

AGENDA ITEM NO: 9/2(j)

Parish:	Wretton	
Proposal:	OUTLINE APPLICATION SOME MATTERS RESERVED: Proposed re-development of brownfield site to residential	
Location:	Clover Social Club Low Road Wretton King's Lynn	
Applicant:	Mr & Mrs L Peake	
Case No:	16/00606/O (Outline Application)	
Case Officer:	Mrs H Wood-Handy	Date for Determination: 18 May 2016 Extension of Time Expiry Date: 7 October 2016

Reason for Referral to Planning Committee – The applicant is a relative of a Borough Councillor.

Case Summary

The site is located on the south east side of Low Road, Wretton. It is located in the countryside as defined by the Core Strategy 2011 and the Site Allocations and Development Management Policies Submission Document 2015. Wretton is a Smaller Village & Hamlet as defined by Policy CS02 of the Core Strategy 2011.

The proposal is for the demolition of the existing business premises known as The Clover Club and Peake Physique along with other outbuildings and bowling green and its redevelopment with 8 dwellings including affordable housing. The proposal is in outline form with all matters reserved bar access. The indicative plan demonstrates an amended access to Wretton Road with Plot 1 to the north and a private driveway running adjacent to the north boundary. The drive would serve Plots 3-5 (inclusive) located to the south and terminating at a hammer head to the south east end of the site which would serve a courtyard where Plots 6 – 8 would be located. The plan identifies blue land to the south east where an existing building would be demolished and the land returned to paddock.

Heads of Terms has been provided which indicates that affordable housing would be provided on the site by the Applicant.

Key Issues

Principle of development
 Loss of employment/community uses
 Form and character
 Neighbour amenity
 Ecology
 Any other matters requiring consideration prior to the determination of an application

Recommendation

REFUSE

THE APPLICATION

The site is located on the south east side of Low Road, Wretton. It is located in the countryside as defined by the Core Strategy 2011 and the Site Allocations and Development Management Policies Submission Document 2015. Wretton is a Smaller Village & Hamlet as defined by Policy CS02 of the Core Strategy 2011.

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SUPPORTING CASE

The site

The application site comprises approximately 0.61 Ha is located on the eastern side of the highway and currently forms part of a mixed use site complex (Class D2 – Assembly & Leisure & B8 - Storage) comprising the Clover Social Club and bowling green, a fitness and therapy studio and various storage buildings/units. The area identified within the red line, lies on the edge of Wretton and is directly adjacent residential development with further residential development to the west of the application site. There is a continuous footpath (0.8 miles) to the centre of Stoke Ferry (a key service centre) with the local primary school, All Saints Academy, being only 0.5 miles from the site.

Planning

Wretton and Stoke Ferry are effectively conjoined settlements as evidenced by the LPA's combined proposals map and together form a sustainable hub within the south east of the Borough.

Paragraph 55 of the NPPF allows for the construction of isolated dwellingswhere it will enhance or maintain the vitality of rural communities. It goes on..." For example, where there are groups of smaller settlements, development in one village may support services in a village nearby" It is therefore apparent that the development proposed would support and be supported by services in nearby Stoke Ferry, thereby representing a sustainable location that would consequently be supported by the NPPF's presumption in favour of sustainable development.

Furthermore the NPPG, published in March 2014, states that:

"..... all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence."

In addition, the site is part of previously developed land as described above, with an established use.

One of the core planning principals enshrined in the NPPF in paragraph 111, is to..." encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value" It is the applicants view that the existing use as a social club and fitness centre is unlikely to be classified as being of 'high environmental value'.

The development proposals

The application is in outline with all matters reserved except access. However the submitted plans provide an indicative layout for 8 No. dwellings and it is proposed to limit the development to this number with a view to keeping the scale of the development proportionate to the settlement.

Access – the site lies within a 40 mph speed limit with good visibility in both directions.

Appearance, landscaping, layout, and scale are all matters reserved for determination should the outline application be approved.

It is envisaged that all the existing buildings on site would be demolished prior to development should an application be successful. Whilst not part of the application site, it is anticipated that the existing storage containers to the rear of the site would be removed, with the area restored to grassland for possible use as a paddock subject to any necessary consent.

Affordable Housing

The site, at approx. 0.6 Ha, exceeds the rural threshold for affordable housing Policy CS09, which requires 20% affordable housing in rural areas on sites of 5 or more dwelling. 20% would provide only a single dwelling plus a contribution for the remainder. Given that affordable housing need is greater for smaller dwellings and considering the scale of appropriate development, the proposal offers instead a pair of affordable dwellings, increasing the suggested contribution to 25%

Flood Risk

The site lies within Flood Zone 1 which comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding.

Existing Business Uses

The site is currently occupied by two separate (Class D2) Assembly & Leisure businesses which are run by family members:

The Clover Social Club is a private members club which has been in operation since 1979. Opening hours are 7-11pm, three evenings a week, Tuesday, Thursday & Saturday. The club is not open to the general public and as such cannot be considered a community facility. Financial information covering the last 5 years has been submitted with this application. No business rates are currently paid on the premises as it is subject to small business rate relief. In addition the profit and loss account shows that no rent is paid on the premises as it is wholly owned.

The bowling green is not open to the general public either.

Peake Physique commenced trading in 2004 and is a privately run gym open to members only. It currently offers gym facilities and personal training sessions. Again profit and loss accounts are submitted with the application.

PLANNING HISTORY

None relevant on this site.

RESPONSE TO CONSULTATION

Parish Council: OBJECT on the following grounds:

It is believed that the proposed development is against planning policy as it is too large for Wretton which has been classed as a hamlet. There is not a requirement for a housing estate in the village. The proposal has unsuitable high density of dwellings and increased access/egress is not appropriate onto Low Road.

Highways Authority: NO OBJECTION subject to secure parking and internal driveways to adopted standard and turning areas.

NCC Public Rights of Way Officer: No Comment

Natural England: No Comment

Internal Drainage Board: NO OBJECTION subject to IDB's own byelaws being complied with.

Housing Strategy Officer: NO OBJECTION. Following the recent changes to NPPG, the affordable housing contribution on this site will depend on whether the combined gross internal area (GIA) of the development exceeds 1000sqm.

If the GIA is more than 1000sqm, a 20% on-site contribution will be required as per our previous comments dated 6th April 2016.

If the GIA is less than 1000sqm, the new national affordable housing threshold will apply. As Wretton is a Designated Protected Rural Area, a financial sum equivalent to 1.6 affordable units will be required. The financial sum would be based on a fixed sum of £60,000 per equivalent whole dwelling. Therefore, an affordable housing contribution of 1.6 dwellings would equate to £96,000.

A S106 agreement will be required to secure the affordable housing contribution.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions regarding contamination investigation and remediation and asbestos removal.

Norfolk Fire and Rescue: Taking into account the location of the existing fire hydrant coverage, Norfolk Fire and Rescue Service will require a hydrant to be installed on no less than a 90mm main.

REPRESENTATIONS FOUR letters of **OBJECTION** (including **TWO** letters from the same individual) regarding the following:

- Concerns regarding foul and surface water disposal arising from the site given the number of units proposes and there is no mains foul sewer provision;
- Additional units will result in light pollution;
- High conifer hedge should remain to protect privacy;
- No services in Wretton to support housing;

- Services in Stoke Ferry are already overstretched – school, doctors etc;
- Asbestos is contained within the buildings;
- Considerable number of trees to be removed;
- The scale of development is not required in Wretton;
- All still agricultural buildings so how are they brownfield;
- Bats within the outbuildings, jackdaws nesting and swallows/swifts returning;
- Development will result in noise and disturbance.

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

DM9 - Community Facilities

PLANNING CONSIDERATIONS

The main issues are:

- Principle of development

- Loss of employment/community uses
- Form and character
- Neighbour amenity
- Ecology
- Any other matters requiring consideration prior to the determination of an application

Principle of development

Wretton is defined as a Smaller Village & Hamlet within Policy CS02 of the Core Strategy 2011. Smaller Village & Hamlets are locations where there are little or no services and it would be inappropriate to seek further development in these places. However, in order that such settlements do not stagnate, Policy DM 3 of the Site Allocations and Development Management Policies Document 2015 provides:

“...The sensitive infilling of small gaps within an otherwise continuously built up frontage will be permitted where:

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

In exceptional circumstances the development of small groups will be appropriate where the development is of a particularly high quality and would provide significant benefits to the local community.”

However, if the development fails to comply with the aforementioned criteria, it falls to be determined against paragraph 55 of the NPPF and Policy CS06 of the Core Strategy 2011 where the presumption is to protect the character and appearance of the countryside and the development of greenfield sites will be resisted unless for agricultural or forestry purposes.

In this case, the majority of the site is brownfield land bar the bowling green area.

Loss of employment uses/community uses

Policy CS10 of the Core Strategy 2011 seeks to retain land or premises used or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

- Continued use of the site for employment purposes is no longer viable , taking into account the sites characteristics, quality of buildings, and existing or potential market demand; or
- Use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- An alternative mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

Policy CS13 seeks to support the retention of community uses.

DM9 of the Site Allocations and Development Management Policies Document 2015 states that the Council will encourage the retention of existing community facilities and the provision of new facilities. Development will not be permitted unless it can be demonstrated that either:

- a) the area currently served by it would remain suitably provided following the loss, or it not
- b) it is no longer viable or feasible to retain the premises in a community facility use.

The application site is a family owned brownfield site that has been used for storage, Clover Club (members social club and ancillary bowling green) and Peake Physique Gym for some significant time. In terms of Policy CS10 and DM9, the Applicant has submitted accounts to demonstrate that the Clover Club (opening three evenings per week 7-11pm) has been running at a loss for between 2011 and 2015. Peake Physique has been maintaining a small net profit between 2013 and 2015. The Clover Club/Peake Physique building is soundly constructed but other buildings on the site are poor quality profiled sheeted buildings containing asbestos. Given that the premises are paying Member's Clubs only, there would be limited loss of a community use – the bowling green is only open to members.

Marketing for alternative uses could have occurred but given the condition of the majority of the existing buildings, they would need to be rebuilt in order to be beneficial to new businesses. Further the existing businesses are low key uses which are compatible with existing surrounding residential uses. Any increase in commercial activity may give rise to nuisance issues.

The site is brownfield (government presumption in favour of residential on brownfield land) and Policy DM 3 allows for small scale appropriate development in Smaller Villages and Hamlets. No marketing of the site has been undertaken but it is clear that the businesses are floundering and much investment would be needed in the site to make it viable for alternative commercial uses. On balance, the loss of the employment site is considered acceptable.

Form and character

The existing buildings on the site are single storey with the tallest building identified as Building B (Clover Club and Peak Physique). The majority of the buildings (Buildings B,C & D) run along the eastern boundary of the site. Building A runs north – south adjacent to the west boundary. All buildings are utilitarian in design.

The indicative layout demonstrates linear development running north-west to south-east along the proposed access drive. A landscaped buffer is indicated between the access drive and the north east boundary of the site with existing hedge planting shown to be retained and supplemented. The access drive would then lead down to a courtyard at the south east/south of the site which in part would be screened by existing conifer hedging surrounding the bowling green.

Given the above, a sensitively designed development could be assimilated into the locality without harm to the form and character of the area. It is indicated that the area identified as blue land would be returned to paddock for the use of proposed plots 7 and 8 and the existing storage containers would be removed from the site.

Neighbour amenity

Appearance, landscaping, layout and scale are reserved matters. Notwithstanding this, the Agent has submitted an indicative layout that demonstrates that 8 dwellings could be accommodated on the site without adversely affecting the amenity of neighbouring properties. Sensitive design would be needed particularly to the suggested Plots 2 – 4 to prevent overlooking. The retention of the existing hedging around the bowling green could be retained by condition as provides immediate screening to the neighbour to the north (combined with the neighbours planting to the north of the hedge).

Ecology

Third Parties assert that the storage buildings on site are used by bats. Normally, for this scale of development an Ecology Survey would be provided. The Applicant has been requested to provide an Ecology Survey but this has not been forthcoming. Your officer has visited the site and been in 2 of the relevant buildings and assessed the buildings against Natural England Standing Advice for the presence of Bats. Not all the buildings were examined.

Whilst the buildings affected are not traditional barns, they do have some features that bats may use such as

- Aren't affected by artificial light;
- Have cracks and crevices (in this case around the eaves);
- Roof warmed by the sun;
- Limited use.

However, there are also other characteristics of these buildings that suggest bats would not use:

- Relatively modern construction;
- Prefabricated with sheet materials;
- Have small and cluttered roof spaces.

Given the scale of the development, the number of buildings to be demolished and Standing Advice, it is not clear cut whether the buildings are likely buildings to be used by bats. With the lack of any evidence to the contrary (in the form of an ecology survey), a precautionary approach has been applied to ensure consistency in the Council's assessment of ecology matters. On balance, it is considered that there is a lack of evidence to demonstrate that a protected species would not be harmed by the development, contrary to the NPPF and Policy CS12 of the Core Strategy 2011.

Any other matters requiring consideration prior to the determination of the application

The site triggers affordable housing. If the Gross Internal Area (GIA) of the dwellings across the site is less than 1000sq.m. , a financial contribution of 1.6 dwellings equating to £96,000 would be required. If the GIA exceeds 1000sq.m. , 1 built unit (for rent) would be required with a financial contribution of £36,000 would be required. Such matters may be secured via S106 agreement. The Applicant has confirmed through Heads of Terms that affordable housing would be provided.

Environmental Quality raise no objection subject to contamination investigation and remediation.

The scale of the development necessitates the provision of a fire hydrant which could be secured by condition.

Crime and Disorder

There are no issues regarding crime and disorder.

CONCLUSION

The proposal is for the redevelopment of an existing mainly brownfield site for residential development. The Applicant has demonstrated that the existing businesses on site are not financially viable and whilst not undertaking marketing of the site for other uses, it is clear that significant investment would be required to bring the buildings/site up to standard. Small scale residential uses are acceptable on sites in Smaller Villages and Hamlets and a scheme in this location, removing existing poor quality buildings, would enhance the edge of the village and not detract from it.

However, whilst the scheme is acceptable in principle, the Applicant has failed to submit evidenced to demonstrate that there would not be an impact on protected species, contrary to the NPPF and Policy CS12 of the Core Strategy 2011 and therefore the application is recommended for refusal.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 Insufficient evidence has been submitted to demonstrate that the development would not be harmful to protected species. The development is therefore contrary to the NPPF and Policy CS12 of the Core Strategy 2011.