Application Number: F/YR12/0682/F

Minor

Parish/Ward: Wisbech Town Council Date Received: 4 September 2014 Expiry Date: 30 October 2012

Applicant: Mr J Fitt

Agent: Mr Ken Elener, KL Elener Architectural Design

Proposal: Erection of 8 x 2-bed 2-storey dwellings and 1 x 1-bed flat over triple

garage involving demolition of existing buildings.

Location: Former Wisbech Vehicle Exchange, Land West of 22 Old Lynn Road,

Wisbech.

Site Area: 0.14 ha

Density: 57/dwellings per hectare

Reason before Committee: This proposal is before the Planning Committee due to the request for a relaxation of normal planning obligation requirements for affordable housing due to viability issues.

1. EXECUTIVE SUMMARY/RECOMMENDATION

The current application is a revision of a scheme for 9 dwellings that was refused permission by the Planning Committee in May 2012 (F/YR11/0982/F).

This application seeks full planning permission to erect 8 x 2-bed 2-storey dwellings and 1 x 1-bed flat over triple garage involving demolition of existing buildings on the site of a former car repair workshop and yard.

The revised layout and design of the site is considered to be a significant improvement over the previously refused scheme, both in terms of design quality and impact on the amenities of neighbours.

The scheme is also considered to be acceptable in highway design terms.

Due to the fact that the financial viability of scheme has been demonstrated to be marginal, planning contributions for affordable housing will not be sought in this instance.

Consequently the proposal is considered to be acceptable and complies with guidance contained in Policies H3, H16 IMP2 and E8 of the Fenland District Wide Development Plan and Policies CS3, CS12, CS16 & CS18 of the Fenland Core Strategy – Submission Version (Feb 2013).

The application is, therefore, recommended for approval.

2. HISTORY

2.1 F/YR11/0982/F 8 x 2-bed 2-storey dwellings and 1 Refused 08.05.2012 x 1-bed flat

2.2	F/YR07/0076/F	Erection of 11 dwellings comprising; 4 x 2-bed and 3-bed terrace houses, 5 x 3-bed terraced houses and 2 x 1 bed flats with associated parking	Granted 09.08.2007
2.3	F/1719/88/F	Use of land for stationing of lorries	Withdrawn 27.05.1988
2.4	F/0424/85/F	C/U of former petrol station etc to small plant hire and erection of dwelling and double garage (part retrospective)	Granted 11.07.1985
2.5	F/0161/88/O	Residential Development	Granted 14.04.1983

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

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

Paragraph 9: Pursuing sustainable development involves seeking positive improvements in the quality of the built environment, including replacing poor design with better design and improving the conditions in which people live.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17 (3): Proactively drive and support sustainable economic development to deliver the homes that the country needs.

Paragraph 17(4): Seek to ensure high quality design and a good standard of amenity for all existing and future occupants (repeated and expanded on in paragraphs 56 to 56).

Paragraph 17(8): Encourage the effective use of land by re-using land that has been previously developed (brownfield land) providing it is not of high environmental value

Paragraph 32: Decisions should take account that a safe and suitable access to the site can be achieved for all people.

Paragraph 35: Developments should be located and designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraphs 203 to 206: Planning obligations and conditions.

3.2 Draft Fenland Core Strategy – Proposed Submission Feb 2013:

CS1: Presumption in Favour of Sustainable Development

CS3: Spatial Strategy & Settlement Hierarchy and the Countryside

CS4: Housing

CS6: Employment, Tourism, Community Facilities and Retail

CS13: Supporting and Mitigating the Impact of a Growing District

CS15: Creation of a More Sustainable Transport Network in Fenland

CS16: Delivering High Quality Environments

3.3 Fenland District Wide Local Plan:

H3: Development Area Boundaries/Protection of Character and Amenity/Highway Safety

E7: Excavation and Recording of Archaeology

E8: Landscape and amenity protection

TR3: Car Parking

IMP2: Securing Benefits through Planning Agreements

4. CONSULTATIONS

4.1 Parish/Town Council Recommend approval – no objections or

observations.

4.2 **FDC Scientific Officer** Attach contaminated land condition.

4.3 Cambs CC Highways No objections, subject to conditions –

access width, turning area within site, vehicle to vehicle and pedestrian visibility

splays.

4.4 Cambs CC Archaeology No objection subject to condition requiring a

programme of archaeological works before

development is commenced.

4.5 *Middle Level Commissioners* Awaited.

4.6 **Local Residents:** No comments received.

5. SITE DESCRIPTION

5.1 The site is located in a residential part of Wisbech, approximately 1.5km northeast of the town centre. The application site comprises an industrial building, which is currently being used for vehicle repairs. Part of the building has been demolished on the site frontage and this area is being used for car parking. The rest of the site is hard surfaced. There is a slight level change across the site from front to back. The total site area measures 0.14 hectares.

The site is surrounding by residential properties. A large detached house lies immediately to the east. There is a terrace of 4 inter-war houses in Jeffrey Avenue, whose gardens back onto the rear site boundary. Semi-detached houses with long rear gardens adjoin the western site boundary.

The area is characterised by a mix of house styles from different ages as well as some bungalows on the north side of Old Lynn Road.

The site lies within Flood Zone 1.

Old Lynn Road is an unclassified highway.

The site area measures 0.14 hectares.

6. PLANNING ASSESSMENT

6.1 **Background**

A housing scheme on this site for 9 dwellings was refused permission by the Planning Committee in May 2012 (F/YR11/0982/F), for the following reasons:

The proposed layout and design of the development by reason of; its open and hard paved appearance provided along the Old Lynn Road site frontage which contains very limited mitigating landscape features, the cramped nature of the layout including the provision of relatively small private rear gardens, the close positioning of dwellings within the site, and the close proximity, height and massing of the proposed dwellings in relation to both proposed and existing dwellings within and adjoining the site, is considered to have an unacceptable impact on the character and appearance of the locality as well as a significant loss of privacy and overbearing impact on existing and proposed dwellings in and around the site.

The proposal therefore fails to accord with Policies H3 and E8 of the Fenland District Local Plan (1993) and national planning guidance contained in the National Planning Policy Framework relating to the design of new housing development.

The current application seeks full planning permission to erect 8 x 2-bed 2-storey dwellings and 1 x 1-bed flat over triple garage involving demolition of existing buildings, and attempts to overcome the above reasons for refusal.

The revised submission has been the subject to detailed discussions between the agent and your officers to produce an acceptable layout

The main features of the current proposal are as follows:

- The site is accessed via a 5.0m wide access drive off Old Lynn Road, leading to a central parking area and turning head.
- The site layout has been designed with 4 semi-detached dwellings directly facing onto Old Lynn Road and 4 semi-detached dwellings to the rear facing towards the central parking court. A 1-bed flat over triple garage has been sited adjacent to the north western boundary.
- Each dwelling now has larger rear gardens than the previously refused scheme between 8.0 and 8.5 m in depth.
- Front gardens with reduced parking/hard-standing areas to Plots 1 to 4 facing onto Old Lynn Road
- Brick walls and UPVC windows are proposed to be used on the house elevations, with concrete pantiles on the roofs.

The application is considered to raise the following key issues;

- Principle and policy implications
- Design & Appearance & Impact on Amenity.
- Highways
- Archaeology Considerations
- Planning Contributions.

6.2 Principle and Policy Implications

The site is currently occupied by a motor vehicle repair business, and is located within the built-up area of Wisbech. It lies within an area which predominantly comprises residential properties, which surround the site. The loss of a non-conforming use and its replacement by residential development is, therefore, considered to be acceptable in development plan policy terms, and also given the fact that previously a residential planning permission on this site was granted in 2008.

In principle the development of the site for residential use is considered to be acceptable, subject to compliance with Local Plan Policies H3, E7, E8 & TR3 and emerging Core Strategy Policies CS13, CS15 & CS16 relating to;

- design and appearance,
- the impact on adjoining residential amenities,
- that satisfactory access and parking is provided,
- that archaeological matters are addressed.
- that satisfactory provision/contribution towards local and strategic infrastructure

These matters are discussed in more detail below.

6.3 Design & Appearance & Impact on Amenity.

There has been a number of planning policy changes which have affected the approach to considering the acceptability or other wise of this scheme over time. The site did benefit for a planning approval for residential development in 2007 (F/YR07/0076/F), but its design was driven to a large extent by planning guidance in earlier versions of PPG3/PPS3 (2000/2006), which sought to increase housing densities above 30 dwellings per hectare and to provide parking at a maximum rate of 150% per dwelling. These guidelines were superceded by amendments to PPS3 and PPG13 issued by the Department of Communities and Local Government in June 2010 and January 2011 respectively. These in turn have now been replaced by the National Planning Policy Framework (NPPF).

The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The aim is to achieve high quality and inclusive design for all development. Planning decisions should ensure that developments; function well and add to the overall quality of the area, establish a strong sense of place and create attractive and comfortable places to live and are visually attractive as a result of good architecture and appropriate landscaping. Permission should, therefore, be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

It was not accepted that the 2007 permission and its accompanying design/layout set a benchmark for the 2011 application (F/YR11/0982/F), hence the subsequent reason for refusal.

It is considered that policies on the design and density contained in the new NPPF, are key material considerations by which the current proposal should also be assessed.

The current layout has been amended to improve its overall appearance in the street-scene in Old Lynn Road, to reduce the cramped nature of the internal layout and improve the spacing between and thus the relationship to the adjoining properties. The changes between the refused scheme and the current scheme are set out below:

- In the refused scheme, the front gardens of Plots 1-4 were totally hard paved and used as open plan parking areas, with limited landscaping or front boundary treatments, which conflicted with the character of the area. The current scheme comprises frontage properties, which in the main have landscaped front gardens with some hedges and fencing which together contributes towards creating a softer 'landscaped' appearance in the locality.
- The spacing between dwellings was very cramped in the previously refused scheme. Garden depths have been increased in the current scheme from between 5.0 metres and 6.0 metres in length to around 8.0 to 8.5metres in length, thus increasing the size of the garden areas from 35 to 40 sq metres to 45 to 50 sq metres, which is considered to be more acceptable for use by family dwellings.
- As a result the spacing between the rear elevation of Plots 3 and 4 and the gable end of Plot 5 (the flat above garages) now measures 8.0m rather than 6.4m. Plot 5 has also been designed with a hipped roof to reduce its bulk and massing, particularly on the rear elevation of Plot 4.
- The south gable elevation in Plot 5 contained a bedroom window at first floor level, facing windows to the front elevations of Plots 6 and 7 to the south. This has now been deleted.
- The rear elevations of Plots 6 to 9 measured 5.2m (at the shortest distance) to the rear site boundary, in the previously refused scheme. Beyond this there are gardens to the rear of existing houses in Jeffery Avenue. This was of serious concern due the fact that first floor windows in the rear elevations of Plots 6 -9 would have been just over 5m from the boundary, and this would have resulted in a significant loss of privacy and overlooking into the rear gardens of these dwellings, as well as having an over-bearing impact on the gardens. The houses in the current scheme are now sited between 8.0 and 8.5m, which is considered to be a significant improvement and thus broadly overcomes this concern.
- The general site arrangement has also been improved. Each dwelling now has sufficient space for bin storage. The main parking area whilst still grouped in one area, has increased landscaping to reduce the dominating impact of hard surfacing in this area.

For the above reasons, the proposal is, therefore, considered to have overcome earlier concerns relating to poor design quality and the detrimental impact on the amenities of the adjoining residential dwellings. The proposal is, therefore, considered to accord with Policies H3 & E8 in the adopted Fenland Local Plan (1993), emerging Core Strategy Policies CS14 and CS16 and the NPPF.

6.5 Highways

Access to the site is via a new 5.0m wide private driveway off Old Lynn Road. Cambs CC Highways have not objected to the proposal in highway safety terms, but require conditions relating to; the provision of a satisfactory access road width, the provision of an acceptable turning area within the site, acceptable vehicle and pedestrian visibility splays and junction design.

2 car spaces per dwelling are provided in the scheme, which complies with FDC parking standards.

On this basis, the proposal is, therefore, considered to comply with Policy TR3 in the adopted Fenland Local Plan (1993).

6.6 Archaeology

Cambridgeshire Archaeology has commented that the site lies within an area of high archaeological potential. They recommend that the site should be subject to a programme of archaeological investigation and historic building recording. They recommend that these works can be secured via a planning condition.

On this basis the proposal is considered to accord with Policy E7 in the adopted Fenland Local Plan (1993) and Policy CS18 in the emerging Core Strategy – Submission Version (Feb 2013).

6.7 **Planning Contributions**

The emergence of the Fenland Core Strategy – Submission Version (Feb 2013) is now a material consideration, regarding the provision of planning obligations including affordable housing.

Policy CS5 normally requires 20% of dwellings to be provided as affordable housing. The Council will though negotiate with developers if a viability assessment indicates that the affordable housing targets cannot be met in full.

The applicants have submitted a full financial viability assessment for the proposed development scheme. This has been assessed internally by FDC Valuation and Estates, who considered that the cost differential between viability and non-viability with respect to this scheme is negligible at this stage. Should the developer incur any additional costs during the construction phase, this would further erode any surplus (and begin to eat into the profit margin).

In conclusion, there is insufficient surplus to support an affordable housing contribution.

In addition, because there is also insufficient surplus to make an education contribution, this advice together with the appraisal and review will be forwarded to Cambs CC Education. Delegated powers are, therefore, requested for officers to issue the decision, subject to agreement from Cambs CC, that they will not be seeking an education contribution in this instance.

7.0 **Conclusion**

The revised layout and design of the site is considered to be a significant improvement over the previously refused scheme, both in terms of design quality and impact on the amenities of neighbours.

The scheme is also considered to be acceptable in highway design terms.

Due to the fact that the financial viability of scheme has been demonstrated to be marginal, planning contributions for affordable housing will not be sought in this instance.

Consequently the proposal is considered to be acceptable and complies with guidance contained in Policies H3, H16 IMP2 and E8 of the Fenland District Wide Development Plan and Policies CS3, CS5, CS12, CS16 & CS18 of the Fenland Core Strategy – Submission Version (Feb 2013).

8. RECOMMENDATION

Grant planning permission without S106 contributions subject to the agreement of the County Council regarding education contributions and the following conditions:

- 1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.
 - Reason To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

Reason - To safeguard the visual amenities of the area.

- Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) proposed finished levels
 - b) means of enclosure
 - c) car parking layout
 - d) vehicle and pedestrian access and circulation areas
 - e) hard surfacing, other hard landscape features and materials
 - f) existing trees, hedges or other soft features to be retained
 - g) planting plans, including specifications of species, sizes, planting centres number and percentage mix
 - h) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
 - i) details of siting and timing of all construction activities including site huts, materials storage areas and parking areas.to avoid harm to all nature conservation features
 - j) location of service runs
 - k) management and maintenance details

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted.

All hard and soft landscape works including any management and maintenance plan details agreed by Condition 3 above, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development.

Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.

IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:

- b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:
 - (i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.
 - (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
 - (iii) The extent and methodology have been submitted to and

approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.

Following written LPA approval of the Site Investigation the LPA will require:

- c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.
- d) The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.

Reason- To control pollution of land or water in the interests of the environment and public safety.

No development or preliminary ground works of any kind shall take place on the site [within the area indicated on the attached plan] until the applicant, or their agents or successors in title, has secured the implementation of a programme and timetable of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy E7 of the Fenland District Wide Local Plan.

To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation.

- 7 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:
 - i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
 - ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1,

Classes A and D);

iii) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);

Reason - To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interest of the protection of the residential amenities currently enjoyed by the occupants of adjoining dwellings.

Prior to the commencement of the use hereby approved the access road shall be constructed to a minimum width of 5.0 metres for a minimum distance of 10.0 metres measured from the channel line of the carriageway of Old Lynn Road and thereafter maintained in perpetuity.

Reason - In the interests of highway safety.

9 Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification, and thereafter retained in perpetuity.

Reason - In the interests of highway safety and to ensure satisfactory access into the site.

- 10 Prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:
 - a) enter, turn and leave the site in forward gear;
 - b)park clear of the public highway;
 - c) load and unload:

shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason - In the interests of satisfactory development and highway safety.

11 Prior to the first occupation of the development visibility splays shall be provided each side of the access road. Minimum dimensions to secure the required splays shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the carriageway of Old Lynn Road, and 43.0m measured along the channel line of the carriageway of Old Lynn Road from the centre line of the proposed access road. The splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway carriageway.

Reason - In the interests of highway safety.

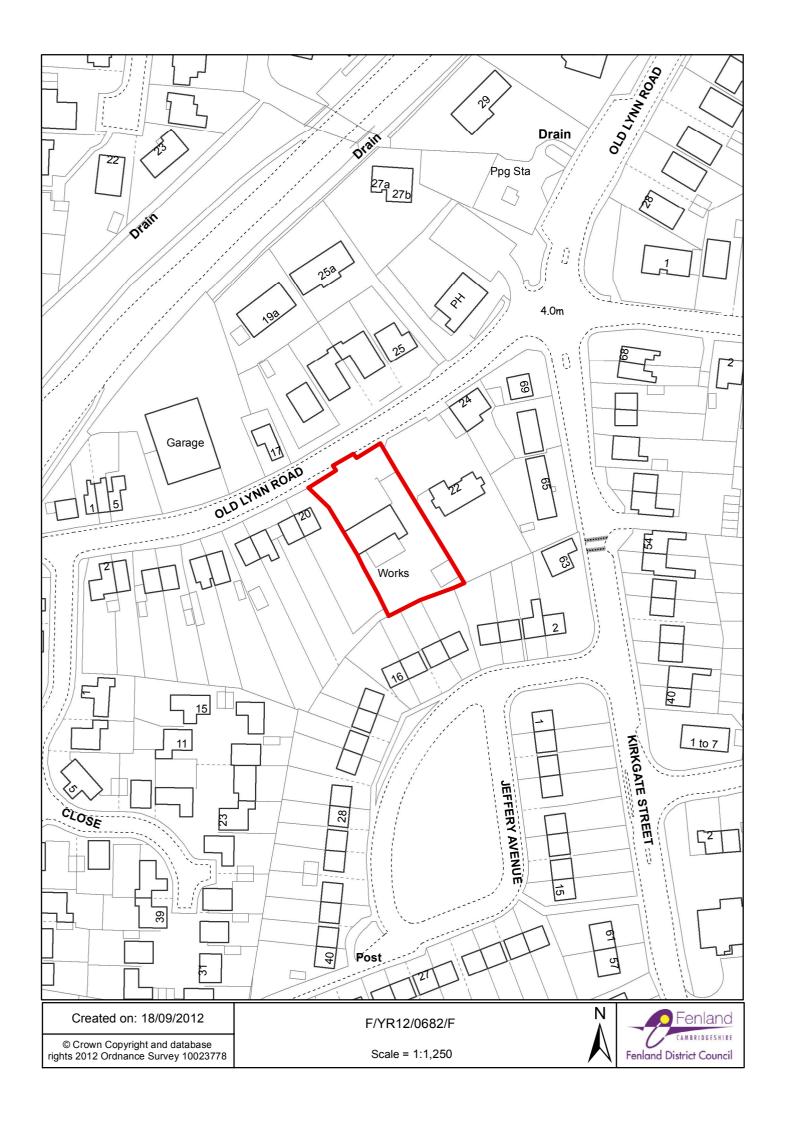
12 Prior to the first occupation of the development, pedestrian visibility splays of 2.0m x 2.0m each side of the private access road and 1.5m x 1.5m each side of each private access to Old Lynn Road shall be provided from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.

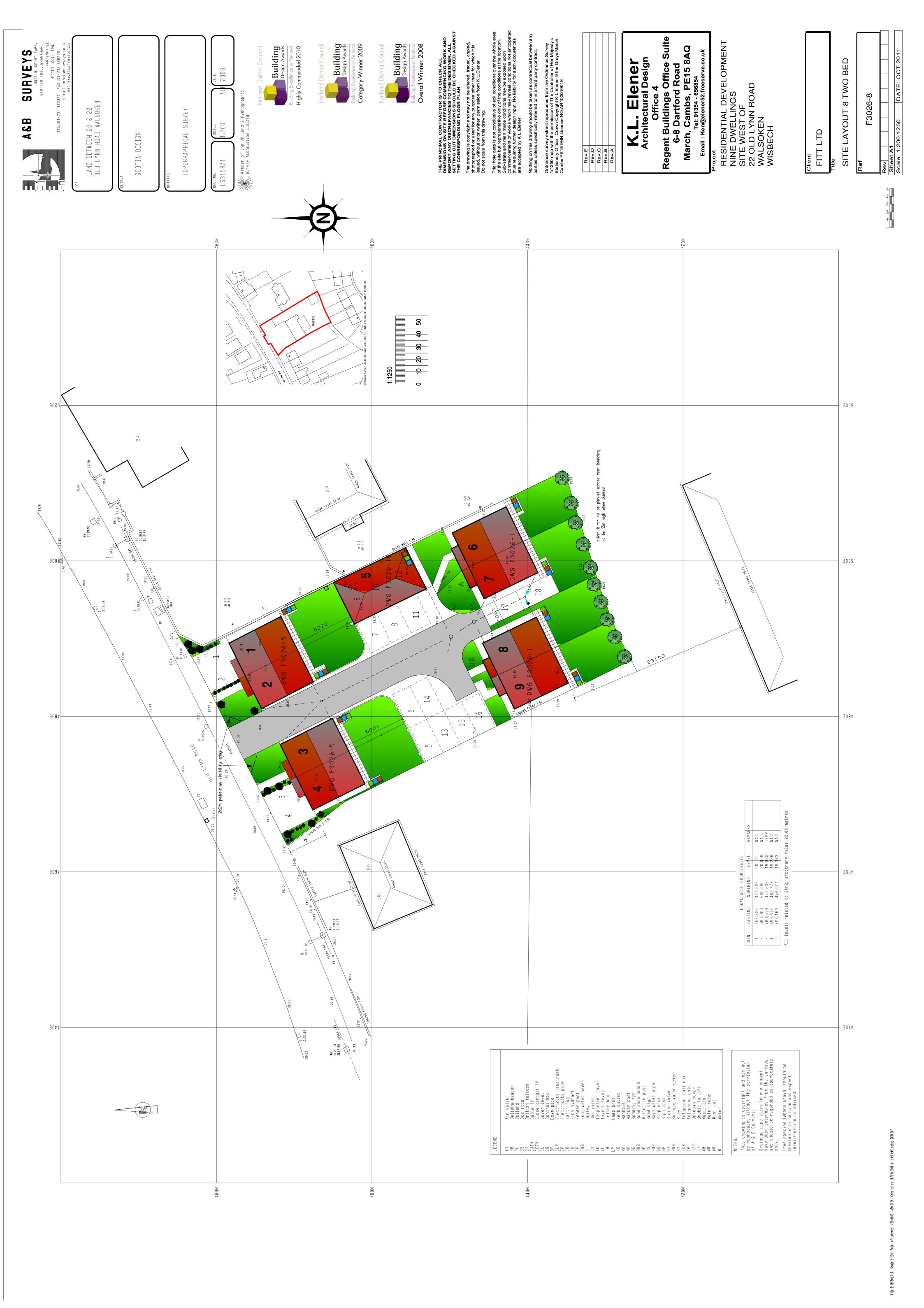
Reason - In the interests of highway safety.

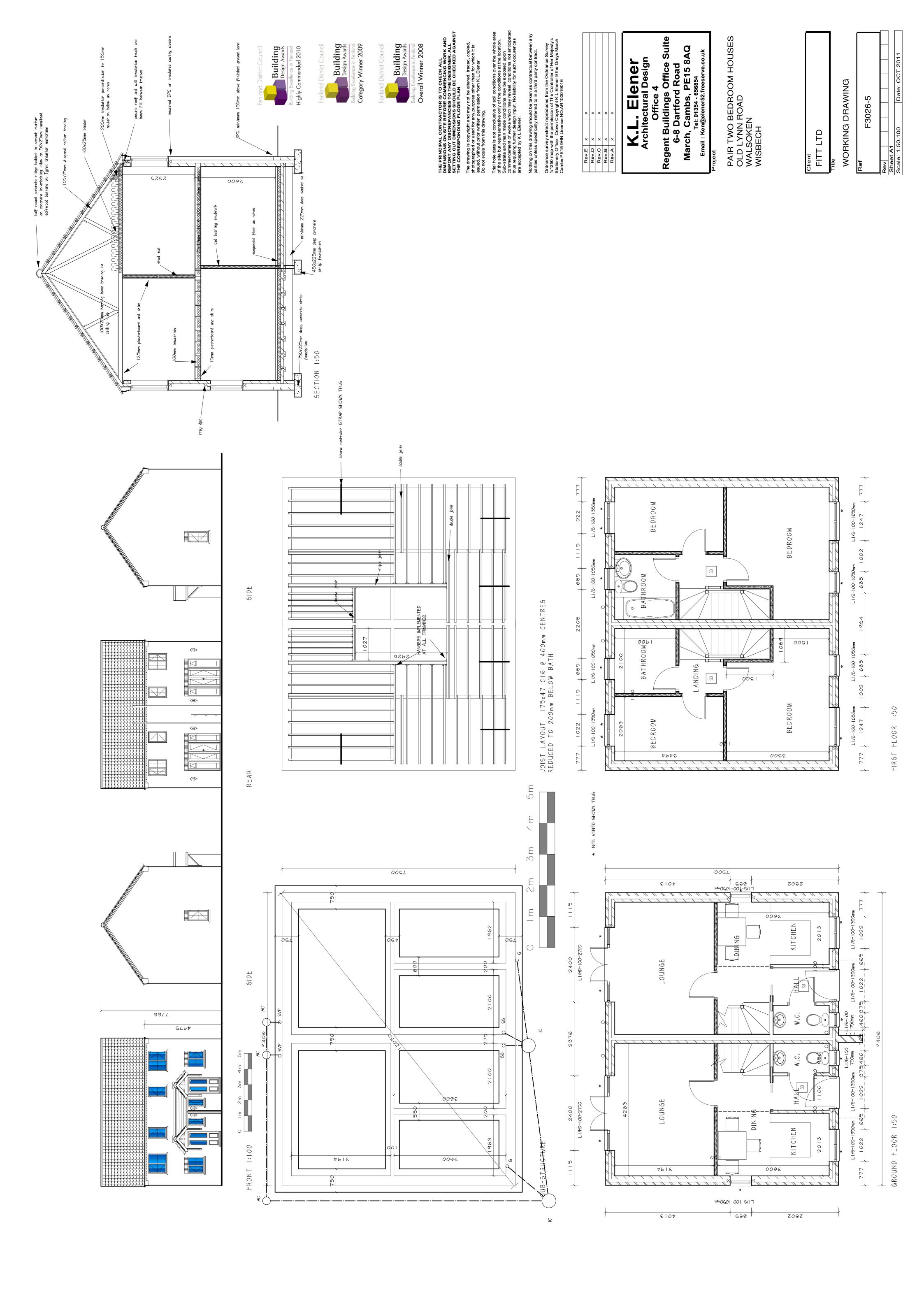
13 All accesses to Old Lynn Road shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway in accordance with a scheme to be submitted to and approved by the LPA.

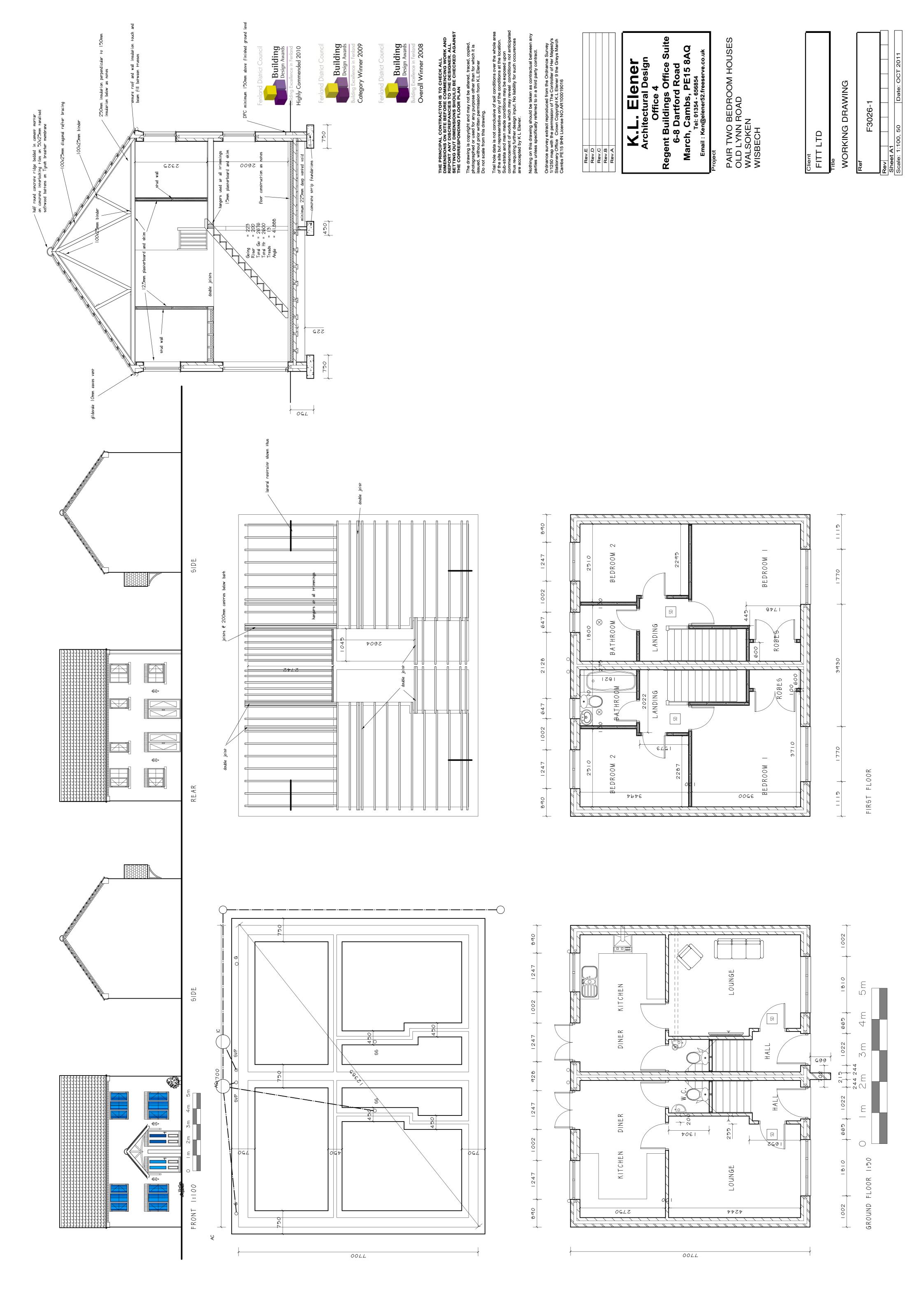
Reason - In the interests of satisfactory development and highway safety.

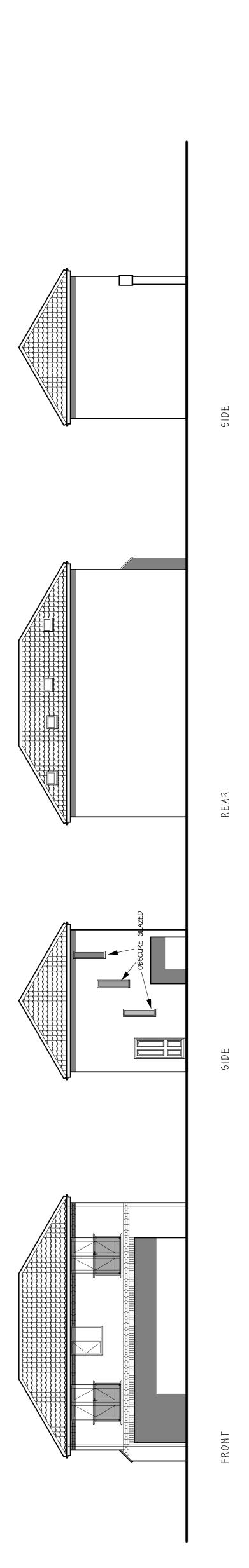
14 Approved Plans

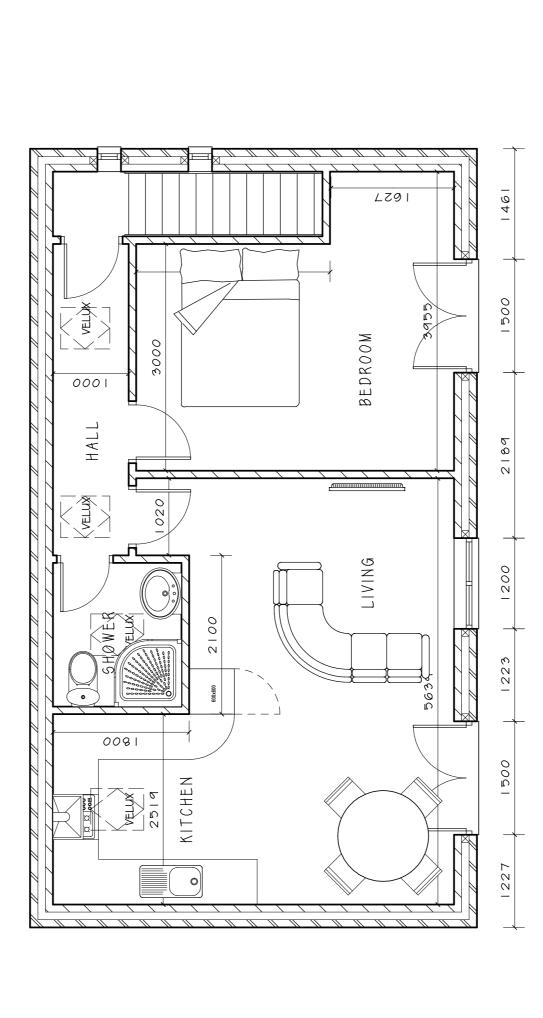




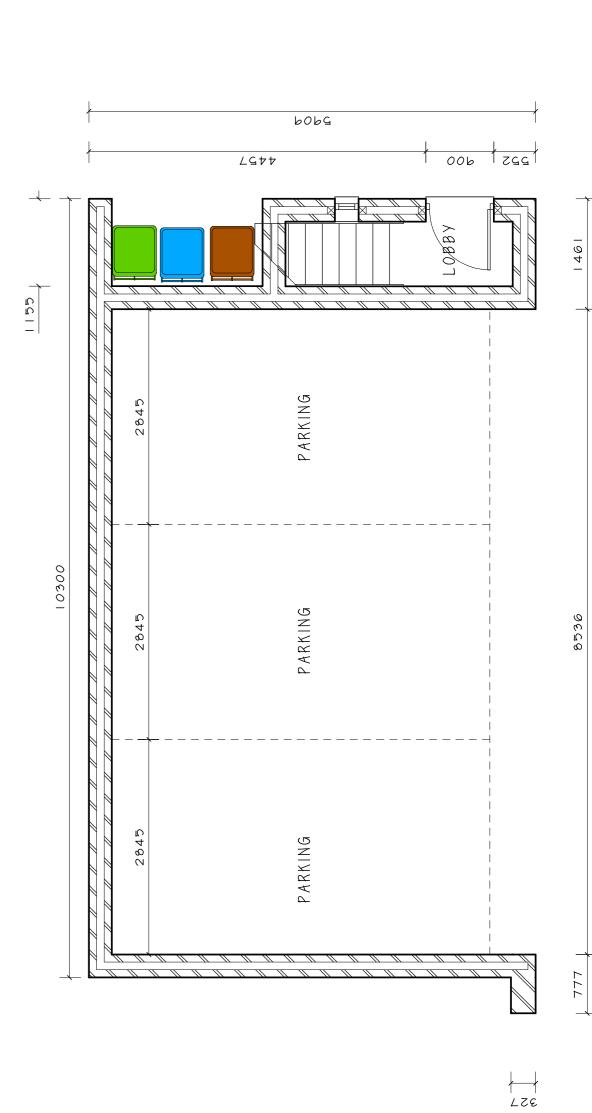








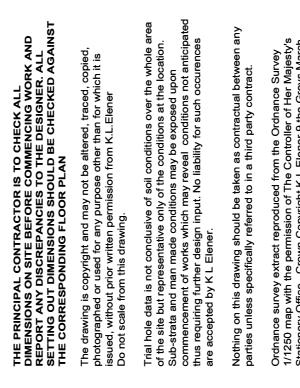
FIRST FLOOR PLAN



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THREE BAY PARKING WITH ONE BEDROOM FLAT OVER

Client FITT LTD Title
WORKING DRAWING