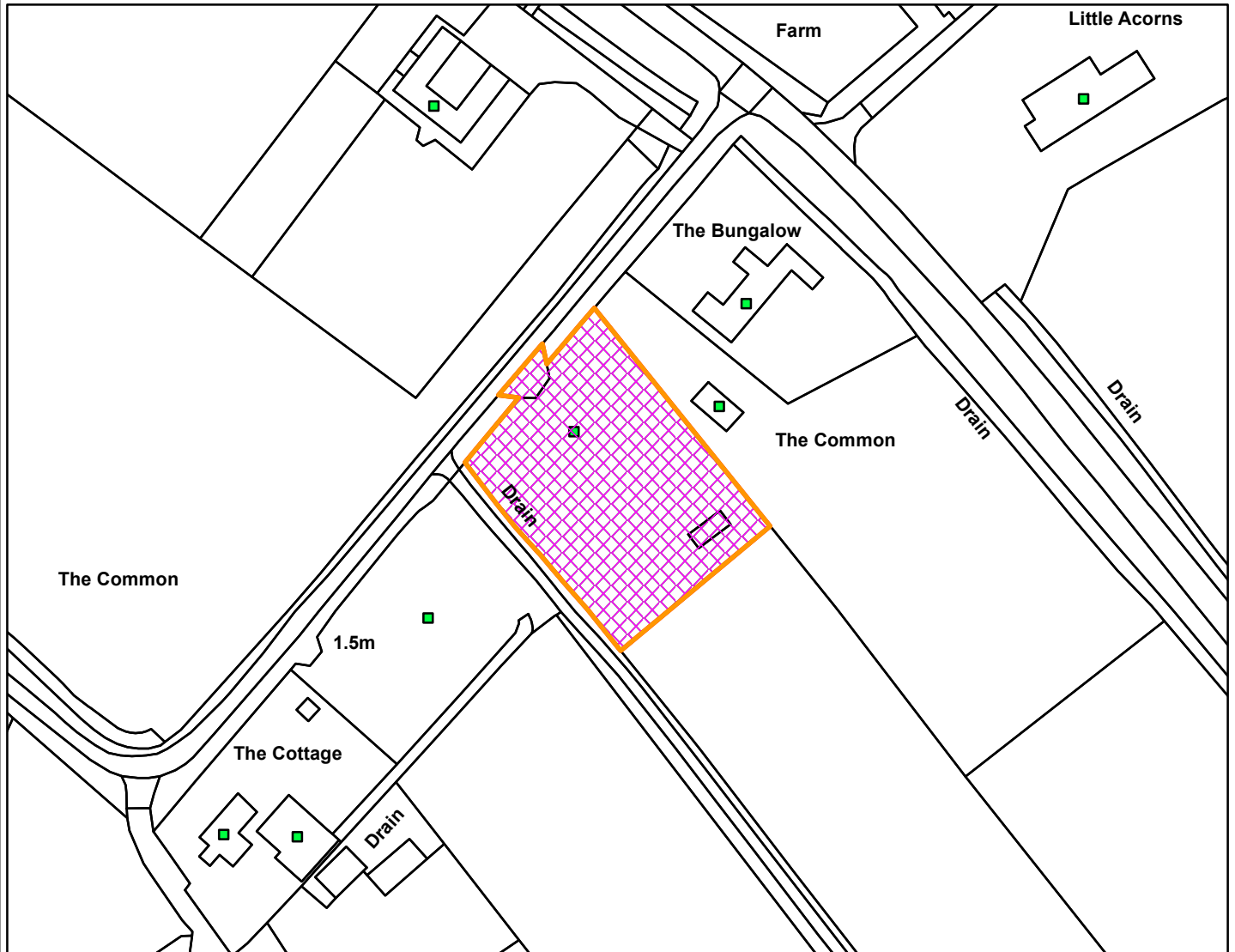
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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314



Land SW of The Bungalow Common Road South Walton Highway



Legend

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Scale: 1:1,250

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Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	16/12/2024
MSA Number	0100024314

Parish:	West Walton	
Proposal:	Retrospective change of use of previously developed land to enable standing of a residential static caravan and storage of one touring caravan and ancillary works	
Location:	Land SW of The Bungalow Common Road South Walton Highway Norfolk PE14 7ER	
Applicant:	F Brazil	
Case No:	24/01561/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 17 December 2024

Reason for Referral to Planning Committee - Called in by Cllr Kirk

Neighbourhood Plan: No

Case Summary

The application seeks full planning permission (retrospective) for the siting of a static caravan & storage of one touring caravan, for occupation by Gypsy and Travellers, on land South West of The Bungalow, Common Road South, Walton Highway.

The application site is outside of the Development Boundary for Walton Highway and therefore within the wider countryside for the purposes of planning policy. However the site is allocated as a proposed G&T site (GT15) in the main modifications of the Local Plan Review.

The site is within Flood Zone 3 within the Borough Council's SFRA (2018).

Key Issues

- Background
- Principle of development
- Need for pitches
- Impact upon the appearance of the countryside
- Access and highway implications
- Flood risk
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks full planning permission (retrospective) for the siting of a static caravan & storage of one touring caravan, for occupation by Gypsy and Travellers, on land South West of The Bungalow, Common Road South, Walton Highway.

The application site is outside of the Development Boundary for Walton Highway, which cuts off further north, on the opposite side of the A47 and therefore within the wider countryside for the purposes of planning policy. However, the site is allocated as a proposed G&T site (GT15) in the main modifications of the Local Plan Review.

The site is within Flood Zone 3 within the Borough Council's SFRA (2018).

The application site currently comprises an area of hardstanding bordered by close boarded fencing which reduces in height either side of the access point. The static caravan is situated towards the south west boundary of the site, and various residential paraphernalia is positioned in close proximity.

Immediately north east of the site is a residential dwelling known as The Bungalow. Other dwellings exist in the wider locality, to the south west as well as on the opposite side of St Pauls Road.

SUPPORTING CASE

A supporting statement was requested however none was received as of the date of writing this report.

PLANNING AND ENFORCEMENT HISTORY

21/00293/UNAUTU, Enforcement Status: CLOSED, Nature of complaint: Alleged Unauthorised Use

21/00492/F: Application Refused: 27/04/22 - The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayroom ancillary to that use - Land SW of The Bungalow (DELEGATED)

15/01103/F: Application Refused: 09/11/15 - Construction of 1 x 4 bedroom barn style 2 storey dwelling - Land 40M SW of the Old Mill (DELEGATED)

RESPONSE TO CONSULTATION

Parish Council: OBJECT on the following grounds (summarised):

- The site is previously developed; prior to clearance the site was an orchard.
- Reference to previous planning refusals
- The site is within Flood Risk Zone 3.
- The site is located on a single track road with no footpath and no amenities close by.
- Schools in the locality are oversubscribed.

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- The site does not have good drainage.
- Adjacent land has had planning refusals.

Environment Agency: NO OBJECTION subject to FRA being complied with. Referred to Emergency Planner for evacuation advice.

Highways Authority: NO OBJECTION on highway safety grounds.

Internal Drainage Board: NO OBJECTION in principle. The Board's Byelaws apply.

Environmental Health & Housing - Environmental Quality: NO OBJECTION regarding contaminated land.

Natural England: NO OBJECTION referred to GIRAMS tariff for recreational impacts.

REPRESENTATIONS

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

- Previous refusals and enforcement history on site; application should be determined as per those applications
- Enforcement notice should be complied with
- Unsustainable location with no local amenities
- Detrimental to the character of the countryside
- Flood risk implications
- Access road is of limited width, highway safety concerns
- No need for gypsy & traveller sites
- Detrimental to adjoining neighbours
- Crime and disorder and public safety impacts
- Loss of house value
- Land was previously an orchard, not previously developed land
- Number of G&T caravans in area is excessive
- Grade II Listed dwelling in local vicinity

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

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

OTHER GUIDANCE

PLANNING CONSIDERATIONS

The main considerations are:

- Background
- Principle of development
- Need for pitches
- Impact upon the appearance of the countryside
- Access and highway implications
- Flood risk
- Other material considerations

Background:

As indicated above in the Relevant Planning History section, this site has been the subject of enforcement investigation and action in the past. However, in the interim there has been a significant and material change in that the Council has been deemed at appeal to have failed to provide a 5-year supply of sites (20/01246/FM at School Road, Marshland St James). This is a strong material consideration weighing in favour of this type of application and the Local Planning Authority must have regard to this within planning decisions.

The most recent Gypsy and Traveller Accommodation Assessment (GTAA), discussed in more detail below, acknowledges that there is an unauthorised pitch at this location. Before the GTAA was produced back in May 2023 there was no evidence of accommodation need at this site and therefore enforcement action has historically been taken. However, the GTAA (2023) now identifies that there is a current need arising from this site for a pitch.

One of the recommendations within GTAA is to formalise those unauthorised pitches where an accommodation need is found to be directly arising and this site is now allocated under GT15 in the Main Modifications document (Part 2) as part of the Local Plan Review.

In light of the emerging allocation, it would be unreasonable for the Council to pursue further enforcement action on those grounds. The enforcement case has therefore been closed, and this application has been submitted to regularise the site.

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It is considered that the reasons for refusal of both the 2015 and 2021 planning permissions listed above have been overcome through the allocation of the site for a Gypsy and Traveller Pitch.

Principle of development

The site is approximately 700m from the development boundary of Walton Highway (which is presently combined with West Walton to form a Key Rural Service Centre) and therefore within the wider countryside for the purposes of planning policy.

Paragraph 8 of the NPPF identifies an environmental objective in order to achieve sustainable development. Planning should 'protect and enhance our natural, built and historic environment...'

National planning policy is clear that the countryside should be protected for its intrinsic character and beauty and should only be developed in exceptional circumstances.

Policy CS06 of the Core Strategy 2011 clearly states that "beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty... The development of greenfield sites will be resisted unless essential for agricultural or forestry needs." Policy DM2 of the SADMPP 2016 defines development boundaries and supports this approach.

Reference to Gypsy & Traveller (G&T) sites is contained in Core Strategy Policy CS09, which states:

"Sites for gypsies, travellers (or travelling show people) will be given permission where they:

- Are capable of being serviced by basic utilities;
- Meet an identified need;
- Avoid environmentally sensitive areas and areas at risk of flooding;
- Afford good access to main routes (including the A47 (T), A17, A10, A148/9 and A134); and
- Are located within reasonable distance of facilities and supporting services (such as school or health provision)."

These criteria will be addressed within this report.

Whilst new Policy LP28 (as per the Main Modifications) does not currently have weight in planning decisions, it should be noted that the emerging policy sets out similar requirements for assessment of new sites for Gypsy and Travellers, albeit expanding upon impacts such as biodiversity, landscape character etc which are currently (and will continue to be) covered by other policies.

Need for pitches

The recent updated GTAA (June 2023) and an appeal decision (APP/V2635/W/22/3294180 – copy attached to this report) has indicated that there is a significant unmet need for Gypsy and Traveller sites - an additional 76 pitches within the period 2023-2027, and a total future need to 2039 of 102 pitches. It was concluded that the Council has failed to have a 5-year supply of deliverable sites, and significant weight is therefore afforded to the need for additional sites/pitches.

The PPTS (paragraph 27) states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision.

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The Council, as part of the examination of the Local Plan Review process, is seeking to address this matter/shortfall by issuing a Gypsy & Travellers and Travelling Showpeople Potential Sites and Policy Consultation (January 2024). This has been followed up by the Gypsy & Travellers Travelling Showpeople Proposed Site Allocations and Policy Consultation (May 2024) and the most recent Main Modifications Consultation Part 2. This site has been allocated as part of this process (GT15).

The policies in the emerging Local Plan in themselves, because of the stage of preparation of the plan (main modifications consultation) do not have significant weight in decisions; however the current Core Strategy (Policy CS09) fails to set out any site allocations for Gypsy and Traveller accommodation to meet the identified need. This undersupply of pitches therefore has significant weight in decision making and despite the local plan review not currently having full weight, it is considered that the need for sites outweighs the implications for new development in the countryside and the principle of development is therefore acceptable.

Impact upon the appearance of the countryside

The NPPF (2024) seeks to ensure high quality development and a good standard of amenity seeking ways to enhance and improve places in which people live and recognises the intrinsic character and beauty of the countryside (Paragraph 187).

The application site is positioned adjacent to an existing dwelling. As stated above, the existing site is located adjoining development on Common Road South and is not an 'isolated' site in the countryside as defined in the Braintree DC case (2016). The site is however within close proximity to other residential and otherwise compatible uses and would appear as a continuation of existing sporadic development in this part of Walton Highway.

The site is covered by hardstanding and enclosed by close-boarded wooden fencing approx. 2m in height, reducing to approx. 1m adjoining the access. The habitat plan submitted with this application suggests that there is an opportunity to introduce additional hedgerow planting to the roadside of the screen fencing to soften the visual impact and integrate the development into its setting. This could be controlled via condition. The site also has a backdrop to the east of established equestrian and agricultural buildings.

The application site is positioned adjacent to an existing dwelling.

The design and access statement indicates that landscaping is proposed to screen the residential uses, however insufficient detail of this has been provided and therefore details could be controlled via condition.

At the time of site visit, there was a single static caravan within the site, visible over the existing boundary treatments but somewhat screened from longer views by vegetation on surrounding land. Considering the proximity to existing development, whilst the introduction of a slightly elevated static caravan plus domestic paraphernalia would have an impact upon the appearance of this locality from the immediate vicinity, both established screening and provision of additional landscaping/planting would be effective in assimilating it into its countryside setting.

There is adequate space on site to accommodate a static caravan plus a touring caravan and parking for at least 2 vehicles.

It is concluded that the impact upon the appearance of the countryside or the surrounding street scene would not be so significant that it would outweigh the established need identified above.

The proposal therefore complies with Policies CS06, CS09, DM2 and DM15 of the Development Plan in regard to character and appearance of the countryside.

Access and highway implications

There is an existing access to the site off Common Road South with appropriate visibility to meet current standards.

Whilst local concerns have been raised regarding the suitability of this road to serve the proposed development, the Local Highway Authority raise no objection to this scheme on highway safety grounds and no conditions are necessary to make the development acceptable on highway safety grounds.

There is ample parking and turning space within the site to serve the intended pitch.

The proposal accords with Policies CS08, CS09, CS11, DM15 & DM17 of the Development Plan.

Flood risk

The application site is identified as falling within Flood Zone 3a of the Council-adopted Strategic Flood Risk Assessment and that of EA's mapping.

The application is accompanied by a site-specific Flood Risk Assessment which has not drawn objection from the Environment Agency. Mitigation measures are recommended of Finished Floor Levels (FFLs) above 0.4m and the caravans to be anchored down to prevent movement if flooded. These measures could be secured via condition.

Our Emergency Planning Officer plus the EA recommend signing up to the Environment Agency's Flood Warning System and the preparation of a flood evacuation plan – this can be covered via condition.

The proposal passes Sequential testing as an allocated site where there are no other available comparative sites in a lower flood zone in this area.

The NPPF identifies caravans as 'highly vulnerable' to flood risk and Policy CS09 seeks to avoid sites in areas at high risk and should not be permitted in FZ3. Nonetheless, Paragraph 181 of the NPPF (2024) recognises that development may be necessary in areas of high risk and risks can be managed through suitable adaption measures. The use of mitigation measures similar has previously been deemed acceptable by this LPA, including most recently 24/01061/F which was approved by Planning Committee in November 2024.

Exception testing is also considered to be passed in that the development can be made safe for its lifetime with the above mitigation measures and there are wider sustainable benefits by an additional pitches going towards the significant shortfall in supply of G&T sites.

The proposal is therefore compliant with the NPPF (2023) and Policies CS08 & CS09 of the Development Plan.

Other material considerations

Service by utilities

The site is presently served by water and electricity.

Drainage

Limited information has been provided in relation to foul and surface water drainage. This can be secured via condition.

Previously Developed Land

The site has been described by the Agent as previously developed land, however as the residential use has not previously been authorised, the site would not meet the definition. The site's status as previously development land (or not) has not been given weight in this decision.

Accessibility

Whilst comments from the Parish Council regarding accessibility and lack of footpath provision are noted, this is the case for a large number of dwellings in the locality and the provision of one additional unit towards the supply of G&T pitches is considered to outweigh the limited harm caused to overall accessibility and sustainable transport modes.

The site is reasonably well located to local services and facilities that the Key Rural Service Centre and beyond has on offer, being approx. 1.4 miles (2.2km) from the centre of Walton Highway by road and (0.9 miles (1.44km) by foot. Local services are therefore relatively accessible for this type of development and given the identified need in this locality.

It is also concluded that the site has reasonable access to main routes being 1km by road from the A47.

Amenity of neighbours

Whilst concerns from Cllr Kirk and neighbours have been raised with regards to amenity, given the separation distances involved and boundary treatments, there would be no justification to refuse this proposal on those grounds.

Lighting can be secured via condition to ensure no adverse implications. It would also control impact upon wildlife. This would accord with Policy DM15 of the Development Plan.

Habitats and Species

Whilst the Agent has provided various documents disputing the site's impacts on protected sites, the site lies within an impact zone for designated conservation sites: the Wash, Brecks and North Coast scoped into the GIRAMS study.

A shadow Habitats Regulations Assessment has been undertaken and GIRAMS payment has been secured. Natural England have confirmed that providing appropriate mitigation is secured there should be no additional impacts upon the European sites.

The proposal therefore accords with Policies CS12 and DM19 of the Development Plan.

Biodiversity Net Gain

As a retrospective application, there is no legal requirement for 10% Biodiversity Net Gain. A new hedge is indicated on the submitted Habitat Plan and landscaping details could be conditioned as part of any consent to ensure biodiversity enhancements in line with Paragraph 187 of the NPPF (2024).

Contamination

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The applicant has provided a screening assessment which indicates no known contamination. No significant potential sources of contamination have been identified and the Environmental Quality team raise no objection on contamination grounds. The proposal complies with Policy DM15 in regard to contamination.

Crime and Disorder

Whilst concerns have been raised about anti-social behaviour, there are not considered to be any tangible concerns regarding crime and disorder associated with this proposal.

Human Rights

Information regarding the proposed occupiers of the site has been submitted. The recent appeal decision indicated that the occupation of sites could be controlled via condition.

The interference with Article 8 of the European Convention on Human Rights (ECHR) rights of any proposed occupiers to respect for private and family life and the home is a qualified right and must be weighed against the wider public interest in the upholding of the law, including planning law for example which aims to protect the countryside by restricting inappropriate development. However, in this instance there is no conflict given the officer recommendation.

Devaluation of property

The difference in terms of valuation of adjacent property, be it either up or down, is not a material planning consideration.

Listed Buildings

A neighbour objection states that the site is not suitable due to nearby Listed Buildings. The closest listed building is The Mill, at 190 St Pauls Road South. The proposal site is well-distanced from this heritage asset and the proposed use would not impact on its setting. The proposal complies with Section 16 of the NPPF (2023) and Policies CS12 and DM15 of the SADMPP (2016).

CONCLUSION

The Council, as part of the examination of the Local Plan Review process, is seeking to address this matter/shortfall by having issued a Gypsy & Travellers and Travelling Showpeople Site Allocations and Policy Consultation (May 2024) followed by the Main Modifications Part 2 consultation. This clearly demonstrates a significant need in this parish and in determining this application significant weight must be attached to the unmet need. The main modifications document outlines that the application site itself is proposed to be allocated to meet this need in a sustainable manner within the Local Plan Review.

The PPTS (paragraph 27) states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision.

The proposal compares favourably when judged against the criteria of Policy CS09 of the Core Strategy and Policy 2 a)-l) of the new policy contained within the Main Modifications Part 2 to the Local Plan (Gypsy, Travellers and Travelling Showpeople policies) consultation. The flood risk implications can demonstrably be overcome through compliance with the Flood Risk Assessment, as agreed by the Environment Agency.

There are no technical objections that cannot be secured via condition.

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The proposed development is capable of complying with Policies CS06, CS08, CS09, CS11 & CS12 of the Core Strategy (2011), Policies DM2, DM15, DM17 & DM19 of the SADMPP (2016) plus the emerging policy contained in the Main Modifications Part 2 to the Local Plan (Gypsy, Travellers and Travelling Showpeople policies) consultation (October 2024). The application is therefore recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, received 4th September 2024:
 - Location Plan
 - Block Plan
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The site shall not be occupied by any persons other than Gypsies and Travellers, defined as: persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2 Reason: To define the terms of the permission, as the site lies within the countryside where the Local Planning Authority would not normally grant permission for new dwellings. This permission is granted in recognition of the special need for the pitch in accordance with Policy CS09 of the Core Strategy (2011).
- 3 Condition: On the site hereby approved there shall be no more than one pitch, containing no more than one static caravan and one touring caravan (as defined in the Caravan Sites & Control of Development Act 1960 and the Caravan Sites Act 1968) stationed at any time.
- 3 Reason: To define the terms of this permission in accordance with the provisions of the NPPF and Policy CS09 of the Core Strategy.
- 4 Condition: No commercial activities shall take place on the land, including the storage of materials.
- 4 Reason: To define the terms of this permission as commercial use would engender additional traffic implications on this rural road network plus parking implications and in the interests of the amenity of adjoining residences; in accordance with Policies CS08 & CS11 of the Core Strategy (2011) and Policies DM15 & DM17 of the SADMPP (2016).
- 5 Condition: The development shall be implemented in accordance with the following flood risk mitigation measures:
 - Finished floor level of the permanently sited static caravan shall be set at no lower than 400mm above existing ground level;
 - The static caravan shall be securely anchored to concrete ground bases;
 - Residents will sign up to the Environment Agency's Flood Warning Service; and

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- Prepare an Evacuation Plan

These measures shall be maintained thereafter.

- 5 Reason: To protect occupants and prevent movement of the caravans at times of increased risk of flooding in accordance with the provisions of the NPPF, Policy CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 6 Condition: Prior to installation of any external lighting, details shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
- 6 Reason: In the interests of the amenity of the locality and to accord with Policy CS06 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
- 7 Condition: Within 3 months of the date of this decision, full details of the foul and surface water drainage arrangements for the site shall have been submitted to the Local Planning Authority for approval. The drainage details shall be constructed as approved within 3 months of the date of approval of those details in writing by the Local Planning Authority.
- 7 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Policy DM15 of the SDAMPP (2016).
- 8 Condition: Within 3 months of the date of this decision, full details of landscape works shall have been submitted to the Local Planning Authority to be agreed in writing. These details shall include the provision of planting along site boundaries, and 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. The details shall also include a programme of works to indicate the timing of proposed planting.
- 8 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 9 Condition: All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority under Condition 8. 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.
- 9 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

Planning Committee - 6 January 2025

Previous Committee:	02/12/2024
Upcoming Committee:	06/01/2025

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

(1) To inform Members of the number of decisions issued between the production of the 2 December 2024 Planning Committee Agenda and the 6 January 2025 agenda. There were 104 total decisions issued with 100 issued under delegated powers and 4 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) Major applications are assessed against a national target of 60%. Failure to meet this target could result in applications being dealt with by Pins who will also receive any associated planning fee.

RECOMMENDATION

That the reports be noted

Number of decisions issued between 19 November 2024 and 17 December 2024.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	5	5	0		5	100.0%	60%	0	0
Minor	35	24	11	30		85.7%	80%	2	2
Other	64	59	5	62		96.9%	80%	0	0
Total	104	88	16	92	5			2	2

Planning Committee made 4 of the 104 decisions (3.8%)