#### F/YR19/0158/RM

Applicant: Mrs Anne Dew Agent :

**Persimmon Homes East Midlands** 

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.

- 2.1 The application site comprises a total area of 14.90 hectares. It lies to the northeast 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 northwest 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 paviours. Private tertiary roads are proposed to be finished in charcoal block paviours. 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 relocated.
- 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
	Use of land for residential purposes (Parcel No 2124)	Granted
OA/1285(1)	Ose of latid for residential purposes (Farcer No 2124)	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 bleepers 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

# **CIIr 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?

<u>2. Management Company</u>: 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.
- <u>4. A Construction Management Plan</u> needs to be in place IF this application is approved: Days and hours of opening suggest the site and all work activaties cease from 1.00pm Saturday, no Sunday's and no Bank Holidays allowing residents respite from warning bleepers 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 IBD 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 paviours 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 paviours 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.

#### 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.	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).	
	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.	
2.	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.	
	Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.	
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 road.	
	Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.	
4.	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.	

To ensure the permanent availability of the parking / manoeuvring area, in the Reason: interests of highway safety.

- 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. Reason - In the interests of highway safety.
- 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:
  - i) Demonstration that any private roads which require access by refuse lorry can accommodate gross vehicles weights of up to 26 tonnes
  - Means of notifying future estate road Management Company(s) 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.
- iii) Householder packs to be provided to each occupier prior to first occupation to include:
  - a) Details and locations of the relevant bin collection point(s) or place of wheeled bin presentation for collection
  - 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.

The scheme shall be implemented in accordance with the details approved.

Reason: To ensure that suitable means of waste collection is provided in accordance with Policy LP16 of the Fenland Local Plan, 2014

7. 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.

Reason: In the interests of visual amenity in accordance with Policy LP16 of the Fenland Local Plan, 2014.

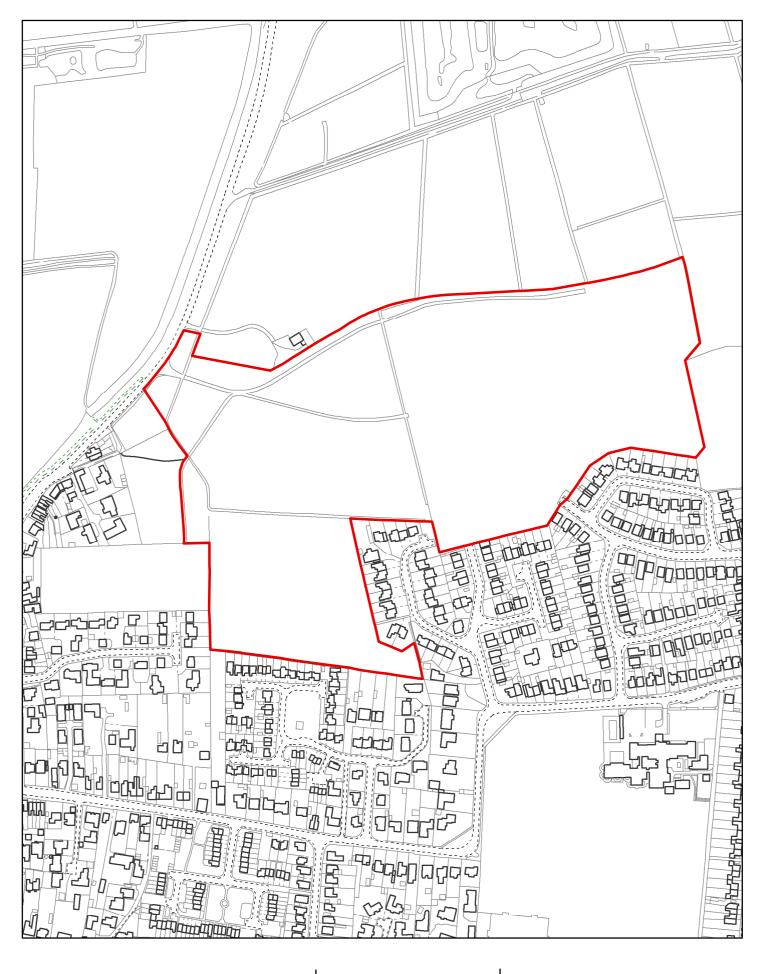
8. No development shall proceed above slab level until precise details of the route, construction and management/ maintenance of the temporary pedestrian and cycle way as denoted on phasing plan ref: WHIT/SNOW/PRPP/100 has been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be provided in accordance with the details approved.

Reason: To ensure that sustainable means of access is secured during construction in accordance with policy LP15 of the Fenland Local Plan, 2014.

9. 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.

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.

10. List of Approved Plans



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Fenland District Council

