

Parish:	West Winch	
Proposal:	Rebuilding of original Carrstone wall in connection with planning application 20/00303/FM.	
Location:	Deerfields Lynn Road Setchey KINGS LYNN	
Applicant:	Mr M Fentiman	
Case No:	21/02363/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 10 February 2022 Extension of Time Expiry Date: 11 March 2022

Reason for Referral to Planning Committee – Referred by Assistant Director

Neighbourhood Plan: No

Case Summary

Planning permission is sought for the construction of a new carrstone boundary wall (87m in length) in order to regularise works which took place contrary to planning consent reference 20/00303/FM. The boundary wall is proposed along the western boundary of the site known as Deerfields, Lynn Road, Setchey, directly adjacent to the A10.

Key Issues

Principle of Development and Planning History
 Impact on Form and Character
 Impact on Highway Safety
 Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Planning permission is sought for the construction of a new carrstone boundary wall (87m in length) in order to regularise works which took place contrary to planning consent reference 20/00303/FM. The boundary wall is proposed along the western boundary of the site known as Deerfields, Lynn Road, Setchey, directly adjacent to the A10.

SUPPORTING CASE

To follow.

PLANNING HISTORY

20/00303/DISC_A: PENDING CONSIDERATION : DISCHARGE OF CONDITIONS 1 – 14 OF PLANNING PERMISSION 20/00303/FM: Change of use of existing grain store barn and site to warehouse and external storage of products for sale and dispatch. New entrance to highway created. Over-cladding of existing fibre cement panels, new mezzanine floor, internal offices and warehouse storage - Building W of Spinney House Lynn Road

20/00303/FM: Application Permitted: 03/06/20 - Change of use of existing grain store barn and site to warehouse and external storage of products for sale and dispatch. New entrance to highway created. Over-cladding of existing fibre cement panels, new mezzanine floor, internal offices and warehouse storage - Building W of Spinney House – COMMITTEE DECISION

19/01838/FM: Application Withdrawn: 03/02/20 - Change of use of existing grain store barn and site to warehouse and external storage of products for sale and dispatch. Over-cladding of existing fibre cement panels, new mezzanine floor, internal offices and warehouse storage. and perimeter fencing. - Building W of Spinney House

12/00075/PREAPP: INFORMAL - Likely to refuse: 22/06/12 - PRE-APPLICATION ENQUIRY: change of use of existing agricultural building for sale and repair of motorcycles including proficiency training - Land North of Brooklyn Lynn Road

12/01549/F: Application Permitted: 18/12/12 - Change of use of agriculture building to architectural, food industry and motorcycle and bespoke parts fabrication with associated display and sales - Land North of Brooklyn, Lynn Road – DELEGATED DECISION

10/01519/F: Application Permitted: 06/12/10 - Change of use of existing agricultural building for manufacture and distribution of themed play equipment - Land North of Brooklyn, Lynn Road - – COMMITTEE DECISION

RESPONSE TO CONSULTATION

Parish Council: OBJECTION

"The applicant is not offering to "rebuild" the original Carrstone wall in its entirety which is what the Parish Council and the local residents in Setchey wish to see.

The plans on planning application 20/00303/FM showed the wall remaining in its entirety which is why the Parish Council asked for a condition to be added to any planning approval to ensure that where the wall was taken down to allow for a new access to be created, the old access would be built up by using the left over carrstone.

We didn't ask for a condition to be placed on the decision notice for the wall to be kept in it's entirety as it was shown as such on the plans which were approved and listed on the planning decision notice.

We note the comment of BCKLWN Conservation Officer on the original planning application stated: "The recladding of this building will improve its appearance and will therefore have a

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positive impact on the setting of the nearby listed building. It is also pleasing to see that the historic carrstone wall adjacent to the A10 will be retained and repaired."

The new plan shows only a small section of wall of low wall would be built.

This bears no relationship to the wall which the applicant dismantled. That was a historic carrstone wall with high visual amenity value which was entirely in keeping with the neighbourhood.

There has been a negative effect on the residential amenity of the local area by the removal of the wall. This will not be remedied by building a much smaller wall in its place.

A much shorter and lower wall is not in-keeping with the surrounding area.

In the opinion of the Parish Council the whole of the frontage should have the carrstone wall replaced in its entirety at the same height and position as before except for the amended access road.

Please Borough Council Planners, stand firm and insist that this once beautiful wall is rebuilt in full. The Parish Council has testimony from the builder who repaired the wall that it had been well maintained. Honesty is the best policy."

Highways Authority: NO OBJECTION

The wall is not proposed to be over 0.9m in height and would be behind the access visibility lines. I therefore have no objection to the principle of the application on highway safety grounds.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

No concerns surrounding contamination on site as a result of the replacement wall.

Conservation Officer: NO OBJECTION subject to conditions

This is considerably better than the plans dating from December 2021. The rebuilding of the wall to the north will enhance the setting of the adjacent listed building and the continuation of the wall to the south is an improvement. I would recommend a sample panel is required by condition, this will ensure that the carrstone and copings are of appropriate quality. On balance no further conservation objections.

Given the age of the wall and the possible history attached to it, the wall structure should be regarded as a non-designated heritage asset. On this basis paragraph 203 of the NPPF is relevant. Not replacing the wall would cause harm to the setting of the listed building. However, this application seeks to rebuild the wall up to and beyond the vehicular entrance ensuring a visual enclosure to the application site enhancing rather than harming views and therefore the setting of the listed building. Rebuilding the wall to its original height would of course be the ideal solution but the current application seeks a lower wall. Any harm caused by this proposed lower height would be negligible provided the wall is of the appropriate appearance and construction. This amended scheme seeks consent to increase the extent of rebuilt wall from that proposed last year, albeit at a lower height. The increase in length of wall and the resultant enclosure provides more visual benefit to the wider area than a smaller amount of wall which is taller.

REPRESENTATIONS

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

- Retrospective application and height and extent of proposed replacement is not sufficient
- Impact on historic wall
- Query over lack of enforcement action
- Impact on street scene and character of village
- Impact on house valuations
- Additional application elsewhere to remove woodland and create access elsewhere will have further impact
- Congestion of A10 and impact of additional development

Cllr Kemp has commented as follows-

Residents and I want the wall to be rebuilt. How is Planning going to assist? The amended Planning Application should not relieve Ineos's obligations. The Borough Council should respect tradition and history.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

NEIGHBOURHOOD PLAN POLICIES

Policy WA07 - Design to Protect and Enhance Local Character

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues are:

Principle of Development and Planning History

Impact on Form and Character

Impact on Highway Safety

Other Material Considerations

Principle of Development and Planning History

Planning permission was granted at Planning Committee in 2020 (ref 20/00303/FM) for the change of use of an existing grain store to use as a warehouse including external storage in connection with a commercial use. The change of use was implemented following the granting of consent, however a carrstone boundary wall, which spanned across the western boundary of the site fronting the A10/Lynn Road, was demolished during construction. The wall is said to have been approximately 1.5m in height and was approximately 81m in length. The development was therefore not completed in accordance with the agreed details and is contrary to conditions attached to the consent. Specifically, conditions -

1. The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos 25124/022B received on 19 May 2020, and 25124/020A, 25124/021A, 25124/023A, 25124/024A, 25124/025A and 25124/901A received on 27 Feb 2020).
7. The existing boundary wall to the west of the development hereby approved shall be taken down to provide a new entrance, and the existing stone and masonry set aside for re-use. The wall to be built in the new location as shown on drawing 25124-022A is to be constructed with the reused or similar materials, mortar, bond and pointing to match the existing.

Drawing number 25124/022B of the previous consent is entitled "Proposed Site Plan and Site Entrance Plan". It identifies the location of the original carrstone wall on either side of the proposed new access. Two sections of the wall are indicated "to remain" and third section is annotated "Rebuilt Carrstone Wall". Condition 7 of 20/00303/FM further provides for the reuse of materials when infilling the section of wall to close up the previous access point. Neither of these conditions have been complied with.

Neighbour objections query why enforcement action had not been taken on the site. An enforcement case has been opened on the site following the demolition of the wall and a Breach of Condition Notice served on the owner/ applicant (ref: 21/00059/BOC). The Breach of Condition Notice states that the owner is in breach of conditions 1 and 7 of the approved consent 20/00303/FM. S.73A of the Town and Country Planning Act allows the submission of planning applications to regularise developments without enforcement action being taken. Although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way. The applicants are therefore within their rights to submit this application and it must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

This application, therefore, seeks consent to regularise the unauthorised demolition and proposes the rebuilding of the carrstone wall to 0.9m in height and in total 88m long (with 82m adjacent to the road). The wall proposed stretches from the northern boundary south and includes a gateway feature either side of the new access. There will be approximately 50m of this boundary which would consist of the security fencing and hedgerow planting only to the far south. It is important to note that historically the carrstone wall did not stretch along the entire frontage of the site. The positioning of the proposed wall does differ from the previous location in that it now runs from the north of the site 88m in total (with 82m immediately alongside the A10) whereas previously the boundary wall was not positioned this far north.

A letter from the applicant submitted with this application states that the wall was in disrepair with limited foundations. During the construction of the development part of the wall

collapsed onto the public highway, and the applicant states that the wall was unsafe. The remaining extent of wall was then subsequently entirely demolished.

Initially, as part of this application, the applicant proposed to build a shorter wall approximately 55m in length. Following comments made during the consultation process and discussions held with the applicant, amended plans have been submitted to extend this. Consultation is currently underway on the revised scheme and any further comments received will be included in late correspondence.

In summary, the principle of development has already been established on the site by the implemented planning consent ref: 20/00303/F and the associate conditions. Enforcement action has been taken to address the removal of the wall contrary to the approved consent. This current planning application is a response to the Breach of Condition Notice served by Planning Enforcement.

Impact on Form and Character

As a carrstone wall directly adjacent to the A10, the boundary treatment previously played a role in the visual amenities of the street scene. The traditional wall and materials are indicative of historic buildings and walls in the immediate vicinity. It is important to note that the wall was not located within a Conservation Area nor was it a Listed structure and therefore had no protection in its own right. Prior to the planning consent the landowner could have removed the wall at any time without the need for planning permission.

Paragraph 135 of the NPPF (2021) states that 'Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

Paragraph 203 of the NPPF (2021) goes on to state that 'in weighing up applications that directly or indirectly affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

The application site falls within the neighbourhood area for the North Runcton and West Winch Neighbourhood Plan (2017). Policy WA07 of the Plan seeks to protect and enhance local character. The policy states

'Development proposals shall recognise, sustain and develop the distinctive village characteristics of the existing neighbourhoods in relation to building design, spatial layout, height, density, scale, lighting and use of materials.

This means...materials used in the construction of dwellings, including boundary design, shall be high quality and respond positively to the characteristics of existing properties. The use of traditional local building materials (local brick types, carrstone, pantile) will be strongly supported. Boundary demarcation should embrace 'rural' character, e.g. by using hedging consisting of mixed native species (hawthorn, blackthorn, field maple, hazel, holly, etc.). Unsympathetic boundary design (e.g. unmitigated security railings or Leylandii hedging) will not be supported.'

The loss of the traditional carrstone wall, which previously provided a positive feature in the street scene is considered to represent a retrograde step when compared to the extant approval on site. Given the age of the wall and the possible history attached to it, the wall structure should be regarded as a non-designated heritage asset and on this basis paragraph 203 of the NPPF is relevant. The proposal to rebuild the carrstone wall will

reinstate the appearance of this boundary to retain the character of the area. The relocation of the proposed wall further to the north of its original location would also provide betterment by providing a continuation of the boundary wall of the Grade II Listed 'The Gables'. This would make a positive contribution to the setting of this listed building.

It is the view of the Conservation Officer that by not replacing the wall this would cause harm to the setting of the listed building. However, this application seeks to rebuild the wall up to and beyond the vehicular entrance ensuring a visual enclosure to the application site enhancing rather than harming views and therefore the setting of the listed building. In terms of the lower height proposed, any harm caused by this proposed lower height would be negligible provided the wall is of the appropriate appearance and construction.

Under the 2020 planning consent the carrstone wall was to be retained with planting behind, and then set behind the planting the security fence as shown on the approved plans. Under application ref 20/00303/DISC_A the native hedgerow planting scheme was submitted and approved. This same native hedgerow planting scheme has been re-submitted to form part of this application to clarify the proposed boundary treatment along this frontage. The native hedgerow planting scheme remains acceptable. The security fencing has already been installed, but the planting has not been carried out to date. However, it is recommended the planting be conditioned to ensure it is implemented.

The rebuilding of the wall is in line with the NPPF, policies CS08 and CS11 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016), as well as policy WA07 of the North Runcton and West Winch Neighbourhood Plan (2017).

Impact on Highway Safety

The application site retains the existing access in the position approved under 20/00303/FM. The view of the Local Highway Authority is that the proposed replacement wall will not impact on the visibility splays from this access and therefore no impact on highway safety is considered likely as a result of the proposal.

Other Material Considerations

Neighbour objections were received relating to house valuations as a result of the impact on the street scene. Whilst these comments are noted, house prices are not a material planning consideration. Comments also referred to planning applications elsewhere and potential impact of additional development on the existing congestion along the A10. These comments are assumed to refer primarily to an entirely separate application ref: 21/02227/F for a new access point to the immediate west of the site. The comments are noted however these applications are not linked in anyway and no increase in traffic to/from this site is likely as a result of changes to a boundary treatment.

CONCLUSION

The application seeks to regularise/ gain planning consent for the rebuilding of an historic carrstone wall, which formed the western site boundary of the site known as Deerfields, Lynn Road, Setchey and which fronts onto the A10.

The positioning of the proposed wall does differ from the previous location in that it now runs from the north of the site 88m alongside the A10 (with 82m fronting directly onto the road). Previously the boundary wall was approximately 81m in length and did not abut the northern boundary. The previous wall was approximately 1.5m in height, and the wall proposed is

0.9m. While the positioning of the wall is not identical to that before, and the wall is not of the same height, the applicant proposes to rebuild the wall to approximately the same length as the previous structure. The relocation will provide betterment by joining onto the boundary wall of the listed building to the north of the site and extending south.

Given the wall was not a protected structure, nor is in a designated area, it is considered reasonable that the applicant is replacing the full length of wall albeit at a reduced height. The proposal is in accordance with the NPPF and Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016) and policy WA07 of the North Runcton and West Winch Neighbourhood Plan (2017). The recommendation is to approve the application subject to the conditions attached.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be completed before the expiration of one calendar year from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos 25124-1000 Rev B Site Location Plan, 25124-1001 Rev D Carrstone Wall Layout Plan and 25124-1002 Rev A Proposed Street Scene received 23 February 2022).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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.
- 3 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 4 Condition: No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the wall 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 and retained in perpetuity.
- 4 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.