

Parish:	Terrington St Clement	
Proposal:	Proposed residential development of 5 dwellings including demolition of bungalow and garage	
Location:	51 Alma Avenue Terrington St Clement King's Lynn Norfolk PE34 4LN	
Applicant:	Dene Homes Ltd	
Case No:	21/00999/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 14 July 2021 Extension of Time Expiry Date: 15 October 2021

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the officer recommendation and at the instruction of the Committee Sifting Panel (15/09/21)

Neighbourhood Plan: No

Case Summary

Full permission is sought for the demolition of an existing bungalow and garage at 51 Alma Avenue, Terrington St Clement and construction of 5 detached dwellings and garages.

The site covers 0.26Ha and is bounded on three sides by existing residential development – bungalows to south and east, and houses on Herbert Ward Way to the west.

The site lies within the defined development area of the village and Flood Zone 3 of the Council adopted Strategic Flood Risk Assessment, plus the Environment Agency's Tidal Hazard Mapping Zone.

The application initially sought 9 dwellings, however the number of units was negotiated down and amended to 5No. References in this report are made in conjunction with the amended scheme only.

Key Issues

Principle of development
Highway implications
Appearance and impact upon form and character
Impact upon adjoining properties
Other material considerations

Recommendation

APPROVE

THE APPLICATION

Full permission is sought for the demolition of an existing detached bungalow and garage at 51 Alma Avenue, Terrington St Clement and construction of 5 detached dwellings and garages.

The site covers 0.26Ha and is bounded on three sides by existing residential development – bungalows to south and east, and houses on Herbert Ward Way to the west.

The dwellings proposed are 1½ storey cottage/chalet style, with dormer windows serving accommodation within the roofspace. The roofline is slightly asymmetric in that the front eave is in line with the bottom of the dormer windows (4.3m above existing ground level) and the rear eave is slightly higher (300mm) at mid-window level. The dwellings have chimneys and ridge heights of 8.3m, decorative gallows bracketed front porches and finial detail to dormers. The garages are single with simple dual pitched roofs. The scale/design of the dwellings has taken into account the flood risk mitigation measures requiring Finished Floor Levels being raised by 1.0m. This is consistent with an earlier outline permission for three dwellings and retention of No.51 (Ref 18/01692/O).

This proposal gives a density of 19 dph.

The site lies within the defined development area of the village and Flood Zone 3 of the Council adopted Strategic Flood Risk Assessment, plus the Environment Agency's Tidal Hazard Mapping Zone.

The application is accompanied by a site-specific Flood Risk Assessment, Ecological Assessment Report, Design & Access Statement, Phase 1 Environment Desk Study and Contamination Screening Form.

SUPPORTING CASE

The following statement has been submitted by the agent in support of this proposed development:

“This planning application is for 5 chalet style dwellings (increase of 4 dwellings as one is a replacement). This application has evolved to what is now in front of you after ongoing discussions with the planning department.

The application has been brought to this committee due to an objection from the Parish Council who state:

‘Benn's Lane unsuitable for any increase in traffic or accesses due to lane being narrow and an expected influx of traffic when the development of 40+ houses in Benn's Lane is used as a rat run. Road is also the Fire Station access route.’

We would like to reiterate that the Highways authority have no concerns regarding access.

However the Parish Council made no such objection under application 18/01692/O which was on the same site and for only one dwelling less.

Benn's Lane currently serves in excess of 100 dwellings with a further 40+ approved, it is the Fire Station access route and the memorial park parking area.

There will be no new accesses onto Benn's Lane and we feel an additional dwelling off Alma Avenue will have no detrimental effect on the area."

PLANNING HISTORY

18/01692/O: Application Permitted: 05/08/19 - OUTLINE APPLICATION SOME MATTERS RESERVED: Alterations and extensions to bungalow plus three additional dwellings (Delegated decision)

RESPONSE TO CONSULTATION

Parish Council: OBJECT - Benn's Lane unsuitable for any increase in traffic or accesses due to lane being narrow and an expected influx of traffic when the development of 40+ houses in Benn's Lane is used as a rat run. Road is also the Fire Station access route.

Highways Authority: NO OBJECTION subject to conditions relating to access implementation, no gates or means of enclosure, plus parking and turning created prior to occupation.

Internal Drainage Board: NO OBJECTION comments regarding suitability of soakaways and consent to drain into IDB system if not feasible.

Anglian Water: NO OBJECTION - Confirm there is a public foul sewer within the proposed development site. The easement required is 3m either side of the centre line of the sewer.

Environmental Health & Housing – Environmental Quality: NO COMMENTS

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: No response to consultation at the time of writing but commented as follows to the earlier application (18/01692/O): "There is a mains rising sewer approx. 5 ½ m from the drain running to the west of the site and within the 9m 'no build zone' suggested on the site plan for the IDB drain. I suggest checking with Anglia Water to check if this will restrict the build. I have no concerns over the use of the main foul sewer for drainage of foul water, subject to agreement by Anglia Water. It would also be good to consult IDB to get comment due to the proximity of the drain to the west and north of the site. It does look a bit cramped with regard to vehicle access and space for drainage (if sewer easement is needed) for surface water via soakaways.

Conditions recommended regarding site construction hours and air source heat pump details and informatives relating to Noise and Dust from construction and soakaway informative."

Historic Environment Services: There are no known archaeological implications.

Environment Agency: NO OBJECTION subject to condition regarding mitigation measures as recommended in the FRA.

District Emergency Planning Officer: NO OBJECTION suggests registration with EA Flood Warning System and preparation of an Evacuation Plan.

Natural England: NO COMMENTS – standing advice applies.

Arboricultural Officer: NO OBJECTION

Housing Development Officer: NO OBJECTION - As Terrington St Clement is not classed as a designated rural area, no affordable housing contribution will be sought.

REPRESENTATIONS

ONE item of **SUPPORT** received requesting that appropriate measures are taken with regards to wildlife.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

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

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

National Design Guide 2019

PLANNING CONSIDERATIONS

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

Principle of development

Highway implications

Appearance and impact upon form and character

Impact upon adjoining properties

Other material considerations

Principle of development

The site lies within the development area of Terrington St Clement as defined on Insert map G93 of the Site Allocations & Development Management Policies Plan (SADMPP). The principle of development with housing is therefore acceptable subject to compliance with other policies contained in the Development Plan.

A planning application has recently been approved under ref: 18/01692/O for three dwellings on the land associated with the existing bungalow. This permission remains extant until August 2022.

The proposal therefore accords with Policies CS01 & CS02 of the Core Strategy (2011) and Policies DM1 & DM2 of the SADMPP (2016).

Highway implications

The Parish Council raise the following objection to the proposed development:

“Benn's Lane unsuitable for any increase in traffic or accesses due to lane being narrow and an expected influx of traffic when the development of 40+ houses in Benn's Lane is used as a rat run. Road is also the Fire Station access route.”

Paragraph 110 of the NPPF states inter alia: “In assessing... specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

It will be noted from the History section and Principle of development section above, that it has already been established that 4 dwellings can be accommodated on this overall site (3 new plus the existing bungalow). Indeed, the Parish Council raised no objection to that scheme. This proposal effectively seeks one additional residential unit.

It is generally recognised that the traffic associated with one further dwelling would on average equate to 8 vehicular trips per day. However, this is a highly sustainable location within walking/cycling distance of all the amenities and services that this Key Rural Service Centre has to offer.

It is noted that the local Fire Station is served off Benn's Lane, but the additional traffic created by this proposal would be insignificant and would not create severe adverse impact upon the highway network or highway safety. The NPPF states at Paragraph 111 that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe**. This would not be the case.

Ample parking and turning areas are to be provided within the site and the existing access upgraded to serve the new development. This accords with Policies DM15 and DM17 of the SADMPP.

The proposal is considered to be acceptable to the Local Highway Authority and accords with Paragraph 110 of the NPPF and Policy CS11 of the Core Strategy.

Appearance and impact upon form and character:

Alma Avenue is a former Council estate which, immediately adjacent to the site (to both the east and south), is made up of blocks of attached bungalows. To the east of the site, the bungalows surround a turning head in a 'square' formation and similar to the south. The application site currently contains a vacant bungalow which probably pre-dates the estate, with a large amount of unkempt land to its west and rear (north) bounded by land drains. To the west there are two storey more contemporary houses on Herbert Ward Way.

The five dwellings proposed are identical in appearance as described above – cottage/chalet style with bedrooms in the roofspace, in a choice of facing materials (red multi bricks, red clay double pantiles and cream uPVC windows and joinery) which are considered to be compatible to the palette in this locality. However, given the supply problems created by the pandemic, the exact choice of facing materials will be secured via condition.

This proposal is therefore for an enclave of cottages and garages which would sit behind the bungalows with garages creating a visual progression in height/scale necessary to mitigate flood risk implications. The 1½ storeys correspond with the earlier recent permission on the site. So the principle has already been effectively established.

From the west they would be seen in context with the existing two storey houses in Herbert Ward Way.

The detached nature of the dwellings, mostly introspective, and the use of garages sited between, creates a form which is considered to be complementary to this locality and relates comfortably with adjoining development.

It is considered that the proposal accords with Policies CS06 & CS08 of the Core Strategy and Policy DM15 of the SADMPP.

Impact upon adjoining properties

Given the elevated nature of the dwellings, the orientation of windows at first floor and boundary treatments have been carefully considered.

The cottages have steps down into the rear gardens which are at existing ground floor level. The southern and western boundaries are proposed to be 2m close boarded fences with 300mm trellis on top.

The new dwellings are inward facing onto the cul-de-sac/private driveway with garden depths ranging from 7 – 15m. The orientation of the new units, angles of view from active rooms and separation distances involved result in acceptable relationships. This will be clear when viewing the site layout plan.

The rear elevations have two dormers – one serving a bedroom and the other a bathroom. The layout is such that the bathrooms are situated closest to the side boundary to Plot 1 and nearest to the rear boundary of Plot 4. The orientation and separation distances from common boundaries (approx. 8 m & 10 m respectively) are considered to be acceptable. Additional mitigation can however be created in the form of side screen panels which can also be used to the rear door platforms of steps of units on Plots 1 & 4 – details of which may be secured via condition along with implementation and maintenance in that form.

Planning Committee
11 October 2021

The positioning of the garage to the side of the dwelling on Plot 5, is such that it creates a screen from the raised small patio/platform to the rear of the adjoining bungalows to the immediate east. It will be noted that there have been no objections raised regarding the design of this scheme.

It is considered that with the mitigation measures stated above, the proposal meets the provisions of Policy DM15 of the SADMPP.

Other material considerations

Crime and Disorder – There are no significant issues or concerns raised regarding Crime and Disorder.

Flood Risk – The application site is within Flood Zone 3 of the SFRA 2018, however most of the village of Terrington St Clement is within Flood Zone 3 and therefore there is no site at a lower risk of flooding and the site therefore passes the sequential test. Table 2 (Flood Risk Vulnerability Classification) of the NPPG states that residential development is a 'more vulnerable' form of development and that the Exception Test would be required (Table 3 – Flood Risk Vulnerability and flood zone compatibility NPPG). As set out within paragraphs 164 and 165 of the NPPF, both elements of the exception test need to be satisfied for the development to be permitted.

There are no objections to the proposal from the EA provided the mitigation measures outlined within the FRA are conditioned (raising FFLs by 1.0m above existing ground levels). The development can be made safe for its lifetime. The proposal would provide housing within the development boundary of a Key Rural Service Centre and therefore it is considered that this would provide sustainability benefits also which make the proposal acceptable.

Whilst the recommendation of our Emergency Planning Officer is noted, the matter will be covered via an informative note on any decision, given concerns relating to enforceability with respect to the tests applied to the use of conditions.

Drainage – There is a main foul sewer parallel to the western boundary of the site which requires a 3m easement strip within which there can be no structures. The proposal has been designed with this in mind.

The drainage ditches to the west and north of the site are not IDB controlled drains but are riparian owned / maintained watercourses. In order to avoid a pre-commencement condition, a drainage strategy is being designed following percolation testing and is expected to have been submitted for consideration by CSNN and the IDB in advance of the meeting. If soakaways are not wholly suitable, then IDB consent may be required to discharge to the drains under Byelaw 3. Members will be updated in late correspondence.

Ecology – The application is accompanied by an Ecological Assessment Report which recommends certain mitigation measures (bird nesting boxes, hedgehog gravel board to fences) which can be secured via condition.

Construction hours – CSNN sought a condition on the earlier permission to restrict the hours of construction and deliveries. Whilst Central Government has advised relaxation in light of the pandemic, this is a site contained by accommodation for the elderly and for consistency it is felt that this should be used with the current proposal.

Details of any air source heat pumps – these may be secured via condition as requested previously by CSNN.

CONCLUSION

The principle of developing this overall site with four dwellings has already been established by an earlier permission (ref: 18/01692/O). The design and suitability of the proposed dwellings would be acceptable to this locality and complement the form and character. The inter-relationship between existing and proposed dwellings is also considered to be acceptable with certain mitigation measures.

There are no objections from technical consultees and all matters of planning importance may be secured via condition.

The only issue of concern is the highway implications as raised by the Parish Council. Whilst the Parish Council's concerns are noted, the increase of effectively one additional residential unit and its associated traffic, would not create severe adverse impact upon the highway network or highway safety. The Local Highway Authority concurs with this view and the development accords with Paragraph 110 of the NPPF.

The proposal is therefore considered to meet the requirements of the NPPF and NPPG, Policies CS01, CS02, CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15 & DM17 of the SADMPP (2016). It is recommended for approval subject to certain conditions stated below.

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: 6265-PL01B & 6265-PL02C.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition: The development hereby approved shall be carried out in accordance with the mitigation measures contained in the Flood Risk Assessment ref: ECL0444/PETER HUMPHREY ASSOCIATES produced by Ellingham Consulting Ltd, dated March 2021 and submitted as part of this application:

- Finished Floor Levels shall be set at 1.0m above existing ground level.
 - Flood resilient construction shall be carried out a further 300mm above finished floor levels.
- 4 Reason: To protect the development and future residents at times of high risk of flooding and to accord with the provisions of the NPPF and Policy CS08 of the Core Strategy (2011).
 - 5 Condition: Prior to occupation of Plots 1 & 4, details of side screens to the rear door platforms of steps of the associated dwelling adjacent to side and rear boundaries respectively, shall be submitted to, and agreed in writing by, the Local Planning Authority. The screens shall be implemented as agreed prior to occupation and shall be maintained in that condition thereafter.
 - 5 Reason: In the interests of residential amenity and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP (2016).
 - 6 Condition: The development hereby approved shall be carried out in accordance with the mitigation measures set out within the 'Ecological Assessment Report' by Wild Frontier Ecology dated July 2021 and shown on Drawing No. 6265-PL01B. These measures shall include planting, bird nesting boxes and bat boxes.
 - 6 Reason: To ensure that appropriate mitigation measures are in place in order to comply with Policy CS12 of the Core Strategy (2011).
 - 7 Condition: Prior to the first occupation of the development hereby permitted the vehicular / pedestrian / cyclist access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification and thereafter retained at the position shown on the approved plan 6265-PL02C. 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.
 - 7 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 and to accord with Policies CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
 - 8 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.
 - 8 Reason: In the interests of highway safety and to accord with Policy CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).
 - 9 Condition: Prior to the first occupation of the development hereby permitted the associated 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.
 - 9 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and to accord with Policies DM15 & DM17 of the SADMPP (2016).

- 10 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the units and the distances from the proposed units to the boundaries with neighbouring dwellings, and provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 10 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 11 Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank / Public Holidays.
- 11 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.