

AGENDA ITEM NO: 8/2(f)

Parish:	King's Lynn	
Proposal:	Construction of 6 dwellings and associated groundworks incidental to the development	
Location:	Land To the North And North East of 19 Gaywood Road King's Lynn Norfolk	
Applicant:	Clients of David Taylor Associates	
Case No:	15/00445/F (Full Application)	
Case Officer:	Mr C Fry Tel: 01553 616232	Date for Determination: 18 May 2015 Extension of Time Expiry Date: 8 June 2015

Reason for Referral to Planning Committee – The site has appeal history.

Case Summary

The site lies within an area designated as Built Environment Type D within King's Lynn. The land is mainly tarmac/hard-standing sloping from north to south and previously contained garages for those living on Eastgate Street and Archdale Street. Access to the site is provided via Eastgate Street and Gaywood Road.

A recent application on the site for 7 dwellings was refused by the Planning Committee on 17th June 2014 and dismissed on appeal APP/V2635/A/14/2225873 on 18th December 2014.

This application seeks consent for the erection of 6 dwellings (3 pairs) on the site, and seeks to overcome the objections set out in the appeal decision.

Key Issues

Principle of Development & Planning History
Form and Character
Impact upon Neighbour Amenity
Highway Safety
Flood Risk
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site lies on the northern side of Gaywood Road, King's Lynn. The site is currently separated into two parts. The larger part of the site faces Eastgate Street, and is currently closed off by way of a Heras fence from Eastgate Street. Most of the larger part of

the site contains overgrown vegetation. The smaller part of the site is accessed from Gaywood Road to the eastern side of Adrian Lodge and is hard surfaced.

The land slopes from 4.19m (Aod) at the Gaywood Road end, to as low as 3.4m (AOD) in the northwest corner.

The northern part of the site once contained garages to some of the properties on Archdale Street and Eastgate Street, these were removed a number of years ago.

The site previously had the benefit of planning permission for 5- 1 bed flats and 5- 2 bed flats (05/02611/FM). The most recent application on the site was for 7 2 storey terraced dwellings refused by the Planning Committee on the grounds of form, character and the under provision of parking and dismissed on appeal by the Planning Inspector on the 18th December 2014. (A copy of the appeal is attached to their report)

This proposal seeks to overcome the issues raised by the Planning Inspector in dismissing the appeal by providing 6 semi-detached properties (3-pairs). The properties are laid out in a crescent shape with 1 parking space per property, 3 visitor spaces and 3 parking spaces for Adrian's Lodge.

SUPPORTING CASE

A Planning Statement accompanies the application:-

- The proposal is to develop 6 houses on a brownfield site close to the town Centre.
- The development sits within its own character however design reflects elements of scale and features found in the terraces on Eastgate Street and Archdale Street.
- Permission was granted for a larger development of 10 dwellings in 2005 but this has expired.
- 6 houses are semi-detached (3 pairs).
- Density is lower than the very high density of adjacent streets. A tighter form of development could be expected in an edge of town centre site but efforts are made to allow for a development with higher garden and parking standards than are available to the adjacent terraces.
- Off-street parking is provided whereas the surrounding houses have none other than on-street. In previous schemes a lower parking provision than now shown was acceptable to the County Council as Highways Authority.
- The proposal is for 1 off-road parking space per dwelling (6) plus 3 visitor spaces.
- Amenity issues were not an adverse issue for the Council in previous schemes. Standards of privacy are now improved relative to earlier schemes, with larger gardens now proposed.
- All refuse collection is to the front.
- There were garages on the site up until 2004 these have been demolished.
- The site has had benefit of a previous permission for 10 houses in policy circumstances that were little different to the present.
- There are no significant or protected trees on this site, nor any heritage features.
- The site access from Gaywood Road will be closed off to improve highway safety.
- Vehicle access and parking would still be provided for staff occupants at Adrian Lodge.
- The overall size of the site and its position provides an opportunity for an attractive development, and which makes the best use of previously developed land.
- The proposal will provide starter homes for young families.

- Fenestration to living areas has been designed to minimise any impact on neighbouring properties.
- Distances of between 11m-16m is achieved between new and existing dwellings.

PLANNING HISTORY

14/00309/F: Application Refused: 17/06/14 Appeal Dismissed 18/12/14; - Site development of 7 dwellings and associated landscape works

05/02611/FM: Application Permitted: 14/03/06 - Construction of 5 x 1 bedroom flats and 5 x 2 bedroom flats

04/01086/F: Application Refused: 05/10/04 Appeal Dismissed 04/05/05; - Construction of seven 2 bedroom houses and two 1 bedroom flats

04/00778/F: Application Withdrawn: 25/05/04 - Construction of 7 houses and 2 flats after demolition of garages

2/04/0356/O: Application Withdrawn: 04/05/04 - Site for construction of 29 one bedroom flats

2/98/0951/O: Application Refused: 16/02/99 - Site for residential development

2/96/0063/CU: Application Permitted: 27/03/96 - Conversion and extension of former public house to form residential care home for 14 persons (revised proposal)

2/93/1662/F: Application Permitted: 05/01/94 - Alterations to rear elevation

RESPONSE TO CONSULTATION

NCC Highway: NO OBJECTION subject to conditions

Water Level Management Alliance: NO OBJECTION subject to conditions

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition

Emergency Planning Officer: NO OBJECTION subject to conditions

Civic Society: OBJECTION modern terraced housing would be better which in turn would provide the opportunity of rear gardens that receive sunlight and a layout that will have less shading impact on the rear gardens of the existing dwellings on Archdale Street. The present layout will provide new residents with a small shaded rear garden whilst the south facing frontage is dominated by the awkwardly shaped proposed parking area. We would ask that a revised scheme be sought which develops and strengthens the existing character of this area and ensures more positive use of external spaces.

Environment Agency: NO OBJECTION subject to condition

Environmental Health and Housing – Community Safety Neighbourhood and Nuisance: NO OBJECTION

REPRESENTATIONS

37 signature petition against the application on the following grounds:-

- Overdevelopment of the site. Only one parking space per home and 2 visitor's parking spaces.
- Only 2 car parking spaces for Adrian Lodge but most days there are 8-9 cars parked
- Congestion in the street from vehicles associated with the new buildings
- Resident only parking will be required in Eastgate Street, Archdale street
- Should only be 4 homes to give more parking to all
- Building hours cannot start till 8am in the morning and finish at 5pm
- No working after 12 am on Saturday
- No working on the site on Sunday.

8 letters objecting to the application on the following issues

- Overshadowing issues
- Intensification of parking on Eastgate Street
- Not enough parking spaces
- Noise and disturbance during construction
- Overdevelopment of the site
- Loss of parking spaces to Adrian's Lodge
- Fencing is not in keeping with boundary treatments in the locality.
- Flooding issues
- 4 houses would be more appropriate

1 letter received in regards to the amended plan

- 1 extra parking space is not enough
- Still not adequate parking for Adrian's lodge
- Overbearing issues
- Poor quality of homes
- Better use of the land

1 letter in support of the application

- The proposed site is unsightly and requires development. As I understand it the site is unsightly and requires development.
- 6 x 2 bedroom properties with adequate parking will have less of an impact on the locality and will also be in keeping with the surrounding properties.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

LDF CORE STRATEGY POLICIES

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM2 – Development Boundaries

PLANNING CONSIDERATIONS

The main planning considerations in regards to the application are:-

- Principle of Development & Planning History
- Form and Character
- Impact upon Neighbour Amenity
- Highway Safety
- Flood Risk
- Drainage
- Other Material Considerations

Principle of Development and Planning History

Paragraph 14 of the NPPF states that at the "heart of the National Planning Policy there is a presumption in favour of sustainable development and in relation to decision making this means approving development proposals that accord with the development plan". There is also a presumption in favour of new housing development. The development plan also comprises of the Local Plan and the Local Development Framework Core Strategy which supports development on this site subject to satisfying other material conditions.

Whilst the principle of development is accepted on this site, the most recent application on this site for 7 - 2 storey terraced dwellings (14/00309/F) was refused by the Planning Committee on the following grounds:-

1. The proposal represents an over-development of the site illustrated by the fact that it would result in an under-provision of car parking and would not allow residents to access their back gardens other than directly through the dwelling. By virtue of a poorly considered layout and the number of units proposed for the site the proposal would therefore result in a cramped form of development that fails to provide sufficiently for the needs of future residents and is therefore contrary to Core Strategy CS03, CS08 and CS12 as well as to the provisions of the NPPF and NPPG.

2. The design and detailing of the proposed units does not adequately reflect the form and character of the surrounding area. Consequently, the development would appear unduly conspicuous and would have an adverse impact upon the character of the area. The development would neither promote nor reinforce local distinctiveness and fails to improve the quality of the area. The proposal is therefore contrary to Core Strategy CS03, CS08 and CS12 as well as to the provisions of the NPPF and NPPG.

An appeal was lodged against the Council's refusal (APP/V2635/A/14/2225873) and was dismissed by the Inspector on poor design and layout issues.

This application seeks to address the Inspectors comments in dismissing the appeal to attain planning permission for the erection of 6 semi-detached dwellings and associated parking.

Form and Character

Third Parties and the Civic Society object to the proposal on form and character issues.

The area opposite and behind the site comprises of two storey terraced properties, Eastgate Street fronts the site whilst the Archdale Street houses have two storey gable end rear projections facing the site. The properties were constructed in the early C20th century and have small yards and gardens. Eastgate Street gently slopes away heading north as it leads into Archdale Street. Archdale Street has a curvature in the road. On the Corner of Eastgate Street and Archdale Street is Adrian's House, a two storey former public house, now a care home. Parking is on-street on both sides of the road.

The proposal is similar to the previous scheme in so far as seeking permission for 2 storey houses that face onto its own service courtyard/parking area. The Inspector did not criticise this layout, indeed the inspector commented in relation to this character of development as being "capable of creating its own character albeit taking clear reference from the neighbouring properties." The design of the proposed properties has taken references from the adjacent properties in so far as header and cill treatment detailing and the use of parapet roofs, as well as materials. This is considered to overcome the Council's previous reason for refusal and by virtue of being able to create its own character, the semi-detached layout is acceptable.

The overlapping of private amenity spaces and the single storey side additions which were criticised by the Inspector have been removed from this proposal. Access to the rear amenity spaces is achieved from within the confines of the site and the private amenity spaces are also deeper than the previous scheme and are accessed from the front of the site itself as opposed to the alleyway beyond the rear boundary of the site.

Fencing is proposed along the footpath on Eastgate Street. The 1.8m high fencing is not considered to cause a detrimental impact upon the area.

The proposed form and character is therefore considered to be acceptable.

Impact upon Neighbour Amenity

Third Party Representations are concerned about being overlooked, overshadowed and the housing being overbearing on their amenity spaces.

The proposed 6 dwellings are set further away from those on Archdale Street (approximately 1m) than previously proposed. The height of the dwellings, taking into account existing site levels being higher than Archdale Street (including the need to take into account the raising of the finished floor by 500mm) results in a ridge height of effectively 8.6m above the ground level. The separation distance between the properties (including the passage way that runs along the rear of the properties on the southern side of Archdale Street) means that the proposal is not going to cause detrimental overbearing, overlooking or overshadowing issues upon these neighbours.

It is therefore considered that in respect of the properties on Archdale Street the proposal does not cause any detrimental neighbour amenity issues that would warrant a refusal of the application.

At the closest point, the properties on Eastgate Street are 11m to the window serving the living room on Plot 1 and 12m from the two storey element (1m further away than previous). From that point the semi-detached properties move away from the properties on Eastgate Street. At this distance they are not considered to be detrimentally affected by the proposed properties.

The proposed dwellings, plots 5 and 6 are 0.8m closer to Adrian Lodge's amenity space compared to the previous scheme which is used by the residents of the home. The amenity space is protected by 1.8m lap board fencing. This mitigates overlooking at ground floor and by virtue of being used as communal/shared amenity space and separated from the proposed properties by the access/roadway it is considered that on balance there is not a detrimental impact upon the residents of care home to a level that warrant an objection. It must also be noted that there is no direct window to window relationship between plots 5 and 6 and the care home.

Indeed, the Inspector did not consider there to be a detrimental effect upon neighbour amenity as a result of the erection of the proposed 7 dwelling scheme.

Third Party Representations are concerned about noise and disruption caused during the construction of the houses. Whilst the Environmental Health CSNN do not request a construction management plan in respect of this application, however it is considered that a condition be attached to any permission in relation to construction management, which protects the neighbours from noisy equipment, proposed timescales and hours of construction phase, given the proximity of neighbouring properties to the site would be reasonable.

Highway Safety

Third Party Representations consider that there should be only 4 houses on the site in order to accommodate more off-road parking for existing residents.

Whilst the loss of parking on the site has led to the parking of cars on street, the garages on the site were removed a long time ago and prior to the 2005 application, which offered no off-road parking for the nearby residents. It is not reasonable to request, especially considering the site's proximity to the town, the provision of off-road parking for the residents on Archdale Street on this development.

Third Party representations are concerned that there is not enough parking on the site to serve Adrian's Lodge and the 6 dwellings, and the ramifications of people parking on Eastgate Street and Archdale Street.

The previous scheme detailed 9 parking spaces for the 7 terraced houses (including two visitor spaces) and 3 for Adrian's House. The Council refused the previous application on grounds of under provision of parking. The highways officer is satisfied that there is enough parking on site to serve the properties and whilst a shortfall on-site parking for Adrian's lodge, the officer would not object to the proposal on this basis because there is off street unrestricted parking available in the locality. Indeed the Inspectors concluded that because there were on-site spaces available during the during their morning visit of appeal site and their being other procedures to restrict parking and the site being close to the town centre, railway station and other facilities that the level of off-street parking with the previous scheme was acceptable.

This scheme still proposes 9 parking spaces but now for only 6 houses. 3 parking spaces will still be given over to Adrian's Lodge. This is a better situation than previously proposed. As Adrian's Lodge is shown as blue land a condition can be attached to require that the 3 parking spaces are retained for use by that building.

The Gaywood Road access is to be closed off due to the inability to satisfy visibility splay requirements in the Manual for Streets in the non-trafficked direction by virtue of the railings that are at the back edge of the footpath on Dodmans Bridge. The access in question is not in the red-line area of the application but is blue land. A condition can therefore be attached to ensure that the access is closed off.

Flood Risk

Third Party representations are concerned about localised flooding.

The site lies within Flood Zone 1, the least restrictive flood zone. However, breach modelling of the area indicates that the site is susceptible to flooding of between 500mm-1m above ground level in the event of a breach of the flood defences. The Flood Risk Assessment and addendum highlights that finished floor levels will need to be 500mm above existing ground levels and flood resilient measures built into the design of the properties.

The Environment Agency have no objection to the scheme subject to conditions that floor levels are raised by 500mm and flood resilient measures are implemented.

The Emergency Planner requests that future occupiers of the dwellings sign up to the Environment Agency Flood line Warnings Direct (FWD) service – this can be an informative attached to the decision notice. The flood evacuation plan is not considered to be necessary or enforceable in terms of paragraph 005 of the National Planning Practice Guidance.

Drainage

The Environmental Health and Housing - CSNN team and Internal Drainage Board have no objection to proposed surface water drainage system which involves the use of Rainwater attenuation tanks and soakaways. The council has not received has not received localised surface water flooding issues. There is no further requirement to ensure that sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate, for schemes of this size.

Foul water will go to mains sewer. The Environment Agency has stated that Anglian Water Service Ltd should consult by the Local Planning Authority and be requested to demonstrate

that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows. Anglia Water has been consulted and their comments in regards to flow water drainage will be reported in late correspondence.

Other Material Considerations

The Inspector in dismissing the previous scheme commented that there was a lack of natural surveillance of the vehicles parking adjacent to the footway of Gaywood Road, but did not consider this such an issue so that the application would be refused. The proposal has nevertheless has addressed this issue by providing a window to plot 6 that overlooks this parking area.

CONCLUSION

This proposal seeks to redevelop a longstanding brownfield site close to the town centre. The most recent application on the site for 7 terrace dwellings was dismissed at appeal on the grounds that the layout advocated a poor design. The overlapping gardens and single storey side additions were criticised. The Inspector considered that neighbouring relationships and the level parking provision were acceptable

The proposed scheme is considered to have adequately addressed the Inspectors reasons for dismissing the previous appeal. There are no detrimental neighbour relationships that occur from the revised layout and parking provision is better than the previous scheme.

Therefore, subject to the inclusion of suitable conditions, the proposal can be approved, and is in general compliance with the NPPF and LDF Core Strategy.

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 no. 1022-13-7 Rev E dated January 2014 received 23rd March 2015
 - Drawing no. 1022-13-8 Rev E dated January 2014 received 23rd March 2015
 - Drawing no. 1022-13-9 Rev D dated April 2014 received 19th May 2015.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan 1022-13-9D in accordance with the highway specification drawing No: TRAD 1. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

- 3 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 4 Condition Vehicular, pedestrian and cyclist access to and egress from the adjoining highway shall be limited to the access (es) shown on drawing No 1022-13-9 rev D only. Any other access (es) or egresses shall be permanently closed, and the footway 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.
- 4 Reason In the interests of highway safety.
- 5 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 25 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.3 metres above the level of the adjacent highway carriageway (existing telegraph pole excluded).
- 5 Reason In the interests of highway safety.
- 6 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking/ turning area shall be laid out, demarcated, 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 The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment produced by Engineering Support Practice Ltd and Addendum received 14th May 2015 and the following mitigation measures as detailed within the FRA:-
1. Finished floor levels are set no lower than 500mm above the existing ground levels.
 2. Flood resilient construction methods are to be included within the design as detailed in site development 7 dwellings, Drawing no. 1022-13-7 Rev E dated January 2014.
- 7 Reason To reduce the risk of internal flooding to the proposed development and future occupants.
- 8 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.
- 8 Reason In the interests of the residential amenities of the future occupants of the development 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 construction phase. The scheme shall also specify the sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise and dust. 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 bathroom windows detailed to be inserted at first floor in the rear elevation of the proposed properties hereby approved shall be fitted with obscure glazing and non-opening below 1.7m above the floor level of the bathroom to which they will be installed. The windows shall be retained thereafter in such condition.
- 10 Reason In order to protect neighbour amenity.
- 11 Condition Prior to the occupation of the dwellings hereby approved details of how the 3 parking spaces retained for use by Adrian's Lodge on the approved plan are to be reserved for use by that building shall be submitted to and agreed in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the agreed details prior to occupation of any of the dwellings hereby approved.
- 11 Reason To ensure the provision of adequate car parking in the interests of highway safety