

AGENDA ITEM NO: 8/3(g)

Parish:	Upwell	
Proposal:	Demolition of existing warehouse, erection of new food store to rear with associated parking	
Location:	Fen Regis House 9 Town Street Upwell Norfolk	
Applicant:	Saxondale Properties Ltd	
Case No:	16/01005/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 21 July 2016 Extension of Time Expiry Date: 9 September 2016

Reason for Referral to Planning Committee – Cllr Chris Crofts is part – owner of the site

Case Summary

The site comprises approximately 0.12 Ha of land on the north-western side of Town Street, Upwell. It currently consists of the former Fen Regis Trophies shop and workshops, but was historically a gasworks site. There is the former shop building on the road frontage which is presently boarded up and has been closed for some considerable time. There are workshops and outbuildings to the rear of the shop with a yard beyond. An existing access serves the site and is broadly central in its position. To the north-east corner of the frontage is an associated dwelling house which is outside the application site and is to be retained served by the existing access with a parking and turning area. There are residences either side of the site, plus orchard land to the rear.

The site lies within the defined village in Built Environment Type C according to the Local Plan inset map for Upwell and also within the village development boundary in the SADMPD.

Outline permission for residential development has been granted on this same site in March 2011 under application ref: 10/02056/O and again in April 2014 under application ref: 14/00291/O which remains extant.

This current proposal seeks to demolish the existing shop, workshops and outbuildings and a construct a new food store to the rear of the site with a new access and associated parking at the front.

This application is referred to the Planning Committee for decision due to Cllr Chris Crofts being part-owner of the application site.

Key Issues

Principle of development;
Effect on form and character of the locality;
Effect on residential amenity;
Contamination

Access and highway matters;
Crime and disorder; and
Any other material considerations.

Recommendation

APPROVE

THE APPLICATION

The site comprises approximately 0.12 Ha of land on the north-western side of Town Street, Upwell. It currently consists of the former Fen Regis Trophies shop and workshops, but was historically a gasworks site. There is the former shop building on the road frontage which is presently boarded up and has been closed for some considerable time. There are workshops and outbuildings to the rear of the shop with a yard beyond. An existing access serves the site and is broadly central in its position. To the north-east corner of the frontage is an associated dwelling house (outside the application site), which is to be retained and served by the existing access with a parking and turning area. There are residences either side of the site, plus orchard land to the rear.

The site lies within the defined village in Built Environment Type C according to the Local Plan inset map for Upwell and also within the village development boundary in the SADMPD.

This current proposal seeks to demolish the existing shop, workshops and outbuildings and construct a new food store (approx. 344m²/3700ft² gross floorspace and 222m²/2400ft² net/retail floorspace) to the rear of the site with a new access and associated parking at the front – comprising 18 spaces (including two disabled bays).

SUPPORTING CASE

The agents put forward the following comments in support of this proposal:

“Our proposals for a new Co-op food store on the Old Fen Regis site, makes good use of a derelict site of former commercial use that has stood empty for years. It is well known within the local community to be an eyesore along Town Street. Regenerating the site will give it a new lease of life and provide a convenience store and that will prove an asset to the local community.

To summarise a brief history, the site was a former gas works which closed in the 1950s. The buildings were more recently used as a toy shop through to 1982 when Fen Regis trophies purchased the site and further fabricated building were erected to form their workshop. As is understood the site is contaminated. There is an old underground fuel tank with surface mounted dispenser, a septic tank and corrugated cement bound asbestos sheeting to the roofs. If the development is approved, the developer will undertake remedial works to remove the underground petrol storage tanks and contaminated material. These works will cost in the region of £60,000-£100,000. The cost of remediation requires a viable commercial scheme to be delivered to the site.

The existing retail provisions within the village of Upwell have reduced over the years, only a limited provision now remains.

With further homes planned in the local area the population will only increase. A food store serving the community will benefit the local area immensely. The proposed food store is conveniently placed with the site located centrally between Upwell and Outwell. It offers a service to the community that would otherwise be lost to nearby bigger towns of Wisbech and Downham Market where a journey of 5 to 6 miles is required. There is a shortfall of parking in the local area which leads to congestion and road safety issues. The latest proposal importantly creates 18 parking spaces which includes dedicated parking for the disabled.

The proposed food store would sit to the rear of the site, this provides adequate space for car parking and servicing within the site demise. The food store had been designed with a half butterfly roof so the scale increases gently to the principle elevation. This allows for a noticeable feature from the street whilst not dominating the site. With the food store set back to the rear of the site it is devoid of the streetscape, this allows for a more contemporary design. The materials have been chosen to be aesthetically light weight. This has been achieved with large areas of glazing providing an active frontage to the principle elevation with timber cladding above creating a lightweight natural warm material with the added environmental advantages.

We welcome the support from King's Lynn Borough Council for these proposals."

PLANNING HISTORY

14/00291/O: Application Permitted: 15/04/14 - Outline application for residential development

10/02056/O: Application Permitted: 07/03/11 - RESIDENTIAL DEVELOPMENT

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: NO OBJECTION subject to conditions relating to access, visibility and parking provision

Internal Drainage Board: No Comments received

Environment Agency: NO OBJECTION subject to conditions relating to contamination remediation and surface water disposal

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination disposal and mitigation measures

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION subject to conditions relating to construction management plan, surface water disposal, plant details, noise mitigation scheme, lighting scheme, hours of use and delivery times

Norfolk Constabulary: NO OBJECTION- advice offered on Secured by Design accreditation

REPRESENTATIONS

THREE letters of **OBJECTION** received raising the following grounds:

- Overlooking;
- Security;
- Lighting at night;
- Increased traffic on busy road – on street parking affecting highway safety for existing properties;
- Shops have been lost in Outwell and Upwell over recent years due to lack of demand;
- Site should be used for housing as approved;
- Store out of character and illuminated signage will harm street scene and amenity;
- Noise and disturbance from air conditioning and parking area.

NINE letters of **SUPPORT** on the following grounds:

- Introduction of an established retailer/food store will be a major asset to the village;
- Removal of an eyesore;
- Will reduce trips to Wisbech and Downham Market for shopping;
- Plenty of off-street parking (including disabled bays) unlike other shops in the village that rely on on-street parking causing congestion and traffic problems; and
- Growing village and population with growing demands – proposed store is especially suitable for the old and infirm.

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

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Upwell Parish Plans

PLANNING CONSIDERATIONS

The key considerations in assessing this application are as follows:

- Principle of development;
- Effect on form and character of the locality;
- Effect on residential amenity;
- Contamination
- Access and highway matters;
- Crime and disorder; and
- Any other material considerations.

Principle of development

Upwell, combined with Outwell, are defined as a Key Rural Service Area within the Core Strategies of the LDF.

The site presently contains a retail shop, workshops and outbuildings and it is proposed to re-develop it with a local convenience store – the intended end user is indicated to be The Co-operative.

This is a similar land use and involves the provision of additional services and facilities for the village. The principle of development is therefore considered to be acceptable. Site-specific issues will be dealt with later in this report.

Effect on form and character of the locality

One of the main issues to consider when determining this application is whether the proposed development would be in character with the surrounding area.

The layout shows a centralised access point off the frontage of Town Street with parking bays either side, leading to a single storey store at the rear of the site with parking in front of its entrance and to the rear of No.8 and turning area between.

It is considered that the layout of the proposed development would respect the form and character of this locality which comprises mainly frontage dwellings with outbuildings to the rear. The store is a large structure but follows this general format.

The design of the building is fairly contemporary with a combination of flat roofs and a mono-pitched portion, keeping the mass of the building fairly low matching eave and ridge heights of the adjoining houses. Facing materials are a combination of facing brick walls with timber cladding above fascias, with aluminium windows and banding/detailing and off-white rendered walls to the side and rear elevation of the storage element. The colour scheme would portray the corporate livery of The Co-Op.

The proposal therefore accords with Local Plan policy 4/21, plus Core Strategy policies CS06 & CS08 of the LDF.

Effect on residential amenity

Being effectively single storey, the new building would not create any overlooking or overshadowing of adjoining properties. A combination of existing and proposed boundary treatments will ensure that the new development would have acoustic barriers and not infringe upon the amenities of the immediately abutting residential properties.

Details of plant, machinery and noise mitigation measures may be secured via condition, likewise a construction management plan and lighting scheme to protect the neighbours. This approach has been adopted in many instances where shops have been introduced into villages.

Signage, if illuminated, will be addressed under a separate application.

The hours of use of 0700 – 2300 hours daily have been applied for by the applicants commensurate to a 'convenience store'. The opening hours have not raised concerns from our CSNN colleagues and deliveries are to be carried out between 0700 – 1800 hours on weekdays and 0900 – 1700 hours on Sundays & Bank Holidays.

It is considered that the residential amenities of adjoining dwellings may be adequately secured via conditions.

The sub-division of the overall site leaves No.8 as a separate dwelling. The land remaining leaves space for the provision of parking spaces for two cars, plus turning space, but leaves very little private amenity space for that residential unit. Whilst not ideal, the current landowners of the overall site are content with this format and the benefits to the village and community of introducing the proposed food store outweigh any concerns regarding this particular issue.

Contamination

The site was previously a gasworks site and therefore there has been considerable concerns regarding possible contamination. The previous applications for residential development were accompanied by a Desk Top Study and a Phase 2 Site Investigation Report. This exercise will need to be repeated for the current use proposed, and any remediation identified as requested by our Environmental Protection team and the Environment Agency (the latter also requires information regarding prevention of contamination to groundwater). The matter of asbestos-containing material identification and disposal will also need to be addressed given the proposed demolition of the existing buildings on the site. Once again this may be secured via conditions.

Access and highway matters

This is a former retail/commercial premises which would have generated significant levels of traffic movements to and from the site.

The layout provides a central access with 18 No. parking spaces (to meet current standards) and turning facility for service vehicles. No.8 is proposed to be serviced using the existing site access and the provision of its own parking and turning areas within its new curtilage.

County Highways have viewed the plans and no objections are raised subject to the imposition of certain conditions on any permission.

Contrary to many retail units in the combined villages of Upwell and Outwell, this facility will have its own off-street parking and servicing provision, which would be to the benefit of highway safety.

Concerns regarding on-street parking may be negated by the introduction of parking restrictions either side of the proposed new access point. This would take the form of double yellow lines and once again may be secured by condition.

Crime and disorder

There are no significant Crime and Disorder issues raised by this proposal. Norfolk Constabulary ALO has offered advice as to pursuing Secure by Design accreditation.

Any other material considerations

The application site lies within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment; there is therefore no issue of flooding. Surface water disposal is requested to be covered by condition by our Community Safety & Neighbourhood Nuisance team and the Environment Agency.

CONCLUSION

The proposal is for the construction of a 'convenience store' with associated on-site parking and servicing. The benefits of the introduction of a retail food store, in terms of providing a further 'convenience store' within this Key Rural Service Centre (Outwell has a Costcutter) and improving the sustainability of the village, together with the re-development of an eyesore site, greatly outweighs any concerns raised. All matters of planning importance may be secured via condition.

Overall, the proposal complies with the provisions of the NPPF, saved Local Plan Policy 4/21, Core Strategy policies CS02, CS06, CS08, CS10 & CS11 of the LDF, and emerging policies DM1, DM2, DM15 & DM17 of the SADMPD.

The application is therefore recommended for approval subject to certain conditions outlined 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: AA-509-003F, AA-509-004A, AA-509-005B, AA-509-006, AA-509-007B & AA-509-009B.

2 Reason For the avoidance of doubt and in the interests of proper planning.

3 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'.

3 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.

4 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.

- 4 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.
- 5 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.

- 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 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

- 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 the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.

- 7 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to 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 land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

- 8 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by 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 Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.
- 9 Reason To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120 & 121. This needs to be a pre-commencement condition given the need to ensure that potential pollution is fully dealt with at the outset of development.
- 10 Condition Using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 10 Reason To protect and prevent the pollution of controlled waters in line with the provisions of the NPPF and Environment Agency Groundwater Protection (GP3:2012) position statement Part N, N7 and N8. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.
- 11 Condition The premises shall only be open for trade between the hours of 0700 and 2300 hours daily.
- 11 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and emerging Policy DM15 of the SADMPD.

- 12 Condition No deliveries shall be taken at or despatched from the site outside the hours of 0700 – 1800 hours on Mondays to Saturdays and 0900 – 1700 hours on Sundays, Bank or Public Holidays.
- 12 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and emerging Policy DM15 of the SADMPD.
- 13 Condition Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase, none of which should occur outside of 0800-1700 hours Monday to Friday and 0900-1300 hours Saturdays, and not at all Sundays and Bank Holidays. The scheme shall also include proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.
- 13 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and emerging Policy DM15 of the SADMPD. This needs to be a pre-commencement condition given the need to ensure that disturbance during the construction phase is fully dealt with at the outset of development.
- 14 Condition No development above foundation level shall take place on site until a scheme to protect the adjoining residential properties from noise from the new premises (including 2m high acoustic fencing along the side boundaries of the site) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.
- 14 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the neighbouring residential properties in accordance with the NPPF and emerging Policy DM15 of the SADMPD.
- 15 Condition Prior to the first use of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 15 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 16 Condition Prior to the installation of any refrigeration plant or air conditioning units, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the noise/power levels of the equipment and provide details of anti-vibration mounts. The scheme shall be implemented as approved and thereafter maintained as such.
- 16 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF and emerging Policy DM15 of the SADMPD.

- 17 Condition Prior to the first use of the development hereby permitted, the proposed access , on-site car and cycle parking, servicing and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 17 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 18 Condition Prior to the first use of the development hereby permitted, the vehicular access shall be provided, and thereafter retained at the position shown on the approved plan (Dwg No. AA-509-003F), in accordance with the light industrial access highway specification. 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.
- 18 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 19 Condition Prior to the first use 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. The parallel visibility splay shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 19 Reason In the interests of highway safety.
- 20 Condition No works shall commence on the site until the Traffic Regulation Order for parking restrictions (double yellow lines) has been promoted by the Highway Authority.
- 20 Reason In the interests of highway safety.