

Application Number: F/YR12/0723/F

Major

Parish/Ward: Whittlesey Town Council/Kingsmoor Whittlesey

Date Received: 19 September 2012

Expiry Date: 18 December 2012

Applicant: Larkfleet Homes

Agent: n/a

Proposal: Variation of Condition 21 of planning permission F/YR10/0904/O (Residential/Mixed Development of 460 (approx) market and affordable dwellings, 70-bed nursing home, extra care accommodation, local centre, associated landscaping, open space, water attenuation features and highway works) to allow relocation of roundabout

Location: Land At Bassenhally Farm, Eastrea Road, Whittlesey

Site Area/Density: 19.94 hectares or thereabouts (overall)

Reason before Committee: The application is considered to be a wider interest proposal and the officer recommendation is contrary to Town Council recommendation.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks a variation of Condition 21 of planning permission F/YR10/0904/O (Residential/Mixed Development of 460 (approx) market and affordable dwellings, 70-bed nursing home, extra care accommodation, local centre, associated landscaping, open space, water attenuation features and highway works) to allow relocation of roundabout.

The key issues to consider are:

- Policy and Principle
- Indicative Layout, Siting and Design.

The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be acceptable in terms of principle, design and means of access. The application is, therefore, recommended for approval.

2. HISTORY

Of relevance to this proposal is:

F/YR11/0930/F – Erection of food store with petrol filling station and car wash recycling centre associated parking landscaping etc and highway works. – Pending (Land S and W of 300 Eastrea Road)

F/YR10/0904/O - Residential/Mixed Development of 460 (approx) market and affordable dwellings, 70 bed nursing home extra care accommodation, local centre, associated landscaping, open space, water attenuation features and highway works – Granted 03/05/2012. (Land at Bassenhally Farm)

F/YR11/0895/O – Erection of Mixed Use Business Park to include Employment (B1) Community (D1) and Retail/Professional Uses (A2/A3/A5). – Pending. (Land N of Gildenburgh Water)

F/YR11/0482/F – Erection of food store with petrol filling station and car wash recycling centre associated parking landscaping etc and highway works. – Pending. (Site of former Eastfield Nursery)

F/YR10/0206/O - Residential/Mixed Development of 460 (approx) market and affordable dwellings, 70 bed nursing home extra care accommodation, local centre, associated landscaping, open space, water attenuation features and highway works – Refused 16/6/2010. (Land at Bassenhally Farm)

3. **PLANNING POLICIES**

3.1 **National Planning Policy Framework:**

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan,

Paragraph 14: Presumption in favour of sustainable development.

3.2 **Fenland Communities Development Plan Draft Core Strategy 2012:**

CS1: Spatial Strategy, The Settlement Hierarchy and the Countryside,

CS2: Growth and Housing,

CS10: Rural Areas Development Policy,

CS14: Delivering and Protecting High Quality Environments across the District.

3.3 **Fenland District Wide Local Plan:**

E8 - Proposals for new development should:

- allow for protection of site features;
- be of a design compatible with their surroundings;
- have regard to amenities of adjoining properties;
- provide adequate access.

H3 - Proposal favoured for new dwellings within Development Area Boundaries subject to other planning policy within the Local Plan.

H4 - Proposed the addition of 6500 dwellings in the market towns including the identification of 1540 in Whittlesey.

WH/H1 - Proposed provision of 1540 dwellings in Whittlesey including an allocation at land North of Eastrea Road of 13 hectares (part of current application site).

WH/CF1 - Allocation of 8.0ha for educational purposes.

WH/TR1 - Road to be provided between East Delph and Eastrea Road as part of housing development.

4. **CONSULTATIONS**

- 4.1 **Parish/Town Council:** The Town Council reject this application as we feel the initial proposal was perfectly acceptable, WTC have reviewed the revised highway structure and feel this would not be conducive to any future applications which we have to take into consideration. Our understanding was that CCC highways were fully supportive on the original layout.

4.2 **CCC Highways:**

Response 1

I am in receipt of a report dated 14 November 2012 prepared by WYG that seeks to provide additional information to support the use of a reduced ICD of the proposed roundabout.

I have now received the advice of my colleague in respect of the affect that such ICD reduction may have on capacity.

In terms of the Larkfleet development the reduction in the Inscribed Circle Diameter (ICD) of the roundabout has a negligible impact on the capacity and queues when compared to the original proposal.

When the other uncommitted schemes are included within the junction capacity assessment, Scenario 1 (Larkfleet + Tesco) operates within capacity with minimal queuing. However, in respect of Scenario 2 (Larkfleet + Sainsbury and Business Park) it is not clear that this would operate within capacity as the additional information does not provide any data that takes into account the reduced distance between the two roundabouts.

There would be concerns if Scenario 3 (Larkfleet + Tesco + Sainsbury and Business Park) went ahead as it would result in significant queuing on the A605 in both directions. Indeed it should be noted that if Scenario 3 did go ahead, the original 43.0m ICD roundabout would also operate over capacity with significant queuing.

I must reiterate one of my original comments from the consultation dated 6 November; Notwithstanding the capacity issues, this proposal to relocate the roundabout to the east of that approved has the potential to compromise the provision of the roundabout currently proposed under F/YR11/0930/F & F/YR11/0895/O. Whilst the development the subject of these two applications is not yet committed, you may feel that this needs to be taken into consideration in the determination of this application. If this application is approved, the roundabout proposed under F/Yr11/0930/F and F/YR11/0895/O will need to be relocated / redesigned. Amended plans will need to be obtained from the relevant applicant / agent, assessed and agreed prior to the schemes going before planning committee again.

I look forward to additional capacity information taking into account not only the reduced ICD of the

roundabout, but the closer proximity to the Sainsbury roundabout – if your Authority consider this to be a valid issue given the present uncommitted status of the Sainsbury development.

Response 2

The response to the Safety Audit is acceptable, at this time. As usual, the final design of the roundabout will be subject to further significant detail to be submitted prior to the signing of a Section 106/278 Agreement with CCC.

As far as the MTC letter of objection together with the WYG response is concerned, I would not wish to become too involved in their arguments.

I would refer you to my comments dated 27 November 2012. Following our discussions, I do not believe the capacity issues raised by MTC are relevant given that the application under consideration is simply a variation to allow relocation of the consented Larkfleet roundabout. However, as discussed, I would have to defer to your Authority's legal advice on that matter.

Again, as discussed, the identified capacity issues are only relevant if the 2 supermarket developments were to be approved. In addition, if the relocated Larkfleet roundabout is approved then the Sainsbury application plans need to be reviewed by the applicant / agent prior to being taken to Planning Committee as it will not be clear that the location of the Sainsbury roundabout will now be acceptable given that the Larkfleet roundabout will have moved eastwards closer to the Sainsbury roundabout. See my comments of the 27 November.

The issue that has been raised by MTC regarding extent of highway is an interesting one. Where there is the presence of ditches, highway boundaries usually only extend up to the road side lip of the ditch. So....*there may* be outstanding issues relating to land ownership that need to be investigated. Having said that, I would have expected Larkfleet to have undertaken thorough research to satisfy themselves that they can deliver the scheme presented.

4.3 **Cambs Police** No comments
Architectural Liaison:

- 4.4 **Planning Agreements Officer:** A Supplemental Deed to link the original Section 106 Agreement will be required prior to the issue of planning permission.
- 4.5 **Middle Level Commissioners:** Will not be commenting.
- 4.6 **Other Contributors:** 3 letters of objection were received on the basis of loss of wild life, congested roads and over intensification of development.

5 NATURE OF APPLICATION/SITE DESCRIPTION

This application seeks a variation of Condition 21 of planning permission F/YR10/0904/O (Residential/Mixed Development of 460 (approx) market and affordable dwellings, 70-bed nursing home, extra care accommodation, local centre, associated landscaping, open space, water attenuation features and highway works) to allow relocation of roundabout.

The approved consent had all matters reserved except for highway access. However, the submitted indicative master plan shows a main feeder road leading through the site with a series of smaller access roads and cul de sacs taken off the feeder road. Access to the proposed dwellings and other facilities is gained from within the application site. Pedestrian accesses are shown leading out of the site towards Feldale Place, an existing play area to the south-west of the site and into a new area of playing fields to the north-east. No specific detail is submitted relating to detailed design of dwellings or other buildings although the submitted Design and Access Statement suggests that the scale of housing units will reflect existing residential scale with some 2.5 – 3 storey dwellings within the central part of the site. The proposed new means of access is situated to the east of the approved access and relies on a Transport Assessment, which was submitted with the application which concludes that the proposed scheme provides sustainable travel opportunities and will not have a detrimental impact upon the operation of the existing highway network. The TA acknowledges the need for a package of off-site transport measures to encourage trips by non-car modes, which includes the re-routing of existing bus services into the site and improvement to the existing pedestrian/cyclist infrastructure.

6 PLANNING ASSESSMENT

6.1 The key considerations for this application are:

- Policy and Principle

The previous policy position on the wider development site to which this application relates has been further informed by the National Planning Policy Framework and the Fenland Communities Development Plan Draft Core Strategy 2012. The thrust of both documents is to support the development of this site and the principle of development is, therefore, not in question.

- Layout, Siting and Design and Access

As noted above application is in outline form with only access forming a detailed part of the current application. The proposed site layout is, therefore, indicative only. The main highway access will be via a circular access road within the site

with entry from Eastrea Road and Drybread Road. Opportunity for footpath/cycleways exist out of the site via Feldale Place and an existing open space area to the west of the site.

Given that the application is in outline with layout, siting and design reserved, the repositioning of the roundabout to the east of the site allows for the opportunity to take a central access to the remaining residential site. This will allow the layout to be designed into distinct site areas with the residential area measuring 13.15 hectares at a density of approximately 35 dwellings per hectare, a local centre (small retail) of 0.5 ha, a nursing home of 0.62ha and an extra care facility of 0.57 ha with amenity space of 5.1ha.

- **Roundabout Implications**

The roundabout serving the site has been located to the east of the roundabout approved as part of the original outline planning application. Implementation of this design was dependent upon agreement being reached with the 'Tesco' site developers in order to implement the roundabout. The new position will allow Larkfleet to control implementation of the residential site whilst at the same time allow the 'Tesco' site to develop independently. However, the outstanding Sainsbury application further to the east will, on the advice of CCC highways, need to be reviewed by the applicants as it is not clear that the location of the Sainsbury roundabout will now be acceptable given that the Larkfleet roundabout will have moved eastwards closer to the Sainsbury roundabout. The planning recommendation on the Sainsbury application is to refuse planning consent in which case this is not an issue unless the Planning Committee resolves to approve this development.

An objection was made to the development by MTC LLP acting on behalf of parties interested in the 'Tesco' development. The objection stated that in order to implement the Larkfleet roundabout, additional land would be required from the 'Tesco' site. Considerable discussion has taken place and the agent for the Larkfleet development has confirmed that *"We would confirm that we have control of all areas of land that is required outside of the highway boundary. With regards to the southern section, we are confident that all works will be contained within the highways ownership. Furthermore, any design issues identified through the audit process will be accommodated within the detail design process"*. It is not the responsibility of the Planning Authority to investigate the legal status of each ownership and in effect any disputes in this regard are a matter between the private parties involved. All parties are aware of the application and its status and as such the planning application can be decided on its land use merits. There has been no objection to the proposal subject to the final design of the roundabout being the subject to further significant detail to be submitted prior to the signing of a Section 106/278 Agreement with CCC Highways.

7 CONCLUSION

- 7.1 The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be unacceptable in terms of its principle, layout, siting, design and means of access. Therefore, the application is recommended for approval.

8 RECOMMENDATION

GRANT PLANNING PERMISSION

Subject to:

- 1 Appropriate Section 106 agreement
- 2 Conditions as outlined in the principle consent F/YR10/0904/O - Granted 03/05/2012
- 3 Plan schedule relating to application F/YR10/0904/O and F/YR12/0723/F

9 UPDATE TO PLANNING COMMITTEE 16 JANUARY 2013

It is noted that the agenda report contains an error in the conclusion in that 'unacceptable' in section 7.1 should read '**acceptable**'

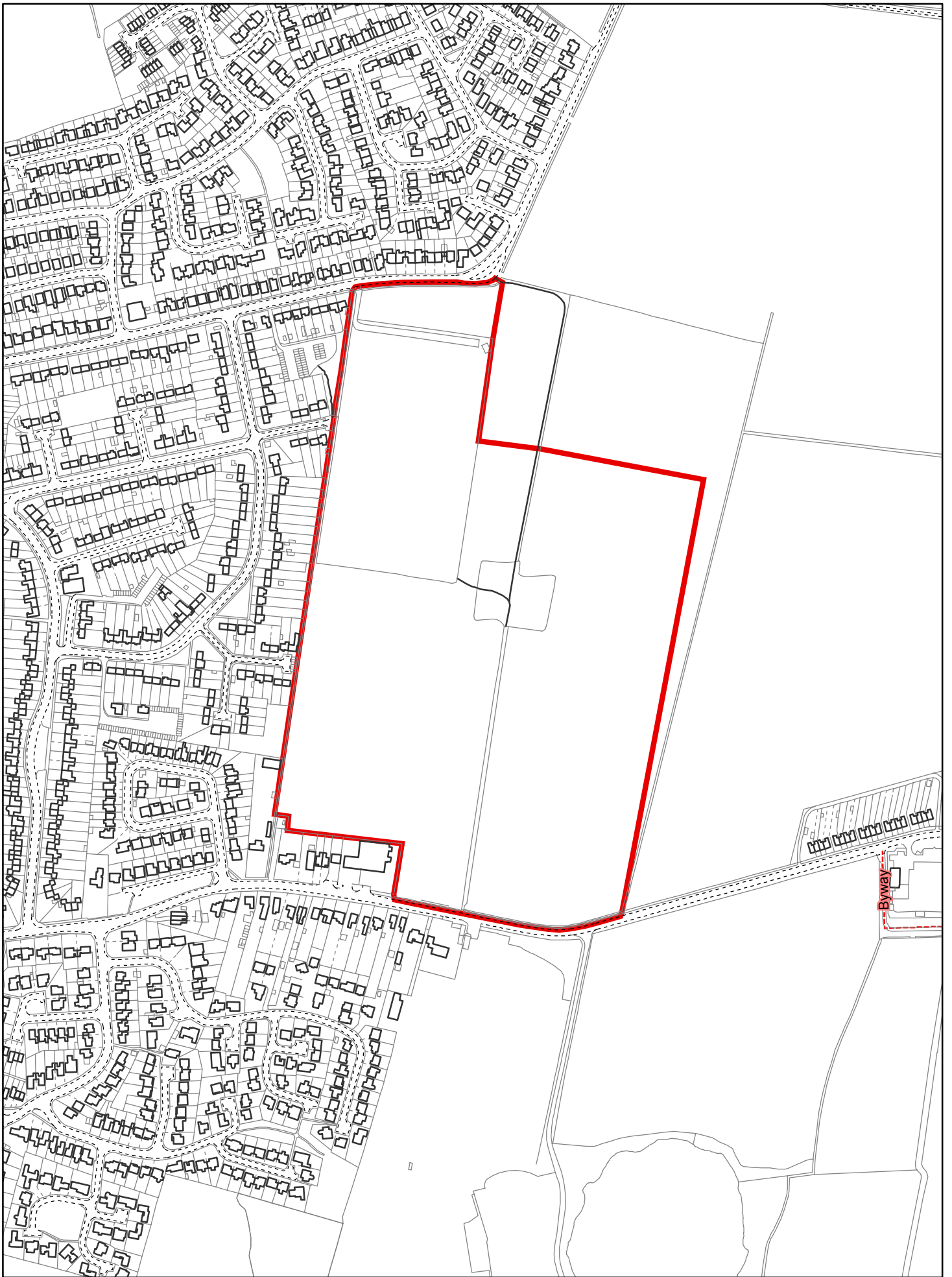
Land Ownership: Various communications and plans have been put forward by a third party who challenges the legitimacy of the assertions made regarding land ownership. These have been discussed with both the applicant and the parties making representation and appear to have reached an impasse. The applicant **maintains** that all works are on either highway land or land within their control and assert that the challenges made are misleading. highway advice is that 'if engineering works like retaining walls etc are required to construct the roundabout (which of course would become apparent at the S278/S106 highways works agreement stage) then the developer would need to ultimately ensure that such structures are on land within his ownership or is part of the highway. Obviously the onus rests with the applicant to ensure that they have control of sufficient land to implement the consent.

Timing of Consideration of the Scheme: It has been suggested that this application should be considered when the supermarket proposals are debated however whilst the applications are linked in a strategic sense involving the principle of development; this application relates to a detailed point on highways access for a consented scheme. Accordingly it does not mean that it must be dealt with at the same time as the other supermarket applications. The existence or otherwise of these detailed highway questions can be managed through the highway consent process and need not delay consideration today. Indeed there would be procedural complications arising should members seek to defer the decision and it would potentially lay the LPA open to challenge from the applicants in terms of non-determination.

10 UPDATE TO PLANNING COMMITTEE 6 FEBRUARY 2013

The application was deferred at the meeting held on 16 February 2013 in order to allow specialist advice from the CCC Highway Development Control Manager. The officer will be available at this meeting.

The recommendation remains grant as per the conditions set out in Section 8 above.



Created on: 02/10/2012

© Crown Copyright and database
rights 2012 Ordnance Survey 10023778

F/YR12/0723/F

Scale = 1:5,000



DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS

NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETRES, UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES (A.O.D)
3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT CONTRACT DRAWINGS AND DOCUMENTS.
4. THE CONTRACTOR SHOULD SITE CHECK ALL EXISTING DIMENSIONS SHOWN. ANY DISCREPANCIES IDENTIFIED BY THE CONTRACTOR SHOULD BE BROUGHT TO THE ATTENTION OF THE EMPLOYER PRIOR TO COMMENCEMENT OF CONSTRUCTION.
5. UTILITY INFORMATION IS TAKEN FROM UTILITY SUPPLIERS AS INSTALLED DRAWINGS. THE CONTRACTOR MUST VERIFY THE LINE AND LEVEL OF UTILITIES WITH INDIVIDUAL UTILITY SUPPLIERS PRIOR TO THE COMMENCEMENT OF ANY INTRUSIVE WORKS.
6. THE CONTRACTOR SHALL ALLOW FOR THE PROTECTION, TEMPORARY AND PERMANENT SUPPORT AND DIVERSION WORKS AS NECESSARY TO EXISTING SERVICES.
7. THE CONTRACTOR SHALL CONFORM TO ALL STATUTORY AUTHORITY REQUIREMENTS.
8. POSITION SIZE AND DEPTH OF ALL EXISTING SEWERS AND SERVICES SHALL BE ESTABLISHED PRIOR TO COMMENCEMENT ON SITE.
9. ALL TEMPORARY WORKS TO BE THE DESIGN RESPONSIBILITY OF THE CONTRACTOR.
10. ALL MATERIALS AND WORKMANSHIP TO BE CARRIED OUT IN ACCORDANCE WITH CAMBRIDGESHIRE COUNTY COUNCIL STANDARDS AND SPECIFICATIONS.
11. EXTENT OF SPEED LIMIT AMENDMENTS SUBJECT TO CONSULTATION WITH CCC AND CHANGES TO TRAFFIC REGULATION ORDERS.
12. THE CONTRACTOR SHALL ALLOW FOR ALL TRAFFIC MANAGEMENT IN CONNECTION WITH THE WORKS.
13. ALL IRONWORKS TO BE ADJUSTED AS NECESSARY TO SUIT S278 WORKS.
14. NO DERRIS SHALL BE BURNT ANYWHERE ON SITE.

IMPORTANT CDM / H & S NOTE

THE DESIGNERS WOULD DRAW THE READERS ATTENTION TO KEY RESIDUAL CONSTRUCTION HEALTH AND SAFETY HAZARDS THAT HAVE NOT BEEN ELIMINATED FROM THE DESIGN PROCESS. THESE HAZARDS ARE IDENTIFIED BELOW:

- CONTACT WITH MOVING PLANT, VEHICLES AND MACHINERY
 - MANUAL HANDLING/LIFTING OF MATERIALS AND EQUIPMENTS
 - EXISTING SERVICES (BURIED AND OVERHEAD)
 - INTERFACE WITH PUBLIC INCLUDING TRAFFIC AND ACCESS
 - SLIPS, TRIPS AND FALLS
 - DUST, NOISE AND HAZARDOUS MATERIALS
- ANY CONSTRUCTION PERSONNEL INCLUDING OPERATIVES INTENDING TO CONSTRUCT THE DESIGNS SHOWN ON THIS DRAWING SHOULD ENSURE THAT THEY HAVE BEEN THOROUGHLY BRIEFED BY THE PRINCIPAL CONTRACTOR ON ALL HEALTH AND SAFETY MATTERS AND HAVE SIGHT OF:
- (1) THE FULL DESIGNERS AND CONTRACTORS HAZARD AND RISK ASSESSMENTS AND RISK REGISTERS
 - (2) THE DEVELOPED CONSTRUCTION PHASE HEALTH AND SAFETY PLAN
 - (3) THE CONTRACTORS CONSTRUCTION METHOD STATEMENTS

FOR APPROVAL

REV	DESCRIPTION	BY	CHK	APP	DATE
P5	LINETYPES ALTERED FOR CLARITY	DP	JH	DS	14/09/13
P4	ROUNDABOUT RELOCATED AGAIN	TS	IM	DS	20/07/13
P3	ROUNDABOUT RELOCATED	TS	AF	DS	13/07/13
P2	HIGHWAY BOUNDARY AMENDED	IM	JMc	DS	7/03/12
P1	AMENDED FOLLOWING TECHNICAL REVIEW	IM	G	DS	21/11/11

CLIENT:



EXECUTIVE PARK
 AVALON WAY
 ANSTEY
 LEICESTER
 LE7 7GR
 TEL: +44 (0)116 234 8000
 FAX: +44 (0)116 234 8001
 e-mail: leicester@wyg.com



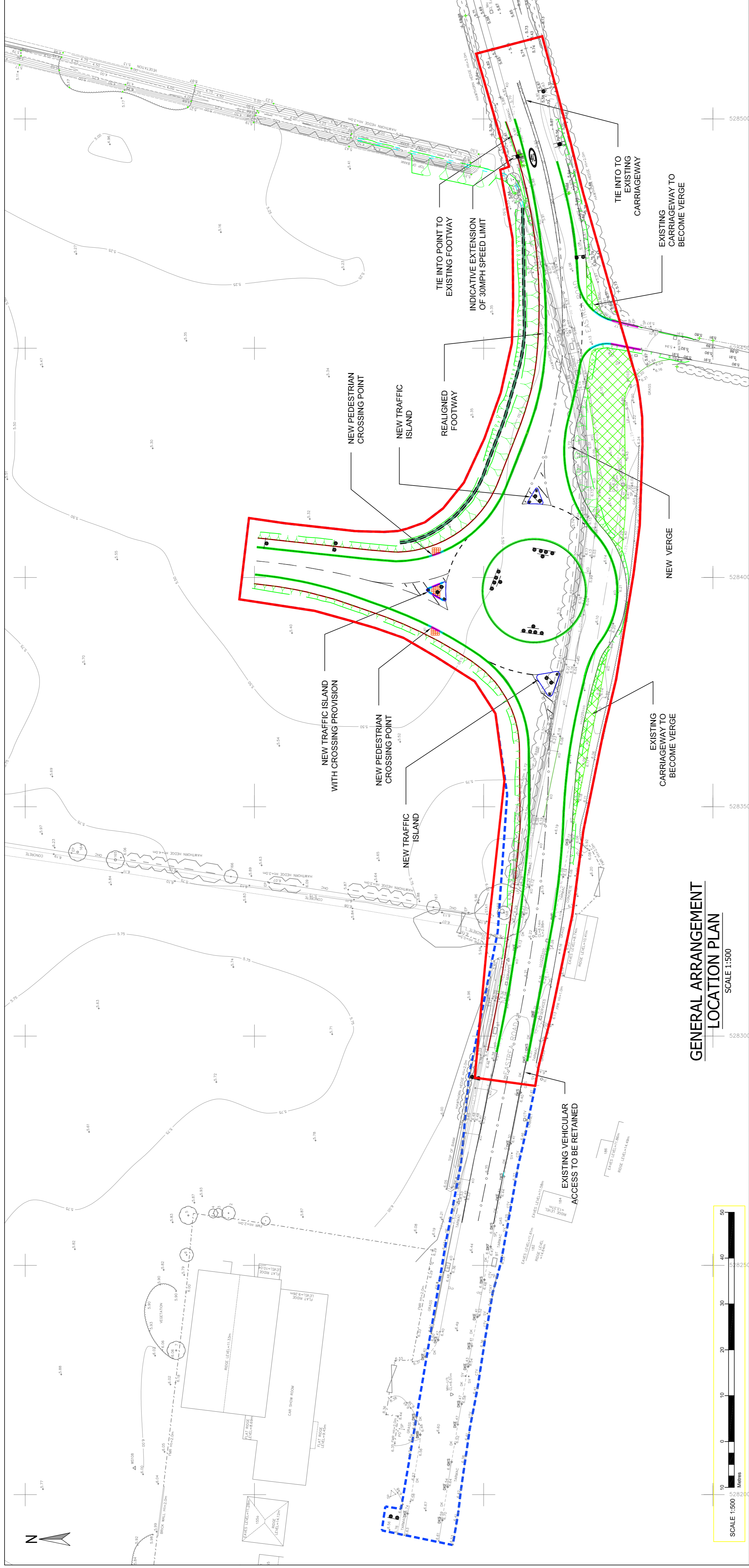
Project:

**WHITTLESEY EAST
 SITE ACCESS
 SECTION 278 HIGHWAY WORKS**

Drawing Title:

**PROPOSED NEW ROUNDABOUT
 GENERAL ARRANGEMENT**

Scale @	At	Drawn	Date	Checked	Date	Approved	Date
1:500	JR		NOV 11	JMcG	NOV 11	DS	NOV 11
Project No.	Office	Type	Drawing No.	Revision			
A045692-7	35	12	100	P5			



**GENERAL ARRANGEMENT
 LOCATION PLAN**
 SCALE 1:500

GENERAL ARRANGEMENT NOTES:

1. ROADS AND FOOTWAYS TO BE ADOPTED UNDER SECTION 278 OF THE HIGHWAY ACT 1980 SHALL COMPLY WITH CAMBRIDGESHIRE COUNTY COUNCIL DESIGN GUIDE FOR STREETS AND PUBLIC REALM AND BE IN ACCORDANCE WITH THE HIGHWAYS AGENCY DESIGN MANUAL FOR ROADS AND BRIDGES AND CAMBRIDGESHIRE COUNTY COUNCIL'S CONSTRUCTION SPECIFICATION.
2. HIGHWAY DRAINAGE TO BE ADOPTED UNDER SECTION 278 OF THE HIGHWAYS ACT 1980 SHALL COMPLY WITH WATER UK GUIDE SEWERS FOR ADOPTION 6TH EDITION AND CAMBRIDGESHIRE COUNTY COUNCIL'S CONSTRUCTION SPECIFICATION.

KEY:

- EXTENT OF S278 WORKS
- EXTENT OF ROAD WORKS/PLANNING APPLICATION
- HB TYPE KERB 125mm UPSTAND
- DROPPER KERB
- BN TYPE KERB
- EF TYPE KERB
- KERBDRAIN HB 305
- TACTILE PAVING
- TRAFFIC SIGN
- TRAFFIC BOLLARD
- ROAD GULLY

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE FOLLOWING DRAWINGS:

- A045692-7-35-101 SITE CLEARANCE LAYOUT
- A045692-7-35-102 GEOMETRIC LAYOUT
- A045692-7-35-103 DRAINAGE LAYOUT
- A045692-7-35-104 UTILITIES LAYOUT
- A045692-7-35-105 CARRIAGEWAY CONSTRUCTION, FOOTWAYS AND PAVED AREAS
- A045692-7-35-106 KERBING LAYOUT
- A045692-7-35-107 TRAFFIC SIGNS LOCATION PLAN AND DETAILS
- A045692-7-35-108 ROAD MARKINGS LOCATION PLAN AND DETAILS
- A045692-7-35-109 PROPOSED NEW ROUNDABOUT CONTOUR PLAN
- A045692-7-35-110 PROPOSED CROWN LINE LEVELS
- A045692-7-35-111 CROSS SECTION LOCATIONS
- A045692-7-35-112 CROSS SECTION A605 SHEET 2 OF 3
- A045692-7-35-113 CROSS SECTION A605 SHEET 3 OF 3
- A045692-7-35-114 CROSS SECTION SITE ACCESS ROAD
- A045692-7-35-115 CROSS SECTION ROUNDABOUT CIRCULARITY CARRIAGEWAY
- A045692-7-35-116 STANDARD CONSTRUCTION DETAILS
- A045692-7-35-117 STANDARD CONSTRUCTION DETAILS