

F/YR11/0775/F

29 September 2011

Applicant : Mr R Gregory

Agent : David Broker Design Services

Land South of 180-192 Coates Road, Coates, Whittlesey

Erection of 6 No 4-bed 2 storey dwellings with attached and detached double garages

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This proposal is before the Planning Committee as the recommendation is contrary to the recommendation for approval by Whittlesey Town Council.

This application is a minor.

1. **SITE DESCRIPTION**

The site is located outside the Development Area Boundary for Coates and on land to the south of 180 -192 Coates Road. The area of land between the site and Coates Road obtained planning permission for 7 houses following an appeal but it has not been completed and there are no dwellings on site. The site comprises an open yard with a large steel-framed asbestos clad store building. The surrounding land uses comprise open countryside, residential property and surface yard storage. The site is generally rectangular in shape, 68m deep from north to south and 62 m wide from east to west - at the extremities.

2. **HISTORY**

Of relevance to this proposal is:

- |                 |  |
|-----------------|--|
| F/YR05/07952/O  | - Erection of 7 houses with garages (involving demolition of 184 Coates Road) and alteration of access to existing coal/builders yard. Allowed on appeal on 25 September 2006 – an extant consent. |
| F/YR06/1432/RM  | - Erection of 6 detached houses – Approved 13 April 2007   |
| F/YR09/3025/CON | - Reserved Matter Condition 7 – Approved 08 May 2009   |
| F/YR10/3108/CON | - Reserved Matter Condition 6 – Approved 12 August 2010.   |
| F/0718/82/F     | - Erection of steel-framed asbestos clad store – Approved 12 September 1982  |

3. **CONSULTATIONS**

**Whittlesey Town Council:**

Recommend approval.

**Scientific Officer (Contaminated Land)**

A former coal yard is considered to be potentially contaminated and potential housing would be vulnerable to contamination. If granted, please attach contaminated land conditions.

**Cambridge Fire and Rescue Service**

Adequate provision should be made for fire hydrants should planning permission be granted.

**Cambridgeshire County Council**

Strongly recommend that your Authority consider the implications surrounding future maintenance of the carriageway/footway, drainage and lighting of a development serving a total of 13 dwellings, if granted.

**Middle Level IDB:**

Awaiting response

**Local residents/interested parties:**

1 letter received stating that the area is outwith the DAB, the consented dwellings have not been built, other unbuilt dwellings have been granted in the vicinity, granting development outside the DAB would lead to a precedent and there are inaccuracies in the Design and Access statement.

#### 4. POLICY FRAMEWORK

FDWLP Policy

H3

- To resist housing development outside DAB's. To permit housing development inside DAB's provided it does not conflict with other policies of the Plan.

E8

- Proposals for new development should:  
-allow for protection of site features;  
-be of a design compatible with their surroundings;  
-have regard to the amenities of adjoining properties;  
-provide adequate access, parking, manoeuvring and amenity space.

E20

- To resist residential development in locations where there is a known source of environmental pollution that would be seriously detrimental to residential amenity.

East of England Plan

SS1

- Achieving Sustainable Development  
Quality in the Built Environment

ENV7

Planning Policy Statements

PPS1

- Delivering Sustainable Development

- PPS3 - Housing
- PPS7 - Sustainable Development in Rural Areas

## 5. ASSESSMENT

### ***Nature of Application***

This application seeks full planning permission for the erection of 6 No 4-bed 2 storey dwellings with attached and detached double garages at land south of 180-192 Coates Road, Coates, Whittlesey. The current application partly includes the proposed road access which is part of the earlier consent. It is intended, under that consent and as an integral part of this application, to construct the road to adoptable standards. The proposed six dwellings forming part of the current application take access via a private common road which is intended to be constructed with pea shingle over a compacted type 2 road material – as are the six individual access drives to each of the two storey properties. Thereafter the access links with the proposed adoptable road forming part of the appeal site and then link with the main highway.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications in relation to character and accessibility.

### ***Site history***

As stated above, planning permission for 7 dwellings was granted on appeal (F/YR05/07952/O) for the site immediately to the north of the application site. Whilst the applicant correctly points out that the Inspector recognised the nature of the surrounding area to the south, the Inspector also commented that the appeal was considered and determined on its own merits in relation to Policies H3 and E8 of the Local Plan and the existence of the Development Area Boundary. The appeal site was within the Development Area Boundary whereas the current proposal is outwith the Development Area Boundary. The land is, however, 'previously developed land' as defined in PPS3 but it is located outwith the Development Area Boundary and, therefore, a wider policy framework applies.

### ***Principle and policy implications in relation to character and accessibility***

The proposal is located outside the Development Area Boundary of Coates. The applicant has stated that the first 20 m of the 68 m site depth is within the Development Area Boundary (DAB). This is inaccurate. When measured at a scale of 1:500, the northernmost part of the site is 4.5 m within the DAB and when compared with the Coates Inset No 4 boundary this distance does not register as it equals the thickness of the DAB boundary line as shown on the plan at that scale. Accordingly, the proposal is contrary to Policy H3 of the Local Plan which states that housing development will not normally be permitted outside the DAB of the village in order that existing settlements may be consolidated within defined boundaries. It is accepted that the development is on 'previously developed land' but the following policies should also be read in that context.

Policy E8 states that proposal for new development should have regard to the amenities of adjoining properties (and the locality in general) and provide adequate access, manoeuvring and amenity space. It is recognised by the Council in established decisions on applications that the acceptable maximum number of dwellings accessing an unadopted road is 5. This

application proposes 6 dwellings onto an unadopted access which is intended to be constructed with pea shingle over a compacted type 2 road material with no lighting or formal surface drainage. CCC Highways, in consultation, strongly recommend that the Council consider the implications surrounding future maintenance of the carriageway/footway, drainage and lighting of a development serving a total of 13 dwellings - if granted. This substandard means of access and construction conflicts with Policy E8 of the Local Plan as it will downgrade amenity within the locality in a backland setting and create a precedent for further development in the vicinity – in particular an area of similar ‘previously developed land’ to the rear and south of the application site. The application plan clearly identifies this possibility with the proposed common access road being taken to the southern boundary of the site at a point currently intended as an “access to field”. Whereas the development granted on appeal was within the DAB and served by an adopted road, this proposal is outwith the DAB and would create conditions leading to an unplanned substandard backland development which would adversely affect amenity within the locality.

Policy E20 is designed to resist residential development in locations where there is a known source of environmental pollution that would be seriously detrimental to residential amenity. This site is a former coal yard and as such residential development may be vulnerable to contamination. However, should planning permission be granted a contaminated land condition can be attached.

In certain circumstances, exceptions may be made in cases where development is proposed outside DAB’s and where material circumstances indicate development may prove acceptable. However, the proposal is not of a high design standard given the access deficiencies outlined above and would, therefore, adversely affect amenity within the locality. Furthermore, the proposal is of a form and scale that is not in keeping with the linear settlement pattern of the area and will, if granted encourage the development of similar unplanned backland sites. In addition, the proposal does not have features that will help it to blend with the surrounding countryside and reinforce the natural limit to development, nor will it provide adequate infrastructure in particular roads, lighting and surface drainage or be consistent with the principles of sustainable development.

Given the deficiencies of the proposal when considered against the details of the Local Plan, it follows that the proposal is also contrary to Policy SS1 and ENV7 of the East of England Plan and PPS1, 3, and 7 of Government Policy statements.

### ***Conclusion***

The proposal is located outside the Development Area Boundary of Coates and as such is contrary to Policy H3 of the Local Plan. It is also contrary to Policy E8 as it will create a substandard means of access, will downgrade amenity within the locality in a backland setting and create a precedent for further development in the vicinity. Given these circumstances it is recommended that the application be refused.

## 6. RECOMMENDATION

### REFUSE

1. **The proposed residential development would be located outside the Development Area Boundary of Coates, would create a substandard means of access, downgrade amenity within the locality in a backland setting and create a precedent for further development in the vicinity. This is contrary to Policies H3 and E8 of the Fenland District Wide Local Plan 1993, Policies SS1 and ENV7 of the East of England Plan 2008 and to the advice contained within Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS 3: Housing and PPS7: Sustainable Development in Rural Areas.**

## 7 UPDATE FROM 14 DECEMBER 2011

This application was last considered by Committee on 14 December 2011 at which time it was agreed to continue the application pending the submission of a revised planning application form. This was received together with an updated layout plan and the application was progressed.

The revised plan illustrates an upgraded road layout in width and surfacing and proposes that the road be made up to a standard for adoption by CCC Highways who were consulted on the revision.

CCC Highways have advised as follows:

“CCC would not consider adoption of either phase on the basis of the plan submitted with the latest application. The entire layout simply does not meet an adoptable standard. There are problems with the geometry of the junction with Coates Road in that it does not comprise any radii. Similarly, the internal layout of phase 1 and phase 2 (which is a copy of phase 1) particularly in respect of the turning head(s) is not to an adoptable standard. Whilst I am happy to work with the applicant/agent in an attempt to achieve an acceptable arrangement, I can give you no comfort in suggesting that an acceptable arrangement is indeed even possible.”

A consultation was also received from Middle Level Commissioners (which was not available at the time of the December Committee) who commented as follows:

“It will be a requirement, in accordance with PPS25 – Development and Flood Risk, that the applicant provides an appropriate flood risk assessment for this development. In view of the limited available site area and in the absence of any supporting documentation within the planning submission, it is considered that the applicant has not yet provided adequate evidence to prove that a viable scheme for appropriate water level/flood risk management that meets current design standards exists. It is considered that:

- Aspects of the proposed submission are inappropriate and require revision

- The applicant has not yet provided adequate evidence to meet the requirement of your policy PU1
- Further information (required) including engineering plans, calculations etc.

Therefore there is no option but to oppose this planning application on the Boards behalf.”

Policy PU1 of the Local Plan states that the District Council will expect new developments to make satisfactory arrangements for water supply, sewerage and sewage disposal, land drainage and flood protection matters. In light of this additional information a further reason for refusal is considered appropriate as follows:

A flood risk assessment has not been submitted in order to comply with the requirements set out in Annex E, paragraph E3, of Planning Policy Statement 25 (PPS25). An assessment cannot be made in order to assess the flood risks arising from the proposed development in which case the proposal is contrary to Policy PU1 of the Fenland District–Wide Local Plan 1993.

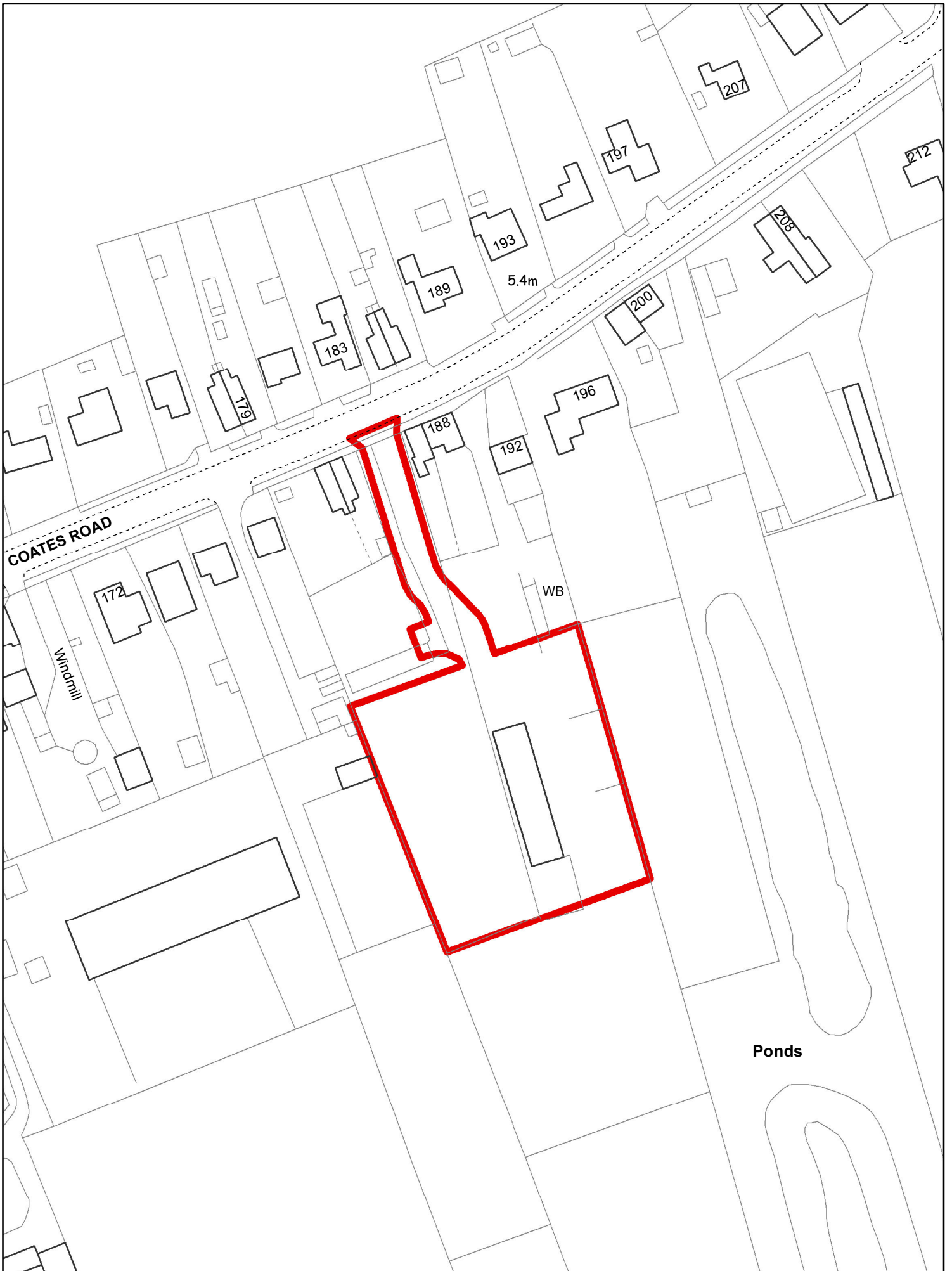
A further letter of objection has also been received from an adjoining resident stating that development should not be allowed outside the DAB, that it would create a precedent for further development and that there is public risk in removing asbestos from the existing building on site.

The first objection reason cited above acknowledges the principle of development outside the DAB and is, therefore, covered in Reason 1. Issues of public health concerning asbestos removal would be subject to alternative legislation.

## **CONCLUSION**

In light of the above considerations the recommendation remains one of refusal for the following reasons:

- 1 The proposed residential development would be located outside the Development Area Boundary of Coates, would create a substandard means of access, downgrade amenity within the locality in a backland setting and create a precedent for further development in the vicinity. This is contrary to Policies H3 and E8 of the Fenland District Wide Local Plan 1993, Policies SS1 and ENV7 of the East of England Plan 2008 and to the advice contained within Planning Policy Statement (PPS) 1: Delivering Sustainable Development, PPS 3: Housing and PPS7: Sustainable Development in Rural Areas.**
- 2 A flood risk assessment has not been submitted in order to comply with the requirements set out in Annex E, paragraph E3, of Planning Policy Statement 25 (PPS25). An assessment cannot be made in order to assess the flood risks arising from the proposed development in which case the proposal is contrary to Policy PU1 of the Fenland District –Wide Local Plan 1993.**



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Scale = 1:1,250



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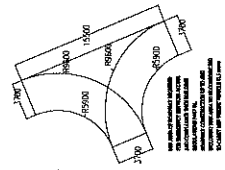
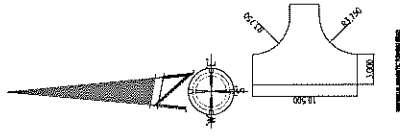
# LOCATION PLAN

SCALE 1:1250

**LABC**  
Landscape Architecture  
Building  
Design  
Interiors

Building Design: 200  
Interior Design: 200  
Landscape Architecture: 200  
Civil Engineering: 200  
Mechanical Engineering: 200  
Electrical Engineering: 200  
Structural Engineering: 200  
Surveying: 200  
Planning: 200  
Transportation: 200  
Water Resources: 200  
Environmental: 200  
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Registration No.: 200  
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Website: 200

Project Name	Project No.	Date	Scale	Author	Checker	Reviewer	Approver



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# SITE AREA 0.468 Ha

## BLOCK PLAN

SCALE 1:500

COURTESY: HAZELTON'S 100% TREE COVERS AND PLANTINGS RELEASED PLAN (LAW: 75/11/2011) 10/11/10