
F/YR19/0859/FDC

**Applicant: Ms Becky Francis
Fenland District Council**

Agent :

Former Garage Site, Crescent Road, Whittlesey, Cambridgeshire

Erect up to 3 x dwellings (outline application with all matters reserved)

Officer recommendation: Approve

Reason for Committee: Fenland District Council are land owner and applicant

1 EXECUTIVE SUMMARY

- 1.1 This site is within the built up settlement of Whittlesey and is within a sustainable location.
- 1.2 It is considered that there are no site constraints which would render the development of the site for three residential units unacceptable; subject to detailed design and appropriate safeguarding conditions.
- 1.3 In its current state the site as a former garage site has the characteristics of a potential area for anti-social behaviour and miscreants, with a poor level of passive surveillance as such the development of this site is likely to have a positive impact on the locality.
- 1.4 The scheme complies with both national and local planning policy and may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site comprises a former garage site associated with Crescent Road/Victory Avenue in Whittlesey which is part of a residential housing estate constructed around the mid-1960s, it was apparent at the time of the site inspection that the area is not actively used and all garages have been removed.
- 2.2 The site is bounded on all sides by residential development and accessed via a single track situated between B2 and No.2 off the existing estate road. The site is largely laid to concrete and tarmac; it is enclosed by a mix of close boarded fencing excepting along the access to Crescent Road which is an established hedge.
- 2.3 It was evident from the site inspection that the area provides vehicular access to two bungalows (known as The Bungalow A2 and Westons Den 3 The Close) and the site is not accessed by any other properties.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission (with all matters reserved) for the erection of up to 3 dwellings on a former garage site at Crescent Road, Whittlesey.
- 3.2 There is no illustrative site plan, however the application form indicates that the proposed development to comprise 3 detached bungalows with parking and turning on site. Whilst access has not been committed as part of the application the red line shows access in-between properties at B2 and 2 Crescent Road.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PYUGDRHE06P00>

4 SITE PLANNING HISTORY

No planning history for the site.		
For the dwelling known as The Bungalow A2		
F/93/0305/F	Erection of a 3-bed bungalow	Granted 12/10/1993
F/91/0704/F	Use of land for the stationing of 2 mobile	Refused on 20/05/1992
For the dwelling known as Westons Den 3 The Close		
F/YR15/0124/F	Erection of a single-storey 2-bed dwelling	Granted 28/05/2015
F/YR07/0632/RM	Erection of a 3-bed detached bungalow and detached single garage	Approved 21/09/2007
F/YR06/0724/O	Erection of a dwelling	Granted 21/08/2006

5 CONSULTATIONS

- 5.1 **Whittlesey Town Council:** No objection and therefore recommendation approval.
- 5.2 **Cambridgeshire County Council Highways Authority:** Raise no objections in terms of the suitability of the access due to the access already providing access to several garages. FDC need to consider the impact of any parking displacement that will occur as result of the garages being demolished. No highways objections subject to the standard outline condition securing reserve matters.
- 5.3 **Environment & Health Services (FDC):** Note and accept the submitted information, and have no objections to the proposed development as it is unlikely to have a detrimental effect on local air quality and the noise climate. However, as the proposal involves development on what was historically a garage site, the applicant must submit a desk study / phase 1 contaminated land risk assessment to determine whether previous activities have impacted on the ground condition.
- 5.4 **Local Residents/Interested Parties:** 3 letters of objection have been received which may be summarised as follows:

- Lack of information and details submitted with the application;
- No surveys have been carried out, i.e. flood risk, contamination, tree or ecology surveys;
- Access, traffic, highways, and parking arrangements;
- Backfill;
- Density/Overdevelopment;
- Design/Appearance and Visual Impact;
- Drainage;
- Environmental Concerns;
- Flooding;
- Noise;
- Residential Amenity
- Overlooking/loss of privacy;
- Shadowing/loss of light;
- Proximity to property – where will the dwellings be located?;
- Loss of view/Outlook – would like to know what type of building are being proposed and the location

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 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

Paras. 24-27 Maintaining effective cooperation

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

Para. 91 - Decisions should aim to achieve healthy, inclusive and safe places

Para. 98 - Decisions should protect and enhance public rights of way and access

Para. 118(d) promote the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively

Para. 127(f) - create places that are safe, inclusive and accessible and which promoted health and well-being and a high standard of amenity for existing and future users.

Paras. 178 - 189 - Ground conditions and pollution

National Planning Practice Guidance (NPPG)

National Design Guide

Fenland Local Plan 2014

Policy LP1 – A Presumption in Favour of Sustainable Development
Policy LP2 - Facilitating health and wellbeing of Fenland Residents
Policy LP3 – Spatial strategy, the settlement hierarchy and the countryside
Policy LP14 – Responding to climate change and managing the risk of flooding in Fenland
Policy LP15 – Facilitating the creation of a more sustainable transport network in Fenland
Policy LP16 - Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Character, Layout, Design & Residential amenity**
- **Highway and access considerations**
- **Flood risk**
- **Contaminated land**
- **Other matters**

9 ASSESSMENT

9.1 Principle of Development

9.2 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan (FLP) 2014, and the National Planning Policy Framework 2019. The weight that should be attributed to these policies and documents are considered below.

9.3 In terms of the FLP the scheme would in principle accord with Policy LP3 given that Whittlesey is identified as one of the market towns where the majority of the district's new housing should be focussed. It is however necessary to demonstrate that there would be no harm arising to the visual amenity of the area or residential amenity with regard to Policies LP16. In addition it is necessary to demonstrate that there is a safe access to the site (Policy LP15) and that the scheme is acceptable in flood risk (Policy LP14) and that there are no other site constraints, including contamination etc which would render the scheme unacceptable.

9.4 Character, Layout, Design and Residential amenity

9.5 This is an outline application with all matters reserved. It is clear from the submitted site plan that there is sufficient land available on which to deliver a scheme of three dwellings.

9.6 Whilst Crescent Road is characterised by frontage development there are two existing properties immediately adjacent the site. It is considered that three further dwellings in this location would not detrimentally impact on the character of the locality and that a detailed scheme has the potential to accord with Policy LP16 subject to other policy considerations.

9.7 Concerns regarding the relationship of the proposed dwellings overlooking and overshadowing properties are noted, however it is considered that there is sufficient distance from the neighbouring gardens to be able to accommodate three

dwellings in this location without compromising residential amenity and these issues will be considered further at design stage.

- 9.8 As this is an outline application the window positions are unknown at this stage; however there is scope at the detailed design stage to minimise overlooking; and whilst there is likely to be an element of overlooking (which is not uncommon in urban areas) such overlooking subject to careful design is unlikely to have a significant detrimental impact on the private amenity of adjoining occupiers.
- 9.9 The application form indicates a proposal for three 3-bed detached bungalows and it is likely given the existence of the two bungalows adjacent to the site that single-storey development would be the most appropriate form of development for the site and in turn is less likely to have issues with regard to overlooking and overshadowing of the adjacent properties.
- 9.10 There is currently one street light available within the site along a small section of footpath which has been created within the site serving the two existing bungalows. It is considered necessary to impose a condition requiring a lighting scheme for the proposed development.
- 9.11 Based on the above evaluation it is considered that the scheme has the potential to accord with Policy LP16 of the FLP and as such may be favourably recommended.
- 9.12 **Highway and access considerations**
- 9.13 This is an outline planning application with all matters, including access reserved, however it is clear that there is an access available from Crescent Road. It is acknowledged that the access width is restrictive and there is potential pedestrian conflict, however the likely traffic generation arising from this proposal will be significantly less than the authorised use of the site as a former Council garage site. Indeed the Highway Authority raises no objection to the proposal.
- 9.14 In its current state the site has the characteristics of a potential area for anti-social behaviour and miscreants, with a poor level of passive surveillance as such the development of this site is likely to have a positive impact on the locality.
- 9.15 There is sufficient site area available to provide parking in accordance with the parking standards, it is anticipated that three modest sized dwellings are likely to be delivered and this typically would require 2 car parking spaces for each dwelling.
- 9.16 Bin collection arrangements will need to be undertaken where the access meets Crescent Road. Full details will need to be secured and can be dealt with by a planning condition requiring a Refuse Collection Strategy.
- 9.17 Based on the above there are no matters arising that would indicate that planning permission should be withheld for this development on the grounds of LP15 or LP16 in so far as they related to access, servicing and highway safety.
- 9.18 **Flood risk**
- 9.19 This is a flood zone 1 location and as such it is sequentially preferable in terms of development and represents no issues with regard to Policy LP14 of the FLP.

9.20 Contaminated land

- 9.21 The consultation process has generated concern regarding the potential for the site to be contaminated. The case officer has requested a desk study /walk over in relation to this issue and a report is expected and will be updated to Members at Planning Committee. The Environmental Health team do not hold any specific data for historic land use, pollution incidents or any remediation for the site.
- 9.22 Notwithstanding this, garages are associated with storing chemicals such as hydrocarbons (petrol/diesel/oils) and undertaking of vehicle maintenance. These activities have a risk of pollution incidents impacting on the land. In this case contamination is suspected so a planning condition is required to secure further assessments to be carried out with an associated remedial strategy being submitted and agreed prior to any development taking place.

9.23 Other matters

- 9.24 The comments received from local residents have been carefully considered in respect of the absence of detailed planning submission which appears to be essentially the main concern, however an outline planning application does allow for a decision on the general principles of how a site can be developed. In this case the applicant has chosen not to submit details of such matters for example of 'layout', 'scale' and 'appearance' at this stage (i.e. they can be 'reserved' for later determination in a subsequent application known as a 'Reserved Matters' application.
- 9.25 There are no trees or buildings within the site and the area is not identified as being within or close to any protected wildlife sites as such an ecological survey would not be required as there are little or no potential impacts on biodiversity. Accordingly the proposal would satisfy Policy LP19 of the FLP.

10 CONCLUSIONS

- 10.1 It is considered that the erection of three dwellings on the site identified is acceptable and accords with the relevant policy framework, subject to safeguarding conditions regarding contamination and a refuse strategy as required. The area of land identified demonstrates that the site may accommodate the amount of development proposed and that subject to detailed design it is considered that the development could be delivered without detriment to existing residential amenity.

11 RECOMMENDATION: Grant

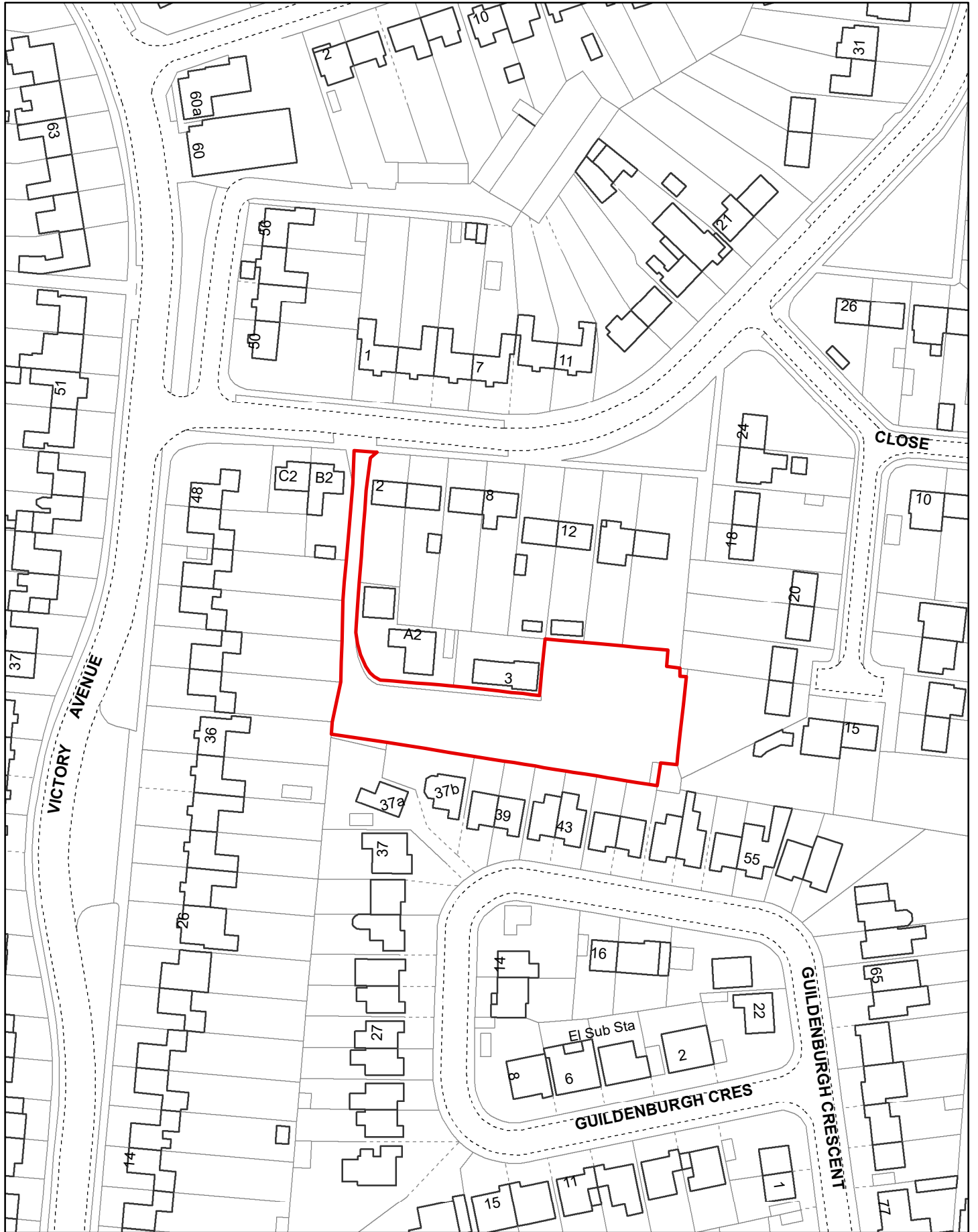
Conditions

The proposed conditions are as follows;

1	Approval of the details of: (i) the layout of the site (ii) the scale of the building(s); (iii) the external appearance of the building(s); (iv) the means of access thereto; (v) the landscaping
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	<p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p> <p>Reason To enable the Local Planning to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>The residential elements of the development shall not exceed 3 dwellings (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:</p> <p>2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p>

	<p>(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.</p> <p>(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and</p> <p>(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason - To control pollution of land or water in the interests of the environment and public safety.</p>
6	<p>Prior to commencement of development a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full 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>
7	<p>Prior to commencement of development a scheme detailing the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to any occupation of any dwellings and retained and maintained thereafter in perpetuity.</p> <p>Reason - In order to ensure that the development creates a safe environment and to prevent crime in accordance with Policy LP17 of the Fenland Local Plan, 2014.</p>
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



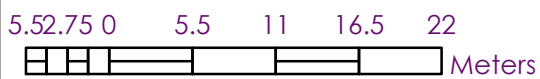
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Land at Crescent Road, Whittlesey

