
F/YR18/0165/F

**Applicant: Mr B Skoulding
Snowmountain Enterprises Ltd**

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

Land North And West Of Elliott Lodge, Elliott Road, March, Cambridgeshire

Erection of a single-storey retirement complex block comprising of 13 x 1-bed units with communal facilities, and a 1.1m high (max height) railings to front boundary involving demolition of existing dwelling

Officer recommendation: Grant

Reason for Committee: To present a new resolution following receipt of a Viability Assessment

1 BACKGROUND

- 1.1 On 10th October 2018, planning application F/YR18/0165/F for the erection of a single-storey retirement complex block comprising of 13 x 1-bed units with communal facilities, and a 1.1 metre high (max height) railing to the front boundary involving demolition of existing dwelling was presented to committee members. Members resolved to grant the application subject to securing a financial contribution (£112,500) for affordable housing via a Section 106 agreement.
- 1.2 Following the resolution to grant, subject to the completion of the Section 106 agreement, the applicant undertook a viability assessment to demonstrate that the provision of an affordable housing contribution would jeopardise delivery of the development. This report therefore provides an update to Members in respect of the viability assessment.
- 1.3 The Committee report originally presented at the aforementioned Committee meeting is appended to this report.

2 CONSULTATION WITH SECTION 106 OFFICER (PCC)

A consultation has been carried out with the Council's Section 106 Officer to review the viability assessment submitted and following a detailed examination the Officer has concluded:

“Based on the inputs and having reviewed additional supporting information I accept that on this occasion the proposal has adequately demonstrated that it is not able to provide any S106 Planning Obligations including an Affordable Housing Commuted Sum or on-site affordable dwellings due to economic viability”.

3 CONCLUSION

3.1 Paragraph 57 of the NPPF states (excerpt);

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”

3.2 As such, it is for the LPA to determine the weight to be given to the outputs of the viability appraisal and the impacts this would have on the sustainability of the development overall.

3.3 As identified within the committee report (appendix 1), the principle of the development is supported and the proposed development is not considered to cause adverse harm in respect to the character of the local area, residential amenity, highways, drainage, natural environment, historic environment and community safety. In addition, the proposed scheme will provide a positive contribution to Fenland’s economy and housing stock.

3.4 Applying the planning balance, Officers consider that the benefits of the scheme outweigh the harm in not providing a financial contribution for affordable housing. The proposal would still amount to a sustainable development accruing economic, social and environmental benefits without resulting in serve harm. As such, Officers consider that a recommendation to grant the development without the requirement for an affordable housing provision is supported.

4 RECOMMENDATION

Grant, subject to the conditions agreed by Members on 10 October 2018 as set out on the appended report.

Appendix 1 – Committee Report

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Reason for Committee: Officer recommendation is contrary to comments of March Town Council.

3 EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of a single-storey independent living retirement complex comprising of 13 x 1-bed units with communal facilities, and a 1.1 metre high (max height) railing to the front boundary. The proposal also includes demolition of the existing dwelling (Radclyffe).

The proposed retirement complex will roughly span the length and width of the application site and have a hipped roof with solar panels and velux windows. The residential units will have their own amenity area with privacy fencing segregating the amenity space. Access, parking and bin storage will be shared with Elliott Lodge.

The site is situated within the settlement of March and is located to the south of Elliott Road. Currently, the site comprises of an overgrown vacant plot and a single-storey dwelling known as Radclyffe. The application site also includes the car park area of Elliott Lodge which is in the ownership of the Applicant.

The principle of development is supported by Policy LP3 and the proposed development is not considered to have an adverse impact on the character of the local area. Therefore, the proposed development complies with Policy LP16 (d) and Paragraph 127 of the NPPF. In regards to residential amenity, the proposed development is considered to not cause adverse harm to the neighbouring properties. The private amenity of the future occupants is also not considered to be adversely impacted except for the outlook for one of the proposed units. However, given the onsite communal facilities and garden area together with the overall sustainability benefits and off-site affordable housing provision, it is not considered that the outlook harm outweighs the benefits. Therefore, the proposed development complies with Policies LP2 and LP16 (e) as well as Paragraphs 91 and 127 of the NPPF. Furthermore, the proposed development is not considered to result in adverse harm in respect to highways, drainage, natural and historic environment, refuse collection and community safety. Therefore, adhering to Policies LP14, LP15, LP16, LP18 and LP19 as well as Paragraphs 91, 102, 127, 155, 170 and 184 of the NPPF.

In addition, the proposal will provide a positive contribution to Fenland's economy and housing stock. Adhering to Policies LP5 and LP6 and Paragraphs 59 and 80 of the NPPF.

Consequently, the proposed development complies with Local and National Policies and is therefore recommended that planning permission is granted subject to S106 and suggested conditions.

4 SITE DESCRIPTION

- 2.1 The site measures 0.39 hectares and is situated within the settlement of March, to the south of Elliott Road. The site comprises of an overgrown vacant plot and a single-storey dwelling known as Radclyffe. The application site also includes the car park area of Elliott Lodge which is in the ownership of the Applicant. Elliott Lodge is sited to the east of the application site and provides independent living accommodation for people over the age of 55. Residential dwellings are sited to the north, south and west of the application site.
- 2.2 The site is accessed off Elliott Road and lies within Flood Zone 1 (low risk).

5 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of a single-storey independent living retirement complex comprising of 13 x 1-bed units with communal facilities, and a 1.1 metre high (max height) railing to the front boundary. The proposal also includes demolition of the existing dwelling (Radclyffe).
- 3.2 The proposed building will be sited close to Elliott Road and parallel with Elliott Lodge and Lake Close. It will roughly span the length and width of the application site and have a hipped roof at various heights with solar panels and velux windows. The proposed building will be segregated into three sections. The front section (close to Elliott Road) will comprise of 8 residential units. The middle section will consist of 5 residential units as well as 2no electric scooter stores, kitchen, 3no store rooms, 2no disable toilets and plant room. The rear section will consist of a multipurpose room / community room which incorporates an outside landscaped garden. The residential units will have their own amenity area with privacy fencing segregating the amenity space.
- 3.3 The perimeter of the building will have a footpath amongst landscaped passageways and gardens.
- 3.4 The application form states materials to be agreed with the Local Planning Authority and therefore the material can be agreed via a condition should planning permission be granted.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

6 SITE PLANNING HISTORY

Pertinent planning history identified in the table below:

Planning Reference	Description	Decision	Date
F/YR15/0793/O	Erection of 4 x dwellings involving the demolition of existing outbuildings (Outline application with matters committed in respect of access and layout).	Granted	04/01/2016
F/YR14/1012/O	Erection of 6 no dwellings involving demolition of existing dwelling.	Refused	02/11/2015
F/YR09/0465/F	Erection of 3 x 2-bed detached bungalows with associated parking.	Granted	22/12/2009
F/YR06/0574/O	Erection of a bungalow.	Granted	07/04/2006

7 CONSULTATIONS

March Town Council

5.1 Recommend refusal due to overdevelopment, drainage and removal of trees.

Cambridgeshire Country Highways

5.2 *The application is for the erection of a new 13 room care home accessed off of Elliott Lodge. The parking area appears to be utilised by the existing care home. With the addition of the proposed 13 additional rooms, to allow me to make an assessment of the parking levels I need to see a statement that details the following:*

- *number of existing vehicle spaces*
- *total number of proposed vehicle spaces*
- *number of total habitable rooms for occupation from both buildings*
- *Is there any permanent living in staff*

5.3 *Defer for additional information.*

5.4 Following further information, County Highways commented:

5.5 *The existing 56 bedroom care home didn't comply with FDC's parking standards and had a shortfall of 6 parking spaces. With the proposed additional 13 rooms the total number of parking spaces will be 31, still a short fall overall of 4 parking spaces. Whilst this is still an overall shortfall to the parking and doesn't accord with FDC's parking policy it is an improvement to the parking compared to the existing situation.*

5.6 *With the above in mind I have no highways objections subject to the following conditions:*

Prior to the first occupation of the development the proposed onsite parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

Environmental Health Service

- 5.7 *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate.*
- 5.8 *However, given the sites former industrial transport use as a minimum, a desk study with a conceptual site model will be required to assess the site for potential ground contamination.*
- 5.9 *The responsibility for safe development and secure occupancy of the site rests with the developer. Particular care should be taken with any made ground encountered or any material that is likely to contain asbestos.*

Design Out Crime Officer

- 5.10 *Thank you for the opportunity to comment on the above Full Application with any concerns regarding community safety and vulnerability to crime. I have read all relevant documents and am happy to support the Application but would welcome a discussion with the Applicant to discuss security measures including Access Control, security of doors and windows and planned lighting scheme should planning be approved. I would also ask that consideration be given to the placing of a Condition on external lighting. Other than the above I have no further comments, objections or recommendations.*

Anglian Water

Wastewater Services

- 5.11 *The foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows.*

Foul Sewerage Network

- 5.12 *Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We [have no objection to the proposed development subject to] a condition requiring the drainage strategy covering the issue(s) to be agreed.*

Surface Water Disposal

- 5.13 *The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.*
- 5.14 *The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We [have no objection to the proposed development subject to] a condition requiring a drainage strategy covering the issue(s) to be agreed.*

Operations Manager (FDC)

5.15 *In broad principal we have no objection to this development, however, the following issues should be addressed before the application could be agreed from our perspective:*

- *The extension of the existing bin store/collection point would need to be sufficient accommodate an additional 4 x 1100 four wheeled bins (2 x 1100 litre general waste and 2 x 1100 recycling).*
- *Residents should not be expected to transfer waste more than 30m to the bin store/collection point.*
- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- *Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.16 Following further information, the Operations Manager commented:

5.17 *Staff at the site currently takes the rubbish to the bins for some residents. If this was to continue and form part of the development's waste management arrangements we would have no objections to this.*

5.18 *The bin store would need to accommodate a further 4 1100 litre bins (2 general waste & 2 recycling) with the additional units.*

Housing Strategy Officer (FDC)

5.19 *On this application, I would expect the affordable housing requirement to be in accordance with Policy LP5, and the changes made by the appeal (APP/D0515/W/17/3171513).*

5.20 *Accordingly on this site, affordable housing will be sought as follows:*

<i>On sites of</i>	<i>Level of affordable housing</i>
<i>5-10 dwellings</i>	<i>Nil</i>
<i>11 or more dwellings</i>	<i>25% affordable housing (rounded to the nearest whole dwelling)</i>
<i>Tenure Mix</i>	<i>70% affordable rented, 30% intermediate tenure</i>
<i>Housing mix</i>	<i>To be agreed</i>

Lead Local Flood Authority

- 5.21 *We have reviewed the submitted documents and can confirm as Lead Local Flood Authority (LLFA) we **have no objection in principle** to the proposed development.*
- 5.22 *The applicant has demonstrated that surface water can be dealt with on site by using permeable paving and attenuation tanks, restricting surface water discharge to 5l/s into an Anglian Water surface water sewer.*
- 5.23 *The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment. We would suggest that groundwater levels are considered especially where they may affect the below ground attenuation features.*
- 5.24 *We request that the following condition is imposed:*

Condition

- 5.25 *Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.*
- 5.26 *The scheme shall be based upon the principles within the agreed surface water drainage strategy prepared by MTC Engineering (ref: 2063-DS) dated January 2018 and shall also include:*
- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;*
 - b) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;*
 - c) Full details of the maintenance/adoption of the surface water drainage system;*
 - d) Measures taken to prevent pollution of the receiving groundwater and/or surface water.*
- 5.27 *The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG*

NHS Property Services

- 5.28 No consultation comments received.

Cambridgeshire County Growth and Infrastructure

- 5.29 *I confirm that the County Council does not require developer contributions in relation to education, strategic waste and libraries and lifelong learning to mitigate the impact of the development.*

Development Manager Transport

- 5.30 No consultation comments received.

Arboricultural Officer (FDC)

- 5.31 *The current design layout, as shown on drawing CH17/LBA/426/FP-1-201 requires the removal of several trees, including a number recommended for removal on arboricultural grounds.*
- 5.32 *It is noted from the supplied arboricultural report/survey that trees have already been removed from the site; an aerial image suggest much of this would have been scrub/small trees.*
- 5.33 *Whilst I have no objection to the development We require a robust landscape proposal that includes the provision of replacement planting to the boundaries to provide screening to and from the site. The use of fastigate forms of trees can be utilised to provide the screening whilst maintaining narrow crowns.*
- 5.34 *A tree protection plan will be required for the benefit of the construction contractor to ensure they do not damage retained trees.*

Middle Level Commissioners

- 5.35 No consultation comments received.

Open Space and Landscape Manager (FDC)

- 5.36 No consultation comments received.

Wildlife Officer (PCC)

Protected Species:

- 5.37 ***Bats:*** *I am aware that when part of this application site was subject to an ecological assessment in 2015, it did not include a bat survey of the existing bungalow 'Redcliffe' as it had originally been proposed for retention. However this structure (now proposed for demolition) is considered to have an increased likelihood of supporting roosting bats due to its age (pre 1960's), condition (detached with roof void and unoccupied) and proximity to water (within 200m of the River Nene). I therefore consider that the application site has not been adequately assessed for the presence of protected species.*
- 5.38 *I would advise that a Protected Species Bat Survey is carried out. Such a survey should establish whether further survey work is required; any further survey work which is recommended should be carried out and a report provided (including details of measures to mitigate any impacts on biodiversity). The survey should be carried out in accordance with BS 42020:2013 (Biodiversity Code of Practice for Planning & Development). The survey should be carried out and a report provided in advance of determination of this application.*
- 5.39 *Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established **before** the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 5.40 ***Nesting Birds:*** *I understand that the majority of the application site has already been cleared of vegetation in advance of determination. Given the potential loss of nesting sites, I would request that as mitigation, a range of bird nest boxes are installed that cater for a number of different species such as House Sparrow,*

Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

Landscaping/ Site layout:

- 5.41 *With regard to any additional planting I would recommend the use of a range of native tree, shrub and plant species, the detail of which may be provided via a suitably worded condition.*

Recommendation:

- 5.42 *I would advise that prior to determination the LPA requests that a Bat Survey of the building proposed to be demolished is carried out as set out above. I therefore **object** to the granting of planning permission at this moment in time with regard to this application.*
- 5.43 *The LPA has a duty under s.40 of the Natural Environment & Rural Communities (NERC) Act 2006 to have regard to biodiversity, including the above species as listed under s.41 of the NERC Act and as stated in the Council's Core Strategy (Policy CS19 The Natural Environment) and I consider that the Council is not currently in a position to be confident that this duty has been adequately discharged.*

- 5.44 Following submission of the bat survey, the Wildlife Officer commented:

- 5.45 *I'm satisfied that no evidence of bats was found in the bungalow proposed for demolition, and I therefore have no objection, subject to securing a condition to provide bat boxes to be installed on the new building prior to first occupation. Please also continue to refer to my previous comments re provision of bird nest boxes and landscaping details to be secured by condition.*

Cambridgeshire County Archaeology

- 5.46 *Our records indicate that the site is located in an area of high archaeological potential on the western edge of March Island. Fen-edge locations such as these were frequently the focus of Prehistoric activity, and this is evident from the significant finds of Mesolithic and Neolithic flints in the vicinity (Historic Environment Record reference 05210, 08455, 10913). Medieval activity is indicated by the current course of the River Nene, which was diverted across March Island in the Medieval period.*
- 5.47 *We have commented on this in recent years. We would recommend that the same archaeological standard condition is placed on the development as was for prior application (F/YR09/0465/F, F/YR14/1012/O, F/YR15/0793/O) within the same bounds, that is:*
- 5.48 *We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.*

Local Residents/Interested Parties

- 5.49 One objection letter has been received from a local resident expressing the following concerns:

- Out of character – *the development comes right up to the public footpath with no frontage allowed which is out of character with the rest of Elliott Road.*
- Parking – *insufficient car parking within only nine extra places for 13 flats.*
- Tree – *The present trees down for retention are already overgrown, hanging over the pavements. Blocking street lighting. The leaves that fall create a safety hazard.*

8 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).

9 POLICY FRAMEWORK

National Planning Policy Framework 2018 (NPPF)

Para 11 – Presumption in favour of sustainable development

Para 47 – Decisions should accord with the development plan

Para 54 – Use of conditions and planning obligations

Para 55 – Conditions test

Para 59 – Delivering a sufficient supply of homes

Para 80 – Building a strong, competitive economy

Para 91 – Promoting health and safe communities

Para 102 – Promoting sustainable transport

Para 117 – Making effective use of land

Para 127 – Good design

Para 148 – Meeting challenge of climate change

Para 155 – Flood risk

Para 170 – Conserving and enhancing the natural environment

Para 184 – Conserving and enhancing the historic environment

Fenland Local Plan 2014 (FLP)

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Housing

LP14 – responding to Climate Change and Managing Flood Risk

LP15 – Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP17 – Community Safety

LP18 – Historic Environment

LP19 – Natural Environment

March Neighbourhood Plan 2017 (MNP)

H2 – Windfall Development

H3 – Local Housing Need

10 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential and Private Amenity**

- **Highways**
- **Drainage**
- **Natural Environment**
- **Historic Environment**
- **Refuse Collection**
- **Community Safety**
- **Section 106 Provision**
- **Other Considerations**

11 BACKGROUND

9.1 Pre-application discussions were undertaken in September 2017. The following points were raised as concerns with the pre-application proposal:

- Window to window distance of the proposed complex and residential dwellings to the west of the application site.
- Implementation of a landscaping scheme along the boundary of the site to provide screening and biodiversity.
- Adequate parking provisions for the proposed complex and Elliott Lodge as well as highway safety.
- Suitable position of bin storage.
- Pre-community consultation under Policy H2 of the March Neighbourhood Plan.

9.2 A number of on-going pre-application discussions were undertaken with the proposal which has resulted in the submission of the current scheme.

9.3 In addition Councillor Rob Skoulding has declared that the site is owned by his family company.

12 ASSESSMENT

Principle of Development

10.1 The proposed development will be located in a primary market town (March) as established by Policy LP3, where the majority of the District's new housing and employment growth is supported. The proposal will provide accommodation for over 55's which is supported by Policy LP2 as well as Paragraph 59 of the NPPF as they encourage proposals to create a mixture of homes that meet people's needs within the right location and create environments where communities and elderly residents can flourish. The proposal will also positively contribute to the economy of Fenland through the continuous employment of local residents and the potential employment of future residents due to the maintenance of the proposed development and carer staff. This is supported by Policy LP6 and paragraph 80 of the NPPF.

10.2 Notwithstanding the above, Policy LP2 and LP16 as well as Paragraphs 91 and 127 of the NPPF seek proposals to achieve high quality environments by ensuring developments do not adversely impact the character of the local area, the amenity of neighbours or the environment in general. Policy LP15 and

Paragraph 102 of the NPPF seek to ensure developments provides a well-designed, safe and convenient access as well as parking provisions.

- 10.3 As such, the principle of development is acceptable subject to the policy considerations set out below.

Character and Appearance

- 10.4 Elliott Road consists of a mixed character with residential dwellings of various architecture, scale and age. The supporting Design and Access Statement (DAS) states that the proposed development has been designed to maximise the space available whilst offering a traditional appearance in terms of materials, window style and roof forms but with some modern materials.
- 10.5 The proposed building will be positioned forward of Elliott Lodge, however, the proposed landscaping of the site incorporates the area of Elliott Lodge which together with the proposed hipped roof (reflecting that of Elliott Lodge), is considered to result in a harmonious relationship between the two developments.
- 10.6 Concerns of the proposed development impacting the built line have been expressed. Whilst, the proposed development will be forward than the built line of the adjacent buildings, it will have no more of an impact on the built line than the recently approved dwelling (F/YR17/0621/VOC) which is positioned forward of the dwellings along Elliott Road and closer to the public footpath than the proposed building.
- 10.7 The traditional appearance of the proposed building is considered to reflect the residential dwellings to the west of the application site (Lake Close). It is noted that the proposed building, given its siting, is visually more prominent from Elliott Road than the residential development to the west. Nonetheless, given that it will be sited away from the public footpath with a landscaped frontage, its visual appearance within the streetscene is considered to add to the overall quality of the area rather than significantly harm the character given the area's mixed character. However, relevant materials will need to be agreed to ensure the character of the area is maintained.
- 10.8 The proposed building will be sited between 2no two-storey buildings, with Elliott Lodge having a ridge height of 8.8 metres and No.1 Elliott Road (No.1) having a ridge height of 8.4 metres. The proposed building will be single-storey with an eaves height of 2.8 metres and a ridge height of 9.8 metres (maximum). Therefore, whilst an element of the proposed roof height will be slightly higher than the ridge height of Elliott Lodge and No.1, its eaves height will be considerably lower than the adjacent buildings. Due to this and the design of roof being hipped, which visually reduces the mass of the building and softens the appearance of building, it is not considered to appear visually dominant within the street scene.

The proposed development has been carefully designed so its layout functions well within the constraints of the site without overdeveloping it. Footpaths have been sympathetically incorporated within the landscaping of the site and private amenity areas have been clearly designated and incorporated within the design.

- 10.9 As such, the proposed development adheres with Policy LP16 (d) of the FLP and Paragraph 117 and 127 of the NPPF.

Residential and Private Amenity

- 10.10 The proposed building will be circa 4 metres from the adjoining boundary to the residential dwellings to the west of the application site. Individually, the proposed building will be 5.6 metres from the side elevation of No.1 Elliott Road (No.1), 10.2 metres from the rear elevation of No.5 Lake Close (No.5), 16.4 metres from the rear elevation of No.7 Lake Close (No.7), 17.6 metres from the rear elevation of No.9 Lake Close (No.9), 18.4 metres from the rear elevation of No.11 Lake Close (No.11), 18.4 metres from the rear elevation of No.13 Lake Close (No.13), 13.2 metres from the rear elevation of No.15 Lake Close (No.15), 13.6 metres from the rear elevation of No.17 Lake Close (No.17), 4.1 metres from the side elevation of 23 Lake Close (No.23) and 5.3 metres from the side elevation of No.25 Lake Close (No.25). The aforementioned dwellings are two-storey in height except for No.25 which is single-storey.
- 10.11 The outlook of the residential dwellings (mentioned above) will change with the introduction of the proposed building. Although, with the distance of the proposed building to Nos.5 – 17 together with the depths of the rear gardens as well as the height of the proposed building and the roof of the proposed building sloping away, it is considered that the outlook of the aforementioned properties would not be severely harmed.
- 10.12 Nos.1, 23 and 25 face away from the proposed building with their side elevations facing onto the proposed development. Therefore, given that the proposed building would only be viewable from an oblique angle, it is considered that their outlook will not be adversely impacted.
- 10.13 Likewise, it is considered that the proposed outlook of the future occupants will be acceptable given the proposed units are reasonably setback from the aforementioned dwellings, except for the proposed unit opposite the side elevation of No.1 which will look onto a 2-storey flank wall. Whilst, this is considered to demonstrably diminish the outlook and sense of enjoyment of the future occupant, the proposed scheme provides a multipurpose room / communal room as well as a landscaped garden which the future occupant can utilise. Notwithstanding this, in the context of the overall scheme, it is not considered that this single harm could sustain a reason for refusal.
- 10.14 The proposed bedroom window of the units to the west will face the above aforementioned dwellings. Although, these will be on the ground-floor and screened by the 1.8 metre high close boarded fence and therefore the proposed development will not result in adverse harm in respect to privacy.
- 10.15 The rear first-floor windows of Nos.5 – 13 will face onto the proposed units to the west and given that the aforementioned dwellings are two-storey high, they will have a greater depth of visibility. However, the distances denoted on the proposed floor plan (ref: CH17/LBA/426/FP-1-201 rev E) are considered to be sufficient enough to not cause adverse harm in respect to privacy.
- 10.16 The orientation of the built form means that the proposed development will not have an adverse impact in terms of overshadowing and loss of light.
- 10.17 Consequently, it is considered that the proposed development will not cause adverse harm to the residential amenity of neighbouring properties or result in inadequate private amenity for future occupants. As such, the proposed

development complies with Policy LP2 and LP16 (e) of the FLP and Paragraph 127 of the NPPF.

Highways

- 10.18 The proposed development will share the vehicular access and parking arrangement with Elliott Lodge. Currently, Elliott Lodge has a shortfall of 6 car parking spaces and with an additional of 9 parking spaces proposed, there will be a shortfall of 4 spaces. Fenland's Parking Standards expresses where a site has good public transport links a reduction in car parking provisions maybe considered acceptable. Given that the site is situated within close proximity to public transport (400 metres on Wisbech Road), the number of proposed parking provisions is considered to be acceptable. Furthermore, whilst Highways notes the shortfall in parking spaces, it considers the proposed parking provision will be an improvement compared to the existing situation. Therefore, Highways has no objections to the proposed scheme subject to the proposed onsite parking being carried out in accordance with the approved plans. This condition can be imposed should planning permission be granted.
- 10.19 As such, it is considered that the proposed development provides sufficient parking spaces and will not cause adverse harm to highway users. Therefore, the proposed development complies with Policy LP15 of the FLP and Paragraph 102 of the NPPF.

Drainage

- 10.20 The application form states that the proposed development will connect into the existing foul and surface water drainage. It is noted from Anglian Water's (AW) comments that the March Water Recycling Centre has available capacity for the foul drainage flows but the proposed development will lead to an unacceptable risk of flooding downstream. AW has requested for a condition to mitigate this matter through the submission of a foul water strategy.
- 10.21 The accompanying Sustainable Drainage Strategy which details discharge of the surface water to the mains is considered to be unacceptable by AW. Therefore, AW has requested for a condition to mitigate this matter through the submission of a surface water management strategy.
- 10.22 The Lead Local Flood Authority (LLFA) have no objection to the principle of the proposed scheme and agree with the use of the proposed permeable paving and attenuation tank as these methods restrict the surface water discharge to 5 litres per second into AW surface water sewer. However, the LLFA have requested for a condition to be imposed for a surface water drainage scheme that takes into account ground water levels.
- 10.23 Paragraph 54 of the NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Given that this matter is technical which can be resolved with the arrangements of AW and LLFA, the proposed development is considered to comply with Policy LP14 of the FLP and Paragraph 155 of the NPPF, subject to satisfactory compliance with the suggested conditions.

Natural Environment

- 10.24 The proposed floor plan (ref: CH17/LBA/426/FP-1-201 rev E) denotes several trees onsite to be removed to enable the proposed development. At the time of the site visit the trees on the site had been removed except for the trees at the front of the application site. The Tree Officer has no objection to the proposed scheme but states that a robust landscape proposal is required that includes the provision of replacement planting to the boundaries to provide screening to and from the site. Also, a tree protection plan will be required to ensure no damage occurs to the retaining trees. This can be conditioned should planning permission be granted.
- 10.25 The Wildlife Officer initially considered the existing bungalow onsite (Ratclyffe) to have a likelihood of supporting roosting bats and requested a bat survey to be carried out prior to the determination of this application. Following the submission of a bat survey the Wildlife Officer was happy with the findings of the report in that there was no evidence of roosting bats, however requested a condition for bat boxes to be installed on the proposed building. This can be conditioned should planning permission be granted.
- 10.26 The Wildlife Officer also notes the potential loss of the application site being a bird nesting site following the clearance of vegetation. As means of mitigation the Wildlife Officer has requested for a condition requiring a range of bird nest boxes and the planting of a range of native tree, shrub and plant species. This can be conditioned should planning permission be granted.
- 10.27 As such, the Tree Officer and the Wildlife Officer considers the proposed scheme will not cause adverse harm to biodiversity and therefore have no objections to the proposed development subject to conditions. Therefore, the proposed development complies with Policy LP19 of the FLP and Paragraph 170 of the NPPF.

Historic Environment

- 10.28 County Archaeology has indicated that the site is located within an area of high archaeological interest. County Archaeology has no objections to the proposed scheme subject to imposing an archaeological condition. This condition can be imposed should planning permission be granted.
- 10.29 As such, the proposed development complies with Policy LP18 of the FLP and Paragraph 184 of the NPPF.

Refuse Collection

- 10.30 The DAS states an additional 4no 1100 litre bins will be provided. The bins will be located within the area of the existing refuse collection facility. The proposed floor plan (ref: CH17/LBA/426/FP-1-201 rev E) illustrates that the existing refuse collection area will be increased to accommodate for the additional bins and a new 1.8 metre high close boarded fence and hardstanding will be erected. Fenland's Operations Manager has no objection to the proposed scheme.
- 10.31 As such, the proposed development complies with Policy LP16 (f) of the FLP and Paragraph 127 of the NPPF.

Community Safety

- 10.32 The Design Out Crime Officer has reviewed the application in respect to community safety and vulnerability to crime and has no objection to the proposed scheme. However, it is noted that the Crime Officer has suggested a condition to be imposed for details of external lighting. This can be conditioned should planning permission be granted.
- 10.33 As such, the proposed development complies with Policy LP17 of the FLP and Paragraph 91 of the NPPF.

Section 106 Provision

- 10.34 Policy LP5 sets out that developments of 10 or more dwellings would require 25% of housing within that development to comprise of affordable housing. Therefore, in respect to this proposed development 3 units out of the 13 dwellings would be required for affordable housing. It is noted from the comments of the Housing Strategy Officer that schemes of less than 10 affordable units onsite are unlikely to attract registered providers. As such, a commuted sum of £112,500 will be sought based on the calculations detailed under Policy LP5. The Applicant has agreed to this commuted sum for affordable housing provisions.
- 10.35 County Council has stated that they do not require financial contribution in relation to education, strategic waste and libraries. Therefore, no contribution has been sought.
- 10.36 Therefore, subject to a Section 106 for the affordable housing sum, the application complies with Policy LP5 of the FLP and Paragraph 54 of the NPPF.

Other Considerations

- 10.37 The Environmental Health Team considers the proposed development is unlikely to have a detrimental effect on local air quality or the noise climate. Although, given the sites former industrial transport use, Environment Health have requested for a desktop contamination study. This can be conditioned should planning permission be granted. The proposed development therefore complies with Policy LP2 and LP16 (I) of the FLP and Paragraph 91 of the NPPF.
- 10.38 The proposed development incorporates sustainable measures within the design by proposing to install several solar panels around the proposed roof which the DAS states will produce a minimum of 10% onsite renewable energy. The DAS also states that Sustainable Urban Drainage Systems (SUDS) will be adopted where appropriate and during the construction phase waste materials will be collected and recycled within the development. As such, the proposed development will aid in tackling climate change. The proposed development therefore complies with Policy LP14 of the FLP and Paragraph 148 of the NPPF.
- 10.39 The proposed development will also provide a positive contribution to Fenland's economy through the continuation of employment of local residents and contractors as well as through potential future employment and via the construction phase. Therefore, the proposed development complies with Policy LP6 and Paragraph 80 of the NPPF.
- 10.40 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out

in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

- 10.41 The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) have been met.

13 CONCLUSIONS

11.1 The principle of development is supported by Policy LP3 and the proposed development is not considered to have an adverse impact on the character of the local area. Therefore the proposed development complies with Policy LP16 (d) and Paragraph 127 of the NPPF. In regards to residential amenity, the proposed development is considered to not cause adverse harm to the neighbouring properties. The private amenity of the future occupants is also not considered to be adversely impacted except for the outlook for one of the proposed units. However, given the onsite communal facilities and garden area together with the overall sustainability benefits and off-site affordable housing provision, it is not considered that the outlook harm outweighs the benefits. Therefore, the proposed development complies with Policies LP2 and LP16 (e) as well as Paragraphs 91 and 127 of the NPPF. Furthermore, the proposed development is not considered to result in adverse harm in respect to highways, drainage, natural and historic environment, refuse collection and community safety. Therefore, adhering to Policies LP14, LP15, LP16, LP18 and LP19 as well as Paragraphs 91, 102, 127, 155, 170 and 184 of the NPPF.

11.2 In addition, the proposal will provide a positive contribution to Fenland's economy and housing stock. Adhering to Policies LP5 and LP6 and Paragraphs 59 and 80 of the NPPF.

11.3 Consequently, the proposed development complies with Local and National Policies and is therefore recommended that planning permission is granted for this proposed scheme subject to S106 and suggested conditions.

14 RECOMMENDATION

Grant, subject to S106 and the following conditions:

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The residential units hereby permitted shall only be occupied as part of, and in conjunction with, Elliott Lodge and for no other purposes.

Reason - The determination of this application is on the basis of the development being for a retirement complex for 55's and over; any other purposes would require further consideration of residential and private amenity, highway safety, parking provision and other considerations in accordance with Policies within the Fenland Local Plan 2014 and The National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to

and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan.

4. Prior to the first occupation of the development the proposed on-site parking /turning shall be laid out in accordance with the approved plan (ref: CH17/LBA/426/FP-1-201 rev E) and thereafter retained for that specific use.

Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

5. Prior to the commencement of above ground works, full details of the materials to be used for all external features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars.

Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan 2014.

6. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted

to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.

7. Prior to the first occupation of the development hereby approved, a scheme for 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 commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to ensure that the site meets the crime prevention guidelines and in accordance with Policy LP17 of the Fenland Local Plan 2014.

8. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed surface water drainage strategy prepared by MTC Engineering (ref: 2063-DS) dated January 2018 and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- b) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- c) Full details of the maintenance/adoption of the surface water drainage system;
- d) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.

10. Prior to commencement of above ground works, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

- a) means of enclosure
- b) hard surfacing, other hard landscape features and materials
- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- g) location of service runs
- h) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan 2014

11. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.

Reason - To ensure that retained trees are adequately protected in accordance with Policy LP19 of the Fenland Local Plan 2014.

12. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - In the interest of visual amenity and in accordance with Policy LP16 and LP19 of the Fenland Local Plan 2014.

13. Prior to the first occupation of the development hereby approved, full details of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the numbers of bat and bird boxes, design and location. The development shall thereafter be carried out in accordance with the approved full details and retained thereafter.

Reason - To minimise disturbance to bats and birds and ensure compliance with national and international legislation which protects them as well as in accordance with Policy LP19 of the Fenland Local Plan 2014.

14. No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

A. the statement of significance and research objectives;

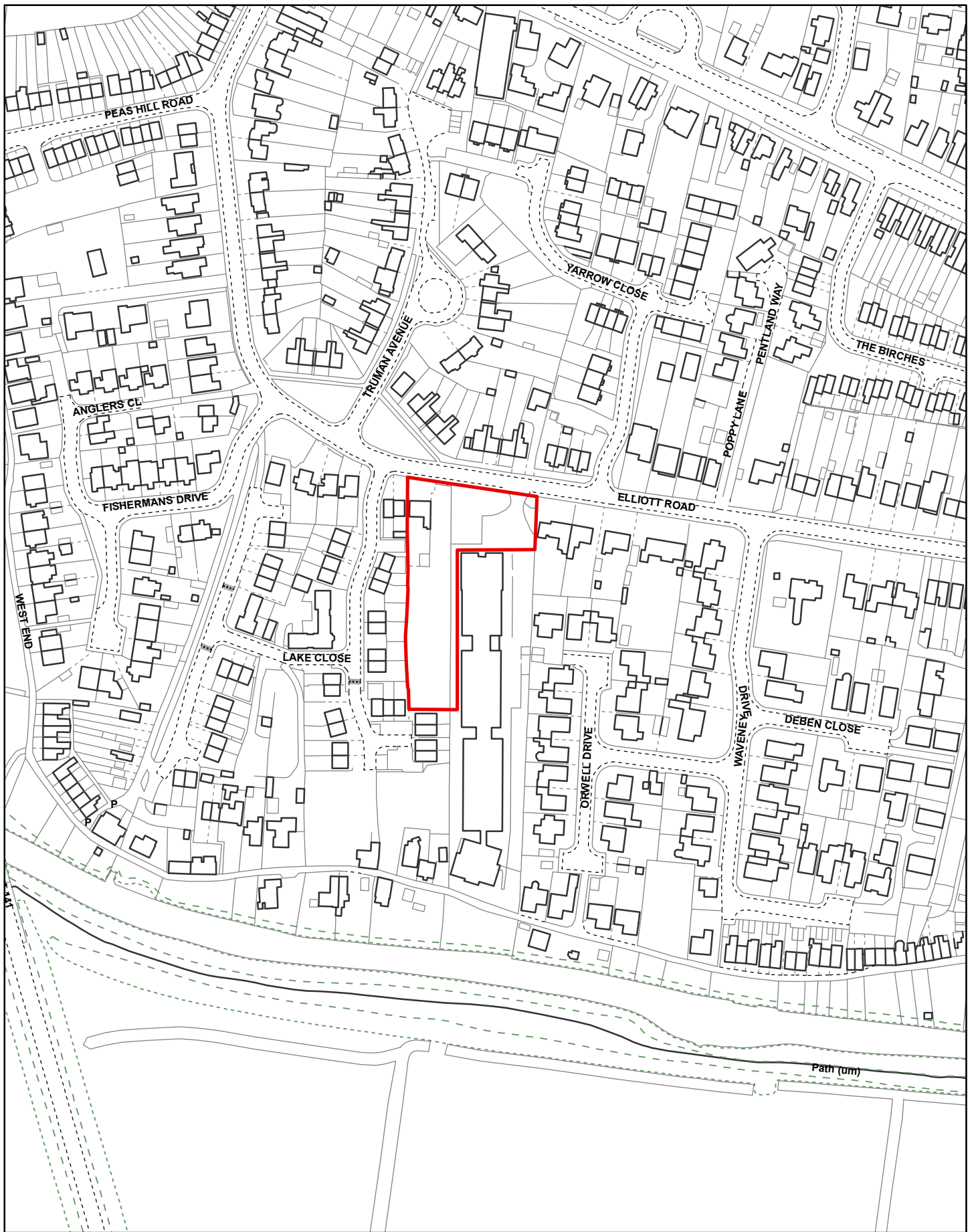
B. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

C. The programme for post-excavation assessment and subsequent analysis, reporting, publication & dissemination, and deposition of resulting archive. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy 18 of the Fenland Local Plan 2014.

15. The development hereby permitted shall be carried out in accordance with the following approved plans and documents



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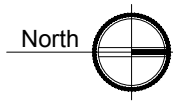
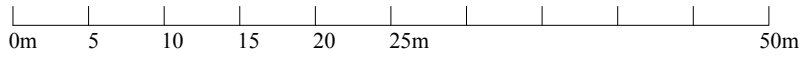
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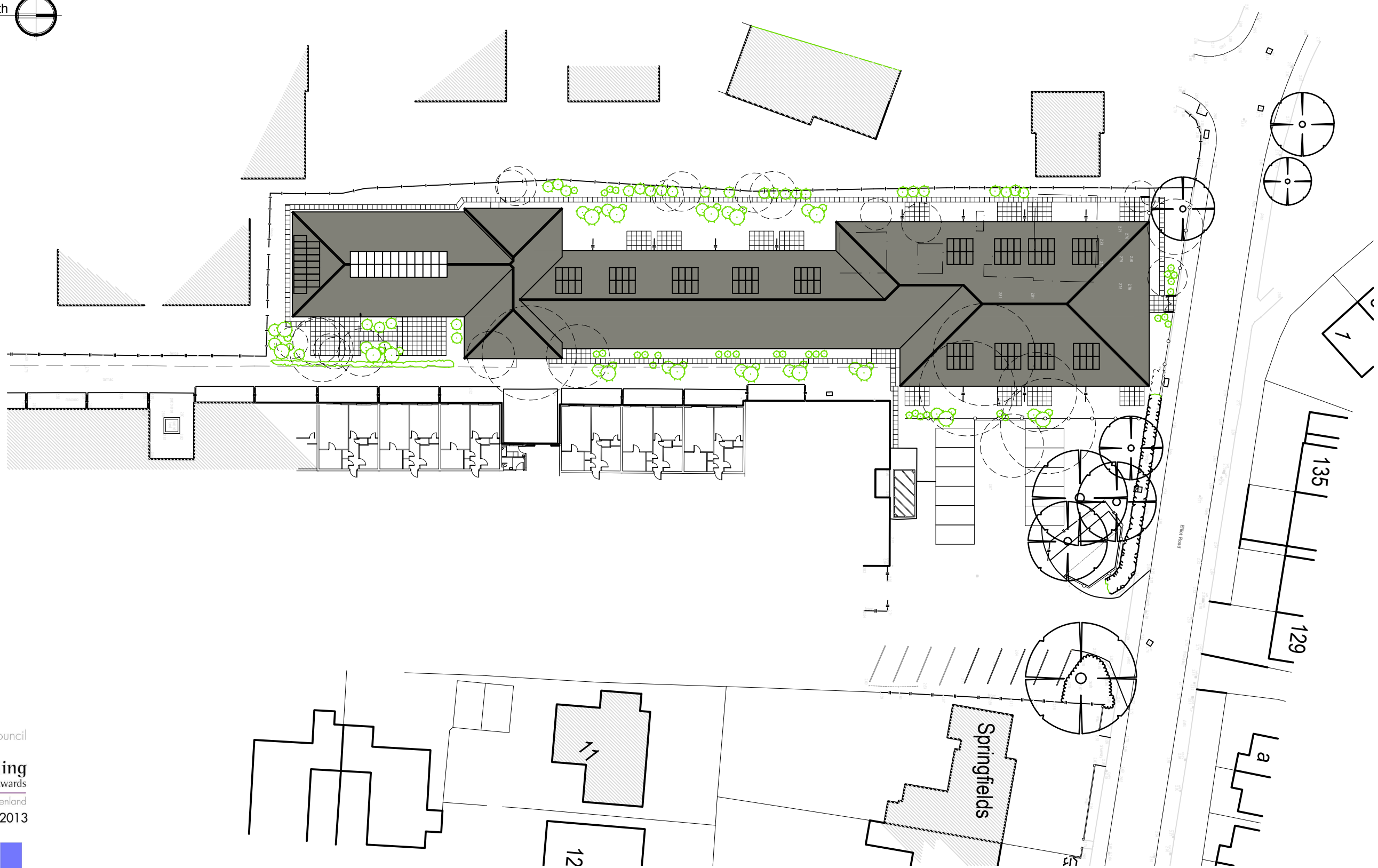
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			1:500 @ A3	Dec 2017	LB	
			Drawing Number	Revision		
			CH17/LBA/426/FP-1-101			