

F/YR15/0949/F

Applicant: Mr B Hemmaway

**Agent : Mr Stephen Hodson
Hodsons**

Land At Church Street Garage, Church Street, Whittlesey, Cambridgeshire

Erection of 6 x 2-storey, 3-bed dwellings involving demolition of existing buildings within a conservation area

Reason for Committee: The Town Council's comments are in conflict with the Officer's recommendation

1 EXECUTIVE SUMMARY

This is a full application for the erection of 6 dwellings at Church Street Garage, Church Street, Whittlesey. The proposal involves the demolition of existing buildings and the erection of six detached 2-storey dwellings. The site lies within Whittlesey Conservation Area.

The proposal is for the redevelopment of a brownfield site within the town centre which is acceptable in principle. However the proposed layout is such that the dwellings will be awkwardly positioned in relation to the existing surrounding dwellings, thereby resulting in severe overlooking and loss of privacy between both existing and future occupiers. The proposal is therefore recommended for refusal as it fails to comply with the provisions of policies LP2 and LP16(e).

2 SITE DESCRIPTION

- 2.1 The site is located to the west of Church Street and to the east of Horsegate in Whittlesey. It comprises a central site between these two streets and currently comprises a garage involving vehicle repairs albeit the site is currently unused. There are existing buildings on the site including workshop and a portacabin style office and there is commercial fencing to the site entrance. The site is located to the northern part of the Whittlesey Conservation Area and is located within Flood Zone 1. The site is surrounded on all sides by residential development of a high density and a variety of designs and scales. The site is in close proximity to the town centre and in a sustainable location.

3 PROPOSAL

- 3.1 This application seeks full planning permission for 6 x 2-storey dwellings. They are proposed to be located around a central access road and driveway. Plots 1, 2 and 3 will be located in the southern part of the site with Plot 4 being at the westernmost part of the site and Plots 5 and 6 will be located to the north western side. Each plot will have an area of private amenity space and parking for 2 cars with additional parking proposed along the private drive to the north.

- 3.2 Plots 1-3 will have a relatively simple 2-storey design with a porch feature to the front elevation. No windows are proposed in either side elevation, only a door to the ground floor eastern elevation. These plots will have a footprint of approximately 6.5m x 7.5m and will have an approximate eaves height of 5m and ridge height of 8m. Plots 1 – 3 will provide a lounge/diner, kitchen and cloakroom at ground floor and 3 bedrooms, a shower room and bathroom at first floor.
- 3.3 Plots 4 – 6 will have a chalet-style appearance and will include dormer windows to the front and rear elevations. Again, the side elevations will only provide a door at ground floor level and no windows. The proposed footprint for these plots is approximately 9.5m x 6m with an eaves height of 3.5m and a maximum ridge height of 7m approximately. Plots 4 – 6 will provide a lounge/diner, cloakroom, kitchen, breakfast room and utility at ground floor and 3 bedrooms, shower room and bathroom at first floor.
- 3.4 Each dwelling will have 2 rain water butts, a composting bin and storage space for 2 bikes and bin storage. The proposed landscaping will include lavender pots, red maples in pots and laurel hedging. The proposed materials consist of Nene Valley Stone/Sharn Brook Multi Buff by Hanson for the walls, natural blue slate (Plots 1, 2 and 3) and red pantiles (Plots 4, 5 and 6) for the roofs.

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=document&keyVal=NTC22GHE08000>

4 SITE PLANNING HISTORY

F/YR09/0178/F	Erection of a single-storey office extension to existing building.	Granted 29.04.2009
F/YR07/0642/F	Erection of 6 x 3-bed detached houses with garages (renewal of planning permission F/YR01/1155/F)	Granted 10.08.2007
F/YR01/1155/F	Erection of 6 x 3-bed detached houses with garages.	Granted 13.12.2002

5 CONSULTATIONS

5.1 Town Council:

No objection and therefore recommend approval.

5.2 FDC Environmental Health:

Requested that an initial contamination investigation was carried out.

Upon receipt of the report:

The desk study shows a plausible pollutant linkage and further investigation will be required. The remainder of the contaminated land condition is therefore required.

5.3 FDC Conservation Officer:

Given the previous permission on the site a conservation objection cannot be upheld. No objections to the demolition of the existing buildings on site. Require conditions as per the previous permission and also in relation to external materials.

5.4 CCC Highways:

Permission has already been granted for the same development proposals. Consideration should be given to the level of development served off a private drive however a highway refusal reason could not be sustained on these grounds. No objections. Require the previous conditions to be carried forward.

5.5 CCC Archaeology:

The site lies in an area of high archaeological potential therefore it is recommended that the standard archaeological condition is attached to any permission.

5.6 Whittlesey Society:

No response received.

5.7 FDC Housing Strategy:

Require affordable housing in accordance with the requirements of Policy LP5.

5.8 Historic England:

The application should be determined in accordance with the Conservation Officer's advice.

5.9 Local Residents/Interested Parties

Three letters of representation received (from Horsegate Lane and Church Street). Two letters in support of the application, one raising queries.

Representations summarised as follows:

- No objection provided the layout stays the same as previous;
- Bungalow would be preferable however recognise that the development of this site will improve the area and its surroundings;
- Would like the steel fence to the rear of the property to remain;
- Require the asbestos roofing sheets of the existing building to be removed in the correct and legal manner;
- The development will improve the area and no objections in principle but some concerns over the loss of the existing boundary treatment and the impact on privacy and security;
- Queries that the potential contamination will be dealt with correctly.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 14: A presumption in favour of sustainable development;

Paragraph 17: Core planning principles;
Section 6: Delivering a wide choice of high quality homes;
Section 7: Requiring good design;
Section 12: Conserving and enhancing the historic environment.

7.2 National Planning Practice Guidance (NPPG)

Design

Health and Wellbeing

7.3 Fenland Local Plan 2014

LP1: A presumption in favour of sustainable development;
LP2: Facilitating health and wellbeing of Fenland residents;
LP3: Spatial strategy, the settlement hierarchy and the countryside;
LP4: Housing;
LP5: Meeting housing need;
LP6: Employment, Tourism, Community Facilities and Retail;
LP15: Facilitating the creation of a more sustainable transport network in Fenland;
LP16: Delivering and protecting high quality environments across the District;
LP18: The Historic Environment;
LP19: The Natural Environment.

8 KEY ISSUES

- **Principle of Development**
- **Design and Layout**
- **Bin storage**
- **Impacts on the Conservation Area**
- **Highway Safety**
- **Affordable Housing**
- **Contamination**
- **Health and wellbeing**
- **Economic Growth**
- **Other matters**

9 BACKGROUND

9.1 The site benefited from planning permission for 6 dwellings under F/YR01/1155/F, and this was renewed under F/YR07/0642/F. The latter permission lapsed in August 2010. The current application is the same submission, in terms of design, layout etc as the previous applications. Since then the NPPF was introduced in March 2012 and the Fenland Local Plan was adopted in May 2014 and therefore it is considered that the proposal can be reconsidered as a fresh proposal under the new policy regime.

10 ASSESSMENT

10.1 Principle of Development

10.2 Policy LP3 identifies Whittlesey as a Market Town where the majority of the Districts new housing growth should take place. The site is a previously developed site, in a sustainable location close to the town centre and numerous amenities. The land is surrounded by existing residential development and there are many other examples of tandem development within the locality. The principle of the proposal is therefore considered acceptable in accordance with policy LP3 of the Fenland Local Plan however this is subject to the provisions of other policies of the Plan.

10.3 Design and Layout

- 10.4 The proposal involves the erection of 6 dwellings accessed off Church Street, via a shared private roadway. The proposed roadway curves round towards the south west of the site, with the dwellings tightly arranged along the roadway frontage. The site lies behind the established building line along Church Street and Horsegate and is therefore in a sensitive position in terms of how the new dwellings relate to the existing surrounding dwellings. The nature of the layout, being curved along the roadway, has resulted in the new dwellings being positioned at odd angles to the existing buildings thereby compromising the living conditions of both existing and proposed occupiers.
- 10.5 The east flank wall of plot 1 would be positioned to fill most of the rear garden boundaries serving 16 and 18 Church Street. Although this is not necessarily desirable, plot 1 would be positioned approximately 20m away from the rear elevations of numbers 16 and 18, it is therefore considered that no harm would be caused to the amenities currently enjoyed by these occupiers.
- 10.6 Since the development was originally approved a new dwelling (24 Church Street) has been erected behind 26 Church Street. Due to the angle of plot 2, the distance between the rear elevations of plot 2 and 24 Church Street is between 8.5 and 13.5m. This would result in an unacceptable level of overlooking and loss of privacy from window to window of the properties in question and to unacceptable loss of privacy to the garden areas for both plot 2 and 24 Church Street.
- 10.7 Due to the angled positions of plots 2 and 5, one of the lounge/diner windows of these properties will be positioned within 3m of the boundary treatments of 24 Church Street and 34 Horsegate respectively. The result being that occupiers of these new dwellings will suffer from a poor outlook from habitable rooms, to the detriment of their residential amenities and general well being.
- 10.8 The position of Plot 4, with the side elevation on the boundary of 3 Wades Yard, will further dominate the rear aspect of this property. Due to the height of the property compared to the existing boundary treatment, plot 4 will exacerbate the poor outlook and reduced garden quality already experienced by the existing occupiers. The rear elevation of Plot 4 is approximately 5m from the rear boundary of 38 Horsegate and is positioned in such a way that the window serving bedroom 2 is angled towards the rear private garden area of number 38. Existing occupiers of this property will therefore suffer from loss of privacy and overlooking as a result.
- 10.9 The position of plots 5 and 6, their proximity to the site boundary and their angled siting is such that the rear window serving bedroom 2 will be within 7m and 3m of their rear boundaries respectively. This would result in direct overlooking of the private amenity spaces serving 32 Church Road and 1b Horsegate Lane.
- 10.10 By reasons of the siting of the dwellings in relation to the existing surrounding properties, the proposal would result in unacceptable levels of overlooking and loss of privacy to the neighbouring dwellings and neighbouring garden land as well as to the development itself. In addition the occupiers of 3 Wades Yard would suffer from a poor outlook and therefore reduced levels of residential amenity. As a result the application would fail to promote high levels of residential amenity to the detriment of the health and well being of existing and

future occupants, contrary to policies LP2 and LP16 of the Fenland Local Plan 2014.

- 10.11 In design terms the proposed dwellings are considered to accord with the general character of the surrounding area which hosts a variety of scales and designs of dwellings. No concerns are raised therefore raised in terms of design in respect of policy LP16.

10.12 Bin storage

- 10.13 The dwellings are located along a private drive which would not be adequate to serve a bin lorry. Residents would be required to wheel their bins over 30m for their bins to be collected from the public highway which would be contrary to the provisions of the RECAP Waste Management Design Guide. In many circumstances this would be reason enough for refusal however in this instance if it is considered that such a reason for refusal could not be sustained at appeal given the benefits gained in terms of developing a brownfield site within a town centre.

10.14 Impacts on the Conservation Area

- 10.15 The site is located within the Conservation Area and the Conservation Officer has considered the proposal and raises no objections to the scheme in light of the planning history. There is no objection to the demolition of the modern industrial buildings on site as they do not contribute to the interests and appearance of the Conservation Area and the replacement of these with the proposed dwellings will serve to improve the visual character of this part of the CA.
- 10.16 The site is also identified within the 2008 Whittlesey Conservation Area appraisal as a redevelopment opportunity. It is considered that in Conservation Terms the visual appearance and subsequently the views into and out of the CA will be improved and enhanced by the redevelopment of the site. The proposal is therefore considered to accord with LP18 in this instance however it does not overcome the concerns raised within paragraphs 10.4 to 10.9 of this report.

10.17 Affordable Housing

- 10.18 As the proposal is for more than 5 dwellings it triggers the requirement for affordable housing in accordance with policy LP5 of the Local Plan. The applicant has demonstrated they will to enter into a S106 to secure affordable housing thereby satisfying policy LP5 of the Local Plan.

10.19 Contamination

- 10.20 Due to the sites former use as a garage, the Environmental Health Team identified a requirement for an initial contamination investigation to be carried out upfront. This has been provided and the findings are noted. Whilst it does identify some level of contamination within the site, as expected due to the former use, the Environmental Health Team are happy that the remaining investigations and remediation measures can be secured by condition should planning permission be granted.
- 10.21 It is noted that one of the letters of representation received concern the safe demolition of the buildings in terms of the asbestos roof. The Environmental Health Team were questioned about this aspect and have confirmed that if asbestos is present/suspected then the works would need to be carried out by a licenced contractor which would be dealt with and enforced by the HSE. A further letter concerned the contamination within the site and appropriate

remediation works could be secured via a condition should permission be granted. No concerns are therefore raised with regards to policy LP16 (l).

10.22 Health and wellbeing

10.23 Policy LP2 seeks to promote high levels of residential amenity in the interest of the health and wellbeing of Fenland residents. As per paragraphs 10.4 to 10.9 of this report, it is contended that the proposal fails to provide adequate residential amenity for future occupants and will compromise the residential amenities currently enjoyed by existing occupants, contrary to the provisions of policy LP2 of the Local Plan.

10.24 Economic Growth

10.25 The proposal will support the economic growth in the short term during the construction period, and in the longer term by the addition of 6 dwellings to Fenland's Housing stock. The proposal therefore accords with Policy LP6 in this regard however this does not overcome the fundamental conflicts with policies LP2 and LP16.

10.26 Other Considerations

10.27 It is noted that 2 of the letters of representation requested that their existing boundary treatments which adjoin the site be retained for security and privacy reasons. The application proposed to put 1.9m close boarded fencing to the side and rear boundaries of the site and it is considered that a boundary treatment of this nature would preserve the existing levels of privacy and security currently enjoyed by the adjoining neighbours.

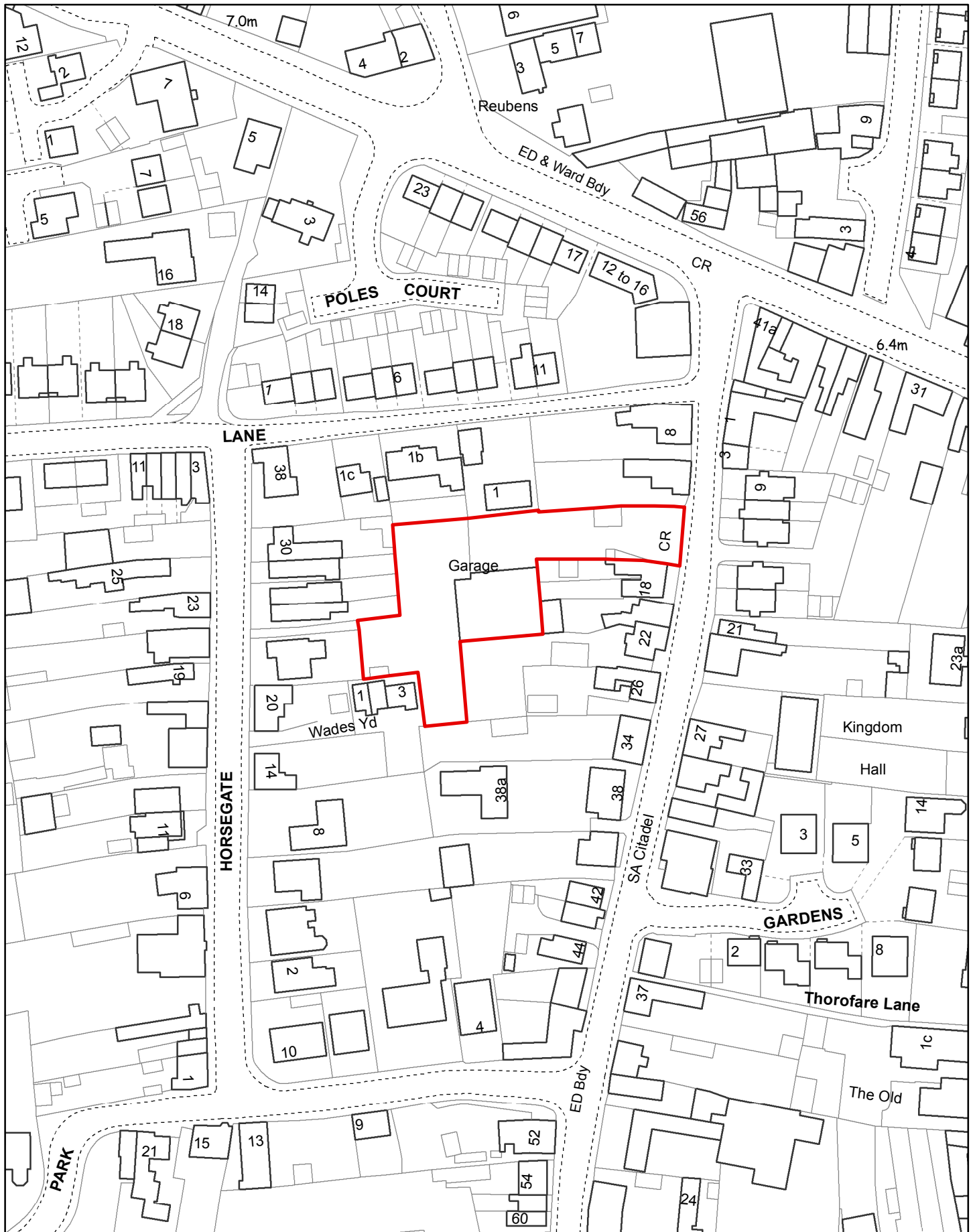
11 CONCLUSIONS

11.1 Although the principle of residential development is acceptable in this location, the proposed layout of the site and subsequent siting of the dwellings is such that the residential amenities of both existing and future residential occupiers would be severely compromised. The proposal is therefore contrary to policies LP2 and LP16 of the Fenland Local Plan and refusal is recommended accordingly.

12 RECOMMENDATION

Refuse

- 1. Policy LP2 requires development proposals to promote high levels residential amenity. Policy LP16 (e) stipulates that new development must not adversely impact on the amenity of neighbouring properties by reasons of loss of privacy. By reasons of the siting of the dwellings in relation to the existing surrounding properties, the proposal would result in unacceptable levels of overlooking and loss of privacy to the neighbouring dwellings and neighbouring garden land as well as to the development itself. As a result the application would fail to promote high levels of residential amenity to the detriment of the health and well being of existing and future occupants, contrary to policies LP2 and LP16 of the Fenland Local Plan 2014.**



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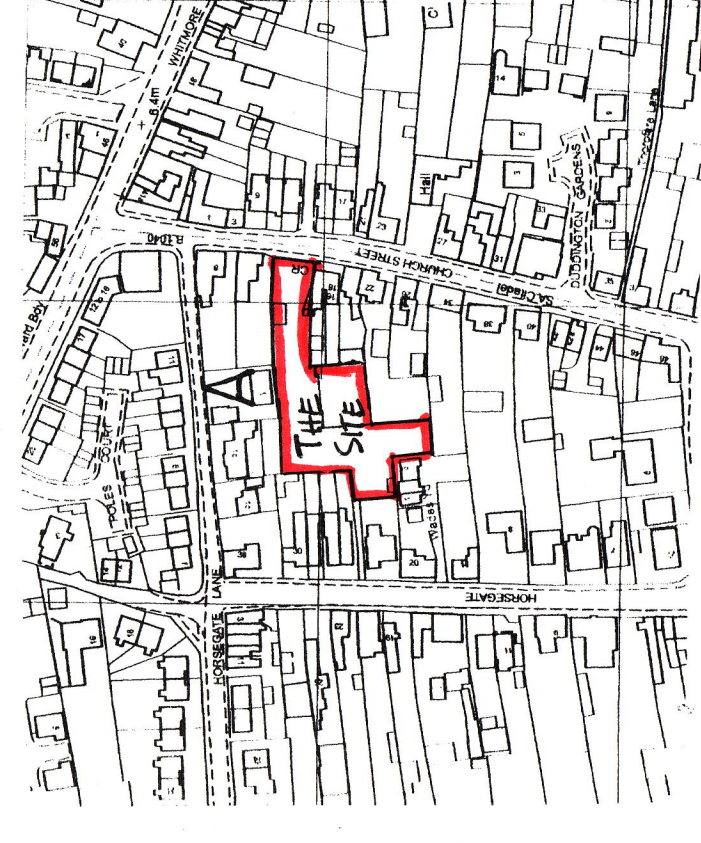
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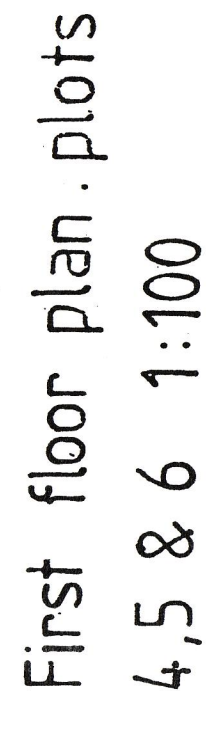
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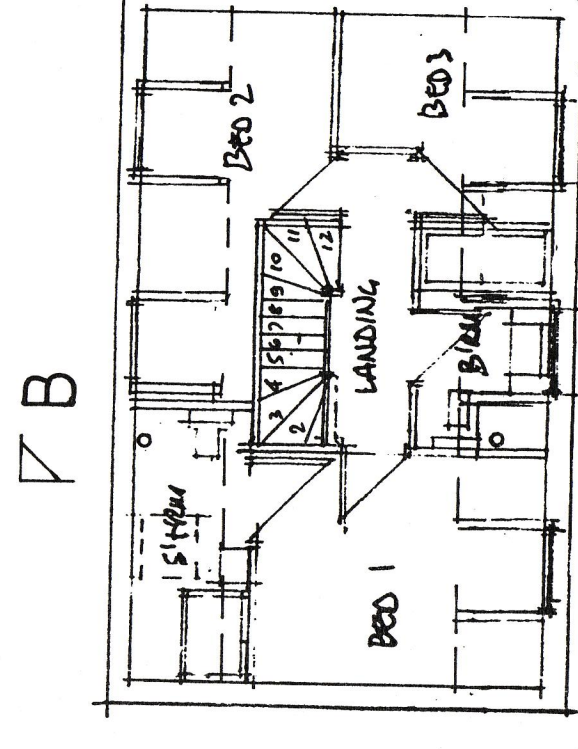


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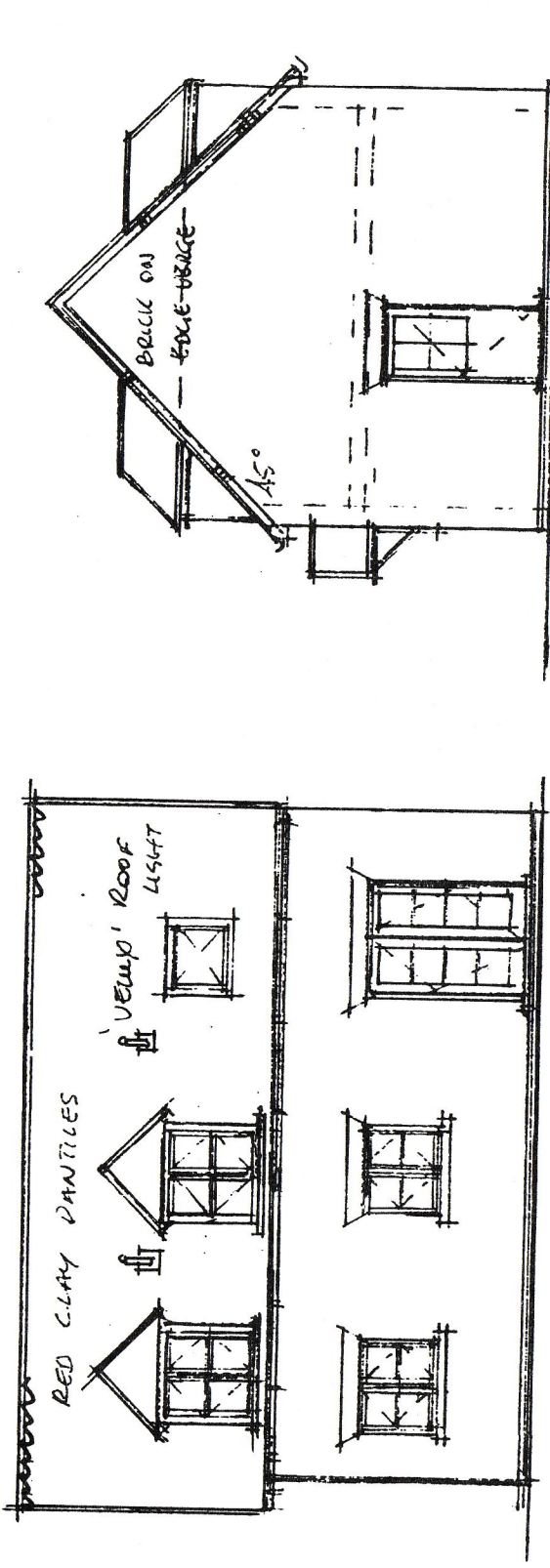
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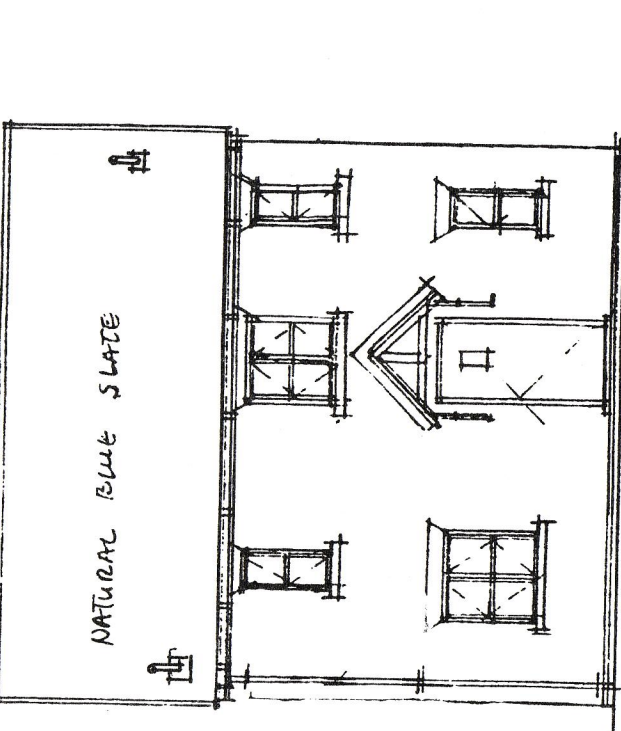
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4,5&6 1:100



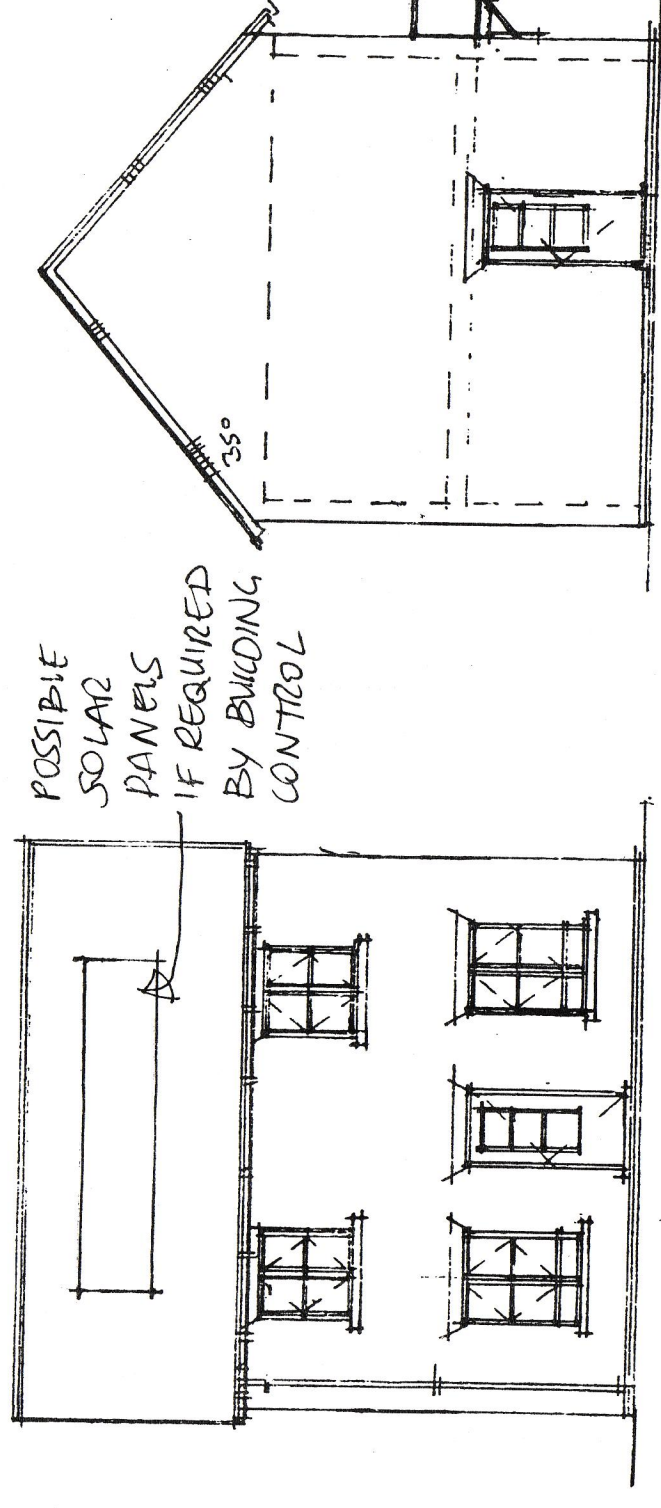
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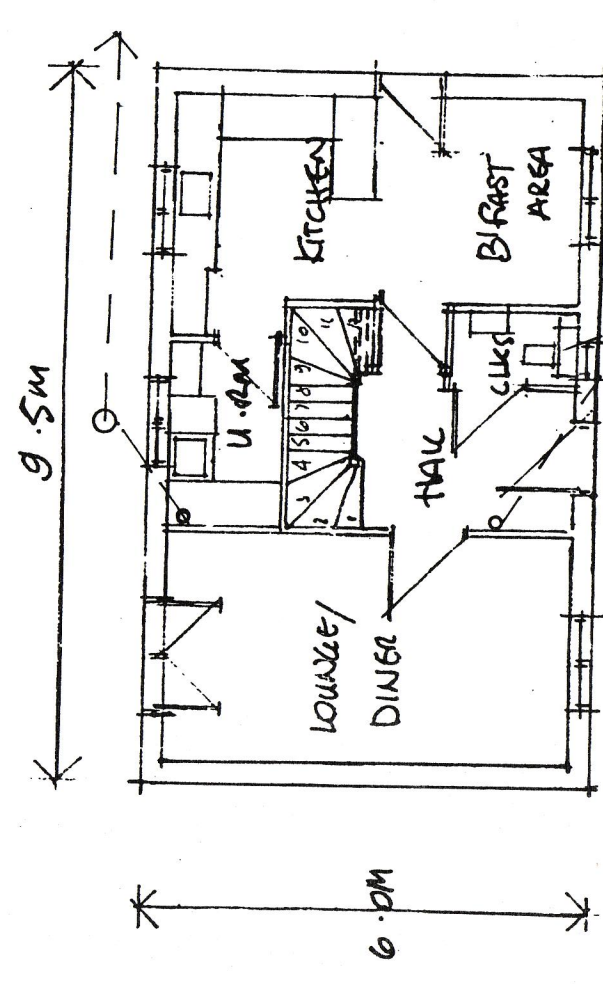
Rear elevation plots 4,5&6 North end elevation 1:100



East side elevation
plots 12 & 3 1-100



East side elevation
plots 12 & 3 1·100



Ground floor plan
plots 4, 5 & 6 1:100
(Plots 5 & 6 HANDED)

Project : Housing on a commercial site rear 16/20 Church Street , Whittlesey Peterborough .	Hodsons Chartered Surveyors , Market Street , Whittlesey , Peterborough . 01733 203064
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