

Parish:	King's Lynn	
Proposal:	Outline Application: Residential development	
Location:	BCKLWN Gaywood Hall Nursery Greenhouses Gayton Road Gaywood	
Applicant:	BCKLWN	
Case No:	16/01100/OM (Outline Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 22 September 2016 Extension of Time Expiry Date: 8 February 2019

Reason for Referral to Planning Committee – Called in by Councillors John and Sandra Collop

Neighbourhood Plan: No

Case Summary

Outline permission with all matters except access is sought for residential development of the site. An indicative plan shows eight detached dwellings with single garages and tandem parking in front.

The site lies within the development boundary for King's Lynn and was historically the kitchen garden to the original hall. However, its last use was the Borough Council nursery. The current site is therefore previously developed land as this form of horticulture does not fall within the wider definition of agriculture.

The site lies within flood zone 1.

Access would be via the existing tarmac road that serves the bowling green, pavilion and cemetery, and would be extended into the site to serve the development.

Key Issues

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety
- S106 Considerations
- Crime and Disorder
- Other Material Considerations

Recommendation

A) APPROVE subject to the completion of a S106 agreement within 4 months of the date of this resolution.

B) REFUSE if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing

THE APPLICATION

Outline permission with all matters except access for residential development is sought. An indicative plan shows eight detached dwellings with single garage and tandem parking in front.

The site lies within the development boundary for King's Lynn and was historically the kitchen garden to the original hall. However, its last use was the Borough Council nursery. The current site is therefore arguably previously developed land as this form of horticulture does not fall within the wider definition of agriculture.

The site lies within flood zone 1.

Access would be via the existing tarmac road that serves the site, bowling green, pavilion and cemetery and would be extended into the site to serve the development.

SUPPORTING CASE

The existing site comprises of green houses, poly tunnels and brick-built storage buildings which have not been used for over 1 year.

The proposed dwellings are within walking distance from Gaywood community which comprises of schools, shops, and other retail units.

King's Lynn town centre is approximately less than 2 miles away from this site allowing residents to either walk or use the local transportation services to obtain access.

The proposed site is located within the development boundary and as the existing site is brownfield land then this would be preferred location for this residential development. The reasoning being that it doesn't require the use of any nearby greenfield land.

The site is located far from the main road (Gayton Road) which provides a large reduction of road traffic noises.

Adjacent to the proposed site is Gaywood Park playing fields which can be used by the residents of this development.

PLANNING HISTORY

No recent relevant history

RESPONSE TO CONSULTATION

Parish Council: N/A

Highways Authority: NO OBJECTION - In relation to the point of access with Gayton Road, it is evident that its junction would accord with the adopted standards in terms of width, visibility and layout of the cycle way which passes. I am also conscious that the site currently benefits from existing commercial class uses and the traffic generation of that use. On balance therefore I believe that it would be difficult to substantiate an objection to the application and therefore I would not seek to restrict the grant of permission.

Internal Drainage Board: NO OBJECTION subject to condition relating to surface water drainage

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination

Arboricultural Officer: NO OBJECTION subject to condition

Historic Environment Service: NO OBJECTION following the submission of a revised evaluation report, and no further archaeological work is required on this site

Housing Enabling: NO OBJECTION - the site area triggers the need for an affordable housing contribution in line with current policy. This should be secured via S106 Agreement

Norfolk Fire and Rescue: NO OBJECTION - taking into account the location of the existing fire hydrant coverage a fire hydrant will need to be installed on no less than a 90mm main. This should be secured by condition.

REPRESENTATIONS

King's Lynn Civic Society: King's Lynn Civic Society **OBJECTS** to this application on the grounds that it lacks a statement of the impact on the historic environment and therefore does not satisfy paragraph 128 of the NPPF. This is a historic site of great importance probably going back to the Saxon period. The relevance of this appears not to have been appreciated by the applicant.

The application should be withdrawn until an archaeological field evaluation has been undertaken and its report is available.

The applicant also needs to take note of the letter from Mrs E James of 25th July recommending conservation of the boundary wall and the possible retrieval of the stone ball which may be concealed by overgrown vegetation.

Third Party: Three letters of **concern/objection** have been received. The issues can be summarised as:

- Pedestrian safety
- Land drainage
- Wildlife
- Archaeology
- The boundary wall should be preserved
- A large stone ball that crowned the square pillar at the southern end may be on site and covered by ivy. This should also be preserved
- Impact on Gayton Road

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety
- S106 Considerations
- Crime and Disorder
- Other Material Considerations

Principle of Development

The site lies within the development boundary for King's Lynn and is a vacant brownfield site that formally accommodated the Local Authority's nursery.

Form and Character

The application is in outline with all matters except access reserved for future consideration. However, and whilst indicative only, the submitted layout plan shows a scheme that would not be of detriment to the form and character of the locality. It is therefore concluded that a suitable scheme could be accommodated on the site.

The submitted layout plan shows retention of the boundary wall. However, these plans are indicative only. As such any permission granted will need to suitably condition retention of the wall where appropriate. The caveat of 'where appropriate' is necessary as the majority of the wall is heavily laden with Ivy and the state of the wall will need to be known before its retention can categorically be called for. It is not known whether the large stone ball referenced by a third party and the Civic Society is still on site. It is therefore not considered reasonable to condition its retention.

Neighbour Amenity

Again this aspect cannot be fully considered until the reserved matters stage given the outline nature of the application. However it is apparent (from the indicative layout) that issues such as overlooking, overbearing and overshadowing could be designed out.

Highway Safety

Third party comments suggest the development could be of detriment to pedestrians and cyclists that use the access road on a daily basis. However, the local Highway Authority raises no objection on the grounds of highway safety, and their consideration would have included pedestrian / cycle safety). It is also of note that the former use generated traffic movements which would be replaced by the new development.

S106 Considerations

An affordable housing contribution for one onsite dwelling will be secured via a S106 Agreement. £50 per dwelling habitat mitigation fee will also be sought via the S106.

Crime and Disorder

The proposed development raises no specific crime and disorder issues.

Other Material Considerations

Tree protection, surface water drainage, fire hydrant provision, and contamination can all be suitably dealt with by condition.

Ecology – At the time the application was submitted the site was in operation and therefore the chances of protected species being present were low. Since this time the site has become vacant. Notwithstanding this, the majority of structures (glasshouses and polytunnels) are generally not suitable habitats and trees, which are far more likely to accommodate protected species, are to be retained. Furthermore if protected species are found on site during site clearance and / or development they are protected under separate legislation.

CONCLUSION

The site represents a brownfield site, a former nursery, in the development boundary of King's Lynn. As such the principle of development is to be supported. There are not considered to be any technical issues that cannot be suitably conditioned or secured by S106 Agreement. It is therefore recommended that this application be approved subject to the following conditions and completion within a four month period of an appropriate S106 Agreement.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: Approval of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition: No development or other operations shall commence on site until the existing trees shown to be retained on drawing no: TGN/AIA/22716 dated 19 July 2016 by Ravencroft Arboricultural Services have been protected in accordance with details contained on that drawing. At reserved matters stage, if the indicative outline of the proposed development is changed in anyway, an updated arboricultural survey shall be submitted at the same time as any reserved matters application.
- 5 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 6 Condition: No development shall commence on site until full details of the surface water drainage arrangements 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.

- 6 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.

- 7 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'.

- 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 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.

- 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: 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.

- 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.

- 10 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

- 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.

- 11 Condition: The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.

- 11 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.

- 12 Condition: The existing boundary wall shall be retained and incorporated into the layout of any subsequent reserved matters application unless it is shown, through a survey carried out by a suitably qualified person, to be beyond reasonable repair. In the event it is shown to be beyond reasonable repair, an alternative scheme for boundary treatment shall be submitted to the written satisfaction of the LPA and implemented prior to occupation of any dwelling.

- 12 Reason: To ensure that if capable the wall, that is of some historical value, can be wholly or partly retained in the interests of the amenity of the locality in accordance with the NPPF and Development Plan.

- 13 Condition: In relation to access only the development hereby permitted shall be carried out in accordance with drawing no: 09-86-PL010A.
- 13 Reason: For the avoidance of doubt and in the interests of proper planning.