
F/YR19/0467/RM

Applicant: Mr D Lutkin

**Agent : Mr C Bartram
PDG Architects**

Land South Of, Jones Lane, Eastrea, Cambridgeshire

Reserved Matters application relating to detailed matters of appearance, landscaping and scale pursuant to outline permission (F/YR13/0804/O) for the Erection of 6no dwellings (1 x single-storey 4-bed, 2 x 2-storey 3-bed, 2 x 2-storey 4-bed and 1 x 2-storey 5-bed)

Officer recommendation: Approve

Reason for Committee: Town Council comments and number of representations contrary to officer recommendation and Ward Councillor call in.

1 EXECUTIVE SUMMARY

- 1.0 The application seeks approval of reserved matters relating to Scale, Appearance and Landscaping and comprises 6 dwellings ranging from single-storey, chalet style 2-storey and full 2 storey dwellings, each with garages.
- 1.1 The principle of development has been firmly established through the granting of outline planning approval and the layout of the development is dictated by the earlier consent which agreed the number of dwellings, the footprint of these and the access. Hence only issues in relation to the scale, appearance and landscaping can now be considered.
- 1.2 Revisions have been made since the application was submitted resulting more traditional detailing, design and materials and a reduction in scale to respect the size of the plots and the character of the area providing a transition between the larger frontage properties on Eastrea Road and the bungalows on Bryony Close.
- 1.3 It is acknowledged that the development will result in the loss of existing trees and vegetation, however the development of the site has already been established by virtue of the outline planning permission; a proposed landscaping scheme has been provided and details of biodiversity mitigation measures can be secured via condition.
- 1.4 The access to the site via Jones Lane was committed at outline stage and considered acceptable; condition 8 of the outline planning permission requires a detailed engineering scheme in relation to the roads and footways to be submitted, approved and implemented prior to the first occupation of any dwelling to ensure a satisfactory scheme is provided.
- 1.5 Initial concerns in relation to the matters which can be considered (scale, appearance and landscaping) have been overcome and as such the development is considered policy compliant with a favourable recommendation forthcoming.

2 SITE DESCRIPTION

The application site is located off Eastrea Road, Eastrea, via Jones Lane a narrow, unmade gravel track and byway which runs alongside the Nags Head Public House. The site consists of overgrown land with a number of trees and vegetation and garden land presently serving 18 Bryony Close, Eastrea which is surrounded by a tree belt. Due to the open nature of the area the site is visible for some distance from the fields and public footpaths to the west. The site is located in Flood Zone 1.

3 PROPOSAL

The application seeks approval of reserved matters relating to Scale, Appearance and Landscaping (with Layout and Access previously approved at outline stage, F/YR13/0804/O) and comprises 6 dwellings ranging from single-storey, chalet style 2-storey and full 2 storey dwellings, each with garages.

- 3.1 Plot 1 measures 14.6m x 12.7m and 5.5m in height, forming a single-storey, 4-bed dwelling.
- 3.2 Plots 2 and 6 measure 11.6m x 11.4m and 6m in height and form 3-bed, 2-storey (rooms in roof) dwellings.
- 3.3 Plots 3 and 4 measure 8.6m x 10.7m and 7.9m in height and form 4-bed, 2-storey dwellings
- 3.4 Plot 5 measures 11.6m x 10.8m and 8.1m in height forming a 2-storey, 5-bed dwelling
- 3.5 Single garages measure 7.4m x 3.4m and 4.2m in height.
Double garage measures 6.6m x 7.4m and 5.2m in height

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PSKF6LHE0D800>

4 SITE PLANNING HISTORY

F/YR13/0804/O	Erection of 6no dwellings	Granted 01/06/2016
F/YR12/0013/O	Erection of 9 x dwellings	Refused 05/03/2012 Dismissed on appeal 3/4/2013 in relation to design and living environment only (access was considered acceptable)
F/YR10/0808/O	Erection of 9 dwellings	Refused 18/01/2011

F/96/0948/O	Erection of 2 dwellings	Refused 14/05/1997
F/94/0929/F	Erection of single-storey detached garage	Granted 20/04/1995
F/91/0416/F	Formation of a swimming pool enclosure	Granted 28/11/1991

5 CONSULTATIONS

During the course of the application a number of consultations and re-consultations were carried out in relation to alterations to the design, heights, materials and garages/parking. Along with the following additional plans and documents: swept path site plan, photomontages, ecology report and topographical site plan provided, hence there a number of comments received from the same consultee as follows:

5.1 Mr James Fisher - Wildlife Officer (5/12/2019 – revised plans)

Thank you for the opportunity to comment on the further information submitted in relation to this Reserved Matters application. I am disappointed to note that the Proposed Site Plan Drawing has not been amended as previously advised.

Further comments as per below:

5.2 Mr James Fisher - Wildlife Officer (30/9/2019 – ecology report)

Thank you for the opportunity to comment on the further information submitted in relation to this Reserved Matters application. I have the following observations to make.

Protected Species:

I note that an Extended Phase 1 Survey Report (dated Sept 2019) has now been submitted. I accept the findings of the report which found that the site is considered likely to support breeding birds and hedgehogs as well as foraging bats.

Section 8 of the report makes a number of recommendations including the installation of 6 bat boxes, 15 bird nest boxes plus 3 hedgehog homes and hedgehog-friendly fencing.

I would therefore advise that the Proposed Site Plan Drawing is amended to include full details of the above measures, including locations and specifications.

In addition to the above measures, it is advised that all site clearance works takes place outside the main bird nesting season which runs from 1st March to 31st August.

Recommendation:

I would advise that full details of the bird, bat and hedgehog enhancement measures are submitted for approval prior to determination of the application, or alternatively that this information be secured by condition if appropriate.

5.3 Mr James Fisher – Wildlife Officer (1/7/2019 original submission)

Landscaping:

Landscaping details as well as provision of bird nest boxes as detailed in the Proposed Site Plan Drawing appear acceptable and the scheme may therefore be implemented in accordance with this detail.

Protected Species:

Having not previously been consulted on the original outline application, I understand the site contains shrubs and other vegetation however it does not appear to have ever been subject to a detailed ecological assessment.

I would therefore strongly advise that any site clearance works is carried out with care and that such clearance is carried out to avoid the bird nesting season. It is recommended that the applicant is reminded of their legal duties under the Wildlife & Countryside Act (as amended) in relation to nesting birds.

Recommendation:

I would have no objection to the detailed scheme, however it is recommended that the applicant is reminded of their legal duties in relation to nesting birds.

5.4 Conservation Officer FDC (9/1/2020 – revised materials)

I am now happy with the products suggested. Glad that the application can now move forward.

5.5 Conservation Officer FDC (8/1/2020 – revised materials)

It seems to me that the proposed Mockbond Richmond 10 Slate (<https://redland.co.uk/products/slate-range/mockbond-richmond-10-slate>) is a reduction in quality and aesthetics to the previously approved Redland Richmond 10 Slate Smooth- Slate Grey (<https://www.roofingsuperstore.co.uk/product/redland-richmond-10-slate-smooth-slate-grey.html>) I do not understand why this change has been made for plots 1-4 and the previously approved slate should be used.

Similarly, I think the proposed brick (new red multi gilt stock brick) is too harsh a colour and texture within the context of the historic surroundings. The Wienerberger Autumn Russet or Bamburgh Red Stock Brick for example, provides that uniformity of tone and texture which would lend the development a quality aesthetic and would better complement the brick proposed for plots 5 and 6. To achieve the highest quality aesthetic possible would ensure the preservation of the setting of the listed building. I therefore do not recommend approval for the proposed Wienerberger New Red Multi Gilt Stock Brick.

I do however recommend approval for the proposed materials for plots 5 and 6, namely the wienerberger heritage blend brick and the Redland, Fenland pantile.

5.6 Conservation Officer FDC (11/12/2019 – revised plans and materials)

The photomontages are not great, but give enough of an indication to illustrate the impact the proposals may have on the setting of the listed building. Given the distance and screening between the development site and the listed property, and its setting which is its west facing garden (subdivided to allow for development of modern homes in close proximity), this new development will have a negligible additional impact.

Roof tiles and bricks should be submitted for approval as a condition of the application, to ensure good quality materials which will preserve or enhance the setting of the listed building.

Further comments:

The Redland Richmond 10 Slate, smooth, grey is acceptable.

The Redland Fenland Pantile, Smooth Tudor Brown is not acceptable - especially on plots 5 and 6 as those nearest to the listed building. A farmhouse red, black, or slate

would be preferable. If a red tile is used, an alternative brick may be required to give a distinction in colour between the walls and the roof.

The colour and overall texture of Weinerberger Mardale Antique brick is acceptable, however, it would be preferable to find a brick with less creasing. The cumulative impact of a vast number of bricks with creases, can sometimes give a building a detrimental appearance, as though the walls were sagging.

Weinerberger Abbeydale red multi brick is not acceptable. A plain colour or mix would be preferable, without the black sooty dots.

I do not think the details of the windows, doors, cills, or rainwater goods etc will have an overall impact on the development scheme in this instance. The predominant impact will be from the houses themselves e.g. the walls and roof, rather than their details.

5.7 Conservation Officer (FDC) (11/7/2019 – original submission)

This is a reserved matters application relating to detail matters of appearance, landscaping and scale, pursuant to outline permission (F/YR13/0804/O) for the erection of 6 dwellings (two 3-storey 5 bed properties, one single storey 4-bed property and three 2-storey 5-bed properties). The site lies to the rear of 398 – 400 Eastrea Road, listed grade II, and so comments are made in respect of the impact on the setting of the listed building.

Due regard is given to the relevant planning history which saw two proposals for 9 dwellings on this site under F/YR10/0808/O (refused) and F/YR12/0012/O (refused and dismissed at appeal). The current scheme is for 6 dwelling and Outline permission has been approved. Comments are only in relation to appearance, landscaping and scale and how this may impact on the setting of the listed building.

Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal put forward is acceptable subject to amendments. The following comments are made:

i. No. 398- 400 Eastrea Road is a thatched cottage that is of 1 ½ storey form. The thatched cottage is dated in the list description to the late 18th century and is considered to be a modest sized property. It is orientated gable end to the road and its front elevation is west facing and faces onto its front garden which provides the immediate setting to this defining elevation. The front (west) elevation incorporates all but one of the openings serving the building and includes the principal entrance door accessing the hall, the kitchen entrance and windows to the main rooms. The property turns its back on the site behind, to the east, and the rear elevation is devoid of openings and accesses with the exception of a utility window. The listed cottage is evidently intentionally designed as west facing and the only land/garden accompanying the property is also all to the west. It is a matter of fact that the land to the front (west) is in the same ownership as the cottage, serves the cottage and has a functional relationship with the cottage. Map evidence along with information contained within the planning history indicate the property had a larger garden curtilage from at least 1887 to circa 1988, before part of the garden was divided to contribute to a plot for a new dwelling. The property is located alongside the A605 which is the principal road running east out of Whittlesey and connecting with Eastrea and Coates and on to March and is clearly visible from this road. While the cottage is

located within the former historic focal point of Eastrea on the principal route through the settlement it is acknowledged that it stands today with late 20th century housing to its west and north east. It is with this understanding of the listed cottages interests and setting that this proposal is considered.

ii. It is not easy to determine from the plans submitted, exactly to what degree the side and front elevations of plots no.s 5 and 6 will be visible from within the setting of the listed building. The blank walls of the garages may screen views of the larger development site, but will also offer an unattractive façade within the setting of the listed building. A street scene view would be helpful to determine just what level of impact there will be on the setting of the listed building.

iii. However, the overall design of the buildings is poor, with limited detailing, awkward dormers and asymmetrical facades. The choice of materials and finishes will be paramount in ensuring the quality of the design and the lack of window lintels, profiled rainwater goods and poorly designed front doors will all dilute the quality of the scheme.

iv. Furthermore, the erection of a close boarded 1.8m fence will impact negatively on the setting of the listed building which currently enjoys the benefits of views to the open fields and the amenity of trees and hedges to the rear. A street scene view would help to illustrate just how much of this will be lost or screened and therefore determine the impact on the setting of the listed building.

5. CONDITIONS

i. Notwithstanding the approved plans and prior to the commencement of development, samples of all materials to be used in the construction of external surfaces of the houses and new boundary walls and fences, and garages shall be required to be submitted to and approved in writing by the LPA. Precise details of brick bonding and render work (including surface finish colour) will also be required to be agreed via sample and confirmed in writing by the LPA.

ii. Notwithstanding the approved plans, prior to the commencement of the development precise details of all new windows, doors, and rainwater goods will be required to be submitted to and approved in writing by the LPA.

6. These comments are made in respect of S.66 of the Planning Act 1990 and in respect of Local Policy LP16 a) which stipulates that new developments shall protect and enhance any affected heritage assets and their setting to an extent commensurate with policy in the NPPF and in accordance with LP18 and; LP16 d) which stipulates that new development shall provide a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area and; NPPF 192 c) the desirability of new development making a positive contribution to local character and distinctiveness. The proposal does not comply with these policies.

RECOMMENDATION: *Refuse. Amendments and further information required*

5.8 Environment & Health Services (FDC) (3/12/2019 – revised plans)

The Environmental Health Team note and accept the submitted information in respect of the above reserved matters, and have 'No Objections' to the proposals.

5.9 Environment & Health Services (FDC) (19/6/2019 – original submission)

I visited yesterday afternoon and ascertained from speaking with a staff member that the area to the east is used by a vehicle recovery company.

Although there is potential for 24hr access, this is extremely rare and the premises is essentially used as the office, with recovery vehicles being stationed at another site or at the employees' homes. If a call comes in overnight (via phone to remote on-call employee), then there isn't any need to access the premises to then go out in a company vehicle, and any recovered are generally taken back to the customer's home, or kept on the vehicle until the morning, before being taken to a garage elsewhere. The only vehicles brought back to site are write-offs, and these are quickly removed to a store elsewhere, and again this doesn't happen overnight.

The commercial vehicles on the premises at present were confirmed to be all old redundant company ones, so of no concern.

With this in mind, I am satisfied that the current commercial premises shouldn't have any noticeable adverse effect on amenity of the proposed residential development.

5.10 Cambridgeshire County Council Highways Authority

This is a private development. The impact of the development on the highway network has already been considered at outline application stage and deemed acceptable.

I have no highways objections

5.11 Arboricultural Officer (FDC) (2/12/2019 – revised plans)

My comments relate to the proposed landscape plan.

The submitted proposal is acceptable and I have no objection to the choice of species and planting size.

5.12 Arboricultural Officer (FDC) (24/6/2019 – original submission)

My objection to the proposal relates to choice of species and lack of screening on the south boundary.

*One of the species selected for planting (*Robinia pseudoacacia* 'Bessoniana'), whilst an attractive species when young does become untidy with age and is known for its brittle limbs being prone to breakage when mature. The cultivar is also budded onto *Robinia pseudoacacia* rootstock that can sucker and the suckers are often covered in large thorns.*

*The use of *Acer campestre* 'Louisa Redshine' may be a better alternative.*

Plot 2 on the south boundary is close to 18 Bryony Close and some form of screening should be planted. This could be a maintained high hedge or by the use of fastigiate tree species used to break up the outline of the building.

*Both *Acer campestre* 'Lienco' and *Crataegus monogyna* 'Stricta' are narrow upright forms of native trees that are good for wildlife and ideal for small spaces.*

5.13 Definitive Map Team

Thank you for consulting us on the planning application above.

Please note Byway Open to All Traffic 42 Whittlesey would form part of the site access. To view the location of the Footpath please view our interactive mapping

online which can be found at
<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Public rights of way are recorded on the Definitive Map & Statement, the legal record of public rights of way for Cambridgeshire.

The proposed site would be accessed off Jones Lane, part of which is recorded as Byway Open to All Traffic 42 Whittlesey. As a Public Byway, the public have the right to pass and repass along the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles.

The byway is only maintained to the standard of a soft surface suitable for the majority of users.

The County Council does not own the byway. The highway rights over the byway are simply vested in the County Council as the Highway Authority. The County Council may not know who the owner of the subsoil is. The developer will need to satisfy themselves as to this.

There is no legally defined and recorded width for this byway, and we are not able to advise what it would be.

As the dimensions are not known, we cannot guarantee that the developer would be able to improve the byway to secure a road and footway to an adoptable standard that may be required by the Local Planning Authority (LPA). An applicant therefore would proceed with any development that might affect the highway at their own risk.

It may be necessary to undertake minor works just to improve the surface of the track of the byway, but it would remain a byway. They would need to discuss this further with the Highway Authority if the developer wishes to proceed.

If the developer requires a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches.

If you were minded to allow the developer to proceed with the development, the County Council's usual caveats would apply:

- Byway Open to All Traffic 42 Whittlesey must remain open and unobstructed at all times*
- Should you need to temporarily close it for safe works, you should apply to the Streetworks Team online at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/cambridgeshire-permit-scheme-for-street-works/>*
- Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- Landowners and developers are reminded that it is their responsibility to maintain boundaries, including trees, hedges, drains and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- Developers should follow the County Council's guidance on boundary treatment to ensure it does not result in obstruction and maintenance problems, available online at*

<https://www.cambridgeshire.gov.uk/residents/libraries-leisure-&-culture/arts-green-spaces-&-activities/definitive-map-and-statement/> (please scroll down to the section entitled 'Town & Country Planning Act 1990')

- *The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).*

No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).

- *The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980). If the surface of the Footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.*

5.14 Parish/Town Council (20/12/2019 – revised plans)

The Town Council recommend refusal of this application on the following grounds, highways and access via Jones Lane onto the A605.

5.15 Parish/Town Council (18/6/2019 – original submission)

The Town Council recommend refusal of this application due to over intensification of site, access onto the A605 and the increased volume of traffic, WTC request that highways revisit this application. We also request that the Bio Diversity report from the original application can be clarified as it doesn't reflect what is on site and we believe it to be inaccurate, it states there no effect on the birds, however there are large established trees which will be felled, and finally the proposed will have a dominant effect on the existing bungalows, thus effecting the health and wellbeing of their residents.

5.16 Senior Archaeologist (CCC)

Our records indicate that this site lies in an area of archaeological potential. located on the western side of Eastrea village, which, together with Coates to the east and Whittlesey further to the west, is located on the former greater Whittlesey island, rising to between 5m and 10m above sea level. This island was formed of March Gravels, which were laid down at the end of the last Ice Age over the undulating thick Jurassic Oxford Clays that underlie this region. The gravel islands formed essential areas of drier land in the later prehistoric period, from when human activity is most evident. Prehistoric settlements and ceremonial sites are well known from these islands, which were inevitably resource-rich and free-draining settlement loci. Settlement expansion in Roman and Saxon periods is evident in the numerous cropmarked sites that occur around the village envelope and through the work of numerous development-led excavations (eg. Cambridgeshire Historic Environment Record references 09393, 04205, MCB19585, MCB26953). To the north-east of the proposed development area are the scheduled remains of a Roman and Saxon site, to the north of Coates Road (National Heritage List for England reference 1006853) and development led investigations between this site and Coates Road have revealed evidence of Bronze Age settlement activity continuing into the Iron Age, including two partially preserved clay-lined ovens or kilns and a large assemblage of Late Bronze Age to Early Iron Age pottery (MCB23117).

We have commented on this site previously. The extant archaeological condition (Condition 7) attached to outline application F/YR13/0804/O remains outstanding, with no archaeological investigation having yet been commissioned, and we therefore

recommend that the condition be carried over to this application for Reserved Matters, in order to secure the archaeological interest of the site.

We recommend that you include the following worded condition on any permission you may be minded to grant for this scheme:

Archaeology

No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which 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 the analysis, publication & dissemination, and deposition of resulting material. **Part (c) 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 ensure that the significance of historic environment assets is conserved in line with NPPF section 16

A brief for the recommended archaeological works is available from this office upon request.

5.17 Environmental Services Operations Manager (7/1/2020 – revised plans)

The vehicle used in the swept path plan appears smaller than a standard refuse vehicle so would require one to demonstrate an 11.5m vehicle could access and turn,

5.18 Environmental Services Operations Manager (17/7/2019 – original submission)

I have concerns regarding access to this new development.

From the plans it would appear that we would be unable drive into Jones Lane up to the bin collection point, turn and drive out. We currently reverse into Jones Lane to the corner of Half Acre Drove walk and collect the bin from 2 Jones Lane.

For this development to be agreed plans would need to demonstrate how our vehicle could get to the bin collection point being proposed. Also the drag distances for residents to the bin store appear to be above the 30m recommendation.

5.19 Councillor Miscandlon

I would like to call the above application in, Due the size of the proposed properties will have a detrimental effect on the residents of the bungalows which are the main builds in the area and as such will effect the health and well being. Also the mature trees on the site and the site itself is home to a number of wild life species and as such this will be lost for ever.

5.20 Local Residents/Interested Parties

Eleven objections have been received in relation to the following:

- Access/Highway Safety – single width gravel track and designated byway also used by pedestrians, cyclist, horses and agricultural/commercial vehicles
- Character/Visual Impact
- Loss of natural/agricultural land/trees
- Loss of privacy/overlooking
- Loss of views
- Devaluation of house
- Overdevelopment
- Design/appearance
- Noise
- Parking
- Wildlife Concerns
- Overshadowing/loss of light
- Light pollution
- Proximity to property
- Local Services/schools unable to cope
- Anti-social behaviour
- Smell
- Waste/litter
- Set a precedent/link of Eastrea to Whittlesey
- Drainage/Flooding due to loss of fields

Loss of views and devaluation of property are not material planning considerations and as such would not form part of the determination of the application.

Light pollution, anti-social behaviour, smell, noise and waste/litter have been raised as issues however these have not been elaborated upon and there has been no reason to consider that these are concerns from a residential development such as this; Environmental Health comments concur.

All other matters will be considered in the sections below.

6 STATUTORY DUTY

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).

- 6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context – C1, C2

Identity – I1, I2, I3

Built Form – B1, B2

Nature – N3

Homes and Buildings – H2

7.4 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5 Delivering and Protecting High Quality Environments in Fenland 2014

DM2 – Natural Features and Landscaping Schemes

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the area

DM4 – Waste and Recycling Facilities

8 KEY ISSUES

- **Principle of Development**
- **Scale & Appearance**
- **Impact on setting of Listed Building**
- **Landscaping and Biodiversity**
- **Residential Amenity**
- **Highways & Parking**
- **Flood Risk/Drainage**
- **Other matters**

9 ASSESSMENT

9.1 Principle of Development

The principle of development has been firmly established through the granting of outline planning approval and the development is dictated by the earlier consent which agreed the number of dwellings, the layout/footprint of these and the access. Hence only issues in relation to the scale, appearance and landscaping can be considered.

9.2 Scale & Appearance

The application site is located on the rural fringe at the edge of the village and visible for some distance from the site due to the presence of public footpaths and from Eastrea Road as a backdrop to the frontage properties including the listed cottage of 398-400 Eastrea Road. The properties on Bryony Close to the south are single-storey leading to 2 and 3 storey properties on Eastrea Road.

9.3 The design, overall scale and height, in addition to materials for the development have been amended during the course of the application as these were originally considered unacceptable and at odds with the character and visual amenity of the area in addition to the impact on the setting of the nearby Grade II Listed Building of 398-400 Eastrea Road. The revised scheme proposes more traditional detailing, design and materials and of a scale to respect the size of the plots and provides a transition between the frontage properties and those on Bryony Close.

9.4 The materials proposed are:

Plots 1-4
Bricks - Weinerberger Autumn Russet
Tiles - Redland Richmond 10, 30 slate grey.

Plots 5 & 6
Bricks - Wienberger Heritage Blend -
Tiles - Redland Fenland Pantile, 30 Slate Grey, Smooth -

9.5 These are considered to be appropriate in relation to the materials surrounding and also long range views given this edge of village location. As such the development is considered to comply with Policy LP2, LP16 and LP18 of the Fenland Local Plan, DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014, Chapter 12 and para 192 of the NPPF 2019 C1, C2, I1, I2, B1, B2 and H2 of the NDG 2019.

9.6 Impact on setting of Listed Building

398- 400 Eastrea Road is a grade II listed thatched cottage that is of 1 ½ storey form. The thatched cottage is dated in the list description to the late 18th century and is considered to be a modest sized property, orientated gable end to the Eastrea Road and its front elevation is west facing and faces onto its front garden.

Given the distance and screening between the development site and the listed property, and its setting which is its west facing garden (subdivided to allow for development of modern homes in close proximity), this new development will have a negligible additional impact on the setting of the listed building. However, to achieve the highest quality aesthetic possible would ensure the preservation of the setting of the listed building, hence negotiations have been undertaken regarding the materials proposed and a suitable external finish secured. As such the development is considered to comply with LP16 and LP18 of the Fenland Local Plan, para 192 of the NPPF 2019 and Chapter C2 of the NDG 2019.

9.7 Landscaping and Biodiversity

The development will result in the loss of a number of trees and substantial vegetation on site; whilst landscaping was not a matter considered under the previous outline application the layout which was committed is such that these would be required to be removed to facilitate the proposed development. The Council's Arboricultural Officer has been consulted on the application and had no concerns regarding the removal of the trees and vegetation.

9.8 An ecology report was submitted with the application which found that the site is considered likely to support breeding birds and hedgehogs as well as foraging bats, the report also makes a number of recommendations to mitigate the loss of habitat. The Wildlife Officer has been consulted on the application and requires full details of mitigation measures to be provided, however these can be achieved by way of a condition.

9.9 In relation to the proposed landscaping, the Arboricultural Officer has been consulted on the soft landscaping and following a revision to this on the basis of his original comments is satisfied that this is acceptable. The hard landscaping includes a shared tarmac access road, block paved drives and concrete paving footpaths and patios, 1.8m high close boarded fencing/walls separating plots to the rear and 1.2m high post and rail fencing to the boundary of the site with hedging, these are considered to be acceptable and form a soft edge to the development when viewed from outside.

9.10 As such the development is considered to comply with Policy LP16 and LP19 of the Fenland Local Plan, DM2 of the Delivering and Protecting High Quality Environments in Fenland 2014, para 170 of the NPPF 2019 and Chapters N3 of the NDG 2019.

9.11 Residential Amenity

The development does result in the loss of garden land serving 18 Bryony Close, however this plot is much larger than those surrounding and the resultant garden is reflective of others on the estate, in any event the loss of this land for residential amenity serving No.18 has been considered acceptable under the outline permission given this is required for the proposed development.

9.12 To the east of the site access is 1 Jones Lane, the impact in terms of potential disturbance of the additional use of the access road for 6 dwellings was considered at outline stage and the development will upgrade the surfacing reducing noise. The nearest plot to 1 Jones Lane is plot 6, which is two storey and will have oblique views of the garden, however the 2-storey element is approximately 20m distant and as such this relationship is considered to be acceptable.

9.13 To the rear of 1 Jones Lane is a commercial site used as a vehicle recovery business, whilst the physical development is not considered to impact this site there is potential for the reverse sensitivity of introducing residential development in such close proximity. Environmental Health have been consulted in relation to this and consider that the current premises should not have any noticeable adverse impact on residential amenity of future occupiers.

9.14 To the south of the site are the single-storey dwellings of 16 and 18 Bryony Close.

Plot 1, a single-storey dwelling is in close proximity to the boundary with No.16, however overlooking is not considered to be an issue. Similarly overshadowing is not a concern given the Plot 1 is located to the north, outlook from the rear most part of the garden is likely to be affected however given this is area is set away from the main amenity area and dwelling this is not considered to be significantly detrimental.

Plot 2, is a 2-storey chalet style dwelling, the garage serving this is located close to the boundary with No.16, however this is sited behind the existing garage serving No.16, the outlook from this existing property would be affected and there is potential for overlooking due to the 2-storey nature, however the development has been amended in light of this and the closest windows would be rooflights serving a bedroom and bathroom which would not enable direct views and even so any view is likely to be restricted by the existing and proposed garages.

Similarly, Plot 2 is also in close proximity to the boundary with No.18, however this is located approximately 15.5m away from No.18 itself, the proposed dwelling is only 6m high and will appear lower when viewed from Bryony Close due to the difference in ground levels, there are also no first-floor windows in the side elevation which will create direct overlooking, as such the impact on No's 16 and 18 from Plot 2 is not considered to be significantly detrimental.

9.15 To the west of the site are open fields which would not be affected by the development.

9.16 To the north of the site is the Nags Head, public house, 2-storey cottages of 2 Jones Lane and 398-400 Eastrea Road, 2-storey detached dwelling of 394 Eastrea Road and the 3-storey dwelling of 392 Eastrea Road. The development is separated from the pub itself by a substantial car park and not considered to be detrimentally affected by the development. Plots 5 and 6 are located between approximately 10.5m and 12m away from 2 Jones Lane and 394 Eastrea Road, 398-400 and 392 Eastrea Road are further distant, there is no direct overlooking as there are no first-floor windows in the side elevations facing towards these dwellings and suitable boundary treatments at ground floor level. It is acknowledged that there will be additional overlooking as a result of the development, however this would be oblique and of a sufficient distance

away that the relationships are considered to be acceptable. The outlook from the existing properties would be altered as a result of the development given that the site is currently open, and some additional overshadowing is likely given the development is orientated to the south, however the overall impact is not considered to be significantly adverse.

9.17 To ensure continued protection of neighbours existing amenity it is considered necessary to impose a condition to remove permitted development rights in relation to roof alterations, to ensure the LPA retain control over this element to prevent unacceptable overlooking of existing dwellings and adverse impact on the character of the area by the additional massing.

9.18 It is acknowledged that there is no external lighting proposed and no condition on the outline permission requesting a scheme, given the location of the site away from the main road and the private drive it is considered necessary to impose a condition in this regard in the interests of safety and residential amenity, in accordance with Policy LP2 and LP17 of the Fenland Local Plan 2014.

9.19 As such the development is considered compliant with Policy LP2, LP16 of the Fenland Local Plan, DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014, Chapter 12 of the NPPF 2019 and Chapter H2 of the NDG 2019.

9.20 Highways & Parking

The access to the site was committed at outline stage and considered acceptable. Condition 8 of the outline planning permission requires a detailed engineering scheme in relation to the roads and footways to be submitted, approved and implemented prior to the first occupation of any dwelling to ensure a satisfactory scheme is provided.

9.21 Due to the limited scope for on street parking it is felt necessary to condition the retention of the parking spaces and garages for that purpose.

9.22 The development has been considered in relation to Policy LP15 and Appendix A of the Fenland Local Plan 2014 and sufficient on-site parking has been provided for each dwelling in addition to 2 visitor spaces which are provided in the centre of the site.

9.23 Flood Risk/Drainage

The application site falls within Flood Zone 1 (low risk) and as such the development is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.

9.24 In relation to surface water and foul drainage, the development would need to accord with the latest Building Regulations - Part H, which would require the development to follow a sustainable drainage hierarchy achieving the most sustainable method of drainage based on the ground conditions of the site. In this regard it is considered that the development is satisfactory in principle but ultimately to be determined through Building Regulations. As such it is considered that the development accords with LP14 and LP16 of the Fenland Local Plan 2014 and paras 155-163 of the NPPF 2019.

9.25 Other matters

Archaeology

Condition 7 of the outline planning permission secured a programme of archaeological work and this condition remains relevant and requires discharging.

9.26 Refuse

Condition 10 of the outline permission requires a refuse collection strategy to be submitted and approved. Negotiations are ongoing with the applicant's agent

regarding this matter, a separate application to discharge this condition will be required.

- 9.27 *Setting precedent and potential for future developments linking Eastrea to Whittlesey*
The principle of development on this site has already been established by the outline planning permission; all applications are dealt with on their own merits and assessed against the development framework. Current planning policy, specifically LP12(b) of the Fenland Local Plan 2014 seeks to ensure that development does not result in the coalescence with adjoining settlements.

10 CONCLUSIONS

The principle of development has been established through the granting of outline planning approval and the development is dictated by the earlier consent which agreed the number of dwellings, the layout/footprint of these and the access.

- 10.1 The application has been revised following initial concerns in relation the scale, design, appearance and landscaping, in addition to further information being provided in relation to ecology to enable necessary mitigation measures to be put forward.
- 10.2 It is acknowledged that the development would result in the loss of existing trees and vegetation, however the development of the site has already been established by virtue of the outline planning permission and a proposed landscaping scheme has been submitted to soften the development and assimilate into its surroundings.
- 10.3 The impact on the residential amenity of surrounding dwellings, setting of the listed building and the character of the area has been fully considered and whilst it is acknowledged that there is some impact this is not considered to be significantly detrimental and as such a favourable recommendation may be forthcoming.

11 RECOMMENDATION

Approve

The proposed conditions are as follows;

- 1 Prior to commencement of development above slab level, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and retained thereafter in perpetuity.

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

- 2 Prior to commencement of development above slab level, a scheme of biodiversity mitigation measures in accordance with Section 8 of the Extended Phase 1 Survey of Land at Jones Lane, Eastrea dated September 2019 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and retained thereafter in perpetuity.

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

- 3 Prior to the first occupation of the development, the garages, parking and turning areas as detailed on plan SK103B shall be provided and thereafter retained for that use (for the avoidance of doubt in relation to the garages, these must remain capable of stationing a vehicle in association with their respective dwelling).

Reason - To ensure a satisfactory means of access and parking in accordance with policy LP15 of the Fenland Local Plan, 2014.

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for alterations or extensions to the roof of the dwellinghouses (as detailed in Schedule 2, Part 1, Class B and C);

Reason - To ensure that the Local Planning Authority retains control over the future development, in the interests of the character of the area and to prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity in accordance with Policies LP2, LP16 and LP18 of the Fenland Local Plan 2014.

5. For the avoidance of doubt, the development hereby approved shall be finished externally in the following materials:

Plots 1-4

Bricks - Weinerberger Autumn Russet

Tiles - Redland Richmond 10, 30 slate grey.

Plots 5 & 6

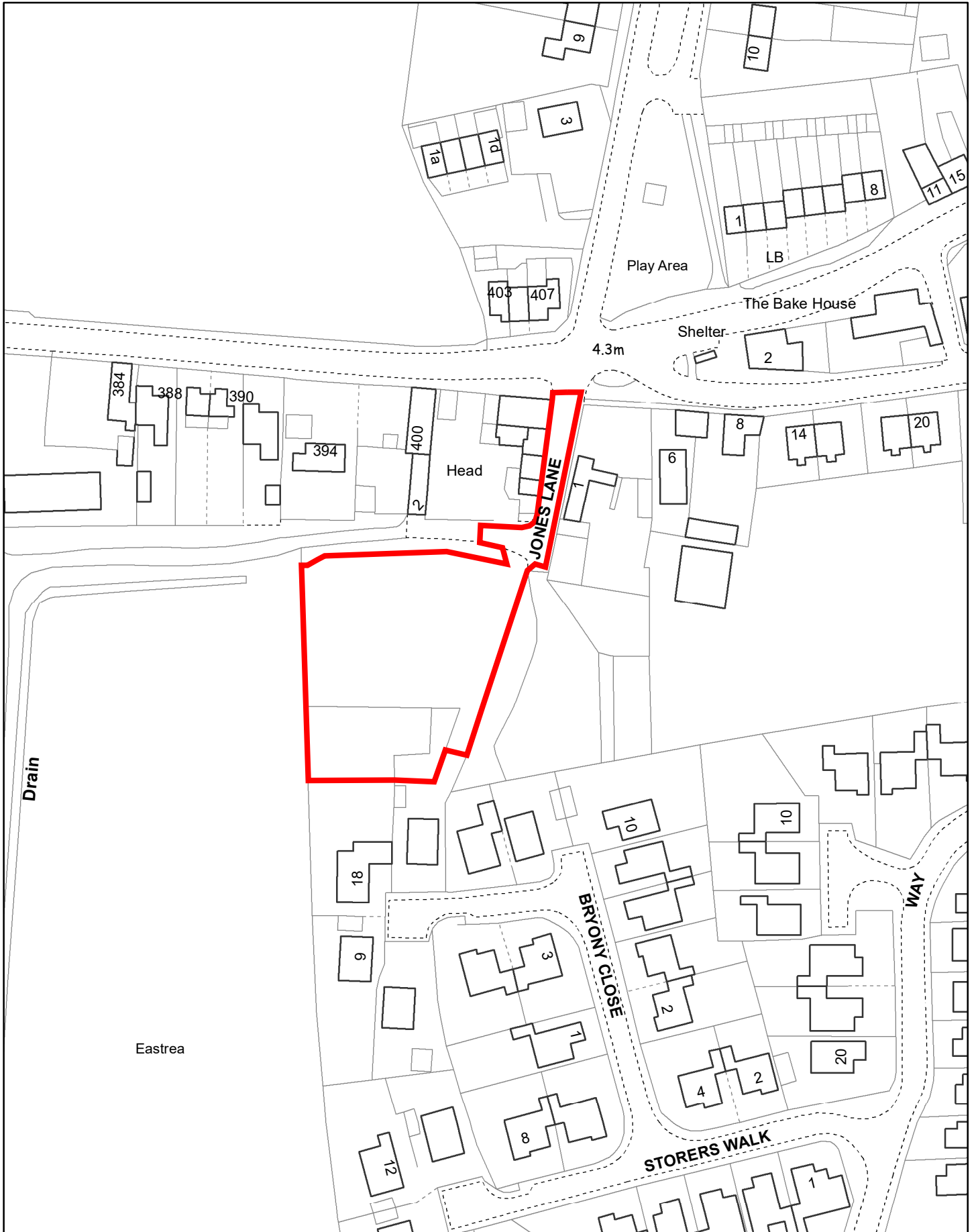
Bricks - Wienberger Heritage Blend -

Tiles - Redland Fenland Pantile, 30 Slate Grey, Smooth -

Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 and LP18 of the Fenland Local Plan, 2014.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

To be finalised on the decision notice.



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