

Parish:	King's Lynn	
Proposal:	Outline Application: 2No New Dwellings	
Location:	58 Wootton Road Gaywood King's Lynn Norfolk PE30 4EX	
Applicant:	Mr D Ward	
Case No:	22/01886/O (Outline Application)	
Case Officer:	Lucy Smith	Date for Determination: 19 December 2022

Reason for Referral to Planning Committee – Called in by Cllr Rust and involves a member of the staff involved in the planning process.

Neighbourhood Plan: No

Case Summary

The application seeks outline planning permission with all matters reserved for the construction of two dwellings on land to the rear of existing semi-detached properties fronting Wootton Road, Gaywood.

The site comprises approximately 0.15ha of residential garden land with existing trees and hedgerows, split in ownership between the two semi detached dwellings to the west. Residential properties and their curtilage surround the site on all sides, with a rear laneway serving terraced dwellings at Rosebery Avenue to the north.

A historic access point is proposed to be reopened to form the access to both dwellings. The existing access to the semi-detached donor properties will be retained in-situ.

The application site is wholly within the development boundary shown on inset map E1 of the Site Allocations and Development Management Policies Plan (SADMPP (2016)).

Key Issues

- Principle of development
- Form and Character
- Impact on Neighbour Amenity
- Highway Safety
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application seeks outline planning permission with all matters reserved for the construction of two dwellings on land to the rear of existing semi-detached properties fronting Wootton Road, Gaywood.

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A historic access point is proposed to be reopened to form the access to both dwellings. The existing access to the semi-detached donor properties will be retained in-situ.

The application site is wholly within the development boundary shown on inset map E1 of the SADMPP (2016).

As outline consent with all matters reserved is sought, no details are being considered at this stage. The indicative plan shows the construction of two detached dwellings on site, with parking and turning area to the north.

There are trees protected by a Tree Preservation Order (TPO) to the front of No. 58A, adjacent to the South boundary. These trees are distanced from the development and will not be impacted by the provision of the access drive along the north boundary. Full details of the access including proposed materials can be controlled by a Reserved Matters consent should permission be granted.

SUPPORTING CASE

Principle -The site lies within the development area of Gaywood as defined on Inset Map E1 of the SADMPP (2016) - the principle of residential development is therefore acceptable subject to meeting other policies in the Development Plan. This is a highly sustainable location being in easy walking distance of all the facilities that Gaywood has to offer and on a regular bus route connecting to the town centre, railway station and QEH. Cycle links are also good. This is a windfall site which will contribute towards the provision of housing in the borough.

Form and character - Nos. 58 & 58A front onto Wootton Road but are set well back from the road within exceptionally large mature gardens. The site is surrounded by residential development comprising high density terraced houses (Leonard Close) and flats (Lavender Court) to the south plus along Rosebery Avenue to the north, and a mix of bungalows and houses on Field Road to the east.

Wootton Road mainly consists of frontage development with outbuildings to the rear. There are however numerous examples of development in depth fronting private roads/tracks and tandem development (e.g. Hill Road, Driftway, Peak Lodge, Garden Bungalow, 144, 177 & 281A Wootton Road). Two buildings (i.e. a contemporary garage and the former doctor's surgery) are proposed to be removed which have no merit and would not require planning consent.

Under permitted development rights the two donor properties could potentially erect outbuildings up to 50% of the garden area and by far in excess of the footprints indicated on the indicative plan (albeit single storey).

The number of dwellings has been reduced following initial criticism from neighbours and the Civic Society on the grounds of 'cramped development'; albeit the plans are indicative only.

Access - The application is in outline format only seeking to establish the principle of development with all matters (layout, scale, appearance, access and landscaping) reserved for future consideration. However, the required indicative plan shows the access created by re-opening a former access point onto Wootton Road closed circa early 1990s when No.58 was sub-divided into two dwellings with a shared access central to the frontage. It will be noted that the Local Highway Authority raises no objection to this proposal.

Visibility associated with the re-opened access would also assist vehicles exiting the adjacent narrow private track close to the 'pelican' crossing which would indeed improve highway safety.

Impact on neighbours - The site is contained by fencing and well-established hedging and trees approx. 4-5m high alongside the private track and to the east and south. These create significant natural screening between existing properties and the site plus public areas.

These may be retained and protected during construction via condition. Within the site some fruit trees plus a section of hedging along the common boundary would be lost, however there is ample space to accommodate hedging and trees along new boundaries. This would be covered by the landscaping element of reserved matters and would also address ecological net gain (soon to be a legal requirement).

The amenity of No.58 can be secured by acoustic fencing and bound material on the driveway adjacent to the house - again a reserved matter of hard landscaping.

Given the established boundary treatments and separation distances involved, it would be possible to design dwellings that would not significantly adversely affect the amenities of neighbours.

Technical matters - There are no known surface water flooding implications within the site. The legal easement from the rear/east boundary has been accommodated by the amended layout plan.

There are no significant implications for protected species as peripheral vegetation would be protected and this is, and will remain as, garden land - if bats are in the vicinity then a lighting condition would be acceptable if deemed necessary by officers.

Conclusion - This is a highly sustainable location; the proposal is an efficient and effective use of land that would accord with the form and character of the locality without adverse impacts, there are no objections from statutory consultees, and all technical matters may be secured via condition. The development therefore accords with the provisions of the NPPF, Policies CS01, CS02, CS03, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2 & DM15 of the SADMPP (2016). Members of the Planning Committee are respectfully asked to endorse the views of your officers and approve this application accordingly.

PLANNING HISTORY

No relevant planning history

RESPONSE TO CONSULTATION

Highways Authority: NO OBJECTION the applicant would need to provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

- i) Visibility splays (43m x 2.4m x 43m)
- ii) Access
- iii) Parking provision in accordance with adopted standard.
- iv) Turning

Internal Drainage Board: NO COMMENT

Natural England: Recommended Appropriate Assessment takes place in relation to development in the Zone of Influence and recreational pressure.

Environmental Health & Housing - Environmental Quality: NO OBJECTION based on air quality or contaminated land. Recommended informatives relating to controlling emissions and potential for asbestos containing materials on site. Provided comments on provision of a Construction Environmental Management Plan.

Kings Lynn Civic Society: OBJECT the comments summarised as follows:

- Whilst recognising benefit of housing in the town, concern about loss of larger gardens and associated impact on amenity and ecology
- Loss of trees and vegetation with limited scope for replacement planting
- Three houses is overdevelopment and will impact on neighbours

No additional comments have been provided by the King's Lynn Civic Society in response to re-consultation.

REPRESENTATIONS

TEN letters of **OBJECTION**, stating comments summarised as follows:

- Impacts on ecology and the environment (specific references made to Bats, Birds/Owls, Hedgehogs, Deer)
- Limited benefit of additional houses
- Development will set a precedent
- Overlooking and loss of privacy
- Impact of asbestos removal
- Impact on access during construction
- Detrimental impact on form and character
- Impact of loss of light
- Impact on infrastructure and services
- Safety of access point near pedestrian crossing

ONE letter of **SUPPORT**, stating comments summarised as follows:

- Plans show boundary hedging and trees to remain and hedgerows to be supplemented where possible
- No significant impact likely on ecology/the environment through loss of garden where trees are retained
- Access point being reopened will not impact on surroundings

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS01 - Spatial Strategy

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

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

Impact on neighbour amenity

Highway safety

Other material considerations

Principle of Development

The application site is wholly within the development boundary for King's Lynn and the surrounding areas shown on Inset Map E1 of the Site Allocations and Development Management Policies Plan (2016). The principle of development on site is therefore considered acceptable in accordance with Policy DM2 of the SADMP (2016).

The application site is in close proximity to services and facilities provided in the centre of Gaywood and is a sustainable location with regard to access to services and Policies CS01 and CS02 of the Core Strategy (2011) and the overarching principles of the NPPF.

Form and Character

As outline consent with all matters reserved, details of design, scale, landscaping etc are not assessed at this stage.

Indicative plans show the provision of two detached units with dedicated parking areas. Trees and established hedgerows on site boundaries are proposed to be retained and can be conditioned as such.

Given the range development types in the immediate vicinity, with high density terraced properties to the north, semi-detached properties in smaller plots to the west and modern cul-de-sac development to the south; whilst the donor dwellings are currently set in larger plots these are not a characteristic of the area and it is not considered that the loss of larger garden space would be detrimental to the overall form and character of the locality.

In light of the above considerations, it is likely a design can come forward at reserved matters stage which will comply with the NPPF (2021) and Policies CS08 and DM15 of the Local Plan.

Impact on Neighbour Amenity

Distances between site boundaries and existing dwellings are such that its likely a suitable design can come forward at reserved matters stage which will result in no adverse impacts on the amenity of surrounding dwellings.

The donor dwellings are sited with a minimum garden depth of 24m. Such a distance means any adverse levels of overlooking, overbearing, or overshadowing are unlikely. The indicative plans show side elevations facing west which will further limit any impact.

To the north, terraced properties fronting Rosebery Avenue have long gardens which allows significant distance (36m to rear elevations) between site boundaries and the rear facing windows. The laneway and various outbuildings will further limit any impact.

To the east, the rear elevation of the nearest dwelling is 40m away. With the rear garden space of this property adjoining the site boundaries, it is likely a suitable design could come forward which would not impact on the amenity of the dwellings fronting Field Road.

To the south, the site borders the rear of properties at Leonard Close. Whilst in closer proximity to the boundaries than dwellings in other directions (8m from the site boundary to the rear elevations of these dwellings), the size of the site will allow acceptable distances between dwellings to prevent adverse impacts on these properties. Indicative plans show a distance of 24m rear to rear.

In light of the above considerations, it is likely a design can come forward at reserved matters stage which will comply with the NPPF (2021) and Policies CS08 and DM15 of the Local Plan.

Highway Safety

Access to the site is indicated via a new access onto Wootton Road. The applicant states that this is the re-opening of a historic access point to the north of the existing access. The Local Highway Authority raise no objection to this in principle, subject to suitable information including the provision of visibility splays, access, parking and turning provision coming forward at reserved matters stage.

The development complies with the NPPF (2021) and Policies CS11 and DM15 of the Local Plan.

Other material considerations

Contamination

The environmental quality team raise no objection in principle subject to the imposition of an Asbestos informative which can be included on this consent. This relates to the demolition of existing outbuildings on site.

Comments relating to air quality and a construction environmental management plan are noted however given the scale of the development such a control is not considered reasonable or necessary in this instance. An informative is recommended to ensure the applicant is aware of separate controls in place to control impacts during construction.

Ecology

Comments regarding the loss of current garden land and associated vegetation are noted. Whilst it is accepted that the separate residential use of the site will result in additional built form in a currently verdant and undeveloped area, regard must be given to permitted development rights which would allow the removal of garden trees, shrubs and hedges without planning consent being required. The larger trees to the front of the site which have a positive impact on the street scene are already protected by a Tree Preservation Order. The Agent has provided indicative plans showing the retention of key trees and boundary hedgerows and conditions can control these plants being retained unless otherwise approved by the Local Planning Authority at Reserved Matters stage.

It is therefore not considered that the proposal meets the requirements for protected species surveys outlined within the Planning Practice Guidance. In the event trees are proposed to be removed as part of reserved matters consent, the ecological impacts of such loss can be considered under this later application.

Paragraph 174d of the NPPF (2021) requires development proposals to minimise impacts on biodiversity. Considering the existing permitted development rights available on site, the proposed development is not considered likely to lead to an adverse impact on biodiversity. Landscaping is a reserved matter and the details submitted at that stage can include replacement tree planting if necessary. The conditions recommended for inclusion on this consent restrict removal of any plants without the agreement of the Local Planning Authority and this will control their retention until approval of the details at reserved matters stage.

The development is considered to comply with the NPPF (2021) and Policy CS12 in regard to protecting ecological interests and biodiversity.

Habitat Regulations Assessment

The GIRAMS Fee is required to be paid as part of any Reserved Matters application on site in order to mitigation potential impacts from recreational pressure as a result of the site's location in the Zone of Influence for protected sites such as the Wash SAC/SPA, Dersingham Bog/Roydon Common RAMSAR etc. An appropriate assessment has taken place separately to assess the suitability of this mitigation measure and it is considered that development can be granted subject to the fee being paid at reserved matters stage.

CONCLUSION

The application seeks outline consent with all matters reserved for the construction of two dwellings to the rear of properties fronting Wootton Road. The development site is wholly within the development boundary assigned within the SADMPP (2016) and the principle of development on site is therefore acceptable.

In terms of form and character, the principle of development at the rear of the pair of dwellings fronting Wootton Road is considered to be acceptable, given the overall mix and type of dwellings in the area.

Full consideration of the detailed design and impacts on the locality will be addressed under the Reserved Matters consent however it is considered likely that a suitable design can come forward which complies with the relevant national and local policies.

Conditions are recommended to ensure retention of boundary trees and hedgerows.

The development therefore accords with the provisions of the NPPF, Policies CS01, CS02, CS03, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2 & DM15 of the SADMPP (2016).

RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of access, layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 5 Condition: No existing trees or hedges within boundaries of the application site shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.

- 5 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.