

Reference: 06/19/0593/F

Parish: West Caister
Officer: Mr Rob Forrester
Expiry Date: 22-01-20

Applicant: Hammond Property Developments Ltd

Proposal: Erection of new 4 bedroom dwelling house

Site: Land adjacent to Westaylee, West Road, West End, West Caister.

REPORT

1. Background / History:-

- 1.1 The site comprises 0.75 hectares and proposes the erection of a substantial 4-bedroomed house with attached treble-garage incorporating roof storage. The dwelling is sited within an open paddock area adjacent to the applicants dwelling Westaylee (which has a road frontage to West Road, West End, Caister).
- 1.2 The site falls within the countryside some distance to the north of the settlement, and the site adjoins the Broads Authority Area.
- 1.3 There is no planning history for the site although the adjacent dwelling is a fairly recent construction, as is a stable-block to the east.
- 1.4 The proposed dwelling would share the drive and access of the existing dwelling as well as its package treatment plant.
- 1.5 There is a track immediately to the west of the site that is a public 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 face east and has a particularly extensive curtilage.
- 1.8 Amended plans have recently been received providing the required visibility splays at the access.

1.9 The application is accompanied by an ecology appraisal report and a shadow habitat Regulations Assessment (HRA).

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

2.1 Parish Council – Caister Council have not commented

2.2 Neighbours – There have been no objections from neighbours.

2.3 Local Highway Authority – Whilst there was an initial concern regarding intensification of the use of the access and a lack of visibility, the Highway Authority raises no objection to the amended plan, subject to 2 conditions

2.4 Broads Authority - Object to the application, comments provided later in this report.

2.5 Broads Drainage Authority – 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 – 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 – No comments

2.11 N.C.C Natural Environment Team - 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 is outstanding

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 proposal seeks approval for the erection of a dwelling in the open countryside near to the minor settlement of West Caister, which 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 to the settlement.
- 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 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 - however in comparison, the proposed dwelling (which would be served from the same access drive), is to be positioned much further from the road.
- 9.6 The proposed dwelling is a typical tandem-backland situation, sharing a common drive, but situated behind the host dwelling in relation to the highway.
- 9.7 This form of development is totally out-of-character with the established character and pattern of development and is an alien form of development that conflicts with the current form of the settlement.
- 9.8 It is in effect, a new dwelling in the countryside beyond the obvious settlement limits established by other dwellings.

- 9.9 The applicant has pointed to other sites within the settlement and other settlements as justification for the proposal, however the other developments quoted are either in villages with a completely different character or are ones which comply with the village form, by having a direct road frontage.
- 9.10 Whilst a new dwelling within the settlement would generally comply with policy – and the applicant has been informed that the logical ‘infill’ plot between the existing dwelling and the nearby stable-block would be considered to be appropriate and could be supported by officers - the applicant has declined to amend the proposal as they did not want to lose their view from the existing dwelling.
- 9.11 Whilst a dwelling that complied with the character and form of the settlement would raise no particular policy concerns, the current proposal is not considered to be acceptable in settlement form terms and would be an alien intrusion in to the countryside outside of the settlement, and as such, is considered to be in conflict with Core Strategy Policy CS2 and the guidance within the N.P.P.F

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 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, particularly the rear elevation which faces the public footpath to the west.
- 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 is completely at odds with the local rural character, and as a result, it fails to take the opportunity to improve the character and quality of the area as required by paragraph 130 and it conflicts with Core Strategy Policy CS9.

Intrusion in to the Countryside

- 9.18 Unlike all of the other dwellings within the village -which have a direct road-frontage to one of the lanes within the settlement, the application proposal is not only set back an appreciable distance from the highway, it has no direct road frontage and it is set behind the applicant’s existing dwelling and shares its drive in a tandem-backland situation and as discussed above, would appear out-of-character with the form of this linear rural settlement.
- 9.18 The 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 be read in conjunction with 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 have objected to the 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 An alternative siting for a dwelling is available on the road frontage – as an infill plot between the applicant’s dwelling and nearby stables – that would both comply with Core Strategy Policy CS9, and would not have the same detrimental impact on the countryside or the Broads Area, however the applicant has declined invitations to relocate the proposal as he does not wish to lose the outlook from the existing dwelling.

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 An ecology report has been submitted that concludes 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 is 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 confirms 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.
- 9.32 Information relating to the final discharge position of the ditches (to assess potential for hydro-logical link to Natura2000 sites) is outstanding, and the County Ecologist has 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.
- 9.33 In the absence of such information/reports, the appropriate assessment by the competent authority (in this case the Local Planning Authority) cannot be made 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.
- 9.34 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.
- 9.35 In the absence of the water-vole report and information regarding the discharge position of the ditch, the L.P.A as the competent authority is unable to make the appropriate assessment and therefore cannot carry out its statutory duty under the above Regulations and therefore permission should not be granted.
- 9.36 In discussions, the applicant has declined to provide the appropriate water-vole survey, and there is therefore no alternative under the above Regulations but to refuse permission.

10 Conclusion

- 10.1 Whilst the general principle of a modest housing development in a Tertiary village is acceptable in policy terms, the proposal does not represent an acceptable infill, and would be a tandem-backland development that would appear out-of-character with the linear form of the settlement, contrary to the N.P.P.F and Core Strategy Policy CS2.

- 10.2 The design of the dwelling is inappropriate for the location and would be harmful to the rural character, and as a result, it fails to take the opportunity to improve the character and quality of the area as required by paragraph 130 of the N.P.P.F and conflicts with Core Strategy Policy CS9.
- 10.3 The dwelling constitutes an alien encroachment in to the countryside adjoining the Broads Authority Executive Area, which is to be afforded the highest level of protection.
- 10.4 The application is not accompanied by sufficient information for the L.P.A to make the appropriate assessment of its impact on protected species and Natura2000 habitat and therefore the L.P.A could not 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.

11 Recommendation: -

11.1 That permission be REFUSED for the following reasons:-

1. Insufficient information has been provided in relation to water-Voles – a protected species – and the final discharge points of the drainage ditch to be used for the disposal of foul and surface water, and therefore the Local Planning Authority as the competent authority, is unable to make the appropriate assessment of its impact of the development proposal on protected species and Natura2000 habitat and therefore the Local Planning Authority could not meet its statutory duty as required by The Conservation of Habitats and Species Regulations 2017, Circular 06/2005, the National Planning Policy Framework, and conflicts with the provisions of Adopted Core Strategy 2015 - Policy CS11.
2. Whilst the general principle of a modest housing development in a Tertiary village is acceptable in policy terms, the proposal does not represent an acceptable infill within the obvious development limits of the settlement, and would constitute an unacceptable form of tandem-backland development that would appear out-of-character with the linear form of the settlement, contrary to the N.P.P.F and conflicts with the provisions of Adopted Core Strategy 2015 - Policy CS2.
3. The dwelling constitutes an alien encroachment in to the attractive countryside to the north of the settlement, and adjoining the Broads Authority Executive Area, which is to be afforded the highest level of protection. The proposed dwelling would appear out-of-place within the open rural landscape. The impact on the landscape is exacerbated by the scale and design of the dwelling, which is inappropriate for the location and would be harmful to the rural character, and as a result, it fails to take the opportunity to improve the character and quality of the area as required by paragraph

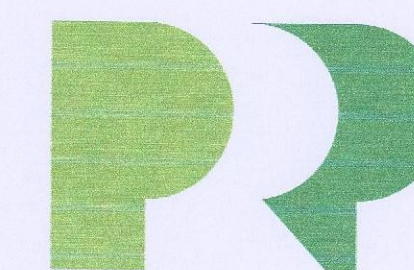
130 of the National Planning Policy Framework and conflicts with the provisions of Core Strategy Policy CS9.

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Great Yarmouth
Borough Council
23 OCT 2019
Planning
Department

A	11.10.19	Drainage route updated.	KM
rev:	date:	description:	by:



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client:
Hammond Property
Developments

location:
Land adjacent Westaylee, West
Road, West Caister

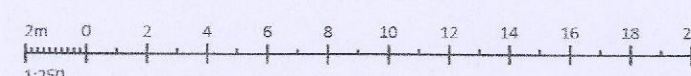
title:
Proposed new dwelling
Planning drawings
Site Plan & Outbuilding Drawings

scale @ A1:
1:250
date:
Sep 2019
project no:
8111

drawn by:
KM
approved:
BH
dwg no:
P02
revision:
A



Proposed Site Plan
Scale - 1:250



Planning

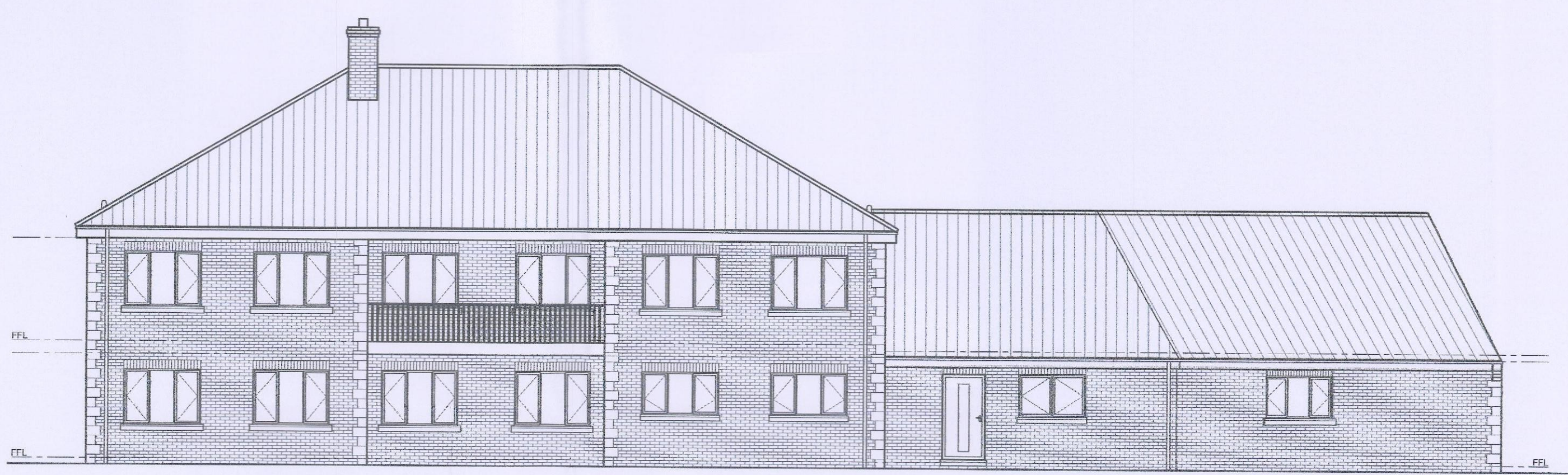
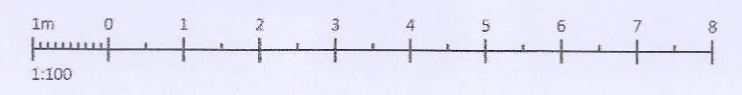
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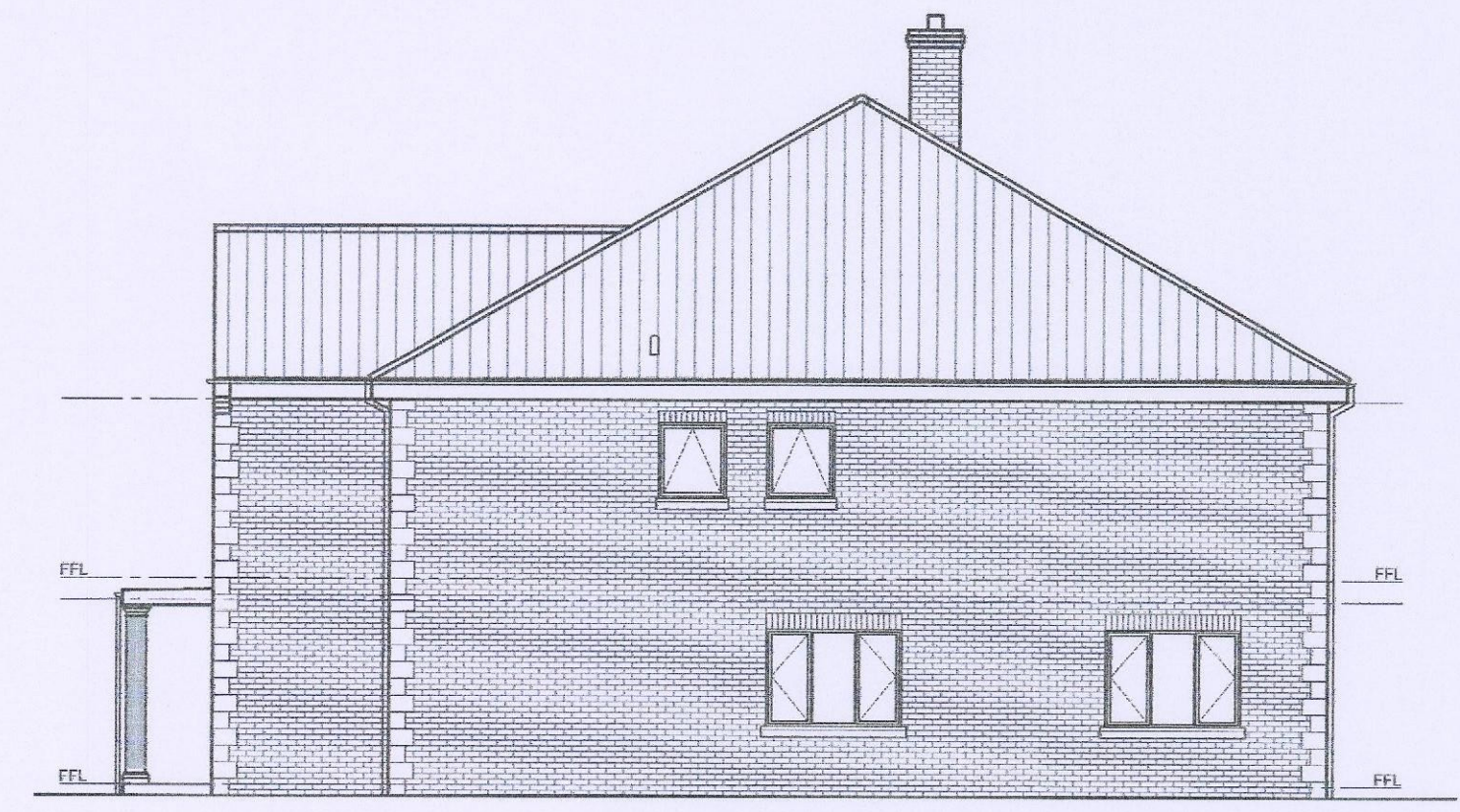
06/19/0593/F



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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Planning

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
drawn by:
KM
date:
Sep 2019
approved:
BH
project no:
8111
dwg no:
P04
revision:

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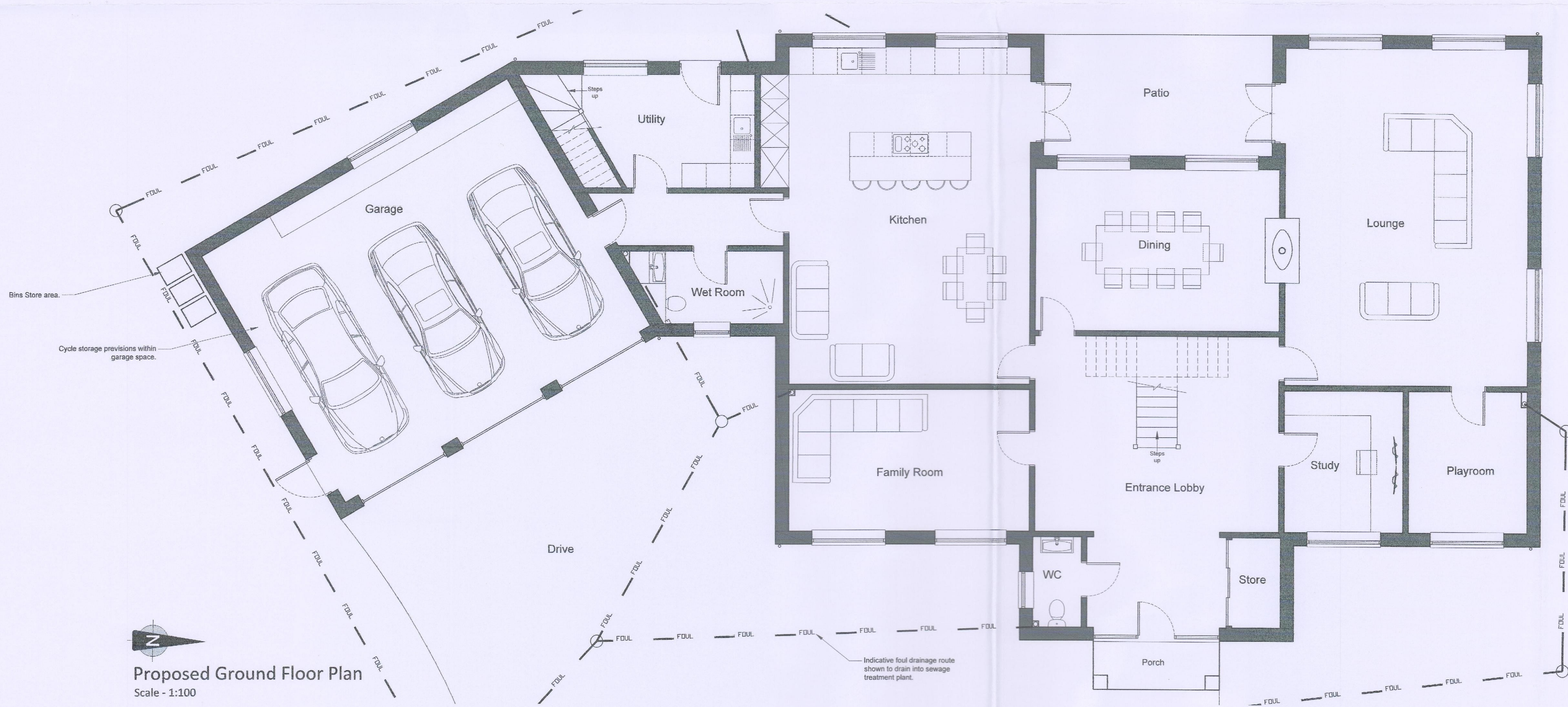
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06/19 / 05 93 / F



Proposed First Floor Plan
Scale - 1:100

1m
1:100



Proposed Ground Floor Plan
Scale - 1:100

rev:	date:	description:	by:

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location:
Land adjacent Westaylee, West Road, West Caister

title:
Proposed new dwelling Planning drawings Floor Plans

scale @ A1:
1:100

date:
Sep 2019

project no:
8111

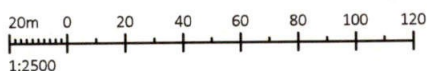
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KM

approved:
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dwg no:
P03

revision:

Planning



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A	07.01.19	Blue boundary line added to site location plan.	KM
rev:	date:	description:	by:

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:
A