

AGENDA ITEM NO 8/3(a)

Parish:	Burnham Market	
Proposal:	Proposed Demolition of Existing Dilapidated Building and Subsequent Erection of an Incidental Outbuilding	
Location:	Mill Wood House Herrings Lane Burnham Market King's Lynn PE31 8DW	
Applicant:	Mr Morris	
Case No:	21/01335/F (Full Application)	
Case Officer:	Mr M Broughton	Date for Determination: 6 September 2021 Extension of Time Expiry Date: 9 December 2021

Reason for Referral to Planning Committee – Referral by the Sifting Panel

Neighbourhood Plan: No

Case Summary:

The land is situated on the south side of Restricted Byway 7, off Herrings Lane, Burnham Market, within the village boundary and the designated Norfolk Coast AONB.

The application is for the construction of a detached, single storey, office / gym / art studio building for private ancillary use at Mill Wood House, Herrings Lane, Burnham Market, following the demolition of the existing building known as 'Wood Lodge'.

Key Issues:

Principle of development and policy
 Appeal Decision APP/V2635/W/16/3165398
 Assessment: Current application v Inspectorate decision
 Form and Character and impact on the AONB
 Impact on neighbour amenity
 Other material considerations

Recommendation:

APPROVE

THE APPLICATION

The land, formerly part of Millwood Wood, is situated on the south side of an unmade track (Restricted Byeway RB7), which follows an east to west course between Herrings Lane and Whiteway Road, with open agricultural land on the north side and distant views of the marsh and sea. The area is designated AONB and the group of 4 dwellings in this tree clad enclave

form the northern edge of the settlement boundary of Burnham Market, with the central hub of the village at a lower level to the south.

The site comprises:

- A dilapidated and fire damaged former two and single storey building 'Wood Lodge', aligned to the western boundary of the greater site and abutting the front northern boundary – with that area somewhat overgrown at present. Wood Lodge, constructed in render, panelled and red brick walls with dormers and red pantiles, was formerly a detached dwelling in its own right, but was utilised as a bed and breakfast facility up to its fire damaged state in 2015.
- The applicants two and single storey, detached dwelling (Mill Wood House) lies on the eastern side of the site. It has a detached garage block on its eastern side and is constructed in a red-orange brick and red pantiles, with landscaped gardens including protected trees to the front, side and rear. The site of the former dwelling (Wood Lodge) has been incorporated into the curtilage of Mill Wood House.
- The application seeks the demolition of the dilapidated building 'Wood Lodge' and the construction of, for private ancillary purposes, a detached, single storey, office / gym / art studio replacement building, with siting aligned to the western boundary, but set-back from the northern boundary.
- Materials identify an oak framed building finished in painted render and weatherboard, reclaimed pantiles, oak framed openings and detailed glazing.
- An application for a replacement two storey ancillary building to cater for charitable fund raising entertainment events was refused in 16/01237/F following an Appeal.

SUPPORTING CASE

With regard to the previous appeal following the refusal of application 16/01237/F, the Planning Inspector did not refer to 'scale' as such, and the appeal was not dismissed because of concerns about the scale of the building in relation to the existing site or neighbouring buildings.

The Inspector's concern was about the size of the proposed building and the resultant large number of people it could have held, potentially leading to noise and disturbance for neighbouring residents. That was the only ground the appeal was dismissed on.

The latest proposal is significantly smaller than the previously refused scheme, as well as being smaller than the existing building it would replace. The refused scheme had a footprint area of 228m² whereas the current proposal has a footprint of 175m², which represents a 23% decrease in the amount of built development covering the site in comparison to that previously proposed. The current proposal would also be lower in overall height than the previously refused scheme (5.45m as opposed to 6.1m) and would no longer include a first floor.

Whereas the proposal dismissed on appeal was designed to accommodate relatively large numbers of people within 'open entertainment space' across two floors, the latest proposal is single storey and designed for private low key uses (art studio, home gym and home office).

The latest proposal would also be smaller than the existing building it would replace. The existing building has a footprint area of 202m², so the proposal would give a 13% decrease

in built coverage, whilst the overall height of the existing building is 6.7m, so the proposed building would be significantly lower overall at only 5.45m.

The size and scale of the proposed building cannot therefore really be considered a concern when it would actually be smaller than the existing building it would replace.

PLANNING HISTORY:

21/00101/TPO: Tree work approved 5/10/21.

21/00062/TPO: Tree work approved 14/07/21

16/01237/F: Refused: 02/11/16 - Demolition of B&B known as Wood Lodge and construction of a detached 2 storey building to be used for entertainment purposes for charitable events - Wood Lodge Millwood Burnham Market

APPEAL: Dismissed 30/06/17: Based on Policy DM15 – noise and disturbance to neighbouring sites

16/00194/DM: Prior Notification Not Required: 29/02/16 - Prior Notification of proposed demolition: Three outhouse buildings - Wood Lodge Millwood Burnham Market

16/00072/PREAPP: Likely to approve: 16/06/16: The proposal is to replace the existing B&B with a stand-alone structure to be used as an ancillary entertainment space for the neighbouring Mill Wood House under the same ownership - Wood Lodge Millwood Burnham Market

16/00026/TPO: TPO Work Approved: 28/06/16 - 2/TPO/00258:

16/00021/TPO: TPO Work Approved: 01/06/16 - 2/TPO/00258:

15/02127/DM: Withdrawn: 21/01/16 - Prior Notification of proposed demolition: Three outhouse buildings - Wood Lodge Millwood Burnham Market

14/00090/TPO: TPO Work Approved: 28/10/14 - 2/TPO/00258:

11/00202/F: Permitted: 04/04/11 - To add natural hardwood cladding to front, back and side elevations - Mill Wood House Herrings Lane Burnham Market

10/00130/F: Permitted: 08/04/10 - Construction of garage, changing room for new pool and greenhouse - Mill Wood House Herrings Lane Burnham Market

09/01986/F: Withdrawn: 02/12/09 - Construction of new garage and changing room - Mill Wood House Herrings Lane Burnham Market

09/00793/F: Permitted: 07/08/09 - Two storey extension to existing dwelling with new garage and internal alterations - Mill Wood House Herrings Lane Burnham Market

08/01155/F: Permitted: 16/06/08 - Construction of dwelling following demolition of existing - Mill Wood House Herrings Lane Burnham Market

05/02618/F: Permitted: 07/02/06 - Change of use of stables and garage to provide self-contained annexe and construction of detached garage - Wood Lodge Herrings Lane Burnham Market

21/01335/F

03/2190/F: Permitted: 24/02/04 - Extension to dwelling (amended plans) – Millwood Herrings Lane Burnham Market

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION

Arboricultural Officer: NO OBJECTION

Condition existing tree protection fencing to remain in situ throughout building works

Norfolk Coast Partnership: NO OBJECTION

Ancillary use recommended
External lighting - informal advice applied

Environmental Quality: NO OBJECTION

The screening assessment identifies that the land is depicted as woodland and then residential since early map editions. No potential sources of contamination are identified in the information provided.

Natural England: NO RESPONSE

REPRESENTATIONS

NONE received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM7 - Residential Annexes

DM15 – Environment, Design and Amenity

21/01335/F

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

National Design Guide 2019

PLANNING CONSIDERATIONS:

The main planning considerations are:

- Principle of development and policy
- Appeal Decision APP/V2635/W/16/3165398
- Assessment: Current application v Inspectorate decision
- Form and Character and impact on the AONB
- Impact on amenity
- Other considerations

Principle of development and policy:

Mill Wood House lies at the northern edge of the built-up area of Burnham Market, a key rural service centre in the settlement hierarchy. It has access from Herrings Lane and is within the Norfolk Coast AONB.

The application identifies the proposal site comprises Mill Wood House and Wood Lodge. Wood Lodge was formerly a two and single storey dwelling on land in its own right, but latterly a bed and breakfast facility, prior to fire damage (2015). It has remained in its fire damaged, partially demolished state since.

The application seeks to construct a detached, single storey ancillary building, comprising office, gym and art studio for personal, ancillary use by the applicant, within the expanded curtilage of the dwelling Mill Wood House. The proposed building would replace the existing fire damaged ‘Wood Lodge’ and would be sited similarly on the western boundary but set-back from the northern (front) boundary of the site.

Whilst KLWNBC Policy DM7 SADMP 2016 addresses, in its criteria, annex style accommodation, this is an unusual proposal where it is proposed to demolish the separate former dwelling / Bed and Breakfast facility (Wood Lodge), and replace it with an ancillary outbuilding tied to the main house Mill Wood House.

The proposal would:

- Be in the same ownership as, and occupied in conjunction with, the principal dwelling, within an expanded garden and curtilage.
- Be ancillary and subordinate in scale to the principal dwelling
- Share existing access, gardens and parking of the main dwelling

In this case it is material that there is the existing dwelling, albeit fire damaged, known as ‘Wood Lodge’ in the position where it is proposed to site the ancillary building. Therefore there is already a building in this location, which is within a site in the development boundary of Burnham Market. Should an application for a new dwelling on the site of Wood Lodge have been made, then in this location it could be favourable.

In principle, development in this location is acceptable if the proposal accords with the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and the Site Allocations and Development Management Policies Plan (SADMP) 2016. Due consideration is also given to the National Planning Policy Framework.

Appeal Decision APP/V2635/W/16/3165398 - 30/06/2017:

Application 16/01237/F related to the demolition of the former B&B facility known as Wood Lodge and the construction of a detached 2 storey replacement building to be used for entertainment purposes for charitable events. The application was refused by KLWNBC based on noise and disturbance and increased vehicular movements to the detriment of highway safety.

The appeal was made under section 78 of the Town and Country Planning Act 1990 by the current applicant against a refusal by King's Lynn and West Norfolk Borough Council to grant planning permission in 16/01237/F. The development proposed was a new build structure to be used as a private entertainment space, ancillary to the neighbouring Mill Wood House, replacing the former dwelling/bed & breakfast (Wood Lodge).

The appeal was dismissed. The main issue in the case was the effect of the proposal on the living conditions of nearby residents, with particular reference to noise and disturbance and any effect on highway safety.

A copy of the previous appeal is attached in full to this report.

In summary, based on the proposal for a venue for charitable events, the Inspector concluded that while he did not consider that the proposal would have an adverse effect on highway safety, the proposal would potentially have an adverse effect on the living conditions of nearby residents, with particular reference to noise and disturbance.

Assessment: Current application v Inspectorate decision:

This proposal differs significantly from that refused on Appeal.

The building now proposed to replace Wood Lodge is a single storey structure with vaulted roof at 5.45m high, with a footprint of 175sqm.

The proposed scale represents:

- A reduction of 13% on that existing which is 6.7m high
- A 23% reduction in footprint on the 6.1m high, two storey structure proposed and refused on Appeal in 16/01237/F

Perhaps the key difference is that the current application identifies the structure is for private and personal ancillary use in connection with Mill Wood House and thus large gatherings for entertaining purposes are not expected.

The proposed layout is more in keeping, and which may be expected, with personal uses, as opposed to areas available for large scale gatherings and entertaining purposes.

The nature of this proposal does not infer any likely increase in traffic movements to or from the site, which in itself would create noise by movement.

The structure remains sited in close proximity to the neighbouring western boundary, but has no windows on the western elevation. No representations have been received from any neighbours.

These are factors in considering the current proposal against any perceived potential impact of noise and disturbance affecting the living conditions of nearby residents.

On this basis, it is considered the application has taken into account the Appeal decision, and has dealt with the issues raised in that appeal.

Form and Character and any impact on the AONB:

Historically 'Millwood Wood' lies on the south side of the unmade track Restricted Byeway RB7, with open agricultural land and sea views north, the area designated as part of the Norfolk Coast AONB.

The four sizeable, detached dwellings at the Herrings Lane end of the track occupy large plots and are set back, with prominent trees, hedge and other landscaping providing a degree of frontage screening and thus sites which retain a sense of tranquillity to this location.

Millwood Wood in greater density continues west, beyond the said dwellings, to the junction with Whiteway Road. The pattern of 'large scale' dwellings, albeit more varied, continues towards the central area of the village, south along Herrings Lane, commencing from the junction with RB7, 75m east of the proposal site.

The former two and single storey 'Wood Lodge' abuts the western boundary of the site, with single storey elements extending up to the northern boundary with RB7. The area around Wood Lodge has become overgrown. The trees front and rear have, however, all been surrounded by hedges fencing, providing adequate tree protection and separation between the trees and access to Wood Lodge. The purpose and method being acceptable protection during any future building works as agreed with the Arboricultural Officer.

There are in / out gated access points to the site from the track on the north boundary – the access drive is in semi-circular format on the wide open frontage and there is adequate parking and turning. The western side of the northern boundary is fenced.

RB7 is a restricted byway fronting the site between Herrings Lane and Whiteway Road and is unaffected by the proposal. The said track forms a 'ridge' in the locality – with the village descending on the south side and the meandering, narrow Herrings Lane descending on the north side on its route towards Burnham Norton.

When travelling south along Herrings Lane from Burnham Norton one attains a view of the dwellings tucked into the south side of RB7, but given retained trees fronting dwellings, screening of the land remains satisfactory. Trees to the front and rear of this building are retained as is existing boundary treatment on the north and west.

Overall, in terms of scale, screening, siting and design, the proposal provides a modern, albeit large ancillary building, set in a tree clad environment and subservient to the main dwelling. There is no impact on the street scene, or on views into or out of the site which would impact adversely on this AONB locality.

Impact on amenity:

The proposed building would be single storey with its elongated rendered west elevation on a par with that existing in terms of boundary siting and thus in close proximity to the neighbouring 2m fenced boundary (west). There is no glazing on the west elevation.

Given scale, design and siting, there are no overlooking, overbearing or overshadowing issues affecting the nearest neighbour. The proposed use of the building is personal use and as such is unlikely to create any adverse impact on the neighbouring site in terms of noise or disturbance

There are no other overriding factors which are likely to adversely impact on the neighbouring site west. As stated earlier in the report no neighbour representations have been received.

Other Considerations:

Crime and Disorder: There are no known crime and disorder issues associated with this site or proposal

CONCLUSION:

Historically, a residential dwelling, subsequently utilised as a 'Bed and Breakfast' facility, Wood Lodge, has been standing derelict since 2015 following fire damage.

This development clearly differs from that proposed in 2016 (and subsequently dismissed on appeal) in terms of scale, design and specifically use, and as such the proposed scheme is considered acceptable with use conditioned to that of 'personal' ancillary use.

The re-build proposal will protect and enhance the amenity of the wider environment and, given private use ancillary to Mill Wood House, there will be negligible impact on neighbouring uses.

It is considered that the proposed office /gym/ art studio, whilst large, is of an acceptable design and scale, which does not overdevelop the site, which will not impact adversely on the character and appearance of the locality or neighbour amenity and would not create a detrimental impact upon the AONB.

Overall, the proposal is considered to be in accordance with the requirements of the Core Strategy 2011, the Site Allocations and Development Management Policies Plan (SADMP) 2016, as well as the National Planning Policy Framework. It is therefore recommended this application be approved.

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:
- Site plan – drawing 48045/01– receipt dated 1/07/21
 - Block plan – drawing 48045/03– receipt dated 1/07/21
 - Elevations – drawing 48045/07– receipt dated 1/07/21
 - Layout and roof plan – drawing 48045/08 (REV) – receipt dated 16/07/21
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The use of the building hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and Policy DM15 of the KLWNBC SADMP 2016
- 4 Condition: The herras type fencing in situ for the protection of all retained trees shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site.
If the fencing is damaged all operations shall cease until it is repaired in accordance with details to be submitted to and approved in writing by the Local Planning Authority. 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.
- 4 Reason: For the protection of trees, in the interests of amenity, in accordance with the NPPF.