

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>REMOVAL OR VARIATION OF CONDITION 2 OF PLANNING PERMISSION 18/00124/F: Proposed 7 no. townhouses and change of use of land to garden land to be used for the dwellings and flats</b>	
<b>Location:</b>	<b>Adj Harvest House Wisbech Road King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>PQ Properties Ltd</b>	
<b>Case No:</b>	<b>19/01758/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr James Sheldrake</b>	<b>Date for Determination: 16 December 2019 Extension of Time Expiry Date: 10 January 2020</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Kemp

**Neighbourhood Plan:** No

**Case Summary**

The application site is situated to the north of the Wisbech Road, King's Lynn to the rear of Harvest House.

The proposal seeks to vary condition 2 (the approved plans) of planning permission 18/00124/F: Proposed 7 no. townhouses and change of use of land to garden land to be used for the dwellings and flats.

The only changes to the approved scheme are changes to the internal layout to increase the number of bedrooms in 5 of the 7 of the houses from 2 to 3, the addition of flues in the roofslope and the change of windows on the south elevation that originally served bathrooms from obscurely-glazed to clear-glazed as they will now serve bedrooms.

**Key Issues**

- Principle of the development
- Form and character
- Neighbourhood amenity issues
- Highways impact
- Other considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

The application site is situated to the north of the Wisbech Road, King's Lynn to the rear of Harvest House.

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The only changes to the approved scheme are changes to the internal layout to increase the number of bedrooms in 5 of the 7 of the houses from 2 to 3, the addition of flues in the roof slope and the change of windows on the south elevation that originally served bathrooms from obscurely-glazed to clear-glazed as they will now serve bedrooms.

## **SUPPORTING STATEMENT:**

Planning Permission was granted for the establishment of the residential development on 14th December 2018 under the reference 18/00214/F

The principle and general design of the proposal has already been established and approved.

The flood risk issues have already been dealt with under reference 18/00124/F and are therefore not material to this application.

These changes will facilitate the necessary alterations to meet the Building Regulations in terms of the installation of appropriate boilers.

The opportunity has been taken to increase the number of bedrooms from 2 to 3 on 5 of the plots without changing the footprint of the building, or the external appearance. This represents a better use of the land by allowing a more diverse mixture of residents.

The only external changes to the proposal are the addition of flues to the roofs of each plot, and changes to one rear window involving the replacement of obscure glazing with clear glazing in Plots 1,2,4,6 and 7 to provide for a bedroom instead of an ensuite.

The changes will have little, if any impact of the character and appearance of the proposed dwellings. The alterations are largely internal and therefore the proposal will have little impact on the character of the area or on neighbouring residential amenities.

## **PLANNING HISTORY**

18/00124/F: Application Permitted: 14/09/18 - Proposed 7 no. townhouses and change of use of land to garden land to be used for the dwellings and flats

16/01565/FM: Application Withdrawn: 04/07/17 - Proposed 24 flats

## **RESPONSE TO CONSULTATION**

**Highways Authority: NO OBJECTION** Having reviewed the approved application under planning reference 18/00124/F the point of access with the public highway would be the same for this application and the parking arrangements would be similar. As a result I believe that it would be difficult to substantiate an objection to the application for the removal or variation of condition 2 on highway grounds. The previous parking and turning condition would however need to remain.

**Community Safety and Neighbourhood Nuisance Officer: NO OBJECTION** The amendment relating to the addition of flues for each property is suitable and will not cause an adverse impact.

**REPRESENTATIONS** None.

## **LDF CORE STRATEGY POLICIES**

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

## **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 the development

Form and character

Neighbourhood amenity

Highways impact

Other considerations

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## **Principle of the development**

The principle was established by the original permission (18/00124/F: Application Permitted: 14/09/18 - Proposed 7 no. townhouses and change of use of land to garden land to be used for the dwellings and flats) that is seeking to be varied.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. In this case that condition is condition 2 (the approved plans) of the original permission.

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

The Planning Practice Guidance makes it very clear that when assessing a variation of condition application we should only consider the change between the approved scheme and the proposed amendments to the approved scheme.

## **Form and character**

The proposal includes the addition of a flue on the roofs of each dwellinghouse, which will face towards the north, away from the road. They will also be considerably away the conservation area which is approximately 100 metres away.

The flues won't significantly alter the external appearance of the townhouses and won't cause harm to the wider form and character of the area.

## **Neighbourhood amenity**

The alterations to the internal arrangement won't impact neighbour amenity and the flues will omit at a high-level, so won't significantly impact nearby residential properties. The Community Safety and Neighbourhood Nuisance (CSNN) team have no objection to the proposal.

The approved scheme included bedroom windows at second-floor on both the north and south elevation. The internal arrangement has been altered to include an additional bedroom instead of an ensuite bathroom in 5 of the 7 townhouses, which requires a change from obscurely-glazed windows to clear-glazed windows. This change won't allow a significant increase in overlooking and the relationship with Harvest House remains acceptable.

## **Highways impact**

The required parking provision for 3 bedroom properties is the same as 2 bedroom properties (2 parking spaces), so additional parking spaces are not required.

There are no changes proposed to the agreed access and the Highways Officer has no objection to the proposed changes to the approved scheme.

## Other considerations

As set out above, this application can only address the issue of the condition(s) to varied, and the impact of that.

Flooding, contamination, archaeology and construction management were dealt with by the original permission and are not being considered in this application. Conditions relating to those issues have been reimposed.

The applicant will have to commence the application within 3 years of the date of the original permission, which is controlled by condition 1.

## CONCLUSION

The proposed changes to the approved scheme are relatively minor, and raise no issues that would warrant an objection. Therefore, the application is recommended for approval.

## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the 17th September 2021.
- 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 1000 Site plan (9th of October 2019);  
DWG 1101 BR01 Ground-floor plan (9th of October 2019);  
DWG 1103 BR01 First-floor plan (9th of October 2019);  
DWG 1105 BR01 Second-floor plan (9th of October 2019);  
DWG 2100 BR01 Front elevation (9th of October 2019);  
DWG 2101 BR01 Rear elevation (9th of October 2019);  
DWG 20 Rev D (received 31st July 2018) in relation to the site location plan only; and  
DWG 21 (received 18th January 2018) in relation to the east and west side elevations only.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6)

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Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

- 3 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 4 Condition: No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 3.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 5 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 3; and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 6 Condition: Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the proposed access / on-site car parking turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 7 Condition: No development above foundation level shall take place on site until a scheme to protect the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any of the dwellings are occupied.
- 7 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 8 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.
- 8 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 9 Condition: Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the construction phase and any piling. The scheme shall also provide the location of any fixed machinery, the location and layout of the contractor compound, the location of contractor parking and proposed mitigation

methods to protect residents from noise, vibrations, dust and litter. The scheme shall be implemented as approved.

- 9 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 10 Condition: The screen walls and fences shown on the approved plans shall be erected prior to the occupation of the dwelling to which they relate.
- 10 Reason: In the interests of the residential amenities of the future occupants of the development in accordance with the NPPF.
- 11 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.
- 11 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.
- 12 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.

- 12 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.
- 13 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 and where remediation is necessary a remediation scheme must be prepared 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.

- 13 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.
- 14 Condition: The development hereby approved shall be carried out in accordance with the following mitigation measures referenced in the submitted Flood Risk Assessment dated November 2017
- All habitable accommodation will be located above 6.385m AOD.
  - No sleeping accommodation will be permitted on the ground floor.
  - Flood resilient construction will be incorporated into the design of the buildings up to a height of 6.685m AOD.

Unless otherwise agreed in writing by the Local Planning Authority.

- 14 Reason: In order to protect the future occupiers of the development from risk of flooding in accordance with the principles of the NPPF.