

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 11 SEPTEMBER 2019

1.00 PM

**COUNCIL CHAMBER, FENLAND HALL,
COUNTY ROAD, MARCH, PE15 8NQ**

Committee Officer: Jo Goodrum
Tel: 01354 622285
e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 3 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 4 Previous Minutes (Pages 3 - 8)

To confirm and sign the minutes from the previous meeting of 14 August 2019.
- 5 Planning Appeals. (Pages 9 - 14)

To consider the appeals report
- 6 F/YR19/0158/RM
Reserved Matters application relating to detailed matters of layout, scale, appearance and landscaping pursuant to outline permission F/YR15/0134/O and F/YR17/1231/VOC for the erection of 220 dwellings and garages comprising of 4 x 1-bed; 34 x 2-storey 2-bed; 127 x 2-storey 3-bed; 47 x 2-storey 4-bed and 8 x 3-storey 4-bed with associated works, play area, substation and ponds; Land North Of

Whittlesey East Of, East Delph, Whittlesey, Cambridgeshire (Pages 15 - 38)

To determine the application

7 F/YR19/0518/F

Erect 4 dwellings (2 x 2-storey 4-bed and 2 x 2-storey 3-bed) with garages; Land East Of Tindall Mill, Kirkgate, Tydd St Giles, Cambridgeshire (Pages 39 - 52)

To Determine the Application

8 F/YR19/0636/FDC

Erect 1 dwelling (outline application with all matters reserved); Land South Of 18, Rowan Close, Wisbech, Cambridgeshire (Pages 53 - 64)

To Determine the Application

9 F/YR19/0179/VOC

Variation of condition 4 of planning permission F/YR17/0685/VOC (Erection of 6 x 3-storey, 3-bed dwellings with balcony to front and integral garage and 4 x 3-storey, 2-bed dwellings) in relation to access; Land South West Of, Queen Street Close, March, Cambridgeshire (Pages 65 - 72)

To Determine the Application

10 F/YR19/0501/F

Erect 5 dwellings (comprising of 3 x 1-bed and 2 x 2-bed flats) and associated parking, Nelson House, 22 Norwood Road, March, Cambridgeshire (Pages 73 - 86)

To Determine the Application

11 Items which the Chairman has under item 3 deemed urgent

Members: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor A Bristow, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

PLANNING COMMITTEE



WEDNESDAY, 14 AUGUST 2019 - 1.00 PM

PRESENT: Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor C Marks, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton, Councillor W Rackley (Substitute)

APOLOGIES: Councillor D Connor (Chairman), Councillor Mrs S Bligh, Councillor A Bristow, Councillor A Lynn and Councillor D Patrick,

Officers in attendance: Stephen Turnbull (Legal Officer), Jo Goodrum (Member Services & Governance Officer), David Rowen (Development Manager) and Sheila Black (Principal Planning Officer)

Councillor Miscandlon from Fenland District Council and Councillor Jack from March Town Council were present in the Public Gallery, but took no part in the Planning Committee meeting.

P21/19 PREVIOUS MINUTES

The minutes of the meeting of 17 July 2019 were confirmed and signed.

P22/19 PLANNING APPEALS.

David Rowen presented a report to members with regards to appeal decisions received on applications over the last month.

P23/19 F/YR19/0186/O ERECTION OF UP TO 19 NO DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) INVOLVING DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS; 158 STONALD ROAD, WHITTLESEY.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Sheila Black presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure from Mr Matt Taylor, the Applicant.

Mr Taylor, explained to members that he works for RWS Ltd in Whittlesey. He added that the proposed site is existing garden land with occasional use for ponies to graze and there has never been any business activity on the land. He added that there has been other development over the last 10 to 15 years. He stated that he has produced a masterplan just as an indicative layout just to show that the proposed development could fit up to 19 mostly semi-detached dwellings and a minimum of 5 affordable dwellings. He highlighted that the top part of the site falls within flood zone 3, which will be left as open space provision, which also connects to an area north of the site.

Mr Taylor pointed out that access for the proposal is off of Stonald Road and the majority of the neighbourhood comments have suggested that the access could be taken through Harvester Way. Whittlesey Town Council has no objection to the proposal and has highlighted that their preferred access would be off of Stonald Road.

He added that there have been various flood risk issues which have been highlighted, however meetings have taken place with the Internal Drainage Board and the Local Lead Flood Authority and they have seen and agreed the indicative design and a more detailed design will be required if approval is given for the proposal.

The infrastructure proposed as part of the Section 106 scheme is fully supported. He added that the proposal also meets policy LP14 and LP3.

He concluded that the majority of the sites in the area are of a cul de sac nature and therefore the proposal has tried to fit in with the others in the locality.

There were no questions for the applicant.

Members asked questions, made comments and received responses as follows:

- Councillor Sutton asked officers for clarification with regard to the section 106 pooling arrangements which are contained within the officers report, as he understood that pooling arrangements were no longer in use. David Rowen clarified that pooling arrangements will no longer be available as of September 2019.

Proposed by Councillor Murphy, seconded by Councillor Sam Clark and decided that the application be APPROVED, subject to the conditions stated, as per the officer's recommendation.

**P24/19 F/YR19/0556/VOC
VARIATION OF CONDITION 2 (IMPOSITION OF A CONDITION LISTING APPROVED PLANS) OF APPEAL DECISION APP/D0515/W/16/3148821 RELATING TO PLANNING APPLICATION F/YR15/0614/F . LAND NORTH OF HENRY WARBY AVENUE, ELM**

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Sheila Black presented the report to members and drew their attention to the update report which had been circulated.

Members asked questions, made comments and received responses as follows:

- Councillor Sutton stated that there were a number of objections on the original planning application which was for 30 dwellings. Previously when the application was refused the applicant reduced the number of dwellings to 28 to bring it in line with the agreed threshold at that time however it was refused on other matters. He added that there is still a great deal of objection to the proposal and he expressed the view that he agrees with those objecting, however if the application is refused it could prove to be costly to the Council.
- Councillor Sutton added he has had contact with concerned residents and he stated that he feels sorry for the residents in the 2 dwellings which will be in very close proximity to the roadway.
- Councillor Meekins stated that if had been on the planning committee when this proposal originally came forward, he would have strongly objected to it. He added that in his opinion it

is over development and will have a detrimental effect on Elm as a village as it is becoming more built up.

Proposed by Councillor Benney, seconded by Councillor Rackley, and decided that the application be APPROVED, as per the officers recommendation.

(Councillor Sutton declared an interest by virtue of the fact that he had been lobbied on this item)

P25/19

F/YR19/0566/F

ERECT 1 DWELLING (2 STOREY 4 BED) INCLUDING AN OFFICE AND A DETACHED DOUBLE GARAGE IN ASSOCIATION WITH EXISTING BUSINESS. WESTFIELD ROAD, MANEA.

The committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection Policy and Procedure (minute P19/04 refers)) during its deliberations.

Councillor Marks left the Council Chamber for this agenda item.

Sheila Black presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Mr Lee Bevens, the Agent.

Mr Bevens explained that the applicants have been residents of Manea for many years and they purchased Westwood Farm 3 years ago. The site at that time was in a poor state and overgrown and the front of the site covered in dense scrub and brambles. He added that the applicants have invested a great deal of time and money in recent years to improve the site and this has resulted in other local businesses attracted to the site. There are now a number of businesses using the premises including the applicants own haulage and storage business, a dog grooming business and a forklift business there. The forklift business stores emergency forklifts and relies on the premises and the applicants business to transport the hire machines 24 hours a day for 365 days a year. The businesses all employ Manea residents and in turn support the local community.

Mr Bevens added that the businesses on site are not only concerned with the security of the site, with equipment worth £1,000,000 being stored on the site from a Friday evening till Monday morning and they are also hoping that the operating hours of the businesses can be improved with regard to flexibility of the response times for deliveries out of hours. It is hoped that having a residential dwelling on the site would assist would improve the situation long term.

Mr Bevens stated that his client has asked for it to be noted that for 8 months of the year the cold storage units on site require 24 hour monitoring due to inclement weather from climate change and can also mean that there are vehicular movements into the farm at any time of the day. Currently this requires a phone call meaning that the applicants have to get into a vehicle, to unlock the premises and load and unload the lorry and then return home.

Mr Bevens mentioned that with regard to the issues concerning the sequential test in this instance it seemed illogical to expect a sequential test given that the whole point of the exercise is to provide a family home with a home office at the address to support the businesses run from the site. Whilst he appreciates that a test would identify other sites in the village, these would likely to be further away from the site and this would defeat the object of the application. There have been no objections by the Environment Agency.

The proposed development would offer an attractive solution to the entrance of Manea when entering the village from Toll Drove and would offer a solution that helps obscure the views of the

large storage shed behind the dwelling and garage. He added that whilst it is behind prevailing frontage development, it is designed as a standalone dwelling to support businesses being run from the address and therefore should not be viewed as setting precedence for future applications in this area. The dwelling has been designed as a dual aspect to provide two key elevations of glazing facing the entrance and side road to offer passive surveillance and attractive elevations. The dwelling will assist by obscuring the views of the large storage sheds when entering the village and the additional proposed landscaping will assist with the screening and encourage biodiversity and wildlife.

Mr Bevens concluded by stating that numerous local residents have written to support the proposal, together with businesses that use the premises and no objections have been received or raised by highways, the Environment Agency, Parish Council or the immediate neighbours along Westfield Road. The applicants aim is to grow their successful family business at the address and this scheme will see the long term future secured and continue to employ local people. The applicant is prepared to accept any form of planning condition linking the dwelling to the business as it is a not for profit application.

Members asked Mr Bevens the following questions:

- Councillor Rackley asked for confirmation as to whether there had been any objections from the local residents. Mr Bevens responded by saying that one of the key elements was to ensure that the immediate neighbours had no objections. Letters of support have been submitted from businesses giving support for a residential dwelling on site.
- Councillor Meekins asked for clarity over the amount of time the applicant has had the business. Mr Bevens confirmed the applicant has had the site for 3 years and the business started from that site.
- Councillor Meekins questioned with regard to response times and the fact that the distance is only 200 metres away. Mr Bevens stated that it is the fact of getting in and out of a vehicle which will add time and the fact that there is no office at the address currently. A house with a home office will allow for monitoring of the site and also allowing access easier than is currently the case especially during unsociable hours. Councillor Meekins asked again whether there is no actual business office on site and Mr Bevens stated the business is there but the applicant works from home and then goes to site and there is only a small office on site in a storage shed.
- Councillor Meekins continued and asked if a house was built would the gates be unlocked. Mr Bevens said no they would be able to open and close the gates much easier and quicker if residing on site without having to undertake several trips as is currently the case.
- Councillor Meekins asked for clarity with regard to the landscaping and biodiversity and wildlife that had been mentioned. Mr Bevens added that the frontage of the site is not covered in buildings and therefore if there are steps that can be taken to enhance the area with greenery and vegetation it will be better than its current state.
- Councillor Mrs Hay added that she understands that it is a 2.5 minute walk at an average walking pace from the applicant's current home to the site and expressed the view that surely it would be quicker to walk than use a vehicle. Mr Bevens stated he would not disagree totally with that and it is a sensible walking distance; however the main issue of concern is the unsociable hours.
- Councillor Rackley commented that he can see why the applicant would want to be on site. Mr Bevens commented that the police have said that there have been no incidents on site since January 2018, however there has been recorded crime on that site in the last 3 years. Currently in Fenland there are a large amount of fuel thefts taking place.
- Councillor Mrs Hay asked whether there is any CCTV installed on site. Mr Bevens stated that he understands that there is and there have been a couple of recent instances where unknown people have entered the site in daytime hours.
- Councillor Meekins asked for clarification with regard to the 3 businesses on site. Mr Bevens confirmed that the applicants run the haulage and cold store business. There are

separate people who run the dog grooming and forklift business. Councillor Meekins asked whether the non family business owners have keys for the gates and Mr Bevens stated yes he would expect them to but could not confirm that.

- Councillor Benney asked whether there were any plans to extend or develop the business going forward. Mr Bevens said he could not confirm that, but added that the applicant bought the site three years ago and since they purchased it they have introduced the two additional businesses to the site. He added that the applicant is looking at this as a long term family business so he would expect them to expand and create further jobs long term.

Members asked questions, made comments and received responses as follows:

- Councillor Murphy expressed the view that in his opinion, there is not the need for anybody to live on site. He added that the sequential test should have been carried out and added that he fails to see how the residents in the four new homes who are in the vicinity of the haulage yard have no raised any objections or concerns to the proposal. He concluded by stating that in his opinion, there is no justification for the dwelling to be on site at all and agrees with the officer's recommendation.
- Councillor Meekins commented that he is in total agreement with Councillor Murphy and added that he has read the report and heard the case put forward by the Agent and agrees with the officer's recommendation.
- Councillor Hay stated that sequential tests are in place for a reason and previously there have been appeal decisions where applications have been refused by the Planning Committee due to the absence of a sequential test and those have been upheld by the Inspector. She added that there is CCTV on site and on the site visit members saw where the applicant live in relation to the site and the distance has been stepped out and in average walking pace it is 2.5 minutes. There is no evidence of recent crime having taken place on site and there are no substantive reasons to go ahead the planning policies.

Proposed by Councillor Murphy, seconded by Councillor Meekins and decided that the application be REFUSED as per the officer's recommendation.

(Councillor Marks declared an interest by virtue of the fact that the applicant is the Landlord of Councillor Marks business premises and he left the Council Chamber for the entirety of this agenda item)

1.44 pm

Chairman

This page is intentionally left blank

PLANNING APPEAL DECISIONS

The Council has received the following Appeal decisions in the last month:

PA Ref	Site/Proposal	Officer Recommendation	Decision Level	Appeal Decision	Main issues
F/YR18/0159/O	Erection of up to 28no dwellings (outline application with matters committed in respect of access) - Land East Of Stow Lane, Wisbech	Refuse	Committee	Dismissed	<ul style="list-style-type: none"> • Effect of the proposed development on the character and appearance of Stow Lane • Affordable housing and infrastructure • Planning Inspector concurred with the LPA assessment of character, although it was noted that this character varied somewhat along its length. Considered that utilising Stow Lane to access development would significantly, and in their judgement, harmfully alter the character and nature of the lane. • Although the road upgrade was limited in length the impacts of the development would be felt along a longer stretch of lane, changing a quiet enclosed country lane to a suburban access road which 'would diminish its attractiveness as a tranquil, rural setting in which to walk and cycle, both for recreation and as a means to access services and facilities' • Although it is recognised that Stow Lane will come under pressure as a consequence of the East Wisbech Strategic Allocation highlights that to satisfy LP7 urban extensions should be planned and implemented in a coordinated way.

					<ul style="list-style-type: none"> • Whilst the appellant indicated that they were prepared to enter into a legal agreement to fulfil all contribution amounts this did not form part of the appeal and as such there was no mechanism to secure these; as such the Inspector was unable to give weight to any benefits derived from the scheme. • Inspector did not agree that the development of the site in isolation would compromise the aims of the BCP
F/YR18/0725/O	Erection of up to 2 x dwellings (outline application with all matters reserved) Land south west of Fern House, Swallow Lane, Four Gotes	Refuse	Delegated	Dismissed	<ul style="list-style-type: none"> • The effect of the proposed development on the character and appearance of the area • Whether the proposed development would provide a suitable location for housing, having regard to the accessibility to facilities and services and • The safety of the proposed development with regard to flooding • Planning Inspector concurred that the development '<i>would be at odds with the dispersed nature of development along Swallow Lane and thus detrimental to the prevailing character and appearance of the area</i>' and agreed that 'future occupiers of the proposed dwellings would be reliant on private motor vehicles'

					<ul style="list-style-type: none"> • In the absence of a sequential test having been undertaken upheld refusal reason regarding flooding Acknowledged that it had not been demonstrated that a safe and convenient access was available, although noted that this was determinative in the appeal as this was a reserved matter. • Highlighted that even should a 5-year land supply not be available the modest contribution to housing supply would not outweigh the conflict with policy • Did not concur with views of the appellant that the site did not have any other value and dealt with the appeal on its individual merits • Failure of scheme to be considered by committee not a matter for the appeal consideration • Did not consider any health benefits of living in the location would justify development which was in clear conflict with policy
F/YR18/0907/F	Erection of a 2-storey 3-bed dwelling with integral undercroft garage involving the demolition of existing garage - Land West Of 16 Oakroyd Crescent Wisbech	refused	Delegated	Dismissed	<ul style="list-style-type: none"> • Character and appearance of the area • The living conditions of the occupiers of neighbouring properties, with particular regard to privacy. • Planning Inspector upheld decision with regard to character and amenity as the ' proposed dwelling would therefore

					<p>be at odds with the other properties on Oakroyd Crescent and disrupt the rhythm of the street frontage.</p> <ul style="list-style-type: none"> • Planning Inspector also endorsed issues of loss of privacy noting that <i>'due to the elevated floor level the potential for and extent of casual overlooking from the ground floor level of the proposed dwelling would be significantly greater than the occupiers of these properties currently experience and would reasonably expect from their existing neighbours'</i>.
F/YR18/1132/F	Erection of a single-storey 3-bed dwelling and 1.0 metre high (max) brick boundary wall - Land East Of 251 Norwich Road Wisbech	Refuse	Delegated	Allowed	<ul style="list-style-type: none"> • Effect of the proposed development on the character and appearance of the area • Planning Inspector considered that the form of development was consistent with neighbouring properties and that the scheme would contribute to and reinforce the local distinctiveness of the close, whilst maintaining the original concept of the entrance to the close.
F/YR19/0132/F	Erection of a single-storey side extension and 2-storey extensions to front and rear of existing dwelling - Crisp Farm, Whitemoor Road, March	Refuse	Delegated	Allowed	<ul style="list-style-type: none"> • Effect of the development on the character and appearance of the area • Planning Inspector considered <i>'the addition of a two-storey front extension with its gable end broadly centred on the main part of the dwelling would enhance its overall appearance and would make a positive contribution to the host property'</i> and did not uphold the Officer view that the extension would harm the character of the area.

F/YR19/0237/F	Erection of a 2-storey side extension to existing dwelling - 19 Henry Warby Avenue, Elm	Refuse	Delegated	Dismissed	<ul style="list-style-type: none"> • Effect of the development on the character and appearance of the area and on the living conditions of the occupiers of Nos 12 & 14 Peartree Way with particular regard to outlook and privacy. • Planning Inspector considered that <i>'the overall design of the extension would not complement the host dwelling and would not make a positive contribution to the area or the local environment'</i>. • Planning Inspector did not concur with the view that the scheme would be so overbearing as to warrant refusal. • Similarly Planning Inspector considered that whilst there would be some loss of privacy this was so significant as to warrant refusal.
---------------	-----------------------------------------------------------------------------------------	--------	-----------	-----------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

This page is intentionally left blank

F/YR19/0158/RM

**Applicant: Mrs Anne Dew
Persimmon Homes East Midlands**

Agent :

Land North Of Whittlesey East Of, East Delph, Whittlesey, Cambridgeshire

Reserved Matters application relating to detailed matters of layout, scale, appearance and landscaping pursuant to outline permission F/YR15/0134/O and F/YR17/1231/VOC for the erection of 220 dwellings and garages comprising of 4 x 1-bed; 34 x 2-storey 2-bed; 127 x 2-storey 3-bed; 47 x 2-storey 4-bed and 8 x 3-storey 4-bed with associated works, play area, substation and ponds

Reason for Committee: The Officer's recommendation is contrary to Town Council's and more than 6 letters of objection received.

1 EXECUTIVE SUMMARY

The application seeks approval of reserved matters relating to Layout, Scale, Appearance and Landscaping for 220 dwellings. In addition, the Outline permission also requires the submission of additional details at reserved matters stage relating to;

- A phasing plan
- Details of traffic calming measures to control vehicle speeds as part of the design, layout and construction of highway linking Teal Road and East Delph
- Landscape Management Plan
- Site-wide surface water drainage and maintenance

The principle of development was established under the initial outline permission F/YR15/0134/O which was subsequently amended through F/YR17/1231/VOC in 2018 (see history below). The Outline permission also secured Full planning permission for the access and associated works at the B1040 and also established access points at Teal Road and a controlled access at Otago Road.

The Outline application assessed the transport impacts of the development for up to 220 dwellings in terms of anticipated flow and capacity and was considered to be acceptable. Furthermore, the flood risks of the development were also considered and the principle of developing the site was accepted. As such, the latest concerns raised in respect of access locations, traffic flow implications and flood risks of the site are noted, however these were matters explored at the outline stage and found to be acceptable. As such, it is not appropriate to re-visit the principle of development. This application seeks to agree the detailed design elements of the development.

It is considered that the scheme complies with relevant planning policy and may be supported noting that the granting of reserved matters sits alongside the requirement for the developer to appropriately discharge the conditions imposed on the original outline planning permission or those matters within the S106 agreement.

It is therefore recommended that the reserved matters are approved.

2 SITE DESCRIPTION

- 2.1 The application site comprises a total area of 14.90 hectares. It lies to the north-east of Whittlesey, adjacent to the edge of the built settlement, which comprises fairly modern housing development focussed around Bassenhally (Teal Road/Otago Close) and East Delph (Hemmerley Drive/Viking Way/Wash Lane).
- 2.2 The northern site boundary in the main adjoins agricultural land, which extends northwards from the town into the Whittlesey (River Nene) Washes. The western site boundary adjoins two open fields to the south of Wash Lane and in the north-west corner an area of common land alongside the B1040.
- 2.3 There are a number small drains and ditches that run across the site in a northerly direction, towards the Whittlesey Washes. There are some mature hedgerows, with some large trees within them, which subdivide the site into separate fields. The majority of the site is unmanaged grassland.
- 2.4 The site is currently vacant former agricultural land, with informal paths crossing it in various directions from the ends of Teal Road, Otago Road and Whiteacres. In the past this land has been used for temporary agricultural shows – hence its name “The Showfields” – although this use has not taken place for some time. The existing main access to The Showfields is gained from the B1040 East Delph.
- 2.5 The site benefits from Outline Planning permission for the erection of 220 dwellings with access, public open space and associated works/infrastructure and Full planning permission for the engineering works associated with the formation of the vehicular access road off the B1040 East Delph road.

3 PROPOSAL

- 3.1 The application seeks approval of reserved matters relating to Layout, Scale, Appearance and Landscaping (with access previously approved at outline stage) . In addition, the Outline permission also requires the submission of additional details at reserved matters stage relating to;
 - A phasing plan (condition 5),
 - Details of traffic calming measures and a programme of implementation to control vehicle speeds as part of the design, layout and construction details of any principal highway within the development linking Teal Road and East Delph (Condition 6),
 - Detailed design drawings and a programme of implementation for the Teal Road and Otago Road access junctions (Condition 7),
 - Landscape Management Plan (S106 requirement),
 - site-wide surface water drainage and maintenance (Condition 14 & 15).

Layout

- 3.2 The layout has been amended through consideration of this application to address concerns over some elements of road alignment in respect of refuse vehicle access and turning – including bin collection point locations, some parking layout concerns and distance separation between proposed and existing properties.
- 3.3 The layout takes the form of a primary road though the centre of the development linking Teal Road and the B1040 and also the south west pocket of the development. Secondary, shared-surface roads spur off to serve rows of dwellings with further tertiary, private roads serving small groups of dwellings, primarily at the fringes of the development.

- 3.4 All estate roads incorporate turning heads and bin collection points are generally located adjacent to the adoptable highway, with the exception of a pocket at the north of the site (plots 156-161) and to the south (114-122).
- 3.5 All dwellings present their principal elevation onto their respective roads with rear gardens generally backing onto existing rear gardens. The dwellings are set away from existing ditches to achieve 9m easements for maintenance of the watercourses. Otago Road is accessed via secondary route which is controlled via rising bollards for emergency access only but would still enable cycle and pedestrian access to the south.
- 3.6 Beyond the built development the site opens to areas of planned open space which also incorporates SuDS attenuation ponds at the north and west of the development. A Hoggin path is proposed to enable access into the open space and circles the development to the north. A local equipped area of play (LEAP) is located centrally in the site and is surrounded by a large area of open space.
- 3.7 All dwellings include on-site parking achieved through driveways and some with either detached or integral garages and the development also incorporates 6 areas for visitor parking. A total of 20 affordable homes are proposed commensurate to the requirement for this development.
- 3.8 An electricity sub-station is proposed to be located along the primary route at the west of the site (between plots 4 and 5).

Scale & appearance

- 3.9 The dwellings are predominantly 2-storey with the exception of 4 pairs of 3-storey dwellings (Leicester house type) which incorporates roof dormer windows. The dwellings are all traditional in form incorporating porch canopies and traditional casement windows.
- 3.10 Amendments have been provided to address initial concerns over a limited palette of materials. The scheme proposes a mixture of buff and red facing brick with intermittent rendered finished dwellings. A mixture of brown and grey roof tiles is proposed throughout the scheme. Where garages are proposed, these are all single-storey and proposed to be finished in materials to match their associated dwelling.
- 3.11 The electricity sub-station which measures 4m x 4m by 4.2m to ridge is proposed to be finished in red facing brick with brown roof tile.

Landscaping

- 3.12 The landscaping proposes a mixture of hard and soft landscaping material across the site. Within each property, amenity areas are proposed to be laid to lawn and a mixture of trees and shrubs incorporated into front and rear garden area. Hedges are used to define front and side boundaries where they meet the highway.
- 3.13 The primary 'spine' road is proposed to be surfaced in tarmac with secondary roads block paved in a brindle colour paviments. Private tertiary roads are proposed to be finished in charcoal block paviments. Within the properties themselves, driveways are proposed to be finished in tarmac with paving slabs providing paths to front doors and side accesses to rear gardens. The private amenity area for each dwelling is enclosed with close boarded fencing except where they front onto the public realm where they will be 1.8m high brick wall. In order to compensate for levels differences, where the proposed rear gardens back onto existing

gardens the 2.0m high fences are proposed to be topped with a 400mm trellis to further aid screening.

- 3.14 The developed area along the northwest to the northeast perimeters are proposed to be bordered by a timber knee high rail fence where it meets the open space.
- 3.15 The open space comprises a mixture of wildflower meadow and amenity grass with the existing hedge, generally around existing drains being retained. Around the perimeter of the attenuation ponds a mixture of wildflower, including for wetlands is proposed. A range of new trees and shrubs are also proposed along the road edge and at key junctions of the Hoggin path which runs along the north of the development with links to the primary roads.
- 3.16 The LEAP is proposed to be surfaced with grass matting where the play equipment is located which will also include shock pads where the critical fall height (CFH) is greater than 1.8m. The remaining areas will be grassed. The LEAP is proposed to be fenced in using a 1m high black steel hoop-topped railing fence. The LEAP comprises a mixture of semi-natural and man-made equipment and includes benches and a picnic table.

Phasing Scheme

- 3.17 The intention of phasing the development was originally to enable a more flexible delivery of the scheme potentially with several housebuilders developing individual parcels which would have required careful phasing of these parcels to ensure that essential infrastructure was delivered at the right time. However, the development is intended now to be delivered by a single developer on a rolling basis, commencing at the west and progressing eastwards towards Teal Road end.

Drainage scheme

- 3.18 The drainage strategy has been amended during consideration of this application and follow detailed discussion with the Lead Local Flood Authority (LLFA) and North Level Internal Drainage Board (IDB). Whilst the intention to utilise sustainable drainage systems via attenuation ponds and natural spillways, the discharge point has been amended and some of the ponds remodelled and re-located.
- 3.19 Following advice from the IDB, the proposal is to discharge surface water at reduced rates into an IDB managed watercourse to the east of the B1040, rather than through a series of riparian drains extending northwards. In addition the ponds have been remodelled to make them shallower and the pond originally adjacent to the area of equipped open space has been removed from the scheme.
- 3.20 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR17/1231/VOC	Removal or variation of conditions of planning permission F/YR15/0134/O (Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph)	Granted 25.01.2019
F/YR15/0134/O	Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph	Granted 29.02.2016
F/YR15/0143/F	Change of use from agriculture to public amenity space (no operational development)	Granted 23/07/2015
F/YR13/0714/O	Erection of 249 no. dwellings with associated infrastructure vehicular and pedestrian access public open space and associated flood mitigation works	Refused 20/12/2013 and Dismissed on Appeal 18/11/2014 Ref: APP/D0515/A/1 4/2210915
F/YR04/3036/F	Change of Use of Showground to a Sunday Market and Car Boot and stationing of portable lavatory unit for a period of two years	Refused 26/04/2004
F/YR02/2020/CW	Continued use of land for the storage processing and transfer of topsoil	Deemed Consent 04/02/2003
F/YR01/1100/O	Residential Development (16 ha)	Refused 16/10/2002
F/1420/89/F	Erection of 42 dwellings and garages	Withdrawn 04/06/2001
F/92/0249/O	Residential Development - 500 dwellings	Withdrawn 04/06/2001
F/92/0270/F	Construction of distributor road and associated roundabouts	Withdrawn 04/06/2001
F/YR00/0699/SCO	Screening opinion: Residential Development (12 ha)	Further Details Not Required 08/08/2000
F/97/0404/F	Continued use of land for the storage processing and transfer of topsoil	Granted 25/09/1997
F/96/0314/F	Use of land for car boot sale	Withdrawn
F/92/0298/F	Use of land for the storage processing and transfer of topsoil	Granted 16/10/1992
F/92/0181/F	Change of use of Showground to car boot sale and market together with the stationing of 2 No.portable units and construction of roadway	Granted 22/07/1992
F/0276/89/F	Erection of a 4 bed house with integral double garage	Granted 06/08/1989
F/0113/85/F	Erection of 6 houses and 7 bungalows with garages	Refused 18/04/1985
F/0283/80/O	Erection of 12 detached houses with garages	Refused 22/07/1980
WU/68/75/O	The erection of dwellings	Refused 13/02/1969
OA/2124	Residential development	Refused 06/12/1964
OA/1285(1)	Use of land for residential purposes (Parcel No 2124)	Granted 27/07/1961
OA/1285(2)	Use of land for residential purposes (Parcel Nos 2128 & 2129)	Refused 27/07/1961

5 CONSULTATIONS

Whittlesey Town Council

5.1 Objects for the following reasons;

"1. Infrastructure: Highways – concern with regard to the South east "link" to Teal Road; this will develop into a rat run for vehicles from the B1040 (main entrance to the development) through the Birds estate/Bassenhally Road and subsequently vice versa and worsen the traffic congestion that already exists in the area. Could this junction be looked at again? Suggestion could rising bollards as indicated at the Otago Road entrance to the development also be used at the Teal Road junction? This would enable cyclists and pedestrians to have access but not motor vehicles. This would also encourage parents to walk their children to school rather than relying on a car and hence making the current situation worse.

Registered B1040 Road Closures - The principle access for Showfield development is off B1040 and is frequently underwater. During the Easter Flood of April 1998 the B1040 and surrounding area was closed off for many weeks. In the Autumn of 2012 and Winter of 2013 uncontrolled floodwater closed the B1040 for 65 days. In January 2014 the B1040 closed for 21 days. The B1040 was closed to all traffic for several days at a time during 2000, 2001, 2002 and 2011. Bassenhally Ward can no longer be classed as a "one in a hundred year flood category". In 1947 flood waters are documented to have reached up to 4.75m AOD. We have experienced at Easter 1998, the Environment Agency recommended that development abutting the Whittlesey Washes should not be carried out on land below the 5.0m AOD.

Fenland District & Cambridgeshire County Council Highways Department arranged for two sets of road closure flood gates to be installed between the south side of the Dog in a Doublet bridge and beyond the Showfield Development entrance in East Delph, this is to prevent drivers taking a risk and not knowing the depth of the flood water; it also proves more cost effective for Council's instead of delivering, installing and collecting large concrete blocks and other road signage, cones etc. to install a one off road closure barrier.

The entrance to this development will be interesting as if both B1040 flood gates are closed to all traffic and if construction vehicles are prohibited from Swan Road/Teal Road any building or related deliveries will automatically stop.

Flood Warden Scheme - A flood warden group was set up in April 2013 following a meeting between Fenland District Council's Emergency Planning Manager and Whittlesey Town Council. It was seen as much needed in the area to the north Of Whittlesey that borders the Whittlesey Washes and includes the regularly Flooded B1040.

The flood warden scheme is a vital link between residents, local government and The Environment Agency. A flood warden scheme is important in protecting life and reducing damage to property. The aim is to help and prepare those in the local community that are at risk of flooding. The Environment Agency has informed the Flood Warden Group/Whittlesey Town Council that 220 households in the Bassenhally ward are at risk of flooding and over 1,000 properties are potentially at risk of flooding. An emergency evacuation plan has been in place since 2010 and the Environment Agency has published an emergency flooding map - Why have these measures been put in place if the North side of Whittlesey is not at risk of flooding?

2. *Management company: As a Town Council we are fully aware that Business Management Companies can cease trading with very little notice.*

If, as we are given to understand the developer has decided not to enter in to any formal arrangement for drainage or maintenance agreement with North Level Internal Drainage Board – what guarantees are in place as a fall back?

How many times have we heard water is being managed not controlled – this is why it is essential to know who will manage and the standard of management?

It is noted that the North Level IDB has serious concerns about this development and has preferences for the developer to provide a pumped system for when the washes are in flood.

3. *SUDS and ditches: Whilst acknowledging the safety hazard of balancing ponds the developer does indicate that the RoSPA recommends that slopes should be sufficiently shallow that any person wading into water can proceed for at least twice their own height and remain standing with their head well above water. Young children do not see the danger of ponds and are “attracted” to water therefore to have a pond immediately next to the play area (north of Whiteacres) central to the development should be revisited. No amount of fencing around a pond will prevent an accident. It is noted that the North Level IDB has serious concerns about this development and has preferences for the developer to provide a pumped system for when the washes are in flood.*

At the recent presentation to Whittlesey Town council by Persimmon Homes extra water storage on the washes was referred to; we ask that FDC as the LPA elaborate on this proposal.

4. *We respectively request a Construction Management Plan as follows: Days and hours of opening – suggest the site and all work activities cease from 1.00pm Saturday, no Sunday’s and no Bank Holidays allowing residents respite from warning beepers on heavy plant/machinery, HGV movements to and from site, Contractors & Staff vehicles and the general building noise associate with any development site. Should the developer choose to install site security lighting – request down lights are used and directed away from existing residents properties.*

Request a vehicle wheel wash facility is installed on site – all HGV’s must clean off mud and any other materials before leaving the site. The developer must ensure the B1040 is kept clear of mud/soil. Will the developer have a wash/sweeper machine based on site and how frequently will this be used? The B1040 Highway must be cleaned before the site closes each day. Whittlesey Town Council can only request – is the developer willing to sign up to the Considerate Constructors Scheme which promotes the highest standard of ‘considerate construction’. This includes Care about the Appearance, Respect the Community, Protect the Environment, Secure everyone’s Safety. To conclude – the Peoples voice regarding quality of life and protection to homes and properties as outlined in the Localism Act 2011 must be listened to.

Whittlesey Town Council strongly recommends this proposal for refusal.”

Following receipt of amended drainage layout, information pack re drainage conditions revision A, Amended SuDS and ditch management plan, amended levels layout, amended pond sections, amended charter plan, amended site and planning layout, amended tech site layout;

The Town Council recommend refusal “until all the questions are answered, and

conditions and criteria are met.”

Cllr Kay Mayor (Ward Councillor)

- 5.2 *“1. Infrastructure: Highways – concern with regard to the South east “link” to Teal Road; this will develop into a rat run for vehicles from the B1040 (main entrance to the development) through the Birds estate/Bassenhally Road and subsequently vice versa and worsen the traffic congestion that already exists in the area. Especially at school times when the area becomes a car park when parents/carers drop off and collect children from Alderman Jacobs School. Could this junction be looked at again? Preference would be for rising bollards as indicated at the Otago Road entrance to the development, this would enable cyclists and pedestrians to have access but not motor vehicles and would encourage parents to walk their children to school rather than relying on a car and hence making the current situation far worse.*

Registered B1040 Road Closures - The principle access for Showfield Development is off B1040 and is frequently underwater. In 1947 flood waters are documented to have reached up to 4.75m AOD. During the Easter Flood of April 1998 the B1040 and surrounding area was closed off for many weeks and the Environment Agency recommended that development abutting the Whittlesey Washes should not be carried out on land below the 5.0m AOD.

Bassenhally ward can no longer be classed as a “one in a hundred year flood category”. In the Autumn of 2012 and the Winter of 2013 uncontrolled floodwater closed the B1040 for 65 days. The B1040 was closed for 21 days in January 2014 and was also closed to all traffic for several days at a time during 2000, 2001, 2002 and 2011.

Two sets of road closure flood gates have been installed between the south side of the Dog in a Doublet bridge and beyond the Showfield Development entrance in East Delph, this is to prevent drivers taking a risk and attempting to drive through the water not knowing the depth of the flood water. Fenland District & Cambridgeshire County Council Highways Department arranged for the gates to be installed as a more cost effective way for both Council’s - instead of delivering, installing and collecting large concrete blocks and other road signage, cones etc to install a one off road closure barrier.

IF this development is approved it will be an interesting scenario if both B1040 flood gates are closed to all traffic as construction vehicles are prohibited from Swan Road/Teal Road any building or related deliveries will automatically stop.

Flood Warden Scheme - A flood warden group was set up in April 2013 following a meeting between Fenland District Emergency Planning Manager and Whittlesey Town Council. It was seen as much needed in the area to the north of Whittlesey that borders the Whittlesey Washes and includes the regularly flooded B1040. The flood warden scheme is a vital link between residents, local government and the Environment Agency. A flood warden scheme is important in protecting life and reducing damage to property. The aim is to help and prepare those in the local community that are at risk of flooding. The Environment Agency has informed the Flood Warden Group/Whittlesey Town Council that 220 households in the Bassenhally ward are at risk of flooding and over 1,000 properties are potentially at risk of flooding now without the additional proposed properties. An emergency evacuation plan has been in place since 2010. The Environment Agency has published an emergency flooding map - Why have

these measures been put in place if the North side of Whittlesey is not at risk of flooding?

2. Management Company: Whittlesey Town Council is fully aware that Business Management Companies can cease trading with very little notice.

If, as we are given to understand the developer has decided not to enter into any formal arrangement for drainage or maintenance agreement with North Level Internal Drainage Board – what guarantees are in place as a fall back?

The developer has turned away from the knowledgeable and professional local drainage board recommendations. Fenland District Council Planning Department having approved the Showfield Development has a duty of care to ensure the Business Management Company is robust and should this appointed company dissolve who is going to ensure that existing and new households are protected by regular drainage maintenance. Will this be Fenland District Council, Anglia Water or the Environment Agency? All residents will need this assurance.

How many times have we heard water is being managed not controlled – this is why it is essential to know who will manage and the standard of management? It is noted that the North Level IDB has serious concerns about this development and has preferences for the developer to provide a pumped system for when the washes are in flood. I fully support the IDB's recommendations.

3. SUDS and ditches: Whilst acknowledging the safety hazard of balancing ponds the developer does indicate that the RoSPA recommends that slopes should be sufficiently shallow that any person wading into water can proceed for at least twice their own height and remain standing with their head well above water. It is questionable how this can be for people of differing heights! Young children do not see the danger of these ponds and to have one immediately next to the play area (north of Whiteacres) central to the development I think should be revisited. Local drainage boards have the expertise to maintain the drainage of the site; however I can see nowhere that the local drainage boards support the drainage scheme proposed for the development. At the recent presentation by Persimmon Homes extra water storage on the washes was referred to; I request that FDC as the LPA elaborate on this proposal.

4. A Construction Management Plan needs to be in place IF this application is approved: Days and hours of opening – suggest the site and all work activities cease from 1.00pm Saturday, no Sunday's and no Bank Holidays allowing residents respite from warning beepers on heavy plant/machinery, HGV movements to and from site, Contractors & Staff vehicles and the general building noise associate with any development site. Should the developer choose to install site security lighting – request down lights are used and directed away from existing residents properties. Request a vehicle wheel wash facility is installed on site – all HGV's must clean off mud and any other materials before leaving the site. How will the developer ensure the B1040 is kept clear of mud/soil? Will the developer have a wash/sweeper machine based on site and how frequently will this be used? The B1040 Highway must be cleaned before the site closes each day. I ask if the developer is willing to sign up to the Considerate Constructors Scheme which promotes the highest standard of considerate construction. This includes Care about the Appearance, Respect for the Community, Protection of the Environment and Secure everyone's Safety. I would request that a hard standing is created on site prior to any construction beginning. This would enable all vehicles of contractors/workers/visitors to site to park clear of the B1040 and HGV's can load/off load without causing obstruction.

ALL vehicles must park on site and delivery drivers must be advised that they are not to park on the B1040.

In conclusion I object to this application in the strongest possible way.”

5.3 CCC Senior Archaeologist

Raises no objection

5.4 CCC Lead Local Flood Authority (LLFA)

Removes objection following amendments to the drainage strategy, pond details layout and proposed maintenance. Advises;

“The [submitted] documents demonstrate that surface water can be managed on site through the use of attenuation basins across the development. In the event that the Whittlesey Washes are in use of up to 5.0m Above Ordinance Datum (AOD), the ponds are fitted with spillways to control the direction that water could overflow from the basins. However, the washes do not flood to this extent regularly and are not in full use in normal storm events, therefore the probability of this happening is low. Surface water will be discharged from the site at a rate of 13.6 l/s into an IDB controlled drain, as permitted by North Level IDB.”

5.5 North Level Internal Drainage Board (IDB)

Following an amendment to discharge surface water directly into an IDB managed system (Delph drain) from the SuDS infrastructure - raises no objection to the proposal. Advises that a formal application to discharge surface water into the Board's East Delph drain has been received and approved subject to conditions relating to discharge rates, headwall details and payment of a development levy to the Board for dealing with the increase run-off from the site.

FDC Environmental Protection

5.6 Raises no objection subject to Condition 9 of the former application remaining in place, which refers to contaminated land issues.

Environment Agency

5.7 *“No objection to the proposed development, as the built development is outside the 5m contour. Previously provided comments on surface water drainage, however this is now outside of EA remit. Recommends that North Level IDB are consulted on the Surface Water Drainage.”*

Cambs Police

5.8 Considers that this proposed layout allows good surveillance over the Open Spaces and the design and layout of the homes afford good natural surveillance that should hopefully reduce burglary and other distraction offences. Advises that this general area around the proposed development has been subject to some volume crime offences such as burglary and vehicle crime over the last year. As such, would like to see (and be consulted) on a suitable lighting plan across all of the development to adoptable road standard, to be secured via condition.

Also requests that the Applicant seriously considers submitting a Secured by Design application as Cambs Police believe this development would achieve a Gold Certificate.

Cambridgeshire County Council Highways Authority (LHA)

5.9 Raises no highway objection. Notes that Access has already been considered at outline application stage. Makes recommendation for the following conditions;

- 1.) Details of the proposed arrangements for future management and maintenance of the proposed streets within the development.
- 2.) Detailed plans of the Roads, footways, cycleways, foul and surface water drainage to be submitted.
- 3.) Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County highway.
- 4.) Prior to the first occupation of the development the proposed on-site parking turning shall be laid out, in accordance with the details submitted.

Natural England

- 5.10 Raises no objection

PCC Wildlife Officer

- 5.11 Considers the Landscape Proposals Drawings are acceptable which include the use of wild-flower meadow, wetland meadow and pond edge seed mixes. Species selections for hedges, trees and shrubs also appear acceptable.

Advises that the Landscape Management Plan has been amended to clarify that the wild-flower meadow areas is to include the collection and disposal of all grass cuttings/ arisings and that the retained mature hedgerows and trees which form a significant aspect of the landscape for the site are to be managed by an annual winter trim back.

FDC Tree Officer

- 5.12 Raises no objection. Advises that the Arboricultural Impact Assessment & Arboricultural Method Statement are comprehensive and provide sufficient information and detail to ensure the contractors on site are clear on the reasons for tree protection and methodology required.

FDC Housing Strategy

- 5.13 Raises no objections having regard to the mix and tenure of the affordable homes.

FDC Environmental Services (waste)

- 5.14 Notes that the layout is tight but that the swept path diagrams provided show that waste collection would be achievable. Request that the bollards are located as far south as possible to improve manoeuvrability (further liaison with Highways as s278 design stage). Advises that indemnity would be required where private driveways are to be accessed and that future occupiers and management companies are made aware.

Local Residents/Interested Parties

Objectors

- 5.15 38 letters of objection received raising concerns over the following;
- Access
 - Density/Over development
 - Devaluing of property
 - Design/ appearance
 - Proximity to property

- Shadowing/loss of light
- Light pollution
- Out of character/ not in keeping with area
- Drainage & Flooding
- Environmental Concerns
- Local services/schools - unable to cope
- Traffic or Highways
- Waste/Litter
- Noise
- Trees
- Visual impact
- Wildlife Concerns
- What is the ditch easement – rubbish building up and stagnant water
- Insurance issues due to flood risk
- Lack of affordable homes
- Local services/schools - unable to cope
- Loss of view/Outlook
- Overlooking/loss of privacy
- Why do we need all these extra houses built?
- Foul water issues
- Number of private drives is excessive- recommends tarmac of these rather than block paving due to maintenance issues
- Houses should be freehold and not leasehold
- Parking arrangement
- Smell
- Use of a cut-through
- Would set a precedent
- Too many houses
- Does not comply with policy
- Anti Social behaviour
- Lack of public transport

Representations

5.16 3 letters of representation received raising the following points;

- Pleased that Phase 1 is to the west (from the B1040)
- Number of private drives is excessive – tarmac rather than block pavements should be used in these areas to reduce maintenance
- Houses should be sold freehold rather than leasehold
- Notes that the 3-storey units are located in the centre of the development which will hopefully avoid overlooking
- Hope that Fenland Planning Department and Persimmon work together to overcome IDB concerns
- The narrowing of the B1040 may well cause delays particularly at peak times and we hope that alternatives such as slight road realignment, if financially similar in cost, are considered
- If a greater quantum of development comes forward this should be refused.

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).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

7.2 National Planning Practice Guidance (PPG)

7.3 Fenland Local Plan 2014 (FLP)

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

LP13: Supporting and Mitigating the Impact of a Growing District

LP14: Responding to Climate Change and managing the risk of flooding in Fenland

LP15: Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments across the District

LP17: Community Safety

LP19: The Natural Environment

7.4 Supplementary Planning Documents/ Guidance

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Layout**
- **Scale & Appearance**
- **Landscaping**
- **Residential Amenity**
- **Phasing**
- **Highways & Transport**
- **Drainage**
- **Other matters**

9 ASSESSMENT

Principle of Development

- 9.1 The principle of development was established under the initial outline permission F/YR15/0134/O which was subsequently amended through F/YR17/1231/VOC in 2018 (see history above). The Outline permission also secured Full planning permission for the access and associated works at the B1040.
- 9.2 The Outline permission, through an indicative plan, also established access points at Teal Road and a controlled access at Otago Road. The outline application assessed the transport impacts of the development for up to 220 dwellings in terms of anticipated flow and capacity and was considered to be acceptable. Furthermore, the flood risks of the development were also considered and the principle of developing the site was accepted.
- 9.3 As such, whilst the concerns raised by the Town Council and residents in respect of access locations, traffic flow implications and flood risks of the site are noted, these were matters explored at the outline stage and found to be acceptable. As such, it is not appropriate to re-visit the principle of development. This application seeks to agree the detailed design elements of the development.

Layout

Access & Highways

- 9.4 The layout follows a relatively conventional approach; a main spine road linking to established accesses at East Delph and Teal Road, with the use of secondary and tertiary routes to serve small pockets and cul-de-sacs and a secondary shared service route to a controlled access to Otago Road via the use of bollards.
- 9.5 The layout has been amended through consideration of the application, primarily to address vehicle tracking to ensure that various size vehicles e.g. family cars, long wheel based vans and the Council's refuse lorries can safely manoeuvre around the site without conflicting with other road users, pedestrians and infrastructure. The exact positioning of the bollards serving Otago Road would need to be agreed at detailed design stage with the LHA. The Council's refuse team has requested that these are positioned so as to enable adequate manoeuvrability for their refuse vehicles. This has been communicated to the LHA.
- 9.6 The primary spine road and secondary roads are proposed to be built to adoptable standard whereas the tertiary roads serving small pockets of dwellings are intended to be privately managed. In this regard, bin collection points are located close to the junctions of adoptable road to comply with RECAP guidance. There are 2 areas of private road however which will require the Council's refuse vehicle to access; Plots 156-161 (north) and adjacent to 114/118 (south). In this regard, the applicant has confirmed that the roads will be made up to withstand typical refuse lorries of 26 tonnes and that an indemnity will be agreed to avoid any claims to the Council should the road surface become damaged through refuse lorry movements. This can be reasonably secured through a planning condition requiring a refuse strategy outlining this. The refuse strategy could comprise a 'home-owners pack' alerting future occupiers to this and also where their bin collection points are located.
- 9.7 The LHA has reviewed the layout and confirmed that the road alignments and geometry meets with their standards and that speed reduction methods have been built into the alignment. Condition 6 of the Outline permission requires details of

traffic calming measures and a programme of implementation to control vehicle speeds as part of the design. The LHA has confirmed that adequate traffic calming measures have been included in the design simply through the alignment thereby satisfying this element of Condition 6.

- 9.8 Whilst concerns raised in respect of the linking up of Teal Road are noted, these concerns were considered at outline stage and demonstrated, through transport modelling, to be satisfactory having regard to the quantum proposed. Furthermore, the controlled Otago Road junction would ensure that only pedestrians and cyclists could access via this route, unless in an emergency. Concerns have been raised over potential future road closures due to flooding. In this regard, whilst the closure of the B1040-East Delph Road north of the site can occur, the closure gates, restricting access north e.g. to Peterborough are located north of the access and therefore future occupiers and construction staff would be able to leave via the B1040 and head south via routes to Peterborough during any closure periods.
- 9.9 As such it is considered that the layout provides appropriate access and highways infrastructure of the nature and quantum of the development in accordance with policy LP15 of the FLP.

Open Space

- 9.10 Due to the wider site flood risk constraint which limits the area of land capable of development to that within the 5m contour area, large areas of open space are provided around the perimeter of the development.
- 9.11 The developed area is essentially divided into 3 areas, separated by existing drains and areas of proposed open space. The layout enables good access to the areas of open space to the north and north-west which is further encouraged by the inclusion of a footpath through the open space. A local equipped area of play (LEAP) is located fairly centrally again enabling good access to this more formal facility, with various routes of access. The informal areas of open space also include SuDS ponds which manages surface water away from the development. Revisions sought during consideration of this application has resulted in the removal of a SuDS pond directly adjacent to the LEAP which raised safety concerns among the Town Council and some residents.
- 9.12 The layout secures above policy-compliant levels of open space which includes a policy compliant area of formal play space. Furthermore, the open space is served with appropriate access infrastructure which will assist in encouraging people to access the countryside thereby promoting healthy lifestyles in accordance with Policy LP2.

Dwellings

- 9.13 The dwellings are served by privately owned driveways, providing policy-compliant levels of parking in accordance with Appendix A of the FLP. In addition, some visitor parking is provided to reduce the potential for on-street parking albeit that on-site parking is adequate. Each property is served by policy-compliant levels of private amenity space – a minimum of a third of each plot and dwellings are spaced and oriented so as to avoid overlooking and overbearing impacts. As noted above waste collection is either by roadside collection in the cases of adopted roads, or by bin collection points where served by private drives. Following some amendments to the layout, the Council's Refuse team has confirmed that the proposed arrangements are satisfactory, subject to the indemnity agreement being in place prior to first occupation of those relevant dwellings.

- 9.14 Cambs Police have commented on the application and raises no concerns subject to approval of lighting details. Such details are required under condition 20 of the Outline permission. The applicant has been made aware of the Police's comments about the offer to work with them to achieve gold standard of safety.
- 9.15 In summary, the layout of the residential properties raises no concerns in respect of access, density, amenity or safety in accordance with policies LP2, LP16, LP17 and LP19 of the FLP.

Scale & Appearance

- 9.16 The dwellings are predominantly 2-storey with the exception of 4 pairs of 3-storey dwellings (Leicester house type) which incorporates roof dormer windows. The dwellings are all traditional in form incorporating porch canopies and traditional casement windows.
- 9.17 Following amendments to the charter plan to address concerns over the limited palette initially proposed, the mixture of dwelling styles and external finishes will now add interest to the future street scene. In particular, the key use of render on properties either at vista stops or on the corners of junctions will aid with legibility providing distinguishable buildings to use as waypoints through the development.
- 9.18 The electricity sub-station is proposed to be finished in red facing brick with brown roof tile which will assimilate well into the street scene.
- 9.19 Given the overall scale of the development and with its main access from East Delph, the development itself will form its own character area with a notable transition from Teal Road and Otago Road. As such the development is not considered to result in any conflict with the existing character and appearance of the area.
- 9.20 In summary the scale and appearance of the development is considered to accord with policy LP16 of the FLP.

Landscaping

Highways

- 9.21 The primary, secondary and tertiary routes are proposed to be surfaced in different materials; tarmac for primary, block paving in brindle for the secondary shared access routes and charcoal block paving for the unadopted roads. This will assist in legibility and road speeds, with roads narrowing as they follow the hierarchy and surfaced to accentuate this. In this regard, the hard landscaping for the main highway routes is acceptable. Whilst concerns have been raised by one resident that the private roads should be tarmac surfaced and not block paving to reduce future maintenance, the use of block pavements is a recognised and adoptable surfacing and there is no reason to consider that this would not sustain long term use.

Open space

- 9.22 The large areas of open space are proposed to be landscaped using a mixture of grass, shrubs and tree planting and will provide a suitable transition from urban to rural countryside. As noted above, a hoggin path is proposed across this landscaped area to provide access. Also, where the private roads abut these areas of open space, a knee high timber rail fence is proposed, again to demarcate urban to rural areas but create an appropriate transition.

- 9.23 Part K of the S106 agreement requires the submission of a Landscape Management Plan. The submitted documents sets out how the open space will be maintained and managed post completion whereby it is proposed that a management company will oversee the future upkeep of the open space, financed through a levy charged to home owners of the development. The Council's Wildlife Officer has reviewed the management plan and, following some requested amendments to detail how existing trees and hedges are managed, is satisfied that the management plan in practice would provide a good level of ongoing maintenance. Whilst the Town Council's concerns over the use of Management Companies are noted, this was a consideration under the Outline application whereby it was considered unreasonable to refuse the application on the grounds that a management company would take on the responsibility of the open space.
- 9.24 Condition 11 of the Outline also requires details in respect of tree impacts and their protection. In this regard, the Council's arboricultural officer has reviewed the submitted Arboricultural Impact Assessment and Method Statements and concluded that they are acceptable.
- 9.25 In conclusion, the proposed landscaping schemes and future maintenance of the open space is acceptable and accords with policy LP16 and LP19 of the FLP.

Landscaping

- 9.26 All driveways are proposed to be tarmac surfaced. Small areas of open space scattered around the streets are proposed to be grassed and planted with a mixture of shrubs and trees and hedgerow borders are proposed to enclose front and side gardens at junction points which will soften the appearance of these urban areas. As a general rule, boundary treatments within the public realm comprise brick walls whereas boundaries away from public areas are generally 2.0m high close boarded fences. The use of brick walls in public realm areas will reduce future maintenance thereby reducing the risk of the street scene becoming unsightly through unpainted or poorly maintained panels. In key areas where land levels vary adjacent to existing housing, a 400mm high trellis is proposed on top of boundary fences to reduce the potential for overlooking into existing properties from some ground floor windows. Precise details of the trellis design can be secured by condition.
- 9.27 In conclusion, the proposed landscaping schemes and future maintenance of the open space is acceptable and accords with policy LP16 and LP19 of the FLP in respect of providing high quality environments with biodiversity opportunities.

Residential Amenity

- 9.28 Whilst the development itself raises no concerns over any conflict with future occupier's residential amenity, existing residents have also been considered as part of the design.
- 9.29 As noted, the boundary treatments between future and existing occupiers generally comprise 2m high fence with trellis top to reduce any potential for views into adjacent properties.
- 9.30 The proposed dwellings generally back onto rear gardens of existing dwellings and all achieve adequate separation distances so as not to result in any significant overlooking, overshadowing or overbearing impacts.
- 9.31 In this regard, the proposal is not considered to compromise the amenity of existing residents in accordance with policy LP16 of the FLP.

Phasing

- 9.32 Condition 5 of the Outline permission requires the submission of a phasing plan to be agreed taking into account transport impacts.
- 9.33 The phasing plan proposes that development will commence to the east whereby the first 49 dwellings will be built out with access only from the B1040. Prior to the 50th dwelling being occupied, the link road to Teal Road will be delivered to enable access options for residents. Furthermore, prior to any occupation of the development a pedestrian and cycle link road will be provided linking to Otago Road, linking the development to Otago Road. This temporary route will enable sustainable modes of travel through to the north of Whittlesey prior to the formal road being provided as the development progresses.
- 9.34 Cambridgeshire County Council's Transport team has considered the approach and accepts that the phasing, having regard to the delivery of roads and the temporary pedestrian/ cycle link will not result in any highway issues and would enable acceptable access for future residents during the construction of the wider development. The Phasing Plan denotes an approximate route for the temporary track linking to Otago Road and precise details can be reasonably secured via planning condition.
- 9.35 Condition 7 of the Outline permission also requests detailed design drawings and a programme of implementation for the Teal Road and Otago Road access junctions (Condition 7). The LHA has confirmed that precise engineering details of the Teal Road and Otago Road junction points will be considered by the LHA under S278 works but that the layout plan which denotes the geometry and surfacing and the timing of their delivery is acceptable.
- 9.36 As such, the phasing arrangements raise no issues in respect of highway safety and transport matters or in terms of residential amenity in accordance with LP15 and LP16 of the FLP.

Drainage

- 9.37 Conditions 14 and 15 of the Outline permission require details of a site wide drainage scheme and a phase specific drainage scheme respectively. Given that the development is now proposed to be delivered by a single housebuilder on a rolling programme, the need for condition 15 falls away somewhat. Nonetheless, the applicant has provided a drainage strategy and scheme. The scheme has been amended following detailed discussions with both the Lead Local Flood Authority (LLFA) and North Level Internal Drainage Board (IDB) to address initial pond design concerns and drainage outlet locations.
- 9.38 The surface water is managed by a series of attenuation ponds, spillways and hydrobrakes which ultimately discharge to a managed IDB watercourse to the west of the B1040.
- 9.39 Both the IDB and LLFA are satisfied that the method of drainage is now acceptable. Part I of the S106 also requires the submission of a SuDS Management strategy. In conjunction with the open space management, the developer will ultimately pass this on to a management company who will undertake periodic inspections and maintenance to ensure the operations of the SuDS infrastructure remains operational. A management strategy has been

submitted with timings for inspections and maintenance. The LLFA has raised no objections to this.

- 9.40 Whilst the Town Council's concerns over the use of Management Companies are noted, this was a consideration under the Outline application whereby it was considered unreasonable to refuse the application on the grounds that a management company would take on the responsibility of the drainage management. Furthermore, the latest drainage solution; to discharge directly to an IDB managed watercourse would reduce some risk given that there would no longer any reliance on riparian owners to maintain their receiving watercourses as previously proposed.
- 9.41 A scheme for foul water is required to be submitted prior to development commencing as laid out under condition 17 of the Outline permission.

Other matters

- 9.42 Whilst it is considered that most comments and concerns raised have been addressed in this report the following matters require consideration;

Construction Management Plan

- 9.43 Details of a Construction Management Plan are required prior to commencement of development as required under Condition 18 of the outline permission. This will seek to address potential transport, noise and odour issues.

Anti-social Behaviour

- 9.44 The Police have been consulted on the application and have raised no objection to the proposals. The Police would be consulted on future reserved matters submissions with an approach to designing out crime.

Lack of public transport

- 9.45 The development would be well linked to existing streets to enable good access to public transport services. Furthermore under condition 23; prior to first occupation, householders would be provided with 'Travel Packs' which would provide information on public transport services operating in the area.

Houses should be freehold and not leasehold

- 9.46 This is not a matter that can be addressed through a reserved matters submission.

Devaluing of property

- 9.47 The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.

Light pollution

- 9.48 Whilst no detail has been provided in respect of street lighting to indicate that pollution will arise, lighting details are required to be submitted prior to the commencement of development as captured under Condition 20 of the Outline permission whereby the Council's Environmental Protection team and Cambs police would be consulted.

Waste/Litter

- 9.49 Waste produced and removed off-site during the construction of the development would be controlled under license through the Environment Agency. The district council has a statutory duty to collect household waste and the layout demonstrates that adequate household waste collection arrangements would be provided.

10 CONCLUSIONS

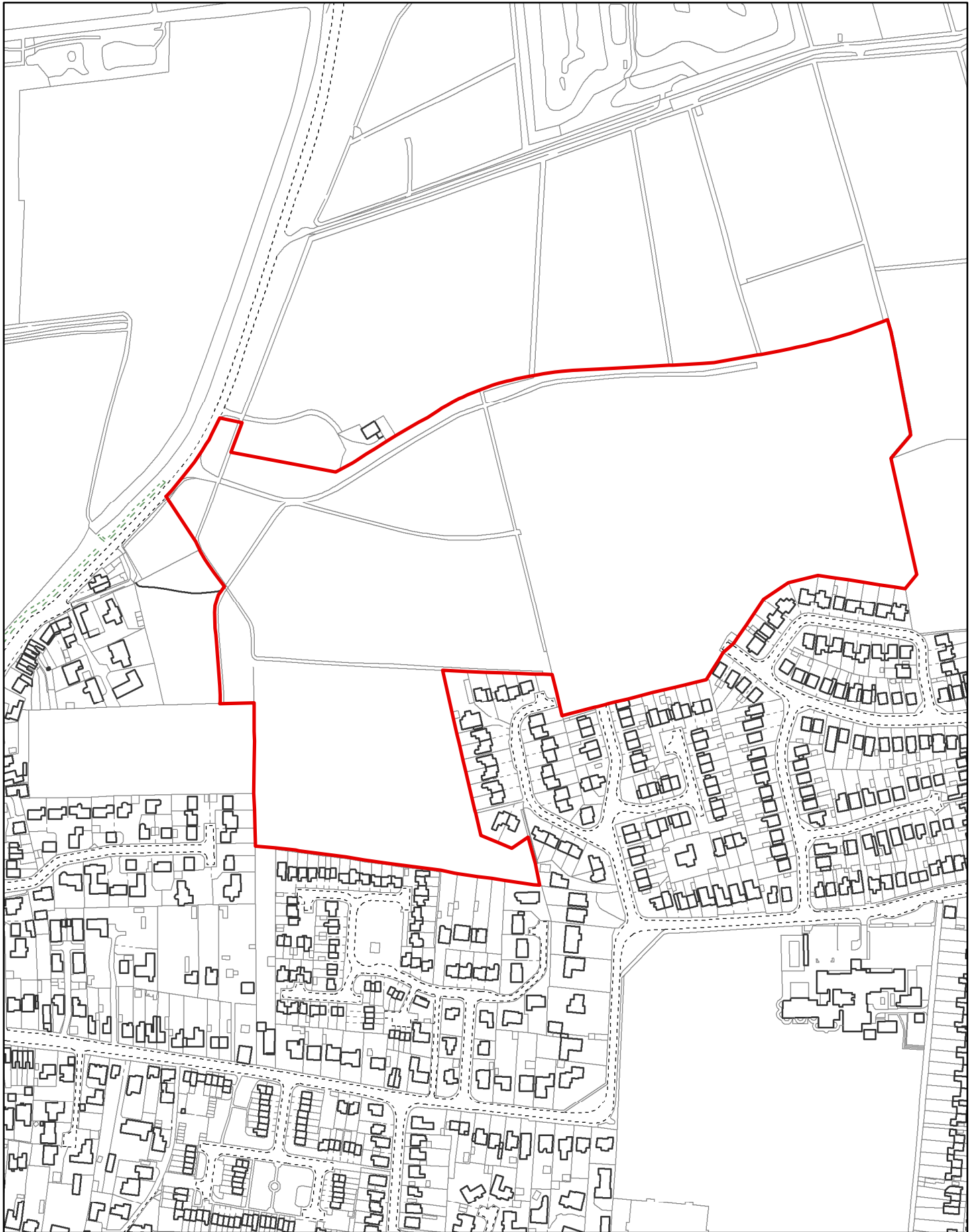
- 10.1 This reserved matters submission proposes a policy compliant scheme which raises no issues in terms of adverse transport impacts, visual or residential amenity. In addition, the applicant has provided sufficient technical details and has actively engaged with the relevant statutory agencies to respond to issues relating to drainage, biodiversity and highways layout. Accordingly the reserved matters submission can be recommended for approval subject to conditions.

3 RECOMMENDATION

Approve – subject to the following conditions;

1.	<p>Development shall not proceed above slab level until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 198 or a Private Management and Maintenance Company has been established).</p> <p>Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
2.	<p>No works shall proceed above slab level until such time as detailed plans of all roads, footways, cycleways including construction, lighting and drainage details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.</p> <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.</p>
3.	<p>Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining road.</p> <p>Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.</p>
4.	<p>Prior to the first occupation of the development the proposed on-site parking turning shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plans and thereafter retained for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.</p>
5.	<p>Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason - In the interests of highway safety.</p>
6.	<p>No development shall proceed above slab level until a refuse collection scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;</p> <ul style="list-style-type: none"> i) Demonstration that any private roads which require access by refuse lorry can accommodate gross vehicles weights of up to 26 tonnes ii) Means of notifying future estate road Management Company(s) that where refuse

	<p>vehicles have to access private estate roads for collection, that Fenland District Council will bear no responsibility for any damage to that road surface.</p> <p>iii) Householder packs to be provided to each occupier prior to first occupation to include;</p> <p>a) Details and locations of the relevant bin collection point(s) or place of wheeled bin presentation for collection</p> <p>b) Notification that where refuse vehicles have to access private estate roads for collection, that Fenland District Council will bear no responsibility for any damage to that road surface.</p> <p>The scheme shall be implemented in accordance with the details approved.</p> <p>Reason: To ensure that suitable means of waste collection is provided in accordance with Policy LP16 of the Fenland Local Plan, 2014</p>
7.	<p>No development shall proceed above slab level until precise details of the trellis proposed for the boundary treatments as detailed on Charter Plan ref: WHIT/SNOW/CHP/100 Revision C has been submitted to and approved in writing by the Local Planning Authority. The trellis shall be erected in accordance with the details approved.</p> <p>Reason: In the interests of visual amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
8.	<p>No development shall proceed above slab level until precise details of the route, construction and management/ maintenance of the temporary pedestrian and cycle way as denoted on phasing plan ref: WHIT/SNOW/PRPP/100 has been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be provided in accordance with the details approved.</p> <p>Reason: To ensure that sustainable means of access is secured during construction in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
9.	<p>The garages serving their relevant property shall be used for the parking of vehicles and ancillary storage only and shall not be used as habitable rooms.</p> <p>Reason: To ensure that adequate off-street parking is retained in the interests of highway safety and residential amenity in accordance with policies LP15 and LP16 of the Fenland Local Plan, 2014.</p>
10.	List of Approved Plans



Created on: 27/02/2019

© Crown Copyright and database
rights 2019 Ordnance Survey 10023778

F/YR19/0158/RM

Scale = 1:4,000





NOTE: THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT DETAIL SHEETS AND WITH THE GENERAL SPECIFICATION AVAILABLE FROM PERSIMMON HOMES (EAST MIDLANDS) LTD.

PERSIMMON HOMES EAST MIDLANDS

FEASIBILITY

Date: 07.22.2019

Area	Area	Area	Area
Site Name & Address:	12426.79	18.497	7.891
RESIDENTIAL DEVELOPMENT AT THE SHOWFIELDS WHITTLESEY	12426.79	18.497	7.891
Net Site Area	12426.79	18.497	7.891
NET SITE AREA	12426.79	18.497	7.891

HOUSE TYPES	No. Bed	Plot Area (sqft)	Number	Total Area
ADRIAN	2	548	13	7124
ANNECK	2	658	13	8554
HANBURY	3	781	28	28828
BUFFORD	3	876	21	18402
HATFIELD COTTAGE	3	989	18	17802
HATFIELD	3	998	21	21958
CLAYTON C.	3	999	28	27972
CLAYTON	3	999	11	10989
LONGTHORPE	4	1151	18	20718
BECKER	4	1182	18	21276
CHEWORTH	4	1212	14	16968
HARBORC	4	1222	13	15886
TOTALS			228	26556

NOTES:
 - Chassis Wheel Chair
 - Life Time Home
 - Social Areas

Olympus - 6x2RS Wittlesley

Overall length 10.67m
 Overall width 2.3m
 Overall body height 1.6m
 Min Body Ground Clearance 0.53m
 Track width 1.8m
 Lock to lock time 4.0s
 Kerb to kerb turning Radius 9.25m

- Rev B Turning heads for all the private areas provided, car Jan 19 AG parking spaces updated and Site Layout minor amendments.
- Rev A Amended to reflect Layout Revision A (in line with Jan 19 AG planner's comments 22-01-2019), Foot / cycle path added, affordable block P71 moved to plots 32-35, Rufford OPP (211) moved to plot 192. Site Layout minor amendments

REV	COMMENT	DATE	BY
-----	---------	------	----

PERSIMMON
 PERSIMMON HOMES (EAST MIDLANDS) LTD
 Persimmon House
 19 Commerce Road
 Peterborough Business Park
 Lynch Wood
 Peterborough
 PE2 6LR
 Tel: 01733 397200
 Fax: 01733 397255

DRAWING TYPE:
Proposed Planning Layout

PROJECT:
The Showfields Whittlesey

Scale: 1:500 @ A0
 Date: 04/01/2019
 Drawn by: AG
 Dwg No: WHIT/SNOW/PPL/100
 Rev: B



This page is intentionally left blank

F/YR19/0518/F

Applicant: Mr Curson

**Agent : Mr Jamie Burton
Swann Edwards Architecture Limited**

Land East Of Tindall Mill, Kirkgate, Tydd St Giles, Cambridgeshire

Erect 4 dwellings (2 x 2-storey 4-bed and 2 x 2-storey 3-bed) with garages

Reason for Committee: Officer recommendation being at variance to recommendation of the Parish Council.

1 EXECUTIVE SUMMARY

- 1.1 The settlement of Tydd St Giles is clearly identified within policy LP3 as being capable of accommodating only limited infill, and it has been argued with regard to other schemes in the vicinity that 4 dwellings exceeds what could be considered sustainable. However mindful of the existing extant approvals for 2 large dwellings on this site, which is a material consideration, it is not considered that a refusal could be sustained on the grounds that the scheme does not constitute limited infill as it could not be argued to cause significant harm to the locality by virtue of its sustainability and locational disadvantages.
- 1.2 There are no visual amenity, residential amenity or heritage impacts to reconcile and the scheme raises no issues in terms of flood risk or highway safety. Safeguarding conditions may be imposed to ensure that existing trees on site are protected and that the appearance of the development is satisfactory.
- 1.3 Against the backdrop of the earlier planning history of the site it is considered that the scheme may on-balance be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site has been largely cleared and is situated between Tindall Mill, a listed barn conversion to the west and Potential House a detached two storey dwelling to the east. A new vehicle crossover is apparent to the front of the site, this being the implementation of an earlier extant consent for residential development.
- 2.2 The front boundary, where unaffected by access, features a number of trees which are protected by a Tree Preservation Order. The sides and rear boundary have been formalised through the installation of close boarded fencing and there is a storage container evident on site. Access to the site is guarded against through the placement of heras fencing.
- 2.3 Immediately opposite the site are three relatively new dwellings, with two of these in the final stages of construction. Beyond the site to the north-east (rear) are holiday lodges associated with the Golf course.

3 PROPOSAL

- 3.1 This application seeks full planning permission to erect 4 dwellings on a site which benefits from full planning permission for 2 detached dwellings. The revised proposals for the site comprise 2 detached 4-bedroom dwellings with a maximum footprint of 7.4 metres wide by 13.7 metres deep with an eaves height of 5 metres and a ridge height of 8.8 metres; these dwellings will occupy the western and eastern sides of the plot.
- 3.2 Central to the site will be a pair of 3-bed semi-detached dwellings; these will have a combined footprint of 12.7 metres wide by 13.8 metres deep and will feature a projecting two storey outshoot to the rear with single storey elements to this aspect. The maximum ridge height will be 8.6 metres and the maximum eaves height will be 5 metres. Finished floor levels will be 300mm above ground level.
- 3.3 Materials are shown as being Hoskins Flemish Antique facing bricks with Redland Landmark Double Pantile in Terracotta Brindle, windows and doors are shown as being of white UPVC and rainwater goods are proposed to be in black,
- 3.4 The properties will be served by an off-set shared access which will enable access to detached single garages serving Plot 1 and Plot 4 (the detached dwellings) together with their associated parking spaces. The semi-detached dwellings will each have two parking spaces sited to the front of each property. The surface finish of the access (beyond the access crossover and first 10 metres from the carriageway which is shown to be tarmacked) will be gravel.
- 3.5 It should be noted that the scheme detail has been revised during evaluation to delete the double garages proposed initially, this has enabled Plot 1 & Plot 4 to be pulled in from the side boundaries thereby ensuring that the development does not extend beyond the flank walls originally proposed by virtue of the extant approvals for the site.
- 3.6 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR15/0439/F	Erection of a 3-storey 5-bed dwelling with detached double garage <i>Plot 2 Land East Of Tindall Mill, Kirkgate, Tydd St Giles</i>	Granted 30/11/2017
F/YR14/0829/F	Erection of a 2-storey 4-bed dwelling with integral double garage <i>Plot 1 Land East Of Tindall Mill, Kirkgate, Tydd St Giles</i>	Granted
F/YR11/0831/F	Erection of 2 x 3-storey 4-bed dwellings with attached double garages	Granted 30.01.2013

5 CONSULTATIONS

5.1 Parish Council

The Parish Council considered this application at their meeting this evening and resolved not to support it. Members believe that there has been too much development in Kirkgate in recent years and that no further developments should be permitted. The character of the lane has been transformed and remaining open spaces should be maintained.

5.2 Environment & Health Services (FDC)

Note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality or the noise climate.

As a result of not knowing the exact historical use of the proposed development site, the [unsuspected contamination] condition should be imposed to any planning consent granted.

5.3 North Level Internal Drainage Board

No objection to the above application however, formal land drainage consent will be required to form the proposed rear access to the site.

5.4 Arboricultural Officer (FDC)

Grant. The D & A statement confirms that the mature trees on site on the boundaries will be retained. The proposed layout indicates that there is unlikely to be any encroachment into the root protection areas of the retained trees. There is potential for surface treatments and/or landscaping to impact on the retained trees but the required protection measures can be conditioned.

5.5 Cambridgeshire County Council Highways Authority

The site access plan details a grass verge crossover rather than a dropped kerb crossover (DKC) through a recently delivered footway. Amended plans required that detail a DKC and a parallel 5.0 wide access tying into the existing footway. Defer for amend plans or re-consult for highway conditions.

5.6 Environment Agency

No objection to the proposed development. Note that it will be for the LPA to apply the sequential test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

The site is located within Flood Zone 3. We have no objection to the submitted application but strongly recommend that the mitigation measures detailed in the submitted Flood Risk Assessment (FRA) for proposed residential development at Kirkgate, Tydd St Giles by Geoff Beel Consultancy dated April 2019 are adhered to. The FRA states:

- *Finished floor levels of the proposed development will be set no lower than 300mm above existing ground levels*
- *The dwellings will be two storeys.*
- *We support the recommendation in the FRA that the site signs up to Floodline Warnings Direct to receive advance warning of flooding.*

Offer general advice to the LPA regarding flood planning and advice to the applicant regarding flood resilience, flood warning and foul drainage.

5.7 Local Residents/Interested Parties

Three letters of objection have been received which may be summarised as follows:

- *Decision to purchase adjacent Tindall Mill would have been affected with the prospect of 4 houses as they were looking for peace and tranquillity*
- *Four dwellings on such a small site would be totally out of keeping with existing properties*
- *Such an over development would involve unacceptable overlooking of all neighbouring properties*
- The proposed development would have a tremendous invasion of privacy on adjoining properties and in particular to Tindall Mill
- Would create noise pollution from the use of personal cars relating to the properties and would not be compatible with the present environment
- If council continues to allow the level of development seen in the village they need to address the serious issue of the Newton Water Tower and water supply due to insufficient water pressure, this has been raised with Anglian Water and the MP
- Have never known a time when a house wasn't being built in the last 20 years
- *Were interested in buying a plot in Kirkgate but were told by the main architect that they were unlikely to get permission to reduce the size of the current plans as the council were looking for large executive homes, which at the time was totally out of character with the existing street scene; if the council grant permission how will two smaller semi-detached houses fit with the large executive homes that are now a predominant feature in Kirkgate*
- The additional traffic generated by this proposal added to the approved and committed planning permissions combined with farm traffic and delivery vans places roads under immense strain; the road maintenance regime employed by the County Council leads to dangerous pot holes and if this amount of development continues the County Council seriously need to address the state of our roads
- Tydd St Giles is a rural village and the parcels of land breaking up the street scene give it that rural feel, Kirkgate has seen an incredible amount of development which has seen old hedgerows and trees being lost; these are both habitats and sound buffers and are responsible for clean air etc. The replacement of existing landscaping with fencing has changed the look of the village and more fencing is proposed by this development, why not plant hedgerows.
- Drainage, environmental concerns, wildlife concerns
- Local services/schools unable to cope.
- Loss of view/outlook, out of character/not in keeping with area, visual impact
- Would set a precedent
- *How many more people will be allowed to make money from their strips of land*
- *2 properties on this site is bad enough*
- *Greed is what drives people [...] and it is about time this was halted.*
- *Kirkgate is losing its village appearance, trees and hedgerows are going. Fencing and vehicles are starting to dominate the scene*
- *There are still plots of land in Kirkgate, so how long before you receive applications for people to build on these*

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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 47: Determine applications in accordance with development plan

Section 5: Delivering a sufficient supply of homes.

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be any unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

7.2 Planning Policy Guidance

7.3 Fenland Local Plan

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;

LP12 – Rural Areas Development Policy;

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland;

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

7.4 Cambridgeshire Flood and Water SPD (December 2016)

8 KEY ISSUES

- **Principle of Development**
- **Sustainability**
- **Character of the area and Heritage Impacts**
- **Residential amenity**
- **Flood risk**
- **Highway safety**
- **Landscaping**
- **Other matters**

9 BACKGROUND

- 9.1 It should be noted that the permissions relating to Plots 1 and 2 Land east of Tindall Mill, this site, are extant given that:

- (i) Material operations have occurred on Plot 1, and

- (ii) The development approved at plot 2 whilst not commenced is still within the 3-year time frame for commencement.

10 ASSESSMENT

Principle of Development

- 10.1 Tydd St Giles is identified as a small village within the Settlement Hierarchy outlined in LP3 of the FLP; this designation highlights that development will be considered on its merits but will normally be of a limited nature and limited in scale to residential infilling or a small business opportunity.
- 10.2 Whilst for the purposes of the sequential test it has been accepted that the parish of Tydd St Giles should be the area of search it is not considered that the site is part of the built up settlement per se.

Sustainability

- 10.3 It is accepted that Kirkgate has seen a number of dwellings delivered and that the golf course has expanded these developments do not by default make the location sustainable. Whilst accessibility to the main village may have been strengthened by the delivery of footway enhancements Kirkgate remains very much on the periphery of the main village, which in itself does not benefit from a wide range of services, with this site being over 1 km from the village primary school and circa 0.7 km to the public house; albeit the facilities at the Golf Club are less than 100 metres distant.
- 10.4 The settlement is clearly identified within policy LP3 as being capable of accommodating only limited infill, and it has been argued with regard to other schemes in the vicinity that 4 dwellings exceeds what could be considered sustainable. However mindful of the existing extant approvals for 2 large dwellings on this site, which is a material consideration, it is not considered that a refusal could be sustained on the grounds of sustainable development as the development would not cause significant harm to the locality by virtue of its sustainability and locational disadvantages and as such its failure to strictly accord with the requirements of LP3 do not in this instance manifest themselves as a reason for refusal; this view aligns with other decisions within the vicinity taken recently.

Character of the area and Heritage Impacts:

- 10.5 As indicated within the consultation responses received, and physically evidenced along Kirkgate, this area of the village has seen a number of new residential units delivered along its length. However it is considered that the road does retain its rural characteristics, especially to its northern aspect, where the dwellings continue to be interspersed by landscaped areas. Recent decisions have sought to protect open spaces to the south side of Kirkgate.
- 10.6 There are extant approvals on the site for substantial dwellings with that approved on Plot 1 comprising a 2-storey 4-bed dwelling with integral double garage and on Plot 2 comprising a 3-storey, 5-bed dwelling with detached double garage. It is not considered that supplementing these approved dwellings for the smaller units now proposed, albeit increasing the 'amount' of development in parallel, would result in any harm to the character of the area, noting that the dwellings will be situated rear of an existing landscape buffer to the front and set

back some 10.5 metres from the edge of the carriageway (plots 1 & 4) and circa 15.5 metres (plots 2 & 3).

- 10.7 In considering the original scheme submitted in 2011, for two large three-storey dwellings, the Conservation team noted that development of the site would affect the setting of the adjacent Grade II Listed barn conversion at Tindall Mill, however they did not consider that such impact would be overbearing; this position was maintained on the later submissions and no objections were raised to the development of this site. Against this backdrop, and mindful of the extant approvals on the site there would be no basis to resist the scheme now proposed on heritage grounds.
- 10.8 It is considered that the proposed development represents appropriate development in the context of the site and its surroundings and does not represent any adverse impacts in terms of heritage or visual amenity as such there are no matters to reconcile with regard to Policies LP12, LP16 or LP18 of the Fenland Local Plan.

Residential amenity

- 10.9 The proposed dwelling at Plot 1 will be situated circa 5.6 metres from the common boundary with Tindall Mill (a residential barn conversion to the west). It will sit proud of the front elevation of this dwelling circa 9 metres and whilst there will be first floor windows in the flank elevation addressing this boundary they will serve an en-suite and landing; as non-habitable rooms with an outlook onto the front aspect of Tindall Mill (front garden/parking area) these windows do not raise any issues in terms of significant overlooking.
- 10.10 Similarly there are two bedroom windows to the rear aspect of the proposed dwelling, these windows will afford only oblique views to the rear of Tindall Mill and such views will be largely obscured by existing landscaping. It is further noted, from 2018 sales particulars pertaining to this property, that the eastern wing of Tindall Mill comprises a barn store and storage buildings with the primary residential accommodation being housed in the rear range of the former barn array.
- 10.11 The flank wall to Plot 4 (a handed version of Plot 1) will again be some 3.6 metres from the common boundary with Potential House to the east. The windows in the flank elevation will be circa 14.3 metres wall to wall distance from Potential House and will have an outlook onto the side garden of this property; given that they do not serve habitable rooms and mindful of the intervening landscaping along this boundary it is concluded that there will be no amenity harm arising from the proposal.
- 10.12 With regard to the relationship between the 4 properties proposed on the site it is considered that appropriate levels of separation are achieved and that each dwelling will benefit from sufficient parking allocation and private amenity space. Accordingly it is considered that the scheme achieves compliance with Policies LP2, LP15 and LP16 and LP2 of the Fenland Local Plan (2014)

Flood risk

- 10.12 The scheme is accompanied by a detailed sequential and exception test document. This document has considered the availability of plots within Tydd St Giles and has demonstrated that there are no reasonably available sites within a lower flood risk area within Tydd St Giles and as such the sequential test is passed.

- 10.13 With regard to the exceptions test it is noted that the applicant proposes to utilise renewable energy and such an approach has been accepted as being within the spirit of the requirements of part a of the exceptions test, as outlined in the Cambridgeshire Flood and Water SPD, this could be conditioned as a requirement of any consent issued.
- 10.14 Furthermore the Environment Agency has accepted the site specific flood risk assessment and accordingly the scheme may be deemed policy compliant in terms of both LP14, the SPD and national policy guidance.

Highway safety

- 10.15 The scheme details a central access point which will serve the development and this has been accepted by the Local Highway Authority in terms of detail, albeit revisions have been requested to the scheme design, similarly each dwelling will have associated parking facilities which align with the adopted standards contained within the FLP at appendix A.
- 10.16 Whilst the comments generated through the consultation process are noted, regarding the volume of traffic using the roads within the vicinity and the impact that this has on the quality of the roads, compounded by perceived failures with regard to maintenance, there are no highway grounds on which consent could be reasonably withheld and compliance with LP15 and LP16 is achieved.

Landscaping

- 10.17 The FDC Tree Officer has confirmed that '*the proposed layout indicates that there is unlikely to be any encroachment into the root protection areas of the retained trees*'. However there is '*potential for surface treatments and/or landscaping to impact on the retained trees*'; notwithstanding this it is also apparent that the required protection measures can be conditioned and accordingly there are no matters to reconcile with regard to the landscaping of the site.
- 10.18 It has been requested that the agent update the drawing to show the tree protection zones which will be put in place at the commencement of development and retained for the duration of construction; a safeguarding condition will be imposed in this regard.

Other matters

- 10.19 *Amount of Development:* Concern has been raised in the consultation process regarding the inappropriateness of delivering 4 dwellings on the site which is consented for two units. In this regard consideration is given to the overall 'footprint' of development of the site which in reality will see a development with a similar cumulative footprint overall. Furthermore it is noted the extant approvals have a built up frontage length of 41m with minimal breaks and relief in the massing and the current proposal is visually broken and has a built up frontage of 34.7m. In real terms the development of 4 units is unlikely to have any greater impact visually that the consented development. It should also be noted that following negotiation the properties will not extend beyond the extant consent footprint in terms of the overall width across the site, thereby respecting the earlier separation distances achieved between the neighbouring plots. It is further acknowledged that introducing the smaller semi-detached units will serve the

aims of Policy LP2 in so far as they relate to delivering the right mix of homes to meet people's needs

10.20 *Water Supply*: Matters of water supply fall outside the planning process and it will be for the relevant service provider to ensure that provision is made in accordance with their statutory obligations.

10.21 *Archaeology*: The original approval granted for the two plots contained a condition requiring archaeological investigation. It is noted that this requirement was satisfied under F/YR15/3011/COND in respect of the 2014 consent however the investigation undertaken related solely to Plot 1. The most recent officer report pertinent to this site (under F/YR15/0439/F) identified the CCC Archaeology team had clarified that the investigation undertaken on Plot 1 was sufficient to inform what should occur at Plot 2 and it was confirmed that no further investigation on the wider site was required.

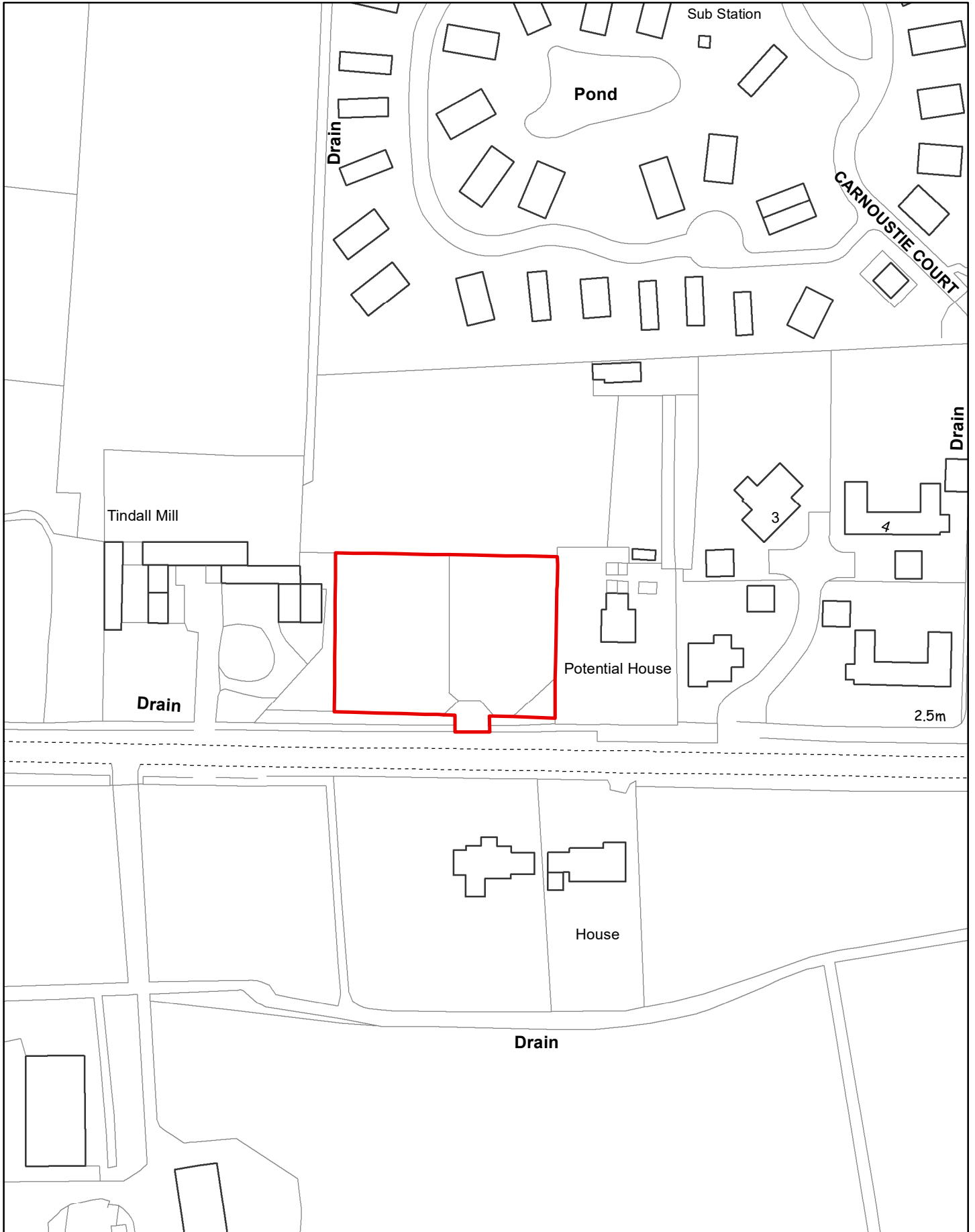
11 CONCLUSIONS

11.1 It is considered that the revised proposals for this site represent no issues in terms of heritage impact, character/visual amenity and residential amenity. Similarly the proposal satisfactorily addresses issues of flood risk and demonstrates that there are no highway safety issues arising. Accordingly the scheme complies with both national and local planning policy. Whilst concern has been raised in respect of supplementing this four dwelling scheme for the two house scheme previously approved there are no matters arising that would be so significant as to warrant refusal of this application.

12 RECOMMENDATION: Grant

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development shall be constructed in materials as specified in the application, i.e. Hoskins Flemish Antique facing bricks, Redland Landmark Double Pantile in Terracotta Brindle and retained in perpetuity thereafter.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the approved remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety</p>
4	<p>Prior to the first occupation of the each of the dwellings hereby approved their related on-site parking shall be demarcated, levelled, surfaced and drained in accordance with drawing SE-1169-PP1000</p>

	<p>Rev C. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents / occupiers of the approved scheme, and shall not be used for any other purpose.</p> <p>Reason - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014</p>
5	<p>Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2005. Moreover measures for protection in accordance with that standard, as detailed on drawing number SE-1169-PP1000 Rev C, shall be implemented and maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.</p> <p>Reason - To ensure that retained trees are adequately protected in accordance with Policies LP16 and LP19 of the Fenland Local Plan, adopted May 2014.</p>
6	<p>The development hereby approved shall be undertaken in accordance with the submitted Flood Risk Assessment (FRA) for proposed residential development at Kirkgate, Tydd St Giles by Geoff Beel Consultancy dated April 2019. The FRA states:</p> <ul style="list-style-type: none"> - Finished floor levels of the proposed development will be set no lower than 300mm above existing ground levels - The occupiers should sign up to Floodline Warnings Direct to receive advance warning of flooding. <p>Reason - To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
7	<p>Prior to any development above slab-level details of the sustainable construction elements including;</p> <ul style="list-style-type: none"> - renewable energy sources such as air source heat pumps and photovoltaic cell with a 2kW minimum <p>shall be submitted to the Local Planning Authority for approval. The approved scheme for each individual dwelling shall be implemented prior to occupation of its related dwelling in accordance with the approved details and shall thereafter be retained and maintained in perpetuity.</p> <p>Reason - To provide a wider sustainability benefit in accordance with the Cambridgeshire Flood and Water SPD and Fenland Local Plan Policy LP12(k).</p>
8	Approved Plans



Created on: 19/06/2019

© Crown Copyright and database rights 2019 Ordnance Survey 10023778

F/YR19/0518/F

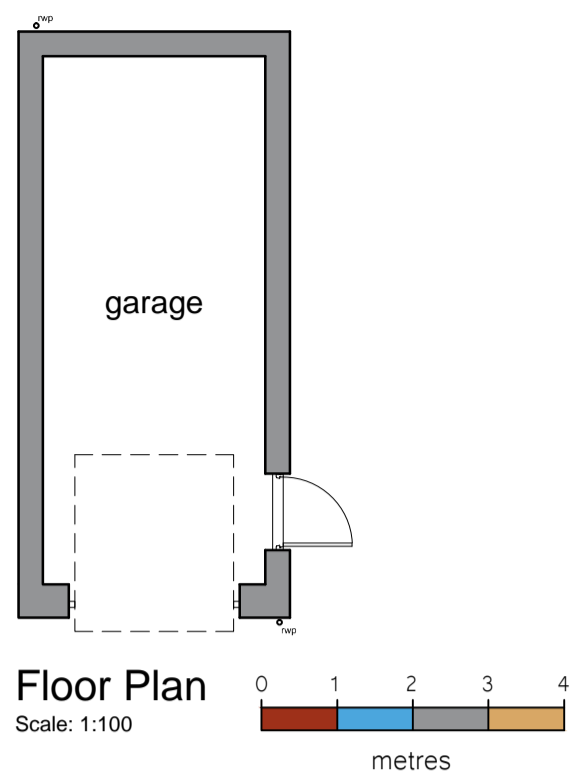
Scale = 1:1,250



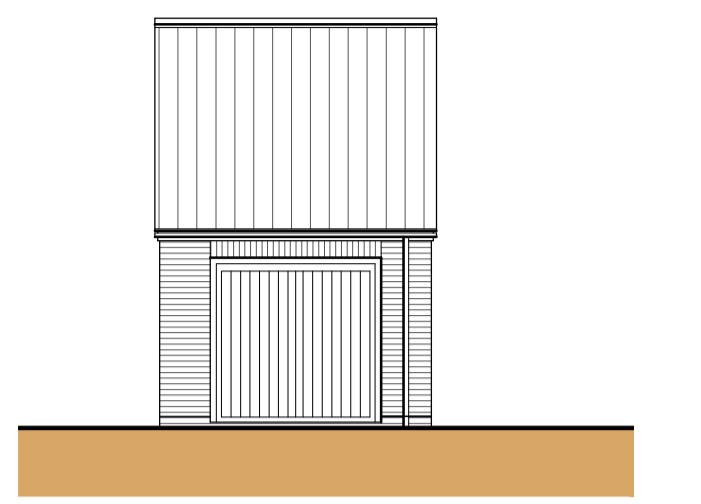
Garage (Handed)



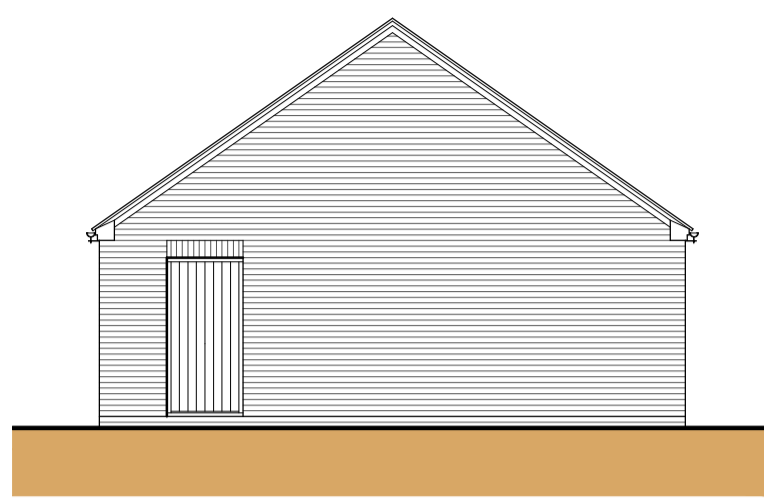
Location Plan
Scale: 1:2500



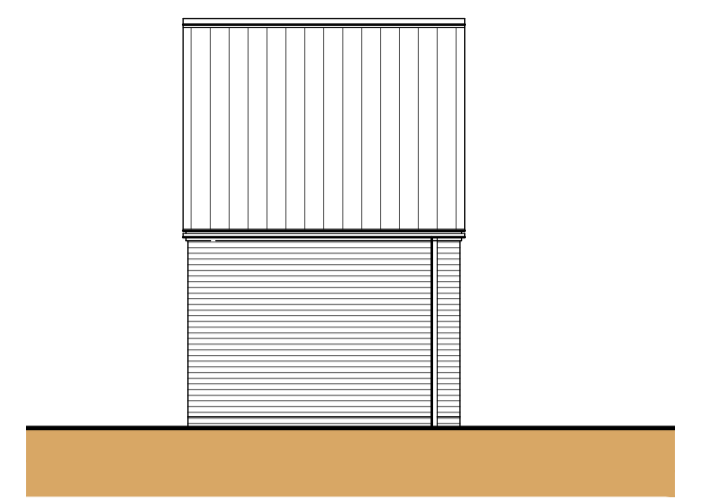
Floor Plan
Scale: 1:100



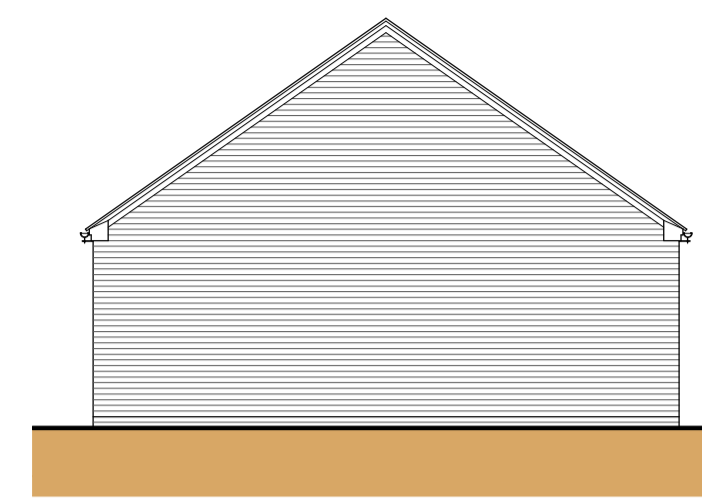
Front Elevation
Scale: 1:100



Side Elevation
Scale: 1:100



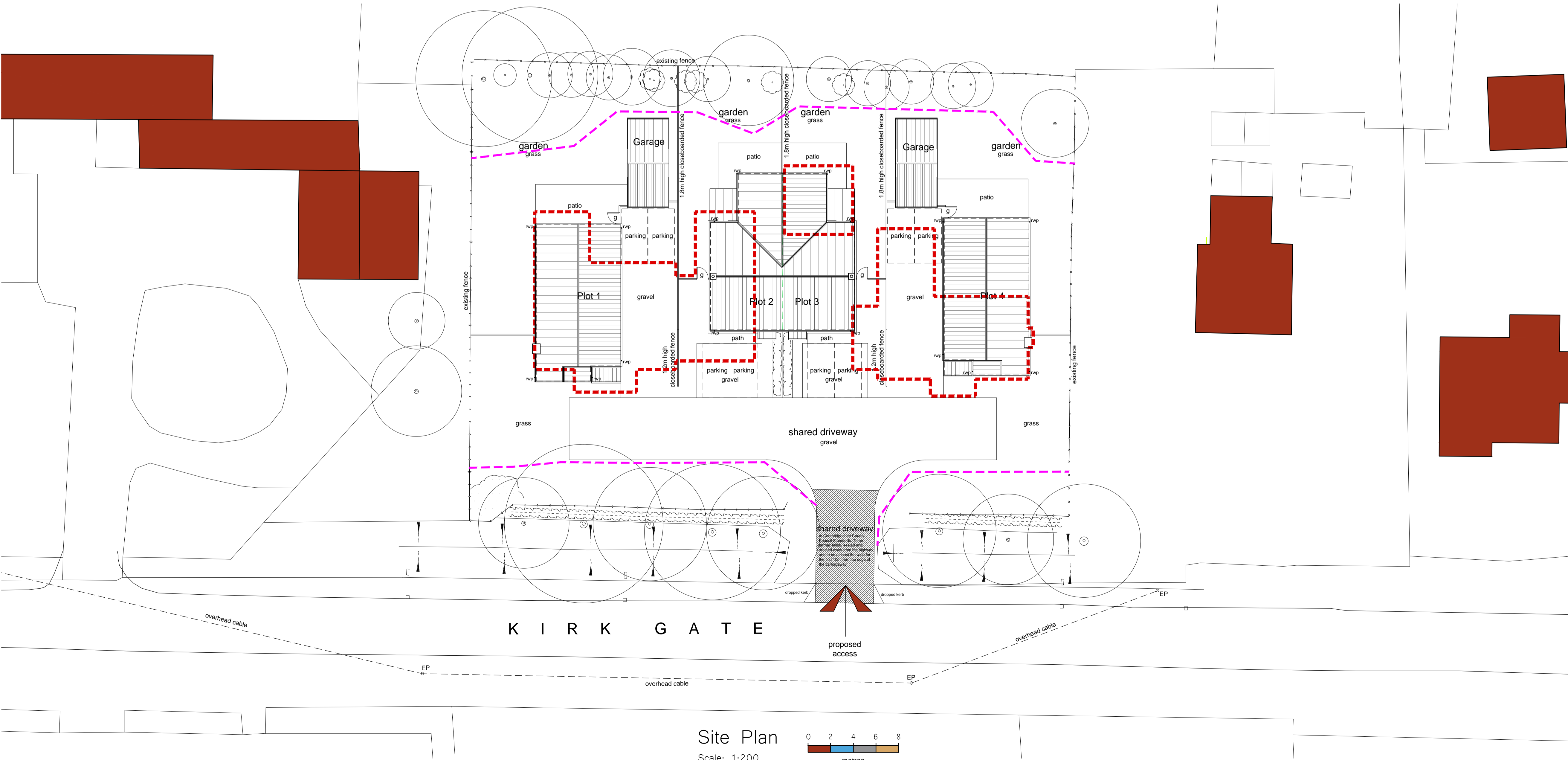
Rear Elevation
Scale: 1:100



Side Elevation
Scale: 1:100



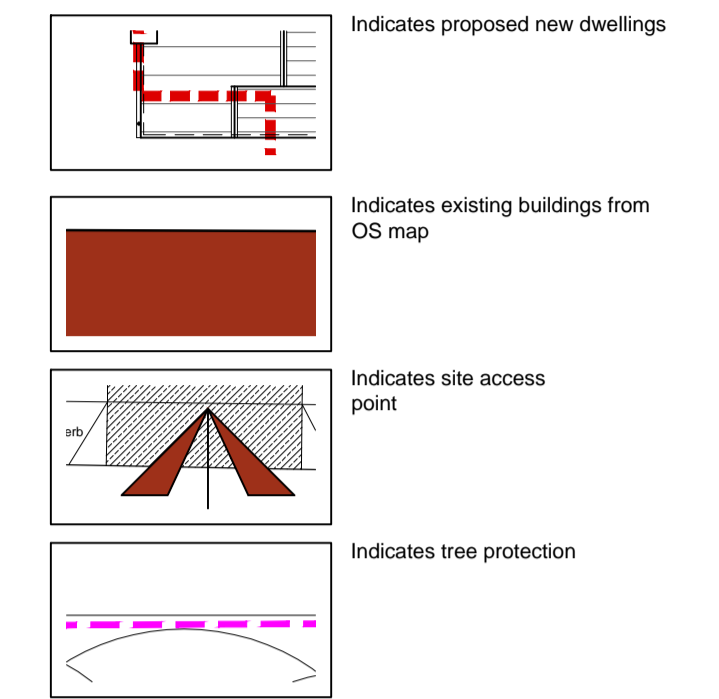
Street Scene
Scale: 1:200



Site Plan
Scale: 1:200

- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in "mm" unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY



Method statement for protection of trees on site during construction

- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with above table and BS 5837 unless otherwise agreed in writing with the local Planning Authority. Please see protected areas marked on proposed site plan.
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.

Method statement for nature conservation

- The existing remaining tree on site is to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.

Revisions		
A	June 2019	Planning Validation
B	Aug 2019	Site Layout Updated, Extant Approval, Tree Protection and Access Updated
C	Aug 2019	Hipped Roof Removed and Chimneys added as requested

Status
FOR APPROVAL

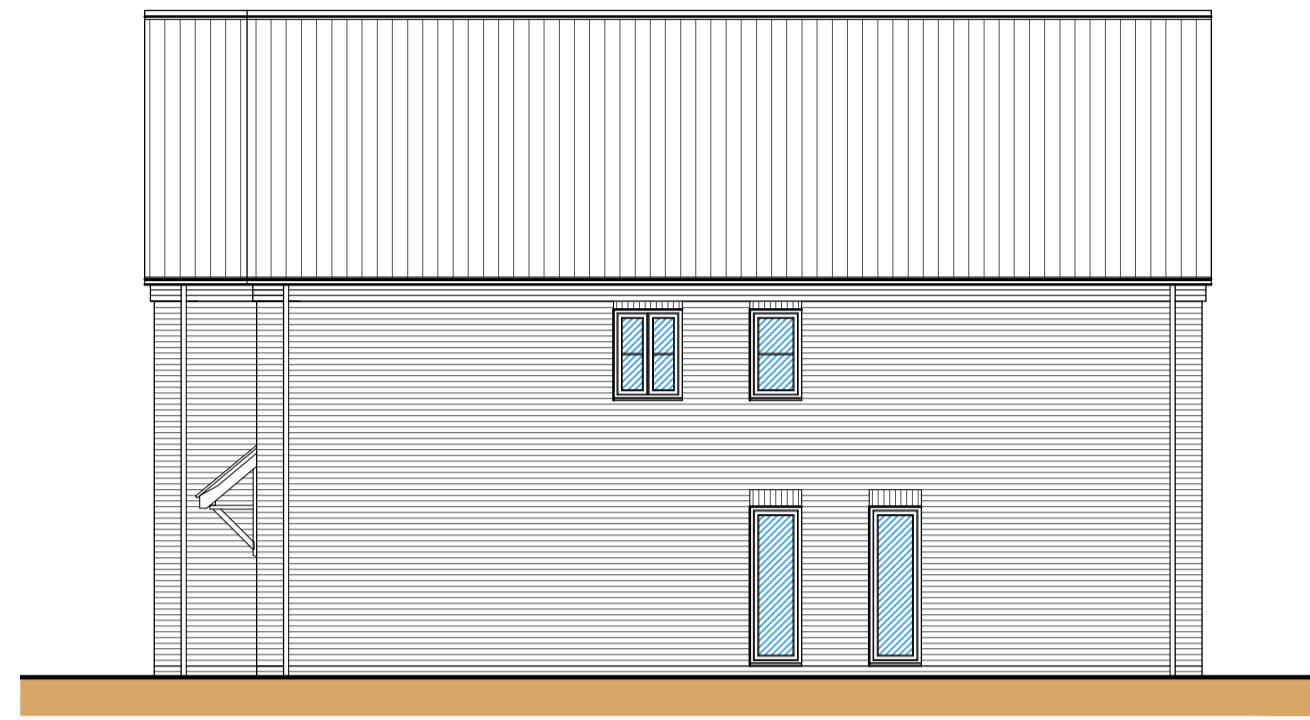
SWANN EDWARDS ARCHITECTURE
Swann Edwards Architecture Limited, Swann Edwards Architecture, Fen Road, Guyhirn, Wisbech, Cambs, PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Residential Development Kirkgate Tydd St Giles for: Curson Homes Ltd	Date March 2019	Scale As Shown Sheet Size A1
Drawing Title Planning Drawing Site and Location Plan Garage Plans and Elevations	Job No. SE-1169 Dwg No. PP1000	Drawn by JB Revision C

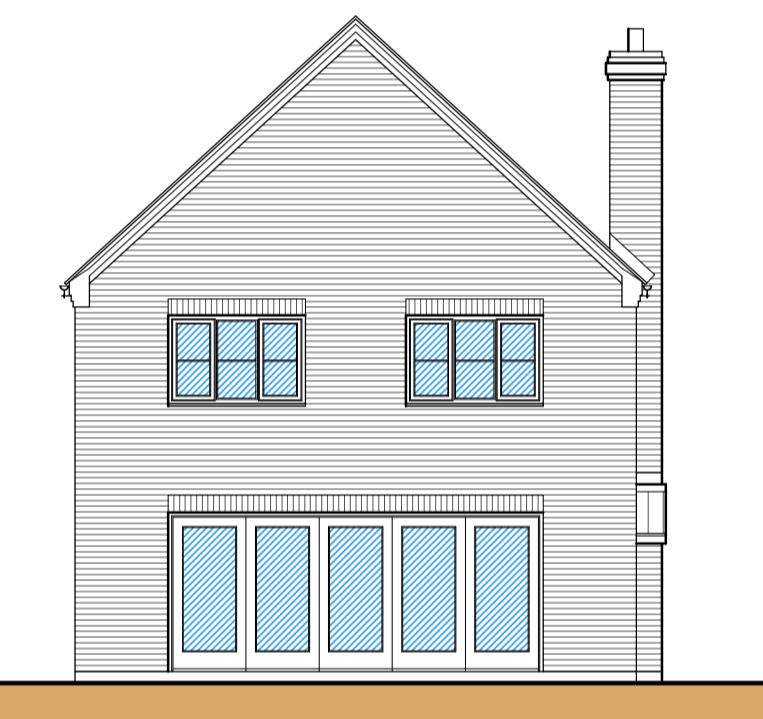
Plots 1 & 4 (Handed)



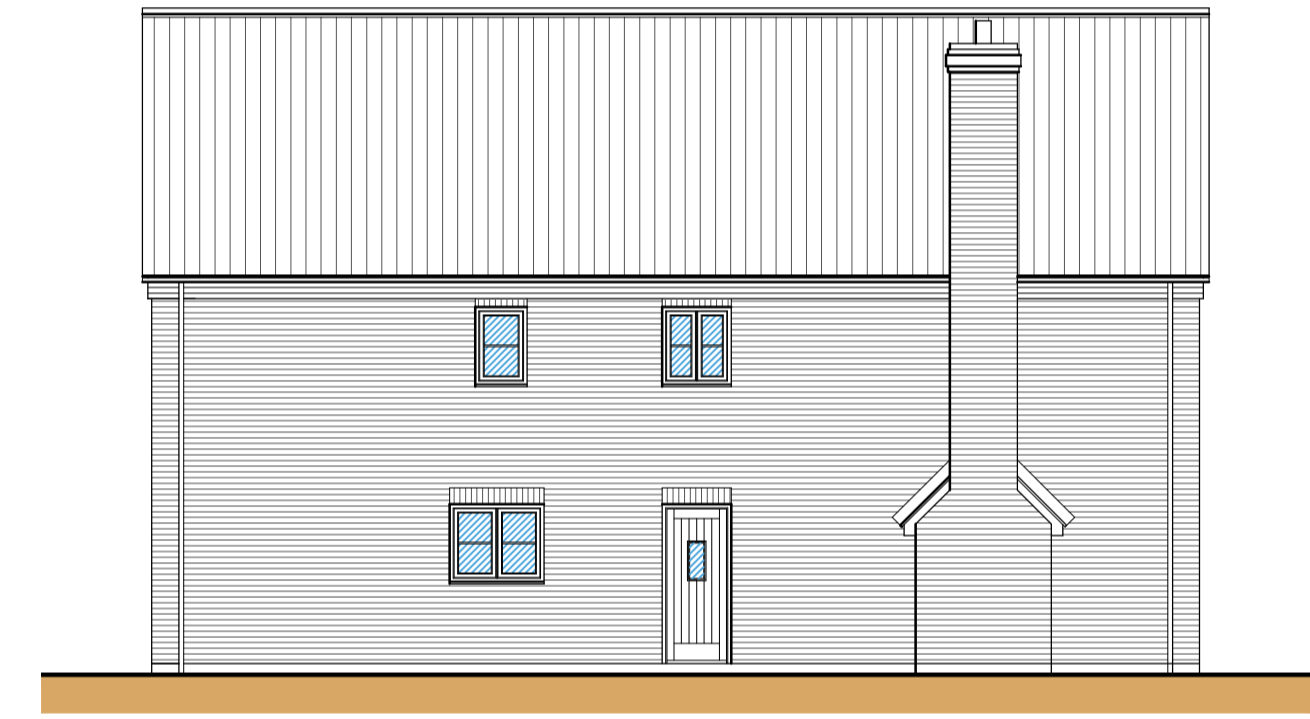
Front Elevation
Scale: 1:100



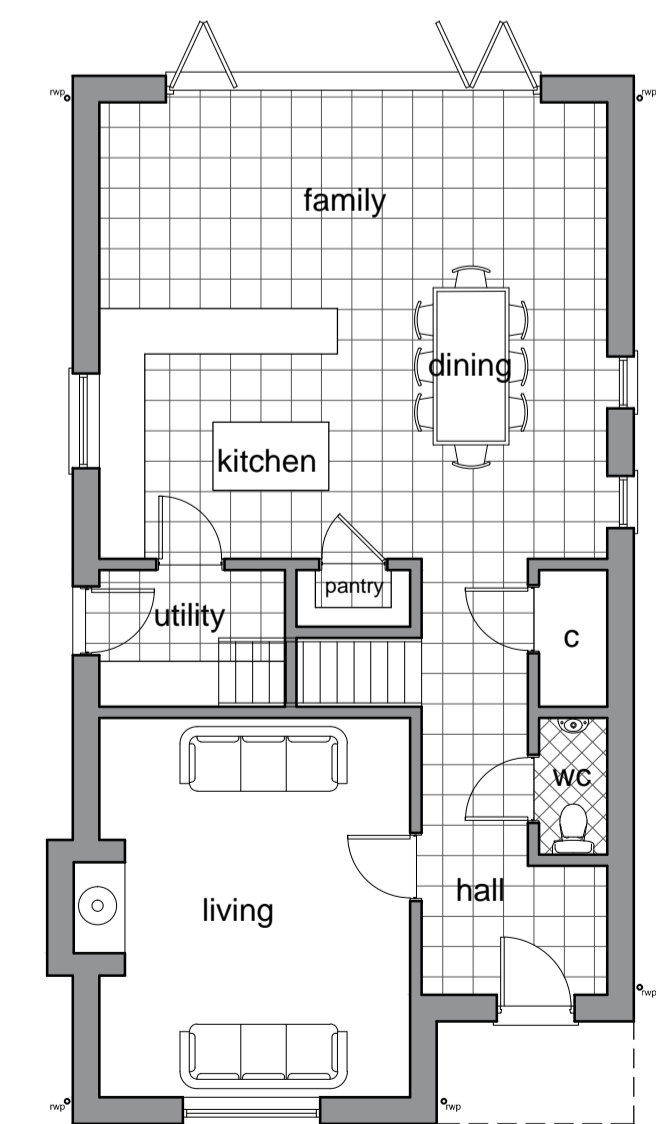
Side Elevation
Scale: 1:100



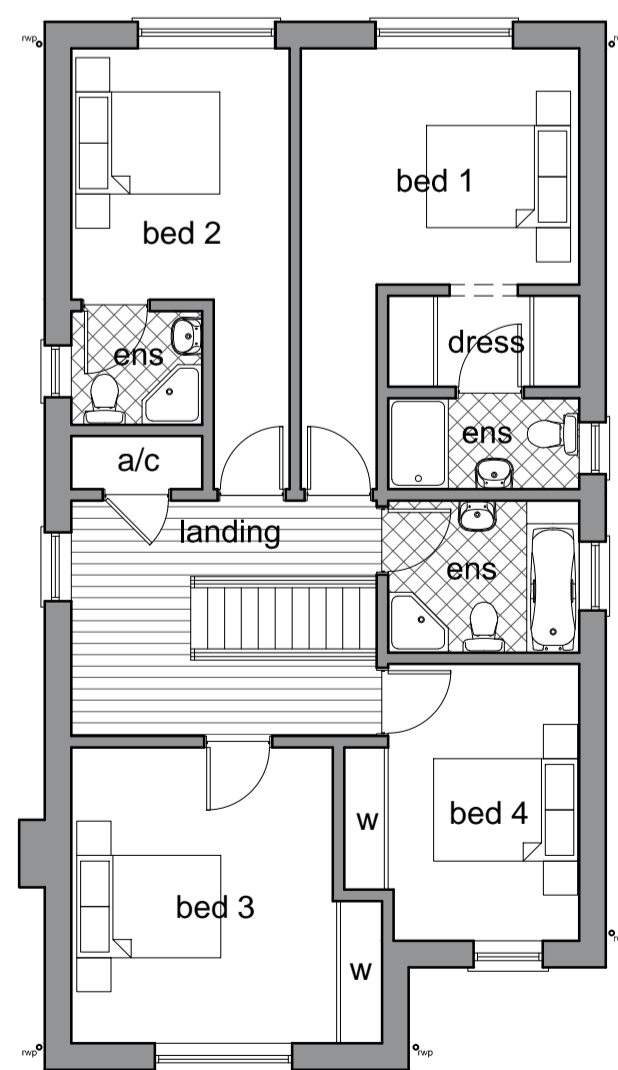
Rear Elevation
Scale: 1:100



Side Elevation
Scale: 1:100



Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100

Plot 2 & 3



Front Elevation
Scale: 1:100



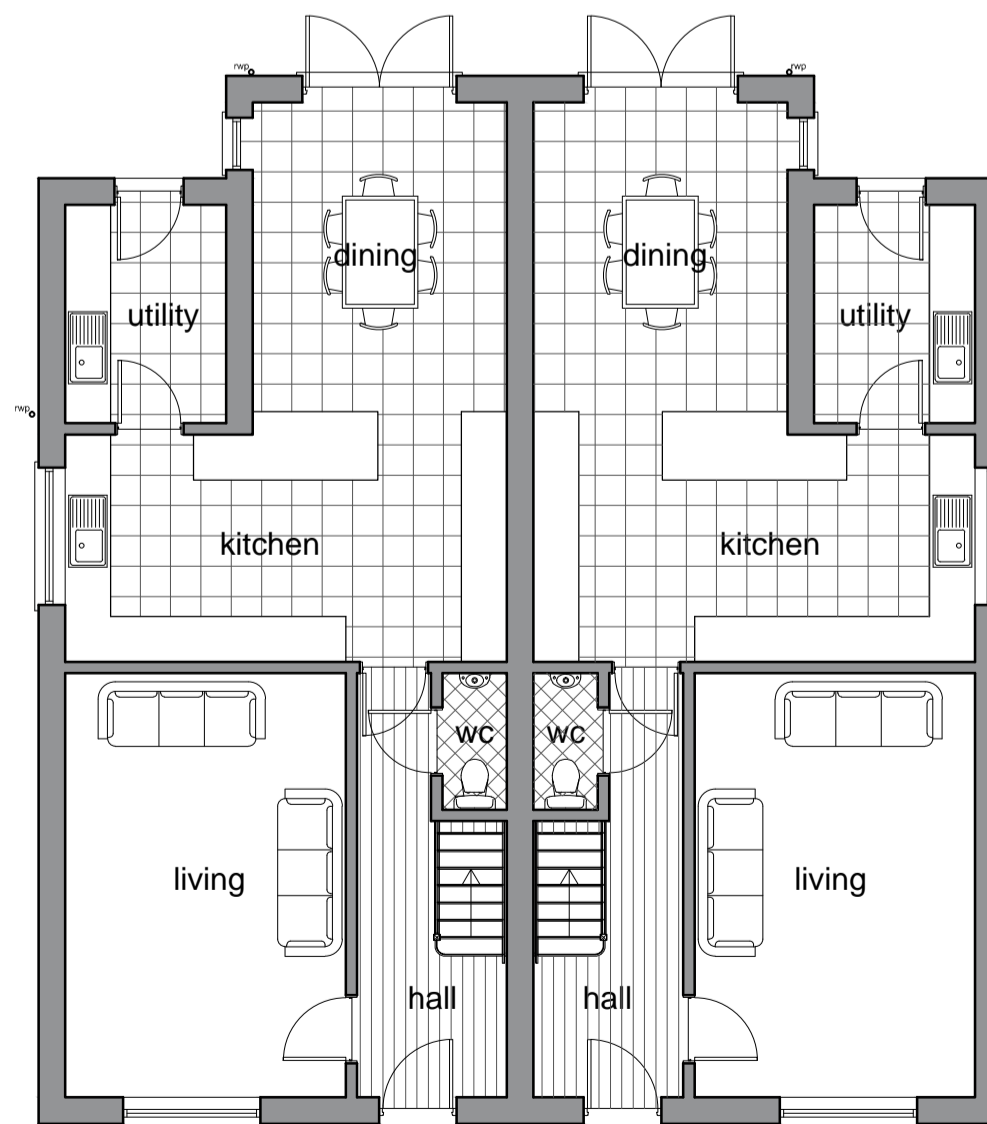
Side Elevation
Scale: 1:100



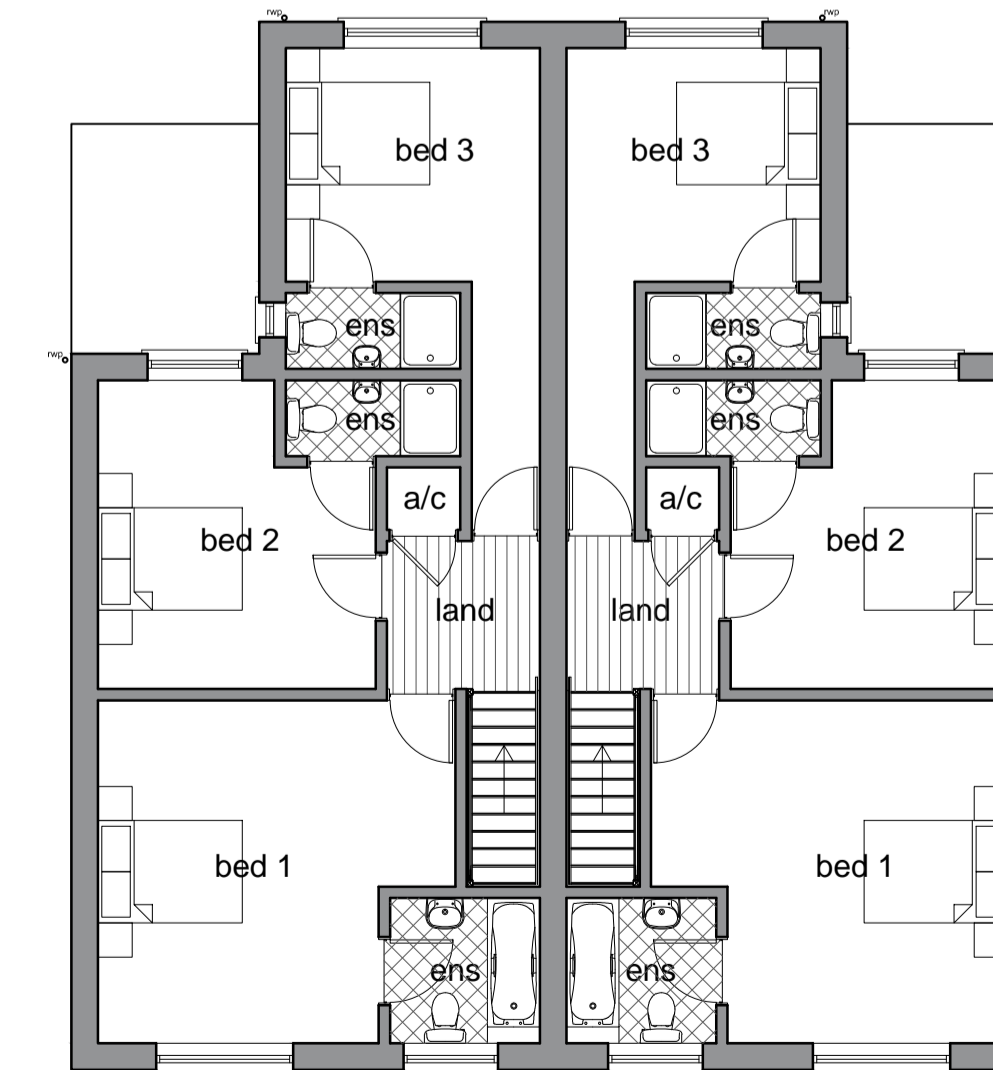
Rear Elevation
Scale: 1:100



Side Elevation
Scale: 1:100



Ground Floor Plan
Scale: 1:100



First Floor Plan
Scale: 1:100

- General Notes**
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in "mm" unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
 5. Any discrepancies are to be brought to the designers attention.

MATERIALS KEY

- Hatch indicates brickwork - Hoskins Flemish Antique facing bricks
- Hatch indicates roof tiles- Redland Landmark Double Pantile in Terracotta Brindle
- Windows and doors - White UPVC casement with brick soldier course above
- Rainwater goods - black half round gutters and black round downpipes

Revisions

A	June 2019	Hipped Roof Removed and Chimneys added as requested
---	-----------	-----------------------------------------------------

Status
FOR APPROVAL

SWANN EDWARDS ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Residential Development Kirkgate Tydd St Giles for: Curson Homes Ltd	Date March 2019	Scale As Shown Sheet Size A1
Drawing Title Planning Drawing Plans and Elevations	Job No. SE-1169	Drawn by JB
	Dwg No. PP1100	Revision A

This page is intentionally left blank

F/YR19/0636/FDC

**Applicant: Ms Becky Francis
Fenland District Council**

Agent :

Land South Of 18, Rowan Close, Wisbech, Cambridgeshire

Erect 1 dwelling (outline application with all matters reserved)

Reason for Committee: Fenland District Council are land owner and applicant

1 EXECUTIVE SUMMARY

- 1.1 This site is within the built up settlement of Wisbech and is within a sustainable location.
- 1.2 It is considered that there are no site constraints which would render the development of the site for one residential unit unacceptable; subject to detailed design and appropriate safeguarding conditions.
- 1.3 The scheme complies with both national and local planning policy and may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site comprises a parking area associated with the Rowan Close part of a residential housing estate constructed around the mid-1960s, it was apparent at the time of the site inspection that the area is not actively used.
- 2.2 Bounded on all sides by residential development and accessed via an existing estate road the site is largely laid to concrete; it is enclosed by a mix of close boarded fencing excepting at the access point to Rowan Close which is open.
- 2.3 It was evident from the site inspection that the area provides vehicular access to a garage to the rear of No 18 Rowan Close and that there is a walkway through to Wisteria Road in the south-eastern corner of the site. It is further noted that a gate exists in the rear boundary of No 47 Wisteria Road however this has been confirmed by the applicant as being a recent access and no formal rights of access exist over the car parking area.
- 2.4 It should be noted that a similar parking court to the north-eastern corner of Rowan Close has been developed as a pair of semi-detached dwellings; these dwellings are accessed via Black Bear Lane as opposed to accessing from Rowan Close.

3 PROPOSAL

- 3.1 The proposed development is for the erection of a dwelling on land south of 18 Rowan Close, it has been submitted in illustrative form with all matters reserved.
- 3.2 An illustrative site plan accompanies the scheme which shows a detached dwelling with a similar footprint to the individual semi-detached dwellings in the vicinity. Also indicated on the illustrative drawing is a retained access through to the garage associated with No 18 Rowan Close and a parking area and amenity space to serve the proposed dwelling.
- 3.3 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

- 4.1 No planning history listed for the site since 1974
- 4.2 Planning permission was granted under F/YR13/0136/F in 2013 for the erection of 2 x 2-storey 1-bed dwellings with associated parking on land formally occupied by garages to the rear of 46-50 Black Bear Lane. This development has been constructed.

5 CONSULTATIONS

5.1 Town Council

Recommend that the application be supported

5.2 Environment & Health Services (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality or the noise climate. As the proposal involves development on land where previous structure(s) once stood, the unsuspected contamination condition should be imposed in the event that planning consent is granted. Following consultation responses received from local residents relating to earlier reports of contamination on this and other garage sites in the locality the E&H team have been re-consulted for their comments. They have responded as follows:

I can summarise that sampling was only undertaken on currently exposed land. This has not included the land under the footprints of the historic garages.

Sampling of exposed land has identified current elevated levels of Arsenic and Vanadium. The report has also recognised that it suspects the land under the garage footprints will have been exposed to hydrocarbons.

To remove the risk to human health it is requested that the land under the garage footprint is sampled for hydrocarbons and a mitigation measure for exposed soil (garden area) is provided to the LA for agreement.

The contamination can be easily mediated so I see no reason that development would not be able to go ahead. Determination would also help the developer undertake the demolition work needed to complete the sampling. A standard condition would be appropriate, as long as it was not discharged prior to remediation being completed.

5.3 Kings Lynn & West Norfolk Borough Council

Advised that it is their intention to delegate authority to FDC to determine the application noting that only a very small part of the site was within their area. Once the formal consultation period has expired they will provide their formal response in this regard. They also noted that whilst the site is within flood zone 1 it does appear that it is in a tidal hazard mapping area.

5.4 Local Residents/Interested Parties

3 letters of objection have been received which may be summarised as follows:

- Access
- Concerned about how this will affect our access to our back garden and garage if we park in our access are we going to get blocked in all the time?
- Parking arrangements
- Noise
- Environmental concerns - concerns re safety of the ground if it is disturbed after reading previous reports on poison found in ground, what measures will applicant take to ensure safety of current and future residents.
- Application form incorrect, red line site boundary appears to include land not in the control of the applicant (to the west)
- Queries use of soakaway
- Overlooking/loss of privacy - property will overlook garden which is currently not overlooked from the rear
- Shadowing and loss of light - property will block light from garden
- Visual impact
- Doesn't comply with policy
- Currently the land is used to play on by local children as there is no traffic
- The site is a walk through which is used regularly, including by children to access local park without them having to cross roads
- How will waste disposal vehicle access the property?

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).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

Paras. 24-27 Maintaining effective cooperation

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 91 - Decisions should aim to achieve healthy, inclusive and safe places

Para. 98 - Decisions should protect and enhance public rights of way and access

Para. 118(d) promote the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively

Para. 127(f) - create places that are safe, inclusive and accessible and which promoted health and well-being and a high standard of amenity for existing and future users.

Paras. 178 - 189 - Ground conditions and pollution

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

Policy LP1 – A Presumption in Favour of Sustainable Development

Policy LP2 - Facilitating health and wellbeing of Fenland Residents

Policy LP3 – Spatial strategy, the settlement hierarchy and the countryside

Policy LP14 – Responding to climate change and managing the risk of flooding in Fenland

Policy LP15 – Facilitating the creation of a more sustainable transport network in Fenland

Policy LP16 - Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Background**
- **Principle of Development**
- **Character, Layout, Design**
- **Residential amenity**
- **Highway and access considerations**
- **Flood risk**
- **Contaminated land**
- **Other matters**

Background

9.1 There is no planning history relating to this site, although it is noted that the parking court to the north-eastern corner of Rowan Close has been developed and a pair of semi-detached units now occupy this area; these being accessed from Black Bear Lane. It is further noted that a pedestrian access from Rowan Close to Black Bear Lane, through the garage court area, was blocked off as a consequence of this development.

9.2 Background reports provided in respect of the above application indicated that the land was contaminated however the imposition of appropriate conditions secured remediation to ensure that the land was safe for development

10 ASSESSMENT

Principle of Development

10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014, and the National Planning Policy Framework 2019. The weight that should be attributed to these policies and documents are considered below.

- 10.2 In terms of the FLP the scheme would in principle accord with Policy LP3 given that Wisbech is identified as one of the primary market towns where the majority of the district's new housing should be focussed. It is however necessary to demonstrate that there would be no harm arising to the visual amenity of the area or residential amenity with regard to Policies LP16. In addition it is necessary to demonstrate that there is a safe access to the site (Policy LP15) and that the scheme is acceptable in flood risk (Policy LP14) and that there are no other site constraints, including contamination etc which would render the scheme unacceptable.

Character, Layout, Design and Residential amenity

- 10.3 This is an outline application with all matters reserved, albeit an illustrative layout accompanies the submission. It is clear that there is sufficient land available on which to deliver a single dwelling.
- 10.4 Concerns regarding the relationship of the proposed dwelling overlooking and overshadowing properties in Wisteria Road are noted, however the development will be to the north of these properties and as such there would be no potential for overshadowing.
- 10.5 As this is an outline application the window positions are unknown at this stage; however there is scope at the detailed design stage to minimise overlooking; and whilst there likely to be an element of overlooking (which is not uncommon in urban areas) such overlooking subject to careful design is unlikely to have a significant detrimental impact on the private amenity of occupiers in Wisteria Road, and indeed residents of Rowan Close.
- 10.6 Based on the above evaluation it is considered that the scheme has the potential to accord with Policy LP16 of the FLP and as such may be favourably recommended.

Highway and access considerations

- 10.7 This is an outline planning application with all matters, including access reserved, however it is clear that there is an access available from Rowan Close and that the likely traffic generation arising from this proposal will be significantly less than the authorised use of the site as a parking area.
- 10.8 Comments regarding noise are acknowledged. In its current state the site has the characteristics of a potential area for anti-social behaviour and miscreants, with a poor level of passive surveillance as such the development of this site is likely to have a positive impact on the locality in terms of noise.
- 10.9 With regard to the existing throughway this would have been originally designed for access purposes associated with the former garages. Whilst the indicative layout appears to show this as being retained there would not appear to be a necessity to do so in this instance, this may be further considered at reserved matters stage through the use of boundary treatments/landscaping.
- 10.10 It is acknowledged that the consultation process has indicated that the throughway provides access to the park however the general footway network in the area (Rowan Close/Wisteria Road) does allow safe access to local facilities. Giving weight to the existing situation it is considered that the proposed development would on balance result in a positive contribution to the area, in that

it would either allow for natural surveillance of the throughway if it were retained as part of the scheme or alternatively should the development propose the blocking up of this throughway the resultant use of this currently unused area would be positive in terms of removing an area which has the potential to serve as an area for anti-social activities.

- 10.11 There is sufficient site area available to provide parking in accordance with the parking standards, it is anticipated given the constraints of the site that a 3-bed dwelling is likely to be delivered and this would require 2 car parking spaces
- 10.12 Concerns have also been raised with regards the obstruction of the access to the garage which serves No 18 Rowan Close should the development be approved. It is noted that the illustrative plan details that access will be retained and any conflict between users would be a civil matter between householders and could not be dealt with via the planning system.
- 10.13 Bin collection area will be achievable via established arrangements at Rowan Close.
- 10.14 Based on the above there are no matters arising that would indicate that planning permission should be withheld for this development on the grounds of LP15 of LP16 in so far as they related to access, servicing and highway safety.

Flood risk

- 10.15 This is a flood zone 1 location and as such it is sequentially preferable in terms of development and represents no issues with regard to Policy LP14.

Contaminated land

- 10.16 The consultation process has generated concern regarding the potential for the site to be contaminated, based on past reports for similar garage sites and an earlier report commissioned by FDC relating to a number of garage sites including this one.
- 10.17 The earlier reports highlighted by local residents has been brought to the attention of the Environmental Protection team in order that they make further observations with regard to contamination and mitigation. Notwithstanding this the site to the north-west of Rowan Close was developed with appropriate remediation to enable its safe occupation.
- 10.18 It has been clarified that it would be appropriate to secure further sampling and remediation by condition and a safeguarding condition may be appended to the decision in this regard.

Other matters

- 10.19 The application site straddles two local planning authority boundaries, Fenland and Kings Lynn and West Norfolk Borough and as such each authority is in receipt of identical applications for this development
- 10.20 Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. In this way it is possible for one Local Planning Authority to delegate its development control

functions to another in respect of a specific cross-boundary planning application or site.

10.21 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the LPA in whose administrative area the development is proposed to be carried out. In the case of cross-boundary applications, this can lead to two LPAs making individual determinations, imposing different conditions on the permissions and entering into separate s106 agreements. This is not recommended as it does not promote a coordinated approach to development management and the permissions granted by each LPA may be inconsistent in terms of the conditions attached to them and any associated planning obligations.

10.22 This is of course also highly undesirable in terms of achieving a coordinated approach to delivering development. It is also contrary to Government guidance, which encourages joint working between LPAs in relation to the use of their strategic planning powers (Paras. 24-27).

11 CONCLUSIONS

11.1 It is considered that the erection of a dwelling on the site identified is acceptable and accords with the relevant policy framework, subject to safeguarding conditions regarding contamination as required. The illustrative scheme demonstrates that the site may accommodate the amount of development proposed and that subject to detailed design it is considered that the development could be delivered without detriment to existing residential amenity.

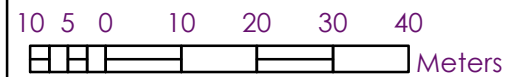
12 RECOMMENDATION: Grant

Conditions

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> (i) the layout of the site (ii) the scale of the building(s); (iii) the external appearance of the building(s); (iv) the means of access thereto; (v) the landscaping <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p> <p>Reason To enable the Local Planning to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>

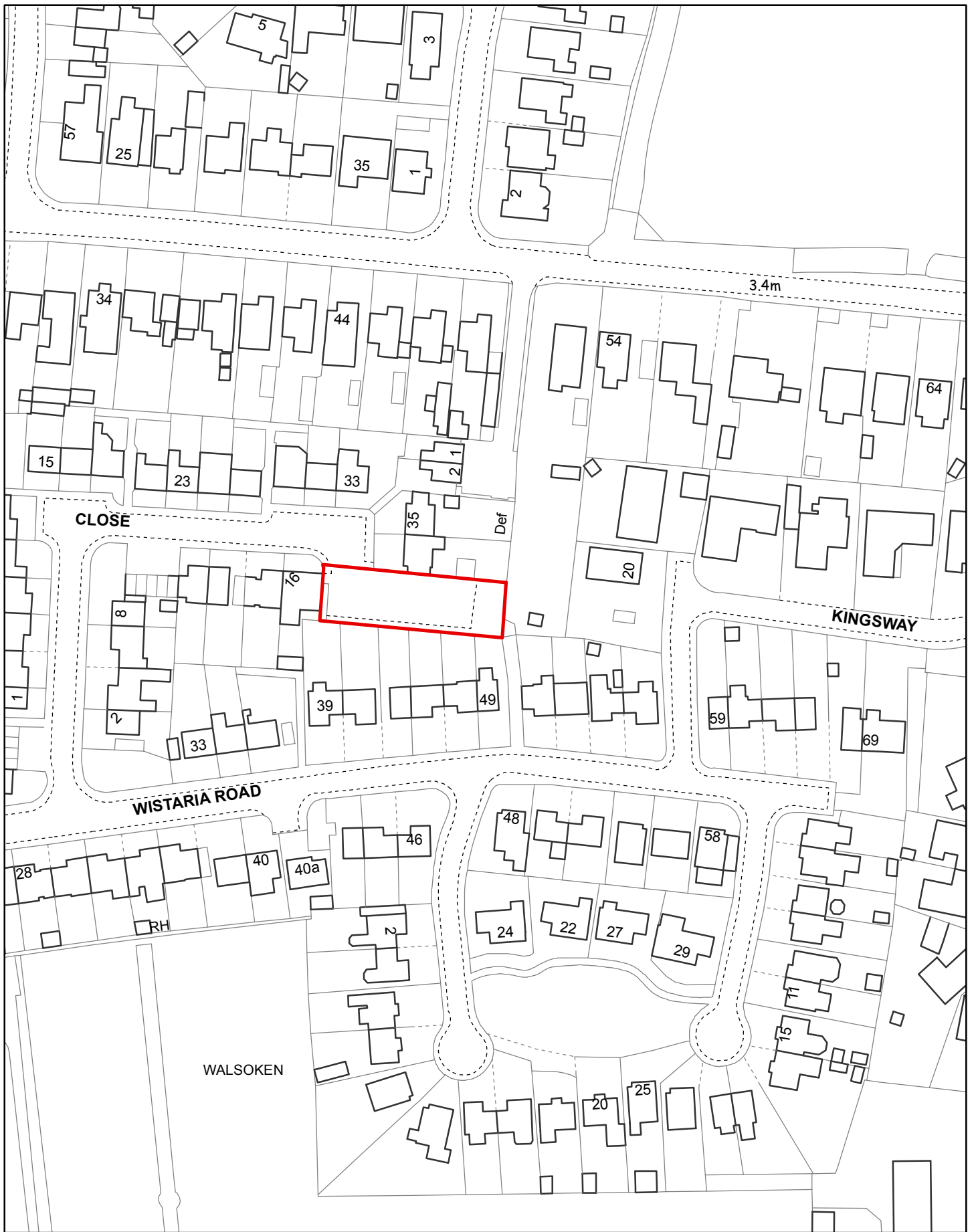
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:</p> <p>2.A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p> <p>(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above. (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation</p>

	<p>works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason - To control pollution of land or water in the interests of the environment and public safety.</p>
5	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>

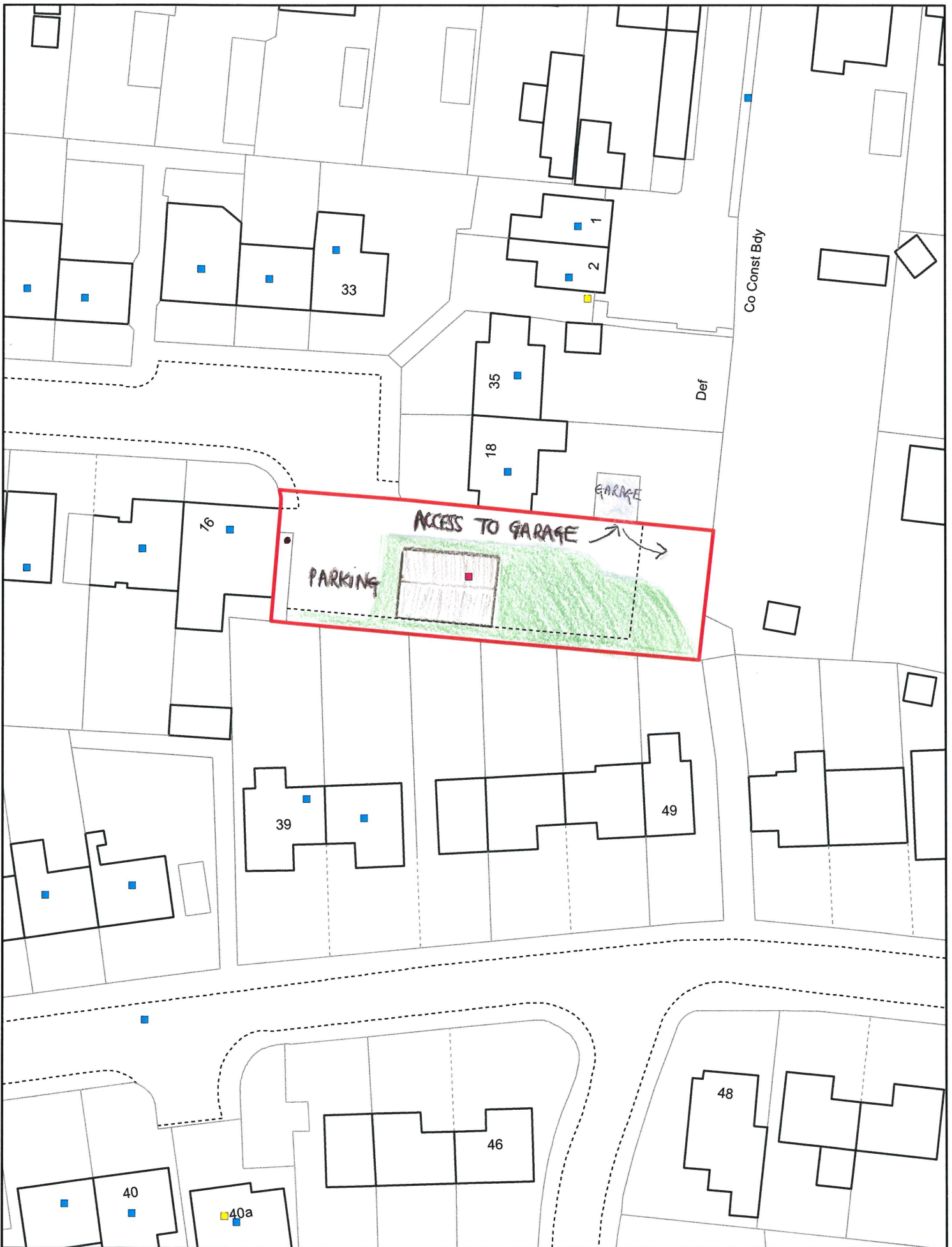


Land at Rowan Close, Wisbech





<p>Created on: 18/07/2019</p>	<p>F/YR19/0636/FDC</p>		
<p>© Crown Copyright and database rights 2019 Ordnance Survey 10023778</p>	<p>Scale = 1:1,250</p>		



5.52.75 0 5.5 11 16.5 22

Meters

Land at Rowan Close, Wisbech

FOR ILLUSTRATIVE PURPOSES ONLY

● LIGHTING POLE

Created on: 04/07/2019

Scale = 1:500



F/YR19/0179/VOC

Applicant: Elmside Limited

**Agent : Mr A Wallis
Wallis Design Associates**

Land South West Of, Queen Street Close, March, Cambridgeshire

Variation of condition 4 of planning permission F/YR17/0685/VOC (Erection of 6 x 3-storey, 3-bed dwellings with balcony to front and integral garage and 4 x 3-storey, 2-bed dwellings) in relation to access

Reason for Committee: Town Council recommends approval contrary to the officer recommendation.

1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of 10 dwellings without compliance with condition 4 of the previous planning permission which required the provision of the turning head prior to occupation of any of the dwellings.
- 1.2. The original permission has been implemented and therefore remains extant.
- 1.3. The applicant has been unable to complete an agreement with the landowner to provide the turning head and is seeking therefore to remove this requirement from the permission.
- 1.4. The Local Highways Authority have indicated that they consider the development without the turning head would result in a harmful impact on highway safety and therefore recommend refusal.
- 1.5. Recommendation is to refuse planning permission.

2. SITE DESCRIPTION

- 2.1. The application site is located at the end of Queen Street Close, about a mile to the north of the centre of March. The site is rectangular shaped and is currently redundant and overgrown, it was formerly occupied by local authority offices. The site is bounded on all sides by existing development, with residential development to the south and north-east, an ambulance station to the east, car park to the north and to the west by All Saints primary school. Fenland District Council offices are located some 40m to the south east. The site lies within Flood Zone 1.
- 2.2. To the north of the application site, Queen Street Close is segregated by a steel railing, resulting in a 3 metre wide carriageway on the application site side of the railing, and a hard surfaced area to the north used as an informal turning and parking area.

3. PROPOSAL

- 3.1. The proposal seeks to substitute the scheme approved by application F/YR17/0685/VOC (which was itself a variation of the original reserved matters application) in relation to amendments to condition 4 of the application relating to the access. Condition 4 required the implementation of a turning head detail prior

to occupation of the proposed dwellings, however the turning head was in part to be provided on third party land and subject to a Section 38 agreement with the Local Highways Authority.

- 3.2. The revised proposal is for access to the dwellings to be provided via a private driveway rather than through adoption by the Local Highways Authority, all other details to remain as per the latest permission.
- 3.3. Confirmation was provided in 2017 that the condition requiring commencement of the development within a specified period from the granting of the outline planning permission had been complied with.

4. SITE PLANNING HISTORY

F/YR17/0685/F	Variation of condition 1 (condition listing approved plans) relating to planning permission F/YR14/0886/RM (Erection of 6x 3-storey, 3-bed dwellings with balcony to front and integral garage and 4x 3-storey, 2-bed dwellings) to provide for 10x 2-storey 3-bed dwellings with accommodation in the roof space, revisions to design, materials, floor area, turning head, landscaping and boundary treatments, amenity areas and removal of integral garages.	Granted 23/8/18
F/YR17/0433/ENQDIS	Application to seek compliance of condition 3 (commencement) of works of appeal decision relating to F/YR11/0388/O (Erection of 6x 3-bed and 4x 2-bed terraced houses)	Satisfied 12/7/17
F/YR14/0886/RM	Erection of 6x 3-storey, 3-bed dwellings with balcony to front and integral garage and 4x 3-storey, 2-bed dwellings	Granted 15/1/15
F/YR14/3124/COND	Detail reserved by conditions 5, 6, 7 and 8 of Appeal Decision APP/D0515/A/11/2160783 relating to F/YR11/0388/O (Erection of 6x 3-bed and 4x 2-bed terraced houses)	Granted 15/1/15
F/YR14/0537/F	Variation of condition 7 of appeal decision APP/D0515/A/11/2160783 relating to F/YR11/0388/O (Erection of 6x 3-bed and 4x 2-bed terraced houses)	Withdrawn 18/11/14
F/YR11/0716/EXTIME	Erection of 8x 2-bed houses (renewal of planning permission F/YR08/0774/O)	Granted 21/10/11
F/YR11/0388/O	Erection of 6x 3-bed and 4x 2-	Appeal allowed

	bed terraced houses	14/12/11
F/YR10/0215/O	Erection of 10x 3-bed houses with associated parking	Refused on 7/6/10 Dismissed appeal 29/11/10
F/YR09/0681/O	Erection of 12x 3-bed houses with integral garages	Withdrawn 12/1/10
F/YR08/0774/O	Erection of 8x 2-bed houses	Granted 14/10/08
F/YR07/0010/FDC	Residential Development (0.1485Ha) involving demolition of existing terrapin building	Granted 29/3/07

5. CONSULTATIONS

- 5.1. **March Town Council:** Recommend approval.
- 5.2. **Cambridgeshire County Council Highways Authority:** *Recommend refusal of the application. The proposal does not incorporate adequate facilities to enable a vehicle to turn on the site and so enter the highway in a forward gear, which is considered essential in the interests of highway safety.*

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).

7. POLICY FRAMEWORK

- 7.1. Section 73 of the Town and Country Planning Act 1990 states that for applications under this section, *“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted”*.
- 7.2. **National Planning Policy Framework (NPPF)**
Para 2: NPPF is a material consideration
- 7.3. **National Planning Practice Guidance (NPPG)**
Determining a planning application
- 7.4. **Fenland Local Plan 2014**
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

8. KEY ISSUES

- **The acceptability of the changes proposed**
- **The conditions subject to which planning permission was granted**

9. BACKGROUND

- 9.1. Construction of 10 dwellings on the site was allowed on appeal in 2011, with subsequent reserved matters being granted in 2015 and confirmation of commencement of development confirmed in 2017. The applicant has provided confirmation of their attempts to secure a Section 38 agreement with regard to

the provision of the turning head previously approved, however this has not been completed and they are at present therefore unable to provide the turning head as approved, which was a condition of the granting of outline planning permission and required compliance prior to occupation of any of the units.

- 9.2. The current application therefore seeks to provide access to the dwellings via a private driveway, removing the turning head from the proposal to enable the development to be implemented.

10. ASSESSMENT

10.1. The acceptability of the changes proposed

- 10.2. The proposed change to the application removes the provision and adoption of a full turning head at the site. The details of the turning head were previously submitted and discharged as part of application F/YR14/3124/COND however the section 38 agreement to adopt the proposal has not progressed. Part of the turning head proposed was on land not within the control of the applicant. The current scheme therefore proposes the dwellings to be accessed via a private driveway, with only a partial turning head at the entrance of the site.
- 10.3. Four of the units would still be accessed directly from Queen Street Close rather than the new private driveway and on that basis the scheme would result in 6 dwellings accessed directly from the private drive. Refuse collection lorries will not enter private land and in any case would not be able to enter the site, instead collecting from Queen Street Close, which would involve either turning the refuse lorry within the parking area to the north, or reversing the vehicle along Queen Street Close from Queen Street approximately 90m to the east.
- 10.4. The Local Highways Authority has commented on the proposal, noting that Queen Street Close does not benefit from any current turning head, and stating that the additional traffic generated by the proposal will result in a greater need for such a feature. It goes on to advise that without such an arrangement vehicles will be required to use third party land to turn around or to reverse the length of Queen Street Close (approximately 100 metres), with the latter option representing a danger to highway safety. It is also noted that due to the existence of the railing delineating the boundary of ownership of the site from the land to the north, the current access into the site would be approximately 3 metres wide and would not therefore allow vehicles to pass one another at this point.
- 10.5. Examination of the planning history of the site confirms that a similar arrangement for a private driveway into the site was approved in 2008, albeit under the previous Planning Policy regime. Whilst such a scheme was granted consent, a significant period of time has elapsed since then and the current application must be assessed on its own merits under the current highway standards and planning policy regime.

11. The conditions subject to which planning permission was granted

- 11.1. The remaining conditions of the previous permission granted on the site remain relevant to the proposal and therefore it is appropriate for these to be replicated as part of the decision in relation to the current application should consent be granted.

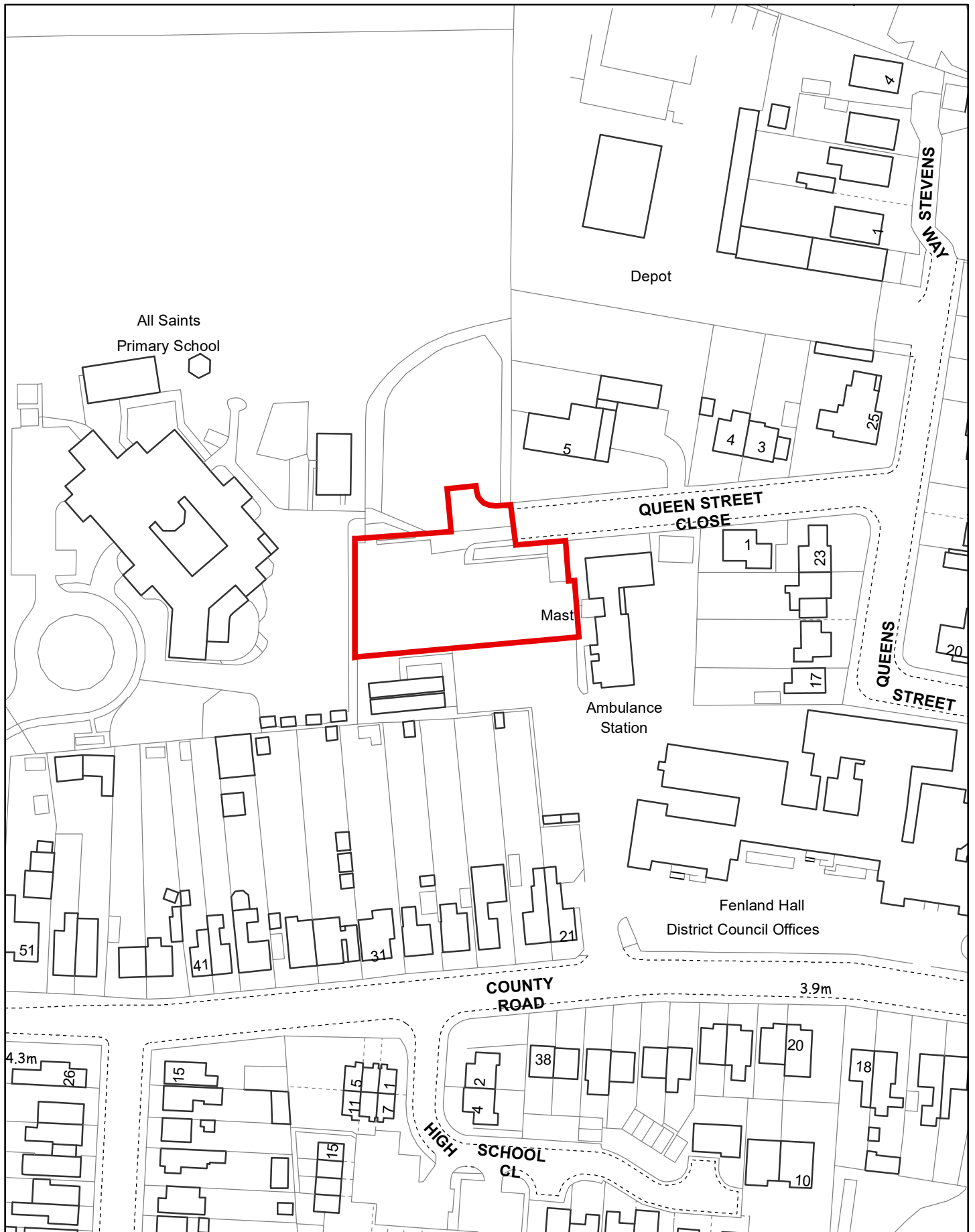
12. CONCLUSIONS

- 12.1. The proposal would result in the lack of a turning facility within the development site that would result in a detrimental impact on highway safety, contrary to the provisions of policy LP15 of the Fenland Local Plan, which requires that development schemes should provide well designed, safe and convenient access for all, and goes on to state that development that has transport implications will not be granted planning permission unless deliverable mitigation measures have been identified, and arrangements secured for their implementation that would make the development acceptable in transport terms.

13. RECOMMENDATION

Refuse, for the following reason:

1. Policy LP15 of the Fenland Local Plan (2014) requires that development schemes provide a well-designed, safe and convenient access for all, and that development that has transport implications will not be granted permission unless deliverable mitigation measures have been identified and arrangements secured for their implementation. The proposal would result in inadequate facilities for vehicles to turn on the site and enter the highway in a forward gear, and is therefore detrimental to highway safety contrary to the provisions of policy LP15 of the Fenland Local Plan.



Created on: 08/03/2019

© Crown Copyright and database rights 2019 Ordnance Survey 10023778

F/YR19/0179/VOC

Scale = 1:1,250

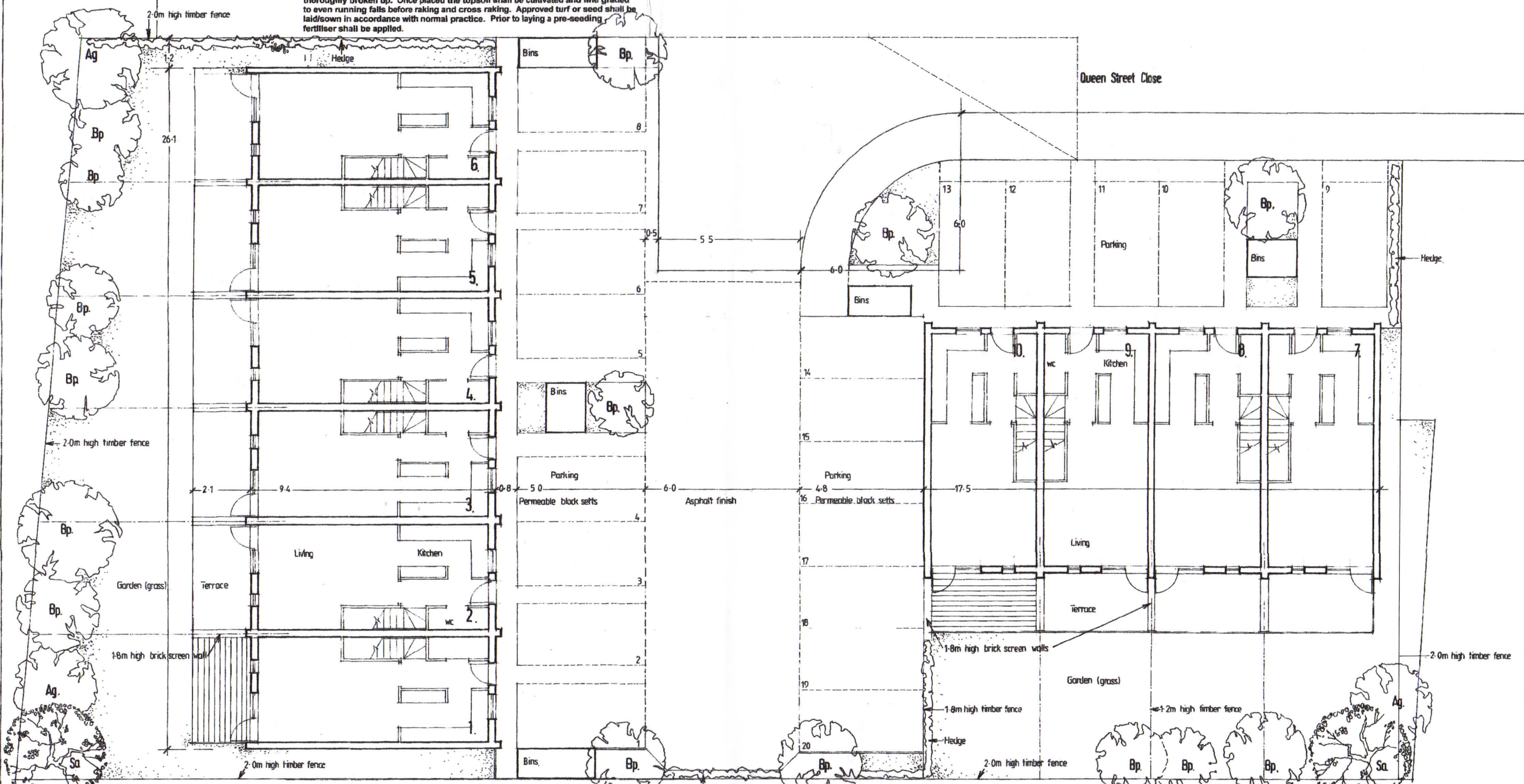




TREES
 All trees are to be planted in separate pits 1m x 1m x 900mm which shall be backfilled with a mixture of approved topsoil and tree planting compost at a rate of one part compost to two parts topsoil. Each tree shall be planted to the original root collar and secured by two stakes 1.4m in length with approved ties. Planted trees to be watered and a mulch layer (forest bark) spread over the tree pit to 50mm depth.

HEDGEROWS
 Hedge trenches shall be dug 450mm x 450mm deep, the base of which shall be broken up before returning the imported soil backfill mixture to the trench at the rate of one part compost to two parts topsoil. All stock to be planted to root collar and well firmed in place. After planting a 50mm layer of composted fine bark to be spread over the whole hedge area and plants to be thoroughly watered in.

GRASS AREAS
 All grassed areas to be top-soiled to a minimum depth of 150mm the base to be thoroughly broken up. Once placed the topsoil shall be cultivated and fine graded to even running falls before raking and cross raking. Approved turf or seed shall be laid/sown in accordance with normal practice. Prior to laying a pre-seeding fertiliser shall be applied.



TREE SCHEDULE	SPECIFICATION	NUMBER
CODE SPECIES		
A.g Alnus glutinosa	Heavy Standard 12 - 14 girth 3.60 - 4.25 ht	3
B.p Betula pendula (multi stem)	Multi stem 2.75 - 3m ht root balled	15
S.a Sorbus aucuparai	Heavy Standard 12 - 14 girth 3.60 - 4.25 ht	2

HEDGE SCHEDULE	SPECIFICATION	NUMBER
Fagus sylvatica	1000 - 1250mm plant rate 5/1m	150

Land south of Queen Street Close, March -
Ref: F/YR17/0685/VOC.
 Site Layout and Landscape Plan.

Scale : 1:100 Date 04/06/2018 Number : WDA:32 (Variation)

Plan C. 04-03:19

This page is intentionally left blank

F/YR19/0501/F

Applicant: Ms Nancy Gill

**Agent : Mr Adam Sutton
A L S Design Services**

Nelson House, 22 Norwood Road, March, Cambridgeshire

Erect 5 dwellings (comprising of 3 x 1-bed and 2 x 2-bed flats) and associated parking

Reason for Committee: 7 unresolved letters of objection have been received contrary to the officer recommendation from residents within the Ward or adjacent Ward.

1. EXECUTIVE SUMMARY

- 1.1. The proposal is for the construction of 5 flats on a previously developed site to the rear of the former Lord Nelson Public House in March.
- 1.2. The scheme would see the redevelopment of the land to the side of the former Public House, which currently detracts from the quality of the environment in this location.
- 1.3. The proposal for 5 flats will result in a shortfall of 1.5 parking spaces from the standards set out in the Fenland Local Plan.
- 1.4. The impacts on the character of the area and neighbouring residential amenity would be limited due to the set back of the building from the public realm and its positioning of windows within the building, and these impacts would be within the scope of what is considered acceptable in planning terms.
- 1.5. The recommendation is for approval subject to appropriate planning conditions.

2. SITE DESCRIPTION

- 2.1. The application site is open land to the rear of the former Lord Nelson Public House, with a single dilapidated timber building on the southern portion of the land. It is bordered to the east by a public right of way, which is separated from the land by galvanised palisade style fencing, whilst to the west and south lie separate residential dwellings with their associated gardens, separated by close boarded timber fencing.
- 2.2. Incorporated within the application site but to the north of the development lies the former Lord Nelson public House, previously converted to 4 flats, which is a part two-storey, part single-storey rendered building fronting directly onto the Norwood Road.

3. PROPOSAL

- 3.1. The proposal is for the construction of a two-storey building accommodating 5 flats on the site, with associated car parking and replacement of the existing boundary treatment of 2m high galvanised steel fencing adjacent to Norwood Road with 0.6m high closeboard timber fencing.

- 3.2. Parking provision would be on the land to the north of the proposed building between it and Norwood Road, adjacent to the parking provision associated with the existing flats.
- 3.3. Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PSQ22LHE03000>

4. SITE PLANNING HISTORY

F/YR19/0157/F	Erection of 5 x 1-bed and 1 x 2-bed flats and associated parking	Withdrawn 24/04/2019
F/YR17/0952/F	Change of use of existing property to additional 3no flats including modifications to existing first floor flat external works parking area and associated works	Granted 12/01/2017
F/0111/87/O	Single-storey extension to functions room and extension of car park	Refused 26/03/1987
F/0776/86/O	Single-storey extension for use as night club and functions room The Lord Nelson Norwood Road March	Refused 18/12/1986
F/0403/78/F	Extension to Public House to provide dining room kitchen and store Lord Nelson Public House Norwood Road March	PER 12/07/1978
F/0596/77/F	Dining room & kitchen extension	Granted 20/10/1977

5. CONSULTATIONS

- 5.1. **March Town Council:** Recommend approval, subject to car parking provision
- 5.2. **FDC Environmental Health:** *"I have now had an opportunity to reconsider this application and given the adjacent industrial estate, despite the current nearest business not being associated with current noisy activities, this does still provide the potential for a change in operations/tenant which could lead to increased noise levels.*
- 5.3. *Knowing the current business type, a noise impact assessment is probably not worthwhile as it will unlikely show up any perceived adverse effects on the amenity of perspective occupants, however, I believe it prudent to know what glazing specifications are proposed given that floor plans appear to indicate that there will be habitable rooms (bedrooms) with potentially openable windows on the façade overlooking the industrial estate."*
- 5.4. **Cambridgeshire County Council Highways Authority:** No objections subject to conditions
- 5.5. **Cambridgeshire County Council Historic Environment Team (Archaeology):** No objection but request a programme of archaeological investigation is secured.
- 5.6. **Definitive Map Team:** *"Public Footpath 2 March runs adjacent to the application site. Our concern would be that residents did not park so as to block or restrict the access to Public Footpath 2 March and also whether the developer is proposing any changes to the Boundary fencing adjacent to Public Footpath 2 March.*

- 5.7. *If there are any proposals to change the fencing we would wish to ensure that it was did not enclose the visibility for users along the existing length of the footpath open to this property.*
- 5.8. *Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public Footpath, its legal alignment and width which may differ from what is available on the ground.*
- 5.9. *The Byway must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it."*

5.10. **Local Residents/Interested Parties**

- 5.11. Seven letters of objection have been received in relation to the proposal from seven separate sources in relation to the proposal raising the following points.
- Devaluation of property.
 - Existing building has parking that is not used, more tenants and the associated additional parking will result in harm to highway safety.
 - Existing parking already results in dangerous conditions for both vehicles and pedestrian traffic.
 - Insufficient capacity within the local schools to accommodate increased pupil numbers.
 - Overdevelopment of the area.
 - The shadow of this building would make the adjacent footpath dangerous to use as it is unlit.
 - Loss of privacy to the nearby dwellings and shared ground on Norwood Crescent.
 - Additional refuse collection requirements will cause congestion and lack of visibility for vehicles in the vicinity.
 - Light pollution from the flats will affect adjacent properties.
 - Where will contractors park during construction of the building.
 - How will parking on the plan be allocated.
 - Building would cause a loss of light to adjacent dwellings and their gardens.

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).

7. **POLICY FRAMEWORK**

- 7.1. **National Planning Policy Framework (NPPF)**
Para 2: NPPF is a material consideration
Para 8: 3 strands of sustainability
Para 11: Presumption in favour of sustainable development
- 7.2. **National Planning Practice Guidance (NPPG)**
Determining a planning application
- 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
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety

7.4. **March Neighbourhood Plan 2017**

H2 – Windfall Development

8. **KEY ISSUES**

- **Principle of Development**
- **Highways and Parking**
- **Visual Impact and Character**
- **Neighbouring Residential Amenity**
- **Noise Impact from adjacent site.**

9. **BACKGROUND**

9.1. The proposal is on land formerly associated with the former Lord Nelson Public House, which sits to the north of the development adjacent to Norwood Road. The public house has been converted into flats upon its closure.

9.2. A previous application was received for the construction of a three-storey detached building containing 6 flats, however this was withdrawn from consideration following discussions with the local planning authority.

10. **ASSESSMENT**

10.1. **Principle of Development**

10.2. The application site is located within the Market Town of March, which is identified within the Fenland Local Plan as one of the main settlements for residential development. The site is previously developed land as the yard area to the former public house. There are no special designations on the land that would indicate that the principle of development for residential purposes is not acceptable.

10.3. **Highways and Parking**

10.4. The Fenland Local Plan sets out at Appendix A the standard for parking provision in relation to residential development, and for flats and maisonettes, sets out that parking provision of 1.25 spaces should be made for single bedroom flats, and 1.5 spaces for flats with more than one bedroom, which includes an allowance for visitor parking in addition to residents facilities.

10.5. There are four flats within the former public house building with a requirement for 5.75 spaces to be provided by that development, and six parking spaces are noted on the plans of the site as being available for use at the present time. The comments received from members of the public in respect of the current parking provision at the site are noted, in relation to the statements that the current residential units rely on on-street parking because the off-street provision indicated within the submitted plans as part of the current scheme is not available due to the site entrance being gated, with the area identified as being for parking currently used as storage of cars for sale. Street level photography and the

officer's site visit confirmed that the existing hardstanding area is closed off via steel gates. It is therefore evident that although the plans indicate that six spaces are available for the current flats, this is not representative of the practical level of provision, with only a single space being accessible at the time of the officer's site visit.

- 10.6. The requirement generated by the proposal would be for 6.75 spaces, with the plans indicating an additional five spaces being made available at the site with a cycle store to the rear corner. The site has good connectivity to the wider transport network, including a footpath connection to the railway station (<800 metres) at less than 10 minutes walking time.
- 10.7. The overall provision of parking spaces associated with both developments is below the parking standards set out in the Fenland Local Plan, which would indicate an additional 1.5 spaces are required to be provided. Given the sustainability credentials of the site however (detailed above) and the limited scale of the under provision, this is not considered sufficient to justify refusal of the scheme in this instance.
- 10.8. **Visual Impact and Character**
- 10.9. The area surrounding the proposal is of mixed character and use, including an industrial estate immediately to the east of the site (incorporating a haulage yard, car sales and servicing, and a laboratory equipment supplier), and a range of residential developments both historic and modern and of varying scales and styles. There is therefore no consistent character within the wider surroundings with the exception that residential development is the dominant feature.
- 10.10. The application site is located to the rear of the existing former Nelson Public House site, backing on to the industrial building to the east associated with the laboratory equipment distribution firm. In terms of the visibility of the proposal, this will be more limited from Norwood Avenue due to the distance of the set back, however the building will also be a visual feature from Norwood Crescent, which leads off Norwood Road to the west of the site and leads around to the south. The proposed building would be seen in the context of the existing dwellings off Norwood Crescent from that road, however Norwood Crescent itself is a development of two-storey dwellings and the proposal would therefore not appear out of character with this area.
- 10.11. The proposed building is of a relatively plain appearance, with a shallow pitched hipped roof to limit its visibility and impact on the wider area. The main entrance to the building is located on its western elevation and so the scheme provides a plain elevation to the north from where most views of the building would be possible. This appearance, whilst not providing a varied and interesting addition to the street scene, is appropriate within the more utilitarian residential styles in the area and the commercial development to the east, and the lack of prominence within the street scene ensures that it does not detract from its environment in respect of its appearance.
- 10.12. Given the nature of the building and the level of parking provision within the courtyard to the front of the site, it is important that the proposal makes a contribution towards its immediate environment by way of a suitable and comprehensive landscaping scheme. Some limited indications of planting proposals are included on the submitted site plan, however these are not satisfactory in providing an appropriate levels of landscaping appropriate to the site and its particular constraints and therefore more detailed proposals have

been requested that will be reported to the committee at the meeting with a view to encompassing them within the planning decision rather than being left to discussion as part of a planning condition. A suitable bin store and collection point will be required as part of this scheme

10.13. Neighbouring Residential Amenity

10.14. The application site is adjacent to several differing areas of amenity space associated with the existing residential uses surrounding the site. These comprise a shared amenity space for the residents of the flats immediately to the west of the building, a private garden to the west of that area approximately 15 metres from the site, a shared amenity space off Norwood Crescent to the south west and a private residential garden to the south.

10.15. The amenity space to the west of the site is to be shared between the existing flats and the proposed flats and overlooking of such spaces is commonplace within flatted developments. The private residential garden to the west of the shared amenity space is surrounded by typical 1.8m high residential boundary treatments, including fences and walling, and is separated from the proposed building by a distance (approximately 14.5 metres) that would ensure the relationship between the two would not be unacceptable in planning terms. To the south there would be no windows overlooking the neighbouring property (No. 1 Norwood Crescent) and although the proximity of the proposed building to this site will have some impact on the use of its rear garden, the position and orientation of the building is such that there are no privacy concerns, no loss of light and there would be no justification for refusal of the scheme on the grounds of overbearing impact.

10.16. Comments with regard to overlooking of the shared amenity space on Norwood Crescent are noted, however this is not a formal open space, instead providing parking provision for those properties.

10.17. Noise Impact from adjacent site.

10.18. The neighbouring site to the east forms an industrial estate, and as such is permitted for B1, B2 and B8 uses. The current occupier of the immediately adjacent building to the application site is a supplier of laboratory equipment, and as a result has little intrusive impacts on its neighbours, being a relatively quiet and small-scale operation. There would however be the potential for this business to move away from the site in the future, and a more intrusive and noisy industrial use to commence without any need for an application for planning permission.

10.19. On that basis, advice was sought from the Environmental Health team who confirmed that the submission of a noise impact assessment based on the current occupation of the site would not assist in consideration of the potential impacts, however approval of glazing specifications for the windows facing industrial site would be necessary. This would be suitable for inclusion as a condition of the planning permission.

11. CONCLUSIONS

11.1. The principle of residential development on the site is acceptable as the site is located within a primary market town.

11.2. There is a limited under provision of off-street parking proposed with the application however the nature of the proposed dwellings in conjunction with the releasing of addition space that is currently unused for the parking associated

with the adjacent flats means that there will be an overall increase in the amount of off-street parking available to the residential units in the area as a result of the scheme. The site is also located in a sustainable location within easy walking distance of the March Railway Station. There is on that combined basis no justification for refusal of the scheme on the grounds of a lack of parking provision at the site.

- 11.3. The building is not located in a dominant position within the street scene and is appropriate to the character of the area. Subject to the use of suitable materials of construction it will not have an unacceptable impact on the visual amenity and character of the area, and has the scope to make a notable improvement to its immediate setting through an appropriate landscaping scheme.
- 11.4. The proposal has taken into consideration its relationships with the adjacent land and uses, in particular the amenities of the surrounding properties. Although there will be some impacts on views from nearby gardens and in some case limited loss of light in the early morning hours of the day, these are not of sufficient magnitude to justify the refusal of the application on these grounds.

12. RECOMMENDATION

Grant planning permission

From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

The applicant has been consulted on the proposed pre-commencement conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) have been met.

The proposed conditions are as follows:

<p>1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
<p>2. No demolition/development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.</p> <p>Reason: To secure the provision of the investigation and recording of archaeological remains threatened by the development and the</p>

<p>reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan, and to enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation.</p> <p>This is a pre-commencement condition because archaeological investigations will be required to be carried out before development commences to ensure important findings can be recorded.</p>
<p>3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, amending or re-enacting that order), no gates or other means of enclosure shall be erected across the vehicular access from Norwood Road hereby approved;</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
<p>4. Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part A, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: To ensure that the parking and turning area shown on the approved plan is available to the occupiers of the development at the point of occupation and remains available to the development in perpetuity so as to not increase the need for on-street parking the wider vicinity of the application site in the interests of Highway Safety and to ensure compliance with Policy LP15 of the Fenland Local Plan, adopted May 2014.</p>
<p>5. No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-</p> <ul style="list-style-type: none"> a) means of enclosure b) car parking layout c) vehicle and pedestrian access and circulation areas d) hard surfacing, other hard landscape features and materials e) bin storage and collection areas and their means of enclosure

<p>f) planting plans, including specifications of species, sizes, planting centres number and percentage mix</p> <p>g) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife</p> <p>h) management and maintenance details</p> <p>The approved hard landscaping scheme shall be carried out prior to the occupation of the flats and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.</p> <p>Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
<p>6. No above ground construction shall take place until a scheme for sound insulation of the building, in particular the east facing glazed elements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and thereafter retained in perpetuity.</p> <p>Reason: To safeguard the residential amenity of the occupiers in relation to the industrial site to the east, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
<p>7. No development other than groundworks and foundations shall take place until full details of the materials to be used in the development hereby approved for the walls and roof are submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
<p>8. The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



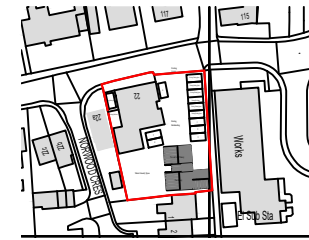
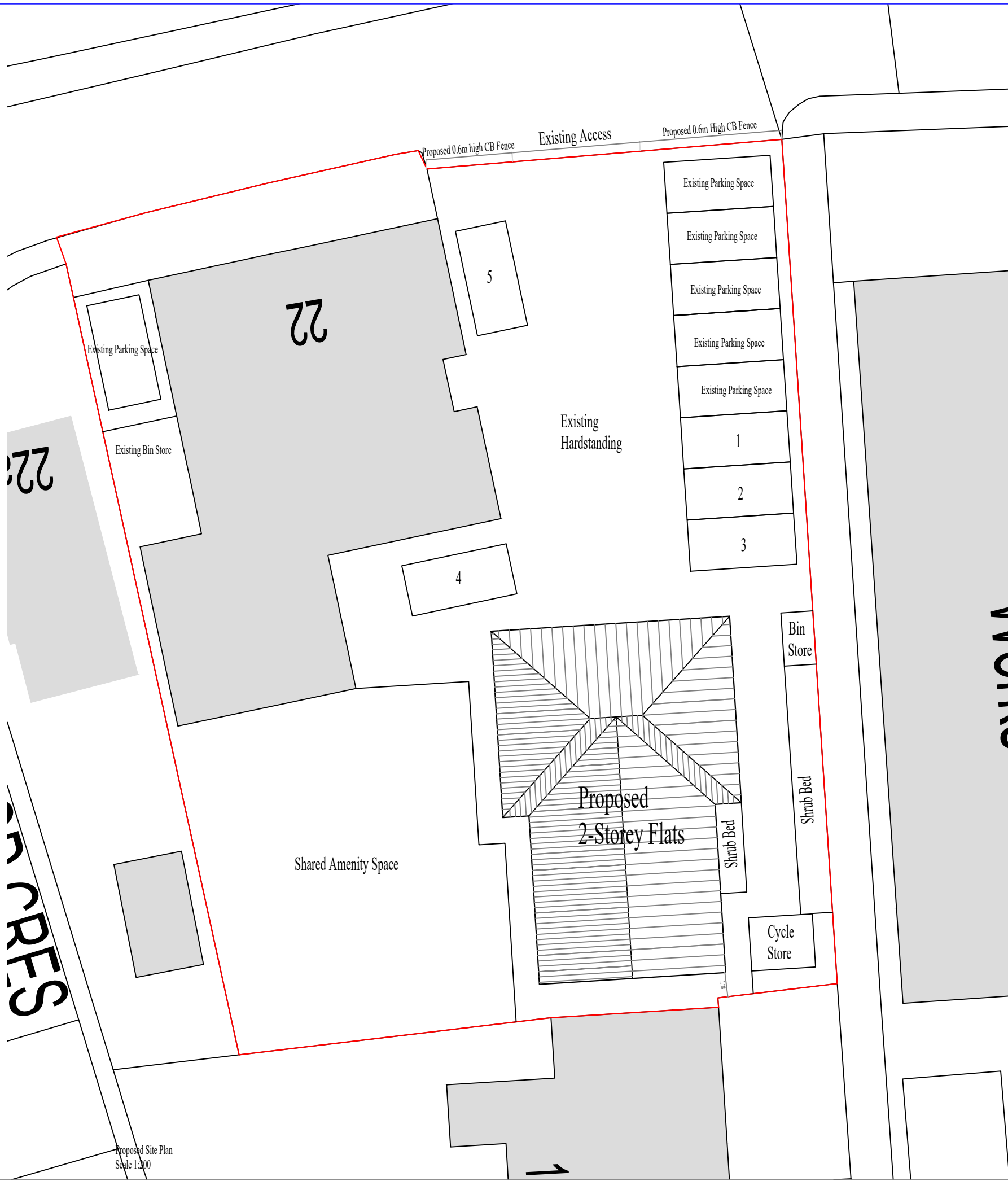
Created on: 17/06/2019

© Crown Copyright and database rights 2019 Ordnance Survey 10023778

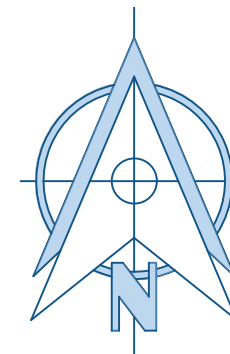
F/YR19/0501/F

Scale = 1:1,250





Location Plan
Scale 1:2500



Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project Proposed Flats		
Drawing Title Proposed Site and Location Plan		
Address Norwood Road March		
Drawn By A. L. Sutton	Paper Size A3	Date May 2019
Project Name 002 - Norwood Rd	Drawing Number 001	Revision A

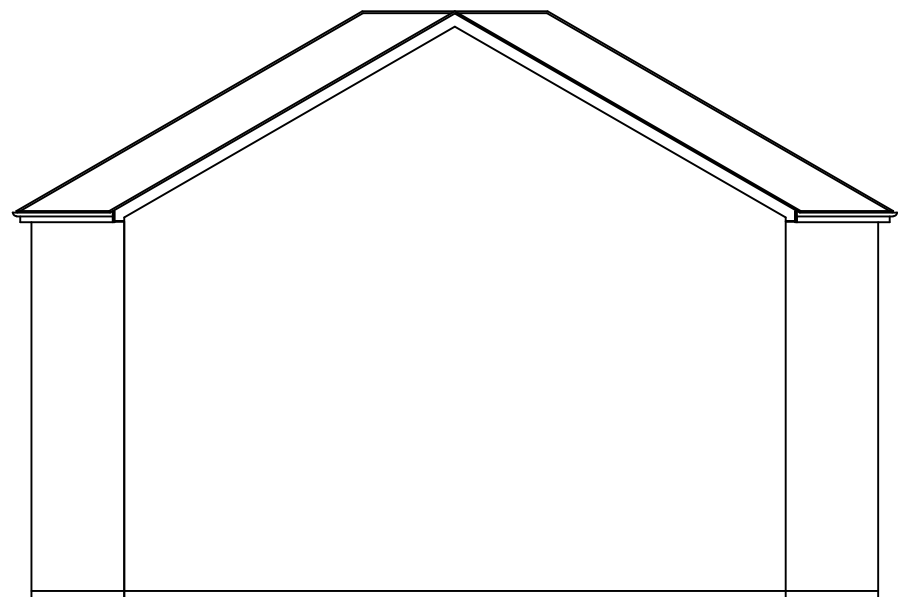
Proposed Site Plan
Scale 1:200



Proposed North Elevation
Scale 1:100



Proposed West Elevation
Scale 1:100



Proposed South Elevation
Scale 1:100



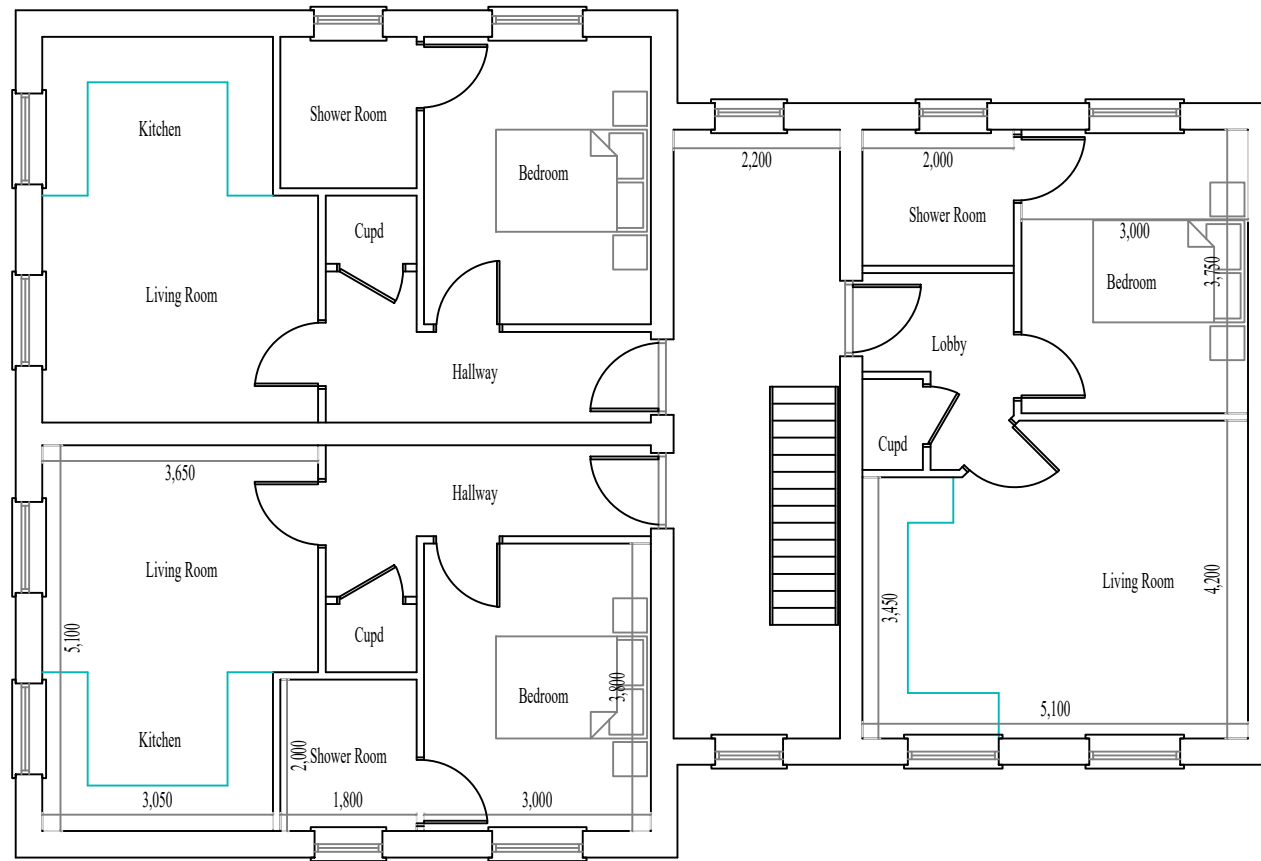
Proposed East Elevation
Scale 1:100

Revision	Description	Date	Revised By

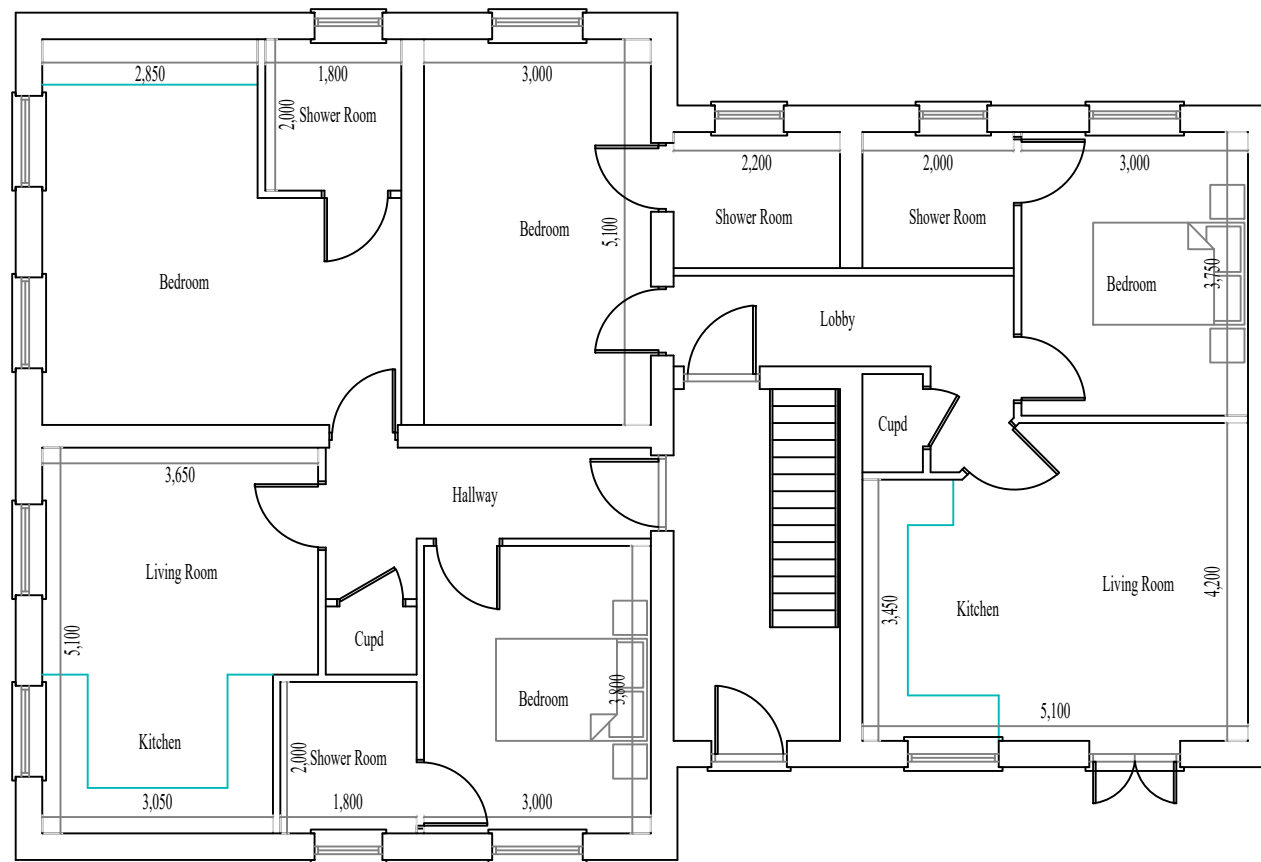
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

Project Proposed Flats		
Drawing Title Proposed Elevations		
Address Norwood Road March		
Drawn By A. L. Sutton	Paper Size A3	Date May 2019
Project Name 002 - Norwood Rd	Drawing Number 003	Revision A



Proposed First Floor Plan
Scale 1:100



Proposed Ground Floor Plan
Scale 1:100

Revision	Description	Date	Revised By

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 0770921632

Project Proposed Flats		
Drawing Title Proposed Floor Plans		
Address Norwood Road March		
Drawn By A. L. Sutton	Paper Size A3	Date May 2019
Project Name 002 - Norwood Rd	Drawing Number 002	Revision A

This page is intentionally left blank