

**AGENDA ITEM NO: 9/3(i)**

<b>Parish:</b>	<b>Outwell</b>	
<b>Proposal:</b>	<b>Outline Application: Proposed residential development</b>	
<b>Location:</b>	<b>Water Treatment Works Isle Bridge Road Outwell Norfolk</b>	
<b>Applicant:</b>	<b>BCKLWN</b>	
<b>Case No:</b>	<b>16/00428/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Mr Bryan Meredith</b>	<b>Date for Determination:</b> <b>27 April 2016</b> <b>Extension of Time Expiry Date:</b> <b>9 June 2016</b>

**Reason for Referral to Planning Committee** – The application is submitted on behalf of the Borough Council for its own development, and objections have been made.

**Case Summary**

The outline application proposes the residential development for two, three bedroomed dwellings at Water treatment Works, Isle Bridge Road, Outwell. Outwell is defined as a Key Rural Services Centre in the settlement hierarchy contained in the Core Strategy of the Local Development Framework. The site is located within the settlement boundary of Outwell and in particular lies within an area classified as Built Environment Type D.

The outline application is seeking approval for the access only with the appearance, landscaping, layout and scale to be judged at a reserved matters stage.

The site lies in Flood Zone 1 of the Strategic Flood Risk Assessment.

**Key Issues**

Principle of Development  
Form and Character  
Neighbour Amenity  
Highway Safety  
Other Material Considerations

**Recommendation**

**APPROVE**

**THE APPLICATION**

The site seeks outline permission for residential development of two, three bedroom properties on a site which is measured at approximately 0.08 ha to the north-western corner of Isle Bridge Road, Outwell. Outwell is grouped together with Upwell in the Core Strategy to form a Key Rural Service Centre.

The site is located in a vacant plot between dwellings numbered 48 and 50 Isle Bridge Road.

The site has formerly been used as a water treatment works.

## **SUPPORTING CASE**

The application is accompanied with a Site Contamination Assessment report which describes the current land use as an area of approximately 0.08 ha consisting of an area of short grassland containing no permanent structures on the site. The site is accessed from Isle Bridge Road which consists of a mix of two storey residential dwellings.

The report states that there are services nearby the site, in particular with a portable water supply running adjacent to the eastern boundary of the site and the Anglian water foul drains runs adjacent to the southern boundary of the site. All other services are located close to the site.

The site has previously been used as a site for a sewage treatment plant serving the estate until such time as sewers were connected.

## **RELEVANT PLANNING HISTORY**

09/01902/F: Application Permitted: 06/01/10 – Two storey extension to dwelling with single storey store - 48 Isle Bridge Road, Outwell  
Wisbech, PE14 8RB;

12/00585/F: Application Permitted: 06/06/12 - Residential extension to existing house - 50 Isle Bridge Road, Outwell, Wisbech, Norfolk, PE14 8RB;

2/95/1424/F: Application Permitted: 16/01/96 - Construction of 5 dwellings - Plots 2929a309 & 10, Isle Bridge Road, Outwell;

2/97/1098/F: Application Permitted: 27/08/97 - First floor extension to dwelling - 48 Isle Bridge Road, Outwell;

## **CONSULTATIONS**

**Parish Council: SUPPORT** the application within the building regulations but raised concerns regarding public access, stating that public have had access through the application site to Robb's Chase since 1989. Concerns of contamination on site and the roadway not being adopted by the Highways Authority were raised too.

**Local Highway Authority:** Norfolk County Council does not wish to restrict the grant of permission. This site accesses onto a road that is unadopted / private and therefore the public highway would not be directly impacted by the application.

**Environmental Quality:** The site is a former water treatment works and as such has the potential to contain contamination which would be harmful to human health. Therefore conditions are recommended to be attached to a decision notice should a recommendation for approval be put forward.

**Public Rights of Way Officer:** Outwell Isle FP1 is adjacent (Robb's Chase) but unaffected by the proposal. Therefore I have **NO OBJECTION** on Public Rights of Way issues.

**Middle Level Commissioners:** The MLC made a representation stating that the land which the application is based upon is either sited within the above Authority's district or has the potential to drain into it. In this case, a development contribution is payable. Where a solution is proposed that does not appear to increase the rate or volume of discharge as compared to the pre-developed site, then the Authority requires satisfactory evidence to properly demonstrate that no such increase will occur. Further details of the information supplied by the Middle Level Commissioner are attached as an informative for the applicant.

## **REPRESENTATIONS**

**SIX** representations have been submitted **OBJECTING** to the application on similar grounds.

The issues raised are listed below:

- Unsafe highways access with the creation of a blind turning spot,
- Traffic generation and highway safety,
- Overlooking and overshadowing,
- Removal of access to Robbs Chase
- Removal of public greenspace and play area
- Damage to road network during construction work

Following a review of the transfer papers from the previous use of the land as a water treatment plant serving the estate to its current use as a vacant plot, there was no designation of the site as amenity land or public open space.

The existing roadway and access to the site are deemed sufficient by Norfolk County Council and address concerns raised by residents.

## **NATIONAL GUIDANCE**

**National Planning Practice Guidance** - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

**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**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**PLANNING CONSIDERATIONS**

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

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety
- Other Considerations

**Principle of Development**

The application site lies to the west of the settlement of Outwell which is defined as a Key Rural Service Centre (KRSC) in the Settlement Hierarchy set out under Policy CS02 of the Council's adopted Core Strategy (2011).

In this case the application site lies within the existing settlement boundary for Outwell in an area designated as Built Environment Type D and also within the development boundary in the emerging Policy DM2- Development Boundaries of the Site Allocations & Development Management Policies document. Development of the site will result in infill of an existing gap in the estate. This gap has previously been used as a sewage treatment plant serving the rest of the neighbouring estate until such time as the main sewers were connected.

In light of the above and the current policy position, it is therefore considered that the principle of development is acceptable.

**Form and Character**

Isle Bridge Road compromises frontage development in the existing estate. Immediately to the south and east of the application site are adjoining semi-detached houses set on similar sized plots. The land to the north and west of the site consists of open Greenfield land which is located outside the development boundary for Outwell.

The application site covers an area of 0.08ha and the indicative layout plan. The design is similar to that of the existing dwellings on the estate and is located within the existing development boundary from the existing 1998 Local Plan and the development boundaries in the emerging Site Allocations & Development Management Policies document.

In terms of form and character the site is located at the end of an existing cul-de-sac off the north-western side of Isle Bridge Road which is part of the estate development. It is considered that development would create a natural continuation of housing along Isle Bridge Road and therefore not conflict with the form and character of this locality.

## **Neighbour Amenity**

Whilst the layout, scale and appearance are reserved matters, it is considered that overlooking, overbearing and overshadowing impacts could be designed out, given the likely separation distances between the site and existing adjoining dwellings. Boundary treatments may be secured as part of the reserved matters application.

## **Highway Safety**

In relation to highways issues Norfolk County Council does not wish to restrict the grant of permission.

## **Other Considerations**

Outwell Parish Council recommended approval of the application.

The site lies within Flood Zone 1 of the Strategic Flood Risk Assessment.

The Middle Level Commissioners have not objected but attached an informative to be complied with by the applicant. Whilst the concerns of the MLC are taken into consideration they can be dealt with under their Bylaws. The matter can be dealt with by way of an informative note.

The proposal raises no specific issues in relation to crime and disorder.

Noise and disturbance during the construction phase is to be expected but would be relatively short-lived. Damage to adjacent property during construction work would be a civil matter between the developers of the site and adjoining property owners.

## **CONCLUSION**

The site lies within the development boundary of a Key Rural Service Centre where residential development of an appropriate scale will be supported.

It is considered that the site could be developed without material harm to the visual amenity of the locality, highway safety or neighbour amenity. It is therefore considered that the proposal generally accords with the provisions of the NPPF, NPPG, the Core Strategy (2011) and with emerging Site Allocations & Development Management Policies document and should be approved subject to the following conditions.

## **RECOMMENDATION**

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

- 1 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.
- 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 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.
  - 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 In relation to the means of access the development hereby permitted shall be carried out in accordance with the following approved plans project numbered: 16/597, drawing numbered (GA) 1000.
  - 5 Reason For the avoidance of doubt and in the interests of proper planning.
  - 6 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'.

- 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 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.
- 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 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.

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

- 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.