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**F/YR19/0760/O**

**Applicant: Mr W Beaney**

**Agent : Morton & Hall Consulting Ltd**

**Land West Of 130, London Road, Chatteris, Cambridgeshire**

**Erect up to 3 x dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

**Reason for Committee: Officer recommendation contrary to the comments of Chatteris Town Council.**

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## **1. EXECUTIVE SUMMARY**

- 1.1 The proposal is an outline application for the construction of up to three dwellings on a current greenfield site. The land is within flood zone 1.
- 1.2 The site is located away from the built up part of the nearest settlement of Chatteris on land currently defined as an 'Elsewhere' location as set out in Policy LP3 of the Fenland Local Plan 2014. The site is set amongst a group of sporadic housing development which form clusters of built roadside development in the countryside and Policy LP3 says that development in such 'elsewhere' locations will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and such development will be subject to a restrictive occupancy condition. The site is located between 130 and 132 London Road, Chatteris.
- 1.3 It is considered that Policy LP3 is consistent with paragraph 78 of the NPPF as the Settlement Hierarchy does identify opportunities for growth in smaller rural settlements however the application site does not lie within such an identified settlement and therefore does not comply Paragraph 78 of the NPPF.
- 1.4 The proposed access is identified by the Local Highways Authority as having substandard visibility splays and will require re-alignment if intensification is to be acceptable. The road is subject to a 50mph speed limit and visibility splays are likely to include rights across third party land and therefore the LHA recommends refusal.
- 1.5 The development of this site will involve the removal/works to existing landscaping along the front of the site and the application has failed to demonstrate the potential impact on the landscaping features or indeed on any biodiversity impacts that might arise from this development due to the lack of an ecology survey. The proposal is therefore contrary to Policy LP16 and LP19 of the Fenland Local Plan 2014.
- 1.6 There are no material considerations that justify approval of the site and therefore the development is considered to be contrary to Policies LP3, LP16 and LP19 of the Fenland Local Plan 2014 and Paragraph 78 of the NPPF.

## 2. SITE DESCRIPTION

- 2.1. The application site is currently open grassland that slopes gently away from the highway and screened from the road by a mature hedge and tree belt. The site is flanked on both sides by established residential dwellings known as 130 London Road and 132 London Road. The site is separated from the adjoining land by a combination of boundary treatments, including hedges, post and rail and post and wire fencing. Immediately to the north of the site there is an equestrian manege associated with a stable block to the rear of the adjoining dwellings.
- 2.2. The site is located within flood zone 1, the zone of lowest flood risk. It is also located approximately 0.67km beyond the built up part of the settlement of Chatteris within the countryside, defined as an 'Elsewhere' location under policy LP3 of the Fenland Local Plan (2014). This part of the B1050 is subject to a 50 mph speed limit and has limited street lights and substandard footpath links to Chatteris.

## 3. PROPOSAL

- 3.1. The proposal is an outline application with all matters reserved for later approval with the exception of access.
- 3.2. An indicative layout plan is submitted alongside the proposal to demonstrate how three dwellings could potentially be accommodated and accessed within the site resulting in one access point located adjacent to No. 130 London Road. The proposal involves the formalisation of the current field access point by widening the access point and sealing and draining it for a distance of 15 m into the site.
- 3.3. The indicative layout shows the provision of 3 large plots with detached dwellings and associated garaging facing onto the B1050 with the plots accessed via a private driveway.
- 3.4. The proposal will involve works to the existing vegetation/trees to reduce their height and density along the front edge of the site which adjoins the B1050.
- 3.5. Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

## 4. SITE PLANNING HISTORY

F/YR00/0311/F	Erection of stable block siting of 1 no portacabin and change of use from agricultural land to paddock	Granted 2/6/2000
F/0986/85/F	Use of land and buildings as a riding school (retrospective) and provision of a car park	Granted 16/1/86

## 5. CONSULTATIONS

### **Cambridgeshire County Council Highways Authority**

- 5.1. *The B1050 is subject to a 50mph speed limit. The proposed access should therefore achieve 155m visibility in both directions with 2.4m set back. Third party property constraints appear to restrict visibility, particularly to the south. Unless*

*the applicant can obtain rights across third party land and/or demonstrate 155m visibility is achievable in both directions, I recommend this application is refused.*

- 5.2. *The access should also be aligned perpendicular to the carriageway edge with a tapered access arrangement. This is to ensure safe ingress/egress of the highway carriageway.*
- 5.3. *The access will also need to be extended to include a short length of footway so a dropped kerb/uncontrolled crossing could be provided across the B1050.*
- 5.4. *Defer for amended plans or refuse due to failure to demonstrate suitable access visibility can be achieved.*

#### **Environment Agency**

- 5.5. No comments

#### **Parish/Town Council**

- 5.6. *Support but request that a footpath is installed and the 50mph speed limit is reduced to 40mph as housing development has taken place along the road. Councillors also raised concerns about the safety of the Stocking Drove junction.*

Chatteris Town Council has also confirmed that they are content to support the application without the above caveats.

#### **Environment & Health Services (FDC)**

- 5.7. No objection

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

- 5.8. 1 letter of objection has been received from the neighbouring property:  
Object on the following grounds:
  - Overlooking
  - Loss of privacy
  - Loss of light
  - Overshadowing
  - Noise and disturbance
  - Layout and density of buildings
  - Development not in character with existing dwellings;
  - Traffic generation
  - Highway safety
  - Overdevelopment of the site
  - Loss of trees and impact on wildlife.

## **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)**

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

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

Determining a planning application

### **Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

## **8. KEY ISSUES**

- **Principle of Development**
- **Sustainability**
- **Character of area**
- **Access & Highway Safety**
- **Ecology**
- **Other Matters**

## **9. BACKGROUND**

- 9.1. The application site history indicates that the land in question has formerly been included in planning permissions relating to the use of the site as paddock/riding school land. No pre-application contact has been made in respect of the current proposal.
- 9.2. The dwelling immediately to the north east of the site (No.130) was constructed pre planning i.e. pre 1947 and the dwelling south west of the site (No.132) was constructed as a farmhouse.

## **10. ASSESSMENT**

### **Principle of Development**

- 10.1. The application site is located beyond the built up parts of the settlement of Chatteris, in an area that is defined as an 'Elsewhere' location within planning policy LP3 of the Fenland Local Plan. Policy LP3 states that development in such locations will be *"restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services"*.
- 10.2. The site is not isolated but is set within a loose group of built roadside development in an area of countryside outside the developed footprint of Chatteris town. This approach is consistent with Paragraph 78 of the NPPF as the settlement hierarchy set out in LP3 identifies opportunities for growth in smaller rural settlements and the application site does not lie within such an identified settlement.
- 10.3. In this instance, the proposal does not contain any indication that it is to fulfil any of the identified needs for such a location, and the scheme is therefore

considered to be open market and contrary to policy LP3 of the Fenland Local Plan.

- 10.4. A recent appeal decision elsewhere within the district set out the approach to be taken in respect of such sites, with the key parts of that approach being as follows:
- The site is classed as an 'Elsewhere' location.
  - Policy LP3 restricts development in such areas to support specific uses.
  - Policy LP3 is consistent with paragraph 78 of the National Planning Policy Framework (2019) as the settlement hierarchy identifies opportunities for growth in smaller settlements; however the site is not located within such a settlement.
  - Modest social and economic benefits are not of sufficient weight to override policy LP3.

### **Sustainability**

- 10.5. The site is estimated to be a 0.67km (8 minute) walk from the edge of Chatteris, and approximately 2.2km (27 minutes) to the centre of the town. A pedestrian footpath is available for the length of the journey, although there is no street lighting in the area, however given the distances involved and the narrow nature of the footway and lack of street lights, it is considered unlikely that a significant number of trips would be made to and from the site to the town by this means and that this would not be sufficient for the site to be considered as a sustainable location.

### **Character of area**

- 10.6 The area is characterised by sporadic development located along the frontage of London Road and consists of a mix of residential uses and commercial uses including equestrian related uses and a carpet tile outlet.
- 10.7 The site is located away from Chatteris town and whilst not isolated is considered to be in a countryside setting as can be determined by large areas of open land and soft landscaping along the B1050.
- 10.8 Policy LP16 seeks to achieve high quality environments including protection and retention of natural features; retention of trees and hedgerows and for development to make a positive contribution to the local distinctiveness and character of the area. The introduction of 3 large dwellings on this open grassland will adversely change the character of the area and will significantly harm the character of the open countryside.

### **Access & Highway Safety**

- 10.9 The proposal utilises an existing field access point to the highway network for access into the site itself, indicating also that widening of the access would be required to allow two-way vehicle flow along the access drive.
- 10.10 The Local Highways Authority has indicated that the visibility splays shown on the submitted plans do not meet the minimum required standards for a road subject to the speed limit that applies in this instance. The visibility splays required for this 50 mph road is 155 m in both directions and it is likely that the splays will go over third party land but this has not been evidenced. Therefore without the

evidence that the visibility splays can be achieved, the Local Highway Authority has recommended refusal based on highway safety issues.

- 10.11 The access from the site onto the highway network is currently in existence, however the proposal would see a significant intensification of its use, introducing movements associated with different ownerships along the driveway, as well as providing an additional element of turning off that access onto the shared driveway serving the proposed dwellings.
- 10.12 Planning Policy LP15 of the Fenland Local Plan (2014) notes that development schemes must be able to demonstrate that they have had regard to providing a well-designed, safe and convenient access for all.
- 10.13 In this instance, despite the use of an existing access point onto the highway network associated with the proposal, it is considered that the intensification of the use of that access is significant, and will fail to accord with the above policy (LP15).

### **Ecology**

- 10.14 The development proposal indicates that there will be changes to the front boundary landscaping however the application has not been supported by either a tree survey or biodiversity survey to determine whether changes to this boundary will affect any identified protected species.
- 10.15 The proposal therefore is considered to be contrary to Policy LP16 and LP19 which seeks to protect and enhance biodiversity on and surrounding the development site and also which seeks to retain natural features of the site.

### **Other Matters**

- 10.16 A local resident has raised several other matters in relation to the proposal relating to overlooking, loss of light, character impact etc.
- 10.17 These issues are all relevant to the consideration of the reserved matters in relation to the proposal however, and not for consideration at the outline stage. On that basis, whilst they are significant in relation to the detailed development of the site and may be relevant should outline planning permission be granted, they are not matters relevant to consideration of the current application.

## **11. CONCLUSIONS**

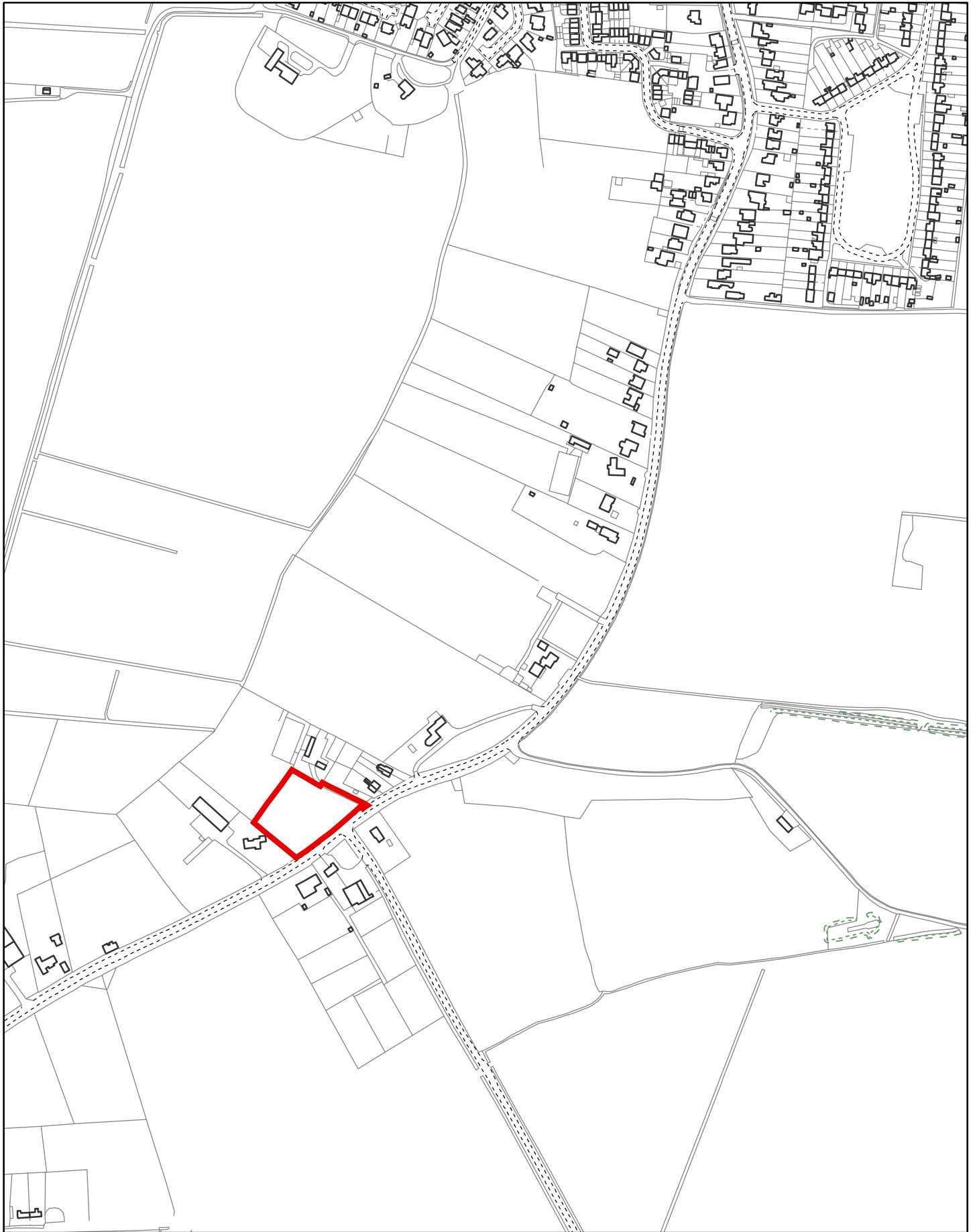
- 11.1. The application site is located in an 'Elsewhere' location beyond the built up parts of the Town of Chatteris. Planning policy LP3 requires that development in such locations is demonstrably essential to the effective operation of one of a range of rural uses. The application documentation fails to demonstrate that the proposal fulfils such a need, and is therefore contrary to policy LP3 which sets out the information requirements for such applications.
- 11.2. The site is not in a sustainable location, and despite the presence of a footpath connecting it to the nearby town of Chatteris, the distance between it and the centre of the town is such that it is unlikely that it would encourage use of means of transport other than the private car and does not mitigate against the unsustainability of the location.

- 11.3. The proposed access fails to demonstrate that the visibility splays and arrangement shown are acceptable with regard to the site and the legal speed limit of 50 mph at the access point. On that basis, the application has also failed to demonstrate that a safe and convenient access for all can be provided, and the scheme is therefore contrary to the requirements of policy LP15 of the Fenland Local Plan.

## 12. RECOMMENDATION

**Refuse**, for the following reasons

1	<p>Policy LP3 of the Fenland Local Plan (2014) and national planning policy guidance steers new residential development to built up areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. The site falls within the open countryside, and therefore the principle of residential development in this location would not be consistent with this policy and national guidance. The proposed development is located in an unsustainable location outside any settlement limits where residential development is not normally supported unless justified. No relevant justification has been submitted to the local planning authority that demonstrates a justifiable need for this accommodation. The proposal is therefore contrary to Policy LP3 of the Fenland Local Plan (2014).</p>
2	<p>Policy LP15 of the Fenland Local Plan (2014) requires development proposals to demonstrate that they can provide a well-designed, safe and convenient access for all. The proposal is to utilise an existing access point in relation to the proposal, widening the existing road to allow two vehicles to pass off the adopted highway network. The information provided however does not demonstrate that suitable visibility splays are available at the point of access, and also that the access requires realignment in order to meet with the requirements of the Local Highway Authority to demonstrate that it is safe for vehicles to enter and leave the site. The proposal is therefore contrary to the requirements of policy LP15 of the Fenland Local Plan (2014).</p>
3	<p>Policies LP16 and LP19 of the Fenland Local Plan (2014) seeks to protect the natural environment and the application has failed to demonstrate that there will be no adverse impacts on the existing trees and hedgerows along the site frontage. The application also fails to demonstrate that the development will not significantly impact on any protected species through the absence of an ecology survey. The proposal is therefore contrary to Policies LP16 and LP19 of the Fenland Local Plan (2014).</p>



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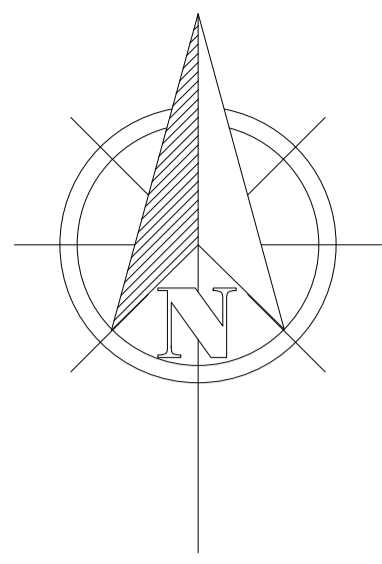
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






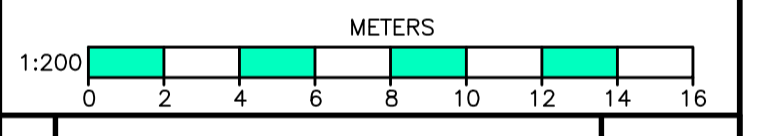
# INDICATIVE LAYOUT



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 Please read, if in doubt ask. Change nothing without consulting the Engineers.  
 Contractor to check all dimensions on site before work starts or materials are ordered. Do not scale, if in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
 All finishes, insulation and damp-proofing to architect's details.

## SITE PLAN KEY

-  PERMEABLE BLOCK PAVING (NON SLIP)
-  CONCRETE SLABS (NON SLIP)
-  GRASS
-  VEGETATION
-  HEDGING
-  GRAVEL
-  WATER COURSE
-  SITE ENVELOPE
-  LAND CLIENT OWNS
-  PAVEMENT
-  TARMAC
-  EXISTING DWELLINGS
-  WASTE BINS



B	PLANNERS COMMENTS	SEP 2019
A	ACCESS UPDATED	MAR 2019
	REVISIONS	DATE

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Fenland District Council  
 Building Design Awards  
 Building Excellence in Fenland

CLIENT  
 Mr Beaney

PROJECT  
 Land Adj 130 London Rd  
 Chatteris  
 Cambs  
 PE16 6SF

TITLE  
 Proposed Site Plan

DRAWN	M. Halmshaw	DATE OF ISSUE
CHECKED		
DATE	February 2019	DRAWING NUMBER
SCALE	As Shown	H6276/02_B

PROPOSED SITE PLAN (1:200)

