

AGENDA ITEM NO.8/2(a)

Parish:	King's Lynn	
Proposal:	Reserved Matters application for 38 dwellings. Details of layout, scale, appearance and landscaping. In accordance with Condition 8 of the outline planning permission, the scheme includes a vehicular access to the West Lynn Drain along with a 9m easement strip. In accordance with Condition 26 of the outline planning permission, the scheme includes a 15m exclusion zone around the Anglian Water Pumping Station	
Location:	Land West of St Peters Road, West Lynn, King's Lynn, Norfolk, PE34 3JL	
Applicant:	Minster Property Group	
Case No:	20/00470/RMM (Reserved Matters - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 3 July 2020 Extension of Time Expiry Date: 10 December 2021

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

Neighbourhood Plan: No

Case Summary

This application seeks reserved matters (RM) for 38 dwellings following the grant of outline planning permission under application 16/01105/OM which was subsequently amended by applications 20/00145/F and 20/00145/NMA_1.

The RM site is slighter smaller than the area granted at outline stage due to landownership issues.

Access was approved at outline stage, so this RM application seeks approval of: layout, appearance, scale and landscaping.

The application is for 100% affordable housing, although Policy requirements and the S106 Agreement that accompanies the outline permission only require 15% (6 units).

Key Issues

Condition / S106 Compliance
Form and Character
Highway Safety
Residential Amenity
Landscaping
Other Considerations

Recommendation

APPROVE

THE APPLICATION

The application is for reserved matters on a slightly smaller site than the granted at outline stage due to landownership issues (1.43ha rather than 1.73ha.)

The outline permission was accompanied by a S106 Agreement that defined the number of units (up to 44) and secured:

- on-site affordable housing contribution (15%)
- open space provision of not less than 17m² and management and maintenance thereof
- SuDS provision and management and maintenance thereof and
- Habitat Mitigation Fee of £50 per dwelling.

Conditions on the outline application (as amended by applications 21/00145/F and 21/00145/NMA_1) relate to access provision and visibility splays from St Peter's Road which is now to be provided by a priority junction, rather than a mini-roundabout, and off-site highway improvement works (frontage footway and pedestrian crossings.) Conditions on the outline application also cover:

- commencement of development that must be undertaken in accordance with any permission granted under this specific RM application
- ecology
- flood risk
- tree protection
- surface water drainage
- archaeology
- contamination
- construction management and
- external lighting.

Issues covered by the S106 and conditions on the outline permission do not need consideration under the current application other than to ensure compliance where necessary.

The proposal is for 38 two-storey dwellings (the reduction in numbers is reflective of the smaller site) comprising 13 pairs of semi-detached and 3 terraces of 3 dwellings. In terms of bedrooms there would be 4 x 1 bed units, 20 x 2-bed units, 12 x 3-bed units and 2 x 4-bed units. Six units are required to be affordable under policy CS09 and to accord with the S106 agreement (15%). These units are shown to be: 31 & 32, 35 & 36 and 37 & 38 (4 x 1B and 2 x 3B) which accord with the Housing Teams requirements.

Materials are to be confirmed by condition, but the plans suggest brick under a grey roof with dark window and doorframes. Some buildings have grey clad elements, others have render element. Rainwater goods appear to be black.

Public open space of 810m² is proposed comprising: 200m² LAP; 300m² public open space (amenity) around the LAP and 310m² open space (visual) across three areas (160m² north of the entrance, 90m² east of the entrance and 60m² in a central location within the site.) This complies with Policy DM16 and S106 requirements of 646m².

SUPPORTING CASE

Minster Property Group work closely with Registered Provider partners to deliver excellent quality affordable housing.

In the past two years we have worked with other local authorities throughout the East Midlands and the East of England to secure planning permissions totalling more than 470 affordable homes. In this case we are working with Platform Housing Group, who are trying to bring investment to King's Lynn and West Norfolk for the first time after discussions with the Council's Housing Strategy team, who have indicated a significant shortage of affordable housing supply. In fact, the area has the most significant shortage of affordable housing provision that we have encountered.

The 2020 Housing Needs Assessment identified a need for 202 affordable homes annually, and its authors advised that this "appears to be potentially challenging to deliver in King's Lynn and West Norfolk."

Since we submitted the initial Reserved Matters application for 44 affordable homes in April 2020, the scheme has undergone an extensive process of review and design consideration. In the course of this we have been able to fully resolve all technical matters, such that the proposals are now supported by all technical and statutory consultees dealing with areas such as highways, drainage, landscaping, refuse collection and open space.

Although we consider that our proposals meet an excellent standard of design through an approach that has been welcomed elsewhere, your officers have recently advocated strongly for further design improvements. These amendments have tested the viability of the development to the limit, and it is unfortunate that six homes have been lost from the scheme as a result, but we are pleased that we have been able to incorporate the requested amendments whilst still ensuring that the remaining 38 units can be delivered as 100% affordable homes and to the highest standard of build quality.

Unlike with market schemes where developers are often in a hurry to dispose of the site, the Registered Provider will remain permanently involved with the management of this scheme, and this benefits all aspects of the development from residential amenity and build quality to management of open space and landscaping.

The urgent need for affordable homes in West Lynn is not just derived from a statistic – it is a reality for the many families who are waiting on the Housing Register and who suffer every day that they do not have a home to call their own. Some of them have contacted us directly while this application has been running, and while we are always committed to moving quickly, we have been forced to tell them that no work can progress until planning permission is in place. The delay has caused real harm, but we now have the opportunity to end the wait and get on with delivering these urgently needed homes.

The proposals now for consideration achieve an excellent standard of design and will result in an attractive neighbourhood environment which will be both a great place to live and a positive addition to the local area. All technical issues have been fully resolved. But most importantly the development will provide quality affordable homes for local families to whom they will make such a difference. We are ready to start work immediately, and we would be hugely grateful for your support for this planning application to enable us to do so.

PLANNING HISTORY

21/00145/NMA_1: Application Permitted: 06/08/21 - NON-MATERIAL AMENDMENT TO PLANNING CONSENT 21/00145/F: To allow errors in conditions to be corrected

21/00145/F: Application Permitted: 08/07/21 - Variation of Conditions 18 and 19 of Planning Permission 16/01105/OM: Residential development for 44 dwellings

16/01105/OM: Application Permitted: 23/03/17 - OUTLINE APPLICATION SOME MATTERS RESERVED: Residential development for 44 dwellings

2/98/0867/O: Application Refused: 29/09/98 - Site for construction of dwellinghouse and garage

RESPONSE TO CONSULTATION

Parish Council: N/A

King's Lynn Area Consultative Committee (KLACC): NO OBJECTION

Highways Authority (NCC): NO OBJECTION although point out that a standard size 3 turning space would be better in the parking area serving units 5 – 10 as the current turning space, in practice, will require large vehicles, such as a fire tender, to need to change gear more than twice to be able to exit in a forward gear. This is, however, not a reason to object to the layout.

Internal Drainage Board: NO OBJECTION The site is within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on our website (https://www.wlma.org.uk/uploads/KLIDB_Byelaws.pdf), along with maps of the IDD (https://www.wlma.org.uk/uploads/128-KLIDB_index.pdf). These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

Please be aware that The Board has received and is currently processing the following applications for consent:

- Application for Byelaw 10 consent for works within 9m of the adopted watercourse West Lynn Drain, to the South of the site (21_04171_C)
- Application for Byelaw 3 consent for surface water discharge to the same adopted watercourse, West Lynn Drain (21_04087_C)

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION Land contamination and air quality are covered on the outline permission.

Housing Enabling (BCKLWM): NO OBJECTION The affordable units are in accordance with our requirements.

CSNN (BCKLWN): NO OBJECTION However, I share the Public Open Spaces Team's concerns with leaving the drain as existing, running between rear plot fences. I note you advise this is a RSL site; can regular maintenance/clearance of this area be conditioned at all, please? Being a RSL site will not stop fly-tipping occurring and from our experience, the complaints still come to the POS and CSNN Teams and necessitate work from both in some instances, even if it is only to establish ownership / maintenance responsibilities, but it's often to chase and / or take action against some RSLs, especially where items are noxious or attract vermin and are detrimental to human health and / or residential amenity. It would be preferable to culvert the entire drain and extend the plots so they are back-to-back – could this be conditioned?

In my earlier comments I requested that plans were revised to include walls/acoustic fencing to protect six private amenity areas which were close to traffic routes. Drawing ref 19027-

0105 Rev P01 does not show enhanced boundaries to plots 1, 4, 11, 22, 33 and 38. Additionally, the key only lists “Existing Boundary Treatment to Remain” and does not confirm what these boundaries are protected/treated by. As per my previous comments, we would expect acoustic boundaries to protect gardens alongside the LAP and school drop off. Please can these aspects be required via a planning condition.

I am most grateful to the applicant for the revisions to the house types to ensure that no stairs back onto bedrooms and welcome the conditioning of the drawings for all house types.

I note that drainage consent has been applied for to discharge surface water to IDB infrastructure – as previously commented, I have no concerns with the proposed drainage for foul and surface water but definitive comments on the suitability should come from Anglian Water and KLIDB.

The outline consent (16/01150/OM) had conditions relative to this team; condition 17 for construction worker parking, condition 20 for lighting, condition 22 for surface water drainage and condition 33 for a CMP, therefore I have no further comments regarding these.

Open Space Team (BCKLWN): NO OBJECTION Provided there is no possibility of maintenance reverting to the Borough Council, potential issues with maintenance and access to the drain (and other areas of incidental landscaping) would ultimately be for the registered provider to manage, should they proceed as per latest plans. Speaking from experience, however, I would anticipate these areas to be problematic and, were the Borough Council being asked to adopt, then we would not accept the current layout.

In relation to open space requirement, the policy requirement is for 646m² of ‘suitably equipped’ children’s play space. We would not expect, however, for this whole area to be equipped; some space for general amenity would always be anticipated and counted towards the 17m² per dwelling.

With reference to Fields in Trust guidance, a minimum size of 100m² is recommended for a LAP, with a 5m separation from surrounding dwellings. In my view, however, this would only provide space for a relatively basic LAP, with perhaps one piece of basic equipment. From a development of this size, at least 1 item of significant multiplay would be expected, or 2-3 pieces of equipment which offer a range of different activities. A bin, bench and litter bin would also be expected, as would 1 x pedestrian gate and 1 x combined pedestrian/maintenance gate, to provide safe means of access/egress from the facility. Looking at previous designs, an area of at least 200m² would be more appropriate, although there are no set rules on what the actual size needs to be.

Please see below are typical expectations for how a LAP should be designed and presented:

- 1 x item of significant multi-play, or 2-3 play elements, offering multiple play activities suitable for under 8s.
- play equipment to satisfy BSEN1176;
- safety surfacing to satisfy BSEN1177, i.e. resin bound rubber mulch (preferable to grass matting with potential issues with shrinking/compacting and raising up to create trip hazards);
- equipment with wood going into the ground is not appropriate (metal shoes, or another means of mounting must be used where timber is present);
- at least 1 x bin (crescent style/with lid, i.e. no open top);
- at least 1 x bench (with wear pad underneath);
- 1.2m bow topped fencing to surround – with 1 x pedestrian gate and 1 x combined (partially lockable) pedestrian and maintenance gate;

- no soft landscaping, other than grass, within the fenced area (i.e. no trees/shrubs which can conceal items & impair maintenance);
- concrete/hardstanding wear pads covering the full width of both pedestrian and maintenance gates.

These finer details (play equipment, safety surfacing, fencing etc.) can need to be submitted for approval at a later stage as part of the s106 agreement.

Waste and Recycling (BCKLWN): NO OBJECTION based upon revised drawing 19027 0102-P22 Proposed Site Layout (minor adjustment to bin store location)

Natural England: NO OBJECTION No comments to make.

Environment Agency: NO OBJECTION to the proposed development but wish to make the following comments.

Flood Risk

The revised drawing reference 20_00470_RMM-PROPOSED_DRAINAGE_LAYOUT-4750351 includes labels that shows that finished floor levels (FFLs) of the dwellings will be at a level of +4.5m. Therefore, we would have no objection to the development.

Anglian Water: NO OBJECTION There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Foul Water

Based on the proposed drainage layout drawing, the foul water drainage strategy and layout is acceptable to Anglian Water, we can therefore recommend the discharge of condition 26. We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge the foul water portion of Condition 12 of outline planning application 16/01105/OM, to which this Reserved Matters application relates, that

require the submission and approval of detailed foul drainage information.

Surface Water

We have reviewed the applicant's submitted surface water drainage information (proposed drainage layout) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Arboricultural Officer: NO OBJECTION:

REPRESENTATIONS

TEN letters of **OBJECTION**, **ONE** letter of **CONCERN** and **TWO** letters of **SUPPORT** have been received.

The reasons for objection / concern can be summaries as:

- Should not be developed and be left green
- West Lynn does not have the facilities to support this number of additional houses, and the doctors and school will not cope
- Increased traffic and highway safety
- Impact on wildlife
- The site is at risk of flooding
- Overshadowing, overbearing and overlooking
- The access is unsafe

The reasons for support can be summarised as:

- New opportunities for young people, young couples and first-time buyers which will help people to gain independence, start their lives and boost mental health and the economy
- The plans are well thought out with parking, environmental benefits and some lovely looking properties
- This is a lovely area for a new build estate. As well as generating business for local amenities (butchers, takeaways, hair salons, ferry service), there are also plenty of links to other areas via buses, ferry, driving, even cycling and walking
- There won't be issues with cars parking on the road as each property has its own private parking spaces, and many people don't drive anymore
- There are also areas within this new estate in which trees and other greenery will be planted, as well as having public green spaces, which is all good for the environment and wildlife.

Councillor Comments:

Cllr A Kemp stated the following as well as raising concerns with space standards: *I would like to call in the application to the Planning Committee, by way of objection, on the grounds of:*

1. *Non-compliance with the advice of the Flood Risk Report for the original outline application*
2. *Overlooking and right to light issues caused by changes from the outline application and*
3. *Highways safety issues on St Peters Road around the exit of 100 cars*

The Flood Report for the original outline planning application 16/01105/OM said there should be no habitable accommodation where a tidal breach is likely to cause flooding to depths of over 2m but the revised plans have habitable accommodation everywhere.

Six More recent Tidal Hazard Modelling has been carried out by the Environment Agency since the surge event of December 2013

The depth of water estimated to affect the site as a result of a breach to the tidal defences could be between 1.00 and 2.00m in part and above 2.00m in other parts with a velocity of water between 0.30-1.00m/sec. It is not affected by any overtopping of defences during the 1 in 200-year event.

It is necessary to mitigate against this risk of flooding and for the development to accord with the Design Guidance Protocol agreed between the EA and KLWNBC as per the following:

Where the Tidal River Hazard Mapping shows depths of over 1 metre and up to 2 metres:

For sites predicted to flood to between 1.00 -2.00 m the site specific FRA (in combination with detailed topographical information) will need to identify the precise flood risk to the site and the necessary resiliency measures, these should include some or all of the following flood resiliency measures:

- *Finished floor level raising*
- *Dam Boards*
- *Other resiliency measures such as raising of electrical sockets/switches*
- *No ground floor sleeping accommodation*
- *Safe refuge is provided*
- *Or no habitable ground floor accommodation*

Where the Tidal River Hazard Mapping shows the depths over 2 metres:

In areas predicted to be flooded to depths of 2.00 m or greater no ground floor habitable accommodation should be provided.*

This is because flood resiliency measures (such as raising finished floor levels and dam boards) would be highly unlikely to be able to prevent the ground floor being completely inundated.

In addition, using dam boards, to keep a building dry with 2.00 or more metres of water around it would likely, due to hydrostatic pressures lead to its structural failure. Accordingly, non-habitable accommodation on ground floors which would allow for the ingress of water with minimal damage to property, is recommended.

**Habitable accommodation would usually include bedrooms, sitting rooms, dining rooms, kitchens and any other room designed for habitation. Rooms that are not normally used for living in, such as toilets storerooms, pantries, cellars and garages, are not considered to be habitable.*

The current application would cause overlooking and right to light issues as it is a material change from the original planning permission, bringing plots 9 and 10 within 2 metres of No.105B St Peters Road and a 9 by 9 metre wall blocking out their right to light.

Notwithstanding the developer's offer to construct a mini-roundabout at the exit, the highways safety issue in view of poor sightlines, blind corners and land height levels, the proximity to the primary school, with growing and speeding traffic, is unsurmountable to address the safety risk, which has increased since the grant of outline planning permission.'

Cllr C Joyce raised issues of space standards.

LDF CORE STRATEGY POLICIES

CS13 - Community and Culture

CS14 - Infrastructure Provision

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 PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

Policy E1.14 - West Lynn West of St Peter's Road

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The principle of residential development of the site along with access has been established by extant outline planning permission 16/01105/OM as amended by applications 21/00145/F and 21/00145/NMA_1.

This application is for the determination of Layout, Scale, Appearance and Landscaping (Reserved Matters). The main issues for consideration in the determination of this application are therefore:

Condition / S106 Compliance
Form and Character
Highway Safety
Residential Amenity
Landscaping
Other Considerations

It should be noted that the scheme as submitted is stated to be for 100% affordable. However, this site is one of the Authority's Housing Allocations and there is no requirement to restrict the use of the site in perpetuity to affordable housing. Therefore, only the policy requirement of 15% affordable housing, as secured in the S106 on the outline permission, is sought.

Condition / S106 Compliance

Conditions and S106 requirements on the outline permission, that are pertinent to this reserved matter application (i.e. that could affect the layout, scale and landscaping), are: flood risk (finished floor levels), drainage, tree protection, amount of open space and affordable housing. The layout, scale and landscaping of the current RM application is in accordance with conditions and S106 requirements.

Form and Character

Paragraph 124 of the NPPF states that planning policies and decision should support development that makes efficient use of land, with para 125 suggesting that design guides and codes be used to ensure that land is used efficiently while also creating beautiful and sustainable places. One such guide is *Building for a Healthy Life* (BHL) which can be used in conjunction with the National Design Guide (NDG) and National Model Design Code (NMDC).

BHL is a design assessment tool (with a traffic light scoring system to aid the design process) based on a set of 12 key questions (macro to micro.)

GREEN - A positive / high quality design solution. The scheme needs to achieve a majority of greens to be considered good design.

AMBER - Indicates that this aspect of a scheme currently fails to meet national policy and further amendments will be required to improve design quality (turn ambers to green where possible)

RED - Poor design quality / proposal that must be addressed – reds must be avoided where possible

Where an element of design is considered to fall between a green and a red light, an amber light can be assigned. In principle, the more green lights a proposed scheme secures the

better the design outcome. The overall objective with a BHL assessment is to minimise the number of amber lights and avoid red lights where possible.

A BHL assessment has been carried out on this proposal to assess design and place-making qualities and compliance with the NPPF, NDG and NMDC.

The assessment was broken down into 24 questions under the 12 key question headings of:

- natural connections
- walking
- cycling and public transport
- facilities and services
- homes for everyone
- making the most of what is there
- memorable character
- well defined streets and spaces
- easy to find your way around
- healthy streets
- cycle and car parking
- green and blue infrastructure and
- back of pavement front of home.

The outcome of the assessment was 11 green and 13 amber which suggests an overall acceptable development that would meet the overarching aims of BHL and therefore the NPPF and NDG.

Density / Efficient use of Land (Layout): The number of dwellings has been reduced from the originally submitted 44 dwellings to 38. This is because, whilst the outline permission was for up-to 44 dwellings, it was on a larger site with an area of approximately 0.3ha (3083m²) now removed from the site due to land ownership issues.

This gives a density of development of 26.5 dwellings/ha rather than 25.4d/ha. Officers consider this is an acceptable density given the central village location of the site and its designation as a housing allocation.

The current layout, given the shape of the site and the drainage constraints, is realistically the only layout achievable. Additionally, cul-de-sac development is a relatively common form of development in West Lynn.

The proposed layout is therefore considered to be acceptable in this locality.

Scale and Appearance: The proposed dwellings are simplistic modern two-storey dwellings with a ridge height of 9.4m and eaves height of 6m. These heights, whilst higher than the norm, are required to enable ground-floor finished floor levels to be 4.5m above AOD as required by the Flood Risk Assessment that accompanied the outline application.

Terrace and semi-detached dwellings are common forms of development in West Lynn and are therefore considered appropriate for the site and its wider setting.

The indicative materials (type, colour and texture) which will be agreed by condition comprise:

- brick under grey roof covering with black rainwater good and grey window and doorframes

- cladding elements (HouseTypes Semi-detached AB, C, E, F and Terrace D)
- render elements (HouseTypes Terrace A and C)

Cladding could not be considered a characteristic material in West Lynn, although it is being sporadically used here as it is in many other settlements within the borough. The other materials are however frequently seen. The materials palette, although further details are required) is therefore considered appropriate for the site and its wider setting.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.

Highway Safety

The impact of the development on the local road network along with access via St Peters Road have already been established at outline stage and is not a consideration in the current application. Likewise, the requirement to provide 11 parking spaces to serve as a school drop off point have been located in an appropriate position to accord with the outline permission that required this facility.

Parking provision, road types and turning heads are all in accordance with required standards / policy although the Local Highway Authority does point out that a standard size 3 turning space would be better in the parking area serving units 5 – 10. This is because the current turning space, in practice, will require large vehicles, such as a fire tender, to need to change gear more than twice to be able to exit in a forward gear. This is, however, not a reason to object to the layout.

This turning area does also mean that waste and recycling vehicles cannot enter this area (as they are larger than fire tenders) which has resulted in the requirement for bin collection points for units 5 – 10 to be located outside of plot 4. As this only occurs one day per week it is not considered to result in such disamenity to the occupiers of Plot 4 to warrant refusal. Residential amenity is considered further below.

Notwithstanding this, the Local Highway Authority raises no objections on the grounds of highway safety.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS11 and DM17.

Residential Amenity

Para 130 f) of the NPPF state that: *Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.* This is reiterated in Development Plan Policy DM15.

The layout is considered to offer acceptable separation distances between new and existing residential development and between proposed dwellings in terms of overlooking and overbearing impacts.

The existing properties to the immediate east of units 5-7 (109 and 115 St Peter's Road) will be the most affected by the proposed development given their proximity to units 5-7.

The distance between the rear elevation of plot 7 with the western (rear) boundary of 109 is 16.5m, with the distance to the western (rear) elevation of 109 being 21.5m.

The distance between the rear elevation of plot 6 with the western (rear) boundary of 109 is also 16.5m, but the distance to the western (rear) elevation of 109 is 25m and has the garage of 109 between.

The distance between the rear elevation of plot 5 with the western (rear) elevation of 115 is 17m, with the closest building to building distance being 18m.

These distances are considered acceptable in terms of overbearing and overlooking impacts. However shadow diagrams have been provided that show substantial overshadowing to 109 and 115 St Peter's Road from early evening onwards in the summer months (and probably spring and autumn.) This overshadowing is to both the very limited rear amenity areas but also to the rear windows of these properties. Members will need to consider whether they believe the overall benefits of the development outweigh this harm to these existing properties.

The CSNN Team have raised concerns in relation to noise disamenity to some proposed and some existing dwellings from traffic associated with the new development and from the LAP and school drop off points. Acoustic boundaries would suitably mitigate these impacts and this aspect could be conditioned if permission were granted.

Sheds and bin storage are afforded every dwelling.

All mid-terrace properties have pedestrian access to the rear gardens.

The development raises no specific crime or disorder issues although the Open Space Team have raised concerns in relation to the height and nature of the proposed post and rail fence around the main attenuation basin, considering it could be 'easily climbable'. It is therefore considered, as this issue relates to health and safety that a different boundary is required. This will be conditioned if permission is granted.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS08 and DM15.

Landscaping

Detailed landscaping and boundary treatment plans have been submitted with the application. These will be conditioned if permission is granted.

The future management and maintenance of these areas will be covered by the S106 Agreement. The applicant suggests that this will be via the Registered Provider. In relation to this aspect, whilst the Local Authority's Open Space and Community Safety and Neighbourhood Nuisance Teams have raised concerns, with the OS Team stated that they would not adopt such a layout.

The proposal is therefore considered to comply with the NPPF and Development Plan Policies CS08, DM15, DM16 and E1.14.

Other Considerations

In relation to Cllr Kemp's comments:

1. Non-compliance with the advice of the Flood Risk Report for the original outline application - the proposed layout is in full accordance with the flood risk assessment by virtue of raising the finished floor levels 2 metres above existing ground level and incorporating flood resilient measures 300mm above ffl.

2. Overlooking and right to light issues caused by changes from the outline application – no changes have occurred since the outline permission was granted as the outline layout was indicative. Overlooking is covered in the main body of the report and there is no right to light in planning terms, although overshadowing has been fully considered in the main body of the report.
3. Highways safety issues on St Peters Road around the exit of 100 cars – highway safety was fully considered at the determination of the outline application. Therefore, highway safety (other than within the site itself which the Local Highway Authority have no objection to) is not a material consideration in the determination of this RM application.

In relation to space standards, the Local Planning Authority has no policy relating to space standards and the NPPF states, at footnote 49: '*...Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified*'. There is no specific justification for using nationally described space standards on this application.

In relation to third party comments not covered above the LPA comments as follows:

- Should not be developed and be left green – outline issue
- West Lynn does not have the facilities to support this number of additional houses, and the doctors and school will not cope – outline issue
- Increased traffic and highway safety – outline issue
- Impact on wildlife – outline issue
- The site is at risk of flooding – outline issue / covered above
- Overshadowing, overbearing and overlooking – covered in main body of report
- The access is unsafe – outline issue.

Drainage is not a reserved matter and therefore cannot be considered under the current application. Notwithstanding this it is not possible to culvert the entire drain as requested by the CSNN team.

CONCLUSION

The applicant is giving substantial weight to the benefits that this scheme would give given it is for 100% affordable housing. However, the site is one of the local authority's housing allocations, where housing, both open market and affordable, is actively sought. The S106 Agreement appended to the outline permission is only for the requisite 15% (6 units). As such the site could be sold on at any time to a non-registered provider. Thus, without amending the S106 Agreement on the outline, this application cannot be conditioned to be 100% affordable. Furthermore, it would not be the intention for a housing allocation to be restricted by such a requirement.

There are some concerns with the proposed scheme as outlined in the report ranging from overshadowing, the practicalities of the turning area serving plots 5 -10 for large vehicles and open space management / maintenance. However, this development would provide 38 dwellings on a housing allocation that will support the local economy and address housing need in an area considered highly sustainable.

Many of the issues raised by third parties and councillors are issued that were fully considered at the outline stage e.g. highway safety, flooding, drainage, etc. or could be suitably conditioned. No objections have been received from statutory consultees on technical grounds.

It is therefore considered, on balance, that the benefits of the development outweigh the harm and that the proposal complies with the overarching aims of the NPPF and Development Plan Policies CS01, CS02, CS03, CS08, CS09, CS11, CS12, CS13, CS14, DM1, DM2, DM15, DM16, DM17 and E1.14. It is therefore recommended that permission be granted subject to the following conditions.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

19027 0100 P03 Site Location Plan
19027 0101 P03 Existing Site Layout
19027 0102 P24 Proposed Site Layout
19027 0103 P15 Section 106 Units
19027 0104 P02 Open Space Provision
19027 0105 P03 Proposed Boundary Treatments
19027 0200 P07 Housetype A – Semi-Detached (units: 11/12, 13/14, 22/23, 24/25 and 28/29)
19027 0201 P07 Housetype A – Terraced (units: 8-10 and 19-21)
19027 0202 P07 Housetype AB – Semi-Detached (units: 17/18 and 33/24)
19027 0203 P08 Housetype C – Semi-Detached (units: 1/2, 3/4 and 15/16)
19027 0204 P09 Housetype C – Terraced (units: 5-7)
19027 0205 P08 Housetype D – Terraced (units: 30-32)
19027 0206 P08 Housetype E – Semi-Detached (units: 35/36 and 37/38)
19027 0207 P04 Housetype F – Semi-Detached (units: 26/27)
19027 0400 P04 Housetype Indicative Street Elevations
19027 8001 P01 Plots 26-27 Parking
21.1616.001 Rev.B Detailed Landscape Proposals 1 of 3
21.1616.002 Rev.A Detailed Landscape Proposals 2 of 3
21.1616.003 Rev.B Detailed Landscape Proposals 3 of 3
21.1616.004 Tree Constraints Plan 1 of 2
21.1616.005 Tree Constraints Plan 2 of 2
21.1616.006 Tree Protection Plan 1 of 3
21.1616.007 Tree Protection Plan 2 of 3
21.1616.008 Tree Protection Plan 3 of 3
22520/10 Rev.H Proposed Drainage Layout
22520/15 Rev.F Proposed Vehicle Tracking

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 2 Reason: This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

- 3 Condition: Prior to the construction/occupation of the final dwelling all works shall be carried out on roads/footways/cycleways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 3 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 4 Condition: Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling / industrial unit to the adjoining County Road in accordance with the details to be approved in writing by the Local Planning Authority.
- 4 Reason: To ensure satisfactory development of the site.
- 5 Condition: No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act (1980) or a Private Management and Maintenance Company has been established.
- 5 Reason: To ensure safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.
- 6 Condition: Prior to the first occupation of each dwelling hereby permitted the proposed car parking / turning area and cycle parking (shed) for that specific dwelling shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and shall after be retained available for that specific use.
- 6 Reason: To ensure the permanent availability of the car / cycle parking / manoeuvring areas in the interests of highway safety in accordance with the NPPF and Development Plan.
- 7 Condition: Prior to any development on any external surface of the development hereby permitted full details of the type, colour and texture of all materials to be used for the external surfaces of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 8 Condition: Prior to the first occupation of any dwelling hereby permitted all hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 8 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 9 Condition: No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 9 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 10 Condition: Notwithstanding other conditions on this permission relating to approved plans, landscaping and boundary treatments, Plots 1, 4, 11, 22, 33 and 38 shall not be occupied and neither the LAP nor School Drop Off car park shall be used until details of acoustic boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved acoustic boundary treatments shall be provided prior to the first occupation of these units and shall thereafter be retained and maintained as approved.
- 10 Reason: In the interests of the amenity of occupiers of neighbouring properties in accordance with the NPPF and Development Plan.
- 11 Condition: Prior to the first occupation of any dwelling hereby permitted the attenuation basin shall be enclosed with a boundary treatment the details of which shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation of any dwelling hereby permitted and shall thereafter be retained and maintained in accordance with the agreed details.
- 11 Reason: Reason: In the interests of safety in accordance with the NPPF and Development Plan.