

AGENDA ITEM NO: 8/1(f)

Parish:	Outwell	
Proposal:	Convert existing outbuilding into self-contained residential house with extension to create front porch. Conversion of public house into 5 self-contained flats with first floor rear extension and single storey side extension	
Location:	6 Wisbech Road Outwell Norfolk PE14 8PA	
Applicant:	Mr Steve Green	
Case No:	15/00667/F (Full Application)	
Case Officer:	Mr K Wilkinson Tel: 01553 616794	Date for Determination: 31 July 2015

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

Case Summary

The application site lies to the east of the A1122/Wisbech Road, just to the north of St Clement's Church in the village of Outwell. The site is approx. 0.1ha in size and comprises the former Red Lion public house and its associated land and outbuildings.

The site lies within Built Environment Type C as defined on the Local Plan map for the village – saved Local Plan Policy 4/21 applies along with Core Strategy Policies CS06 & CS08.

The Red Lion is an end of terraced unit with a two storey plus a single storey range of outbuildings.

This site is part of a comprehensive development site of 0.5Ha which included the adjoining scrapyards and commercial buildings to the north. That earlier permission was outline consent for the demolition of the public house and commercial buildings and the construction of 19no. dwellings and associated works. That permission has now lapsed.

Planning permission is sought for the conversion and extension of an existing two storey outbuilding into a self-contained residential house; and conversion of the public house into 5no. self-contained flats with first floor rear extension and a single storey side extension.

This application is retrospective as the conversion and extension works are underway and is the result of an enforcement investigation.

Key Issues

Principle of development
Loss of an employment use
Impact upon appearance of this locality
Impact upon neighbours

Access and highway matters
Impact upon protected species
Any other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site lies to the east of the A1122/Wisbech Road, just to the north of St Clement's Church in the village of Outwell. The site is approx. 0.1ha in size and comprises the former Red Lion public house and its associated land and outbuildings.

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The Red Lion is an end of terraced unit with a two storey plus a single storey range of outbuildings.

This site is part of a comprehensive development site of 0.5Ha which included the adjoining scrapyards and commercial buildings to the north. That earlier permission was outline consent for the demolition of the public house and commercial buildings and the construction of 19no. dwellings and associated works. That permission has now lapsed.

Planning permission is sought for the conversion of an existing detached two storey outbuilding towards the rear of the site into a 2 bedroomed self-contained residential house with a porch extension, separate garden area and associated garaging/storage in the single storey semi-detached range of outbuildings connected to the adjoining commercial garage/workshop. The three storey public house is proposed to be converted into 5no. self-contained flats (two bedroomed) with a first floor rear extension and a single storey side extension containing stairs creating access to the upper floors.

SUPPORTING CASE

The application is accompanied by correspondence from the agent, which includes the following information in support of the development:

The proposed application is for internal refurbishments and the renovation of the existing premises at an old public house building and rear out building, which is currently vacant and last used over 15 years ago.

The works will involve:

1. splitting the front building that was used as a public house to create new independent self-contained residential units;
2. change the rear out building into a self-contained residential dwelling and maintain the existing structure.

The proposal of converting the buildings to independent residential units will provide additional housing as required by planning policies.

Since the business use terminated more than 15 years ago, the change of use would not have any implications for loss of business in the community.

The proposal maintains all of the main internal areas with nominal alterations to the external elevations of the main buildings. External changes include a small entrance access porch to the out building and also to the side of the public house building and the provision of a first floor rear extension to main building.

Services such as sanitary, heating and electrics are required to be updated and renewed to meet current building regulations standards. All foul water will discharge to the existing sewer system serving the sites and will be retained at all times.

It is noted that the premises has a large access and hardstanding area which will be used as means of parking to serve the residential units.

The scheme is designed in compliance with Planning Guidance and is designed to match & complement the adjoining properties.

PLANNING HISTORY

11/01370/O: Application Withdrawn: 28/06/12 - Outline Application: Demolition of 6, 8, 10 and Former Red Lion Public House. Erection of 5 dwellings and all associated works

11/01364/OM: Application Permitted: 20/06/12 - Outline Application: Demolition of 6, 8, 10 and former Red Lion Public House and clearance of scrapyard. Erection of 19 dwellings and all associated works.

06/01558/OM: Application Refused: 11/10/06 - Outline Application;- Construction of 10 flats after demolition of Red Lion Public House

06/00963/OM: Application Withdrawn: 15/06/06 - Outline application: Construction of 10 flats following demolition of public house

RESPONSE TO CONSULTATION

Parish Council: The application relates to a site in the centre of Outwell village. The site previously comprised two derelict and boarded up business premises and a disused scrapyard. For obvious reasons the members of the Council are in favour of the development of this site in principle. However there are a numbers of issues relating to this particular development which are of grave concern to members of the Council.

These may be considered under three headings as follows:

The existing outline planning permission for the site.

Outline planning permission was granted for the development of the site on 20th. June 2012 (Ref. 11/01364/OM). The granting of permission was subject to a number of "reserved matters".

The outline permission clearly states that plans and particulars of the reserved matters must be submitted to and approved by the Local Planning Authority within three years of the grant of the outline planning permission. To our knowledge this has not been done. The outline permission also says that construction work must commence within two years of the final approval of the reserved matters. It would appear that the outline planning permission granted on 20th. June 2012 is still extant.

The reserved matters related to include:

1. Decontamination of the land (paragraphs 6, 7 and 8);
2. Foul and surface water drainage arrangements (paragraph 10);
3. Protection of the future residents from noise from both Wisbech Road and the adjacent hot food takeaway (paragraph 12);
4. Detailed plans for roads and footways on the site (paragraph 13);
5. A visibility splay measuring 2.4 metres by 53 metres north and 50 metres south (paragraph 17). This matter is discussed further later in the letter;
6. Provision of bat boxes, and bat roosting habitats.

Paragraph references are to the Outline Planning Permission document.

All of these issues and some others were required to be resolved before construction commenced. As far as the council is aware none of these matters have been dealt with. The Parish Council is particularly concerned with matters relating to access to the proposed development. This will be considered later in this letter. However another two of these reserved matters are of particular concern to members of the Parish Council. The first relates to the soprano pipistrelle bats found roosting on the site. As noted above the outline planning permission requires the provision of bat boxes and the provision of bat roosting habitats prior to the commencement of construction on the site. This has not been done. This is a particular source of concern because the two bat roosts identified by the Ecology Bat Survey Report dated 1st August 2011 were in the Red Lion public house and the barn adjacent to the Red Lion. These are the two buildings in which the greater part of the construction work undertaken to date has taken place.

The second major source of concern relating to the outline planning permission granted on the 20th June 2012 is with respect to the requirement to decontaminate the site. Most of the work required under this heading would be on the disused scrap yard. Not only has nothing been done to date to decontaminate this site but now the construction workers renovating the Red Lion and the adjacent barn are using the scrap yard to dump building waste associated with the construction work currently being undertaken. The result is that far from decontaminating the site the levels of contamination are now probably greater than they were before building works began.

Highways Authority: NO OBJECTION – subject to conditions

Environment Agency: NO OBJECTION – standing advice applies

Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to conditions relating to potential contamination and remediation measures

**Environmental Health & Housing - Community Safety and Neighbourhood Nuisance:
NO COMMENT**

REPRESENTATIONS

ONE letter of **OBJECTION** received raising concerns relating to highway safety and on-street parking increasing the risk of accidents.

NATIONAL GUIDANCE

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

PLANNING POLICIES

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

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

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM9 - Community Facilities

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The key considerations when assessing this proposal are as follows:

- Principle of development
- Loss of an employment use
- Impact upon appearance of this locality
- Impact upon neighbours

- Access and highway matters
- Impact upon protected species
- Any other material considerations

Principle of development

The application site lies within Built Environment Type 'C' in the village of Outwell. Within this defined area the principle of new residential development is generally considered to be acceptable under saved Policy 4/21 of the Local Plan, provided that the proposal has regard for, and is in harmony with, the building characteristics of the area and it complies with all other relevant policies.

Furthermore, given that the Council does not currently have a five-year supply of deliverable housing sites, housing applications such as this should be considered in the context of the National Planning Policy Framework's (NPPF's) presumption in favour of sustainable development. This is because local policies relating to the supply of housing are no longer considered up-to-date (para 49). Paragraph 14 of the NPPF states that where relevant local policies are out-of-date, planning permission should be granted unless: any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits, when assessed against the policies of the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

In this case the application site lies within the settlement of Outwell which is a sustainable location. As a result there is a presumption in favour of development in this area.

Loss of an employment use

The loss of the public house would technically constitute the loss of an employment use in the village. Core Strategy Policy CS10 states that the Council will seek to retain premises currently or last used for employment purposes unless it can be demonstrated that:

- continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or
- use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or
- an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.

Emerging Policy DM9 of the SADMPD has a similar sentiment.

Given that the public house has been vacant for approx. 15 years, and there has been planning permission previously granted for its redevelopment as part of a larger site (ref: 11/01364/OM), it is accepted that the first criterion above has been met.

Impact upon appearance of this locality

The development proposed renovates the existing buildings – the public house itself has a presence in the streetscene and is quite prominent from the north. It is also part of the historic fabric of this part of the village close to the Grade 1 listed church. There would be a general enhancement to these formerly boarded up buildings.

The extensions take the form of a side extension and rear first floor extension to the public house which are in matching materials to the main structure and considered to be acceptable in terms of design and appearance.

Modifications to the access and parking arrangements will involve the removal of currently unauthorised fencing at the front of the site which is considered to be unsightly. This may be secured via condition.

Impact upon neighbours

The inter-relationship between the existing and proposed neighbouring premises is considered to be acceptable given the orientation of windows, separation distances and boundary treatments involved.

There are private garden areas created – a separate one to serve the house and a communal area for the residents of the flats.

Access and highway matters

The existing access (with modification) and yard area are proposed to be used to serve these new residential uses. Two parking spaces are shown for the detached house and 5 spaces for the flats with room for 2-3 spaces for visitors. There is adequate turning space within the site and County Highways raise no objections subject to certain conditions relating to dropped kerbs, visibility splays and parking/turning provision.

Impact upon protected species

The previous outline application (ref: 11/01364/OM) sought the demolition of the public house and outbuildings. That application was accompanied by a Bat Survey which identified the existence of bat roosts in the roofs of both buildings. The surveys were done in August 2011 and the works of conversion have been implemented. The roof to the two storey outbuilding has been replaced and works undertaken in the main public house.

The matter has been the subject of an investigation by Norfolk Constabulary, but we are given to understand that due to the time that has elapsed since the Bat Survey Report was undertaken and lack of evidence of bats being present when works were undertaken, this matter is not to be pursued.

Mitigation measures in the form of bat boxes (as recommended in the original bat survey) would help to enhance the habitat in this locality and may be secured via condition.

Any other material considerations

There are no significant crime and disorder issues raised by this proposal.

The application is accompanied by a site-specific Flood Risk Assessment which specifies minimum floor levels. The applicant has confirmed that the cellar/basement level is not to be used as part of the residential accommodation.

Whilst the comments from the Parish Council are noted, most of the issues raised relate to the much larger site which had outline permission (ref: 11/01364/OM) and the conditions attached thereto. This has now lapsed and cannot be implemented.

There are no affordable housing implications relating to this proposal.

Due to the site lying close to the scrapyard and a former blacksmiths, contamination issues (including asbestos removal) may be present at this site through leaching. Precautionary conditions are therefore suggested by our Environmental Protection team.

CONCLUSION

The application proposes a compatible alternative use of these premises for residential purposes within a highly sustainable location. The dwellings would have easy access to all the facilities that the village has to offer. There are no technical objections and the development is considered to constitute to sustainable development.

The proposal is therefore considered to also accord with the provisions of the NPPF, saved Local Plan Policy 4/21, Core Strategy policies CS06, CS08, CS10, CS11 & CS12 of the LDF & emerging Policies DM9 & DM15 of the SADMPD.

RECOMMENDATION:

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

- 1 Condition Prior to the commencement of the use hereby permitted, the existing vehicular drop kerb access shall be repositioned to accord with the position on drawing No. HD851/2004 Revision B in accordance with the Norfolk County Council residential access construction specification for the first 2.4 metres as measured back from the near channel edge of the adjacent carriageway. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 1 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway, and to accord with the provisions of the NPPF.
- 2 Condition Prior to the first occupation of the development hereby permitted, a 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage with the exception of the existing former public house building and the telegraph pole. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 2 Reason In the interests of highway safety and to accord with the provisions of the NPPF.
- 3 Condition Prior to the first occupation of the development hereby permitted, the proposed access, on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety, and to accord with the provisions of the NPPF.
- 4 Condition Within 6 months of the date of this permission, two bat boxes shall be erected on the buildings, the type and positions to be agreed in advance with the Local Planning Authority, and maintained thereafter.

4 Reason To mitigate the loss of potential bat roosts within the buildings indicated on the Bat Survey Report accompanying the application and to accord with the provisions of the NPPF & Core Strategy policy CS12 of the LDF.

5 Condition Prior to the occupation of the dwellings hereby approved, 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 (including asbestos);

(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.

6 Condition Prior to the occupation of the dwellings hereby approved, 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.

- 7 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: HD851/2000 REV A, HD851/2001 rev A, HD851/2002 REV A, HD851/2003 rev A, HD851/2004 REV B & HD851/2006.
- 7 Reason For the avoidance of doubt and in the interests of proper planning.