
F/YR19/0042/F

**Applicant: J Fenson
J & J Properties Ltd**

**Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd**

Land North of 101 and 101A, Elm Low Road, Wisbech, Cambridgeshire

Erection of 3 x 2-storey dwellings comprising of 2 x 3-bed and 1 x 2-bed

Reason for Committee: The application is for 3 dwellings and the views of Wisbech Town Council are contrary to the Officer's recommendation.

1 EXECUTIVE SUMMARY

The site lies in the settlement of Wisbech. The application seeks planning permission for the erection of 3 dwellings. The site benefits from an extant planning permission for the erection of 3 dwellings. This application seeks to amend the layout of the development, primarily removing the approved rear courtyard parking area and introducing front driveways for each property.

The development raises no technical issues in respect of highways, drainage or ground conditions and is considered to constitute a sustainable form of development having regard to the access, scale, layout appearance and landscaping proposed and subject to planning conditions deemed necessary to make the development acceptable.

The recommendation is to approve the application.

2 SITE DESCRIPTION

- 2.1 The site lies in the settlement of Wisbech and forms part of a car park serving the adjacent funeral business on the corner of Weasenham Lane. The site has been separated from the car park by a low post and rail fence.
- 2.2 The site is served by an existing access albeit this is not currently in use to serve the funeral business which is served by an access off Weasenham Lane. An access track runs along the southern boundary serving No. 101 Elm Low Road which sits behind 101a which fronts Elm Low Road. Both properties are around 5.5m in height which is the general character of Elm Low Road leading south.
- 2.3 A large established Horse Chestnut tree overhangs the boundary at the rear of the site. The remainder of the site however is generally overgrown with a mixture of unmanaged, immature trees, shrubs and brambles
- 2.4 The site lies in Flood Zone 1. Elm Low Road is an unclassified road. The site is identified as lying close to the disused canal which has since been filled and developed on.

3 PROPOSAL

- 3.1 The application seeks planning permission for the erection of 3 dwellings, arranged as a pair of semi-detached units at the north of the site and a single detached unit at the south. The dwellings measure maximum 8m to the ridge and the northern unit incorporates a projecting rear 2-storey element.
- 3.2 Each property is served by a large rear garden and the main 1st floor habitable windows will face east and west i.e. onto the highway or onto the rear garden and parking areas with the exception of bedroom 3 of Plot 1 which faces north over the car park of the adjacent funeral business. The dwellings are all proposed to be finished externally in red facing brick with clay pantile roof tiles. Each plot is proposed to be enclosed with 1.8m high fence or utilising the existing boundary treatments and each property has access to its garden via a side gate.
- 3.3 The dwellings are each served by a private drive capable of accommodating 2 cars and achieve 1m x 1m pedestrian visibility splays.
- 3.4 The development is proposed to connect to the existing foul mains sewer and soakaways are proposed to treat the surface water run-off from the development.
- 3.5 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	Date
F/YR18/0247/F	Erection of 4 x 2-storey 2-bed dwellings Land North Of 101 And 101A Elm Low Road Wisbech Cambri	Withdrawn	04/10/2018
F/YR18/0592/F	Erection of 3 x 2-storey 2-bed dwellings Land North Of 101 And 101A Elm Low Road Wisbech Cambri	Granted	05/09/2018
F/YR16/0956/F	Change of use of Public House (A4) to Funeral Directors (A1) and self-contained 2-bed flat above (C3) including erection of single storey extension and external alterations and installation of 2no air conditioning units involving demolition of existing toilet extension Royal Standard Public House Weasenham Lane Wisbech Ca	Granted	15/12/2016
F/YR16/0948/A	Display of 3no externally illuminated fascia signs; 1no externally illuminated double sided hanging sign and 1no non-illuminated vinyl sign Royal Standard Public House Weasenham Lane Wisbech Ca	Granted	14/12/2016
F/93/0300/A	Display of an externally illuminated hanging sign externally illuminated wall plaque and externally illuminated individual lettering the Royal Standard Ph Elm Road Wisbech Cambs	Granted	18/08/1993

5 CONSULTATIONS

5.1 Wisbech Town Council

Objects – Considers the proposal is overdevelopment of the site. Acknowledged that WTC previously raised no objection to the proposal F/YR18/0592/F but that this proposal was considered by different Members attending the committee.

5.2 Environment Agency

Wishes to make no comment

5.3 **CCC Archaeology**

Initially requested a pre-commencement condition securing a written scheme of investigation including a timetable for implementing investigative works due to archaeological potential. However this was retracted following a review of the site noting that the site benefits from an extant planning permission granted in 2018 whereby an archaeological condition was not requested at that time. As such, no condition is requested with this application.

5.4 **CCC Highways**

Raises no objection subject to conditions securing visibility splays, delivery of access with adequate surfacing and drainage and provision of parking as denoted.

Also seeks to secure an upgraded stretch of footpath the width of the application site.

5.5 **FDC Environmental Protection**

Raises no objection subject to a condition capturing unsuspected contaminated land.

5.6 **Local Residents/Interested Parties**

1 letter of objection received from adjacent dwelling, 101 Elm Low Road raising the following concerns;

- Blocked access during construction
- Devaluing property
- Drainage
- Light Pollution
- Construction Noise
- Overlooking/loss of privacy
- Loss of view/ outlook

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

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

LP14: Climate Change and Flood Risk

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

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)

8 KEY ISSUES

- **Principle of Development**
- **Access and layout**
- **Scale and Appearance**
- **Landscaping**
- **Residential amenity**
- **Drainage**

9 BACKGROUND

- 9.1 This application follows a previous approval for the residential development of the site for 3 x 2-storey dwellings under F/YR18/0592/F which remains an extant permission. The current application differs from the previously approved predominantly in respect of the parking layout which now proposes to provide front driveway parking instead of the rear parking court previously approved.

10 ASSESSMENT

Principle of Development

- 10.1 The site lies with the settlement of Wisbech which is identified under LP3 of the FLP as a sustainable place to live, work and visit. Wisbech is identified through LP3 and LP4 as a focus for housing growth due to its sustainability with Wisbech being targeted to deliver at least 3000 homes within the plan period.
- 10.2 As such the principle of residential development in this location is supported.

Access and layout

- 10.3 The LHA has raised no objection to the proposal and there is no evidence to suggest that the loss of part of the parking area which served the funeral business will compromise the safe access and parking of staff and patrons in the future.
- 10.4 The accesses serving each dwelling are considered to be appropriate for the quantum of development subject to securing 1m x 1m pedestrian visibility and the driveways accommodate a sufficient number of parking spaces in-line with the standards as set out under Appendix A of the FLP and appropriate bin collection points are incorporated into the layout. It is recommended however to impose a condition restricting permitted development rights that could otherwise enable boundary treatments to be erected beyond the principle elevation of the dwellings. This will ensure that users will be able to park and open car doors unrestricted.
- 10.5 The front driveway arrangement is distinctly different to that previously approved and will be notable on the streetscene as a continuous bank of parking across the frontages of all three dwellings. Policy DM3 of the Delivering & Protecting High Quality Environments in Fenland SPD seeks to avoid designs whereby parking is a dominant feature. However, noting the existing character of development along Elm Low Road where several examples of frontage parking and large areas of

hardstanding can be seen in the vicinity, this feature of the development is not considered to be unduly harmful to the character of the area. The driveways are proposed to be surfaced in asphalt. However, in order to add interest and identity to each property, it is recommended to secure the final surfacing detail by condition to explore opportunities of alternative surface treatments for each property.

- 10.6 The rear gardens which serve each property accord with the standards set out under LP16 and will enable a good level of private amenity space.

Footpath upgrade

- 10.7 The LHA has enquired as to whether the existing 1m wide footpath across the frontage of the development could be upgraded to 1.8m in width.

- 10.8 Having regard to the tests of conditions laid out under section 56 of the NPPF, planning conditions must be;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 10.9 A 1m wide footpath already exists from Weasenham Lane, along Elm Low Road – including across the frontage of the site terminating at 103 Elm Low Road to the south. Having regard to the tests, the LHA has not specified that the upgrade to the footpath is necessary to make the development acceptable. Furthermore, if the footpath was widened to 1.8m the lengths of footpath immediately either side of this would narrow to their existing widths c.1m and therefore it is difficult to understand the benefit of this. It is considered that to request such infrastructure would not be fairly and reasonably related in scale and kind to the development given the very limited benefit it would derive.

- 10.10 Therefore, it is considered that securing this infrastructure would not meet the tests.

Scale and Appearance

- 10.11 It is noted that the dwellings to the south of the site are low 2-storey/ single storey in scale and this generally characterises Elm Low Road leading south. Furthermore, the funeral business property is approximately 7.2m in height and as such the proposed dwellings at 8m would be taller than those immediately adjacent. However, dwellings on the approach road to the site, along Weasenham Lane, are predominantly 2-storey and therefore the development would not appear wholly out of character with the area.

- 10.12 The applicant has provided details of levels which denote that the finished floor levels of the properties will be c.200mm above existing ground levels which is acceptable.

- 10.13 The dwellings are proposed to be faced in red brick with clay roof tiles and uPVC windows which would accord with the general character of the area as per the requirements of LP16 (d).

Landscaping

- 10.14 The development proposes to utilise existing wall and enclose the remainder of the site with 1.8m high close boarded fence (dropping to 600mm adjacent to the highway) which is acceptable having regard to the existing arrangement and general character of the area. A suitable soft landscaping scheme is proposed but due to the necessity to secure the front driveways, any soft landscaping opportunities are generally restricted to the rear gardens.
- 10.15 The presence of the large Horse Chestnut at the rear of the site is noted and the applicant has submitted an appropriate tree protection statement to ensure that the root protection area and canopy of the tree is not affected through the development of the site. Notwithstanding this, a planning condition to ensure that the development is carried out to British Standards for tree protection during construction is recommended.

Residential amenity

- 10.16 The development is anticipated to achieve a good level of amenity for future occupiers with a functional layout, adequate privacy and amenity space and good separation from the existing Funeral business to the north.
- 10.17 Having regard to the adjacent properties to the south, the proposed dwellings are located and separated sufficiently so as not to suffer from any significant overshadowing or overbearing impacts from the development. Furthermore, there is no fenestration at 1st floor level on the southern facet of Plot 3 thereby preventing any direct overlooking into the amenity area of existing residences to the south.
- 10.18 The neighbour at 101 Elm Low Road has also raised concerns in respect of loss of view. The planning system operates in the public interest and there is no right to a private view within planning legislation. Matters of outlook are however material considerations but not considered in this instance to be severely compromised as a result of the development
- 10.19 The neighbour has also raised concerns over the impacts of construction, specifically the blocking of their access, dust pollution and construction noise.
- 10.20 It is acknowledged that construction activities will result in some disturbance to existing amenity and this is unavoidable to a degree. However, the relatively small scale of development proposed will likely limit the potential for environmental nuisances. Notwithstanding this however, where such nuisances are experienced, developers are expected to manage and mitigate as is reasonably necessary and the Council's Environmental Protection team would provide guidance and have enforcement powers in this regard if necessary. The matter of inconsiderate parking is not one the Council could strictly control as vehicles would be entitled to park on the highway. Where vehicles are causing an obstruction, this would be a civil matter which should be referred to the Police where necessary.
- 10.21 The resident also raises concern over light pollution but does not expand on this point. Given the nature, scale and location of the development from the neighbouring properties, it is not anticipated that the development would result in severe harm through inappropriate lighting. Again, the Council's Environmental Protection team has legislative powers to deal with this type of nuisance where necessary.

10.22 Finally, the resident raises the matter of the development devaluing their property. 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.

10.23 In conclusion, it is considered that the development would accord with Policy LP16 (e and h).

Drainage

10.24 The applicant is proposing a SuDS approach to surface water drainage with the inclusion of soakaways. Whilst it is not certain that ground conditions are conducive to this drainage method, the development would need to accord with the latest Building Regulations - Part H, which would require the development to follow a sustainable drainage hierarchy achieving the most sustainable method of drainage based on the ground conditions of the site. In this regard it is considered that the proposal is satisfactory in principle but ultimately to be determined through Building Regulations.

10.25 Likewise, the applicant has proposed to connect directly to mains foul sewer which is the preferred approach under Building Regulations which would need to be satisfied in any case.

10.26 It is considered therefore that the proposed methods of foul and surface water are acceptable in principle but would ultimately be determined via the Building Control. As such it is considered that the development accords with LP14 and LP16 of the FLP.

11 CONCLUSIONS

11.1 The principle of developing this site is supported by Policy LP3 which seeks to ensure that Market Towns are the focus for housing growth. Whilst the differential in scale when compared to existing dwellings is noted, this is not considered to cause sufficient harm to the character and visual amenity of the area to warrant a refusal in this regard, particularly when considered against the benefits the scheme would bring.

11.2 The proposal is considered to provide sufficient private and residential amenity and is not considered to have a significant detrimental impact on the surrounding properties or the local highway. There are no issues in respect of flood risk and the proposal includes appropriate tree protection measures. As such the application is recommended for approval.

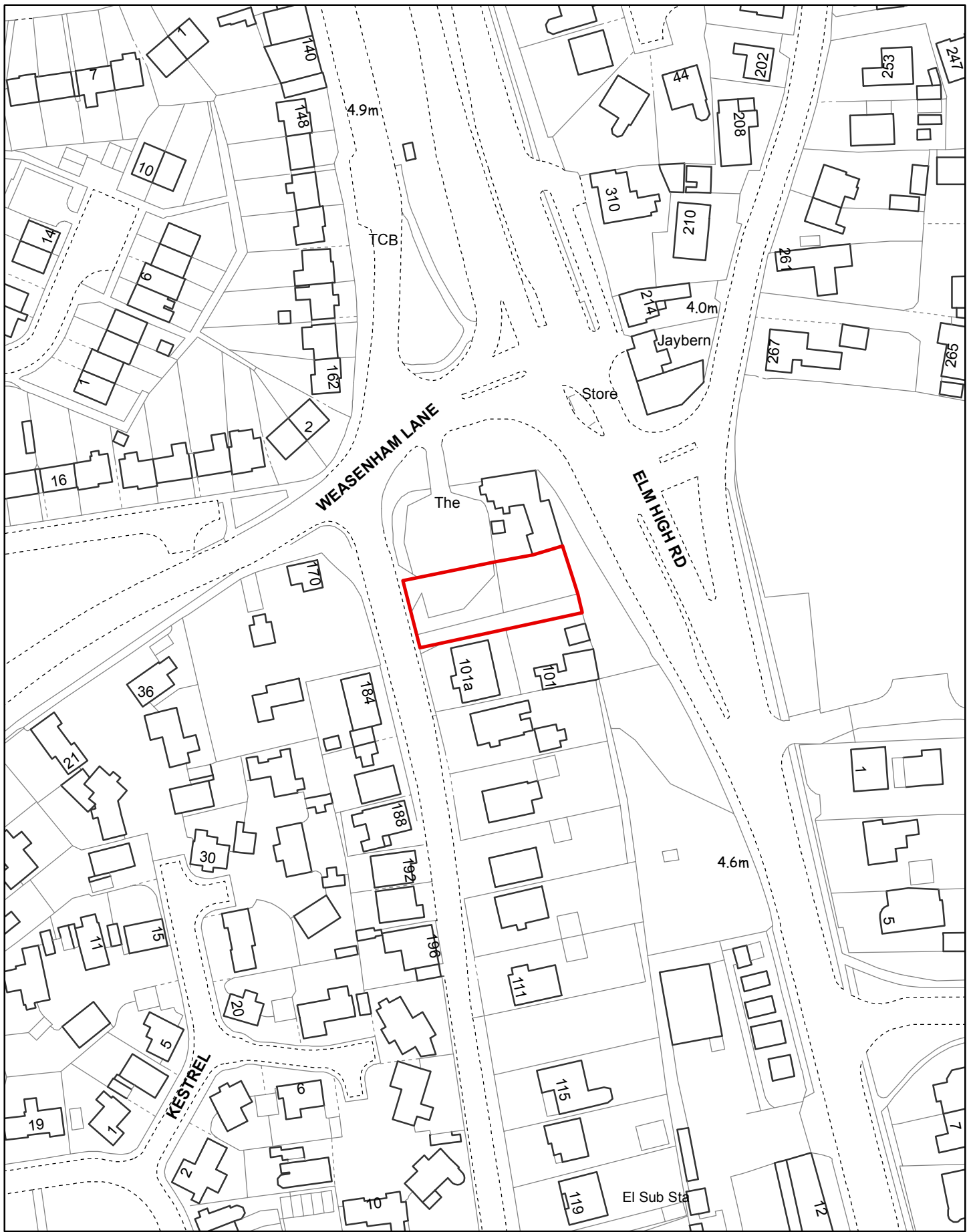
12 RECOMMENDATION

Grant – subject the following conditions;

1.	The development permitted shall be begun before the expiration of 3 years from the date of this permission. Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
----	--

2.	<p>Notwithstanding the submitted plans, no works shall proceed beyond slab level until a scheme detailing the hard surfacing, demarcation and drainage measures for the driveways of all 3 dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.</p> <p>Reason: In order to ensure that adequate on-site parking is provided and that the development makes a positive contribution to the character of the area in accordance with policy LP15 and LP16 of the Fenland Local Plan, 2014.</p>
3.	<p>Prior to the first occupation of the development hereby approved, the access and parking as denoted on the Site Plan reference 5960 PL03B, shall be laid out, demarcated, surfaced (in accordance with details approved under condition 2) and drained within the site and thereafter retained in perpetuity for no other purpose.</p> <p>Reason - In the interests of Highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
4.	<p>Prior to the first occupation of the development pedestrian visibility splays of 1.0m x 1.0m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall be thereafter maintained free from obstruction exceeding 0.6m above the level of the footway.</p> <p>Reason - 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, vehicle visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted site access plan ref: 4948/PL08A. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason: In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
6.	<p>Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council Highways construction specification.</p> <p>Reason - In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan, 2014</p>
7.	<p>The Horse Chestnut Tree on the western boundary as identified on the Site Plan reference 5960 PL03A shall be protected in accordance with BS: 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" throughout the construction of the development.</p> <p>Reason: In order to protect the biodiversity and amenity value of the tree in accordance with policy LP16(b) of the Fenland Local Plan, 2014.</p>
8.	<p>Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.</p> <p>Reason - In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>

9.	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>i) the erection of any walls, fences or other means of enclosure to any boundaries forward of the principal elevation of the dwellinghouses (as detailed in Schedule 2, Part 2, Class A).</p> <p>Reason: To ensure that the LPA retains control over means of access and parking within each plot in the interests of highway safety and residential amenity in accordance with policy LP15 and LP16 of the Fenland Local Plan, 2014.</p>
10.	<p>If, during development, contamination not previously identified is found to be present at the site:</p> <p>(i) it shall be reported to the local planning authority within 1 working day;</p> <p>(ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;</p> <p>(iii) the remediation strategy shall be implemented as approved;</p> <p>(iv) no occupation of any part of the development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until:</p> <p>a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;</p> <p>b. if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.</p> <p>(v) the long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with LP2 and LP16 of the Fenland Local Plan 2014.</p>
11.	<p>The development shall be constructed in 'Weinerberger Hartford Red Multi' facing brick and 'Imery Double Pantile S Clay' in natural red.</p> <p>Reason: In the interests of visual amenity in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
12.	<p>The development hereby permitted shall be carried out in accordance with the approved plans.</p> <p>Reason: For the avoidance of doubt to ensure that the development is carried out in accordance with the approved plans.</p>



Created on: 18/01/2019

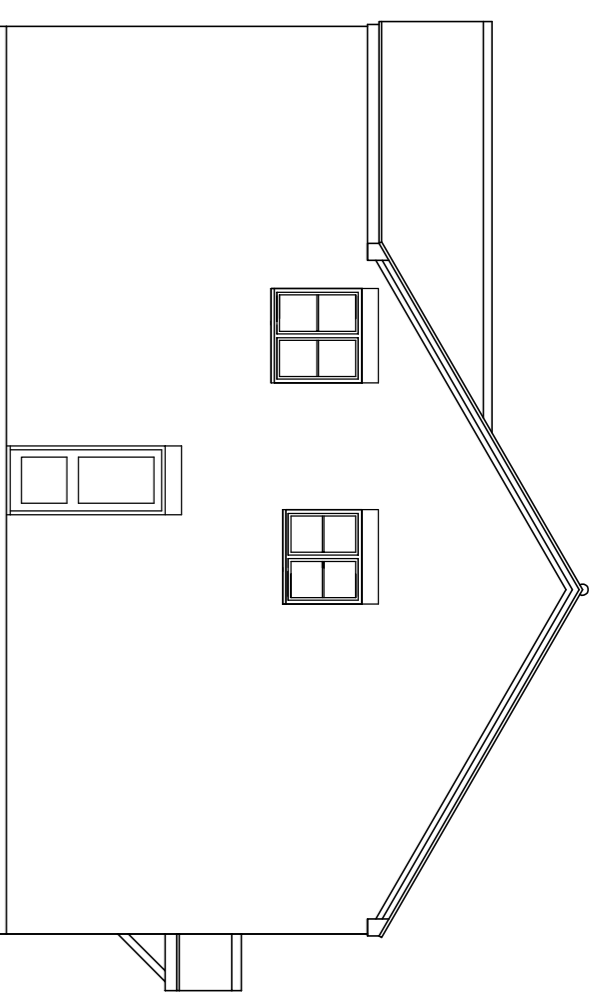
© Crown Copyright and database rights 2019 Ordnance Survey 10023778

F/YR19/0042/F

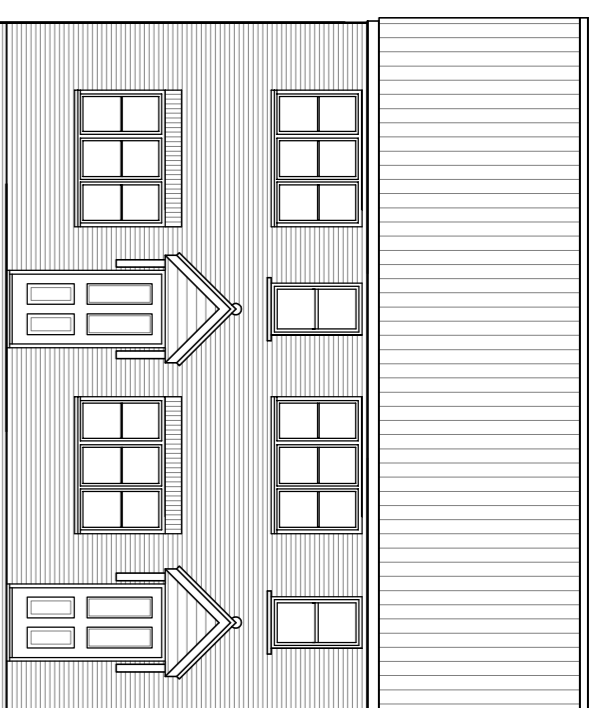
Scale = 1:1,250



IMERY DOUBLE PANTILE S CLAY NATURAL RED



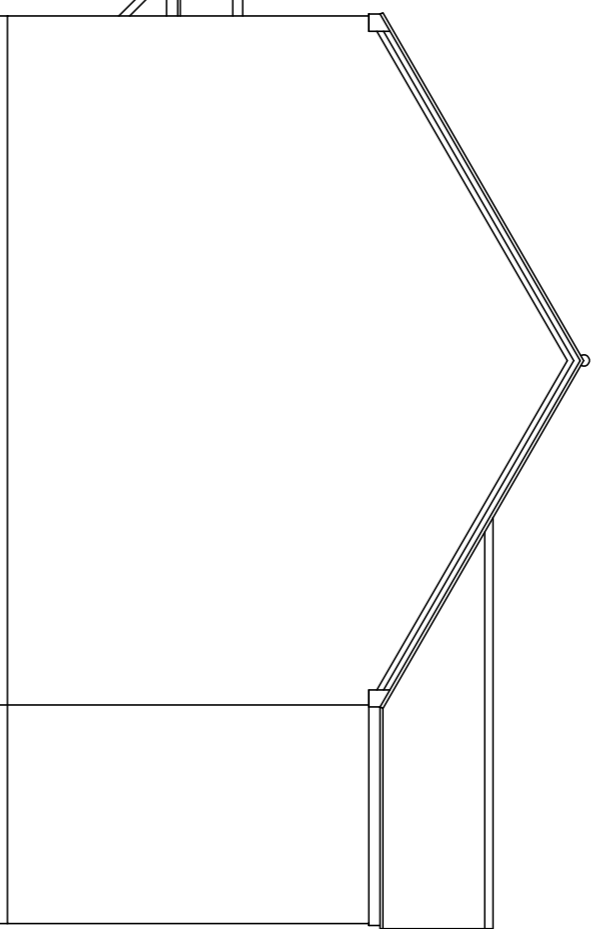
SIDE ELEVATION
SCALE 1:100
PLOT 1



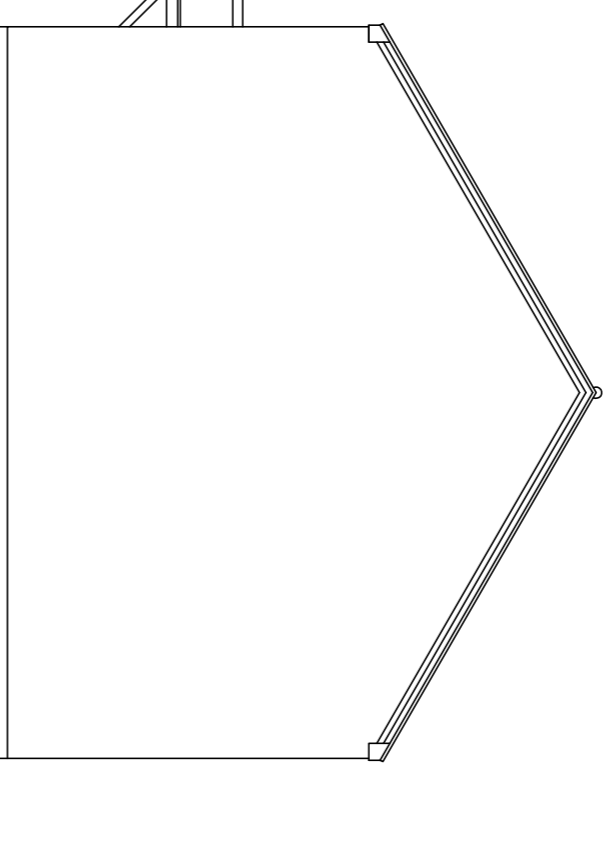
FRONT ELEVATION
SCALE 1:100



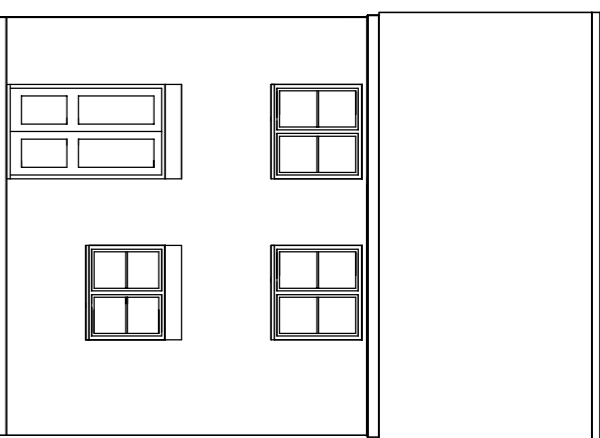
SIDE ELEVATION
SCALE 1:100
PLOT 3



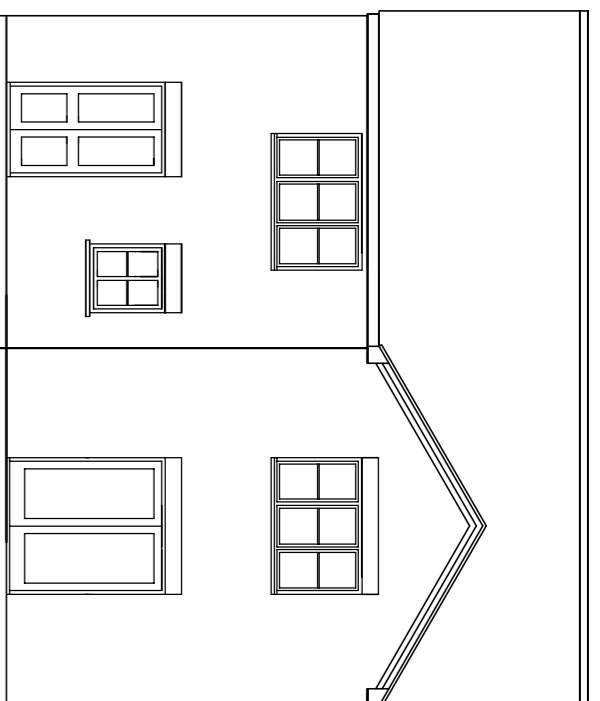
SIDE ELEVATION
SCALE 1:100
PLOT 2



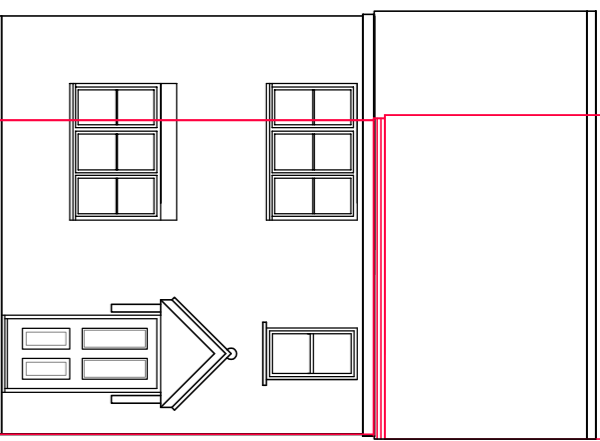
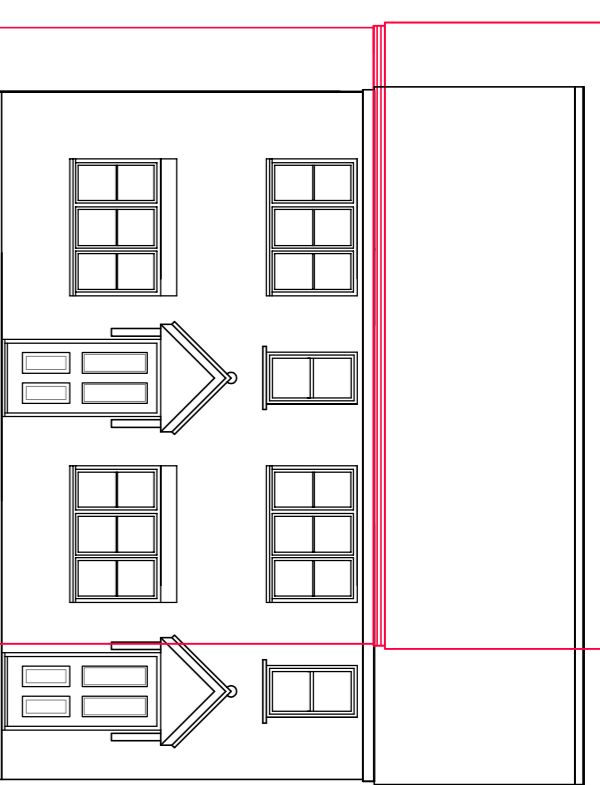
SIDE ELEVATION
SCALE 1:100
PLOT 3



REAR ELEVATION
SCALE 1:100



FRONT ELEVATION
SCALE 1:100



As approved

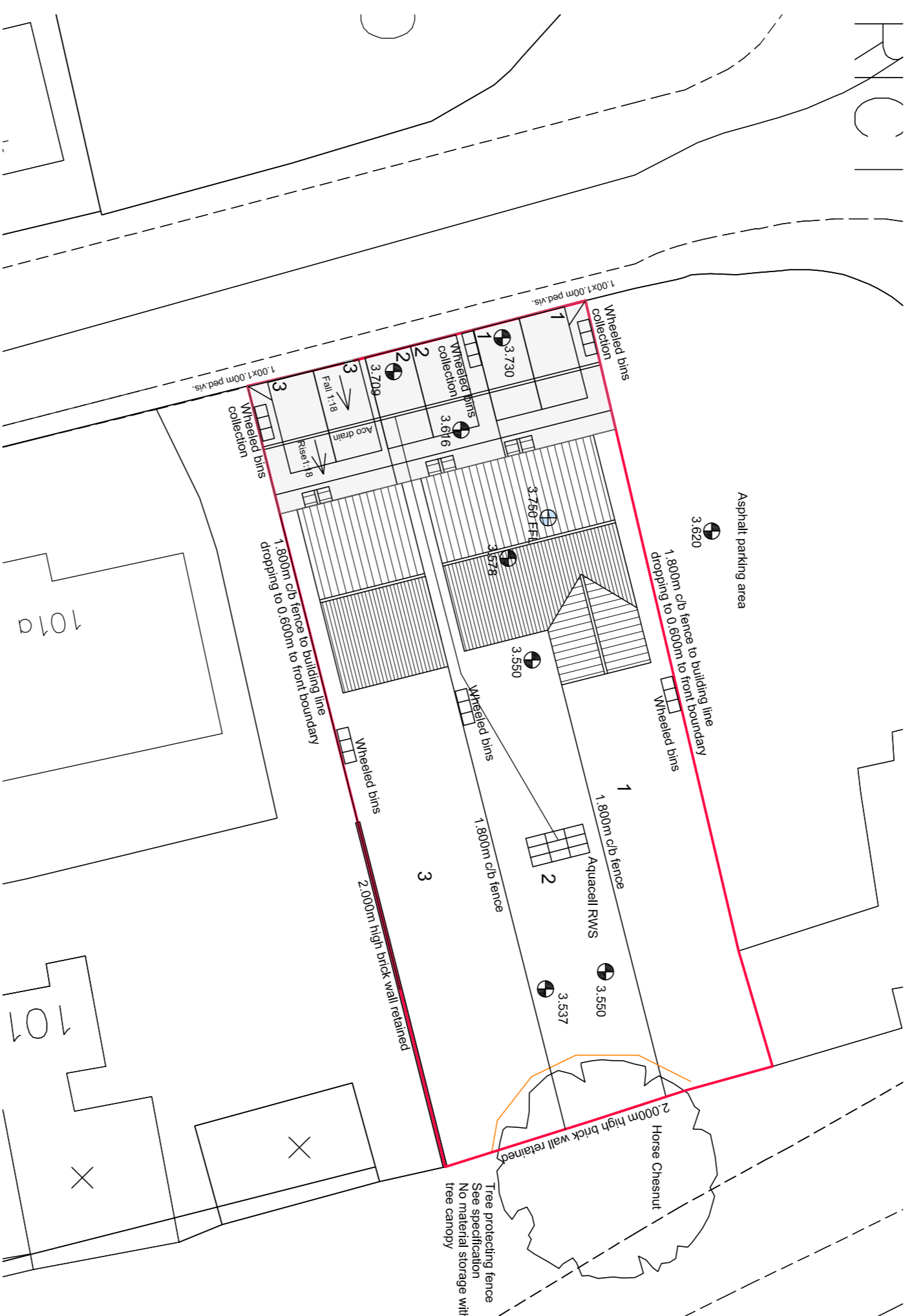


3.550

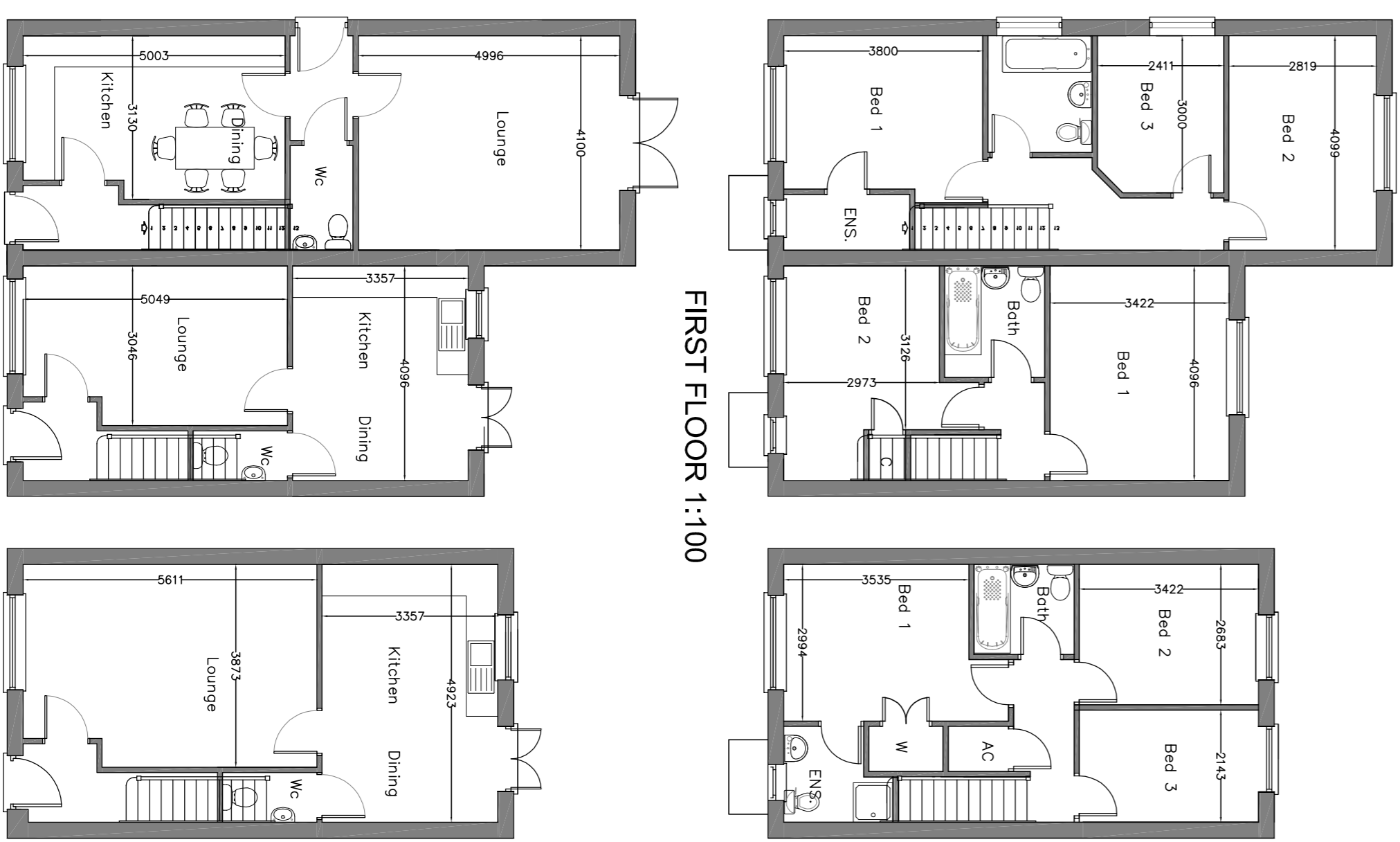
Shaded area tarmac frontage

Denotes existing Ground Level
Existing ground levels to remain

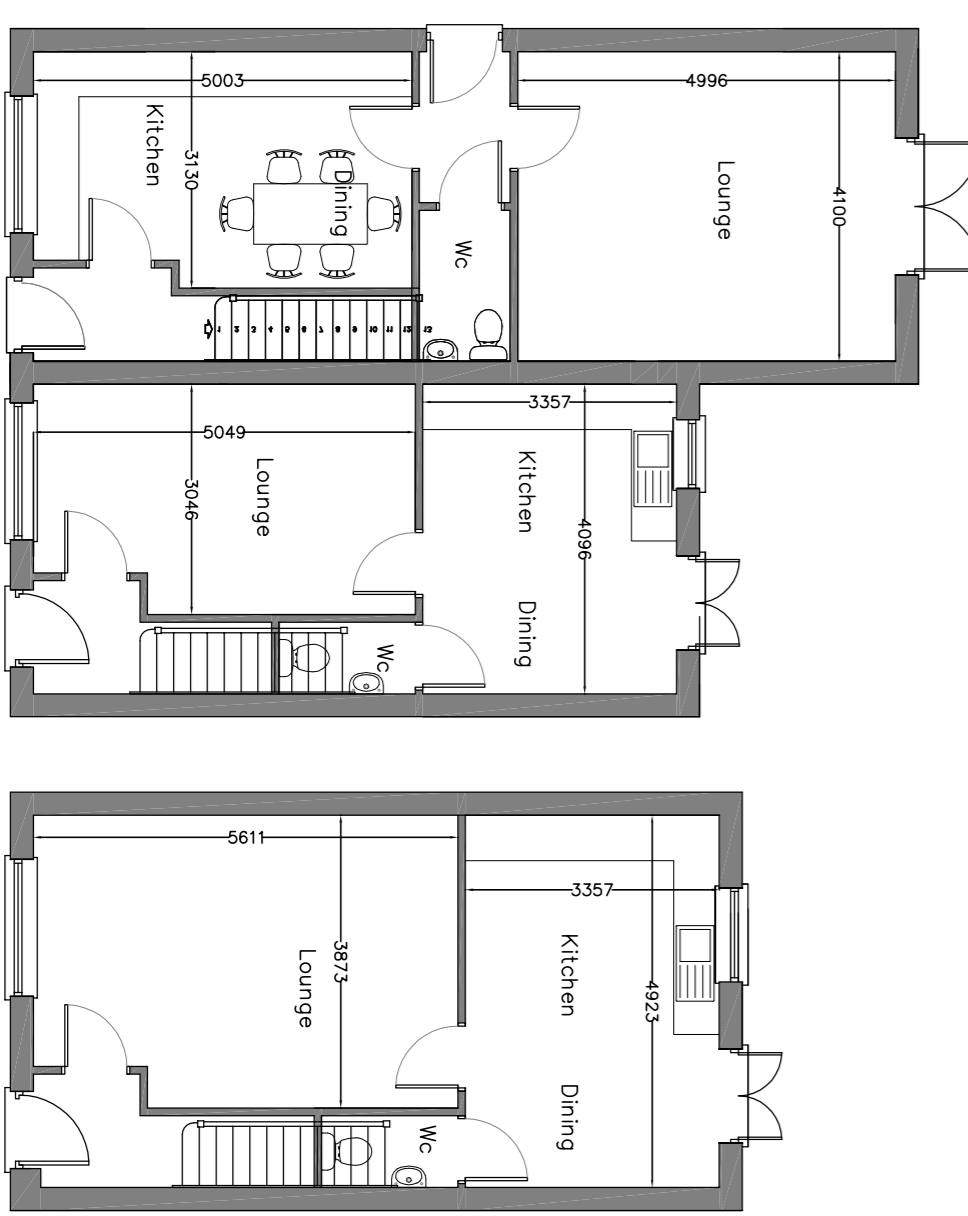
3.750 FFL
Denotes Finished Floor Level



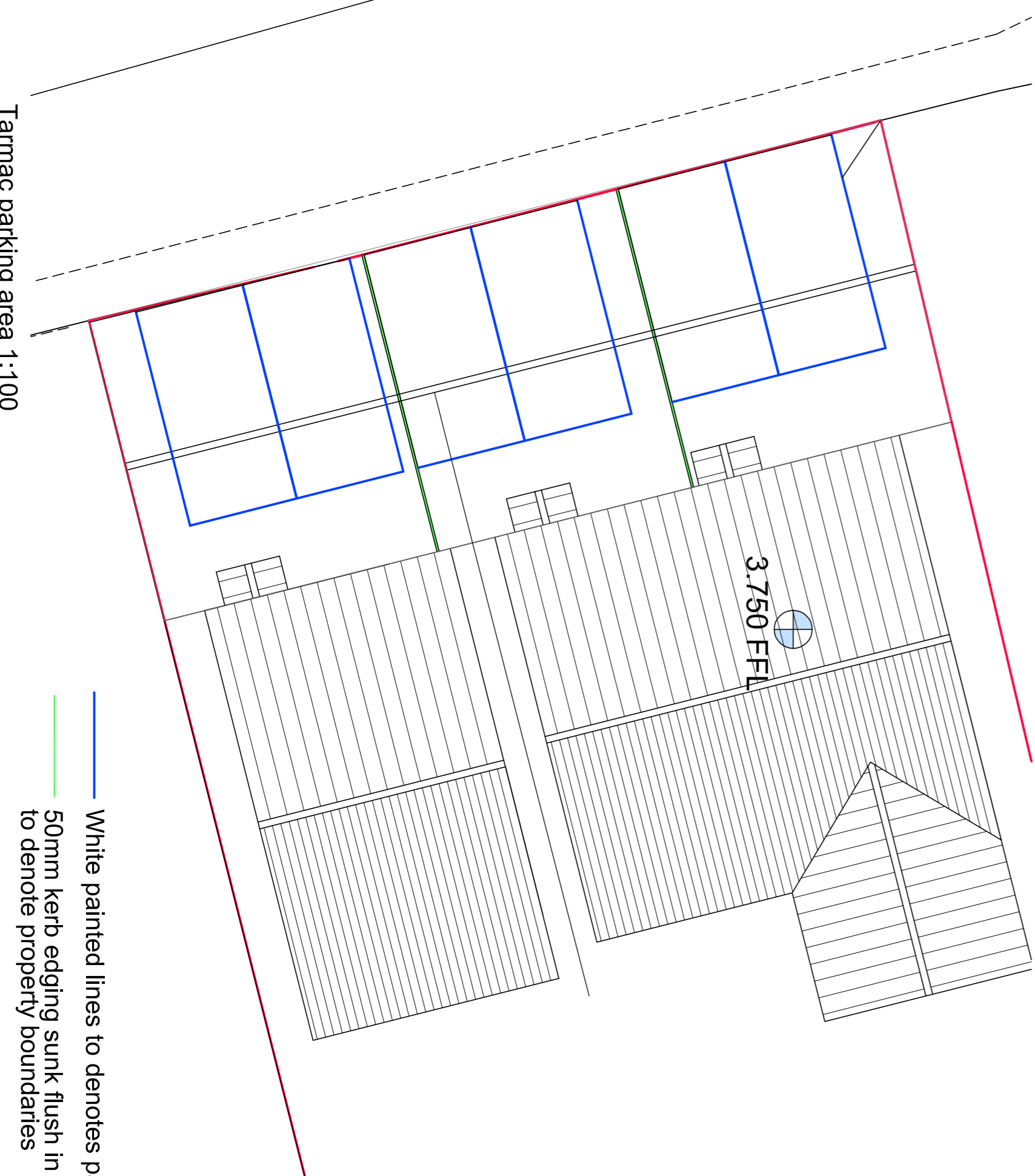
SITE PLAN 1:250



FIRST FLOOR 1:100

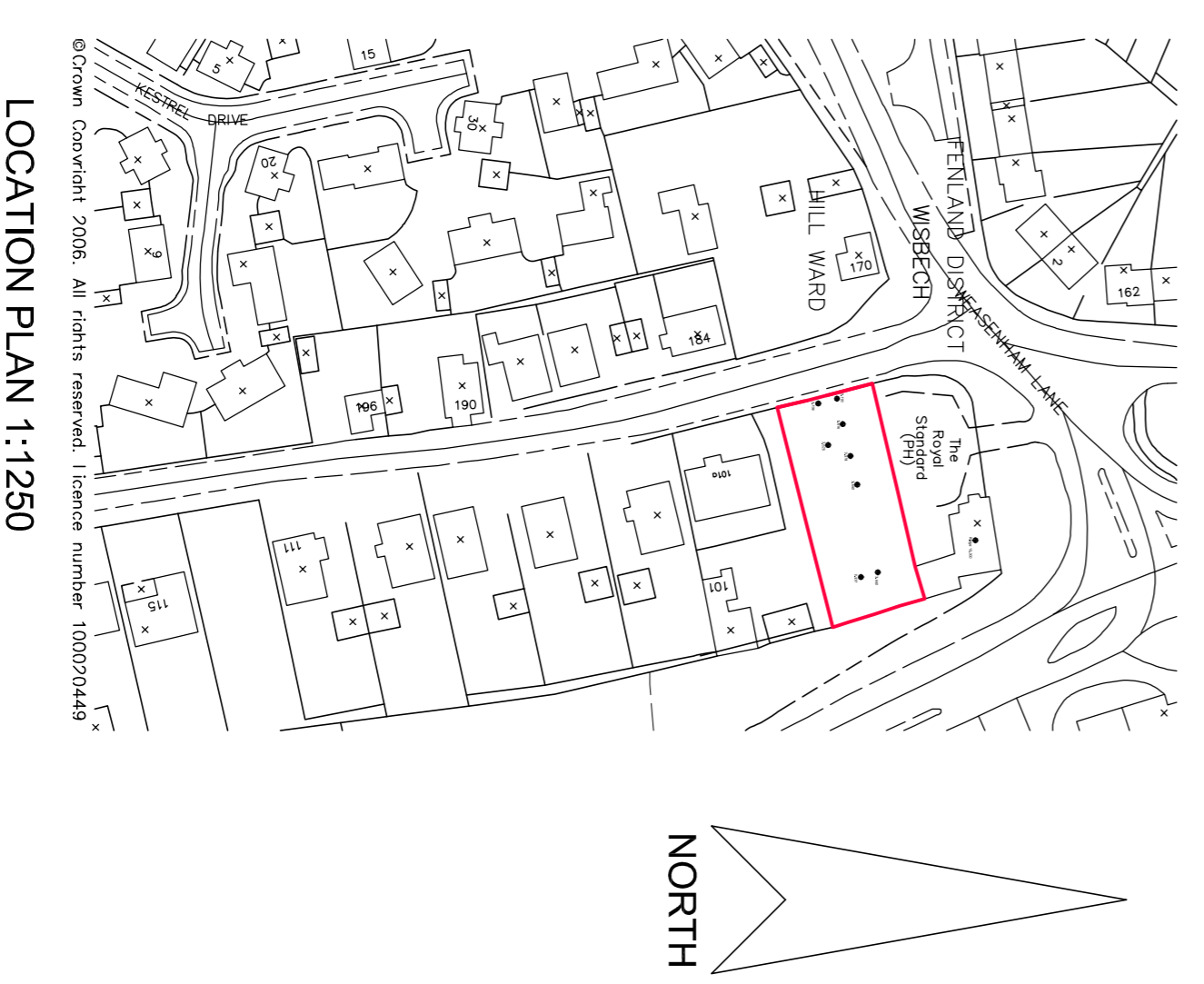


GROUND FLOOR 1:100

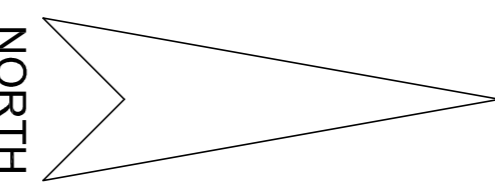


Tarmac parking area 1:100

White painted lines to denotes parking bays
50mm kerb edging sunk flush in tarmac
to denote property boundaries



LOCATION PLAN 1:1250



NORTH

Dezar Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROPOSED DEVELOPMENT

SITE
North of 101 and 101a Elm Low Road
Wisbech
Cambs

CLIENT
J & J Properties
DATE DEC 2018 SCALE As Shown JOB No. 5960 PLO3C

DO NOT SCALE FROM THIS DRAWING
COPYRIGHT THIS DRAWING IS NOT TO BE REPRODUCED OR COPIED
WITHOUT THE CONSENT OF PETER HUMPHREY ASSOCIATES

