

AGENDA ITEM NO: 8/2(b)

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| Parish: | King's Lynn | |
| Proposal: | Conversion of existing building to provide 3 dwellings and construction of 8 new dwellings | |
| Location: | A J Coggles 44 London Road King's Lynn Norfolk | |
| Applicant: | A J Coggles Funeral Directors | |
| Case No: | 11/01945/FM (Full Application - Major Development) | |
| Case Officer: | Mr D Parkin | Date for Determination: 20 May 2013 Extension of Time Expiry Date: 3 August 2016 |

Reason for Referral to Planning Committee – The recommendation is contrary to the views of Norfolk County Council as the Local Highways Authority

Case Summary

This application relates to a parcel of land covering an area no greater than 1251m² on the eastern side of London Road, King's Lynn. The site was last by Coggles Funeral Directors. Existing buildings front London Road and were used as a funeral parlour, and a garage in association with that use.

The application proposes the creation of 11 residential units; 3 through conversion of the existing funeral parlour and 8 in new buildings.

Key Issues

The key issues to be determined are:

Principle of development
Impact on Conservation Area and Design
Amenity
Highway implications

Recommendation

APPROVE

THE APPLICATION

This application relates to a parcel of land covering an area no greater than 1251m² on the eastern side of London Road, King's Lynn. The site was last used by Coggles Funeral Directors. Existing buildings front London Road and were used as a funeral parlour, and a garage in association with that use. The rear part of the site is mostly laid to concrete hardstanding but there is a small grassed area on the southern side.

The site falls towards the southern part of London Road (A148) and southern end of Guanock Terrace. The surrounding area, in Guanock Terrace is characterised by two storey residential accommodation which is in the form of terrace and semi-detached properties and also flats. Opposite the site is a public house. Development either side of the site on London Road is residential and predominantly three storeys in height

The applicant seeks planning permission to convert part of the existing funeral parlour building facing London Road into 3 two-bedroom dwellings; to demolish the garage building (also facing London Road) and to build a two-storey building accommodating another 3 two-bedroom dwellings. The new build on London Road would be of a similar scale to the converted funeral parlour. A pedestrian access would be created between the converted building and the new build, leading into the rear car park.

In this car park is a lean-to store at the eastern end. This would be demolished and in its place would be built a two-storey, 2 bed cottage with a bay window. The new cottage would be aligned with the existing flats to the north, which also have bay windows. To the south of this new build, on the opposite side of a vehicular access, would be built a similar cottage, aligned with a pair of existing cottages to the south. Behind the northern new cottage, within the existing car park area and parallel with the northern boundary would be built another two-storey building accommodating 3 two-bed dwellings.

Amenity space for the new units is limited with units 1 to 6 having none; units 7 to 9 have small rear courtyards; and units 10 and 11 are provided with slightly larger courtyards.

Parking is provided within the development for 11 cars on the site with vehicular access off Guanock Terrace.

SUPPORTING CASE

The revised scheme is accompanied by a Design and Access Statement, which concludes:

“The proposal seeks permission for the redevelopment of the site for the conversion of one building to form 3 dwellings and the construction of 8 dwelling on a brownfield site.

Consideration has been given to the form, scale and appearance of the development to ensure that the proposal is in keeping with the character and appearance of the Conservation Area; respects local amenity; ensures safe highway conditions; and addresses flood risk issues.

It is asserted that the proposal provides a more appropriate use of land than the previous use of the site in terms of design, layout, amenity and optimising the use of previously developed land. The design and use of materials and finishes to the development will ensure that the proposal will make a positive contribution to the Conservation Area and the wider area more generally. The site will make provision for modest residential units suitable for starter homes and/or young families, set within an established built environment and replicating (to a higher standard) the built form which has been in this location for many years.

It is considered that the proposal would accord the provisions of policies 4/21 of the King's Lynn and West Norfolk Local Plan (1998), policies CS01, CS02, CS03, CS08, CS09 and CS12 of the adopted Core Strategy; emerging Development Management Policies DM1, DM2, DM15, DM17 and DM21 and the requirements of the National Planning Policy Framework para 14”.

PLANNING HISTORY

Application for Full Planning Permission (06/01512/F) for the 'construction of 9 flats following demolition of existing buildings' submitted to the Council. Application permitted on 19.09.06.

Application for Full Planning Permission (2/00/0565/CU) for the 'Change of use from tyre company sales/fitting depot to family funeral directors and residential accommodation' submitted to the Council. Application permitted on 05.06.00.

RESPONSE TO CONSULTATION

NOTE: All the responses are to the new design submitted in May 2016.

Parish Council: N/A

NCC Highways Authority: OBJECT The proposal does not incorporate adequate on-site vehicular parking facilities to the standard required by the Local Planning Authority. The proposal, if permitted, would therefore be likely to lead to an undesirable increase in on-street parking to the detriment to highway safety. Contrary to the King's Lynn and West Norfolk Borough Council Core Strategy Policy CS11.

NCC Lead Local Flood Authority: No Comments to offer due to the size of the development.

Internal Drainage Board: No Comments on revised scheme but no objection to previous proposal for more dwellings.

Environment Agency: NO OBJECTION subject to conditions re: floor levels and flood resilient construction.

BCKLWN Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION request conditions re: foul and surface water drainage and submission of a construction management plan.

BCKLWN Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to conditions re: contamination and asbestos.

BCKLWN Arboricultural Officer: NO OBJECTION

BCKLWN Housing Strategy Officer: The triggers in CS09 are not activated. No affordable housing is required.

Historic England: Do not wish to offer comments and advise that the application is determined in accordance with national and local policy.

King's Lynn Civic Society: No Comments received on revised scheme.

Conservation Areas Advisory Panel: The Panel considered that the proposal was acceptable subject to the windows being simplified and materials and detailing to be conditioned.

REPRESENTATIONS

No third party comments have been received to the revised scheme.

NATIONAL GUIDANCE

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

Technical Guidance to the National Planning Policy Framework - provides additional guidance to local planning authorities to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework on development in areas at risk of flooding and in relation to mineral extraction.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Conservation Area Character Statement

INTRODUCTION

This application was originally received in 2011 but was not validated until 2013 due to various inadequacies in the supporting documentation and plans. It was made for 25 units and involved demolition of the funeral parlour in its entirety.

The scheme was felt to represent an over-development of the site and a delegated report recommending refusal was drafted later in 2013. However, at the request of the applicant the refusal was not issued and attempts were started to revise the scheme. These continued on and off with the original agents until mid-2015.

These negotiations petered out and in 2016 the applicant employed new agents who prepared and submitted the current scheme for 11 units involving retention of the part of the funeral parlour. Given the length of time involved and the significant changes made, the notification process was undertaken from scratch with new site and press notices, new neighbour notification and new consultations.

It is this reduced scheme that is now before committee.

PLANNING CONSIDERATIONS

The key issues to be determined are:

- Principle of development
- Impact on Conservation Area and Design
- Amenity
- Highway implications
- Other material considerations

Principle of development

The application proposes the redevelopment of a brown field site within the built up area of King's Lynn. In principle, the scheme is acceptable under Core Strategy policies CS01 and CS03 subject to the satisfactory resolution of any site specific issues.

Impact on Conservation Area and Design

The site lies within the King's Lynn Conservation Area. In Conservation Areas, the test under legislation is that development should 'preserve or enhance' the character of the area, which is considered to be a designated heritage asset.

The conversion of the existing funeral parlour involves alterations to display windows at ground floor level fronting London Road with no changes to the scale or mass of the existing building. The new build on the London Road frontage reflects the scale and hipped roof form of the funeral parlour and is considered to fit in well with the street scene.

To the rear, the unit on the car park reflects the scale of the London Road units and reads as a warehouse, which is evident on plots to the south.

The two new units facing Guanock Terrace are of a smaller scale and reflect the generally 2 storey nature of development on the street. The alignment of the units reflects the building to north and south. Inclusion of bay windows is a nod to the features on the flats to the north.

The design of the proposed development has been considered by the Conservation Areas Advisory Panel and Historic England. The latter advises that the application should be determined in accordance with national and local policies. The former finds the proposal acceptable subject to details of the windows and materials, which can be secured by condition.

In summary, the design preserves the character of the Conservation Area causing no harm to it.

Amenity

The new build cottages fronting Guanock Terrace present their flank walls to the neighbouring cottages and flats, to the south and north respectively. The new cottages are of a similar scale to the existing residential buildings and have no windows to habitable rooms in the flank walls.

The new build unit along the northern boundary over-looks at 1st floor an area of car parking associated with Brewery Court flats. No amenity issues are raised by this part of the scheme either. Similarly, the conversion raises no amenity issues either.

The new build unit that fronts onto London Road has all of its habitable windows facing north into the proposed pedestrian passageway, east towards the car parking area or west towards London Road. There are first floor windows facing the flats to the south but these are to stair wells and will not give rise to any loss of privacy.

The 3 storey flats to the south do have bedroom windows facing north towards the development. Those at ground floor already face a wall over 2m high at a distance of around 1m. Those at 1st and 2nd floor level look out onto the roof of the garage, which is to be demolished. The new building on the Coggles site will add a storey to the height of the building facing the existing flats with the result that the bedroom window and kitchen/diner at 1st floor level will have a wall to the north at 2m and 4m respectively. The 2nd floor rooms in the existing flats will be unaffected. Given the relatively tight distances between properties that already exist in the area, on balance these relationships are considered acceptable.

Highway implications

The application proposes 11 2 x bedroom units with 11 spaces. Policy DM17 of the recently adopted Site Allocations and Development Management Policies Document (SADMP) states that 2 spaces per unit should be provided for 2 bedroom units, which would mean providing 22 spaces on this site.

However, the policy also goes on to say that a reduction in car parking 'may be considered for town centre locations and other locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence the need for car parking provision'.

Providing 11 spaces equates to 1 space per dwelling. Norfolk County Council objects to the development suggesting that a minimum of 1.5 spaces per dwelling, totalling 17 spaces (rounded up) should be provided notwithstanding the town centre location. NCC suggests that the current proposal would lead to an undesirable increase in on-street parking to the detriment of highway safety and supports this by saying people would be tempted to park in dangerous locations.

However, the shortfall in parking only amounts to 6 spaces. The surrounding streets are also subject to residents parking controls. In addition, the applicant's agent points to the availability of free off-street parking to the north of the application site.

The layout of the car parking spaces that are to be provided is tight in some instances but broadly conforms to the County Council's advice in terms of size and distances between obstructions.

Given the central location, existing on-street parking controls and the relatively small shortfall in parking, it is not considered that a refusal on highway safety grounds would be defensible. Consequently, the proposal is considered to comply with SADMP policy DM17 and the corresponding policies in the NPPF.

Other material considerations

Flood Risk

The site is in SFRA Flood Zone 3. Core strategy policies CS01 and CS08 acknowledge that some development will be necessary within areas at risk of flooding in King's Lynn to support regeneration objectives. Flood Risk Assessments should demonstrate that individual developments in such areas can be made safe.

There are no objections from the Environment Agency, who require conditions to ensure minimum floor levels and flood resilient construction measures as set out in the FRA.

Contamination

Environmental Health requests conditions to secure remediation of any contamination on the site from past uses and to ensure the identification and disposal of any asbestos.

A condition is also requested to secure a construction management plan to reduce any short term impact upon air quality.

Open space

No formal open space is required under policy DM16. The private amenity spaces provided are small but not unusually so for this part of King's Lynn. In mitigation, The Walks is around 400m to the north and Southgate Park is 190m to the south.

Affordable housing

Whilst the development provides 11 units, on-site affordable housing is only required under CS09 where the number of new build units exceeds 10; in this instance there are 8 new build units. The Housing Strategy Officer has confirmed this to be the case.

CONCLUSION

The application proposes the re-development of brownfield land within the built up area of King's Lynn. Development is acceptable in principle provided that other material considerations are addressed.

The proposal has been long in gestation but the scheme before the committee represents a significant reduction over the original submission. The revised scale in terms of the physical number of units and the scale of the building are considered to preserve the character of the Conservation Area and the impact upon residential amenity is considered acceptable given the relationships between dwellings that already exist in this densely developed part of King's Lynn.

Notwithstanding the objection from Norfolk County Council on the level of car parking, the proposal is in a central location well served by local shops and public transport. The relatively small short-fall in on-site parking provision is considered acceptable in this instance.

Consequently, the proposal is considered to comply with relevant Development Plan policies and with the NPPF. Permission may be granted.

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 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.
- 2 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 3 Condition No development over or above foundations shall take place on site until full details of the window style, reveal, cill and header treatment has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.
- 4 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'.

- 4 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.
- 5 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.
- 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 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.

- 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.
- 7 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 6

- 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 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.
- 8 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.

- 9 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.
- 9 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.
- 10 Condition The development hereby permitted shall be carried out in accordance with the Flood Risk assessment dated December 2012 ref: GCB/Humphrey and the following mitigation measures contained therein:-
- Provision of flood resilience measures;
 - No ground floor bedrooms/sleeping accommodation

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

- 10 Reason In order to minimise the risk posed by flooding to the building and future residents in accordance with policy CS08 and the NPPF
- 11 Condition Prior to the first occupation of the development hereby permitted the proposed access; on-site car and cycle parking; turning and manoeuvring area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 11 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- 12 Condition No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- (a) the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used;
- (b) the location of any temporary buildings and compound areas;
- (c) the location of parking areas for construction and other vehicles;
- (d) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway; and,
- (e) a scheme for the management and signage of all construction traffic.

The development of that phase shall be carried out in accordance with the approved construction management statement.

- 12 Reason In order that the Local Planning Authority may retain control over the construction activities in the interests of the amenities of the locality in accordance with the NPPF.

This also needs to be a pre-commencement condition as this issue relates to the construction phase of the development.

- 13 Condition The development shall be carried out in accordance with the following plans:-

- Location Plan received 03.05.2016
- Ground Floor Plan 1313.1 dated 19.10.2016
- First Floor Plan 1313.2 received 03.05.2016
- Elevations 1313.3 received 03.05.2016
- Elevations 1313.4 received 03.05.2016
- Roof Plan 1313.5 received 03.05.2016

- 13 Reason For the avoidance of doubt and in the interests of proper planning.