

<b>Parish:</b>	<b>North Wootton</b>	
<b>Proposal:</b>	<b>Proposed residential development</b>	
<b>Location:</b>	<b>The House On The Green Ling Common Road North Wootton King's Lynn</b>	
<b>Applicant:</b>	<b>WW Properties (East Anglia) Ltd</b>	
<b>Case No:</b>	<b>19/01622/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs K Lawty</b>	<b>Date for Determination: 26 November 2019 Extension of Time Expiry Date: 21 October 2021</b>

**Reason for Referral to Planning Committee** – Parish Council objection and raised matters of wider concern

**Neighbourhood Plan:** No

**Case Summary**

The site lies on the southern side of Ling Common Lane in North Wootton. It is located within the northern part of the settlement boundary for King's Lynn and the development boundary runs along the northern side of Ling Common Lane at this point.

The boundary of the Area of Outstanding Natural Beauty also runs along the northern boundary of the site so that the site is not within the AONB but land to the north is.

The site currently consists of a one and a half storey detached building which was last used as a public house, known as the House on the Green Public House. The public house closed early in 2017, and the building and the site have not been in use since.

During the course of this planning application there have been several changes to the development proposal following public comment and discussions with planning officers.

This application now seeks full planning permission for the retention and refurbishment of the existing public house and proposed residential development to create 7 new houses to the southern of the site.

**Key Issues**

- Principle of development
- Impact on AONB
- Design, character and appearance
- Neighbour amenity
- Highways matters
- Trees
- Ecology
- Drainage
- Other matters

## **Recommendation**

**A) APPROVE** subject to conditions and the satisfactory completion of the S106 Agreement;

**B) REFUSE** if the S106 is not completed with 4 months of the date of this resolution to approve due to a failure to secure affordable housing.

## **THE APPLICATION**

The site lies on the southern side of Ling Common Lane in North Wootton and is within the development boundary. The boundary of the Area of Outstanding Natural Beauty runs along the northern boundary of the site so that the site is not within the AONB but land to the north is.

The site currently consists of a one and a half storey detached building which is the House On The Green Public House. The public house closed in late 2016, with a short resurrected use in 2018, whereupon the building and the site have not been in use since. The site has witnessed some vandalism since it has been unoccupied.

The main building lies centrally within the northern part of the site. Car parking and delivery/storage areas are to the east and west. To the south of the building are the pub gardens and children's play area and beyond this is the former bowling green, which is now overgrown. The pavilion shown on the plans has already been removed.

The application originally submitted proposed the conversion of the public house into a single residential property and additional residential development upon some of the former pub gardens and bowling green behind the pub. This would have resulted in a total of 6 large residential units on the site.

During the course of the application, and following discussions with Planning Officers, the proposed scheme has been amended to retain the use of the public house along with variations to the scale, size and layout of the residential units proposed at the rear of the site.

The proposal now under consideration seeks full planning permission for the retention and refurbishment of the existing public house and proposed residential development to create 7 new houses to the southern part of the site.

## **SUPPORTING CASE**

The planning application going before planning committee on June the 14th is one that has been under consideration since October 2019. Previous planning applications have been made prior to this submission, included the construction of 3 dwellings, and the construction of commercial premises.

The proposal being presented before the planning committee is for the construction of 7 residential dwellings, to the land at the rear of the Public House, known as House on the Green. The 7 dwellings have been designed to be reasonable in size, with generous gardens to the rear and ample parking and turning spaces. The proposed dwellings will make fantastic starter homes or family homes, in a well-connected village which benefits from several important amenities such as schools, supermarkets, shops, restaurants/public houses, and public transport with accessibility to neighbouring towns and villages.

In terms of planning policy, the site lies within the development boundary and in a suitable area for development. There have been no objections from statutory consultees other than the parish council, who are concerned about the loss of the public house, which is not the case.

In a survey carried out by North Wootton Parish Council 92% of the responses stated that they wish for House on the Green to continue as a public house. What is extremely important to note is that this proposal does not seek the loss of the Public House. The Public House will continue to benefit from a generous garden to the west, and ample parking to the east. Ancillary storage buildings shall also remain in situ.

The land in which the 7 dwellings are sited was formerly garden, bowling green and carpark. The bowling green has not been used for several years, and parking is now situated to the east as aforementioned. Therefore, the premises will not lose any amenities due to the construction of the proposed dwellings.

Within the same survey previously mentioned, 97% of responses raised concerns over the condition of the existing building – this is a view which is shared by the applicant and is something they are certainly keen to address as soon as practicable. They are aware that the building has been subject to vandalism, and attempts have been made by the applicant to stop this.

Previous concerns raised by the planning authority, statutory consultees and members of the public have been considered and adopted where possible. We understand the need for starter homes, and we understand the desire to keep the building as a public house; this proposal can deliver both of those elements. In depth discussions have been held with the planning department over several months to seek a suitable proposal for this site, which we feel has now been sought.

We hope that the planning application being presented before the planning committee can be approved, so that this site and proposal can move forward.

## **PLANNING HISTORY**

18/01507/F: Application Refused: 31/05/19 - Proposed Development of Commercial Units - The House on The Green, Ling Common Road, North Wootton, King's Lynn, Norfolk PE30 3RE

18/01505/F: Application Refused: 31/05/19 - Proposed residential development of three dwellings - Land S of House on the Green Little Carr Road North Wootton Norfolk

17/00176/PREAPP: INFORMAL - Likely to refuse: 01/02/18 - Pre-application enquiry: Demolition of existing building and re-development of the site for residential use - The House On The Green, Ling Common Road ,North Wootton, King's Lynn, Norfolk, PE30 3RE

13/00059/PREAPP: INFORMAL - Likely to approve: 30/05/13 - Pre-application enquiry: Erection of 2 No detached dwellings, detached double garages and access drive on redundant bowling green - Land At Rear of the House On the Green, Ling Common Road, North Wootton, Norfolk, PE30 3RQ

05/02062/F: Application Permitted: 14/11/05 - Extension to public house - The House On The Green, Ling Common Road, North Wootton, King's Lynn Norfolk, PE30 3RE

04/02698/F: Application Permitted: 04/02/05 - Extensions to public house - The House On The Green, Ling Common Road, North Wootton, King's Lynn Norfolk, PE30 3RE

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECTION** – The Parish Council objects to this development which echoes the views of many local residents.

While the proposed retention of the pub would retain a valuable community asset, there is little evidence that the pub will reopen as it has been left to fall into disrepair and vandalism has been prevalent and left unchecked for over a year. It is a concern that if this application is granted a further application for more houses would be forthcoming for this part of the site.

Layout and Density – The Parish Council feels that 7 houses on this site will be cramped. There are no garages planned which could then lead to further planning applications from owners to extend/build outside storage. Although the access is proposed at 5m wide, with parking spaces being allotted for a potential 14 cars this does not leave sufficient room for vehicle movements.

Overshadowing/Loss of Outlook – Consideration must be given to the residents of Ling Common Road, Little Carr Road, Ford Avenue and Carlton Drive whose properties will be adjacent this development.

The Parish Council has forwarded the results of a survey which the PC has undertaken to gain the views of residents for the above application.

Details of this survey were published in our recent newsletter and residents were also reminded they could comment directly on the planning portal.

The first 2 attachments titled House on the Green Residents Survey shows findings from the online survey with a total of 231 people responding.

The third attachment titled House on the Green newsletter survey shows findings from correspondence received by the Parish Council with a total of 58 people responding.

The overall results are as follows;

91% of people live in the Woottons.

97% were concerned about the state of the House on the Green.

92% wished it to continue as a public house.

4% did not wish it to continue as a pub and 4% were unsure.

The Parish Council wishes the views of residents as detailed in the attached documents to be taken into account when this application is discussed at the planning committee.

The survey shows there is strong public feeling for how this site should be developed, and as a result the Parish Council has agreed the House on the Green should be nominated as an Asset of Community Value and will be submitting this application shortly.

**Highways Authority: NO OBJECTION** - Following a review of a previous application on the site under planning reference 18/01507/F it is apparent that the adopted car parking stands for the public house require 22 car parking spaces. I observe that this revised application would leave the public house with 19 standard spaces with an additional 2 for people with disabilities. I am of the view that this would be acceptable.

With relation to the housing proposed, the access, would accord with standard and car parking could be accommodated off the highway. However, with respect to the turning area indicated the configuration would only facilitate turning for small vehicles and would not accommodate larger delivery vans, dustcarts or fire engines. I therefore recommend that the applicant be asked to provide a revised plan to facilitate the turning of such vehicles.

Updated comments: The amended drawing is considered to be acceptable. Recommend conditions re: vehicle access construction, no gates/bollards etc. and provision and retention of access, parking and turning.

**Norfolk Coastal Partnership: NO OBJECTION** - as on/just outside AONB boundary.

However would like to see conditions on external lighting as this may impact AONB:

National Planning Policy Framework Clause 125 and Norfolk County Council's Environmental Lighting Zones Policy both recognise the importance of preserving dark landscapes and dark skies. In order to minimise light pollution, we recommend that any outdoor lights associated with this proposed development should be:

- 1) fully shielded (enclosed in full cut-off flat glass fittings)
- 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
- 3) switched on only when needed (no dusk to dawn lamps)
- 4) white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium sources

Please also refer to the Institute of Lighting Professionals, Guidance Notes for the Reduction of Obtrusive Lights which gives guidance for lighting in an AONB.

Also a condition on ecological enhancements.

**Internal Drainage Board/ Water Management Alliance: : NO OBJECTION** - Please be aware that the site has been screened as being near to the Internal Drainage District (IDD) of the Kings Lynn IDB which is a Member Internal Drainage Board (IDB) of the Water Management Alliance. Please see our website for detailed mapping of each Board's District. In order to avoid conflict between the planning process and the relevant Board's regulatory regime and consenting process please be aware of the following:

- We note that the applicant has indicated that they intend to dispose of surface water via infiltration, however we cannot see that a drainage strategy or plan has been provided for the site. This proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material is considered favourable then infiltration testing in line with BRE 365 should be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such we strongly recommend that any application to discharge is made to the Board prior to determination of the planning application.

**Environmental Health & Housing - Environmental Quality: NO OBJECTION** – conditionally re: contaminated land, air quality.

**Environmental Health CSNN: NO OBJECTION** – conditionally. The conditions of interest and relevance to CSNN are:

- Ensuring the installation of a 2m high acoustic fence as shown on drawing 1812-05A.
- 04001 - Foul and Surface Water Drainage condition
- 15002 – lighting scheme
- Kitchen Ventilation and extraction
- Storage and disposal of recycling, refuse and waste materials (public house)

**Housing Development Officer: NO OBJECTION** - I have looked at the above application and can confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in North Wootton. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £60,000 per equivalent whole affordable dwelling will be sought.

As this site is proposed for 7no units in a designated rural area and the site area is under 0.5ha, a financial contribution of £84,000 would be required. This is calculated as 7no units times 20% affordable housing – 1.4 units, times £60,000 per unit. A S.106 Agreement will be required to secure the affordable housing contribution

It is important for the applicant to note that we operate a dynamic approach to viability whereby the affordable housing thresholds and percentages are reviewed on an annual basis and informed by the following factors;

- Market Land Values
- House Prices
- Level of contribution sought overall
- Index of Build Costs

However any S.106 agreement signed before the review will provide the prevailing affordable housing percentage at the time of determining the application.

A S.106 Agreement will be required to secure the affordable housing contribution.

**Natural England:** No comments

**Arboricultural Officer: NO OBJECTION** – conditionally; it will be appropriate to ask for a modest planting plan, to follow the plan numbered: 1812-05A. I will also need to see an updated method statement for the new parking spaces (plan: 1812-05A) under the retained trees.

## REPRESENTATIONS

83 representations received referring to the following: -

- Object to increased traffic flow and impact on area
- No room for visitor parking for dwellings
- Ling Common Road is part of National Cycle Route 1 and is the main conduit for cyclists leaving Lynn and the Woottons for destinations in North Norfolk; impact of traffic on cyclists
- Scheme dominated by parking and turning
- Soakaways not achievable within site
- Drainage problems
- There is a very substantial area non-permeable ground coverage proposed in relation to properties numbers 3 4 5 & 6 i.e. roads, parking spaces, patios & outside space that with heavy rainfall could result in flooding to the existing adjoining properties.
- Not enough school places, doctors or dentists for extra housing
- Overlooking of neighbouring properties
- Poor relationship with neighbours, e.g. No 28 Little Carr Road, 38 and 39 Ford Avenue
- Although about 2.2m lower than the original proposal, and a little lower than the 2019 proposal the side elevations of the new dwellings would be a very dominant and overbearing feature on the western boundary of our plot.
- In some ways the effect on the character of our garden would be greater as the house on Plot 5 would be positioned further south than the previous proposal and there would be a two storey building running along the side of the middle part of our garden
- The dwelling on plot 4 would also be prominent in the outlook from the western elevation of the house
- The ground level of the former bowling green is about 600mm higher than our garden and this would exacerbate the effect of the height differences
- Camellia Cottage, the new house constructed between nos. 25,26 and 28 Little Carr Rd, is still absent from the plans
- 38 and 39 Ford Avenue have a house situated right at the bottom of our gardens
- House number 7, once again, very close to our boundaries.
- We have a high hedge which divides us from the proposed site and there is nothing shown on the drawing as to what is planned for privacy between us and house number 7
- Impact of House 4 on No. 26 Little Carr Road; detrimental and imposing on such a quaint cottage and its future value and saleability to which I have invested in.
- Dominant and overbearing to neighbours
- House No 4 will block sunset, even from the upstairs rooms, and will have a serious effect on the late afternoon sunlight within the garden and ground floor living areas
- The design lacks integrity and inclusiveness
- Contrary to Policy DM15
- Overdevelopment
- Design not appropriate
- No context or identity to proposed dwellings
- no garages or secure external storage in the new proposals
- What will happen to the boundary hedging?
- 7 houses on the site would be totally out of character for the area
- 4 or 5 houses would be better for the site

- Any development should retain the 'open character' and perhaps even add to it with trees and greenery to enhance that feel of the transition from countryside to village periphery.
- Impact on magnolia tree at No 38 Ford Avenue
- Is the housing type proposed what is needed?
- Profiteering with no thought to community amenity
- Impact on our house prices
- Unnecessary noise and pollution
- The site is surrounded by woodland and this would cause disruption to surrounding wildlife
- The southern boundaries of houses 5 & 6 back on to my garden Aycliffe. After the disuse of the bowling green & maintenance ceased the hedge bordering my property became a haven to wildlife including newt
- The House on the Green may have bats
- Although the new plans show house no. 5 slightly reduced in height, it remains taller than our chalet bungalow therefore not in keeping with the surrounding residential buildings.
- Noisy gravel surfaces proposed
- Fumes from vehicles of new properties
- Object to the loss of the public house
- As neighbours at No 25 Little Carr Road the pub is our boundary and the demise of this property is truly a shame; if there is any chance that we can get this back then we owe it to the building and also of course ourselves the community.
- The whole site should be restored and used as a building which provides a service to the members of the village
- Learning from Covid, there is not enough outdoor space or gardens in the proposal
- The development will ruin the feel of the pub
- Not enough parking for the pub
- Support retention of the public house
- No commitment to keeping the pub running
- The public house has been left to deteriorate, to encourage vandalism
- The pub as a pawn in a development of housing scheme
- The developer has shown no goodwill in opening the public house
- No commencement of housing should be allowed until pub reopened or legally binding agreement for pub to stay open for at least 5 years
- Is the site appropriate for a business to return a justifiable profit?
- Object to the proposed reinstatement of the public house
- Noise from a pub is very disturbing to local residents and can have a huge serious detrimental impact on health and well being
- We are very pleased to see the latest submission and consider the current scheme to be a good balance reflective of previous concerns raised.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS10** - The Economy



**CS11** - Transport

**CS12** - Environmental Assets

**CS13** - Community and Culture

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

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

**DM2** – Development Boundaries

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

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

## **PLANNING CONSIDERATIONS**

- Principle of development
- Impact on AONB
- Design, character and appearance
- Neighbour amenity
- Highways matters
- Trees
- Ecology
- Drainage
- Other matters

### **Principle of development**

North Wootton is classed as part of King's Lynn for the purposes of the Core Strategy. King's Lynn is identified as a sub-regional centre in the Settlement Hierarchy set out in Policy CS02 of the King's Lynn & West Norfolk Core Strategy, 2011. Within this area the principle of new development, including residential development, is generally considered to be acceptable under Policies CS02 and CS09 of the Core Strategy. Development must however have regard for and be in harmony with the building characteristics of the locality and comply with all other relevant policies, including Development Management Policies DM1, DM2 and DM15.

Nationally, the NPPF seeks a high standard of design, stating at para 124 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Para 130 refers that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The proposed development would result in the retention of the public house along with new residential development on land associated with the public house, but that has not been in use in connection with the public house for some considerable time.

In planning terms the existing public house is deemed a community facility, and there are local and national policies that seek their retention.

In terms of National Policy paragraph 83 of the NPPF refers:-

'Planning policies and decisions should enable:

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

At a local level Core Strategy Policy CS10 is particularly relevant. It refers:

'Retail, tourism, leisure, and cultural industries are key elements of the economic and social vibrancy of our borough, and contribute to the regeneration and growth of the area ...

Further Policy DM9 of the SADMP 2016 not only encourages the retention of existing community facilities and the provision of new facilities, it states that development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either

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

Para 127 of the NPPF recognises that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

In this case the proposed scheme, as amended, now retains the existing public house building and its community facility at the front of the site, whilst also providing seven new dwellings on the less visible part of the site that has not been used as a bowling green for many years. In this regard the proposal is seen as an efficient use of land that will not harm the wider character of the local area and complies with relevant national and local plan policy.

### **Impact on AONB**

The land to the north is within the AONB.

The NPPF states nationally designated areas, such as Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas.

The site is surrounded by existing residential development on three sides and is therefore within a contained site. The works to the front of the site largely retain the character of the existing built form as this involves improvements to the existing building and other low key elements such as parking layouts and the road access to the new residential development to the rear of the site.

In terms of scale and mass the proposed residential development, set behind existing buildings, is not considered to be of such significance to have a harmful impact on the overall wider landscape character of the area.

### **Design, character and appearance**

The existing public house building to the north of the application site is a brick and carstone slip property with clay pantile roof. The building has merit in terms of its appearance, form and character and adds to the character of the area and the streetscene.

The building is recorded on the First Edition Ordnance Survey map as the 'Red Cat' public house (before the Red Cat public house moved to Station Road) and also appears on the tithe map. It is considered that the House on the Green is a building of local historic interest and a non-designated heritage asset.

The amended proposal seeks the retention and refurbishment of the existing public house at the front of the site, but, other than changes to the site layout around the building, no plans have been submitted for any detailed works to the existing building. The application seeks permission for seven detached dwellings to the rear of the site, along with access and turning facilities.

During the course of the application the number of units on the site have been increased, but now propose smaller dwellings set in a more traditional 'L' shaped layout. These changes were made following feedback and concerns raised during the course of the application with regard to the scale and impact upon neighbouring properties of the much larger dwellings previously proposed.

The built form in the vicinity is quite varied in character and largely residential in nature. Surrounding development consists of a mix of single storey dwellings, chalet style properties or two storey properties, which are predominantly detached. Dwellings immediately adjacent to the application site vary in height, materials, design, footprint and distance to the highway. Although the House on the Green Public House and the dwellings to the east of the site accessed off Heather Close are older style properties, more modern housing is located to the west of the site.

In design terms the proposed new dwellings are detached, two storey in height and are 3 bedroom properties. Although the number of units is greater, the scale and layout of the dwellings is considered more in keeping with surrounding development. Due to this part of the site being surrounded by existing development on three sides, most of the new dwellings will not be visible from public viewpoints. These smaller units will not be conspicuous in their setting.

Third party concern has been raised regarding the cramped layout of the scheme. However, each dwelling is detached, has off-street parking facilities either in front of, or to the side of, each dwelling and rear gardens of acceptable size. Each property has facilities to store their bins within their own site, with side accesses to wheel the bins from the rear of the property to the front. The density is higher than that of surrounding development, but it is not considered that it would result in a detrimentally cramped development.

There are only limited long, public views of the development as the site is contained by housing on three sides. They are two storey in height, whereas surrounding development is generally one and a half storey in height. The roofs will be the most visible element from further away and it is considered that good quality materials are imperative to ensure the development fits in with surrounding development.

In this case it is considered that the proposed development, as amended, now responds better to its location and is sufficiently in keeping with the modest proportions and design elements of the existing public house building, which is a non-designated heritage asset building. It therefore accords with the provisions of Development Management Policies DM1, DM2 and DM15 with regard to scale, massing and layout.

### **Neighbour amenity**

The relationship between the proposed development and existing neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and whether the proposed development is considered to be overbearing.

Account has also been taken of the change in ground levels between the gardens of adjoining properties and this site along with boundary treatment.

The site is surrounded by existing residential properties on three sides, located on Ling Common Road, Little Carr Road and Ford Avenue. There is a tight, existing arrangement with the neighbouring property to the south east of the site, 26 Little Carr Road, where the property forms the boundary with the site. The windows of this residential property directly overlook the existing pub garden and therefore visitors to the site can look straight into the rooms of this neighbouring property.

Third party concern has been raised to the impact of the proposed residential development upon the amenity of the occupants of adjoining dwellings, particularly in terms of overlooking and being overbearing.

The proposed dwellings are smaller in scale than the larger properties originally proposed and have lower ridges (approximately 0.5m lower). Due to the proposed dwellings being more modest in scale, there will be less built form along the boundaries. This means these smaller dwellings will have less impact on the neighbouring properties in terms of scale, mass and bulk.

Plots 5 – 7 have been located in line with the garages of Nos 38 and 39 Ford Avenue, so that a degree of openness to the rear gardens of these existing properties is retained. No. 7, the nearest to these two properties, is set more than 10 m from the properties and 1m off the common boundary. There is only one first floor window shown to the western elevation of Plot 7, which serves a landing.

Plot 5 is set over 9m away from the neighbouring property, No 28 Little Carr Road and is more than 1.8m away from the common boundary. There are no side windows proposed to the eastern elevation of Plot 5.

Plot 4 is nearly 4m away from the common boundary with No. 28 and nearly 3m away from the boundary with Camellia Cottage.

Plots 1 and 2 both have rear garden depths of more than 10m for most of the width, reducing to 8.6m at the rear gable sections.

Given the orientations and distances between dwellings it is considered that the development can be constructed without having a significant impact upon the amenity of the occupants of existing neighbouring properties in terms of them being overbearing or causing loss of light or shadowing.

There will be windows introduced at first floor level, but these serve non-habitable rooms where they appear on the side gables. Plots 1 and 2 have windows serving bedrooms facing east towards the properties on Little Carr Road and west facing the rear garden of the property known as Burleen. However, they will look out towards these properties and not directly into the windows of these adjoining dwellings.

The main windows to No. 26 Little Carr Road face south rather than west. Camellia Cottage is offset from Plot 2, and is more than 16m from the site boundary, making window to window distance of more than 26m. In this case the degree of impact on the amenity of these neighbouring properties is not considered significant enough to warrant refusal given the relationship and distances between properties.

Plot 1 is more than 7.5m away from the nearest part of the public house, separated by an acoustic fence and a hedgerow. CSNN concern over the need for acoustic fencing to the rear garden of plot 3, alongside the access drive is noted. Details of acoustic fencing, including position, height and design, can be controlled through planning condition.

Third party comments that the recently constructed dwelling, Camellia Cottage, does not appear on the plans are noted. However, the site has been visited and the relationship with this and all other adjoining properties has been examined.

Third party comment regarding noise and disturbance from the residential development is noted, but residential units are considered compatible with existing residential uses.

### **Highways matters**

The proposed scheme shows a single new vehicular access through to the cul-de-sac of seven new dwellings, which is acceptable to the highways authority in terms of numbers of dwellings served by a private drive (9 dwelling threshold).

The applicant has now provided tracking details for vehicles to demonstrate that there is adequate turning for larger delivery vehicles dust carts or fire engines.

The Highways Authority raises no objection to the application on highway safety grounds, subject to appropriate standard conditions.

Third party concerns about the volume of additional traffic and traffic speeds are noted but not shared areas of concern by the Highways Authority.

### **Affordable Housing**

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

As this site is proposed for 7 no. units in a designated rural area and the site area is under 0.5ha, a financial contribution of £84,000 would be required. This is calculated as 7no units times 20% affordable housing – 1.4 units, times £60,000 per unit.

A S106 Agreement is required to secure the affordable housing contribution.

The Housing Enabling Officer raises no objection to the proposal subject to the affordable housing contribution being secured through legal agreement.

## **Trees**

The application has been supported by an Arboricultural Impact Assessment, including Tree Survey and Tree Constraints Plan.

One B category tree, three C category trees and two C category groups will need to be removed for development purposes and replaced with new heavy standard trees. Most of the buildings have been positioned outside the RPA of adjacent trees. There is one instance where there is minor encroachment into the RPA. This will be addressed by carrying out pre-emptive root pruning.

The Arboricultural Officer has reviewed the scheme and raises no objection to the proposal subject to the submission of a planting plan, to follow the plan numbered: 1812-05A and an updated method statement for the new parking spaces (plan: 1812-05A) under the retained trees. This can be covered by way of planning conditions.

The scheme also shows a communal planted area at the entrance into the site. It will be necessary for details of the maintenance of this area to be submitted to ensure this is properly maintained.

Neighbour concern has been made regarding the impact of the development upon a magnolia tree in a neighbouring garden. If this tree overhangs the boundary then the landowner already has the ability to remove these branches, regardless of whether the site is developed. The Arboricultural Officer raises no objection to the pruning of trees on the site.

## **Ecology**

The southern part of the site was formerly used as a children's' play area and a bowling green. Historically therefore this part of the site has been managed and maintained. More recently this area has not been used and is open and largely consists of unmown grass.

The rear part of the site is enclosed and there are no ponds or watercourses.

Natural England standing advice has been used to assess potential impacts on protected species. On this basis, given the circumstances of the site, it has not been necessary to request specific protected species surveys.

Natural England have been consulted and make no comments on this application.

Third party concern has been raised regarding the impact on wildlife and protected species. Given that an examination of the site has revealed a low likelihood of protected species no planning conditions for protected species survey work are recommended in this case. However, if any protected species are encountered, they are protected by legislation from harm or disturbance and the developer would need to adhere to this.

## **Drainage**

Third party concern has been raised regarding appropriate drainage of the site.

No details of a drainage strategy have been provided at this stage.

The Internal Drainage Board has advised that an application is made to the Board for land drainage consent under the Land Drainage Act 1991 prior to determination of the planning application. The applicant is aware of this, but details of ground investigation works and infiltration potential are still to be processed and the drainage strategy has not yet been finalised. The applicant will need to submit such details as a condition to any planning permission granted.

### **Other matters**

The Parish Council has forwarded details of an online survey, to which 231 people responded, and a newsletter survey to which 58 people responded. 97% were concerned about the state of the House on the Green, 92% wished it to continue as a public house, 4% did not wish it to continue as a pub and 4% were unsure.

This application seeks to retain the use of the existing building as a public house. It is noted that this application accords with the opinions of the majority of the local residents who took part in the online and newsletter surveys.

Parish Council and third party concern has been raised regarding the future use of the public house. It has been suggested that the redevelopment of the public house must be substantially underway as a condition of granting permission to build any house.

It is the case that the public house is now being retained as an integral part of the overall scheme, and the new layout and design facilitates this. It is therefore considered reasonable to be able to assess how that part of the overall scheme will come forward, and the timing of that.

It is recommended therefore that a condition be imposed seeking details of the restoration of the public house prior to the occupation of any dwelling on the site, along with details of any marketing and timescales for the works to be implemented.

An application was recently considered to determine the status of the building as an Asset of Community Value (ACV). The means to establish an Asset of Community Value (ACV) was introduced under the Localism Act 2011. This assesses whether or not the use of the land furthers the social wellbeing of the local community, and whether or not it can realistically continue to do so.

The effect of an ACV listing means that the building cannot be sold without giving opportunity for a community bid. However, the provisions do not amount to a right to buy and there is no compulsion upon an owner to consider a bid by a community group. An owner can refuse a community bid, even if it is the highest offer.

In this case, however, a recent bid to list The House on the Green Public House as an ACV was deemed unsuccessful.

A property's status as an ACV can also be a material consideration in planning decisions. The fact that the site has not been considered an ACV is of note, but Para 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Accordingly, in this case, the last use of the site was as a community facility and this is still relevant in terms of national and local plan policies.

Third party objections to fumes from vehicles of new properties are noted, but this would not be of such significance to cause a nuisance or a refusal of planning permission.

Third party comments regarding loss of private views are noted, but there is no right to a view. Amenity issues have been considered, relating to loss of light and overshadowing, but this is different to retention of a private view.

Third party objections regarding impact of the proposal upon house prices are noted, but this is not a material planning consideration.

Third party comments have made suggestions about how the site could be best used. However, the proposal under consideration for this application is that now shown on the amended plans.

## **CONCLUSION**

The House on the Green Public House building is of traditional appearance and forms part of the local character of this part of the village. The building is of historic interest and is considered to be a non-designated heritage asset. The proposal would result in the loss of some of the existing public house land, but would retain the public house building and its use, along with sufficient land for amenity space, parking, deliveries and servicing facilities required to accord with adopted standards.

The retention of this use no longer conflicts with local plan policies CS10 and DM9 which seek to retain community facilities. Given that this is an integral part of the scheme, it is recommended that a condition be imposed seeking full details of the proposed restoration of the public house, and its marketing, prior to the occupation of any dwelling on the site.

The proposed new residential properties to the rear of the site are of appropriate design and scale to fit in with surrounding development. It is considered that the proposed development, as amended, now responds sensitively and is sufficiently in keeping with the proportions and design elements of the existing public house building and surrounding residential development.

No significant amenity issues have been found to exist that would warrant a refusal, and the proposal now accords with the provisions of Development Management Policies DM1, DM2 and DM15 with regard to scale, massing and layout.

The significant trees to the north eastern site boundary have been shown to be retained, and this can be controlled through planning condition.

Similarly matters of drainage can be controlled through planning condition.

For the reasons above, it is recommended that the proposal, as amended, be supported.

## **RECOMMENDATION:**

**A) APPROVE** subject to conditions and the satisfactory completion of the S106 Agreement;

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



2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing No. 1812-01 Existing Floor Plan, Elevations & Location Plan
- Drawing No. 1812-03, House Type 1 - Proposed Plans & Elevations
- Drawing No. 1812-04, House Type 2 - Proposed Plans & Elevations
- Drawing No. 1812-05 A, Proposed Site Plan

2 Reason For the avoidance of doubt and in the interests of proper planning.

3 Condition Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4 Condition Prior to the occupation of any dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority, covering the following:

- i) A plan for the restoration of the public house and the provision of the associated new site layout, including phasing/timescales; and
- ii) A plan for the proposed marketing of the restored public house, including timescales.

Such a scheme shall be implemented as approved by the Local Planning Authority.

4 Reason To ensure the restored and remodelled public house and its environs remains an integral part of the development, and in the interest of retention of the community facility, and the general appearance of the area.

5 Condition Prior to the commencement of the use hereby permitted the vehicular accesses shall be upgraded ( widened ) in accordance with the Norfolk County Council residential access construction specification (TRAD 2) for the first 5 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

5 Reason To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.

6 Condition Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

6 Reason In the interests of highway safety.

7 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning areas shall be laid out, levelled,

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

- 7 Reason To ensure the permanent availability of the parking/maneuvering areas, in the interests of satisfactory development and highway safety.
- 8 Condition All external lighting erected in association with this proposed development shall be:
  - 1) fully shielded (enclosed in full cut-off flat glass fitments)
  - 2) directed downwards (mounted horizontally to the ground and not tilted upwards)
  - 3) switched on only when needed (no dusk to dawn lamps)
  - 4) fitted with white light low-energy lamps (LED, metal halide or fluorescent) and not orange or pink sodium source, and thereafter maintained and retained as such.
- 8 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 9 Condition Notwithstanding the details shown on Drawing No. 1812-05A, prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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.
- 9 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 10 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 10 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 11 Condition A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 11 Reason To ensure that the landscaping is properly maintained in accordance with the NPPF.

- 12 Condition Notwithstanding the details provided within the Arboricultural Impact Assessment by A T Coombes Associated Ltd. a revised method statement incorporating the parking layout under the retained trees as shown on Drawing No. 1812-05A shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
- 12 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 13 Condition Prior to the commencement of any development details of existing and proposed levels, including finished floor levels of all buildings or structures and any changes in levels proposed to the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 13 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 14 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 approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

- 14 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.
- 15 Condition No development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority that provides for the suppression of dust during the period of construction. The scheme shall be implemented as approved during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
- 15 Reason In the interests of the amenities of the locality in accordance with the NPPF. This needs to be a pre-commencement condition given the dust emissions that could arise during the construction phase.
- 16 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 all boundary treatment to be erected, including acoustic fencing. The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 16 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 17 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 17 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.
- 18 Condition No additional equipment for the ventilation and extraction of fumes/cooking smells at the public house shall be installed until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the precise details of the flue extraction equipment to be used, including: the stack height; the design and position of all ductwork; the noise/power levels of the fan(s); the number, type and attenuation characteristics of any silencers; details of anti-vibration mounts and jointing arrangements in the ductwork; the number of air changes per hour, and the efflux velocity. The scheme shall be implemented as approved prior to the installation of the equipment and thereafter maintained as such.
- 18 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 19 Condition Prior to the occupation of the dwellings hereby permitted details of the storage of and disposal of recycling, refuse and waste materials for the public house shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 19 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.

**B) REFUSE** if the S106 is not completed with 4 months of the date of this resolution to approve due to a failure to secure affordable housing.