

Parish:	King's Lynn	
Proposal:	Erection of 7 no. dwellings and associated car parking plus provision of 10 car parking spaces to the existing public car park	
Location:	Car Park Centre Point King's Lynn Norfolk	
Applicant:	Blend Properties LLP	
Case No:	19/00904/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 20 August 2019 Extension of Time Expiry Date: 11 October 2019

Reason for Referral to Planning Committee – Called in by Cllr Howman

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for the erection of 7 dwellings with associated parking plus an additional 10 car parking spaces to the south of the existing BCKLWN car park.

The site lies within the development boundary of King's Lynn and currently accommodates c.24 car parking spaces that previously formed part of the aforementioned BCKLWN car park.

The site lies within Flood Zone 1 as depicted on the Local Authority's Strategic Flood Risk Assessment.

Key Issues

- Principle of Development
- Form and Character
- Highway Safety
- Residential Amenity
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

Full planning permission is sought for the erection of 7 dwellings; 6 two-bed units and 1 three-bed unit, with associated parking (14 spaces (2 per unit)) plus an additional two within the site boundary for visitor parking and a further 10 car parking spaces to the south of the existing BCKLWN car park.

The site lies within the development boundary of King's Lynn and currently offers car parking in the region of 24 spaces; the site previously formed part of the aforementioned BCKLWN car park. The development would therefore result in a net loss of 14 public car parking spaces, none of which are disabled.

The site lies within Flood Zone 1 as depicted on the Local Authority's Strategic Flood Risk Assessment.

SUPPORTING CASE

The development site is approx. 0.12 hectares in area. The land is currently being used for car parking kindly offered by the applicant.

The land was sold by King's Lynn and West Norfolk Council in 2007 as they believed it to be surplus and not required.

The proposed development seeks to replace this surplus car park with 7 no. new dwellings positioned in a very sustainable location and in much need of additional housing.

Paragraph 14 of the National Planning Policy Framework states at the heart is a presumption in favour of sustainable development and that for decision takers this means approving development proposals that accord with the development plan without a delay.

The King's Lynn overall development strategy looks to the Council to provide 7,510 new houses through the regeneration of brownfield land and urban expansion.

Summary

The proposed development demonstrates the application site is vacant and available for much needed new housing. Situated in a sustainable location with good access to a wide range of services and facilities, employment opportunities and sustainable transport receiving strong support from paragraph 14 of the National Planning Policy Framework and King's Lynn Spatial Strategy Policies CS01 and CS09.

PLANNING HISTORY

13/00689/F – Variation of Condition 2 of planning consent 10/01131/F – Delegated Approval July 2013

10/01131/F – Two storey medical centre – Delegated Approval December 2010

RESPONSE TO CONSULTATION

Parish Council: N/A

Highways Authority: Having reviewed the information gathered [Car Park Appraisal] it would appear that, with the exception of the period around 3pm when the carpark is utilised for the picking up of school children the car park would generally have the capacity to cater for the requirements of the existing businesses in the locality with the level of parking shown on the plan attached.

Therefore, given that the authority does not generally recommend that specific off-road provisions for the picking up and dropping off of school children be provided in relation to schools, in this case on balance of the survey provided, I believe that it would be difficult to substantiate a highway objection to the application.

I therefore recommend the previous conditions for this application be applied.

Internal Drainage Board: If the applicants are proposing to discharge into the IDB's network they will need to apply for the appropriate consents.

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

Waste and Recycling Team: Do not perceive any issues or reasons to object or comment adversely

Environment Agency: No comments to make

Affordable Housing: The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 15% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in King's Lynn. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, NPPF states that affordable housing should only be sought on developments of 10 or more dwellings or 0.5ha other than in designated rural areas.

As this site is for 7 units and the site area is under 0.5ha and the site is not a designated rural area, no affordable housing provision is required.

Arboricultural Officer: I can confirm that I have no real objections but I will need to see a new, updated tree survey that conforms with BS 5837:2012. I am happy for this to be conditioned.

REPRESENTATIONS

Thirty-two third party objections were received in relation to the original scheme. The reasons for objection can be summarised as:

- This site should be for a surgery not houses
- The car park is not underused and the Borough Council should not allow its loss as it vital to the area to supply parking for the school, the surgery, the shops and the hospital
- Unacceptable use of space

- More houses will put greater strain on existing surgeries especially if this one will close
 - The Council should buy back the land and keep it as a car park
 - Overlooking
 - This will increase on-road parking which is already terrible
 - The erection of dwellings is in contravention to the original sale of the land to the NHS for a new surgery
 - The loss of the right of way over the car park will be of detriment to the public especially the elderly
 - Loss of view
 - This will result in a high risk of accidents especially to the young and old alike
-
- Following submission of amended plans 20 of the previous objectors continue to objection on the grounds of:
 - Loss of the car park
 - Overlooking
 - The parking for the proposed houses is not sufficient and they will therefore overflow onto the public car park
 - The previous proposal was a community benefit; this is at the detriment to the community
 - The site should be used for the provision of the surgery as originally proposed
 - This will result in a strain on other doctor surgeries
 - There are not enough school places to accommodate the proposed development
 - This will result in highway safety issues and it is likely a child will get hurt due to the proximity of the site to the school
 - There will be views from the proposed dwellings over the play area of the school; this is a child protection issue

Following submission of the latest amendments 12 third party objections have been received. The main issues can be summarised as:

- Loss of parking to the surgery specifically,
- Loss of parking in general,
- These houses are not needed,
- Loss of existing surgery,
- This land was never intended for dwellings,
- The single point of entry for the car park is not appropriate,
- The Car Park Appraisal is not correct,
- The public consultation by Healthwatch Norfolk into the future of Fairstead Surgery has concluded that the local authority and other relevant stakeholders take due regard to ensure that access to treatment is not inhibited by potential new developments on the site.

Cllr Howman's call in was supported by Cllrs Margaret Wilkinson, Christine Hudson, Sandra Collop, Ben Jones and Jo Rust.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

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 issues for consideration in the determination of this application are:

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

Principle of Development

The owners of the car park have no requirement to continue to keep the land available as a car park and could place barriers across the site at any time to prevent such use of their land. The Local Planning Authority (LPA) has no control over this, and therefore no control over the retention of the land as a public car park. Likewise the LPA cannot control the loss of the existing surgery or make the NHS provide a new surgery on this site. These issues are beyond the control of the LPA, and the application must be considered on its planning merits.

In this regard the site represents a brownfield site within the development boundary of the borough's main town and in close proximity to a number of services and facilities to meet the day-to-day needs of occupiers of the proposed development.

The principle of the proposed development is therefore acceptable subject to compliance with other relevant planning policy and guidance.

Evolution of the Application

Amended plans were requested to reduce the number of units from 8 to 7 to enable a greater degree of separation between the development and substantial trees and connecting footpath to the east and to provide ten public car parking spaces on land to the south of the wider car park.

Form and Character

The original approval for the surgery was for a substantial two-storey structure in the location of the proposed dwellings. It would be difficult therefore to suggest that the previously approved structure would not have been of detriment to the form and character of the location but the current proposal would. In this regard the originally permitted surgery proposal had a dual mono pitch roof with a higher ridge height of 9.9m (facing south) and a lower ridge height of 7.5m (facing north) with eaves of 5.7m. The current residential proposal has a ridge height of 8m and eaves of 5m. It is therefore considered that the scale, mass and design of the proposed development are appropriate for the site and its wider setting.

The only boundary treatments shown are for the inter development fencing between the rear gardens of the properties and their parking areas. As such a condition should be appended to any permission granted to secure appropriate boundary treatments.

Highway Safety

The proposed development provides onsite parking provision in accordance with current parking standards (two-spaces per dwelling) plus an additional two that can be utilised for visitor parking. Additionally 10 spaces are proposed on council owned land to the south of the existing car park. These will be secured by condition.

As such not only does the development cater for its own parking, plus an additional two visitor spaces (that are not a policy requirement), it will provide a further 10 public parking spaces. In terms of national and local planning policy and guidance there are no planning grounds to refuse the proposal on parking provision or highway safety, and members must take into account that the owners of the site could place barriers across their land at any time.

One third party suggests that the Car Park Appraisal is 'nonsense'. However, it is considered that the appraisal (that covered this car park (Main Car Park) and a smaller car park to the south of Centre Point (Small Car Park), the latter of which remains unaffected) which was undertaken during term time on a Tuesday, Wednesday and Saturday between the hours of 8am and 6pm, would give a reasonable overview of usage. The Local Highway Authority likewise considers the appraisal reasonable. Furthermore it should be noted that when the officer undertook the site visit in relation to the proposed development at approximately 10.30 on Tuesday 2 July 2019 the car park was not heavily used and certainly far from capacity.

The survey concluded that, excluding at 1500hrs on weekdays due to school parking, the second busiest hour for parking was at 1200hrs when parking occupancy was 58.5% (34 empty spaces) on the Main Car Park.

Residential Amenity

The majority of the proposed first floor windows face north or south. In relation to those facing north there is a substantial degree of separation between these windows and the

private amenity space of dwellings to the north. This distance is shown to measure approximately 25m and includes the grass frontage of the site and William Booth Road. Whilst the LPA acknowledges the development would result in overlooking that currently does not occur, this distance is considered acceptable and would not be of a degree to warrant refusal on the grounds of unneighbourly development.

Overlooking to the south would be to the existing borough council car park and would therefore have no material impact.

Overlooking to the school would not be material given the angles involved. Notwithstanding this it is not uncommon to have residential properties overlooking school play areas.

Inter-developmental relationships are considered acceptable.

Crime and Disorder

There are no specific crime and disorder issues relating to the proposed development

Other Material Considerations

It is considered that all third party comments have been covered above.

Conclusion

The development comprises the provision of 7 dwellings with on-site parking provision within the development boundary of the borough's main town. Furthermore ten additional public car parking spaces are proposed to be provided. There are no objections from statutory consultees; and the vast majority of objections from third parties relate to issues that cannot be controlled by the LPA i.e. the fact that a surgery is no longer going to be provided on the site, the loss of the existing surgery and the loss of the existing car park provision.

It is therefore recommended that the application be approved subject to the following conditions.

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 drawing nos: 1000 P3, 1801 P6 and 2000 P4.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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. These shall include the results of percolation testing on site. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

- 3 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.

- 4 Condition: No development shall commence on site until a scheme detailing provision for on-site parking for construction workers for the duration of the demolition and construction period has been submitted to and approved in writing by the LPA. The scheme shall be implemented until the development is completed.

- 4 Reason: To minimise the impact on residential amenity in accordance with the NPPF and Local Plan.

- 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.

- 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.
- 7 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.

- 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: Vehicular access to and egress from the adjoining highway shall be limited to the access shown on Drawing No. 1801 rev P6 only. Any other access or egress shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority prior to the occupation of any dwelling hereby permitted.
- 9 Reason: In the interests of highway safety in accordance with the NPPF and Local Plan.
- 10 Condition: Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 10 Reason: To ensure safe access through the existing car park to the site and to ensure the permanent availability of the parking / manoeuvring areas in the interests of

satisfactory development and highway safety in accordance with the NPPF and Local Plan.

- 11 Condition: Prior to the first occupation of the last dwelling hereby permitted, the ten parking spaces to the south of the site as shown on drawing no. 1801 P6 on Borough Council owned land shall be laid out, demarcated, levelled, surfaced and drained in accordance with details to be approved in writing by the Local Planning Authority. They shall thereafter be retained for that specific use unless otherwise agreed in writing by the LPA.
- 11 Reason: For the avoidance of doubt and in the interests of proper planning.
- 12 Condition: Prior to the first occupation of any dwelling hereby permitted signage for the car park shall be provided in accordance with details to be submitted and agreed in writing by the Local Planning Authority.
- 12 Reason: In the interests of highway safety in accordance with the NPPF and Local Plan.
- 13 Condition: Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.
- 13 Reason: To minimise the impact on residential amenity in accordance with the NPPF and Local Plan.
- 14 Condition: No building or other operation shall commence on or adjacent to the site in connection with the development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a tree survey showing the following has been submitted to and approved in writing by the Local Planning Authority:
 - a) a plan indicating the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing clearly which trees are to be retained and which trees are to be removed, and the crown spread of each tree;
 - b) details of the species, diameter, approximate height and condition of each tree in accordance with the current version of BS:5837, and of each tree which is on land adjacent to the site where the crown spread of that tree falls over the application site and where any tree is located within 15m in distance from the application site.
- 14 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for trees to be lost during development.