
F/YR19/0841/VOC

**Applicant: Mrs M Symonds, Mrs L
Goodger & Ms J Plumb**

**Agent : Mr G Edwards
Swann Edwards Architecture Limited**

Land West Of Sunset Rooms, Station Road, Wisbech St Mary, Cambridgeshire

Variation on conditions 8 and 9 to enable amendment to approved plans relating to Planning permission F/YR18/0386/O (Erection of up to 3 x dwellings (Outline with matters committed in respect of access))

Officer recommendation: Grant

Reason for Committee: Parish Council comments contrary to officer recommendation.

1 EXECUTIVE SUMMARY

- 1.0 This submission seeks to vary conditions 08 and 09 of outline planning permission F/YR18/0386/O which requires the upgrade of the access surface up to the most westerly plot of the development.
- 1.1 In revisiting this condition it is necessary to ascertain whether there is a highway safety benefit in retaining the condition as imposed and the likely impact in residential amenity terms if the scheme was delivered without the access upgrade. It is also essential to consider whether the condition meets the tests outlined in the NPPF.
- 1.2 With regard to highway safety it is noted that there is no highway safety requirement to deliver an upgrade along the entire access; with the critical point requiring upgrade being the first 10 metres; this having been identified in the original recommendation of the Local Highway Authority.
- 1.3 Similarly whilst it would be 'desirable' to secure an upgrade the likely implications, in residential amenity terms, should the full access remain as gravel, when viewed against the backdrop of an established and active access route to the sports hall car park is likely to be negligible at most. It is further contended that any additional vehicular movements are likely to be insignificant in noise and disturbance terms.
- 1.4 Matters of refuse collection have also been considered as it is clear that a requirement for householders to push full refuse containers along a gravelled roadway circa 140 metre (discounting the formalised 10 metres of access and based on the closest point of the most westerly plot to Station Road) would be less than ideal in residential amenity terms. However it is clear that there is insufficient space at which to present bins for roadside collection and as such the only option would be a private refuse collection scheme directly from the individual plot boundaries, as has been indicated by the agent.

1.5 It is therefore considered that the access upgrading required by virtue of original conditions 08 & 09 would NOT meet the tests outlined in the NPPF for the reasons outlined above; accordingly a favourable recommendation to the proposal to remove the condition must be forthcoming.

2 SITE DESCRIPTION

- 2.1 The site is located to the east of Station Road in Wisbech St Mary and comprises land associated with the former Sunset Rooms which following a period of vacancy and an intervening alternative use is now operated as a sports hall. Immediately to the east of the site is an area of car park associated with the leisure use; this area has been cleared and gravelled and a fence erected between it and the application site under consideration
- 2.2 The site itself is vacant and overgrown in parts. Access to the site is via a track leading from Station Road. There are dwellings to the south (Blundell Terrace and Beechings Close) and the east (Station Road). To the north there are some dwellings positioned sporadically surrounded by agricultural land.
- 2.3 The existing community centre and sports field are positioned to the west, accessed from Beechings Close. The site is within flood zone 1.

3 PROPOSAL

- 3.1 Seeks to remove condition 08 which requires a bound surface along the entire access to the proposed dwellings, up to and including the access point of the most westerly plot. As a consequence of this it would also be necessary to amend the plan schedule to detail the extent of access upgrade now proposed.

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/YR18/0386/O | Erection of up to 3 x dwellings (Outline with matters committed in respect of access) | Granted 11/10/2018 |
| F/YR17/0259/F | Erection of a single-storey 4-bed dwelling And detached garage with playroom above | Granted 15/05/2017 |
| F/YR16/0922/F | Erection of 4 x 3-storey dwellings comprising of 2 x 5/6 bed with detached double garage with playroom above; 1 x 5-bed with detached double garage with playroom above and 1 x 5-bed with attached hovel | Refused 12/02/2016 |

5 CONSULTATIONS

- 5.1 **Parish Council:** Recommend Refusal
- 5.2 **Local Residents/Interested Parties:** Two letters of objection/representation have been received which may be summarised as follows:

- Density, overdevelopment
- Drainage
- Environmental Concerns
- Loss of view/Outlook, Overlooking/loss of privacy, Proximity to property
- Traffic or Highways
- Visual Impact
- Still strongly oppose to this development especially in regards to our loss of view, although this has I believe been passed nothing has changed for myself.
- Compaction of the gravel access leading up to Sunset Rooms has caused damage to the electricity junction situated at the entrance. National Grid have advised that this was caused by the traffic using this access and therefore any additional trips are likely to have a detrimental consequence on this issue. It is therefore important that the applicant provides adequate surface material to further prevent compaction. This advice was given to us after the original application was submitted so was not raised for the earlier application.
- The width of the access is small for two-way traffic. We have witnessed several vehicles access/egress the site at speed and we are concerned that with the additional trips could cause safety issues.
- We have been advised that a tarmaced highway improves stopping distances compared to gravel, especially in icy conditions.
- We are aware that there are currently two accesses for the site and at the very least we would recommend implementing a one-way system to alleviate these concerns.
- Further to the formalisation of the access, we have concerns over the visibility splays for car exiting the site as the hedgerow to the north can hinder the view. Whilst we appreciate that this application considers the surfacing of the proposed access we would like to raise this for consideration.
- We believe that a formalised access is required to mitigate the issues related to the compaction of material.
- It isn't just vehicles accessing the lane going to the Sunset Rooms, it is parents going to and from the community centre and the football pitches. In addition, the staff at the community centre also use it and when there is a football tournament there is more than average usage of the lane.

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 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
 Paragraph 10 - Presumption in favour of sustainable development
 Paragraph 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

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

Paragraphs 55-56 - Outline the tests to be applied with regard to conditions

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP1 - Presumption in favour of sustainable development

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

LP16 - Delivering and protecting high quality environments across the district

8 KEY ISSUES

- Principle of Development
- Highway considerations
- Residential amenity considerations, including refuse arrangements

9 BACKGROUND

9.1 Planning permission was granted for 3 dwellings on this site in October 2018, a condition was imposed on the decision notice which required that the full extent of the access road serving these plots *'be surfaced with an appropriate bonded surface material and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA'* prior to occupation of any part of the development permitted.

9.2 Within the submitted documents the agent has highlighted the following issues as pertinent to the consideration of the submission to remove the condition:

The existing former Sunset Rooms is now being used as a sports hall as part of the Community Centre, the traffic movements from the venue are at unsociable hours whereas the proposed dwellings would be accessing and leaving at times consistent with neighbouring properties.

The traffic using the access in association with the sports hall is much greater than the proposed dwellings will generate. There are 22 parking spaces allocated for the sports hall which, on the basis of how the hall is currently used, are likely to be used to their capacity. In view of the amount of vehicular movements going to and from the sports hall car park, the trips generated by the proposed dwellings will be easily absorbed into the sports hall traffic. Therefore no additional harm caused by noise and disturbance will be caused by vehicles associated with the proposal as a result of the retention of the existing access surface material.

The site of the dwellings is the former extended car park to the sunset rooms and due to its size would be capable of having space for an additional 70 parking spaces. Should the proposal not go ahead the land can be used for the additional 70 parking spaces and any upgrade works to the existing access or driveway could not be sought. Therefore to request an upgrade of the drive for 3No. dwellings is unreasonable and unjustified.

The Sunset Rooms has no restriction on opening times, how many individuals use it and how often it is used, so to carry out any extensive works to the drive

would be impossible to do as the users have un restricted access at all times. To carry out the works to the access as requested by condition 08 would restrict the users to the sports hall which could ultimately threaten the vitality of this community facility.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of this development has been established by virtue of outline planning approval F/YR18/0386/O, given that this consent remains extant the scheme proposals do not require revisiting in terms of the settlement hierarchy, character, flood risk or residential amenity in so far as it relates to the general principles of the development. That said it is necessary to consider the ramifications of the change of surfacing materials and in this regard it is considered that residential amenity, of both the existing and intended residents and highway safety are material considerations which warrant revisiting.

Highway considerations

- 10.2 The highway safety aspects of the scheme were fully considered under the earlier planning approval in respect of viability, access width and the need to hard surface the first 10 metres of the junction with Station Road. The conditions recommended by the Local Highway Authority (LHA) sought to secure a vehicular access from Station Road which was hard surfaced, sealed and drained away from the highway for a minimum width 5m and a minimum length of 10m from the back edge of the existing carriageway; it should be noted that the LHA did not require the remainder of the access to be upgraded.
- 10.3 It is further noted that the Planning Committee in their consideration of the scheme supported a condition requiring a bound surface to be provided *'up to the access to the most westerly plot [...] surfaced with an appropriate material and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA*. This would be circa 175 metres in length when based on the original illustrative layout.
- 10.4 In highway safety terms the surfacing of the access is not necessary as the 'critical' safety upgrade would be the first 10 metres of the access, accordingly it is considered that the scheme now presented, which does not include an upgrade of the remainder of the access, meets the requirements of Policies LP15 and LP16 with regard to highway safety.

Residential amenity considerations, including refuse arrangements:

- 10.5 Comments of neighbours have been noted regarding overlooking, loss of view and overdevelopment etc; however these aspects have been fully evaluated as integral to the earlier consideration of the outline planning approval. It is solely the impact that a change in surfacing would have on the residential amenity of existing and proposed residents that may be revisited.
- 10.6 With regard to the residential amenity of the existing residents it is noted that the first 10 metres of the access will be hard surfaced which will reduce noise and disturbance at the access point from all vehicles accessing the Sports Hall car park and the 3 proposed plots. The access up to the Sports Hall car park is currently gravelled and should the plots not be delivered the residential amenity

impacts in terms of noise and disturbance would remain as per the existing situation as there is no mechanism to secure a upgraded access surface to serve the sports hall, this having been fully considered under the earlier report.

10.7 Securing an access upgrade along the whole length of the access may be seen as a planning benefit, however on revisiting this matter Officers are not convinced that it is proportionate in the context of the scheme proposals or indeed reasonable. The NPPF clearly indicates that conditions may only be imposed where they are

- (a) Necessary
- (b) Relevant to planning
- (c) Relevant to the development to be permitted
- (d) Enforceable
- (e) Precise
- (f) Reasonable in all other respects

10.8 It is clear that the additional impact of 3 households using the existing access in its current form against the backdrop of the existing use will be negligible. Accordingly it is considered that there would be a strong likelihood, if the condition were tested at appeal, for it to fail to meet the tests identified above under (a) necessary and (f) reasonable in all other respects.

10.9 The agent has once again confirmed that the dwellings would be served by a private refuse collection service; which would be secured and maintained in perpetuity by condition. Such a scenario would alleviate the need for residents to wheel refuse bins along the full extent of the gravelled access which is always a primary concern when considering ongoing residential amenity and servicing of such sites without a highway frontage.

10.10 In this instance a kerbside collection scheme would also prove problematical given the constraints of the footpath at the junction with Station Road as the lack of private land associated with the development from which to accommodate a bin collection point. Informal advice has been sought from the FDC Refuse team with regard to any future desire from residents for assisted collection and it is noted that the Council would be entirely justified in declining to provide such a service on the grounds of health and safety of their operatives.

Other matters

10.11 It is noted that a householder has raised concerns regarding the likely interruption of their electricity service resulting from compaction at the access point damaging the electricity junction point; however it is clearly identified in their submission that this infrastructure is situated at the access point to the site which is proposed to be upgraded. Notwithstanding this it should be noted that this would be a civil matter between householders.

11 CONCLUSIONS

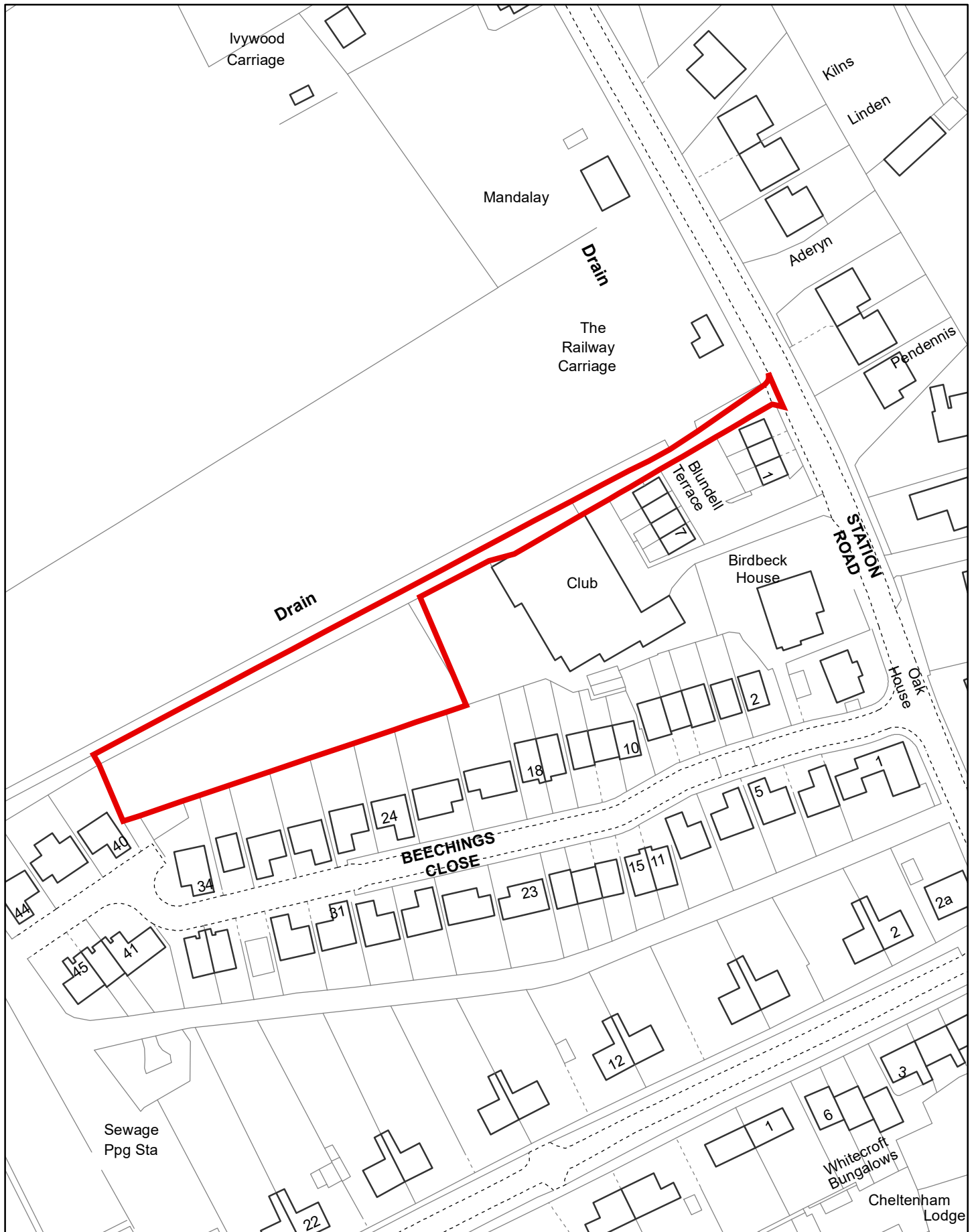
11.1 Whilst it may be 'desirable' to retain enhancements in respect of the access way upgrades it is not considered 'reasonable' when applying the tests outlined under Paras 55-56 of the NPPF as such it is recommended that the condition be removed/varied as per the application submission.

12 RECOMMENDATION

Grant

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| 1 | <p>Approval of the details of:</p> <ul style="list-style-type: none">(i) the layout of the site(ii) the scale of the building(s);(iii) the external appearance of the building(s);(iv) the landscaping <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development). Reason - To enable the Local Planning to control the details of the development hereby permitted.</p> |
| 2 | <p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority prior to 15th October 2021.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p> |
| 3 | <p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p> |
| 4 | <p>Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/ timescales of development etc. The CEMP shall be adhered to at all times during all phases.</p> <p>Reason - To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p> |
| 5 | <p>Prior to occupation of the first dwelling hereby approved a refuse collection strategy for the quantum of development shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason - To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014</p> |

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| 6 | <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with policy LP16 of the Fenland Local Plan.</p> |
| 7 | <p>Prior to occupation of the first dwelling hereby approved hereby the vehicular access from Station Road shall be hard surfaced, sealed and drained away from the highway for a minimum width 5m and a minimum length of 10m from the back edge of the existing carriageway, in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.</p> <p>Reason - In the interests of highway safety in line with Policy LP15 of the Fenland Local Plan (May 2014).</p> |
| 8 | <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p> |



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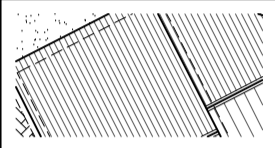
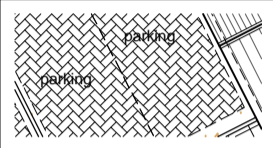
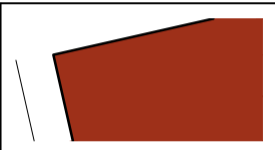
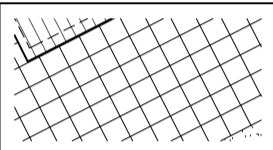
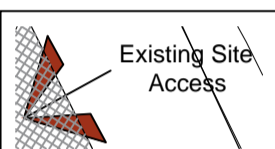
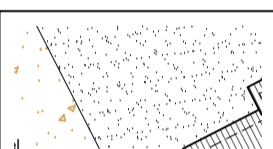
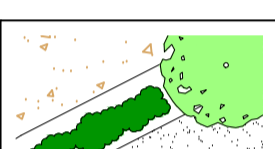
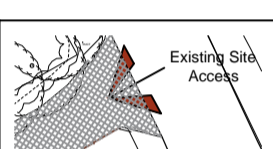
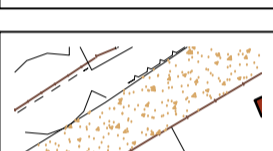
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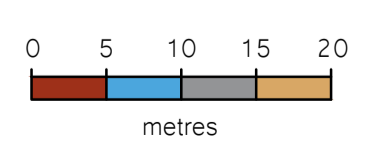
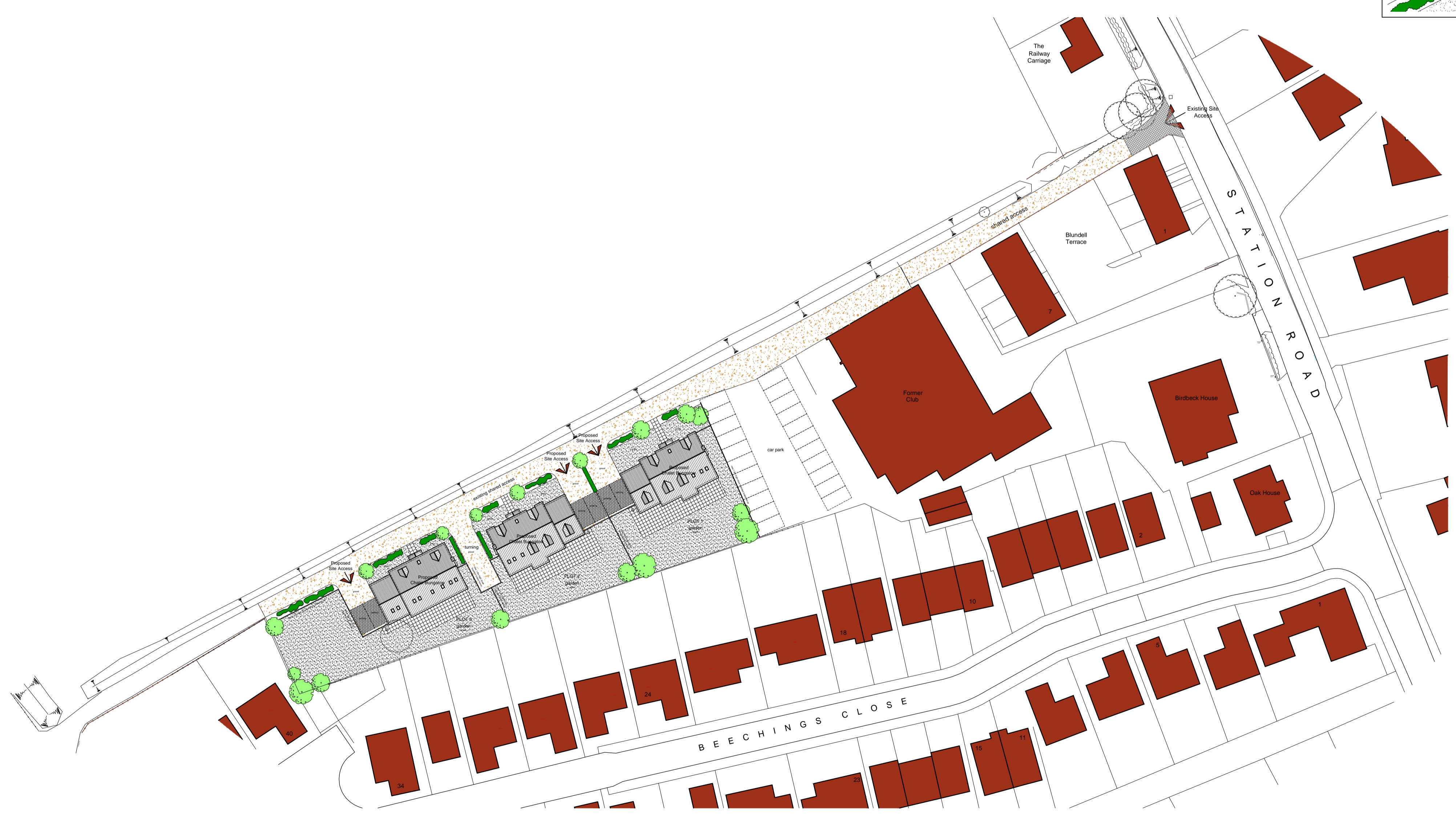
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- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the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

SITE PLAN KEY

| | | | |
|---|---|---|---|
|  | Indicates proposed dwellings |  | Indicates block paving parking spaces |
|  | Indicates existing structures taken from O.S. map |  | Indicates patio slabs |
|  | Indicates site access points |  | Indicates areas to be grassed |
|  | Indicates tress and shrubs |  | Indicates 10.0m sealed and drained access constructed to CCC Construction Specification |
| | |  | Indicates existing drive to be re-graveled to match existing |



Indicative Site Plan
Scale: 1:500

Revisions

| | | |
|---|-------------|-----------------------------|
| A | August 2018 | Access Revised for Highways |
| B | Oct 2018 | Car parking spaces shown |
| C | Sept 2019 | Drive finish shown |

Status
FOR APPROVAL



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|---|------------------------------------|------------------------------------|
| Job Title Proposed Three Dwellings Wisbech St Mary For: Symonds, Plumb & Goodger | Date April 2018 | Scale 1:500 Sheet Size A1 |
| Drawing Title Planning Drawing Complete Site Plan | Job No. SE-874 Dwg No. 03 | Drawn by G.E. Revision C |