
Appeal Decision

Hearing opened on 9 September 2014

Site visit made on 10 September 2014

by Joanna Reid BA(Hons) BArch(Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 October 2014

Appeal Ref: APP/V2635/A/14/2217840

The Old Garage, St Edmund's Terrace, Hunstanton, Norfolk PE36 5EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by McCarthy & Stone Retirement Lifestyles Ltd against the Borough Council of King's Lynn and West Norfolk.
 - The application Ref 13/00850/FM is dated 10 June 2013.
 - The development proposed is "Erection of Later Living retirement housing for the elderly (category II accommodation), including communal facilities, landscaping and car parking".
 - The hearing sat for 2 days on 9 and 10 September 2014.
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Decision

1. The appeal is allowed and planning permission is granted for "Erection of Later Living retirement housing for the elderly (category II accommodation), including communal facilities, landscaping and car parking" at The Old Garage, St Edmund's Terrace, Hunstanton, Norfolk, PE36 5EH, in accordance with the terms of the application Ref 13/00850/FM, dated 10 June 2013, subject to the conditions set out in Schedule A at the end of this Decision.

Procedural matters

2. The Council's putative reasons for refusal are, in summary, firstly, that the development of the appeal site for a solely residential scheme would not support the position of Hunstanton as a service hub. Secondly, that the height, massing and design of the scheme would neither preserve nor enhance the character of the Hunstanton Conservation Area. Thirdly, that the proposed contribution towards off-site affordable housing would not be acceptable.
3. The Council declined to validate a subsequent planning application, which was submitted in April 2014, for a further revised scheme which sought to address the Council's Conservation Area concerns. The Council's decision to not validate that application is not within my jurisdiction in this appeal. The key changes in that scheme were illustrated in the appellant's rebuttal statement, and the Core Documents included those plans. At the hearing it was requested that they be taken into account in this appeal.
4. The appellant had mainly consulted people who had expressed an interest during the application and appeal processes. However, the Council had consulted a greater number of people in the 2 previous public consultation

exercises during the application process. Also, whilst the appellant's letter of 27 August 2014 referred to the appellant's rebuttal statement, it was not clear from that letter that the rebuttal statement included details of the further revised scheme. As other people's interests may have been prejudiced, I shall not take the further revised scheme into account.

5. The appellant put in a draft planning obligation for a financial contribution towards off-site affordable housing at the hearing. It had not been executed because a party to the obligation no longer had an interest in the land, but the registered title did not reflect this. The Council's witness confirmed that whilst the amount of the financial contribution was in dispute, it did not object to the form of the unilateral undertaking. In these exceptional circumstances an extension of time was given, up to and including 24 September 2014, for the appellant to submit an executed obligation to the Council and for a certified copy to be submitted to The Planning Inspectorate.

Main issues

6. From what I have said above, from my inspection of the site and its surroundings, and from the representations made at the hearing and in writing, I consider that the main issues in this appeal are:
 - whether the proposed development would preserve or enhance the character or appearance of the Conservation Area,
 - its effect on the vitality and viability Hunstanton town centre, and
 - whether the proposal would make an appropriate financial contribution towards the provision of off-site affordable housing.

Reasons

Conservation Area

7. The almost rectangular appeal site has a frontage to St Edmund's Terrace. The surrounding topography mainly slopes down from roughly east to west, but the site is generally level. It formerly included a commercial garage, but the buildings have been demolished and the site has been enclosed by fencing. It is bordered by the bus station to the south, a public car park at a lower level to the west, and the access to the car park with the Princess Theatre beyond to roughly north. On the opposite side of the street is a terrace which includes a mixture of commercial and residential uses to the north east, and The Spinney, which is a well-treed broadly triangular open space, to the east.
8. The Conservation Area includes the historic core of Hunstanton, which was developed as a seaside resort during the Victorian era. Its character as a planned historic resort contributes positively to its significance as a heritage asset. The historic core is mainly characterised by Victorian and later development set in an informal street layout with green spaces, which today make up for the many paved former front gardens. The sloping topography and the seafront, with their westerly views across the Wash, and the locally distinctive Carstone walling contribute positively to the sense of place. The *Hunstanton Conservation Area Character Statement (CAA)* identifies many important unlisted buildings, including the buildings opposite the site at 2 to 10 St Edmund's Terrace. The CAA describes the combined effect of the derelict site, the poorly designed bus station, and the dominance of the side of the Princess Theatre on the west side of St Edmund's Terrace as a visual disaster.

9. The site was said to have once been part of an orchard and part of the former Westgate Gardens, but there was almost nothing to suggest that the view over the site from The Spinney was part of a planned historic vista. Instead, the site is presently an unsightly gap in the townscape, which has a negative effect on the character and the appearance of the Conservation Area.
10. The proposed 5-storey sheltered housing scheme would take up most of the previously-developed site. The building would be similar in length to the terrace at 2 to 10 St Edmund's Terrace, and there would be ample room for a fitting soft landscaped setting. Due to its simple form and efficient layout, the scheme would make effective use of its town centre site. It would offer active frontages to its surroundings, including The Spinney and St Edmund's Terrace, and well planned homes for its occupiers.
11. Most of the ground floor, including the office, laundry, guest suite, and parking, would be cut into the ground. So, the future occupiers' homes would be sited on the upper floors, where they could appreciate their surroundings. The top floor would be mainly within the pitched roof space, with only 2 modest roof lights in the front roof slope. The roof terrace at the back and the roof top residents' sun lounge within the pitched roof space would enable residents, regardless of their choice of flat, to take the airs and enjoy the seaward views.
12. As a consequence, the height of the building would harmonise with the nearby mainly 3-storey plus lower ground floor terrace at 2 to 10 St Edmund's Terrace, and the nearby mostly 3-storey development in Westgate. It would also be similar in height to the Princess Theatre. The scheme would frame part of the seaward side of The Spinney, and the space on each side would allow longer views from both The Spinney and St Edmund's Terrace.
13. The building would be deeper than many others nearby, but each gabled end would be divided into 2 parallel pitched-roofed ranges, which would respect the traditional scale of most nearby buildings. The range at the front would be taller than the range at the back, so its form would reflect the sloping topography. This, and its inset form at the back near the theatre, would respect the more dominant character of the frontage development close by. The site has only one street frontage, so there would be no reason for the front elevation to turn the corner to face Westgate, or to end the views down the sinuous Sandringham Road. So, the height, form and massing of the scheme would respect the form and character of the area, and the scheme would enhance the empty site.
14. The varied roofing materials, and the pattern and vertical emphasis of the tall front bays, would harmonise with the linear pitched roofed forms and rhythm in the terraced buildings opposite. The use of some Carstone in the walls, and pantiles and slates on the roofs, would reinforce local distinctiveness. The scale, proportions, alignment and hierarchy in the fenestration would be sympathetic to that in the nearby historic buildings. The more contemporary appearance of the fenestration and balconies at the back would make the best of the seaward views, so the horizontal emphasis in the middle section would be in keeping with the seaside character of the town. The modest gables over the larger windows at the back would provide some secondary vertical emphasis to reflect the character of the bays at the front.
15. The scheme would not imitate its surroundings, but reinterpret the existing historic forms, use of materials, and detailed design in a building which would

meet modern needs. So, the form of the front and rear gables, the lack of chimneys, and the access to the parking would be acceptable. Moreover, because the height, form and design of the proposal would be readily integrated into the historic seaside townscape, which is important to the character and to the appearance of the Conservation Area as a whole, it would sustain the significance of the heritage asset.

16. There are relatively few listed buildings in the Conservation Area, but the Grade II listed Town Hall, the Cross, and the Golden Lion Hotel, are fairly close by, and all 3 are important for their contribution to the historic development of the planned Victorian seaside resort. Due to its scale, height and siting parts of the proposal would be seen from The Green which is important to their immediate settings. As the scheme would be sympathetic to the form and layout of the town in their wider settings, their settings would be preserved. Also, because the proposal would have a positive effect which would at least outweigh the negative effect of the vacant site on the Conservation Area, the significance of the nearby important unlisted buildings would not be harmed.
17. For all of these reasons I consider that the proposal would preserve the character and the appearance of the Conservation Area. It would satisfy Policy CS05 of the *King's Lynn & West Norfolk Borough Council Local Development Framework-Core Strategy* (CS) which aims to enhance the local character of the town, to promote high quality design, and for new development to meet modern requirements whilst respecting the historic environment in the Conservation Area. It would satisfy the *National Planning Policy Framework* (Framework) which aims to always seek to secure high quality design, and to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The proposal would also satisfy CS Policy CS08 which also seeks high quality design, CS Policy CS12 which seeks, amongst other things, to protect and enhance the historic environment, and saved Policy 4/21 of the *King's Lynn and West Norfolk Local Plan* which aims for development to harmonise with the building characteristics of the locality.

Vitality and viability

18. The CS was adopted in July 2011, so it predates national policy in the Framework. CS Policy CS01 aims for Hunstanton to develop its position as a successful service hub for the area, providing retail, cultural and social facilities while strengthening its role as a year round tourist destination. CS Policy CS02 identifies Hunstanton as one of 2 Main Towns in the Borough. CS Policy CS05 maintains the thrust these Policies. It also aims to promote opportunities for residential development within the town centre. CS Policy CS09 says that new dwellings in Hunstanton will require the identification of new allocations within the town, and that, where possible, they should support the objectives in the Hunstanton regeneration plan and involve the redevelopment of previously developed land in the centre of the town. It also seeks appropriate provision for all sectors of the community, including the needs of elderly people.
19. Whilst their policy wording differs, CS Policies CS01 and CS05 seek to support the implementation of the *Hunstanton Town Centre and Southern Seafront Masterplan* (MP). The Council confirmed that, although the MP was subject to some public consultation in about 2007 and it was intended to be a background document to inform the contents and preparation of the Local Development

Framework (LDF), the MP was not adopted as a planning document in the LDF. Therefore, it attracts little weight.

20. Even so, the MP identifies a number of Opportunity Sites (OS) and the appeal site is within OS B. Amongst other things, the MP proposes that the Old Garage and bus station, which is shown on MP figure 2.4 as including the public car park and the library also, should be redeveloped in their entirety. It recognises that due to the multiple land ownerships this may not be achieved. Paragraph B3 aims to redevelop the site for larger retail units with housing above, and it suggests underground parking. Paragraph B6 proposes public realm improvements for The Spinney area which are underway.
21. The Council confirmed at the hearing that its concerns about the position of the Hunstanton as a service hub related only to the lack of retail floor space in the proposed development. Although the appellant considered design options to redevelop the wider site including the bus station, agreement could not be reached with the relevant landowners. The Council also confirmed that it has not received other proposals for the appeal site or for the rest of the OS B site.
22. A floor of shops at the site could help to link the frontages in the southern seafront with those in the High Street and Westgate, but so too could a part retail redevelopment of the rest of the OS B site, with or without the possible relocation of the bus station suggested in the MP. Although the proposal would not include the larger retail units sought, it would otherwise be consistent with the MP which says that housing could be provided on the upper floors, and its design would not prevent the redevelopment of the adjoining sites. The mass and scale of the building would be less than that shown in the MP, and natural surveillance from the flats would enhance the existing pedestrian link through the adjoining public car park between the town centre and the seafront.
23. The appellant's evidence shows that only one larger retail unit, or a number of smaller retail units, could be provided at ground floor level in mixed use schemes at the appeal site, because it is only part of the OS B site. This or these retail units would not have a significant effect on Hunstanton's role as a main town and service hub. As the schemes which would broadly fit within the height limits of the present scheme would include 9 to 10 less flats, those schemes would not be viable for the appellant. A retail floor could be included in similar schemes around one storey taller, but the appellant's view was that their increased height would not be acceptable on design and heritage grounds.
24. Furthermore, at the hearing the appellant's witness explained that due to changes in shopping patterns, including the growth of internet shopping, few retailers were actively seeking new premises. The exception to this was national chain convenience food stores. However, despite the appellant's displays at the site, no retailers had made enquiries about the potential for a mixed use development.
25. The nearby town centre includes a mixture of retail, entertainment, food and drink, and residential uses, but there are a number of empty shops in and around the High Street. There are also several charity shops in the town centre and, whilst these are a positive component of the present retail offer, the appellant's surveyor's undisputed evidence is that these are typically associated with very low rents. So there would seem to be little demand for smaller retail units. The appellant's evidence also shows that the larger retail units sought in OS B in the MP, or smaller retail units, would not be viable as a

part the sheltered housing scheme. By contrast, the proposal would help to meet the need for housing for the elderly which is identified in local policy, and the critical need for older persons' housing which is recognised in the Planning Practice Guidance (PPG).

26. Moreover, the appellant's witnesses have explained that the future occupiers of the scheme would be likely to shop frequently very close to home and that they would use other local services. This would support the existing mainly independent local retailers, as well as other services in the centre, throughout the year. Thus, the proposal would enhance the viability of the town centre and the future occupiers would make a positive contribution to its vibrancy.
27. Therefore, I consider that the proposal would not harm the vitality and viability of Hunstanton town centre. It would satisfy the thrust of CS Policy CS05, and the Framework which aims to promote the vitality of our main urban areas, and which recognises that residential development can play an important role in ensuring the vitality of centres.

Affordable housing

28. CS Policy CS09 aims, amongst other things, to maximise the delivery of affordable housing to respond to identified housing need throughout the Borough. It also aims for a flexible approach to be taken to ensure scheme viability and balance housing need, negotiated scheme by scheme, subject to an open book approach by developers.
29. As the proposal is for more than 10 dwellings, CS Policy CS09 seeks 20% on-site affordable housing. Due to the appellant's business model, which usually aims for on-site affordable housing to only be provided in separate blocks on larger schemes, for reasons including the affordability of service charges, the Council confirmed that it would not be appropriate to seek on-site affordable housing. Instead, it seeks a planning obligation for a commuted sum of £360,000 to provide 6 off-site affordable homes.
30. The appellant's surveyor's initial view was that a contribution would not be possible, for reasons including the relatively small scale of the scheme and the site constraints. Following adjustments to its initial financial viability appraisal, including the sales rate, the appellant has offered an obligation in the sum of £30,663. The basis of appellant's current financial viability appraisal (FVA) is in line with the PPG, which says that a site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken. Even so, the Council has raised concerns about the sensitivity of some of the assumptions made in the FVA. These are considered in turn below.
31. The Council considered that the reduced level dig and cart away costs could be lower because the excavated materials may have some value. However, materials of significant value were not identified in the site investigation. The appellant's surveyor considered that whilst there may be some value in the materials to be excavated, that value is unknown, unlikely to be significant and is outweighed by the risk of additional costs that would be required to measure, segregate and sort the material. Also, the recent advice from a potential demolition contractor is that the figure in the FVA is reasonable, but that the cost could be higher to reflect current haulage costs. Attention was drawn to a scheme in King's Lynn where recycling had proved viable, but due

- to its larger scale and phasing, it differs from this single phase town centre scheme. So, the reduced level dig and cart away costs would be likely to be similar or greater than the amount included in the FVA.
32. The Council's housing witness considered that the marketing costs could be reduced due to the popularity of the locality for retirement and the significant proportion of elderly people in the town. However, in appeal decision ref APP/P1560/A/11/2161214, and supporting evidence provided to that Inquiry, my colleague found that marketing costs at 6% of gross development value was acceptable for a similar scheme which was also in a seaside resort. Although Clacton-on-Sea is not in the local area, customers would expect the same quality of marketing regionally and nationally, so that would not be a good reason to use a lower figure.
 33. From the details of other schemes by the appellant in the same region as the site the average percentage marketing cost is more than one per cent higher than the 6% in the FVA. Whilst the marketing costs were less than one percent lower for the appellant's Thorpe St Andrew scheme, its closeness to the city of Norwich and its very much larger catchment area differ from the proposal. As the values for the flats were also considered by the appellant's surveyor to be optimistic, if the sales rate was to slow down for whatever reason, the marketing costs would increase. So, 6% for marketing costs is reasonable.
 34. The appellant's monitoring of sales rates for new build sheltered housing schemes across the south of the country over the last 4 to 5 years shows that sales rates have generally averaged at about one sale per month. Despite this, taking into account a number of the appellant's recent schemes in the region, including Thorpe St Andrew, the sales rate has been increased to 1.3 sales per month in the FVA. Whilst the Council considers that the sales rate for the proposal should reflect the significantly higher sales rate achieved at Thorpe St Andrew, insufficient evidence was put to me to support its view.
 35. As sales rates and marketing rates are related to one another, the appellant's surveyor has tested the sensitivity of these variable inputs together. Even if the marketing costs were to be reduced by one percent and the sales rate was to be increased to a similarly high rate to that achieved at Thorpe St Andrew, the increased contribution would still be well under half of the £360,000 sought by the Council. This shows that the total contribution would put the viability of the scheme at risk, and, thus, the scheme might not be implemented.
 36. The Council also proposed that the obligation should be subject to a clause to allow the review of the affordable housing contribution on completion of the scheme or, say, after half of the flats have been sold. However, this would be contrary to the advice in the *RICS Professional Guidance GN 94/2012 Financial viability in planning* (GN). GN paragraph 3.6.4.1 explains that such re-appraisals are generally suited to phased schemes over the longer term, rather than a single phase scheme to be implemented immediately, which requires certainty. The PPG also advises that viability assessment in decision-taking should be based on current costs and values. Whilst the PPG includes a proviso concerning phased delivery in the medium and longer term, it says that planning applications should be considered in today's circumstances.
 37. Moreover, in his appeal decision ref APP/N0410/A/13/2207771, regarding another relatively small single phase housing scheme, my colleague explained

that developers operate in a high risk environment and that an overage clause would create post-completion uncertainty, which would be likely to act as a serious disincentive to the implementation of the proposal. I agree. So, whilst the Council explained that, with the contribution capped at £360,000, a post completion review could result in a zero contribution, in the light of national policy and guidance such a review would not be necessary or reasonable.

38. Turning to the obligation which was put in after the hearing, Regulation 122 of *The Community Infrastructure Levy Regulations (CIL)* sets out 3 tests, all of which must be met. In the light of the appellant's FVA the financial contribution of £30,663 would be fairly and reasonably related in scale and kind to the development. Because the financial contribution towards off-site affordable housing would help to meet identified housing need in the Borough, it would be necessary to make the development acceptable in planning terms. Moreover, the contribution has been calculated in accordance with the appellant's FVA for this specific scheme, so it would be directly related to the development. Therefore, I consider that the proposal would make an appropriate financial contribution towards the provision of off-site affordable housing. It would satisfy CS Policy CS09. As the obligation would meet all 3 statutory tests in CIL Regulation 122, I shall take it into account.

Other matters

39. The Council has not raised concerns about the building overshadowing the local area including The Spinney. Shadows would be expected to occur at times where none occur at present, and having regard to appellant's shadow analysis, I see no reason to disagree. Regarding the vibrant nature of the locality, especially in the evenings, future occupiers would reasonably expect this when choosing to live in a town centre. The highway authority has not objected to the scheme, subject to the imposition of planning conditions. In the light of the highway authority's representations, and those of the appellant's traffic and transportation consultant, I agree. Whilst it is not labelled as such, plan 1895-1-05B shows a refuse store next to the foyer and the cycle store.
40. All of the representations of interested parties have been taken into account. However, none of the points raised against the scheme are sufficient, individually or cumulatively, to outweigh the planning considerations that have led to my conclusion. Therefore, planning permission should be granted subject to the imposition of conditions.

Conditions

41. The main parties' suggested conditions including those agreed at the hearing have been considered in the light of the advice in the Framework, the PPG, and the model conditions in Appendix A to Circular 11/95 *The use of conditions in planning permissions*. The condition identifying the plans is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. The conditions to deal with potential contamination at the site, due to its previous use as a repair garage and filling station, and for foul and surface water drainage details, are necessary in the interests of public health, including preventing the pollution of controlled waters. The condition for a Construction Method Statement is necessary in the interests of highway safety and to protect the living conditions of nearby occupiers during construction.

42. Conditions to control external materials, external doors, windows, rainwater goods, and for a Carstone sample panel are necessary to preserve the character of the Conservation Area. The condition for acoustic attenuation measures is necessary to protect the living conditions of the future occupiers from noise breakout from, and associated with, the Princess Theatre. The condition for hard and soft landscaping is reasonable to protect the character and appearance of the area, but the period for replacement of trees and shrubs has been reduced to 5 years as agreed by the main parties at the hearing. The tailpiece in the landscaping condition is reasonable in the event that specific plants are unsuited to the site conditions. The condition to control the access, parking and turning areas is necessary in the interests of highway safety. The condition to control external lighting is reasonable to protect the character and appearance of the area and the living conditions of nearby occupiers.

Conclusion

43. For the reasons given above and having regard to all other matters raised, the appeal succeeds.

Joanna Reid

INSPECTOR

Schedule A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1895-1-01, 1895-1-02A, 1895-1-03A, 1895-1-04A, and 1895-1-05B.
- 3) No development hereby permitted shall take place until a scheme which includes the following components to deal with the risks associated with contamination of the site has each been submitted to and approved in writing by the local planning authority:
 - a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 - b) A site investigation scheme based on a) to provide information for a detailed assessment of the risk, including gas, to all receptors that may be affected.
 - c) The results of the site investigation and detailed gas risk assessment and quantitative risk assessment referred to in b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation

strategy in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority, and the scheme shall be implemented as approved.

- 4) Following completion of the remediation works in the timescale set by the remediation scheme approved under Condition 3 a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 5) If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise approved in writing by the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 6) No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the foul and surface water drainage has been carried out in accordance with the approved details.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding
 - v) measures to control the emission of dust and dirt during construction
- 8) Notwithstanding the details shown on the approved plans, no development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details.
- 9) Notwithstanding the details shown on the approved plans, no development shall take place until samples and details of all external

- doors, windows, and rainwater goods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details.
- 10) No above ground level development shall take place until a sample panel of Carstone walling of dimensions and siting approved in writing by the local planning authority has been erected at the site, and the sample panel has been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved sample panel, and the approved sample panel shall remain in place until the local planning authority gives its written approval to its removal.
- 11) No development shall take place until a scheme of acoustic attenuation measures in accordance with 24Acoustics Report reference R5336-1 Rev 0 dated 4 September 2014 has been submitted to and approved in writing by the local planning authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and retained as approved thereafter.
- 12) No development shall take place until details of both hard and soft landscaping has been submitted to and approved writing by the local planning authority. No part of the development shall be occupied until the hard landscaping has been carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species unless the local planning authority gives written approval to any variation.
- 13) No part of the development shall be occupied until the access, car parking spaces and turning areas shown on plan number 1895-01-05B and drainage to prevent surface water from discharging from or onto the public highway have been surfaced and drained in accordance with details which have been submitted to and approved in writing by the local planning authority, and the access, car parking spaces and turning areas shall be kept available at all times thereafter for the access, parking and manoeuvring of vehicles.
- 14) No development shall take place until a scheme of external lighting has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved external lighting has been installed, and the external lighting shall be retained as approved thereafter.

End of Schedule A

APPEARANCES

FOR THE APPELLANT:

Giles Cannock	of Counsel, instructed by Peter Graham, Director, The Planning Bureau Limited
Peter Graham	Director, The Planning Bureau Limited
Lisa Matthewson	Principal planning associate, The Planning Bureau Limited
Martin Mence RIBA	Director, FB Architecture Ltd
David Beardmore	Urban designer and heritage consultant, Beardmore Urban
Stephen Gosling	Noise consultant, 24Acoustics
Peter Barefoot FRICS	Chartered surveyor, Alder King
Andrew Cullen MRICS	Chartered surveyor, Alder King

FOR THE LOCAL PLANNING AUTHORITY:

David Parkin	Principal planning officer, Borough Council of King's Lynn and West Norfolk
Pamela Lynn	Conservation officer, Borough Council of King's Lynn and West Norfolk
Nikki Patton	Housing strategy officer, Borough Council of King's Lynn and West Norfolk
Kate Lawty	Senior planner and case officer, Borough Council of King's Lynn and West Norfolk

INTERESTED PERSON:

Daniel Parton	Hunstanton Town Councillor, and representing Andrew Murray, Chairman of Hunstanton Civic Society
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DOCUMENTS PUT IN AT THE HEARING

- 1 Hunstanton List of Consultees, put in by the appellant.
- 2 Hearing Core Document Drawings, put in by the appellant.
- 3 Letter of 27 August 2014 from Ms Matthewson regarding the appellant's rebuttal statement to the persons on the Hunstanton List of Consultees.
- 4 Extracts from the *King's Lynn & West Norfolk Borough Council Local Development Framework-Core Strategy*, put in by the Council.
- 5 Updated draft planning obligation with plan, put in by the appellant.
- 6 *Hunstanton Conservation Area Character Statement*, put in by the Council.
- 7 Extracts from the *Hunstanton Town Centre and Southern Seafront Masterplan*, put in by the Council.
- 8 24Acoustics noise assessment, put in by the appellant.
- 9 Plans numbered 1895-2-01, 1895-2-02, 1895-2-03, 1895-2-04, 1895-2-05, and 1895-2-06, put in by the appellant.
- 10 Suggested noise condition, put in by the appellant.
- 11 Appeal decision ref APP/N0410/A/13/2207771, put in by the appellant.

DOCUMENT PUT IN AFTER THE HEARING

- 12 Planning obligation dated 23 September 2014, put in by the appellant.