

Reference:06/20/0125/F

Parish: Caister-on-Sea
Officer: Mr Rob Forrester
Expiry Date: 27-05-20

Applicant: Hammond Property Developments Ltd

Proposal: Erection of new 4 bedroom dwelling house

Site: Westaylee, West Road, West End, West Caister.

REPORT

This application was reported to the Monitoring Officer as an application submitted by a company in which a member is a director/shareholder in the applicant company. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the member has taken no part in the Council's processing of the application.

1. Background / History:-

- 1.1 The site comprises 0.258 hectares and proposes the erection of a substantial 4-bedroomed house with attached treble-garage incorporating roof storage and dormers. The dwelling is sited within an open lawned area adjacent to the front of the applicants dwelling Westaylee (which has a road frontage to West Road, West End, Caister).
- 1.2 This application follows the recent refusal of permission for the erection of a similar dwelling, that was located within the countryside some distance to the north of the settlement, and adjoining the Broads Authority Executive Area.
- 1.3 There is no relevant planning history for the site although the adjacent dwelling is a fairly recent construction, as is a stable-block to the east, the revised siting of the proposed dwelling, being between the 2 buildings and therefore within the obvious built-up area of the settlement.

- 1.4 The proposed dwelling would share the drive and access of the existing dwelling as well as its package treatment plant and surface water disposal method to ditch to the west.
- 1.5 Immediately to the west of the ditch is a track (which is also a public footpath), although the revised siting of the dwelling places it some distance from the footpath.
- 1.6 The dwelling is a modern design incorporating large areas of glazing to the feature front entrance which incorporates a columned entrance; a large balcony at the rear and several dormer windows above the garage. It has a hipped roof to the dwelling and gable roof to the remainder.
- 1.7 The dwelling proposed would now face south towards the public highway and has a reduced curtilage compared with the previous proposal, effectively forming the front lawn to the existing dwelling.
- 1.8 The plans indicate the required visibility splays can be achieved at the access.
- 1.9 The application is accompanied by a shadow habitat Regulations Assessment (HRA) and the MMA payment has been made.

2 Consultations:- All consultation responses received are available online or at the Town Hall during opening hours.

- 2.1 Parish Council – The Parish Council have not commented
- 2.2 Neighbours – There have been no objections from neighbours.
- 2.3 Local Highway Authority – No response, however in relation to the previous application, the Highway Authority raises no objection subject to 2 conditions
- 2.4 Broads Authority - Awaited
- 2.5 Broads Drainage Authority – No response, previously noted - If there is no other option available, drainage may be to the Broads Drain with appropriate consent
- 2.6 Strategic Planning – The site is within the 2.5-5km zone, proposing a single dwelling, in which case use of the template HRA is acceptable. There is a limited potential for hydrological drainage. Having looked at the Design & Access statement, I note the applicant's intention to drain surface water into the ditch. The ditch will connect up to the wider Broads network, however, given the distance to the closest linked Natura 2000 Sites, it is unlikely to result in an effect. I do recommend running this past the County Ecologist

- 2.7 Conservation/Design Officer – No response, previously stated - There are concerns regarding the design of the dwelling which is not refined sufficiently. We were not able to support the design of the original house. We would be keen to ensure a proposal relating to the rural setting – perhaps as a more extensive but lower-profiled design
- 2.8 Environmental Health – No objections subject to conditions
- 2.9 Essex and Suffolk Water – No objections
- 2.10 English Nature – Awaited, previously stated - No comments
- 2.11 N.C.C Natural Environment Team – Awaited, previously stated - The HRA report is acceptable and concludes that there would be no likely significant effects and any cumulative effect of recreational activity can be resolved through the Monitoring and Mitigation Strategy. Requested Ecology report is fit for purpose. The applicant is proposing to discharge surface water into a watercourse which has potential to support water voles. It is therefore recommended that a water vole survey is undertaken and submitted in support of this application.

3 National Policy:- National Planning Policy Framework (NPPF)

- 3.1 Paragraph 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, however in the absence of a 5-year Housing Land Supply, there remains a presumption in favour of sustainable housing developments.
- 3.2 Paragraph 7: The purpose of the planning system is to contribute to the achievement of sustainable development which has 3 arms:-
- a) an economic objective
 - b) a social objective
 - c) an environmental objective
- 3.3 Paragraph 48. Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given), however in the absence of a 5-yr H.L.S, the status of the emerging plan is somewhat academic.

- 3.4 Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 3.5 Paragraph 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.6 Paragraph 170 - 177. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside,
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

177. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

4 Core Strategy – Adopted 21st December 2015

- 4.1 Policy CS2: Growth within the borough must be delivered in a sustainable manner in accordance with Policy CS1 by balancing the delivery of new homes with new jobs and service provision, creating resilient, self-contained communities and reducing the need to travel.
- 4.2 Policy CS2 identifies West Caister as a Tertiary settlement (such settlements are suitable for 5% of new housing growth across the District) proportionate to the scale of the settlement.
- 4.3 Policy CS9 – Encouraging well-designed, distinctive places
High quality, distinctive places are an essential part in attracting and retaining residents, businesses, visitors and developers. As such, the Council will ensure that all new developments within the borough reflect the local character; respect key features; create functional places; provides appropriate parking and access; conserves bio-diversity.
- 4.4 Policy CS11: The Council will work with other partner authorities and agencies to improve the borough's natural environment and avoid any harmful impacts of development on its biodiversity, geodiversity, landscape assets, priority habitats and species. This will be achieved by: (partial)
- a) Ensures Little Terns and other protected species are adequately protected from adverse effects of new development. Natura2000 Sites Monitoring and Mitigation Strategy to be prepared.
 - d) Ensuring that the Norfolk Coast Area of Outstanding Natural Beauty (AONB), the Broads and their settings are protected and enhanced
 - g) Ensuring that all new development takes measures to avoid or reduce adverse impacts on existing biodiversity and geodiversity assets. Where adverse impacts are unavoidable, suitable measures will be required to mitigate any adverse impacts. Where mitigation is not possible, the Council will require that full compensatory provision be made

h) Ensuring that all new development appropriately contributes to the creation of biodiversity and/or geodiversity features through the use of landscaping, building and construction features, sustainable drainage systems and geological exposures

4.5 Policy CS14: New development can result in extra pressure being placed on existing infrastructure and local facilities. To ensure that the necessary infrastructure is delivered the Council will: (a to f)

e) Seek appropriate contributions towards Natura 2000 sites monitoring and mitigation measures.

5 Local Policy :-

5.1 Local Policy - Saved Great Yarmouth Borough-Wide Local Plan Policies (2001):

5.2 Paragraph 213 of the National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the Local Plan is to the policies in the NPPF the greater the weight that is given to the Local Plan policy. The Great Yarmouth Borough Wide Local Plan was adopted in 2001 and the most relevant policies were 'saved' in 2007. An assessment of policies was made during the adoption of the Core Strategy December 2015 and these policies remain saved following the assessment and adoption.

5.3 The Saved Policies listed have all been assessed as being in general conformity with the NPPF and add further information to the policies in the NPPF, while not contradicting it. These policies hold the greatest weight in the determining of planning applications.

5.4 As the general principles are covered by Adopted Core Strategy Policy CS2, there are no relevant Policies.

6 Emerging policy – Local Plan Part 2:-

6.1 In the absence of a 5-year Housing Land Supply, there are few emerging policies that are applicable.

7 Habitat Regulations Assessment considerations:

7.1 "European" or "Natura 2000" sites are those that are designated for their wildlife interest(s) through the Conservation of Habitats and Species Regulations 2017 and constitute the most important wildlife and habitat sites within the European Union. The Council has an adopted policy approach, the Habitats Monitoring and

Mitigation Strategy, prepared alongside the Part 1 Local Plan (and most recently updated at the Policy & Resources Committee meeting on 5th February 2019).

- 7.2 The application is for a single dwelling and whilst the proximity to designated areas is noted this has not triggered the need for a bespoke shadow habitat regulation assessment.
- 7.2 An appropriate Ecology survey has been submitted in relation to the site. A concern in relation to foul and surface water disposal to a nearby ditch-system and potential impact on Water Voles was previously a concern.

8 Local finance considerations:-

- 10.1 Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus or the Community Infrastructure Levy. The application has been assessed and there are no financial implications that would impact the determination of the application.

9 Assessment

Development Plan Policy

- 9.1 The previously refused application, sought approval for the erection of a dwelling in the open countryside, whereas the current proposal comprises a logical infill plot between the applicants dwelling and a brick stable building and rebuilt dwelling and as such, it is an appropriate 'rounding-off' of the settlement - the minor settlement of West Caister, is identified in Core Strategy Policy CS2, as one of the Tertiary Settlements, which are to absorb 5% of the Districts Housing requirement as minor developments within the settlement, appropriate in scale.
- 9.2 There have been several recent housing developments within the settlement, including a replacement dwelling to the east of the application site, a new dwelling approved to the west and a new bungalow under construction on the opposite side of the road.
- 9.3 As a result, it is not considered that the erection of another single dwelling raises any particular 'policy' objections to the principle, the main concern in relation to the refused application being the position of the proposed dwelling in relation to the character and form of the settlement.
- 9.4 West Caister is an unusual settlement in 2 parts, with a nucleated grouping of dwellings based around the church – at the eastern end close to the A149 (Caister by-pass) – and a second grouping of dwellings further west, which has a

particularly 'linear' character with each dwelling having a frontage to the various public highways/lanes.

- 9.5 The applicant's current dwelling is already set-back some distance from the highway – with an outbuilding between the dwelling and the road - although in keeping with the settlement form, it has a direct road frontage – and the currently proposed dwelling (which would be served from the same access drive), is no longer positioned a long distance from the public highway, and in particular, it now has an obvious road frontage and it continues the linear form of the settlement.
- 9.6 The proposed dwelling – in comparison to the refused application – is no longer a tandem-backland situation, and whilst it has a common drive, it is no longer situated behind the host dwelling in relation to the highway, but is located alongside it.
- 9.7 The form of the revised development now complies the established character and pattern of development and the current form of the settlement, and as a result, is considered to comply with Policy.
- 9.8 The revised dwelling location, is no longer in the countryside beyond the obvious settlement limits established by other dwellings, and is appropriately sited within the obvious development limits for the settlement.
- 9.9 The proposed dwelling is now considered to comply with the character and form of the settlement and raises no particular policy concerns, it complies with Core Strategy Policy CS2 and the guidance within the N.P.P.F, and has overcome the main reason for refusal of the earlier scheme.

Design of the Dwelling

- 9.12 Whilst the West Road area of West Caister has a very eclectic mix of dwelling types, with numerous architectural styles and ages of construction – to the extent that there is no readily definable character – the village still has a rural charm and a very simple architectural form to most dwellings.
- 9.13 The existing dwelling is very modern in its style and this is continued in relation to the new dwelling, although as stated by the Design and Conservation Officer, the design does not readily gel with the existing rural form of the village.
- 9.14 The proposed dwelling (unchanged from the previous refusal) is a curious mix of numerous styles and treatment, having both hipped and gable roof construction, corner quoins and a mock-classical entrance canopy supported on columns, a glazed entrance feature, and a multitude of differing window fenestration with dormers above the garage, and large picture windows which are very regimented,

although the rear elevation (which was a concern when it faced the public footpath to the west, is now facing north, and is consequently far less prominent.

- 9.15 The N.P.P.F indicates at paragraph 127, that Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) 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);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- 9.16 It goes on to state at paragraph 130, 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, taking into account any local design standards or style guides in plans or supplementary planning documents”.
- 9.17 The proposed dwelling is not a high-quality design, being a mix of styles which remains at odds with the local rural character of the village, although the amended siting and orientation is such that the design can now be tolerated, and no longer conflicts with Core Strategy Policy CS9.

Intrusion in to the Countryside

- 9.18 The previously refused dwelling - unlike all of the other dwellings within the village, which have a direct road-frontage to one of the lanes within the settlement - was not only set back an appreciable distance from the highway, it had no direct road frontage and was set behind the applicant’s existing dwelling and shares its drive in a tandem-backland situation and was refused as it appeared out-of-character with the character of this linear rural settlement.
- 9.18 That dwelling would be sited in a relatively open grazing paddock, extending north from the settlement and the curtilage as shown on the plans extends to the tree-line to the north of the site which represents the boundary with The Broads Authority Executive Area.
- 9.19 In addition to the concerns regarding the village character, the dwelling represents an intrusion in to the countryside beyond the obvious limits of the settlement, and would have been read in relation to the Broads area, particularly in views from West Road, and from the public footpath to the west of the site.

9.20 The N.P.P.F indicates that the countryside should be protected for its beauty, and that “great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”.

9.21 The Broads Authority objected to that application on the grounds of the significant adverse impact on the Broads Authority Executive Area. The Broads Authority’s objections are that:-

“The proposal is situated outside of a defined settlement limit and the design, scale materials of the proposal are not sympathetic to the countryside location adjacent to the Broads Authority Executive Area and are likely to result in an adverse visual impact on the locality”.

9.22 The Broads is designated as of equivalent status to a National Park and its landscape is accorded the highest level of protection. The introduction of the development proposed adjacent to the Broads boundary would adversely affect the character and appearance of the landscape and its quality, particularly from the adjacent footpath.

9.23 When assessing the application, the impact on the Broads Authority is a material consideration that holds substantial weight. As can be seen from the comments above, the assessment is that the impact of the development is considered to be detrimental to the countryside location adjacent to the Broads Authority Area and should be refused for this reason.

9.24 The alternative siting for the dwelling now proposed – as an infill plot between the applicant’s dwelling and nearby stables – no longer constitutes an intrusion in to the countryside, and would both comply with Core Strategy Policy CS9, and would not have the same detrimental impact on the Broads Area. As a result, it overcomes the second reason for refusal of the earlier scheme.

Impact on Ecology

9.25 The N.P.P.F; The Conservation of Habitats and Species Regulations 2017, and Core Strategy Policy CS11/Natura2000 Monitoring and Mitigation Strategy, establishes a strict regime for consideration of the impact of a development on both protected species and wildlife habitats.

9.26 There are 3 separate issues to consider in relation to the above legislation and policy and the current proposal, being the ecology of the site itself, any recreational pressures on Natura2000 sites and impact on protected species off-site.

- 9.27 The applicant currently manages the land to the north of his dwelling as a wildlife site, and actively encourages bats/owls, hedgehogs and other species.
- 9.28 The previously submitted ecology report concluded that there is potential for wildlife to be present at the site, and with appropriate additional bio-diversity enhancement/extra nest-boxes, the development would not harm wildlife. The County ecologist confirms that the report was fit-for-purpose.
- 9.29 The submitted HRA report concludes that there could be some impact on Natura2000 sites arising from visitor pressure, however it would not be significant and the County Ecologist confirmed that it could be dealt with via the Monitoring and Mitigation Strategy. The appropriate payment has been made.
- 9.30 The key concern relates to the potential impact on protected species off-site. The applicant's own ecology report confirms the potential for water-voles with the drainage ditches adjacent to the site and where water-voles presence has been recorded nearby.
- 9.31 The drainage proposals for the new dwelling include the disposal of surface-water run-off to the adjacent ditch network, with foul water utilising the existing dwellings package treatment plant, which also discharges to the same ditch network. There was a concern that the additional discharges had the potential to impact on water-voles off-site.
- 9.32 Information relating to the final discharge position of the ditches (to assess potential for hydro-logical link to Natura2000 sites) remained outstanding at the time of the previous application, and the County Ecologist previously indicated that permission should not be granted until such time as a water-vole survey has been undertaken, and an assessment made as to the impact. Permission of the previous application was made based on the lack of information to make the appropriate assessment, and the Council would be failing in its statutory duty under The Conservation of Habitats and Species Regulations 2017 if permission was to be granted.
- 9.33 In relation to the current proposal, the ditch system that would be used to discharge both foul and surface water, has been examined by officers of the Planning Department, and it has been found that this is in fact a land-locked ditch at times almost dry, and significantly, it has been found that it does not connect to the wider surface water network of ditches (that are known to contain water-voles).
- 9.34 Circular 06/2005 makes it clear that the presence or otherwise of protected species and the extent to which they would be affected by a development proposal, should be established **before** the grant of permission, otherwise all material considerations have not been considered (i.e. the matter cannot therefore be subject to a condition) and the High Court has ruled that failure to make the

appropriate assessment – and proceeding straight to mitigation – is a failure to comply with the Regulations, and makes any permission fundamentally flawed, hence the previous refusal.

- 9.35 In this instance, the ‘ditch’ in to which the drainage would discharge does not actually connect to the wider ditch network, and as a result, it operates as a giant soakaway system, and would clearly have no impact on the wider surface water ditch network, particularly those containing water-voles, or have any link to the Natura2000 sites, and consequently, would have no impact on either water-voles or the wider designated sites.
- 9.36 Whilst in relation to the earlier application, there was no alternative under the above Regulations but to refuse permission, the additional information now available, means that the L.P.A as the competent authority can now safely conclude, that the development would not impact on the habitat of protected water-voles and make the appropriate assessment as its statutory duty under the above Regulations.
- 9.37 The L.P.A can now be satisfied that the proposal now complies with Core Strategy policy CS11 (subject to the ecological enhancement referred to above), and therefore the proposal overcomes the third reason for refusal of the previous scheme, and permission can now be safely granted.

10 Conclusion

- 10.1 The general principle of a modest housing development in a Tertiary village is acceptable in policy terms, and the proposal now represents an acceptable infill, that would not appear out-of-character with the linear form of the settlement, overcomes the previous reason for refusal, and complies with the N.P.P.F and Core Strategy Policy CS2.
- 10.2 The orientation/design of the dwelling is now considered to be appropriate for the location and would not be prominent from the public right of way to the west, and as it not be harmful to the rural character, overcomes the previous concerns, and complies with Core Strategy Policy CS9.
- 10.3 The re-located dwelling is now within the obvious development limits of the settlement, and no longer constitutes an alien encroachment in to the countryside adjoining the Broads Authority Executive Area, and overcomes the previous reason for refusal.
- 10.4 The additional drainage information is such that the L.P.A can now make the appropriate assessment of its impact on protected species and Natura2000 habitat allowing the L.P.A to meet its statutory duty to make such an assessment as

required by the regulations, the N.P.P.F, Core Strategy Policy CS11 and Circular 06/2005, and overcomes the earlier refusal on ecology grounds.

- 10.5 The revised scheme overcomes all the previous reasons for refusal, such that it now complies with all relevant International, National and Local policies and can be supported.

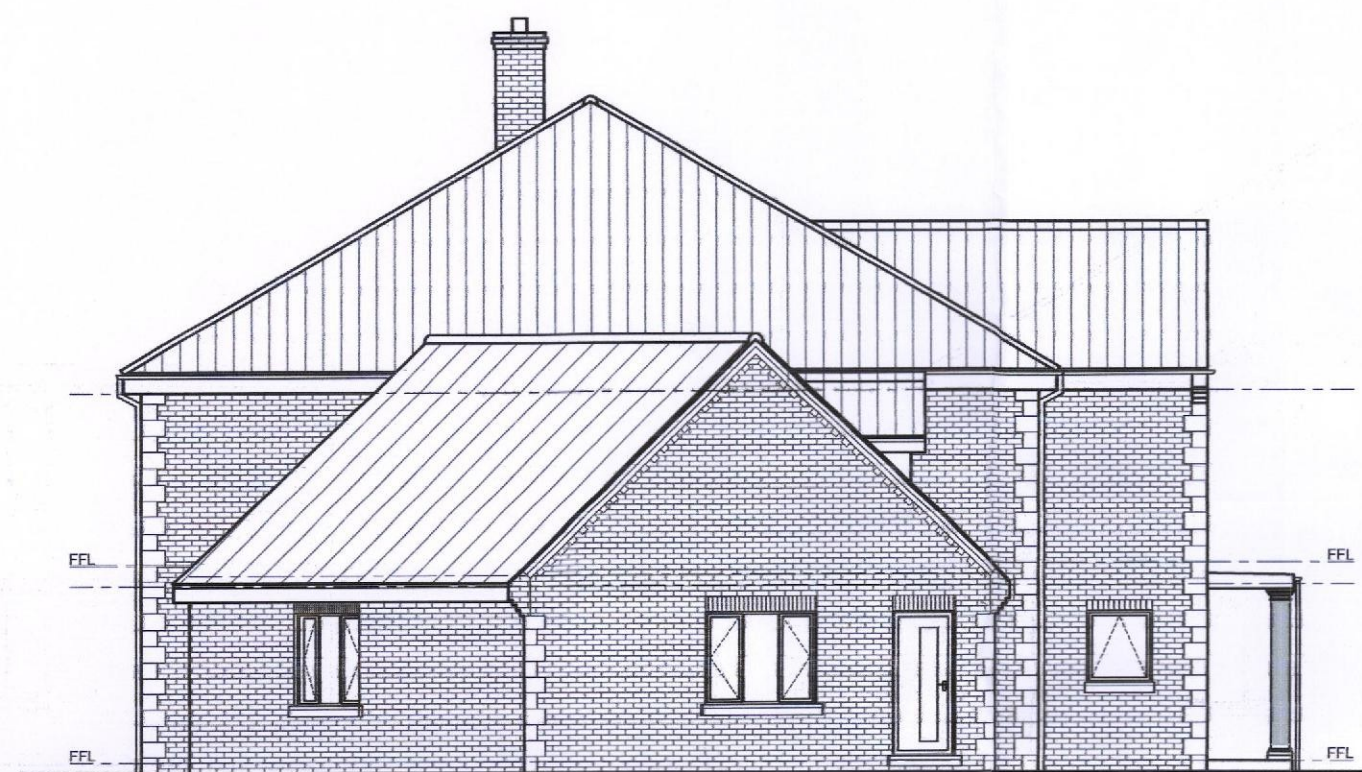
11 Recommendation: -

- 11.1 That permission be APPROVED, subject to the following conditions and reasons:-**

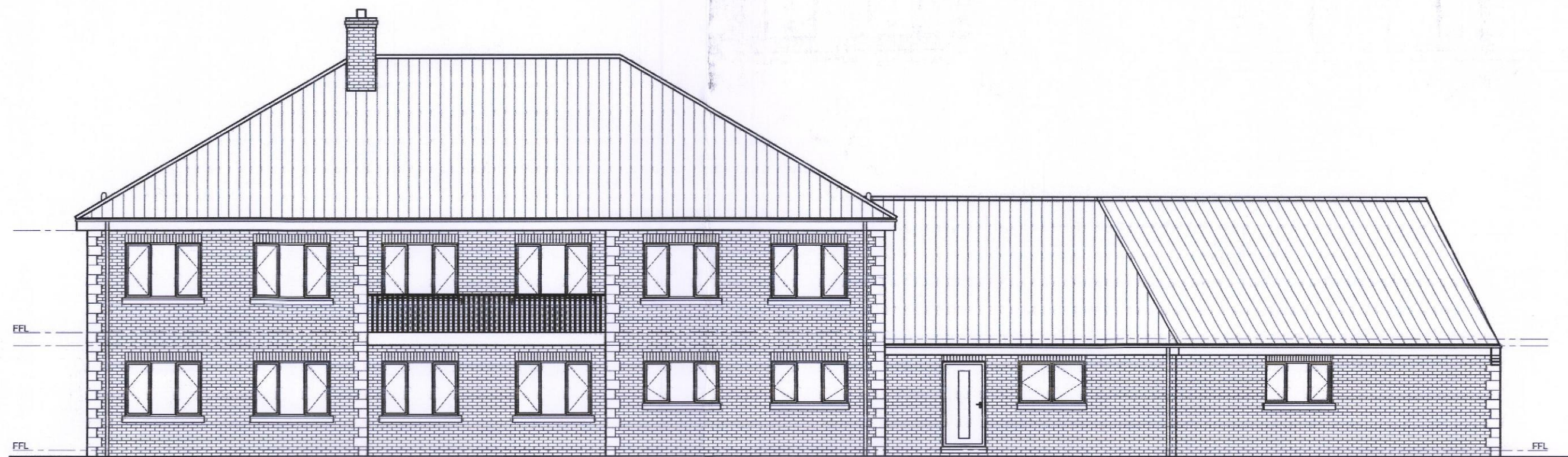
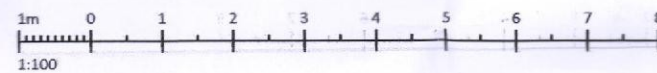
3 yr commencement
Dev in accord with approved plans
As advised by highways/only approved access
Materials to be approved
Landscaping
Bat-box mitigation
Drainage only as shown on the plans

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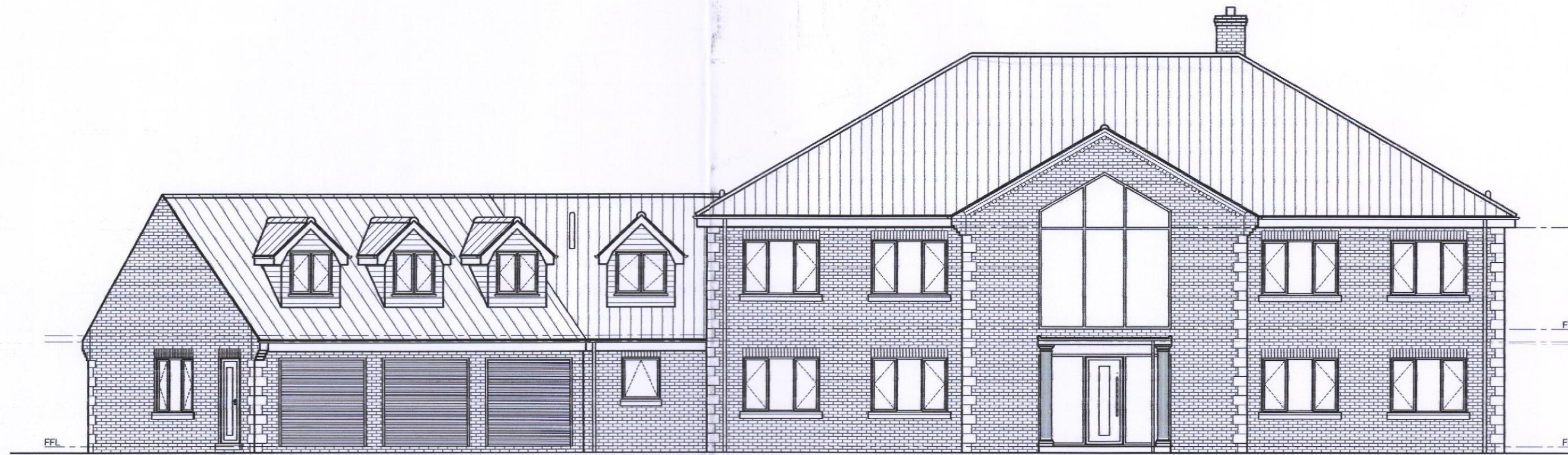
Side Elevation
Scale - 1:100



Rear Elevation
Scale - 1:100



Side Elevation
Scale - 1:100



Front Elevation
Scale - 1:100

rev:	date:	description:	by:



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client:
**Hammond Property
Developments**

location:
**Land adjacent Westaylee, West
Road, West Caister**

title:
**Proposed new dwelling
Planning drawings
Elevations**

scale @ A1:
1:100 / 1:50

date:
Sep 2019

project no:
8111

drawn by:
KM

approved:
BH

dwg no:
P04

revision:

Planning

06/20 / 012 5/

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C	01.04.20	Dwelling moved north to maintain access to existing building to the east.	KM
B	11.03.20	Dwelling location change.	KM
A	11.10.19	Drainage route updated.	KM
rev:	date:	description:	by:

PR

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client:
Hammond Property Developments

location:
Land adjacent Westaylee, West Road, West Caister

title:
**Proposed new dwelling
Planning drawings
Site Plan & Outbuilding Drawings**

scale @ A1:
1:250

date:
Sep 2019

project no:
8111

drawn by:
KM

approved:
BH

dwg no:
P02

revision:
C

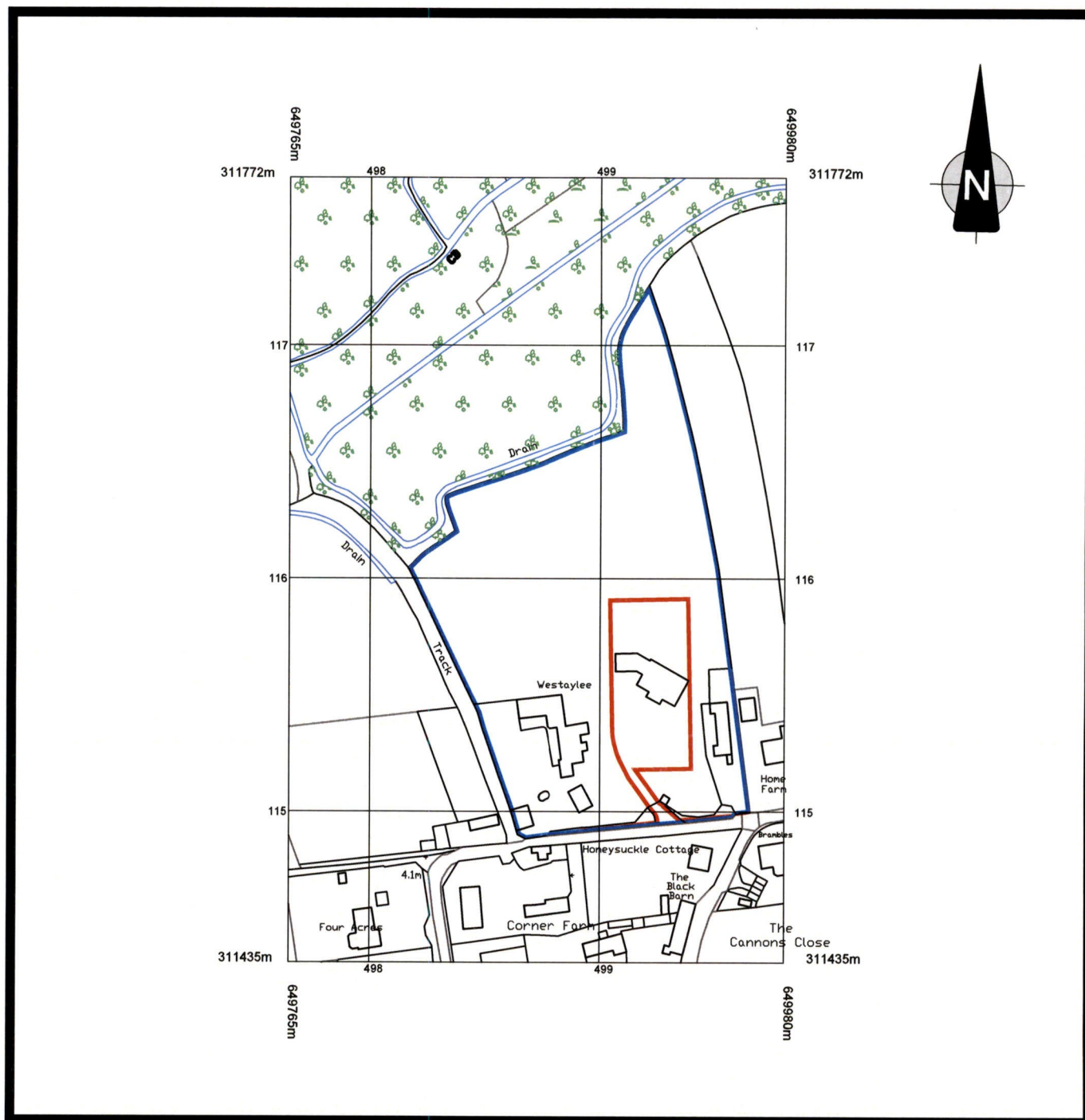
Planning

Proposed Site Plan
Scale - 1:250

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1:250



8547



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1:2500

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C	01.04.20	Dwelling moved north to maintain access to existing building to the east.	KM
B	11.03.20	Dwelling location change.	KM
A	07.01.19	Blue boundary line added to site location plan.	KM
rev:	date:	description:	by:



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client:

**Hammond Property
Developments**

location:

**Land adjacent Westaylee, West
Road, West Caister**

title:

**Proposed new dwelling
Planning drawings
Site Location Plan**

scale @ A4:

1:1250

date:

Sep 2019

project no:

8111

drawn by:

KM

approved:

BH

dwg no:

P01

revision:

C