

## PLANNING – THE LEGAL FRAMEWORK

There are three main planning documents we have to consider – our own Neighbourhood Plan, the Local Development Framework (Borough) and the NPPF (National legislation).

These can be found here:

[https://www.west-norfolk.gov.uk/download/downloads/id/5313/snettisham\\_neighbourhood\\_plan.pdf](https://www.west-norfolk.gov.uk/download/downloads/id/5313/snettisham_neighbourhood_plan.pdf)

[https://www.west-norfolk.gov.uk/download/downloads/id/2491/sadmp\\_plan\\_adopted\\_2016.pdf](https://www.west-norfolk.gov.uk/download/downloads/id/2491/sadmp_plan_adopted_2016.pdf)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

Finally it is important to note what is a material planning consideration – these are the things that can count when commenting on applications. This is taken from a document for interested parties:

### **MATERIAL PLANNING CONSIDERATIONS:**

- *Local, strategic, national planning policies and policies in the Development Plan*
- *Emerging new plans which have already been through at least one stage of public consultation*
- *Pre-application planning consultation carried out by, or on behalf of, the applicant*
- *Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice*
- *Previous appeal decisions and planning Inquiry reports*
- *Principles of Case Law held through the Courts*
- *Loss of sunlight (based on Building Research Establishment guidance)*
- *Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such)*
- *Overlooking and loss of privacy*
- *Highway issues: traffic generation, vehicular access, highway safety*
- *Noise or disturbance resulting from use, including proposed hours of operation*
- *Smells and fumes*
- *Capacity of physical infrastructure, e.g. in the public drainage or water systems*
- *Deficiencies in social facilities, e.g. spaces in schools*
- *Storage & handling of hazardous materials and development of contaminated land*
- *Loss or effect on trees*
- *Adverse impact on nature conservation interests & biodiversity opportunities*
- *Effect on listed buildings and conservation areas*
- *Incompatible or unacceptable uses*
- *Local financial considerations offered as a contribution or grant*
- *Layout and density of building design, visual appearance and finishing materials*
- *Inadequate or inappropriate landscaping or means of enclosure*

## **NON-MATERIAL PLANNING CONSIDERATIONS:**

- *Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.*
- *Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.*
- *Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).*
- *Opposition to the principle of development when this has been settled by an outline planning permission or appeal*
- *Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)*
- *Previously made objections/representations regarding another site or application*
- *Factual misrepresentation of the proposal*
- *Opposition to business competition*
- *Loss of property value*
- *Loss of view*

## **NEIGHBOURHOOD PLAN POLICIES**

Policy NP01 – Land is allocated for the development of around 40 dwellings at Poppyfields, as shown in Figure SNP1. The development should be informed by a design-led approach, having regard to local character and residential amenity. Development of the site must provide for access to the local public rights of way network and provide clear signage to indicate access to the public rights of way network and to point out where dog walking would be acceptable within the wider area, and that Dersingham Bog is less suitable for dog walking.

A number greater than 40 will only be supported if there is both convincing evidence that this is necessary to make the development viable, and that the greater number will deliver additional community benefits for Snettisham.

NP02 – Proposals for windfall development in the Neighbourhood Area should demonstrate that:

- The Provision of access by walking and cycling to local services and facilities in the village via a safe and secure route;
- That the proposal will not result in a reduction of the amount of outdoor sport or recreational space, or children's play space;
- That the proposal would not result in the loss of a viable employment land.

NP03 – More than half of the housing provided at the allocated site, Poppyfields should comprise two or three bedroomed housing, unless the provision of an alternative dwelling mix meets identified housing needs.

Policy NP04 - The Parish Council will press the Borough Council and potential developers to ensure that properties are not built for the second home / holiday market in the main village. Properly designed houses, with adequate gardens will be sought, rather than house types and layouts more obviously suited to holiday use. As additional research results become available about the amount and impact of second / holiday homes the Parish Council will rely on this as a material consideration in commenting on planning applications.

NP05 – All development should comprise high quality design. Residential development should make use of local materials, for example carrstone. All development should reflect and respond positively to local character.

NP06 – New Dwellings should have gardens, the size of which shall be at least equal to the footprint of the building, including any garages.

NP07 – Where feasible and practical, off-street car parking should be provided for each new dwelling based on the standards in the table below:

Number of bedrooms	Min. number of off-road car parking spaces
One	One
Two	Two
Three	Two
More than three	Three

Additionally, and in recognition that on-street parking will be inevitable in many circumstances, streets should be designed safely to accommodate unallocated on-street parking. The level of provision should be such that indiscriminate parking and the obstruction of footways and carriageways is avoided.

NP08 - Applications that may affect designated heritage assets should be accompanied by a Heritage Statement or Desk-Based Assessment. Proposals that may affect non-designated heritage assets must be accompanied by an assessment of the significance of the asset, as well as the impact of the proposal, including the scale of any harm or loss, on that asset.

NP09 – The enhancement of the public rights of way network, including access to it, will be supported. All development within the Norfolk Coast AONB should protect and enhance the AONB.

NP10 – The enhancement of pedestrian access to the village centre will be supported.

CA1 – The Parish Council will seek to encourage developers to construct dwellings to the best practicable environmental standards.

CA2 – The Parish Council will seek to encourage new development in Snettisham to make a contribution towards open and green space in line with the Fields in Trust six-acre standard.

## LDF/SADMP

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## **Policy DM 1 – Presumption in favour of sustainable development**

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively and jointly with applicants to find solutions that allow proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

## **Policy DM 2 – Development Boundaries**

Development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan.

The areas outside development boundaries (excepting specific allocations for development) will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies of the local plan, including:

- farm diversification (under Core Strategy Policy CS06);

- small scale employment (under Core Strategy Policy CS10);
- tourism facilities (under Core Strategy Policy CS10);
- community facilities, development in support (under Core Strategy Policy CS13);
- renewable energy generation (under Policy DM20 of the rural economy or to this Plan);
- rural workers' housing (under Policy DM6 of this Plan); and
- affordable housing (under Core Strategy Policy CS09)

In Smaller Villages and Hamlets, infilling in accordance with Policy DM3 will also be permitted in addition to those categories identified in the previous paragraph.

## **Policy DM2A - Early Review of Local Plan**

An early review of the Local Plan will be undertaken, commencing with the publication of a consultation document (a Draft Local Plan) in 2016. This is set out in the Local Development Scheme (LDS). An early review will ensure a set of deliverable and achievable housing sites for the duration of the Plan period, with the most up to date policy framework to secure continuity for the longer term.

The review will identify the full, objectively assessed housing needs for the District and proposals to ensure that this is met in so far as this is consistent with national policy (National Planning Policy Framework).

## **Policy DM 3 – Development in the Smaller Villages and Hamlets**

New development in the designated Smaller Villages and Hamlets will be limited to that suitable in rural areas, including:

- small scale employment uses (under Policy CS10);
- community facilities (under Policy CS13);
- smaller scale tourism facilities (under Policy CS10);
- conversions of existing buildings (under Policy CS06);
- rural exceptions affordable housing; and
- development to meet specific identified local need, including housing to support the operation of rural businesses (under Policies CS01 and CS06);

### **Plus housing as set out following.**

The sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted in Smaller Villages and Hamlets where:

- The development is appropriate to the scale and character of the group of buildings and its surroundings; and
- It will not fill a gap which provides a positive contribution to the street scene.

In exceptional circumstances the development of small groups of dwellings in Smaller Villages and Hamlets may be considered appropriate where the development is of a particularly high quality and would provide significant benefits to the local community.

## **Policy DM 4 – Houses in Multiple Occupation (HMOs)**

The conversion of existing dwellings to and new development of properties for multiple occupation may be permitted where:

- There is no adverse impact on the amenity of existing and new residents and the historic and natural environment; and
- The development and associated facilities, including bin storage, car and cycle parking, can be provided without significant detriment to the occupiers of adjoining or neighbouring properties; and
- The site is within reasonable distances to facilities, public open space, supporting services and local employment.

## **Policy DM 5 – Enlargement or Replacement of Dwellings in the Countryside**

Proposals for replacement dwellings or extensions to existing dwellings will be approved where the design is of a high quality and will preserve the character or appearance of the street scene or area in which it sits. Schemes which fail to reflect the scale and character of their surroundings or which would be oppressive or adversely affect the amenity of the area or neighbouring properties will be refused.

## **Policy DM 6 – Housing needs of rural workers**

### **New Occupational Dwellings**

1. Development proposals for occupational dwellings must demonstrate the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained. Proposals should show that the needs of the intended enterprise require one or more of the people engaged in it to live nearby.
2. Agricultural or rural based occupancy conditions will be placed on any new permanent or temporary occupational dwellings specifying the terms of occupation.

### **Permanent occupational dwellings**

3. New permanent dwellings should only be allowed to support existing rural based activities on well-established rural based enterprises, providing:
  - a. there is a clearly established existing functional need, requiring occupants to be adjacent to their enterprises in the day and at night,
  - b. The need could not be met by existing dwellings within the locality,
  - c. The application meets the requirements of a financial test demonstrating that:
  - d. the enterprise(s) and the rural based activity concerned have been established for at least three years, have been profitable for at least one of them and;
    - i. are currently financially sound, and have a clear prospect of remaining so and;
    - ii. the rural based enterprise can sustain the size of the proposed dwelling;
    - iii. acceptable in all other respects



## **Temporary occupational dwellings**

4. If a new dwelling is essential to support a new rural based activity, it should normally, for the first three years, be provided by a caravan, or other temporary accommodation.

5. New temporary dwellings should only be allowed to support rural based activities providing:

a. The proposal satisfies criteria 3a and 3b above

b. The application is supported by clear evidence of a firm intention and ability to develop

the enterprise concerned (for example significant investment in new farm buildings is often a good indication of intentions);

c. The application is supported by clear evidence that the proposed enterprise has been

planned on a sound financial basis.

## **Existing Occupational Dwellings**

6. Preference will be given to retaining agricultural or other rural based occupancy dwellings where there is a local identified need.

7. Proposals for the relaxation or removal of agricultural occupancy conditions will only be permitted where the applicant can demonstrate that:

a. The dwelling has been occupied in accordance with the terms of the occupancy condition for a minimum of 5 years; and

b. There is no longer a need for the dwelling by those working, or last working, in the locality in agricultural, forestry or a rural enterprise, established by evidence of marketing (including the provision of details of an independent market valuation reflecting the occupancy condition, as well as all viewings and offers made) for a 12 month period at a price that reflects the occupancy condition.

## **Policy DM 7 – Residential Annexes**

Development of residential annexes will be approved only subject to the following being secured by condition or planning agreement:

- It remains in the same ownership as, and is occupied in conjunction with the principal dwelling and does not appear as tantamount to a new dwelling
- It is ancillary and subordinate in scale to the principal dwelling;
- Its occupant(s) share(s) the existing access, garden and parking of the main dwelling;
- Occupation of the annexe is subsidiary to that of the main dwelling; and
- Not capable of sub-division.

Development of residential annexes outside the development boundaries of settlements will also be judged against the criteria in Policy DM5: Enlargement or Replacement of Dwellings in the Countryside.

## **Policy DM 8 – Delivering Affordable Housing on Phased Development**



## **Allocated Sites**

On sites allocated for residential development through the Local Plan process the requirement to provide affordable housing under Core Strategy CS09 Housing will apply jointly to the whole of a single allocated site that is developed incrementally (through sub-division etc.) and where development of the whole site results in a requirement for a proportion of (or in exceptional circumstances a contribution to) affordable housing.

## **Windfall Sites**

On windfall sites the requirement to provide affordable housing under Core Strategy CS09 Housing will apply where the Council considers that the proposed development forms part of a larger site which, if developed, would result in a requirement for a proportion of (or contribution to) affordable housing. If the application site satisfies one or more of the following criteria, then it will be considered to be part of a larger site for the purposes of this policy:-

- Land ownership – If an application site is in the same ownership as one or more adjacent plots of land at the time the application is made or within 3 years of the date the application is made and development of those sites would comply with other policies of the Local Plan;
- Planning history – If there is evidence of previous applications for development of a larger site of which the application site forms a part within the past 3 years of the date an application is made and development of the larger site would still be acceptable under other policies of the Local Plan; or
- Extensions to existing consented development – If the site forms an extension to a development that has been approved in the 3 years before the application is made and which is still capable of being implemented or the site forms an extension to a development that is being built out on the date the application is made.

## **Policy DM 9 – Community Facilities**

The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.

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.

## **Policy DM 10 – Retail Development**

The Council attach a high priority to the need to support and maintain King's Lynn, Downham Market and Hunstanton as major retail centres. This will be achieved by a combination of measures to improve attractiveness (by increased accessibility, environmental enhancements, events and promotions), as well as strongly supporting

proposals to redevelop and invest in the town centres including, where necessary, the use of compulsory purchase powers to consolidate land.

New retail uses will be expected to be located in these town centres unless an alternative location is demonstrated to be necessary. If there are no suitable sites in the town centre, an edge of centre location will be expected. Other locations will only be acceptable where it is demonstrated either that there are no suitable sites in the town centre and edge of centre, or the format or nature of the proposed use would not be appropriate in a town centre location (e.g. bulky goods and trade, rural retail services, etc.).

The Council will strongly resist proposals for out of town retail uses that either individually or cumulatively would undermine the attractiveness and viability of the town centres. Retail impact assessments will be required for individual schemes having a floorspace of greater than 2500 square metres, although in the case of the Hardwick area in King's Lynn (where there is already a significant accumulation of out of town centre retailing) greater weight will be attached to the cumulative impact of new development on the town centre. New retail uses in this area will not be subject to a floorspace threshold and will only be approved where they meet the sequential test set out in the NPPF and will not individually or cumulatively undermine the viability of the town centre.

## **Policy DM 11 – Touring and Permanent Holiday Sites**

(NOTE – For the purposes of this policy the term 'holiday accommodation' is used to describe caravan based accommodation, including touring and permanent sites/units, as well as permanent buildings constructed for the purpose of letting etc.)

### **Location requirements**

Proposals for new holiday accommodation sites or units or extension or intensification to existing holiday accommodation will not normally be permitted unless:

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

Small scale proposals for holiday accommodation will not normally be permitted within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) unless it can be demonstrated that the proposal will not negatively impact on the landscape setting and scenic beauty of the AONB or on the landscape setting of the AONB if outside the designated area. Proposals

for uses adversely affecting Sites of Special Scientific Interest (SSSIs) or European Sites will be refused permission.

## **Conditions to be applied to new holiday accommodation**

Where development is permitted in the open countryside for new holiday accommodation, it is essential that such uses are genuine and will be operated and maintained as tourist facilities in the future. To achieve this aim, occupancy conditions will be placed on future planning permissions requiring that:

- The accommodation is occupied for holiday purposes only and shall be made available for rent or as commercial holiday lets;
- The accommodation shall be for short stay accommodation only (no more than 28 days per single let) and shall not be occupied as a person's sole or main place of residence; and
- The owners / operators shall maintain an up-to-date register of lettings/occupation and shall make this available at all reasonable times to the Local Planning Authority.

## **Policy DM 12 – Strategic Road Network**

The Strategic Road Network within the Borough, comprising the A10, A17, A47, A134, A148, A149, A1101 & A1122 and shown on the Policies Map, will be protected as follows outside of the settlements specified within Core Strategy policy CS02:

- New development, apart from specific plan allocations, will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of this Strategic Road Network;
- New development served by a side road which connects to a road forming part of the Strategic Road Network will be permitted provided that any resulting increase in traffic would not have a significant adverse effect on:
  - The route's national and strategic role as a road for long distance traffic
  - Highway safety
  - The route's traffic capacity
  - The amenity and access of any adjoining occupiers.

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

Policy CS11 of the Adopted Core Strategy sets out the transport requirements for development proposals to demonstrate that they accord with. Paragraph 013 - Transport Assessments and Statements of the Planning Practice Guidance should also be considered."

## **Policy DM13 - Railway Trackways**

The following existing and former railway trackways and routes, as indicated on the Policies Map, will be safeguarded from development which would prejudice their potential future use for paths, cycleways, bridleways, new rail facilities, etc. unless the proposals for

trackway use are accompanied by appropriate alternative route provision that makes the safeguarding unnecessary:

- King's Lynn Harbour Junction - Saddlebow Road;
- King's Lynn east curve;
- King's Lynn docks branch to Alexandra Dock and Bentinck Dock;
- Denver - Wissington;
- King's Lynn to Hunstanton; and
- Part of the former King's Lynn to Fakenham line route from the West Winch Growth Area
- to the Bawsey/Leziate countryside sports and recreation area.

The King's Lynn docks branch (as above) will, however, not be safeguarded to the extent this compromises port operations within the Port Estate.

## **Policy DM 14 - Development associated with the National Construction College, Bircham Newton and RAF Marham**

The Council strongly supports the roles that the National Construction College, Bircham Newton and RAF Marham play as local employers and as centres of excellence for construction and advanced engineering respectively.

The Council will adopt a positive approach to new development to improve these facilities. Non-operational 'enabling' development which supports the retention, enhancement or expansion of these facilities will be permitted where it can be demonstrated

- that the development will enhance the facility's long term value to the Borough's economy and employment; and
- there are robust mechanisms to ensure the improvements justifying the enabling development are delivered and sustained; and
- the resulting development will not undermine the spatial strategy set out in Core Strategy Policy CS01; and
- it will not result in the loss of land needed for operation of the facility, or reduce its reasonably foreseeable potential to expand or be reconfigured.

## **Policy DM 15 – Environment, Design and Amenity**

Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including:

- Heritage impact;
- Overlooking, overbearing, overshadowing;
- Noise;
- Odour;
- Air quality;
- Light pollution;
- Contamination;
- Water quality and

- Visual impact.
- 

The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Development proposals should demonstrate that safe access can be provided and adequate parking facilities are available.

## **Policy DM 16 – Provision of Recreational Open Space for Residential Developments**

All new residential development will be expected to make adequate provision for open space to the following standards:

Schemes of up to 19 units will ensure that their schemes contain sufficient space to ensure a high standard of layout and amenity to the residents of the proposed development and to ensure that the scheme integrates into the wider landscape setting. On windfall sites the requirement to provide open space will apply where the Council considers that the proposed development forms part of a larger site which, if developed, would result in a requirement for a proportion of (or contribution to) open space.

Schemes of 20 units or greater will provide 2.4 hectares of open space per 1000 population comprising approximately:

- 70% for either amenity, outdoor sport, and allotments (see below) and
- 30% for suitably equipped children's play space
- Developments of 20 – 99 dwellings will be expected to meet the requirement for suitably equipped children's play space only;
- Developments of 100 dwellings and above will be expected to meet the whole requirement.
- On sites allocated for residential development through the Local Plan process, and where development of the whole site results in a requirement for a proportion of (or contribution to) open space, the requirement to provide open space will apply to the whole of a single allocated site, even if it is developed incrementally (through sub-division etc).

All proposals involving the provision of publicly accessible areas of open space must include robust arrangements for the management and future maintenance of that open space. The Council may take on and adopt areas of public open space within developments, subject to bringing the scheme up to an appropriate standard and the payment of an appropriate fee.

The Council will adopt a flexible approach to the types of open space required within a particular scheme only where it can be demonstrated :

- i) that there is excess provision available in the locality, or

- ii) where opportunities exist to enhance existing local schemes, or
- iii) the townscape or other context of the development is such that the provision of open space is not desirable.

The Council will provide full details on the provision and maintenance of open space within Supplementary Planning Guidance.

## **Allotments**

The Council will seek to resist the loss of allotments in areas where there is a current or predicted demand for such facilities, unless the loss were to be offset by alternative provision of an equal or higher quality in the vicinity. The provision of new allotments may be sought in locations for large-scale residential development (such as the strategic allocations) where there is an identified need. This will be balanced against the need for other types of recreational space and facilities and the financial viability of any development.

## **Policy DM 17 – Parking Provision in New Development**

### **Residential dwellings**

New dwellings (including flats and maisonettes) will be required to include car parking to the following minimum standards:

- a. One bedroomed unit – 1 space per dwelling;
- b. Two or three bedroomed unit – 2 spaces per dwelling;
- c. Four or more bedroomed unit – 3 spaces per dwelling.

This provision may include under-croft parking and car ports providing these have no other use, but garages under 7m x 3m (internal dimensions) will not be counted. Reductions in car parking requirements may be considered for town centres, and for other urban locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence need for car parking provision.

Each dwelling will also be required to provide a minimum of one secure and covered cycle space per dwelling.

### **Other developments**

For developments other than dwellings car parking provision will be negotiated having regard to the current standards published by Norfolk County Council.

## **Policy DM 18 – Coastal Flood Risk Hazard Zone (Hunstanton to Dersingham)**

This policy applies within the Coastal Flood Risk Hazard Zone as defined on the Policies Map.

## **New Developments**

The following developments will not be permitted within Tidal Flood Zone 3 (including climate change) as designated on the Strategic Flood Risk Assessment (SFRA) Maps:

- New dwellings;
- New or additional park homes/caravans.

## **Replacement Dwellings**

Replacement dwellings will only be permitted in Tidal Flood Zone 3 where all of the following seven criteria are satisfied:

- A Flood Risk Assessment (FRA) must be undertaken for the development;
- All habitable accommodation will be provided above ground floor level (habitable accommodation would usually include bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets, storerooms, pantries, cellars and garages, are not considered to be habitable);
- The dwelling will only be occupied between 1st April and 30th September in any one year;
- The dwelling will incorporate flood mitigation and resiliency measures in accordance with the Department for Communities and Local Government publication: "Improving the flood performance of new buildings, flood resilient construction" (2007);
- The building must be appropriately designed to withstand and be resilient to hydrostatic pressure resulting from a breach/overtopping of the tidal defences;
- A flood warning and evacuation plan will be prepared for the property and retained on site;
- The level of habitable accommodation provided by the new dwelling would not be materially greater than that provided by the original dwelling. Proposals should not result in an increase in the number of bedrooms over and above the number in the original dwelling.

## **Extensions**

Extensions to existing properties (beyond any Permitted Development Rights that could be exercised) should not materially increase the amount of habitable rooms. Significant extensions or those that raise the amount of habitable rooms in the property could lead to an increase in the number of people at risk and will not be permitted.

## **Change of Use**

Any proposed Change of Use will not be permitted if, as a result of the change, the flood risk vulnerability (as defined in the National Planning Practice Guidance) would be increased.

## **Seasonal Occupancy**

Seasonal occupancy will be limited to between 1 April and 30 September. Applications to



remove, relax or vary (by way of extension) any existing seasonal occupancy condition will be resisted.

## **Policy DM 19 - Green Infrastructure/Habitats Monitoring and Mitigation**

Opportunities will be taken to link to wider networks, working with partners both within and beyond the Borough.

The Council supports delivery of the projects detailed in the Green Infrastructure Study including:

- The Fens Waterway Link- Ouse to Nene;
- The King's Lynn Wash/Norfolk Coast Path Link;
- Gaywood Living Landscape Project;
- The former railway route between King's Lynn and Hunstanton; and
- Wissey Living Landscape Project.

The Council will identify, and coordinate strategic delivery, with relevant stakeholders, of an appropriate range of proportionate green infrastructure enhancements to support new housing and other development and mitigate any potential adverse effects on designated sites of nature conservation interest as a result of increased recreational disturbance arising from new development. All new development must ensure there is no adverse effect on a European Protected Site through the provision of appropriate measures. These enhancements will be set out in a Green Infrastructure Delivery Plan.

Major development will contribute to the delivery of green infrastructure, except:

- Where it can be demonstrated the development will not materially add to the demand or need for green infrastructure.

Where such a contribution would make the development unviable, the development will not be permitted unless:

- It helps deliver the Core Strategy; and
- The relevant contribution to that Strategy could not be achieved by alternative development, including in alternative locations or in the same location at a later time; or
- Unless the wider benefits of the proposed development would offset the need to deliver green infrastructure enhancements.

More detailed local solutions based on the Green Infrastructure Strategy will be developed for Downham Market and Hunstanton, particularly in relation to the main growth areas and King's Lynn and surrounding settlements.

In relation to Habitats Regulations Assessment monitoring and mitigation the Council has endorsed a Monitoring and Mitigation Strategy including:

- Project level HRA to establish affected areas (SPA, SAC, RAMSAR) and a suite of measures including all/some of:
- Provision of an agreed package of habitat protection measures, to monitor recreational pressure resulting from the new allocations and, if necessary, mitigate adverse impacts before they reach a significant threshold, in order to avoid an

adverse effect on the European sites identified in the HRA. This package of measures will require specialist design and assessment, but is anticipated to include provision of:

- A monitoring programme, which will incorporate new and recommended further actions from the Norfolk visitor pressure study (anticipated to be completed in Spring 2016) as well as undertaking any other monitoring not covered by the County-wide study.
- Enhanced informal recreational provision on (or in close proximity to) the allocated site [Sustainable Accessible Natural Greenspace], to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on nearby relevant nature conservation sites. This provision will be likely to consist of an integrated combination of:
  - Informal open space (over and above the Council's normal standards for play space);
  - Landscaping, including landscape planting and maintenance;
  - A network of attractive pedestrian routes, and car access to these, which provide a variety of terrain, routes and links to the wider public footpath network.
- Contribution to enhanced management of nearby designated nature conservation sites and/or alternative green space;
- A programme of publicity to raise awareness of relevant environmental sensitivities and of alternative recreational opportunities.

Notwithstanding the above suite of measures the Borough Council will levy an interim Habitat Mitigation Payment of £50 per house to cover monitoring/small scale mitigation at the European sites. The amount payable will be reviewed following the results of the 'Visitor Surveys at European Sites across Norfolk during 2015 and 2016'.

- The Borough Council anticipates utilising CIL receipts (should a CIL charge be ultimately adopted) for contributing to green infrastructure provision across the plan area.
- Forming a HRA Monitoring and Mitigation and GI Coordination Panel to oversee monitoring, provision of new green infrastructure through a Green Infrastructure Delivery Plan and the distribution of levy funding.

## **Policy DM 20 – Renewable Energy**

Proposals for renewable energy (other than proposals for wind energy development) and associated infrastructure, including the landward infrastructure for offshore renewable schemes, will be assessed to determine whether or not the benefits they bring in terms of the energy generated are outweighed by the impacts, either individually or cumulatively, upon:

- Sites of international, national or local nature or landscape conservation importance, whether directly or indirectly, such as the Norfolk Coast Area of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSIs) and Ramsar Sites;
- The surrounding landscape and townscape;
- Designated and un-designated heritage assets, including the setting of assets;
- Ecological interests (species and habitats);

- Amenity (in terms of noise, overbearing relationship, air quality and light pollution);
- Contaminated land;
- Water courses (in terms of pollution);
- Public safety (including footpaths, bridleways and other non-vehicular rights of way in addition to vehicular highways as well as local, informal pathway networks); and
- Tourism and other economic activity.

In addition to the consideration of the above factors, the Borough Council will seek to resist proposals where:

- a) There is a significant loss of agricultural land;
- or
- b) Where land in the best and most versatile grades of agricultural land(2) are proposed to be used.

Development may be permitted where any adverse impacts can be satisfactorily mitigated against and such mitigation can be secured either by planning condition or by legal agreement.

## **Policy DM 21 - Sites in Areas of Flood Risk**

Where the Borough Council has allocated sites in flood risk Zones 2 and 3 or flood defence breach Hazard Zones identified by the Council's Strategic Flood Risk Assessment or more recent Environment Agency mapping:

1. These will be subject to (and no relevant planning permission will be granted before):
  - a site specific flood risk assessment satisfactorily demonstrating the development will be safe for its lifetime, taking climate change into account, and with regard to the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall; and
  - satisfactory demonstration that any design or development features necessary to address flood risk issues are compatible with heritage assets in the vicinity (including conservation areas and listed buildings), local visual amenity and (where relevant) the landscape and scenic beauty of the Norfolk Coast Area of Outstanding Natural Beauty.
2. The sequential test set out in the National Planning Policy Framework (NPPF) policy 101 is deemed to be met by the allocation process, as set out in the Planning Practice Guidance - Flood Risk and Climate Change, so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest.
3. In relation to the exceptions test set out in the NPPF policy 102:
  - the first part (demonstration of wider sustainability benefits) is deemed to be met by the allocation process; and
  - the second part (site specific flood risk assessment, etc.) is not deemed to be met by the allocation process, and shall remain the responsibility of the prospective developer. No relevant planning permission shall be granted unless and until this second part of the test is met, as set out in section 1 of this policy, above

- for further information, reference is made to Appendix 3 and Appendix 4

The Borough Council will take into account advice from the Lead Local Flood Authority and the King's Lynn and West Norfolk Settlements Surface Water Management Plan to ensure that where a serious and exceptional risk of surface water flooding exists adequate and appropriate consideration has been given to mitigating the risk. Mitigation measures should minimise the risk of flooding on the development site and within the surrounding area.

4. The design of new dwellings will be in accordance with the Environment Agency/Borough Council Flood Risk Design Guidance (Appendix 5)

The Borough Council will take into account advice from the Lead Local Flood Authority and the King's Lynn and West Norfolk Settlements Surface Water Management Plan to ensure that where a serious and exceptional risk of surface water flooding exists adequate and appropriate consideration has been given to mitigating the risk. Mitigation measures should minimise the risk of flooding on the development site and within the surrounding area.

## **Policy DM 22 – Protection of Local Open Space**

The Council will have careful regard to the value of any area of open space when assessing planning applications for development. In assessing the contribution that an area of open space plays, the Council will consider the following factors:

- Public access;
- Visual amenity;
- Local distinctiveness;
- Landscape character;
- Recreational value;
- Biodiversity, geodiversity
- Cultural value and historic character
- Whether the site has been allocated for development in the local plan.

Proposals that will result in the loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.

The Borough Council will support local communities in designating local green space for protection in neighbourhood plans where this:

- meets the criteria for local green space as detailed in the National Planning Policy Framework; and
- does not conflict with other policies in the Borough's Local Plan.

## **Policy G83.1 Snettisham - Land south of Common Road and behind Teal Close**

Allocation no longer applicable as this is now Tapping Close