

AGENDA ITEM NO: 8/1(g)

Parish:	Walpole Cross Keys	
Proposal:	Demolition of vacant building and erection of 4 houses, including improvements to school access	
Location:	30 Sutton Road Walpole Cross Keys Norfolk PE34 4HD	
Applicant:	Mr Martin Crass	
Case No:	15/00179/F (Full Application)	
Case Officer:	Mrs H Wood-Handy Tel: 01553 616734	Date for Determination: 6 April 2015 Extension of Time Expiry Date: 7 August 2015

Reason for Referral to Planning Committee – Contrary to the Parish Councils views

Case Summary

The site is that of the former Woolpack Inn Public House that sits to the north of the junction of Station Road and Sutton Road, Walpole Cross Keys. The site covers an area of 0.215Ha and comprises the open fronted forecourt, public house and outbuildings and yard to the rear. It is bounded to the west and south by residential properties, housing and primary school to the east, and agricultural land to the north.

The proposal is for full planning permission for the demolition of the former public house and its replacement with four detached two-storey four bedroomed dwellings with integral garages. The site would be accessed via two separate accesses serving Plots 1-2 and Plots 3-4 respectively. Provision would be made for 3 parking spaces per dwelling within the site. To the east boundary, a 1 - 1.2m wide strip would be donated to the school to enable widening of the school access and drive. The existing conifer hedge to the west boundary would be trimmed back to the boundary line. Provision would be made for separate access to the rear gardens of the proposed dwellings.

Plot 1 has been amended to reduce the scale of the dwelling in order to overcome concerns relating to the proximity to the neighbouring property.

Key Issues

Appeal History and subsequent 2011 permission
Principle of development
Form and character
Neighbour amenity
Highways issues
Flood risk
Ecology
Any other matters that require consideration prior to the determination of the application

Recommendation

APPROVE

THE APPLICATION

The site is that of the former Woolpack Inn Public House that sits to the north of the junction of Station Road and Sutton Road, Walpole Cross Keys. The site covers an area of 0.215Ha and comprises the open fronted forecourt, public house and outbuildings and yard to the rear. It is bounded to the west and south by residential properties, housing and primary school to the east, and agricultural land to the north.

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Plot 1 has been amended to reduce the scale of the dwelling in order to overcome concerns relating to the proximity to the neighbouring property.

SUPPORTING CASE

The principle of residential development on this site has been previously accepted provided the Council are satisfied the design is right. The loss of the pub has already been accepted (including on an appeal by the previous owner) and a subsequent planning permission for the redevelopment of the site for residential development was approved in 2011. Walpole Cross Keys is classified as a Rural Village in Core Strategy Policy CS02 of the Local Development Framework (2011), where limited minor development will be permitted.

The site has no inherent character or quality, the building is in a state of semi-dereliction and is boarded up. The building style in the wider area is varied in character with modern house styles. The massing of the proposed dwellings is a straightforward echo of what is found nearby with pitched roofs and chimneys, each dwelling being based on a principal built element with secondary off-shots to the front and rear.

The proposed dwellings will convey a sense of presence and importance appropriate to its streetscene. The chimney stacks act to further reinforce traditional character.

The site is not inside any conservation area or within the setting of any listed building. There is no archaeological, contamination or flooding constraints affecting the site that cannot be positively addressed. Whilst not a planning requirement, improvements to the school access will be offered. A bat survey has been carried out, and bat presence found; and further work will thereby be secured by condition to control the timing and method of demolition.

The applicant has worked with the planning officer to improve the design of Plot 1 to allow for an improved relationship with No 32 Sutton Road to the west.

Highways have not objected; the present paired access arrangement presents an optimal and safe access arrangement.

PLANNING HISTORY

13/01767/O - Demolition of existing building on site and build 8 semi-detached 2 bed houses, 22 car parking spaces, access road, high performance sewage treatment plant - Refused - Committee decision - 04.06.2014

11/00990/F - Erection of three dwellings and associated works following the demolition of the existing Woolpack public house - Approved (Committee Decision) - 17.11.2011

09/00749/F - Demolish existing buildings on the site and construct 9 dwellings, 18 car parking spaces and provision for a refuse vehicle to turn - Refused 18.09.09 (Delegated) - Appeal dismissed - 18.08.2010

04/01071/CU - Continued siting of residential caravan for the occasional use of accommodation for visiting family and friends - Approved 06/07/2004

2/03/0135/F - Extension to provide hotel accommodation - Approved 20/03/2003

2/01/0069/F - Alterations and extension to public house - Approved 27/02/2001

RESPONSE TO CONSULTATION

Parish Council: OBJECT on the following grounds:

- No bat, barn owl or asbestos survey has been done;
- High water table in area (evident from recent photos, comments from local residents and standing water on Sutton Road);
- Area is prone to flooding and no plan of how any surface/foul water is to be disposed of (there are absolutely no dykes either on, adjacent to, or in the vicinity of these plots, soakaways do no work in this area and inland flooding is a great concern);
- Local residents are questioning the need for four bedroom houses when it is starter homes that are required;
- Four bedroom houses are ideal for buy to let and high multiple occupancy is evident in this market place (these four properties could house up to 32 adults, each with a car, which would further increase the problems of parking and traffic near the Primary School and the junction of Sutton Road/Station Road North).

Comments on Amended Plans: **OBJECT** on the same grounds as before.

Highways Authority: NO OBJECTION subject to conditions regarding access, parking and turning.

Amended Plans: **NO OBJECTION** subject to conditions outlined above.

Environment Agency: NO OBJECTION subject to a condition regarding foul drainage.

Amended Plans: No further comment.

Natural England: Original submission – No Comment.

Comments on amended Survey (verbal): Accept the findings and advise that whilst the decision rests with the LPA, a suitably worded condition requiring further surveys leading up to the application for the EPS licence as well as mitigation can be imposed.

Environment & Planning - Environmental Quality: NO OBJECTION subject to conditions regarding contamination investigation and remediation.

Environmental Health & Housing - CSNN: NO OBJECTION subject to conditions regarding foul and surface water drainage.

KLWN Emergency Planner: Recommends that conditions regarding a flood evacuation plan and signing up to the EA Floodline Warnings Direct Service.

REPRESENTATIONS

Original Plans:

ONE letter of **SUPPORT** regarding the following:

- The site is an eyesore in the centre of the village and it will be highly unlikely that it will ever be returned to a pub;
- Developer should not be required to provide a car park for the school - people should walk, bike or bus;
- This part of the village is very much in need of new housing to replace what is now a boarded up mess.

FOUR letters of **OBJECTION** regarding the following:

- 4 properties is a squeeze, 3 would be better;
- Foul and surface water drainage is an issue in the locality
- Whilst the design and layout is an improvement, the water table is high causing localised flooding issues;
- Soakaways are not an acceptable form of drainage in this location;
- Previous scheme was better for three houses - houses are narrow and tightly squeezed;
- Location of houses will cause overshadowing to the property to the west of the site;

Amended Plans: **TWO** letters of **OBJECTION** regarding the following:

- Still object on grounds of overshadowing
- 3 houses are more in keeping with the village;
- Water drainage problem needs to be solved;
- Appreciates efforts of Council and landowner to find a suitable solution.

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.

8/1 - indicates that individual and small groups of dwellings will be permitted in settled or built-up areas of villages defined as Built Environment Types C and D.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Walpole Cross Keys Parish Plans

PLANNING CONSIDERATIONS

The main issues are:

- Appeal History and subsequent 2011 permission
- Principle of development
- Form and character
- Neighbour amenity

- Highways issues
- Flood risk
- Ecology
- Any other matters that require consideration prior to the determination of the application

Appeal History and subsequent 2011 permission

Planning permission was refused for the demolition of the existing buildings on the site and the construction of 9 dwellings, provision of 18 car parking spaces and provision for a refuse vehicle to turn in September 2009. The applicant appealed the decision in 2010.

The Inspector concluded that whilst the loss of the public house would not be contrary to the principles of sustainable development, its replacement with 9 houses would. The Appeal was subsequently dismissed in August 2010.

In 2011, Members considered a further application for the demolition of the public house and the construction of 3 dwellings along the frontage of the site. Given the Inspector's findings on the loss of the pub, its retention was no longer an issue. Members resolved to approve the application subject to the completion of a S106 Agreement in October 2011 and the agreement was executed and the decision issued in November 2011.

Principle of development

Walpole Cross Keys is classified as a Rural Village in Core Strategy Policy CS02 of the Local Development Framework (2011), where limited minor development will be permitted which meets the needs of settlements and helps to sustain existing services in accordance with Policy CS06 Development in rural areas. Policy CS08 requires new development to respond to the context and character of West Norfolk by ensuring that scale, density, layout and access will enhance the quality of the environment. Policy CS09 allows for small scale infill housing development in rural villages.

The site comprises brownfield land and falls within a Built Environment Type D area as defined by Policy 4/21 of the Local Plan, where development that has regard for and is in harmony with the buildings characteristics of the locality will be permitted. Policy 8/1 of the Local Plan states that in villages, individual dwellings and small groups of dwellings which comply with other policies of the Plan will be permitted in settled or built-up areas (Built Environment Areas C and D).

Notwithstanding the above, given that the Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date planning permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the application site lies within the defined area of Walpole Cross Keys which is a sustainable location. As a result there is a presumption in favour of development in this area. The principle of residential development on this site is therefore acceptable.

Form and character

In line with the Inspectors comments and the 2011 permission, the developer proposes linear frontage development which is the predominant characteristic of this part of Walpole Cross Keys. The site would be served by two points of access with landscaping to the front and parking/turning areas to the houses. The houses would be two-storey with front and rear projections. Plot 1 has been amended to take account of neighbour concerns and thus has a slightly different design however, the main frontages remain consistent across the site.

Whilst there would be an increase in the number of dwellings to 4 (as opposed to 3 previously approved, the houses would be set in good sized plots with garden depths of over 18m and separate access to rear gardens. The site also provides a 1-1.2m strip along the east boundary to enable access improvements for the adjacent School. It is considered that the site can satisfactorily accommodate four detached dwellings along with access improvements for the school.

Given that existing development within the vicinity of the site is mainly modern, the proposed design in terms of the layout, scale and appearance of the dwellings, would not adversely affect the form and character of the locality and therefore considered acceptable.

Neighbour amenity

The site is located adjacent to 32 Sutton Road to the west and the School to the east. Sutton Road separates the site from dwellings to the south and agricultural land lies to the north.

Given the setting and scale of the dwellings, there would be no adverse impact to the school or properties to the south. The main impact would be to 32 Sutton Road.

The principle of 3 units on this site adjacent to 32 Sutton Road has previously been established. The previously approved scheme proposed dwellings slightly further away from the boundary with 32 Sutton Road but also set further back in the site. The current proposal places Plot 1 closer to the boundary than previously approved. Dwelling to dwelling the distances scaled would be 5.4m approx. for the current scheme. To overcome concerns from the neighbour, Plot 1 has been amended so that the closest part of the dwelling is 1 ½ storey with a max depth of 6m and height of 6.2m. The main ridge has been reduced from 8m to 7.2m. The rear extension has also been reduced in height to 6.7m and depth to 4.275m. This reduction in scale takes the massing away from the boundary with 32 Sutton Road, combined with the orientation and the fact that finished floor levels and overall site levels remain consistent with the existing levels, it is considered that the revised design for Plot 1 would not adversely affect the amenities of the occupiers of 32 Sutton Road.

There is one window located on the west elevation of the proposed rear extension of Plot 1 at first floor which would serve an en-suite. This window would be conditioned to be obscurely glazed.

Highways issues

The site is accessed via two points of access from Sutton Road. Provision is made within the site for parking (3 spaces per dwelling excluding the garage) and turning areas. The Local Highway Authority has assessed the application and considers that it is acceptable subject to conditions regarding access details and provision of parking and turning areas. Given that there is no objection on highways safety grounds from the LHA, the comments of the Parish Council in relation to traffic numbers cannot be supported.

Flood risk

The site is located in Flood Zone 2 as defined by the Councils adopted SFRA 2008. The application is accompanied by a Flood Risk Assessment In accordance with the NPPF and National Planning Practice Guidance, new development should be directed to locations with the lowest risk of flooding i.e. Flood Zone 1. There are no other sites within Walpole Cross Keys that are within a lower risk Flood Zone that are reasonably available and therefore the development passes the sequential test. In terms of the exception test, the site contributes towards housing supply in an otherwise sustainable location and the FRA demonstrates that the site is safe in the event of flooding. Overall, the site passes both the sequential and exception tests as stipulated by the NPPF, PPG and Policy CS08 of the Structure Plan 2011 and emerging Policy DM21 of the Site Allocations and Development Management Policies Document 2015.

There are localised surface water drainage issues in the locality which have been investigated by both the Borough and County Councils. Notwithstanding this, the EA and the CSNN Team, considers that surface water drainage can be dealt with via condition. Further, with regard to the use of soakaways, infiltration drainage details are required as part of Building Regulations approval which is an extra layer of protection. Exact details of foul water and land drainage could also be dealt with via condition.

Ecology

A Protected Species Survey was undertaken on 29th May 2015 specifically in relation to bats but considers the presence of other protected species e.g. barn owls (contrary to the Parish Council's assertions). The survey evidences pipistrelle and brown long eared bat droppings in various locations around the building. Further activity surveys were undertaken on 28th & 29th June but there was no evidence of roosting bats and the conclusion is that the buildings do not support a bat maternity roost as this would be expected to be present at this time of year (June).

Mitigation proposed includes:

- Demolition of the roof to avoid the main summer period May to September;
- Supervised removal of roof tiles and any other areas of bat potential before demolition commences;
- Provision of continued access under some tiles at completion of the development;
- Provision of bat boxes to replace/increase bat roosting opportunities;
- Limitation of external lighting;
- Use of bat friendly chemicals;
- Use of plants to attract insects on which bats can feed.

As the proposal involves the demolition of the building and fresh bat droppings are present, the works will need to be subject to an EPS bat licence. This is issued by Natural England and can only be applied for once planning permission has been granted. Further surveys are recommended as part of this process (EPS licence application) but mitigation is unlikely to change.

The Conservation of Habitats and Species Regulations 2010 prohibits 'the deliberate capturing, killing or disturbance and against the damage or destruction of a resting place of a European Protected Species' unless three tests can be met.

The tests are that:

1. There are imperative reasons of overriding public interests why the operation should be carried out;
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of species.

With regard to 1, Natural England's guidance advises that 'Imperative Reasons of Overriding Public Interest' include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national and local level. In this case, the proposal is in accordance with policies of the Development Plan, the NPPF and NPPG and contributes towards achieving the 5 year housing land supply.

With regard to 2, this site is the only property that the developer intends to develop and that the public house would never realistically reopen. The structure could be retained with selective demolition and develop the rest of this site but again, this would be costly and it has already been determined on appeal that the public house is not viable as an enterprise. Further, it would result in the loss of the gain to the school.

Given that the NE advice states that there should be a proportionate approach and whilst there is an impact to protected species, it could be adequately mitigated and therefore it is considered that the second test is met.

With regard to the third test, the development would not result in the loss of rarer protected species and thus would not affect the conservation status of the bat population.

Natural England has been consulted, specifically following the receipt of the updated report (following the emergence survey) and accepts the findings. They also advise that whilst the decision rests with the LPA, a suitably worded condition requiring mitigation can be imposed.

Overall, it is considered that whilst the development would result in the disturbance of bats, adequate mitigation has been specified and the proposal would satisfy the three tests of derogation. The proposal is therefore in accordance with the NPPF, NPPG and Policy CS12 of the Core Strategy 2011 and is acceptable subject to a condition.

Any other matters that require consideration prior to the determination of the application

The number of units amount to 4 and the gross floorspace would be less than 1000sq.m, and thus affordable housing would not be required in this instance.

The Parish Council queries the need for four bedroomed dwellings but this is a market decision and provided that the development is acceptable in planning terms, there is no reason to object.

Environmental Quality states that given the former uses on the site (former smithy, that contamination investigation and remediation conditions are recommended.

Crime and Disorder

No issues arise as a result of this application.

CONCLUSION

This application seeks consent for four detached two storey houses which are consistent with the form and character of the locality. The proposal would not give rise to issues that would be detrimental to highway safety or residential amenity. Any impact on the bat population can be adequately mitigated and secured and a suitable scheme for foul and surface water drainage can be imposed.

The proposal is considered acceptable and complies with the NPPF, PPG, Policies CS01, 02, 06, 08, 09, 11 and 12 of the Core Strategy 2011 and Policies DM1, 2, 15 and 17 of the emerging Site Allocations and Development Management Policies Document 2015.

RECOMMENDATION:

APPROVE 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:

Dwg 2489 001F received 20.5.2015
Dwg 2489 002H received 20.5.2015
Dwg 2489 003D received 20.5.2015
Dwg 2489 004D received 20.5.2015
Dwg 2489 005D received 20.5.2015
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Before the first occupation of the building/extension hereby permitted the ensuite, bathroom and stairway windows(s) to Plots 1 - 4 (inclusive) shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 3 Reason To protect the residential amenities of the occupiers of nearby property.
- 4 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 4 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 5 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'.

- 5 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.
- 6 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.
- 6 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.

7 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.

7 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.

8 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, 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 7.

8 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.

9 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

9 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

10 Condition The property shall not be demolished other than in accordance with the mitigation measures (namely, bat exclusion measures and timing of demolition) as recommended by the report 'Bat Survey' by Philip Parker Associates revised 09 July 2015. Precautionary measures identified in the report shall be carried out prior to and during demolition.

10 Reason In the interests of the protected species in accordance with the NPPF, NPPG and Policy CS12 of the Core Strategy 2011.

- 11 Condition Prior to the commencement of any groundworks, the design and management of mitigation measures requiring installation (new roosts, roof construction measures, location of external lighting, timber treatment, plant types) shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the details agreed and shall be retained and maintained thereafter.
- 11 Reason In the interests of the protected species in accordance with the NPPF, NPPG and Policy CS12 of the Core Strategy 2011.