

AGENDA ITEM NO: 8/2(c)

Parish:	North Runcton	
Proposal:	Demolition of existing built form on site, and replacement with 2 x 3 bedroom bungalows	
Location:	Derelict Esso Filling Station 36 West Winch Road West Winch	
Applicant:	Motor Fuel Group	
Case No:	20/01082/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 15 October 2020 Extension of Time Expiry Date: 12 February 2021

Reason for Referral to Planning Committee – Parish Council representation contrary to officer recommendation and Sifting Panel require the application to be determined by Planning Committee.

Neighbourhood Plan: No

Case Summary

The application site is located to the east of the A10, and falls within the development boundary of West Winch. The site is immediately adjacent to the existing petrol filling station, and was last used as a commercial repair garage in association with the filling station.

The application seeks consent for the construction of a pair of single storey semi-detached bungalows. The bungalows are three bedroom with parking and turning areas to the front and side, and private gardens to the rear. Access for the dwellings is proposed via Regent Avenue.

Key Issues

Principle of Development
Highways / Access
Form and Character
Residential Amenity
West Winch and North Runcton Neighbourhood Plan
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located to the east of the A10, and falls within the development boundary of West Winch. The site is immediately adjacent to the existing petrol filling station, and was last used as a commercial repair garage in association with the filling station.

The application seeks consent for the construction of a pair of single storey semi-detached bungalows, with a ridge height of approximately 6.75m. The bungalows are three bedroom with parking and turning areas to the front and side, and private gardens to the rear. Access for the dwellings is proposed via Regent Avenue. The dwellings proposed are of a modern design with red multi brick and grey roof tiles. There is some minimal planting proposed to the front of the site. The boundary treatments proposed are existing low level hedging/planting on the western boundary in line with the parking and turning area, which then changes to 1.8m close boarded fencing to enclose the rear garden. A solid wall is to be constructed on the eastern boundary of the site, the details of which are to be agreed through condition.

The application site was last used in conjunction with the adjacent petrol filling station as a workshop for car repairs, and therefore formed part of a larger commercial use. This commercial use could be reinstated at any time, and as such the 'use' of the land is a material consideration in the assessment of this application, particularly in regard to vehicle movements as discussed below.

SUPPORTING CASE

The applicant has addressed the objection by the Parish Council as below, and goes on to clarify policy compliance with Core Strategy policy CS10 'The Economy':

Access

A consultation response received by the North Runcton Parish Council objects to the scheme due to alleged unsafe access from the A10.

The Norfolk County Council Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangement and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway and concluded that they do not object to the proposals and have proposed one compliance condition in relation to the surfacing.

Retention of Employment Land (Policy CS10)

The site is not located within any site-specific allocations but is within the identified development limits of West Winch. Planning permission is sought for the demolition of the existing redundant workshop building on the site which results in an incongruous addition to the streetscape. The proposal would provide a visual enhancement to the site and the wider area whilst providing much needed new residential dwellings.

The National Planning Policy Framework (February 2019) within paragraph 84 is clear that 'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'. The application site in this instance currently comprises a vacant site, within a sustainable location, well connected to the existing facilities offered in West Winch.

Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities,

Paragraphs D.1.23 – D.1.25 of the Site Allocations and Development Policies document (SADMP) is clear that the Borough Council supports the use of brownfield sites for residential uses. The site is no longer suited in land use terms for continued employment use by way of its incompatibility with surrounding land uses and is considered to be in accordance with Policy CS10.

PLANNING HISTORY No recent relevant history.

RESPONSE TO CONSULTATION

Parish Council: OBJECT

As other consultees and neighbours have stated, the Parish Council would have concerns about the safety of access to this site from the A10. However, as we have noted in regard to other nearby applications, both BCKLWN and NCC appear to have been inconsistent in deciding what development is and isn't acceptable along this section of road. We feel more clarity is required for applicants.

The Parish Council confirm that they must OBJECT because if other developments along the A10 are being refused on the grounds of unsafe access – then this access must surely be considered unsafe, located as it is close to the petrol station access and also a bus stop. Sight lines up and down the A10 are limited and there is a steep ramp up to the edge of the highway. These are all issues previously noted in nearby refusals.

Local Highway Authority: NO OBJECTION

Following our recent discussions there would appear to be two key factors that are relevant to the highway considerations for this proposal. One, being that it is the view of the planning authority that the site being considered does retain a use class that allows commercial ventures and therefore it can generate traffic in its own right. Two, being that the site could currently create an access, with the consent of the private track owners, to serve the site and operate the class uses that the site will currently enjoy.

In our view an approval of the application and in particular utilising a narrow private drive is far from ideal. However, on balance of the factors set out above, I believe that it would be difficult to substantiate an objection to this application on highway grounds and I therefore recommend a condition is attached.

IDB: NO OBJECTION SUBJECT TO STANDARD IDB CONDITIONS

CSNN: NO OBJECTION SUBJECT TO CONDITIONS

The storage of petroleum is regulated by the Petroleum Enforcement Authority which in Norfolk is part of Norfolk Fire & Rescue Service. They would be the appropriate authority to comment on the proximity of the proposed development to the existing petrol station. Contact details for the PEA can be found here <https://apea.org.uk/pages/contacts/petroleum-licensing-and-enforcingauthorities?search=norfolk>

Having looked at the proposed layout I am concerned about the bedroom on the east facing façade of the building (Plot 1) as this has a window directly facing the petrol station and A10. I am concerned about potential noise levels inside this bedroom and would therefore recommend a condition is attached looking at these noise levels and necessary remediation required for the dwelling.

No information has been submitted in relation to the proposed drainage for the site. It is likely that the dwellings would be able to connect to the main foul sewer. It is assumed that soakaways would be proposed for surface water drainage of roof water but percolation tests would be required to validate that method of drainage. Therefore it is requested that drainage is conditioned.

Environmental Quality: NO OBJECTION SUBJECT TO CONDITIONS

Contaminated Land - The application is for land including a derelict workshop building directly to the west of the operational petrol filling station. The land has the potential to have been contaminated due to the previous use. The applicant has submitted a Preliminary Land Quality Risk Assessment report, SLR July 2020.

The PLQRA report reviews desk study information and maps, and also refers to previous reports and site investigation. The report concludes that the previous use of the site as a workshop has created the potential for contamination to be present in site soils. However, measures are recommended in the report for further investigations and remediation.

The proposed redevelopment strategy is:

- dismantle the existing buildings;
- inspect the exposed soils/rock following removal of the buildings and any associated excavations;
- re-assess the conceptual site model identified potential pollutant linkages; and
- remove any unsuitable contaminant impacted soil materials that may be encountered locally during the removal works as part of placement of suitable soil materials in garden areas.

As further work is required, and as there is the potential for asbestos materials to be present in the workshop building, I recommend conditions and an informative is attached to any approval. I note that demolition may be required prior to further site investigation and site characterisation, but this further investigation should be undertaken prior to other groundworks.

Norfolk Fire and Rescue: NO OBJECTION

Please find below the information you requested regarding safety distance from petrol filling stations.

Fill Points - Public thoroughfares and property boundaries should not be within 4 metres of fill points. Where there is independent occupancy within the building, there should be an increased separation distance of 9 metres where the occupancy is residential with 30 minutes fire resistance. Where the building is occupied by vulnerable populations this should be increased to 60 minutes fire resistance.

Dispensing - As above.

Vent Pipes - Vent discharge points should not be within 3 metres in any direction of opening windows or any other opening to a building or located less than 2 metres from a boundary.

Risk Assessment - A risk assessment should be carried out to consider the type of occupancy of the buildings and where necessary provide additional controls for higher risks.

Further discussions were held verbally with Norfolk Fire and Rescue about the proximity of the vents to the boundary of the site. The view of the F&R Officer was that given the fact that the vents will be adjacent to the back garden of the proposed dwelling, and the distances between the vents and dwelling, that they could not ask the petrol filling station to make alterations to the existing vents. They would not object to the scheme in its current form on the basis that the 2m solid brick boundary wall was to be provided.

Natural England: NO COMMENTS

REPRESENTATIONS FOUR letters of **OBJECTION** have been received from neighbouring residents. These raise issues summarised as-

- All residents of Regent Avenue should have been informed of application.
- Trying to join/ leave A10 from/ to Regent Avenue is dangerous due to high traffic levels and proximity of entry/ exit to Petrol Station next door to the access.
- No passing places on Regent Avenue so can cause delays onto A10
- Additional dwellings will add further stress on poor road layout and will be a major safety concern.
- Dwellings should be 100ft from petrol station for health and safety reasons.
- Also light and noise pollution from garage, affect neighbour amenity.
- Surely there are better sites for new development
- Vans park at garage which restricts visibility for leaving Regent Avenue
- Who will be responsible for maintenance of lane?
- Machinery / delivery lorries will block access to road for residents and emergency vehicles
- Is there a need for more new housing on this stretch of A10?
- Litter created from petrol station, and customers of petrol station urinate up their wall.

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS10 - The Economy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

DM2 – Development Boundaries

Policy E2.2 - Development within existing built-up areas of West Winch

NEIGHBOURHOOD PLAN POLICIES

Policy WA11 - Adequate Provision for Bicycles

Policy WA07 - Design to Protect and Enhance Local Character

Policy WA10 - Adequate Provision for Cars

Policy WA12 - Adequate Outside Space

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues in assessing this application are considered to be as follows:

- Principle of Development
- Highways / Access
- Form and Character
- Residential Amenity
- Other Material Considerations

Principle of Development

Policy CS10 of the Core Strategy (2011) seeks to retain land currently/ last used for employment purposes unless it meets one of the stated criteria. In this case the applicant has made the point that the site is no longer suited in land use terms for continued employment use by way of its incompatibility with surrounding land uses. The use of the site for a commercial use is likely to give rise to amenity issues for residents of Regent Avenue, and neighbouring dwellings to the south, and therefore it is considered that the scheme does accord with policy CS10.

The application site lies within the development boundary for West Winch as outlined in the Site Allocations and Development Management Policies Plan (SADMPP)(2016). Policy DM2 allows for new development within development boundaries, providing the scheme is in accordance with other Local Plan policies. Policy E2.2 goes on to state that in the existing built up areas of West Winch policy DM2 applies but there are additional provisos. In this case many of these provisos are not relevant given the location of the application site, however 1(a) refers to the need to restrict new development resulting in new traffic / accesses onto the A10. This is addressed fully later in the report.

The site falls within the designated neighbourhood of the adopted West Winch and North Runcton Neighbourhood Plan, and as such is also subject to the relevant policies within this document. The proposal meets the requirements of policies WA07 in terms of the design of the dwellings responding to the locality; policies WA10 and WA11 in providing adequate provision/ space for car parking and bicycles; and provides well above the required minimum amount of outside space to meet policy WA12. The application is therefore in accordance with the Neighbourhood Plan.

As this report identifies, subject to conditions attached to the consent, the scheme does meet the policy requirements of the adopted Local Plan.

Highways / Access

The objections received to the application from both the Parish Council and neighbouring residents centre around traffic issues in this locality. These comments and concerns are detailed above. It should also be noted that each application must be considered on its own merits. The Local Highway Authority has stated in their response that the site under consideration does, in the view of the Local Planning Authority, retain a commercial use class. While the site has not been used for a period of time, it does not meet the tests of abandonment (broadly these include the physical condition of the premises; the period of non-use; whether there has been any intervening use; and evidence regarding the owners intentions) and therefore the commercial use could be reinstated at any time. Furthermore, with this existing use in mind the site could currently create an access onto Regent Avenue, with the consent of the private track owners, to serve the site and operate this commercial use. In this specific case, given the site could easily be brought back into use, it cannot be considered in the same way as a site with limited use (such as garden land for example) with regard to traffic generation and access. While utilising a narrow private drive is far from ideal, the Local Highway Authority is of the view it would be difficult to substantiate an objection to this application on highway grounds. Therefore the scheme does accord with Policy CS11 of the Core Strategy (2011) and Policy E2.2 and DM15 of the SADMPP(2016).

Form and Character

The dwellings proposed are a standard design pair of single storey semi detached 3 bedroom dwellings. The scheme includes driveways and turning areas to the front and side, and rear gardens. The site levels are to remain as existing and the finished floor levels of the dwellings to be raised by 150mm above existing levels (at +6.37). Given it is a single storey development, the small increase in FFL and the fact that site levels will remain the same, the proposed scheme is acceptable in the street scene. In terms of the design of the dwellings proposed this largely reflects the scale and form of neighbouring dwellings. The materials proposed are red multi brick with grey roof tiles and white upvc windows, which given the mix of materials and styles in this locality is considered acceptable and accords with Policy DM15 (SADMPP 2016).

Residential Amenity

The construction of two single storey dwellings on the site would not cause a detrimental impact on neighbouring dwellings to the extent to warrant refusal of the application. While there is likely to be some inconvenience during the construction, a condition has been attached to the consent to require the submission of a Construction Management Plan for the site, which would include parking and delivery arrangements for construction vehicles, and is considered necessary given the narrow access road to the site. Furthermore a condition will also be added restricting hours of construction on site, to protect neighbour amenity.

The dwellings proposed are single storey only with the proposed boundary treatment to the rear and to the western side a 1.8m close boarded fence. To the front of the site on the western boundary the existing low level planting/ hedge will be retained. Taking into account the small increase in finished floor levels of 150mm, this would not give rise to any issues of overshadowing or overlooking to neighbouring dwellings. This relationship is considered to be acceptable.

In terms of the residential amenity of the new dwellings; the proximity of the existing petrol station immediately adjacent to the east of the application site does give rise to some concerns regarding the noise/ lighting from the petrol station and the impact of this on the proposed dwellings. This is especially the case for plot 1, the dwelling to the east. CSNN has requested that the applicant submit a report, completed by an appropriately qualified acoustician, to the LPA demonstrating that internal and external night time noise levels in the east facing bedroom in Plot 1 are compliant with the WHO guidelines on Community Noise. Based on the results of this, details of any necessary remediation measures will also need to be submitted and agreed by the Council. CSNN are satisfied that it would be possible to improve the acoustic performance of the window installation, such as by the type of glazing, passive ventilation etc.

Paragraph 182 of the NPPF refers to the need to effectively integrate businesses, and specifically that 'existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' The existing petrol station should therefore not be restricted as a result of this development. The hours of operation of the petrol station are not conditioned, although currently it operates from 0600 to 2300 hours 7 days a week. Potentially these hours could increase further, and so the report and remediation measures referred to above should consider this. It is our view that there will be sufficient remediation measures in place to prevent complaints related to noise/ disturbance from these proposed dwellings, and thus the petrol station would not be restricted as a result. It is important to note that the petrol station is already surrounded by existing residential development.

Consideration has also been given to the safety implications of new residential development within close proximity of the petrol station. The eastern most dwelling (plot 1) is approximately 18m to the nearest fuel pump, and approximately 7m to the vent pipes. As detailed above Norfolk Fire and Rescue has not objected to the scheme given the distances between the petrol pumps, the vent pipes, the positioning of the new boundary wall and new dwellings proposed. It is necessary for the applicant to construct a solid brick wall approximately 2m in height along the eastern boundary of the site. This would act as a barrier in the case of any fire / blast incidents to the new dwellings. However there is a change in levels on site between the application site and the petrol station hard standing, therefore it is necessary to attach a condition to the planning consent requiring the applicant to submit full details of this boundary wall to be agreed by the Council. This will enable the officers to balance the safety requirements against the residential amenity.

On the basis of the above, the proposal complies with the NPPF, Policy CS08 of the Core Strategy and Policy DM15 of the SADMPP.

Other Material Considerations

The issues raised in the objections received to the application have largely been discussed above. Where concerns have been raised with regard to the operation of the petrol station, these are not for consideration as part of this application. In terms of the maintenance of the private access road, this is not a material consideration in the planning process but rather a civil matter and details would be contained within property/land deeds.

Flood risk – A small part of the site, to the far south, is identified in the Strategic Flood Risk Assessment as being at risk of surface water flooding. However the view has been taken that given this is for such a small area and will remain as garden land, a site specific flood risk assessment was not required. Foul and surface water drainage arrangements are conditioned.

CONCLUSION

The proposal constitutes the development of a pair of semi-detached bungalows within the existing built up area of West Winch, and within the development boundary for the village (Policy DM2 of the SADMPP 2016). While the land has a previous commercial use, the physical constraints of the site and proximity to neighbouring residential dwellings means that the scheme does accord with the criteria set out in Core Strategy policy CS10. The principle of residential development in this location is in line with the NPPF and Local Plan policies.

The Parish Council has objected to the scheme on the grounds of highway safety, and that 'BCKLWN and NCC appear to have been inconsistent in deciding what development is and isn't acceptable along this section of road (A10)'. However, the view of the Local Highway Authority is that given there is an existing commercial use on the land, in terms of traffic movement, the circumstances are different to if this were a site with limited use (such as garden land for example) and therefore they cannot substantiate an objection to this scheme.

Conditions are recommended to manage the relationship between the existing petrol filling station to the east of the site and the residential dwellings proposed, and on this basis CSNN does not object to the scheme.

The proposal is therefore considered to be sustainable development and accords with the provisions of the NPPF, Core Strategy Policies CS06, CS08, CS10 and CS11, Policies DM2, DM15 and E2.2 of the SADMPP (2016), and Policies WA07, WA10, WA11 and WA12 of the West Winch and North Runcton Neighbourhood Plan. The application is therefore duly recommended for approval.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos WESTWH-IWD-XX-XX-M2-A-2000 Rev P04, WESTWH-IWD-XX-XX-M2-A-2101 Rec P01, and WESTWH-IWD-XX-XX-M2-A-2102 Rev P1).
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Notwithstanding the details that accompanied the application hereby permitted, prior to occupation of the dwelling full details of the boundary treatment for the eastern boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment should be in the form of a solid brick wall and run the full length of the eastern boundary. The wall shall be constructed in accordance with the approved details prior to the occupation of the dwelling and retained in perpetuity.

- 3 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 4 Condition Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking area shall be levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 5 Condition Notwithstanding the details shown on the approved plans, prior to the first occupation of the dwellings hereby permitted a detailed scheme to protect the dwellings from noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any of the dwellings are occupied and shall be retained and maintained in that condition thereafter
- 5 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 6 Condition Prior to commencement of development a construction management plan must be submitted to and approved by the Local Planning Authority; this must include deliveries/collections, the location of contractor parking, mitigation methods to protect residents from noise, dust and litter, and also communication methods to the residents of Regent Avenue regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 6 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 7 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 7 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 8 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 8 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 9 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 9 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 10 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.

- 10 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 11 Condition No development shall commence until full details of the foul and surface water drainage arrangements for the site, including percolation test results, have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 11 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.