

AGENDA ITEM NO: 9/2(b)

Parish:	Grimston	
Proposal:	Proposed residential development	
Location:	72 - 76 Lynn Road Grimston King's Lynn Norfolk	
Applicant:	G & L Homes Ltd	
Case No:	16/00612/F (Full Application)	
Case Officer:	Mrs K Lawty	Date for Determination: 18 May 2016 Extension of Time Expiry Date: 18 August 2016

Reason for Referral to Planning Committee – Affordable housing contribution of £84,000 exceeds delegated amount.

Case Summary

The application site comprises a motor vehicle garage/workshop with associated buildings.

The site is located to the north of and accessed from Lynn Road, Grimston. Further residential properties adjoin the site to the east, west and north and can be found to the south on the opposite side of Lynn Road.

Grimston is a Key Service Centre Village under the Core Strategy.

In May 2008 planning consent was granted for the construction of 6 dwellings following demolition of the adjoining bungalow, No. 72, and motor vehicle workshop/car sales forecourt (lpa ref: 08/00854/F). An application for an extension of time to implement this consent was submitted in 2011 (Ref 11/00913/EXF) but was refused on the basis that the scheme failed to provide an affordable housing contribution in accordance with Core Strategy Policy CS09.

This application seeks consent for the construction of seven new dwellings upon the site with a new access and parking facilities. The application proposes a financial contribution towards affordable housing of £84,000. This is to be secured through S106 legal agreement.

Key Issues

Principle of development
Form and character
Loss of employment use
Impact upon neighbouring occupiers
Other material considerations

Recommendation

A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve

B) REFUSE in the event that a suitable Legal Agreement to secure an affordable housing contribution within 4 months of the date of resolution to approve.

THE APPLICATION

The application site comprises a motor vehicle garage/workshop with associated buildings.

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In May 2008 planning consent was granted for the construction of 6 dwellings following demolition of the adjoining bungalow, No. 72, and motor vehicle workshop/car sales forecourt (lpa ref: 08/00854/F). An application for an extension of time to implement this consent was submitted in 2011 (Ref 11/00913/EXF) but was refused on the basis that the scheme failed to provide an affordable housing contribution in accordance with the then revised housing policy, Core Strategy Policy CS09.

This application seeks consent for the construction of seven new dwellings set in two short rows of three units plus a detached bungalow. One row of terraces runs along the roadside boundary, fronting Lynn Road, whilst the second terraced row is set back further in the site. A single access road is proposed with parking and turning facilities.

Given the existing policies relating to affordable housing, the application proposes a financial contribution towards affordable housing of £84,000. This is to be secured through S106 legal agreement.

SUPPORTING CASE

The application has been supported by a Design and Access Statement:

History

This site previously gained consent in 2008 under application reference 08/00854/F for the construction of six dwellings upon the site following the demolition of the existing bungalow.

An application for an extension of time to implement this consent was submitted in 2011 (Ref 11/00913/EXF) but was turned down on the basis that the scheme failed to provide an affordable housing contribution in accordance with Core Strategy policy CS09.

Proposals

This application seeks consent for the construction of seven new dwellings upon the site, comprising two terraces of three houses and a single new bungalow situated to the rear of the existing bungalow at No 72. A single garage is to be provided to Plot 7 to provide a screen between the two bungalows. A new access road is provided into the site to serve all new dwellings with a Type 5 turning head and sufficient space within the site for vehicle parking and turning. The existing property is currently served by a separate access which is to be retained and upgraded as necessary.

Site

The site is within Built Environment Type D, as depicted on the Local Plan Proposals Map of Grimston – a Key Service Centre Village under the new Core Strategy.

The site currently comprises an existing residential bungalow with extensive garden land and a motor vehicle garage and associated buildings.

Use and Amount

The proposed use for the site will be for seven new residential dwellings with associated gardens and parking and turning areas, comprising 5 No three bed two storey dwellings, 1 No two bed two storey dwelling and 1 No three bed bungalow.

Layout

The proposed site layout will comprise a new terrace of three two storey dwellings to the front of the site, following the general building line of Lynn Road, with 5.5m deep front gardens and 9.0m rear gardens. To the centre of the site is the vehicle parking and turning area to serve Plots 1-6, serviced from a new private drive with Type 5 turning square. To the rear of the site a further terrace of three two storey dwellings is provided each with 9.0m deep rear gardens. To the rear corner of the site, set behind the existing bungalow at No 72, is a new three bed bungalow with single garage.

Scale

The proposed new two storey dwellings are shown to be of standard construction with an eaves height of 4.8m and a ridge height of 8.6m. The proposed new bungalow has an eaves height of 2.4m and a ridge height of 5.4m.

Landscaping

Existing trees upon the site are to be removed as per the originally approved planning application.

A new 1.0m high fence or wall will be provided to the frontage of Plots 1-3 and also provide a central divide between the three properties. The new rear gardens will be divided by a 1.8m high close boarded fence and this will also be provided to external site boundaries where existing boundaries are insufficient.

Landscaping within the gardens will, as usual, be the preserve of the incoming occupants.

Appearance

All new dwellings are to be of a selected red facing brick with Plots 1-3 also being provided with carrstone infill panels to the principal elevation. Roof coverings will comprise coloured pantiles to match surrounding properties.

Windows and external doors will be in white PVC – again a material prevalent in this area of the village.

Access

The existing garage site is served by a central vehicular access but also has a dropped kerb to the full frontage of the site, this is allied to the site's former use as a petrol station. A new vehicular access is to be formed to the centre of the site, between Plot 3 and No 72 Lynn Road comprising a 4.5m wide hard surfaced private drive for the first 10.0m into the site.

Beyond this the access will reduce to 3.7m width and will be of a permeable shingle surface.

Visibility splays in either direction along Lynn Road, in excess of 2.4m x 59m, can be easily achieved.

The parking and turning arrangements for vehicles are shown on the site plan, and allow for vehicles to re-enter the highway in forward gear.

Access to the site and dwellings for the disabled is, of course, a requirement under Building Regulations Part M. In this case, the alighting point for disabled occupants and visitors to Plots 1-3 will be the public footpath on Lynn Road. Hard-landscaped paths to the front entrance doors will allow easy access to the all dwelling via level-access thresholds.

PLANNING HISTORY

11/00913/EXF: Application Refused: 21/07/11 - EXTENSION OF TIME FOR THE IMPLEMENTATION OF A PLANNING PERMISSION REFERENCE 08/00854/G: Construction of 6 dwellings following demolition of existing bungalow and motor vehicle workshops/car sales forecourt – Fairholme, 72 Lynn Road, Grimston

08/00854/F: Application Permitted: 29/05/08 - Construction of 6 dwellings following demolition of existing bungalow and motor vehicle workshops/car sales forecourt - 72 Lynn Road, Grimston

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: NO OBJECTION - conditionally

Arboricultural Officer: NO OBJECTION – but made comments

Environmental Health & Housing - Environmental Quality: NO OBJECTION - conditionally

Environment Agency: No Comments

REPRESENTATIONS

No third party comments received.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The primary issues for consideration are:

- Principle of development
- Form and character
- Loss of employment use
- Impact upon neighbouring occupiers
- Other material considerations

Principle of development

The site is located within the settlement of Grimston and within the defined village. Grimston, in combination with Gayton and Pott Row, is classified as a Key Rural Service Centre according to Policy CS02 of the Local Development Framework Core Strategy, where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the development limits. In principle, therefore, within the settlement new development will be permitted provided it has regard for and is in harmony with the building characteristics of the locality.

This site previously gained consent in 2008 under application reference 08/00854/F for the construction of six dwellings upon the site following the demolition of the existing bungalow, No. 72, and garage/workshop buildings. This site was larger than the current application site as it included No. 72 Lynn Road.

An application for an extension of time to implement this consent was submitted in 2011 (Ref 11/00913/EXF) but was refused planning permission as the proposal failed to provide an affordable housing contribution in accordance with the then newly adopted affordable housing policy, Core Strategy Policy CS09.

The principle of residential development on this site has therefore been established in recent years, although planning permission has since expired and there is no longer any valid planning consent. In principle, however, the use of the site for residential development is supported.

Form and character

The proposal shows road frontage development along Lynn Road in line with other, existing development. Amended plans have been received which step back one of the three front units, so this front row is staggered and relates better to the position of the bungalow, No. 72 to the east.

The units to the rear show a mix of two and three bedroom houses and a 2/3 bedroom bungalow. In terms of external materials the proposal shows the use of red brick with clay pantiles. Carrstone panelling is shown to the units at the front of the site.

The development along Lynn Road is a mix of single and two storey properties and a mixture of styles, ages and materials. To the west is a pair of two storey, semi-detached properties constructed of red brick and carrstone which are set closer to the road than some other properties along this side of the road. This proposed development takes reference from these cottages in terms of the siting and materials.

The density of the proposed scheme would be greater than surrounding development. However, as the public views of the development will be principally of the roadside dwellings along Lynn Road and most of the new build would be towards the back of the site, the development will not be perceived as being out of keeping with the area.

Currently the front of the site is hard surfaced with the boundary demarked by a post and chain fence. The character of Lynn Road generally shows low walling, fencing or hedging with planting to front gardens. Should planning permission be forthcoming it is recommended that details of boundary treatment be submitted with any scheme along with a landscaping plan to ensure that the proposal retains the character of the streetscene.

Subject to appropriate conditions it is considered the proposal will have sufficient regard for and be in harmony with the building characteristics of the locality.

Loss of employment use

The site is previously developed (brownfield) employment land. The current use of the site for commercial purposes has been running down for some time. Policy CS10 seeks the retention of employment land unless circumstances set out within the policy prevent its retention.

The buildings on site are reaching a stage where they are no longer suited to the modern day requirements of a commercial garage and consequently coming to the end of their useful life.

Given the age and sub-standard quality of the remaining buildings, the continuation of the garage business on the site will not present a viable option for an alternative occupier. Continued use of the site as a viable garage repair business would require comprehensive redevelopment of the site, and potentially more intensive use, in order to be sustainable.

The site is surrounded by residential properties. As well as redevelopment, any intensification of use in a residential area could give rise to a level of activity that could cause disamenity to the neighbourhood. Any employment use on this site would need to be compatible with the surrounding residential uses which could restrict the end use.

The loss of the garage business on retirement of the existing owners is inevitable and, whilst it results in the loss of a village facility, it will not be so significant to the overall vitality of the village and immediately surrounding area to resist development.

Accordingly, given the circumstances and characteristics of the site, continued use of the site for employment purposes may lead to amenity issues and/or viability issues and the local planning authority raises no objection to the principle of housing on this site in preference to an employment use, in accordance with the provisions of Policy CS10.

Impact upon neighbouring occupiers

The site is surrounded by residential properties.

The relationship between the proposed new dwellings and neighbouring properties has been examined and the impact upon the amenity of the occupants of these properties has been assessed. Consideration has been given to overlooking, overshadowing and the extension being overbearing.

The row of two storey cottages to the rear of the site has upper floor windows facing north towards the gardens and properties which front Low Road. These windows serve bathrooms and bedrooms. The rear gardens are proposed to be 8.8m long, so the windows are this distance from the boundary with the neighbouring garden. The properties along Low Road are, however, sited more than 30m away from this common boundary, so the separation distances are approximately 38m apart.

There is established planting to the northern boundary between the site and properties on Low Road. Given the circumstances it is not considered the proposed new dwellings would have a significantly detrimental impact upon the amenity of the occupants to the north of the site on Low Road through overlooking.

Neither of the rows of cottages have gable end windows. The proposed bungalow has one side door but otherwise windows face north and south. That said it is a single storey property only and will not result in significant amenity issues provided appropriate boundary treatment is provided.

Given the distances and separation distances with other existing properties the proposed scheme should not result in significant amenity issues in terms of overshadowing or loss of light.

Within the site the separation distances and relationships between properties are such that there should be no significant amenity issues in terms of overlooking, overshadowing or loss of light.

In summary it is not considered there will be a significantly detrimental impact upon the amenity of the occupants of nearby properties in terms of overlooking, being overshadowed or the new dwellings being over bearing, as a result of this proposal. Similarly, there are no amenity concerns regarding the impact on the amenity of the future occupants of the new dwellings in terms of overlooking, being overshadowed or the new dwellings being over bearing.

Other material considerations

The site lies within 2km of a SSSI. However, the proposed development of this approved plot would not have a significant adverse effect on the features for which the SSSI is designated.

CONCLUSION

In conclusion, the plans show that the proposal will be sufficiently in harmony with the building characteristics of the area. The proposal can be achieved without material harm to the amenity of occupants of existing adjoining properties as well as residents of the proposed new dwellings. The application incorporates traditionally used local materials which can be seen throughout the village of Grimston to give the design context. The design of the proposal adequately promotes local distinctiveness.

The proposal accords with the general principles of the NPPF and Core Strategy Policies. The proposal also complies with the emerging development management policies. Accordingly, subject to the signing of a Section 106 Agreement to secure the above and the following conditions it is recommended that the application be supported.

RECOMMENDATION:

A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve and subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
- Drawing No. 1971-05, Location Plan Scale 1:1250
 - Drawing No. 1971-01D, Site Plans and Sections as Existing and Proposed
 - Drawing No. 1971-02B, Proposed Plans and Elevations for Plots 1 – 3
 - Drawing No. 1971-03, Proposed Plans and Elevations for Plots 4 – 6
 - Drawing No. 1971-04, Proposed Plans and Elevations for Plot 7
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the building(s) and/or extension(s) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 5 Condition Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 4.2 metres for its complete length and shall be constructed perpendicular to the highway carriageway for a minimum length of 10 metres as measured from the near edge of the highway carriageway.
- 5 Reason In the interest of highway safety and traffic movement.
- 6 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 6 Reason In the interests of highway safety.
- 7 Condition Prior to the first occupation of the development hereby permitted a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- 7 Reason In the interests of highway safety.
- 8 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 9 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets,
 - woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 9 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 10 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 10 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 11 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 11 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 12 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

- 12 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.

- 13 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

- 14 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 14 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 15 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 15 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 16 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 16 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

B) REFUSE in the event that a suitable Legal Agreement to secure an affordable housing contribution within 4 months of the date of resolution to approve.