

Parish:	Marshland St James	
Proposal:	Outline application for proposed 2No. new dwellings	
Location:	St James Lodge 288 Smeeth Road Marshland St James Wisbech	
Applicant:	Mr M Smith	
Case No:	17/01065/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 3 August 2017

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation

Case Summary

Outline permission is sought for 2 new dwellings on a parcel of garden land associated with St James Lodge/No. 288 Smeeth Road, Marshland St James. This is a substantial bungalow situated at the head of a private road on the western side of Smeeth Road, and was the track bed of the former railway line. The site is bounded by residential development to the west, two plots for houses cleared for construction to the immediate east and flat conversion of former railway goods shed beyond, residential to the south and orchards to the north.

All matters are reserved for future consideration with the exception of the means of access, which is considered at this stage and indicated as being from the existing private driveway leading off Smeeth Road.

The site lies within the village development area as defined in the Site Allocations & Development Management Policies Plan (SADMPP) and also within Flood Zone 3 of the Council-adopted Strategic Flood Risk Assessment (SFRA).

The application is accompanied by a site-specific Flood Risk Assessment, Initial Contamination Report and a Design & Access Statement.

Key Issues

- Principle of development
- Access and highway matters
- Other material considerations

Recommendation

APPROVE

THE SITE AND APPLICATION

Outline permission is sought for 2 new dwellings on a parcel of garden land associated with St James Lodge/No. 288 Smeeth Road, Marshland St James. This is a substantial bungalow situated at the head of a private road on the western side of Smeeth Road, and was the track bed of the former railway line. The site is bounded by residential development to the west, two plots for houses cleared for construction to the immediate east and flat conversion of former railway goods shed beyond, residential to the south and orchards to the north.

The site lies within the village development area as defined in the Site Allocations & Development Management Policies Plan (SADMPP) and also within Flood Zone 3 of the Council-adopted Strategic Flood Risk Assessment.

All matters are reserved for future consideration with the exception of the means of access, which is considered at this stage and indicated as being from the existing private driveway leading off Smeeth Road.

An indicative site plan shows two plots of approx. 12m wide and 29-35m deep containing two detached houses, with 3 parking spaces in front, served off the private drive.

SUPPORTING CASE

The agent submits the following statement in support of this application:

“This site is located on land between Number 288 Smeeth Road two new plots that have recently been approved under planning reference 16/01855/F. It is in the heart of an existing residential area and is within the Development Area Boundary. The land to the North is orchards and apple stores and on the land to the South there are residential properties.

The site has a positive planning history.

This application is an outline application and the details of external appearance will be dealt with at the reserved matters stage.

The addition of two new dwellings in this location will enhance the sense of community in this area by introducing two new families who would have the opportunity to be part of a typical rural village community.

There is no current building line at present. The orientation of the new dwellings has been designed to have minimal impact on the neighbouring properties in terms of overlooking and massing.

The proposed dwellings will include landscaping and driveway to the front gardens with planting to soften the front of the properties. The rear gardens will be levelled and seeded with grass and along with patio areas. They will be served off the existing shared driveway. There are parking spaces for each as required. The driveway affords ample space to allow a car to turn on site therefore always accessing Smeeth Road in a forward motion.

The village of Marshland St James is very varied in appearance and has no real local vernacular. This is demonstrated by the properties immediately surrounding the proposed site. There is however a small grouping of buildings dating back to 1848 when the station was opened that were designed and built for the railway. This site was originally part of the old railway yard which was all associated with Smeeth Road Station. The station building was converted into a dwelling many years ago, the old goods shed was converted into 6 flats

Planning Committee
31 July 2017

(St James Court) approximately 20 years ago and the old signal box site now also has a new dwelling on it.”

PLANNING HISTORY

07/01271/O: Application Permitted: 21/08/07 - Outline Application: construction of bungalow (renewal)

04/01431/O: Application Permitted: 04/10/04 - Outline application: construction of one bungalow

2/94/0420/F: Application Permitted: 27/01/95 - Construction of general purpose building

Adjacent site to east:

16/01855/F: Application Permitted: 21/12/16 - Construction of two dwellings

RESPONSE TO CONSULTATION

Parish Council: OBJECT for the following reasons:

- concerns about over development of the land in that area
- concerns about more development near to a hazardous high pressure gas pipeline
- Highways concerns over additional traffic using a narrow lane to exit/enter Smeeth Road

Highways Authority: NO OBJECTION

National Grid: Comments awaited at the time of writing this report

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination investigation and remediation

Environment Agency: NO OBJECTION

King’s Lynn Drainage Board: No comments received

District Emergency Planning Officer: NO OBJECTION suggests conditions relating to signing up to flood warning system and preparation of an evacuation plan

REPRESENTATIONS None received

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- Principle of development
- Access and highway matters
- Other material considerations

Principle of development

Marshland St James is identified within the Core Strategy policies as a Rural Village, where limited minor development will be permitted to meet the needs of settlements and sustain existing services in accordance with Policy CS06 - Development in rural areas.

The site lies within the defined village development area, where development will be permitted provided it is in accordance with the other policies of the Local Plan.

It will be noted in the History section that the principle of developing this site with a bungalow was established by previous outline applications in 2004 and 2007. Whilst permission has lapsed and planning policy changed in the interim, it is still considered to be acceptable. A bungalow would not now be suitable due to flood risk implications – hence houses are being pursued.

Access and highway matters

The site gains access to Smeeth Road via a private driveway which serves the flats (6 No. one bed roomed units), the donor property to the west plus two infill plots. County Highways raise no objections to this proposed additional development served off this private road, subject to certain conditions relating to visibility splays and junction improvement – as conditioned on the approval for the two houses to the immediate east of the application site.

Other material considerations

There are no crime and disorder issues of concern.

The site lies in Flood Zone 3 of the Council-adopted SFRA and is accompanied by a site specific FRA – the proposal passes both sequential and exception testing and there are no objections from the Environment Agency or the IDB.

As stated above, our Emergency Planning Officer raises no objection, subject to suggested conditions. These matters are however to be addressed as an informative note, due to reasonableness and enforceability issues failing the tests to be applied to planning conditions.

There is a high pressure gas pipeline buried deep under the northern verge of the private drive. Whilst National Grid's comments are outstanding at the time of compiling this report, there have been no objections to previous development alongside this route, and it is considered that there is ample room to accommodate two dwellings without impacting on this apparatus.

Given the former uses on and adjoining this site, potential land contamination issues may be covered via condition.

CONCLUSION

Whilst the concerns of the Parish Council are noted, their issues raised have not drawn objections from technical consultees and would not constitute grounds for refusal.

The proposed plots for two new houses would accord with the provisions of the NPPF, Core Strategy policies CS02, CS06, CS08 & CS11 of the LDF, and Policies DM1 & DM2 of the SADMPP. The application is therefore duly recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

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

- 1 Condition Approval of the details of the 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 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 5 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.
- 6 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.
- 6 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.

- 7 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.

- 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.

- 8 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 7.

- 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.

- 9 Condition The development shall be implemented in accordance with the recommendations of the Flood Risk Assessment prepared by Geoff Beel Consultancy dated June 2017 and submitted as part of this application.

- 9 Reason To safeguard the development and future residents from the risk of flooding in accordance with the provisions of the NPPF and Core Strategy Policy CS08 of the LDF.

- 10 Condition Prior to the occupation of the dwellings hereby permitted, the vehicular access shall be widened to a minimum width of 4.2 metres in accordance with the Norfolk County Council residential access construction specification for the first 5 metres as measured back from the near channel edge of the adjacent carriageway.

- 10 Reason In the interest of highway safety and traffic movement.

- 11 Condition Prior to the occupation of the dwellings hereby permitted, a 2.4 metre wide parallel visibility splay shall be provided across the whole of the site's roadside frontage. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 1.0 metres above the level of the adjacent highway carriageway.
- 11 Reason In the interests of highway safety.
- 12 Condition With regards to the means of access only, the development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 10 Revision A.
- 12 Reason For the avoidance of doubt and in the interests of proper planning.