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**F/YR23/0600/O**

**Applicant: Mr Andrew York**

**Agent : Mr Matthew Taylor  
Taylor Planning And Building  
Consultants**

**Land North Of 66, Northgate, Whittlesey, Cambridgeshire**

**Erect x1 dwelling (outline application with matters committed in respect of access)**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks outline planning consent for the erection of 1 dwelling with all matters reserved except for access.
- 1.2 The proposed dwelling would be constructed to the rear of an existing frontage development and accessed via an existing vehicular track, similar to the arrangement directly east of the subject site.
- 1.3 The dwelling as indicated on the submitted drawings is a 2-storey 4-bed detached dwelling with attached garage which is a variation against the prevailing character. Notwithstanding this however, the proposed dwelling will be situated to the north of a row of 2-storey semi-detached dwellings and is therefore unlikely to introduce any adverse visual impacts given the lack of visibility from the street scene.
- 1.4 The dwelling would be surrounded by neighbouring residential properties to the north-west, east and south. However, given the clearance between the proposed dwelling and neighbouring properties, it is unlikely that any adverse impacts upon residential amenity would be introduced by way of overlooking, overshadowing or appearing overbearing.
- 1.5 The proposed development of the form indicated is therefore considered to be compliant with Policy LP1, LP2, LP3, LP14, LP15 and LP16 of the Fenland Local Plan 2014.
- 1.6 The recommendation is therefore to grant this application.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated upon Land North of 66 Northgate, within the market town of Whittlesey. The site currently serves private residential amenity space associated with 54A Northgate.

2.2 The site is accessed via an existing track situated between 40 Stonald Avenue and 70 Northgate. The access track currently serves access to a number of garages associated with existing dwellings along Stonald Avenue.

2.3 The application site is situated within Flood Zone 1.

### **3 PROPOSAL**

3.1 This application seeks outline planning permission for the erection of 1 dwelling with all matters reserved except for access.

3.2 The submitted drawing indicates a 2-storey dwelling, 4-bed dwelling with an attached double garage. 4 parking spaces and turning space are indicated to the front of the site. Garden space is situated to the rear of the proposed dwelling.

3.3 The existing dense hedgerows to the north and south boundaries of the site are to be retained.

3.4 Bin storage is indicated to the south of the dwelling and a proposed bin collection point is indicated on the existing access track.

3.5 Full plans and associated documents for this application can be found at: [F/YR23/0600/O | Erect x1 dwelling \(outline application with matters committed in respect of access\) | Land North Of 66 Northgate Whittlesey Cambridgeshire \(fenland.gov.uk\)](https://www.fenland.gov.uk/Planning/Planning-Applications/F/YR23/0600/O)

### **4 SITE PLANNING HISTORY**

4.1 No previous planning history on site.

### **5 CONSULTATIONS**

#### **5.1 Whittlesey Town Council**

*The Town council recommend refusal and suggest this application is resubmitted with the correct information, they also require confirmation that the existing landscaping (Hedgerow and Conifers) are retained, they would also request that FDC planning officers visit the site and check the privacy issue associated with neighbouring properties and finally on-site parking is required on the site.*

#### **5.2 FDC Environmental Health**

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposal, as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.*

*This service would however welcome a condition on working times due to the close proximity of existing noise sensitive receptors, with the following considered reasonable:*

*No construction work shall be carried out and no plant or power operated machinery operated other than between the following hours: 08:00 hours and 18:00 hours on Monday to Friday, 08:00 hours and 13:00 hours on Saturday and*

*at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.*

### **5.3 FDC Environmental Service Operations Manager**

*No objections in relation to the bin collection point.*

### **5.4 CCC Highways (04/09/2023)**

#### *Recommendation*

*Whilst the LHA has reservations in respect of the proposed development in relation to the nature/ standard of the approach roads, in view of the limited trip generation/ established use of the site (etc), it is considered that a recommendation of refusal could not be substantiated regarded with due regard to Para 111 of the NPPF, where "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety."*

#### *Comments*

*This application seeks to provide 4x1 bedroom unit with 4 parking spaces, even though as I understand it was recommended by the LPA in accordance with Appendix A of Policy LP15 that 3 on-site parking spaces should be provided with dwellings with 4 or more bedrooms at the full Application stage, 4 spaces have been provided.*

*The site plan shows that the site will be accessed between No. 70 and 72 with the access being upgraded to a sealed driveway. The access approach road to the proposed residential unit is narrow, therefore with its substandard width, it cannot accommodate simultaneous passing access traffic.*

*The upgraded access route to a sealed driveway which is welcomed by LHA. The pedestrian visibility splay measured from the back of the footway from the Northgate access is also substandard, it impinges on third party land and therefore cannot be accomplished.*

*Since the site access already exists, on balance it would be difficult to refuse this development solely from the highways perspective.*

*Despite, the above highway concerns, should the LPA be minded to approve the above application, it should be subject to the following conditions:*

*Access Road Details: Prior to the occupation of the dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the construction and surfaces of the access road in accordance with the approved scheme.*

*Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.*

*Parking/Turning Area: 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 1, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).*

### *Informative*

*Works in the Public Highway: This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.*

## **5.5 CCC Highways (07/09/2023)**

*The private track onto Stonald Avenue is clearly sub-standard by virtue of the restricted visibility (both intervehicular and pedestrian) and width. If this were a new access, it would need to meet the following criteria:*

- Achieve 2.4m x 43m inter-vehicular visibility, measured to the nearside carriageway edge.*
- Achieve 2m x 2m pedestrian visibility, measured to the nearside footway edge.*
- Have a width of at least 5m for at least the first 8m length from the Stonald Avenue carriageway.*
- Surfaced in bound material for the first 5m.*
- Drained away from the highway.*

*With the exception of the latter two point, the criteria are unachievable within the application boundary. However, the track serves as a means of access to parking for substantial number of properties, so the intensification associated with one more would be immaterial. In my view, an objection on this basis alone would likely be overturned at appeal.*

*A dwelling accessed via the track is likely to attract modest delivery vehicles e.g., grocery and parcel delivery vans. The turning area shown on the site plan, appears large enough for such vehicles to turn around. However, your concern regarding refuse collection remains valid. The plot will be inaccessible by refuse freighter, and it appears too remote from Stonald Avenue regarding drag distances (residents should not need to carry a bin more than 30m), and in any case, a suitable bin collection point which does not obstruct the access has not been identified. It's worth speaking to FDC's waste team on this point to ask if they would be willing to service the site.*

*It may also be prudent to speak to the Fire & Rescue service regarding emergency vehicle access and / or the need to mitigation i.e., sprinklers.*

## **5.6 CCC Highways (27/09/2023)**

*I share your concern regarding the Bin collection point, which is not ideal.*

*I believe it could cause some inconvenience to other road users albeit for short period of time during the bin collection day.*

*That said, the proposed upgraded access width would exceed the needed (and in use practical width of the access route for vehicles, and therefore cannot consider it to be unsafe in my view. Based on these comments, it would be difficult to refuse the application mainly on this concern on highway grounds.*

## **5.7 North Level Internal Drainage Board**

*North Level District IDB has no observations with regard to the above planning applications.*

## **5.8 Local Residents/Interested Parties**

1 letter of representation was received with regard to this application neither supporting or objection to the scheme from an address point along Headlands Way. The letter of representation noted the following:

- Concerns regarding safety of the lane for public access and the safety of children using the route whilst construction is underway
- Increased traffic

6 letters of objection were received with regard to this application. 2 of these letters were received from address points along Stonald Avenue; 2 from address points along Headlands Way and 2 from address points along Northgate. The reasons for objection are as follows:

- Access to the property is down a narrow track bordering neighbouring property – concerns regarding construction access gaining access and damaging neighbouring property
- Residential traffic turning in and out of the site damaging neighbouring property
- Neighbouring property occupiers work day and night shifts, construction and traffic will disrupt sleep
- Overlooking
- Loss of privacy
- Additional traffic along Stonald Avenue and Northgate Close will make existing parking issues worse
- Will conifers running along the back fence be cut down
- Access for emergency services
- FDC does not have a policy for backland development
- Increased noise
- Loss of private green space
- Who would maintain upgraded surface of road
- Concerns regarding impact on pedestrian right of way
- Substandard width of access road
- A new road would not meet current criteria for safety, why compromise safety on an existing road? Contradicts LP15.

## **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 in planning decisions.

Para 11: Presumption in favour of sustainable development

Para 130: Well-designed development

### **7.2 National Planning Practice Guidance (NPPG)**

### **7.3 National Design Guide 2021**

Context

Identity

Built Form

### **7.4 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

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

### **7.5 Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP5 – Health and Wellbeing

LP7 – Design

LP8 – Amenity Provision

LP20 – Accessibility and Transport

LP22 – Parking Provision

LP32 – Flood and Water Management

### **7.6 Delivering and Protecting High Quality Environments in Fenland SPD Adopted July 2014**

### **7.7 Whittlesey Neighbourhood Plan 2021-2040**

Policy 7 – Design Quality

## **8 KEY ISSUES**

- **Principle of Development**
- **Design and Visual Amenity of the Area**
- **Residential Amenity**
- **Parking and Highways**

- **Flood Risk**
- **Other Considerations**

## **9 BACKGROUND**

- 9.1 Pre-application advice was sought prior to the submission of this application. The pre-application sought advice regarding the erection of a dwelling on the application site. The pre-application noted that it was not possible to confirm if the submitted dwelling would be acceptable for the site until an application was received and a detailed site visit undertaken. The pre-application advice did note that the height of the proposed dwelling should not be any higher than adjoining dwellings to ensure visual impact is acceptable.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The proposal is in outline with only access committed. The submitted drawings indicate that the dwelling on site is to be a 2-storey 4-bed dwelling. The application site is situated within the market town of Whittlesey, which is one of the four settlements within which the majority of the District's new housing development is proposed according to Policy LP3 of the Fenland Local Plan 2014.
- 10.2 There is no objection to the principle of a new dwelling in this location and the proposed access will utilise an existing access track off of Northgate. No more details have been submitted for consideration at this stage. Therefore, the principle of the development is considered to be acceptable.

### **Design and Visual Amenity of the Area**

- 10.3 Policy LP16 supports the principle of development, subject to the significance of, and the likely impact upon, the amenity of neighbouring properties and users in its design and appearance and enhances the character of the area.
- 10.4 The vernacular along Northgate and within the immediate vicinity of the application site is fairly consistent, with the presence of 2-storey semi-detached dwellings constructed in a red brick. Whilst indicative at this stage, the dwelling indicated on the submitted drawings is a 2-storey 4-bed detached dwelling with attached garage which is a variation against the prevailing character. Notwithstanding this however, the proposed dwelling will be situated to the north of a row of 2-storey semi-detached dwellings and therefore is unlikely to be highly visible from the street scene. It is therefore acknowledged that the indicative drawings indicate a dwelling which does not reflect the strong character along Northgate, however it is unlikely to introduce any adverse visual impacts given the lack of visibility from the street scene.
- 10.5 Whilst backland development doesn't prevail to the west of the site, immediately east of the application site is a similar arrangement of backland development, albeit that arrangement is 2 dwellings. As such, the introduction of a dwelling within this location will not appear significantly out of character with regard to existing arrangements to the east of the site.

10.6 It is therefore considered that the scheme is compliant with Policy LP16 in this regard.

### **Residential Amenity**

10.7 Policy LP2 and LP16 seek to ensure that new developments do not adversely impact upon residential amenity.

10.8 The indicative site plan details the proposed dwelling being situated approximately 14 metres from the neighbouring property situated to the north-west of the site (25 Headlands Way), 26 metres from the property to the east of the site (54a Northgate) and 18 metres from the properties to the south of the site (68 and 70 Northgate).

10.9 Whilst indicative at this stage, it is unlikely that a dwelling situated upon the site in this location would introduce any adverse overbearing or overshadowing impacts upon neighbouring residential amenity given the clearances between the proposed dwelling and the neighbouring properties.

10.10 First floor fenestration is indicated upon the principle elevation and rear elevation. 2 roof lights are indicated within the north facing roof slope of the attached garage and 1 obscure glazed window is indicated upon the south facing side elevation. The fenestration upon the principle elevation will overlook the front of the application site and therefore would unlikely introduce any adverse overlooking impacts. Similarly, the fenestration upon the rear elevation will overlook the rear of the site and there will be sufficient clearance between the proposed dwelling and properties to the east of the site to ensure that adverse overlooking impacts are not introduced. The only first-floor window proposed facing south will be obscure glazed and thus will not introduce adverse overlooking impacts to the neighbouring properties to the south. The 2 roof lights proposed to the north facing roof slope of the proposed garage are likely to be set at an angle which will ensure that they do not adversely overlook neighbouring property to the north. As such, it is considered that the scheme is also unlikely to introduce any adverse overlooking impacts upon neighbouring properties.

10.11 In terms of residential amenity for future occupiers, Policy LP16(h) states that new dwellings provide a minimum of a third of the plot curtilage as private amenity space. The indicative site plan details a garden area to the rear of the dwelling which will meet this requirement.

10.12 Policy DM4(b) of the Delivering and Protecting High Quality Environments in Fenland SPD Adopted July 2014 states that bin storage areas should be conveniently located with easy access for users. Users should not have to carry their waste and recycling more than 30 metres. The indicative site plan details a bin storage area to the south of the proposed garage and a proposed bin location upon the highway track which complies with the above requirement.

10.13 As such, it is considered that the scheme is capable of being designed in a way which is compliant with Policy LP2 and LP16 with regard to residential amenity.

### **Parking and Highways**

10.14 The submitted site plan details the provision of 4 parking spaces on site (5 x 2.5 metres) as well as a parking and turning area. Appendix A of the Fenland Local



Plan states that dwellings with 4 or more bedrooms should provide 3 parking spaces on site. The indicative site plan details that this is achievable on site.

- 10.15 The proposed access to the site is via an existing access track between 40 Stonald Avenue and 70 Northgate, with the access being upgraded to a sealed driveway. It is acknowledged that this access track is narrow and therefore cannot accommodate passing access traffic. However, given that this access track is existing and serves a substantial number of properties, it is unlikely that the introduction of one additional dwelling would significantly intensify the use of the track. CCC Highways have raised no objection to the use of the track to access the property subject to conditions.
- 10.16 It is also noted that the proposed bin collection point may introduce some inconvenience to other road users, albeit this will be for a short period of time on bin collection day and as such no objections have been raised from CCC Highways or FDC Environmental Service Operations.
- 10.17 As such, it is considered that the application is acceptable with regards to Policy LP15 subject to conditions.

### **Flood Risk**

- 10.18 The proposal is located within Flood Zone 1 and issues of surface water disposal will be considered under Building Regulations.

### **Other Considerations**

- 10.19 A number of neighbour objections were received with regard to this application. The majority of these objections have been addressed within the assessment above and the remainder will be addressed below.
- 10.20 Concerns were raised with regard to construction access and residential traffic damaging neighbouring property. As aforementioned, no highways objections have been raised with regard to the use of the existing access track to access the application site. Damage to neighbouring properties would be a civil matter which cannot be addressed by planning permission.
- 10.21 Concerns were also raised with regard to construction and additional traffic disrupting sleep for neighbouring shift workers. This is not a material planning issue and therefore cannot be addressed as such.
- 10.22 The existing conifers are proposed to be retained as detailed within the indicative site plan. Access to the application site from neighbouring residents to maintain these conifers would be a civil matter which again cannot be addressed by planning permission.
- 10.23 Concerns were also raised with regard to increased noise. It is unlikely that the construction of 1 additional dwelling would significantly impact upon neighbouring properties by way of noise and as such a refusal on this basis would not be justified.

## **11 CONCLUSIONS**

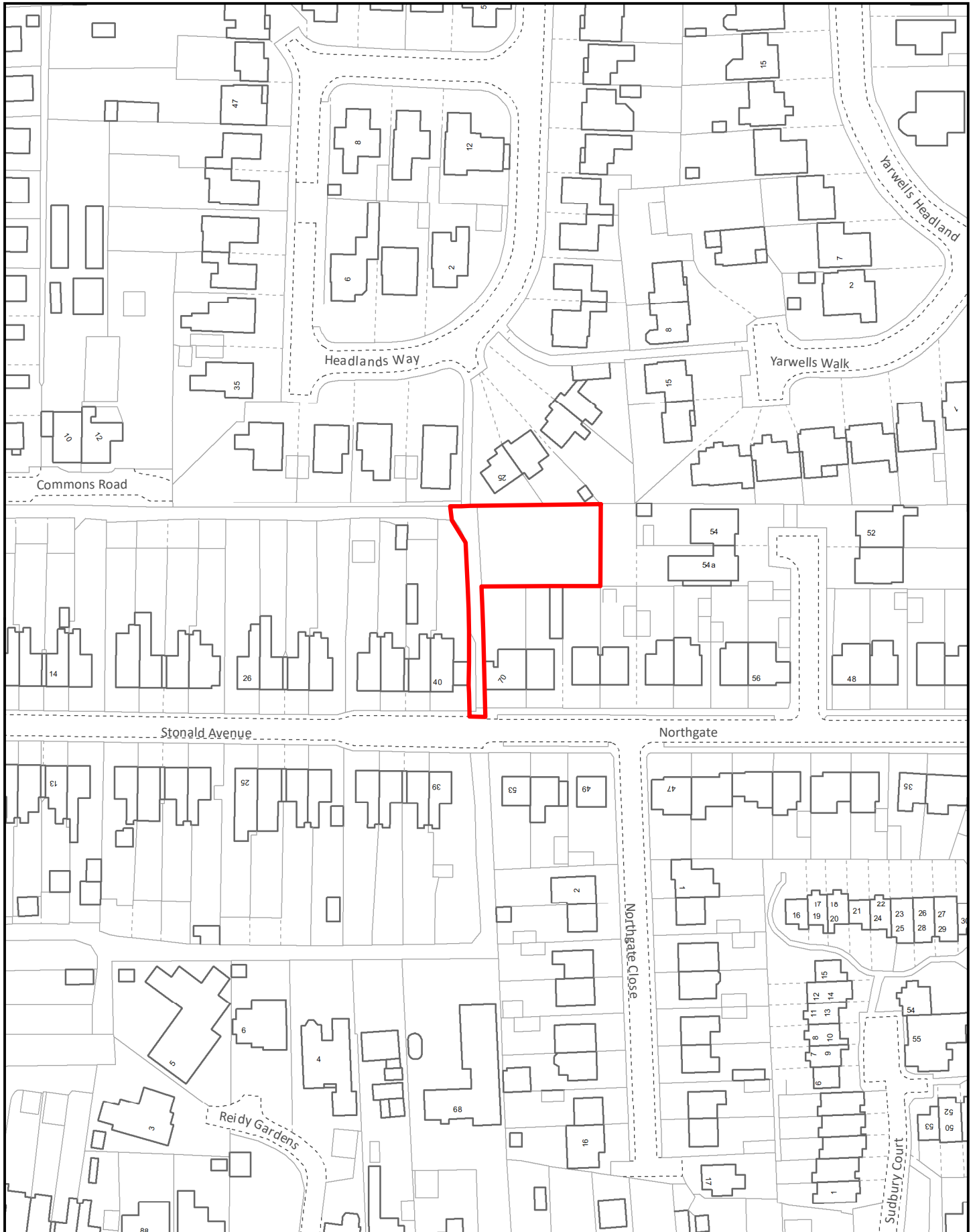
11.1 The outline application with all matters reserved except access is considered to be acceptable and in compliance with policies of the Fenland Local Plan 2014. As such, a favourable recommendation is forthcoming.

## 12 RECOMMENDATION

### 12.1 Grant

The proposed conditions are as follows;

1	<p>1. Approval of the details of:</p> <ul style="list-style-type: none"> <li>i. the layout of the site</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the landscaping</li> </ul> <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 Authority 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 occupation of the dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the construction and surfaces of the access road in accordance with the approved scheme.</p> <p>Reason - In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
5	<p>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 1, 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 - In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>



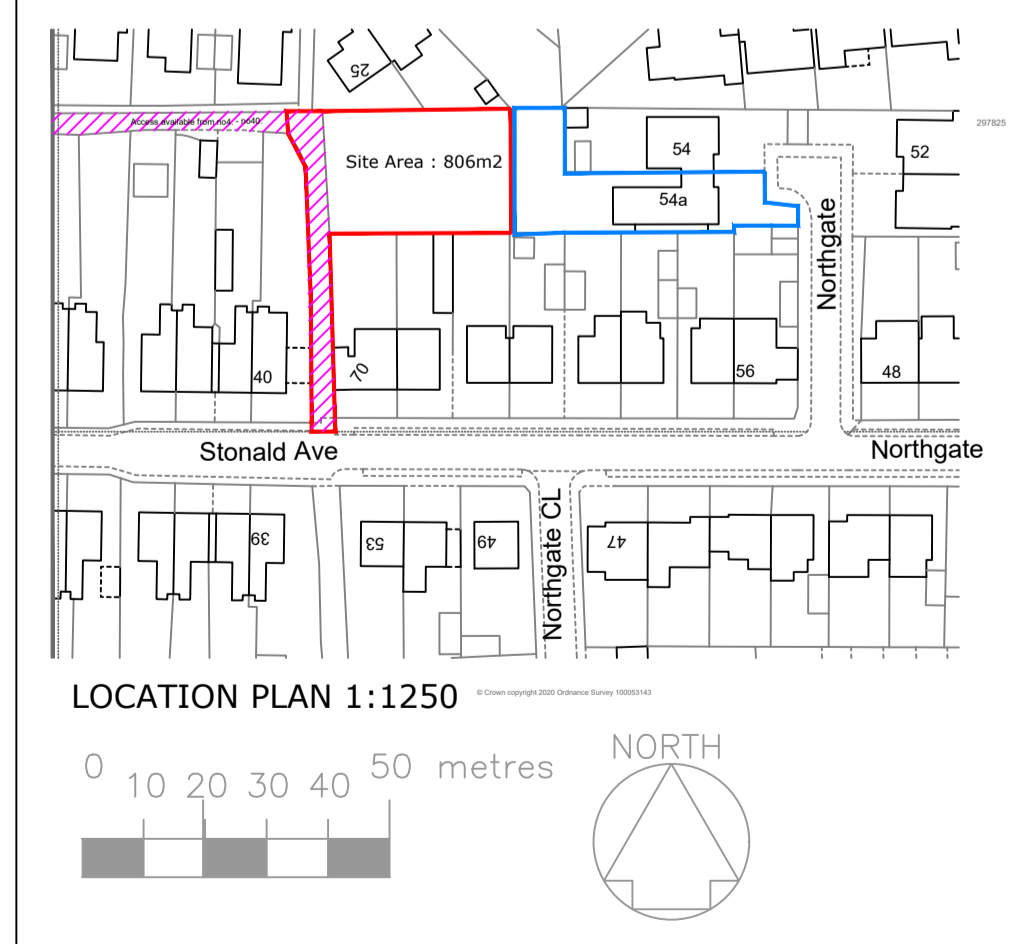
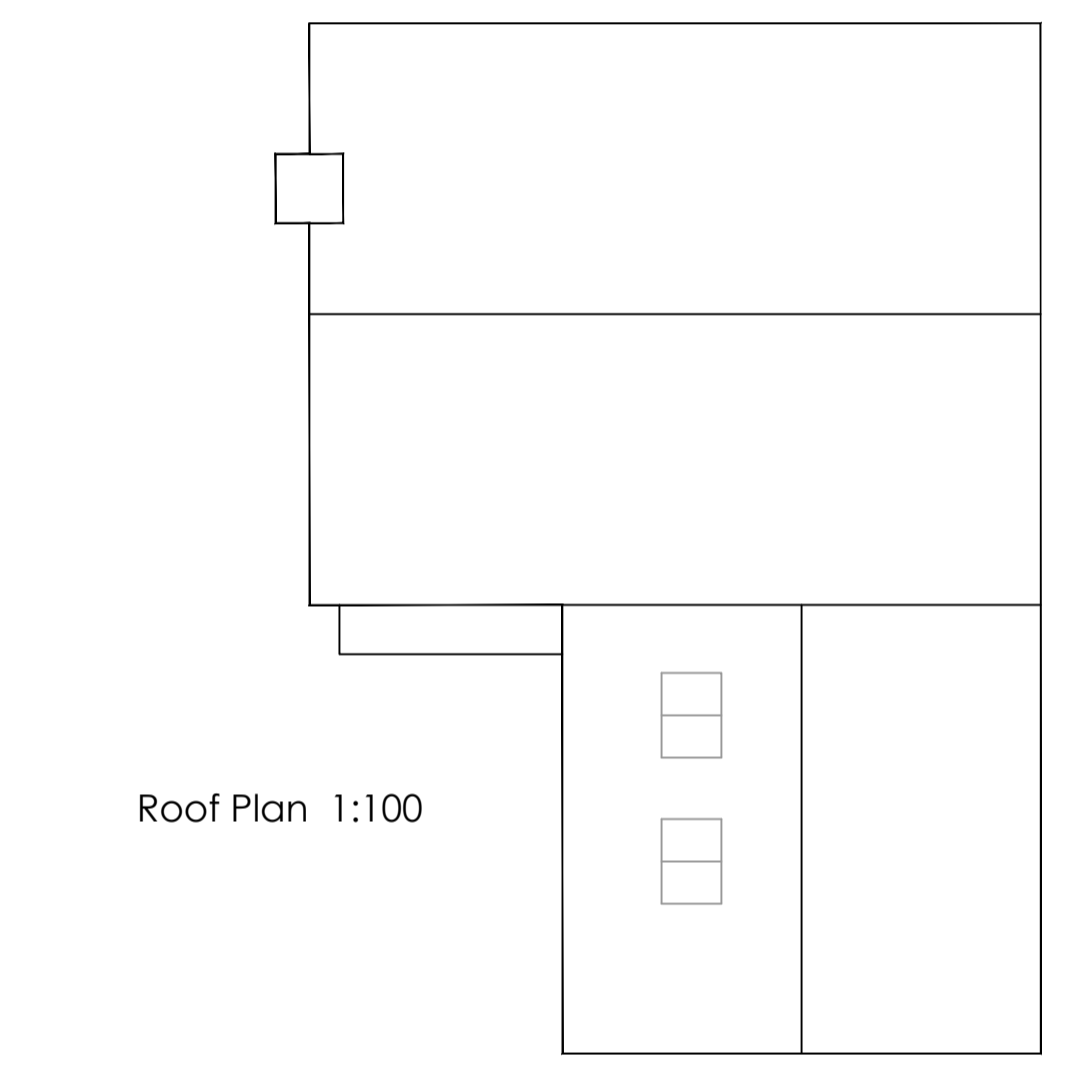
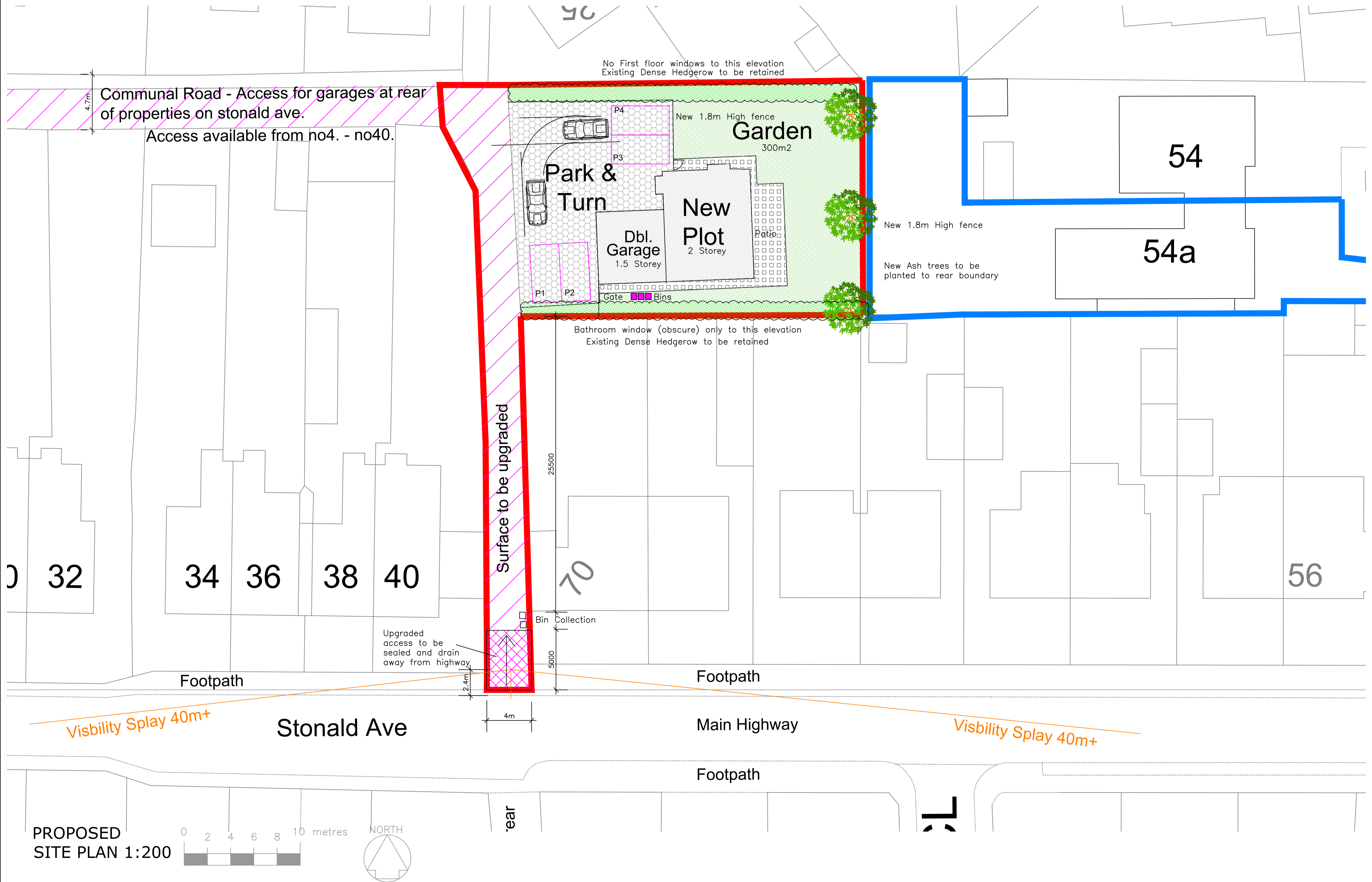
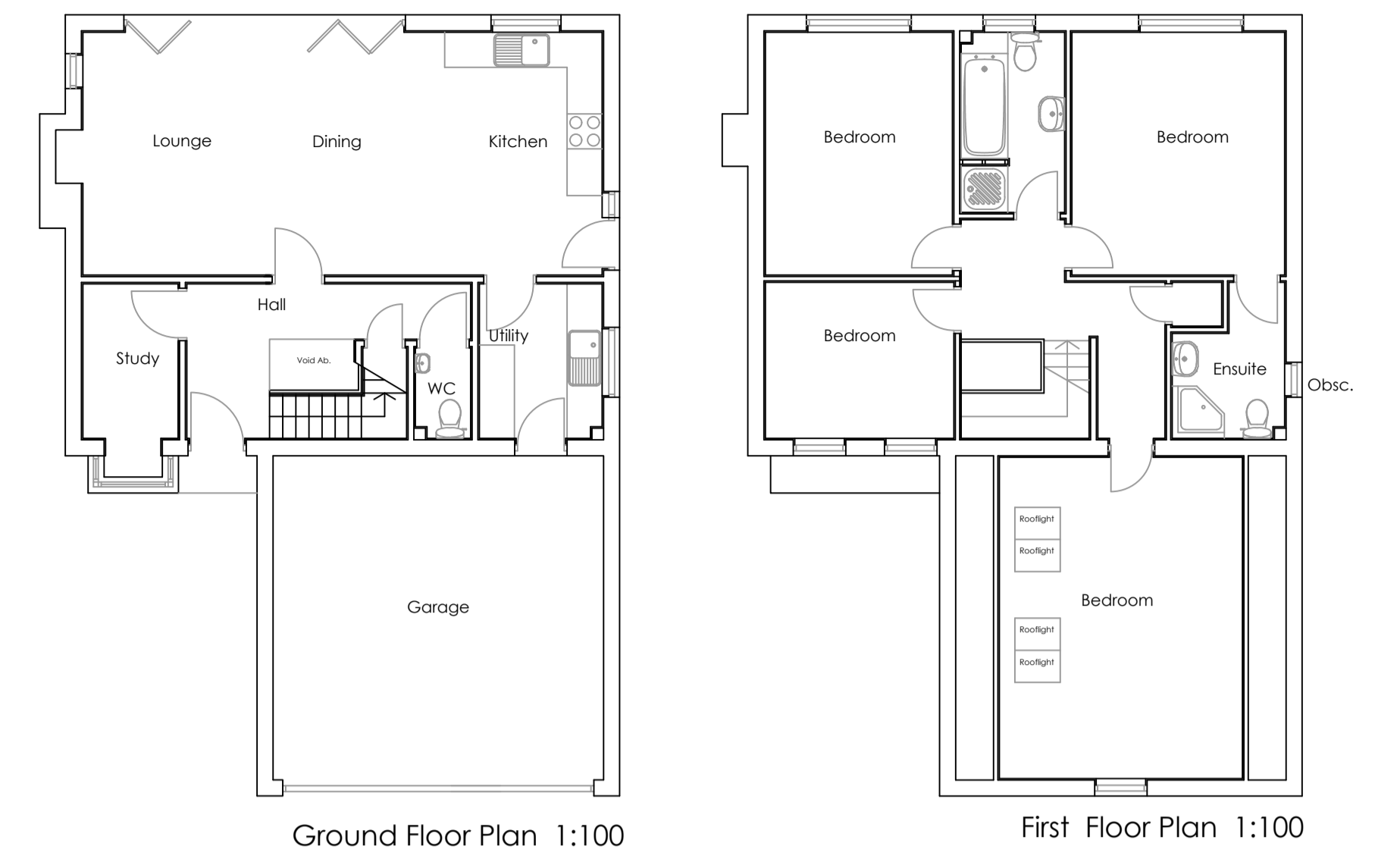
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**F/YR23/0600/O**

Scale = 1:1,250





Revision:	
Project:	Land Rear of Northgate
Description:	PROPOSED PLANNING 01
Date:	19-12-2022
Scale & Sheet Size:	1:100 / 200 / 1250 @ A1

Drawing Ref:  
**PL01a**

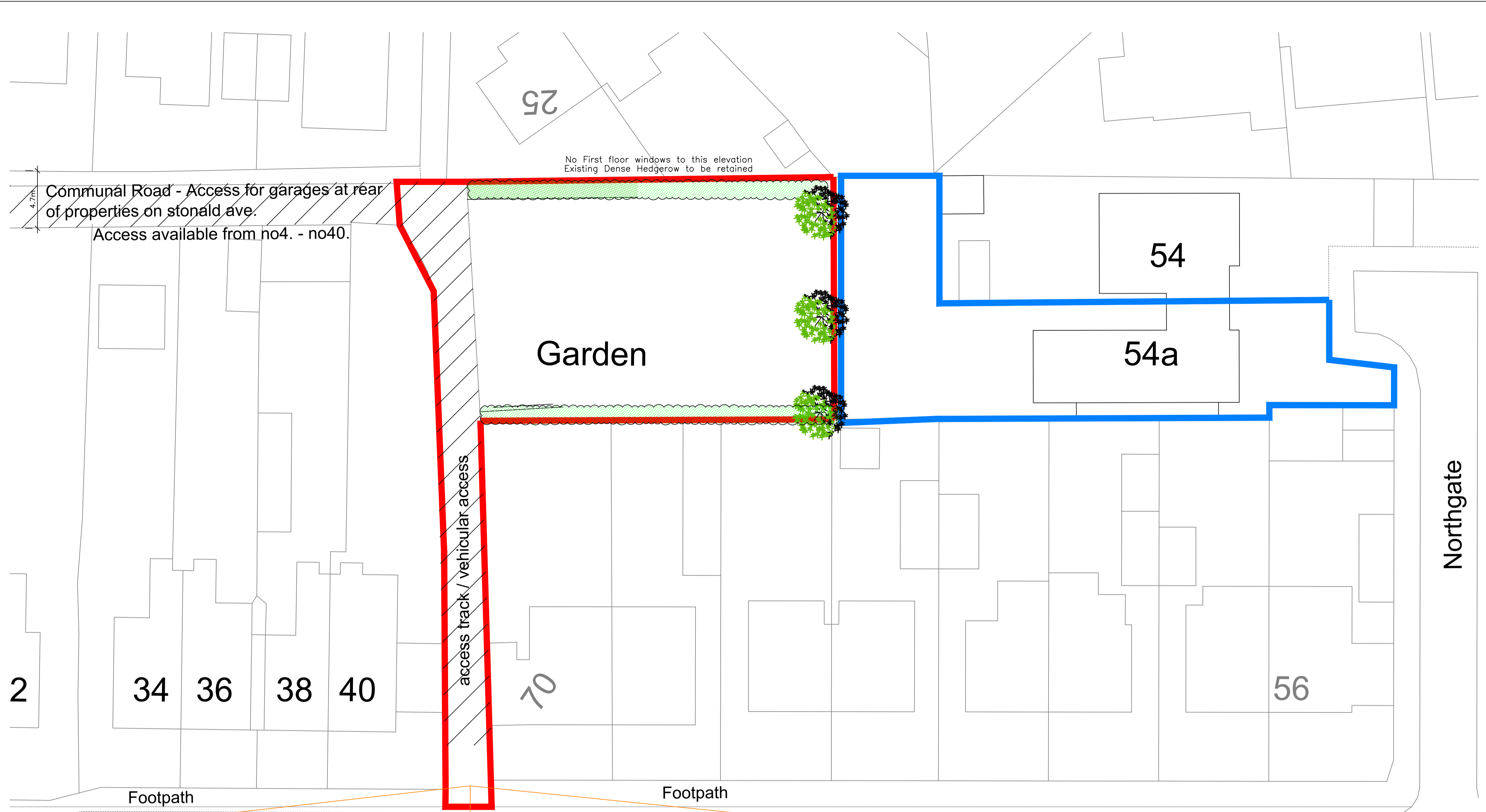
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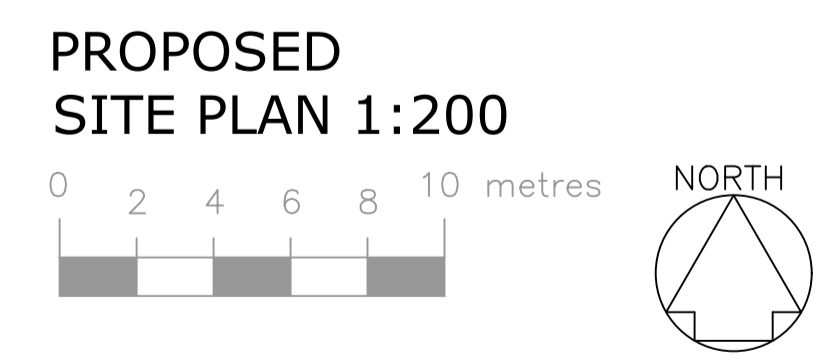




Visibility Splay 40m+

Visibility Splay 40m+

Communal Road - Access for garages at rear of properties on stonald ave.



Revision:

Project: Land Rear of Northgate

Description: PROPOSED PLANNING 02

Date: 19-12-2022

Scale & Sheet Size: 1:200@ A1

Drawing Ref: **PL02**



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