
F/YR21/1358/O

Applicant: Construct Reason Ltd

Agent : Construct Reason Ltd

Land West Of 43, Lindsells Walk, Chatteris, Cambridgeshire

Erect 1 x dwelling (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: Referred by Head of Planning on advice of Committee Chairman

1 EXECUTIVE SUMMARY

1.1 The site is located on an area of open space at the south-eastern end of Lindsells Walk, 170m east of High Street, Chatteris.

1.2 The application seeks outline permission for the construction of one dwelling on an area of open space adjacent a previously developed group of bungalows. All matters are reserved for future consideration. The Applicant seeks to establish the principle of development only at this stage.

1.3 The site abuts the Conservation Area on its southern side, and there is a TPO'd Chestnut tree on neighbouring land but overhanging the site as well as younger London Planes and Acacias planted to the immediate west of the site.

1.4 It is considered that the development of the site would result in the loss of an, albeit small, area of amenity value in a high-density built-up area. Any new dwelling on this site would be likely to be significantly overshadowed by adjoining important trees and, if approved, would be likely to lead to unacceptable pressure for the reduction and/or wholesale removal of important trees.

1.5 Therefore, the recommendation is one of refusal.

2 SITE DESCRIPTION

2.1 The application site is located at the eastern end of Lindsells Walk, approximately 170m to the east of its junction with High Street, Chatteris.

The application site comprises part of a larger 2014 application proposal which sought and was granted permission for the construction of 6 bungalows. The application was amended during the course of that application to omit a seventh building plot on the site of the current proposal.

2.2 The immediate area of the site incorporates modest single-storey development, with higher density two-storey terraced and semi-detached housing and flats closer to the High Street.

3 PROPOSAL

- 3.1 The current application proposes the construction of a single dwelling on the south western side of the end of the cul-de-sac.
- 3.2 The application is in outline form with all matters reserved for future consideration and an indicative layout accompanies the current proposal showing a modest bungalow on the site, facing east towards existing bungalows constructed under planning permission F/YR14/0778/F.

4 SITE PLANNING HISTORY

F/YR16/3055/COND	Details reserved by conditions 2 and 9 of planning permission F/YR14/0778/F (Erection of 6no single storey dwellings comprising of 4 x 3-bed with garages and 2 x 2-bed)	Approved 4.8.16
F/YR14/0778/F	Erection of 6no single storey dwellings comprising of 4 x 3-bed with garages and 2 x 2-bed	Granted 15.12.14

5 CONSULTATIONS

5.1 Town Council – Support proposal

5.2 Environmental Health – No objection subject to standard condition relating to unsuspected contamination

5.3 Local Residents/Interested Parties

4 letters received from two neighbouring occupiers objecting to the proposal for the following reasons:-

- Permission should not be granted on this green space but if it is, dwelling should be rotated though 90° to prevent front of dwelling impacting on front of objectors' dwelling by overlooking.
- Would result in difficulties for local residents in manoeuvring from parking spaces and garages in this part of the cul-de-sac
- Loss of green space as a focal point of the local area, loss of wildlife and impact on trees.

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).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paras 92, 130 and 131 – Health and wellbeing, sense of place, amenity space and trees

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Context of development

Local character and identity

Appropriate built form

Nature

Healthy, comfortable and safe internal and external spaces

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

LP10 – Chatteris

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

8 KEY ISSUES

- **Principle of development**
- **Character and appearance**
- **Residential amenity**
- **Trees, vegetation and undeveloped space (Biodiversity)**
- **Other issues**

9 BACKGROUND

- 9.1 A 2014 application sought permission for 7 bungalows, but was amended during the course of the application to omit a dwelling on this piece of land as it was considered to be a focal point to the development and its omission was welcomed by the Town Council at that time.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 of the adopted Local Plan identifies Chatteris as one of four Market Towns in the District. The application site is located within the established built form of this part of the town, close to the centre of town and within easy reach of health facilities, library, schools and retail/service provision. The site is considered to be situated within a highly sustainable location in which new development would accord with the principles of development in such locations.
- 10.2 Policy LP14 relates to areas at higher risk of flooding. The site is identified as being located within Flood Zone 1 and would meet the requirements of the Sequential Test. Accordingly, a site-specific flood risk assessment is not required.

- 10.3 Policy LP16 of the Local Plan requires new development to comply with a listed set of criteria in order for approval of development to be forthcoming.
The principle of development is therefore considered to be acceptable subject to the detailed considerations below.

Character and appearance

- 10.4 The original scheme submitted in 2014 proposed seven bungalows at the site. At that time the site was overgrown scrubland at the end of an existing no-through road occupied by terraced dwellings and bungalows towards its eastern end.
- 10.5 The scheme was amended during the course of the application by the omission of the seventh plot due to the identification of significant trees in the south west corner of the site, the majority originating just outside the application boundary but providing dense canopy spread across the plot for the seventh bungalow.
- 10.6 The subsequent grant of planning permission was for 6 bungalows only with the seventh dwelling having been omitted and retained as informal open amenity space. The officer report to Committee at that time stated of Plot 7, that *'the impact of the existing trees on future occupiers, and the focal point to the development (was of concern): As a result of these concerns revised plans were received showing the omission of Plot 7 and the reinstatement of the trees to be removed'*. Plot 7 of the 2014 proposal, omitted at the time, is now the subject of the current application with the remaining 6 bungalows constructed and since occupied.

Residential amenity

- 10.7 The proposal subject of this application shows an indicative siting of a new bungalow on the application site. Due to the constraints of the site (the trees and established vegetation), the bungalow is set close to the rear edge of the adjoining highway boundary, as are the existing plots opposite (which incorporate garden depths of under 6m).
- 10.8 The existing site for the proposed development is neatly maintained grass with trees and established vegetation to the rear (west and south-west). The site presently comprises a small area of neat undeveloped open space within an area almost entirely dominated by relatively high-density residential development. One of the local residents has pointed out that this undeveloped space attracts wild birds and squirrels, and represents an area of natural and unspoilt space which is a pleasant key feature in this town centre location.
- 10.9 Policy LP2 of the adopted Fenland Local Plan seeks to facilitate the health and wellbeing of Fenland residents by creating an environment in which communities can flourish and encouraging high levels of residential amenity.
- 10.10 The area of open space is unsuited to provide formal open space and is not sufficiently large or of a layout or location suited to provide pitches or formal play space. Instead, the site provides a pleasant outlook for the adjoining bungalow residents who have small gardens of their own and who can benefit from an unspoilt and natural green area with mature trees to the boundary and the wildlife and biodiversity it encourages. The majority of the bungalow occupiers in this location are generally older, retired people for whom a quiet green space provides

some relief to the built-up spaces surrounding. LP2 of the Local Plan seeks to facilitate the health and wellbeing of Fenland Residents.

Trees, vegetation and undeveloped space (Biodiversity)

- 10.11 The siting of the bungalow as indicated on the submitted plan would be positioned close to the road frontage with a distance of approximately 10m to 11m front-to-front with bungalows on the opposite side of the hammerhead turning space. The reason for the siting of the proposed bungalow so close to the road is due to the presence of the trees and vegetation to the west and south-west of the plot.
- 10.12 Whilst the submitted arboricultural survey indicates means of construction for the proposed additional bungalow, including identifying root protection areas, construction-exclusion zones, barrier fencing, some pruning of vegetation and roots if uncovered during site excavation etc, the developers would need to adhere to the advice provided: None of these practices would be required if the site was not proposed to be developed.
- 10.13 The findings and proposed measures to protect the wellbeing of the trees and vegetation is not being questioned, subject to the contractors abiding by the recommendations/requirements.
- 10.14 However, once constructed, the proposed bungalow and its associated domestic curtilage would be significantly affected by overshadowing from the pre-existing vegetation and leaf loss during autumn months. The residential occupier could request the thinning of branches and vegetation removal to the existing trees and bushes in the interests of their residential amenity and which it could be difficult to resist if the LPA approves the siting of a bungalow in this sensitive location.
- 10.15 The developers have previously achieved the siting of 6 modest single-storey dwellings on the site which, for bungalow development, is relatively high in density with limited separation distances and garden depths.
- 10.16 The construction of a further bungalow on an already constrained site, and which was considered to be unacceptable when the original estate was proposed, would be contrary to the principles of the NPPF and Policies LP01, LP02, LP3 and LP16 of the Local Plan which seeks to protect and enhance biodiversity, promote high levels of residential amenity, and to make a positive contribution to the local distinctiveness and character of the area.

Other Issues

- 10.17 Whilst the site is in a sustainable location, within walking distance of the town centre and local facilities and services and would accord with the principles of new housing development in the NPPF, there is also a requirement to protect residential amenity and to ensure the wellbeing of existing residents with access to green space, particularly within higher density built environments.
- 10.18 In terms of housing provision, the application would only achieve one modest dwelling when significant larger housing allocations are available for planned development elsewhere in the town.

- 10.19 Set against the loss of a significant area of open amenity space within a town centre built environment, with the detrimental effects of overshadowing and adverse effects on the future occupier/s of the dwelling and potential future pressure to significantly prune or remove trees which positively contribute to the amenity space, its associated impact on wildlife and wellbeing locally, it is considered that, on balance, that the LPA should be consistent in resisting the loss of important amenity space.

11 CONCLUSIONS

- 11.1 It is considered, on the basis of the above, that the proposal would fail to accord with the principles of good design and sustainable development as espoused in the NPPF and the relevant policies of the development plan as cited above.

12 RECOMMENDATION

Refuse for the following reasons:-

1.	<p>National planning policy and the development plan seek to encourage the health and wellbeing of residents throughout the district and to promote high levels of residential amenity and an environment in which communities can flourish.</p> <p>The construction of a further single-storey dwelling on the application site would necessitate the removal of a modest area of open space within a town centre location and surrounding relatively high-density development. The development of the open space and in the manner indicated would be detrimental to the residential amenities of nearby residential occupiers and character of the area. Accordingly, the proposal would be contrary to the policy advice provided in the National Planning Policy Framework 2021, specifically paragraphs 92, 130 and 131, and the adopted Fenland Local Plan (2014), Policies LP2 and LP16.</p>
2.	<p>The principle of development, if permitted, would result in the significant overshadowing and adverse effects on the occupiers of the proposed bungalow and its associated domestic curtilage by virtue of the large trees and vegetation to the south-western and western sides of the development plot which would result in unacceptable pressure being brought to bear for the reduction/removal of overhanging branches or their wholesale removal.</p> <p>The proposal would therefore fail to accord with the provisions of the NPPF 2021 and the adopted Fenland Local Plan, specifically Policies LP2, LP16 and LP19.</p>



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