

Parish:	South Wootton	
Proposal:	2no. proposed dwellings following demolition of existing dwelling	
Location:	1 Stody Drive South Wootton King's Lynn Norfolk PE30 3UQ	
Applicant:	Mr Bush	
Case No:	21/01921/F (Full Application)	
Case Officer:	Olivia Luckhurst	Date for Determination: 31 January 2022 Extension of Time Expiry Date: 7 July 2023

Reason for Referral to Planning Committee – Parish Council object and referred by Sifting Panel

Neighbourhood Plan: Yes

Case Summary

The application site is located within the defined settlement boundary for South Wootton. South Wootton lies on the north side of King's Lynn and is a favoured residential area with its own distinct identity. The built environment predominantly consists of modern two storey, semi-detached and detached residential development. To the west of the site is a large supermarket and a petrol filling station.

The site is currently host to a modest, detached bungalow and associated amenity land within a residential cul-de-sac and positioned on a corner plot.

The proposal seeks permission for the demolition of the existing dwelling and the construction of two, two storey, detached dwellings.

Amendments have been provided throughout the course of the application process showing a revised design and layout for the dwellings. Discussions were also had regarding the existing earth bund and acoustic fencing which have now been retained and included within the proposal.

Key Issues

- Principle of Development
- Form and Character
- Impact on Neighbour Amenity
- Highway Safety and Parking
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located within the settlement boundary of South Wootton on a residential cul-de-sac accessed via Langley Road. The site is currently host to a detached bungalow constructed from red brick with upvc windows and doors.

Planning permission is sought for two, two storey three bedroom detached dwellings. The dwellings would front the entrance to Stody Drive with a parking and turning area located to the front (south).

The dwellings would measure 8.4m in height, 9.2m in width and 8.7m in depth and would be constructed from buff brick with upvc windows and aluminium doors.

A total of 4no. parking spaces would be located to the front of the plot (south).

The existing earth bund would be retained on the western boundary along with a 1.8m acoustic fence positioned adjacent.

SUPPORTING CASE

The applicant will be providing a supporting statement through late correspondence.

PLANNING HISTORY

10/02081/F - Permitted - Extension to rear of dwelling – Delegated – 21.01.2011

RESPONSE TO CONSULTATION

Parish Council: OBJECT: The Parish Council feels that the formation of the new proposed dwellings would create a harmful character to the surrounding area and is contrary to Policy CS08 of the adopted Kings Lynn & West Norfolk Borough Council Core Strategy and the South Wootton Neighbourhood Plan Policy H3.

The new dwellings will have little private amenity space contrary to the characteristic of the built form in the locality. The proposed dwellings would comprise a cramped form of development and represent an incongruous addition to the street scene, contrary to the NPPF and the South Wootton Neighbourhood Plan, Policies H2, H3 and H4.

Parking remains a concern at this location.

It is noted that there is an earth bund in situ on the site which is not shown on the existing site plan, it appears that this will be in the way of the proposed site layout. The Parish Council feels this must stay in situ, as it was put in place to provide noise attenuation to protect residential amenity from activities associated with the adjacent supermarket, car park and filling station.

South Wootton consists of a largely elderly demographic, many of these residents live in large 4-bedroom properties and would like to move into a single storey dwelling (bungalow). South Wootton Parish Council has submitted a revision of our Neighbourhood Plan to the Borough Council of Kings Lynn & West Norfolk which is currently receiving attention. Although we understand that the Revised Plan has not been adopted by the Borough

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Council yet, the Parish Council would respectfully ask that our views are acknowledged, and the plans are refused.

Highways Authority: NO OBJECTION: Having examined the revised plan 02 Rev I, I observe that the distance between car parking spaces has been increased to accord with the adopted standard. Therefore, no objections to the principle of the application subject to conditions relating to new access specifications, closure of other accesses, removal of pd rights for gates etc., visibility splays, parking provision to accord with the approved plans.

Natural England: NO OBJECTION: No comments to make.

Environmental Health & Housing – Environmental Quality: NO OBJECTION: The site is on land that is first seen developed from aerial photography in 1999.

Previous to this the site was an undeveloped field. The surrounding landscape is largely residential with a commercial premises and petrol station to the west separated by a road. Due to the age of the property and the need for demolition of the garage there may be asbestos materials present. We have no objections regarding contaminated land but recommend an asbestos informative be appended to any permission granted.

The proposed development will include the refurbishment/replacement of the existing building which could contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out as to whether asbestos is or is liable to be present before demolition or other work is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan. If asbestos is not managed appropriately then the site may require a detailed site investigation and could become contaminated land as defined in Part 2A of the Environmental Protection Act 1990.

CSNN: NO OBJECTION: In light of the plans stating that the existing site levels will remain the same and the addition of an acoustic fence, the proposal is considered acceptable.

Tree Officer: NEUTRAL

Comments were provided expressing concerns regarding potential overshadowing to the gardens as a result of the existing trees positioned to the west. The Tree Officer confirmed the option of a pair of semi detached dwellings would be preferred.

Principal Planner Policy & Water Management Officer: NO OBJECTION:

Environment Agency: NO OBJECTION: No comments to make.

LLFA: NO OBJECTION: No comments to make because the development is below the threshold for comment and there are no registered flood incidents in the vicinity of the site.

REPRESENTATIONS EIGHT letters of **OBJECTION** have been received from third party representatives. The issues raised can be summarised as:

- Overdevelopment
- The development impinges on the bank which is a noise and light attenuation measure and should be retained
- This is a full 2 storey dwelling which is worse than the previous proposal for a 1.5 storey dwelling
- The position of the new access is dangerous

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- A shadow diagram should be provided especially as this proposal is now taller than the previous one
- The description of development is incorrect
- The dwellings are not in keeping with the area
- The limited parking will result in on-street parking which is already an issue
- Construction noise, especially for those working shifts
- Construction traffic will have nowhere to park

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

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

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

Policy H2 - Encouraging High Quality Design

Policy H4 - Local Character

Policy T2 - On-Street Parking

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
 Planning Practice Guidance (PPG)
 National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:
 Principle of Development
 Form and Character

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Impact on Neighbour Amenity
Highway Safety and Parking
Other Material Considerations

Principle of Development:

South Wootton is characterised as a larger village within Policy CS02 of the Core Strategy 2011. South Wootton provides significant local facilities within close proximity to the main town of Kings Lynn.

CS03 of the Core Strategy also allows development within South Wootton in order to support the overall development strategy for Kings Lynn as a Growth Point and Key Centre for development and Change.

Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016 states 'Development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan.'

Policy DM15 of the SADMPP 2016 confirms that development must protect and enhance the amenity of the wider environment. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Policy CS08 of the Core Strategy states that all new development in the borough should be of high quality and sustainable design.

Policy H2 of the South Wootton Neighbourhood Plan (Encouraging High Quality Design) states Layouts for new development should be designed to the highest possible standard, taking account of the character of the village. Dependant on the size and scale of individual sites, planning applications will be expected to:

- Provide well-designed groups of houses, located in attractive, inclusive and secure spaces
- Respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation; and
- Maintain a 'human scale' in which individuals feel comfortable and secure

Policy H4 of the South Wootton Neighbourhood Plan states Proposed residential development densities will be required to demonstrate that they respond to their context and help to preserve the open and green character of the village.

Therefore, residential development in this area would be considered acceptable given its proximity to essential facilities and a main town (Kings Lynn). The development would appear in keeping with the neighbouring properties and would not have a detrimental impact on neighbouring amenity.

Form and Character

Stody Drive is characterised by mainly two storey, semi-detached dwellings and bungalows constructed from red brick and of a modest scale. Whilst the proposed development is considered acceptable and would incorporate materials which would appear in keeping with the surrounding area, discussions were had with the agent confirming that a pair of semi-detached properties would be preferred. A pair of semi-detached properties were considered to sit better on the site and allow for larger gardens whilst also mirroring neighbouring properties. However, the agent did not agree this to change.

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In this case, planning permission is sought for the demolition of an existing detached bungalow and the erection of two, two-storey detached dwellings.

The dwellings would front the entrance to Stody Drive with a parking and turning area located to the front (south). Concerns were raised by the Parish Council regarding parking provision; however, parking would be provided in accordance with the Parking Standards for Norfolk 2020.

Whilst semidetached properties would be a preferred design choice, the proposed detached properties are considered to reflect the wider area without the site appearing cramped or contrived. The dwellings would be of a similar scale and design to the surrounding dwellings and would incorporate similar materials.

The Parish Council raised concerns regarding the size of the property's amenity space however, the gardens proposed are of a similar size to the neighbouring dwellings and are considered to be sufficient.

The dwellings would measure 8.4m in height, 9.2m in width and 8.7m in depth. The properties would be constructed from red facing brickwork with upvc windows and aluminium doors.

A 1.8m high close boarded timber fence would be erected to the west of the plot with vegetation to soften its appearance. The height of the existing earth bund to the west would remain however, a small triangular section at the base of the bank would be removed. This is to form a footpath, and the rest of the bank would remain intact. As the height of the bank would remain as existing, there would be no reduction in noise suppression. This change has been supported by the Community Safety and Neighbourhood Nuisance Team.

The vegetation on the other side of the bund (Langley Road) would be retained to provide a verdant appearance of the site however, three hedges would be removed as a result of the proposed development. These include one Portuguese Laurel (T1), Laurel Hedge (G1) and Laurel Hedge (G3) The hedges are confirmed to be within good condition with some minor deadwood present. This is not considered to have a detrimental impact on the appearance of the area.

For reasons outlined above, the site is considered capable of hosting two dwellings and the development would not appear out of keeping or overdeveloped. Therefore, the proposal is considered to comply with policy DM15 of the SADMPP, CS08 of the Core Strategy and policies H2 and H4 of the South Wootton Neighbourhood Plan.

Impact on Neighbour Amenity

The application site is located on a corner plot allowing a sufficient separation distance of 9m to the north. A road separates the proposed dwellings from properties located to the east and south.

No windows are proposed on the northeast elevation of plot one and the rear elevation would only incorporate a window serving a bathroom at first floor (which would include obscure glazing, secured via condition). Therefore, the proposed property would not result in any overlooking.

Plot 2 would not incorporate any windows on the northeast or southwest elevations which would prevent overlooking to of plot 1. Two windows are proposed at first floor on the northwest elevation, with one serving a bathroom and one serving a bedroom. These

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windows would be positioned at a sufficient distance from the neighbouring property to the north and would only allow for a view of the neighbours (north) front garden and parking area.

Whilst some overshadowing may occur during the afternoon to the neighbour located to the north, this is not considered to have a detrimental impact given the separation distance, scale of the dwellings and the fact that the site is already currently occupied by a property although of single storey.

The amenity space provided for the two new properties would be sufficient given that the scale of the dwelling.

The existing earth bund positioned to the west of the site would be retained and a 1.8m acoustic fence is also proposed to the west of plot one. This would protect occupants from potential noise disturbance from the adjoining road.

Therefore, proposed development is not considered to have a detrimental impact on residential amenity and complies with policy DM15 of the SADMPP and policy CS08 of the Core Strategy.

Highway Safety and Parking

The application site is accessed via Langley Road. The existing access would be repositioned towards the west of the site and the plots would provide 2no. parking space per dwelling.

The Highway Authority requested that the original drawings were amended to include a 6m distance between the parking spaces in order to allow for manoeuvring. As the access would be in close proximity to a highway junction, it is important that a sufficient turning area is provided. Following these comments, amended plans were provided which sufficiently addressed the Highway Authority's concerns.

Therefore, the proposed development is considered to provide a sufficient amount of parking and offers a safe access in accordance with policy DM15 of the SADMPP.

Other Material Considerations:

Contamination:

According to aerial photography, the site was first developed in 1999 and was previously an undeveloped field. As there is a commercial premises and petrol station located to the west, although separated by a road, there may be asbestos materials present and therefore, an informative would be added relating to The Control of Asbestos Regulations 2012. There is no evidence of contamination on the site .

Landscaping:

A Tree Survey has been provided with the application and confirms that three hedges would be removed as a result of the proposed development. These include one Portuguese Laurel (T1), Laurel Hedge (G1) and Laurel Hedge (G3). The hedges are considered to be in fair to good condition and are labelled on the drawing as T1, G1 and G3.

The tree survey confirms that construction activities would take place outside all Root Protection Areas (RPA), other than a limited proportion of the RPA of T5(Oak) and T3(Silver

Birch) which is exposed due to a setback in alignment of the barrier. In areas where the RPA is exposed ground protection should be installed to prevent damage to the roots.

Other mitigation measures are listed within the read to sufficiently protect the trees from damage.

The Tree Officer raised some concerns regarding possible overshadowing of the amenity space for both plots due to the location of the trees. It was suggested that the plots be moved further to the east or the proposal to be amended to incorporate a pair of semi-detached dwellings.

This suggestion has been put to the agent however, they wish to remain with the current proposal of two detached dwellings.

In conclusion, the proposed works would not have a detrimental impact on existing trees on site however, it is noted that the proposed dwellings may suffer from some loss of light as a result of the proximity of the properties to the retained trees.

Response to Third Party Representations:

Comments of objection were received throughout the process of determination and highlighted concerns relating to the design of the dwellings and their potential to overshadow neighbouring properties. This issue has been taken into consideration and whilst it is noted that the neighbouring property to north may experience some slight overshadowing, this would only be in the afternoon and given the scale of the properties, the loss of light is not considered to be detrimental to the amenity of the neighbour.

Comments also requested that the existing earth bund to the west of the site, be retained as this is a noise attenuation measure. Following discussions with the agent and receipt of amended plans, the existing bund would be retained, and this is evidenced on the revised drawings.

Whilst it was suggested that a pair of semi-detached properties would be more in keeping with the surrounding area and sit more comfortably on the plot, the current proposal and design for the dwellings would be acceptable on balance. The properties incorporate materials that would reflect the neighbouring dwellings and would include similar features such as front porches.

Representations also stated that the proposal's description of development is not correct. The description states '2no. proposed dwellings following demolition of existing dwelling' which is accurate.

Concerns were also raised regarding highway safety, site access and parking. The Highway Authority has assessed the application and confirmed no objections however, conditions would be attached regarding new access specifications, closure of other accesses, removal of pd rights for gates etc., visibility splays, parking provision to accord with the approved plans.

Comments also expressed concerns relating the noise generated by construction traffic. Whilst some short-term disturbance may arise as a result of the construction, this is not considered to be of a scale that would be detrimental to neighbour amenity. This is due to the minor scale of the development and the fact that the site is in close proximity to a retail unit and a petrol station which would already create some noise disturbance.

Response to Parish Council Comments:

Concerns from the Parish Council have been addressed within the report above however, their objection also states that South Wootton consists of a largely elderly demographic seeking bungalows. South Wootton Parish Council have submitted a revision of the Neighbourhood Plan to reflect this, and it is currently with the Borough Council of Kings Lynn & West Norfolk for review. However, the amendments have not yet been agreed and therefore, we cannot attach any weight to this statement.

CONCLUSION:

The proposed development would be of an acceptable scale, design and form that incorporates appropriate materials. The dwellings would appear in keeping with the neighbouring properties and would respect the character and appearance of the area.

The site is served by a safe access and provides a sufficient amount of parking for both dwellings.

The earth bund located to the west of the site would be retained as requested and a new acoustic fence would be installed which would overcome noise disturbance issues.

The proposal provides a sufficient amount of amenity space without appearing cramped or contrived. Given the scale and positioning of the dwellings, the proposal would not be considered to have a detrimental impact on residential amenity.

Overall, the proposal complies with policies DM1, DM2, DM15 and DM17 of the SADMPP and policies CS01, CS02, CS08 and CS12 of the Core Strategy and policies H2 and H4 of the South Wootton Neighbourhood Plan.

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 (xxx insert plan numbers].

21127-01 EXISTING PLANS & ELEVATIONS Received 04.10.2021
21127 02 L PROPOSED PLANS & ELEVATIONS, SECTION & SITE Received
07.03.2023
21127 03 L PROPOSED PLANS & ELEVATIONS, SECTION & SITE Received
07.03.2023
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 3 Reason: In the interests of highway safety.
- 4 Condition: Prior to the first occupation/use of the development hereby permitted 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's Stody Drive roadside frontage. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

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- 4 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 5 Condition: Prior to the first occupation of the development hereby permitted the proposed access/on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 6 Condition: Prior to the first occupation of the development hereby permitted the vehicular/pedestrian/cyclist access/crossing over the footway shall be constructed in accordance with the highways specification TRAD 1 and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 6 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.
- 7 Condition: Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the access(s) shown on Drawing No. 02 Rev I 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 concurrently with the bringing into use of the new access.
- 7 Reason: In the interests of highway safety.
- 8 Condition: The development hereby permitted shall be implemented in accordance with the mitigation and protection measures specified within the Tree Report received 22.05.2023 written by Tree Works and Surveys Ltd.
- 8 Reason: To ensure that existing trees are properly protected in accordance with the NPPF.
- 9 Condition: Before the first occupation of the building/extension hereby permitted the window at first floor on the north west elevation on both plot 1 and plot 2 serving the bathrooms shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.
- 9 Reason: To protect the residential amenities of the occupiers of nearby property.