

Application Number: F/YR10/0804/F

Major

Parish/Ward: Chatteris Town Council/Wenneye Chatteris

Date Received: 22 October 2010

Expiry Date: 21 January 2011

Applicant: Hallam Land Management Limited and BS Pension Fund Trustee Ltd

Proposal: Mixed use development comprising residential development up to 1,000 dwellings, employment (B1, B2, & B8), Local Centre (A1, A2, A3, A4 & D1), Primary School, playing fields, landscaping and open space, new highways and associated ancillary development.

Location: Land south east of Chatteris, London Road, Chatteris

Site Area/Density: 67.9ha

Reason before Committee: This proposal is before the Planning Committee given its strategic importance, its status as a departure from the development plan, the number of objections received and to enable consideration to be given to the viability issues identified.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This major scheme proposes to bring forward the South Chatteris Strategic Allocation as identified in the Fenland Local Plan Core Strategy Proposed Submission February 2013.

The proposal has been evaluated in terms of the general principle and policy implications, having due regard to:

- Local context
- Layout and design
- Impact on the Setting of Heritage Assets
- Amenity
- Highways
- Biodiversity, Tree Protection and Landscape
- Minerals Safeguarding
- Strategic Linkages
- Planning Obligations and viability

and has been found to be on balance compliant with both the local and national planning policy framework as indicated within this report,

Officers are now in a position to favourably recommend the scheme to committee following an extended consultation and evaluation period largely attributable to the need to address issues highlighted by stakeholders during the consultation phase, which involved follow on studies in respect of archaeology and minerals safeguarding.

As a final phase an open book viability assessment has been provided which in itself whilst confirming that the scheme is not technically viable does highlight a need for further iteration to prioritise levels of contribution.

To enable these discussions to progress an indication regarding overall priorities and the parameters within which negotiations should fall, the scheme is presented to committee for both an approval in principle in respect of the scheme and guidance regarding prioritisation of Obligation requirements.

2. **HISTORY**

Of relevance to this proposal is:

- 2.1 F/YR08/0265/SCOP Scoping Opinion: Mixed use development (up to 1000 new houses, employment land, open space and associated infrastructure) Further details not required
- 2.2 Relating to blue land within applicants control immediately to the south:
- | | | |
|---------------|--|-------------------------|
| F/YR01/0146/O | Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and-play golf course, erection of club house with bar/restaurant facilities health and fitness | Withdrawn
04/02/2001 |
| F/97/0659/O | Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and-play golf course, erection of club house with bar/restaurant facilities health and fitness | Approved
24/02/1998 |
| F/94/0684/O | Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and-play golf course, erection of club house with bar/restaurant facilities health and fitness | Approved
24/02/1995 |
| F/90/0596/O | Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and-play golf course, erection of club house with bar/restaurant facilities health and fitness centre | Approved
26/02/1992 |
- 2.3 Small parcel of land in the north-western corner of the application site
- | | | |
|-------------|--|--------------------|
| F/0362/80/F | Layout of site for 19 mobile homes with car parks roadways and landscaping | Refused 18/06/1980 |
|-------------|--|--------------------|

3. **PLANNING POLICIES**

3.1 **National Planning Policy Framework:**

Paragraphs 2 & 11: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17(3): Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. Economic development aspirations expanded in Paragraphs 18-21.

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 (5): Take into account the different roles and characters of different areas.

Paragraph 17 (9): Promote mixed use development

Paragraph 17 (10): Conserve heritage assets

Paragraph 17 (10): Actively manage patterns of growth

Paragraph 29: Promoting sustainable transport

Paragraph 30: LPA's should support a pattern of development, which, where reasonable to do so, facilitates the use of sustainable modes of transport.

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

Paragraph 47: Delivering a wide choice of high quality homes, including sites sufficient to provide a five years worth of housing against their housing requirements with an additional buffer of 5%. Identifying a supply of specific deliverable sites or broad locations for growth.

Paragraph 50: Plan for a mix of housing and set policies to deliver affordable housing where required

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.

Paragraph 109: conserving and enhancing the natural environment - the planning system should contribute to and enhance the natural and local environment by: Minimising impacts on biodiversity and providing net gains where possible.

Paragraph 117: Biodiversity and geodiversity

Paragraphs 129-131: LPAs should identify and assess the particular significance of any heritage assets that may be affected by a proposal. In determining applications LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

Paragraphs 142 – 144: Facilitating the sustainable use of Minerals

Paragraphs 203 – 206: Planning Conditions and Obligations

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

CS5: Meeting Housing need

CS6: Employment, Tourism, Community Facilities and Retail

CS7: Urban Extensions

CS10: Chatteris

CS13: Supporting and managing the Impact of a Growing District

CS14: Responding to climate change and managing the risk of flooding in Fenland

CS15: Creation of a More Sustainable Transport Network in Fenland

CS16: Delivering High Quality Environments

CS17 Community Safety

CS18 The Historic Environment

CS19: The Natural Environment

3.3 **Fenland District Wide Local Plan:**

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

EMP1: Establishment of new businesses

R1: Recreation

E1: Fenland Character

E3: Landscape Character and Protection

E7: Excavation and Recording of Archaeology

E8: Landscape and amenity protection

E16: Alterations to Listed Buildings

E20: Noise, Nuisance and Environmental pollution

TR3: Car Parking

TR6: Pedestrians and cycling

CF3: Community facilities

IMP2: Securing Benefits through Planning Agreements

4. CONSULTATIONS

4.1 *Town Council*

The Town Council supports the application in principle but raises the following points:

- Considers it well thought out and welcomes buffer planting and decision to retain Dean Drove
- Trusts that there will be an integrated drainage system, welcomes shallow open waterways but seeks assurances regarding possible infestation
- Considers significant contribution should be made to leisure centre/swimming pool
- Local centre should include a health centre
- Community gain should be linked to phasing
- Once link road is built there should be in town weight restrictions to ensure link road will not result in HCVs using London Road
- All construction traffic should enter site via A142 and the A142 element of the road should be delivered before development
- There should be one major well equipped children's play area rather than 3 small sites
- Plenty of parking should be provided
- A separate footpath/cycleway should be provided to the school
- Concerns regarding accommodating pupils at Cromwell Community College
- Considers Owls are present at Tithe Barn
- Note that the developers appear to have taken notice of public consultations in that the playing fields have moved to the preferred site.

With regard to the suggested bus route the proposals were welcomed as the Council are in favour of any improvement to local transport services; however they did recommend that the route be extended to include Bridge Street and the applicants noted that they intended to accommodate this change in their proposals.

General

Chatteris acknowledged as a priority for economic regeneration; there should be a clear commitment to the provision of associated infrastructure before development is permitted.

Highways

Highway elements of scheme assessed and comprehensive reply given including safety audit details. Recommend that consideration be given to all HCVs associated with employment uses should access the highway network via the A141 not the B1050. In addition the majority of HCVs accessing the employment uses on site will use the A142, appropriate signing should be used to direct return by the same route. Contributions to the Chatteris Market Town Transport Strategy should be made via S106.

A proposed bus service between Manea and Chatteris forms part of the scheme proposals – further clarification is required in this regard.

40 safe covered cycle parking spaces should be provided to support the employment uses.

A detailed walk, cycle and public transport strategy should be provided for a development of this size.

The local plan standards are adequate in respect of this development and ultimate provision should be made to accord with this.

Scheme includes framework travel plan and this should include a fully funded coordinator for 5-years. Implementation of a travel plan should be secured via S106.

The LHA would recommend a holding objection until further information is provided regarding a sustainable transport strategy.

Waste Audit, Strategies and Site Waste Management Plan

Further information would be expected for each phase of the following: earthwork strategy on site, details of minerals requirements to be imported, any site plant for concrete mixing

CCC Continued

Archaeology

Initial objection on the grounds of insufficient evidence in respect of cultural heritage matters. Subsequent to this an evaluation report has been provided evidencing further on-site investigation.

S106 contributions

Outlined to cover primary and early years education, secondary education, rights of way, library and lifelong learning, household waste recycling centre. These are addressed in detail at the relevant section of the report.

Minerals safeguarding

Initial objection received as site identified as safeguarded for mineral extraction in Cambridgeshire and Peterborough Minerals and Waste Plan adopted July 2011. This objection removed following site investigation – see relevant section of report.

4.3 FDC Scientific Officer

Following consideration of the geo-environmental report, along with supporting information it is considered that a full Phase II investigation should be carried out in order to rule out any risk from unknown contamination in soils at the site. The site's previous usage is considered to be potentially contaminative according to current guidance. Recommend a contaminated land condition.

4.4 Environment Agency

Have reviewed the submitted Environmental Statement and have no objection. Note the need to secure acceptance of the MLC regarding surface water disposal and suggest appropriate conditions covering surface water disposal, contamination, foul water disposal. Engagement with AWA is also recommended and a number of informatives suggested.

4.5 Cambs Fire and Rescue

Request that adequate provision be made for fire hydrants

4.6 Anglian Water

Recommends conditions in respect of Foul Water, Surface Water disposal, Trade Effluent.

4.7 **Police Architectural Liaison Officer** No objection to the concept of housing or the granting of outline planning consent. However concerned that Design and Access statement does not appear to take into account the cost of crime. Identifies key detailed development requirements and highlights that further work is necessary to reduce the crime risk within the development.

4.8 **Wildlife Trust.** Recommends that a qualified Ecologist assesses the detailed information; however comments on the strategic aspects of the scheme as follows:

- Welcomes the provision of green infrastructure and the fact that the scheme has been designed to incorporate and link features of ecological interest; together with the provision of accessible green spaces.
- Whilst the layout provides 30 hectares of various open spaces much of this is in a relatively narrow band around the edge of the development and divided by the access road. Whilst this does provide a good quantity of site related green infrastructure it can not really be considered as strategic green infrastructure which is a missed opportunity.
- The Cambridgeshire Green Infrastructure Strategy 2nd edition identifies the need for a 'country park' or equivalent strategic open space at Chatteris. The WT would urge FDC to work with the developers to identify how such a space could be provided and recommend that the scheme is not approved until these points are addressed.

4.9 **Middle Level Commissioners**

It is appreciated that due to the scale and nature of this submission, limited detailed design has been undertaken at this stage and whilst it is considered that the proposals generally meet the Boards' approval 'in principle', a number of fundamental surface water disposal/flood risk management issues highlighted in the detailed response remain outstanding. MLC highlight the merits of a partnership approach between the applicants and themselves to agree certain parameters within the development wide drainage/flood risk strategy. With such documents providing a framework upon which additional subsequent planning applications within sites can be considered.

4.10 **Natural England**

Proposal is unlikely to result in any significant impacts to designated sites. NE satisfied with the assessment provided within the application in respect of wider biodiversity/protected species. The mitigation recommendations of the Environmental Statement should be followed. NE is satisfied with the details contained in the ecological management plan but recommends that a mechanism is required to ensure management of all green infrastructure assets in the long term. Considers the outline masterplan to be well designed however suggest detailed scheme considers provision of dedicated children's play areas, the provision of a community orchard/allotments and the provision of green walls/roofs within the employment and community areas of the development.

NE also highlights that the site includes 9.6ha of grade 2 and 25.3 ha of Subgrade 3a agricultural land in order to maintain soil functions it is recommended that the proposals set out in the relevant Agricultural Baseline report be adopted.

The proposals are not located within or near to any nationally designated landscapes and the Council should look to their own specialist to provide any detailed comments on the visual impacts and effects on local landscape character.

Local Residents:

12 letters of representation have been received from 10 residents, the comments made are summarised below

- If there is a need for new development this should include small local land providers in a manner that allows for integration of new residents and is fair and reasonable to both small and large scale providers
- Object to scale, considers town centre should be improved first as facilities are not good enough for existing residents
- Does not consider development sustainable as town facilities are inadequate people will have to travel
- Object to likely impact on wildlife
- Do not consider there is a need for a new ring road, will be adversely affected by traffic and other noise
- If development is approved the town perimeter should be redrawn and the houses on the London Road approach included in this
- Speed limit should be reduced to 30mph along the newly developed London Road
- Drainage proposals should incorporate provision for existing houses on London Road close to and opposite the site
- Concerns regarding on site drainage
- No guarantees regarding provision of play equipment
- Considers trees and hedgerows should be kept
- Raises issue regarding maintenance of drains and ditches
- Considers no paving over green areas should be allowed
- Should be a nature reserve provided to compensate for loss of landscape
- Infrastructure should be enhanced in town
- A bus service will be required – public transport woeful
- Considers affordable housing should be integrated

- Recommend conditions regarding construction timings
- Concerns regarding traffic congestion, noise, air and light pollution
- Overlooking, loss of view, impact on amenities, devaluation
- Road safety issues
- Danger to pets during construction
- Concern local centre will take business from town centre
- Increased antisocial behaviour
- Can present facilities(water and sewerage) cope with new build
- By plonking development on the edge of town the development has not made sufficient effort to integrate – it will attract commuters
- The land is currently stunning fenland farmland this is going to be a noisy building site for years disturbing residents and followed by the predictable modern housing estate devoid of character
- Should stay as green belt
- Considers S106 will not benefit all whereas the housing will be a disbenefit to all due to strain on existing facilities
- Rear access to properties must be maintained throughout the construction phase
- Will need extra policing. Current doctors surgery is at capacity and dentists do not accept NHS patients
- Taking away green spaces will worsen issues with dog waste
- Derelict building/ unused spaces are being ignored to build on Grade A agricultural land
- Suspect it's a done deal but it's the wrong thing to do
- Best left as farm land or a golf course
- Suggest development only accessed from Ely Road
- This is probably the tip of the iceberg as the proposed supermarket will give someone an excuse to build more houses
- Object to the roundabout and its proximity to their domestic curtilage – consider there will be gridlock

- Noise impact from roundabout
- Considers new roads/roundabouts will impact on highway safety
- Suggested recreation and sports facilities are limited to football – what additional provision will be made
- Requests consultation with the residents affected by the new road constraints in London Road

5. SITE DESCRIPTION / NATURE OF APPLICATION

5.1 The application site comprises an area of 67.9Ha and extends beyond the south-easterly 'broad location for growth' as identified in the FLP Core Strategy Proposed Submission Document February 2013. It lies to the south east of Chatteris, west of the A142 adjacent to the edge of the built settlement, south of Wenny Estate and the playing fields associated with Cromwell Community College, and east of the residential areas at Wood Street, Tithe Road and the B1050 London Road. The southern boundary comprises agricultural land as it extends southwards from the town.

The site is irregular in shape and is currently in use for intensive arable farming. It is largely flat and open except at the Byway Dean Drove within the eastern area which is flanked by hedges. Within the southern portion of the site is a farm building group comprising two semi detached houses and three agricultural storage buildings which include Tithe Barn, a Grade II timber framed and boarded Listed Building with corrugated roof.

All matters are reserved excepting access with the following aspects being for later approval:

- The layout of the urban extension although an illustrative master plan has been submitted to indicate the amount of development, proposed uses and their locations and other development principles
- The scale of buildings and their appearance
- Landscaping

Key elements of the scheme include:

- Up to 1,000 dwellings located on 27.79 Ha (36 dwellings per Ha)
- Employment uses within Classes B1, B2 and B8 (2.8Ha)
- Local centre likely to comprise of Class A1, A2, A3, A4 and D1 uses with neighbourhood shop and opportunities for health centre, day nursery and cafe (0.8ha)
- Land for a new 2 form primary school (extending to 2.4Ha)
- Outdoor sports facilities (extending to 3.8Ha)
- Informal open space facilities (extending to 27.21 Ha)
- Associated drainage and transport infrastructure
- A new link road to serve the development
- Refurbishment of Tithe Barn

Adjacent to, but outside the current application site boundaries, the illustrative master plan depicts:

- Employment uses failing within Class B1, B2 and B8 as a future phase II of employment land (3.66 Ha)
- An extension to land for Cromwell Community College (3.3 Ha)

A phasing schedule was included in the initial submission however this will need updating to reflect the slippage due to surveys accommodated during the consideration of the scheme. This activity could be undertaken post a decision being taken in principle and prior to the issue of formal consent.

6. PLANNING ASSESSMENT

6.1 Background

This scheme has been the subject of an extended consultation period during which time ecological, archaeological and minerals investigations have been undertaken. More recently the scheme has been the subject of an open book viability assessment which has culminated in the scheme now being presented to Committee to secure a decision in principle.

The application is considered to raise the following key issues;

- Principle and Policy implications
- Local context
- Layout, Design and Amenity
- Highways
- Drainage
- Archaeology and Heritage Assets
- Biodiversity, Tree Protection and Landscape
- Minerals Safeguarding
- Strategic Linkages
- Planning Obligations and viability

6.2 Principle and Policy Implications

The scheme is in the spirit of the emerging core strategy. There do however remain issues of phasing within the plan period of the core strategy, dependant on it being adopted in its present form and the issue of a larger site area, albeit Policy CS8 does highlight that the highway access(es) may fall outside the specific allocation area. Whilst the Core Strategy identifies that around 850 dwellings will be delivered on this location this is based on a standard density formula on the smaller site. It should be noted also that the Housing Target for Chatteris is set at 1,600 dwellings (FCS:CS4)

With the passage of time since the application was submitted the scheme has moved from a premature submission to one which has compliance, in the main, with the emerging core strategy and the thrust of the National Planning Policy Framework.

Whilst the scheme is applicant driven and does not conform to the agreed 'comprehensive delivery scheme' approach it does put forward a master plan. In addition it should be noted that the area falls within one land ownership interest, details a comprehensive approach to the site and offers deliverability in this regard. This clearly complies with the ethos of the NPPF that development which is sustainable should go ahead, without delay. (NPPF Vision)

That said Members should be mindful that the employment element of the proposal has not been informed by a Fenland Economic Strategy given its submission prior to the publication of the Strategy in January 2013. However Fenland District Council have set a challenging target in this strategy to create over 7000 jobs by 2031 (FCS:CS6), the focus in part will be on attracting large sector-driven multinational businesses that have the financial strength to invest and create significant numbers of jobs and attract and support new and existing supply chains.

Located in the south of Fenland, Chatteris is the smallest of the four market towns with a population just over 10,400 and is considered as being part of the Cambridge growth necklace. As such the site is strategically placed to accommodate a mixed development of this nature. The FDC Employment Evidence Report issued February 2013 notes that the Council should facilitate the delivery of around 85ha of new employment land to provide for business, industrial and distribution uses. The strategy for employment land development distribution should then be in line with housing growth for each of the settlements – the minimum target identified for Chatteris is 20 Ha.

Local Authorities are required to identify and maintain a 5 year land rolling land supply for housing development that is suitable, available and achievable, in line paragraph 47 of the National Planning Policy Framework (NPPF). Fenland's Monitoring Report published December 2012 notes that whilst Fenland cannot quite demonstrate a full 5 year supply of land plus the 5% requirement from NPPF it is important to note that this scheme is highlighted in the reports commentary and whilst making no comment on the merits of the scheme it is highlighted that, should a large site such as this be approved it would represent a significant increase in supply beyond the five year period 2013- 18, making up the initial shortfall.

The Sustainability Appraisal of the Draft Fenland Core Strategy February 2013 Part 2: Appraisal and Evidence Base of Alternative Locations for Growth at the Market Towns produced to inform site selection identifies that the site (as depicted in the Strategic Allocation) whilst extending into open countryside would still generally be within existing overall built up limits of the town to the south and east, and therefore acceptable. The area also lies within Flood Zone 1 and as such the allocation allows for a significant amount of residential development in accordance with the sequential approach and test. In terms of landscape the area is identified as follows:

- The area is located within the Chatteris Clay Island landscape character type.
- The area is generally flat. The majority of the area to the west of the site consists of a number of arable fields although it appears to be a single homogenous area.
- To the east are some smaller fields and paddocks, those furthest to the east are bounded by semi-mature hedgerows.
- To the east and south of the area, the landscape is open with extensive arable farming.
- Dean Drove Byway provides the main tree cover within the area.

Furthermore in assessing the site this document notes that whilst this is a greenfield site which would involve the loss of high grade agricultural land the area is in Flood Zone1 which would allow substantial housing in this area in accordance with the sequential approach and test for flood risk.

The assessment goes on to highlight that although there are definable boundaries to the majority of the area, care will be needed to prevent unacceptable visual intrusion into the open countryside to the south, which is likely to require enhanced landscaping. However, there would not be any adverse impact on the town's morphology. The area is well located in relation to the town centre and Cromwell Community College with its community sports facilities which may be able to be further enhanced as a result of new development. The size of development means that a primary school and local convenience shopping will be required in the area.

Access is likely to be required from the A142 and also London Road, and existing sustainable links mean that the area should have good permeability with the rest of the town. Opportunities also exist to enhance sustainable links to the Mepal Outdoor Centre to the south.

Known issues to address include preserving the setting of Tithe Barn Farm listed building, and the relatively small area of sand and gravel deposits within the area although these have the potential to provide a local resource for development. Detailed consideration will also be needed in the upgrade of the sewer network although the waste water treatment works has capacity to cater for the anticipated growth.

The policy wording also makes it clear that access to the site may have to be found from outside of the allocated area.

Local Context

It is noted that the scheme has secured the support 'in principle' of the Town Council although they have highlighted that a significant contribution should be made towards a leisure centre/swimming pool. They also identified that there should be the provision of a health centre – however no requirement for such a facility has been highlighted by the PCT/NHS and confirmation that the existing provision has capacity to accommodate the development has also been obtained.

Layout, Design and Amenity

The illustrative masterplan comprises the following elements, moving north to south

- A new primary school location directly south of an area of land allocated as additional school playing field abutting the Cromwell Community College
- Cycle pedestrian access onto Wenny Road
- Formal sports provision area
- Tranches of housing with a focal point for the development being created around the existing Tithe Barn and nearby cottages. A local centre is illustrated in the north-eastern segment of the site.

To the east of the site adjacent to the A142 lies the Employment land.

The southern boundary of the site is softened by structural landscaping and ecological enhancement areas, this area will also accommodate a sustainable drainage system.

Whilst the application boundaries do extend further than the strategic allocation there are no constraints on the ground that would act as visual stops to the development that may not be ameliorated through appropriate landscaping to soften the edges of the development.

As this is an outline scheme exact evaluation of site specific issues is not possible. Notwithstanding this the site offers opportunities for a high standard of design which will not unduly compromise such aspects of residential amenity that may be protected through the planning process, noting that loss of view would not be material in planning terms. (FDWLP:E8 and CS:16)

Highways.

To facilitate development of the site a spine road is proposed running from east to west. This access is offset from London Road B1050 (west) in the form of a roundabout with two further roundabouts proposed to access the development as detailed in the illustrative masterplan. The link road then culminates to the east with a further proposed roundabout at its junction with Ireton's Way A142.

As an addendum to the Transport Assessment supporting information has been provided in respect of the service specification for the proposed bus links, walking improvements and the Market Town Transport Strategy.

The scheme details have been subject of robust appraisal by the LHA, this appraisal has included input from Highway professionals within the disciplines of strategy, development control and accident and investigation. Issues of accessibility, trip generation and impact, together with capacity have been duly considered supported by appropriate traffic count data.

Detailed conditions regarding the highway elements of the scheme have yet to be finalised, these will be required to inform later submissions should the scheme be supported in principle.

Biodiversity, Tree Protection and Landscape

The information submitted by the applicant was subject to scrutiny on behalf of the Council by a qualified ecologist. The Ecologist noted general acceptance and welcomed the areas of structural landscaping and biodiversity enhancements within the south and east of the site, maintained greenways through the site, SUDs and proposals for mitigation impact to protect notable species and habitats. However they initially raised concern regarding the insufficient level of information provided with regard to protected species. These omissions were resolved through the submission of further information.

In addition further clarification was provided regarding the eastern section of the proposals (including the location of hedgerow H1) which fell within a section of the site allocated as an area of Biodiversity Enhancement Structural Landscape and Balancing Ponds within the ES parameters plan. Their recommendation being that if planning permission is granted, more detailed landscaping of this area should be secured (through planning permission), which should include the retention and enhancement of Hedgerow H1 located along the eastern boundary of the site.

It should be noted that the Ecology report includes a mitigation strategy for Great Crested Newts, this should be secured through appropriate condition, with this strategy being utilised in the design of the drainage systems, highways and layout of the bridleways/footways.

Conditions are recommended to ensure the provision and implementation of detailed mitigation for European Protected species, to address potential invasive species, to secure a detailed mitigation strategy for Barn Owls, to outline an appropriate construction management plan and an extended Ecological Management Plan in the form of a detailed Biodiversity Management Plan.

The importance of the site in terms of wildlife offer has been identified by neighbours as part of the consultation process, appropriate safeguards in the form of surveys and mitigation will be conditioned as part of any subsequent approval.

In terms of landscape quality the FDC Tree Officer raises no objection to the scheme and agrees with the classification of the trees as per the arboricultural report supplied as part of the application. Furthermore it is noted that the master plan states the trees are to be retained. The development will increase the number of trees on site and contribute to the landscape amenity of the area. Comments made during the consultation process are acknowledged however the site has been identified as a broad location for growth and the provision of green space and appropriate landscaping will serve to integrate the development. (FCS:CS19)

Drainage

The Middle Level Commissioners promote partnership working between the applicants and themselves to arrive at a suitable drainage/flood risk strategy. It is recommended that such a proactive approach should form the basis of a condition appended to any subsequent approval for the site.

Both Anglian Water and the Environment Agency raise no objection to the scheme whilst suggesting appropriate conditions to require the further submission of an appropriate drainage strategy. Issues raised during the consultation process may be addressed via such a strategy. (FCS:CS14)

Archaeology and Heritage Assets

Tithe Barn Farm is Grade II Listed and it is recommended that the ultimate use of this building should be the least physically demanding and invasive – the suggested community use would in principle be supported. In terms of context and positioning in relation to the development as a whole, this seems sympathetic and respectful and allows the building a reasonable amount of open, undeveloped space. Some concern regarding the timing of works to Tithe Barn – would wish to see work begun after a reasonable percentage of the housing has been completed to allow the new use to be started and avoid it remaining at risk. If the scheme is approved it is recommended that a condition be attached requiring that the barn conversion be begun contemporaneously with the start of the development scheme as a whole. (FDWLP: E16, FCS: CS18)

Archaeological evaluation was undertaken on site in September 2011 in response to the formal consultation response of CCC. This evaluation is noted by CCC as being a comprehensive account of the findings and contains useful recommendations for further work in the form of a mitigation strategy. Clarification has been sought from CCC as to whether this may be dealt with post consent. (FDWLP: E7, FCS: CS18, NPPF: 129-131)

Minerals Safeguarding

In accordance with NPPF Paras 142-144 and given that the site is identified as a minerals safeguarding area the applicants have undertaken a site investigation covering the extent and viability of potential minerals reserves. This site investigation has confirmed that the potential sand and gravel resource is not a viable economic resource that the County Council as Minerals Planning Authority removed their original objection to the development. As such the scheme can be deemed NPPF compliant and there are no issues arising which would warrant consent being withheld in this regard.

Strategic Linkages

Whilst the masterplan provides for access to green space these areas do meander around the proposed spine road and as such lack a strategic dimension. In addition it is disappointing to note that linkages with the Mepal Outdoor Centre have not been explored. The comments of the Wildlife Trust have also been considered in respect of the provision of a country park for Chatteris. Whilst it is agreed that these aspects are disappointing; they must be viewed in the context of the overall scheme and in light of the policy framework promoted in the emerging core strategy. It is recommended that whilst further consideration should be given at detailed design phase consent should not be withheld on this basis alone.

Comments made regarding the aspiration for a country park in Chatteris is noted however the Fenland Infrastructure Plan issued February 2013 highlights that a more general aspiration for a country park in Fenland. This would help meet the requirements for a strategic area of open space in the district. The plan notes that opportunities will therefore be sought to deliver an area of strategic open space in the district, however the most likely location is highlighted as March.(FCS: CS7)

Planning Contributions.

The scheme attracts the following S106 contributions FDWLP: IMP2 and FCS: CS5):

(FDC) On-site affordable housing at 25% in accordance with the emerging Core Strategy

Public Open space provision

Maintenance of Public Open Space – likely to be the feature of private adoption therefore no monetary value

(CCC) Pre-school/Primary school: £5,366,410

(CCC) Secondary School: £500,000

(CCC) Chatteris Market Town Transport Strategy: £525,000

Community Transport Contribution £391,272.49

Travel Plan

(CCC) Strategic Waste Contribution: £267,000

(FDC) Householder Waste Contribution: £234,000

It should be noted that when the scheme was first mooted there was a local desire for the proposal to make provision for a Leisure Contribution of circa £2,000,000.

Through sensitivity testing at viability stage and in the absence of a formal policy basis on which to seek such a contribution this requirement is clearly non CIL compliant as it is not necessary to make the development acceptable, is not directly related to the development, nor is it fairly or reasonably related in scale and kind to the development.

Other issues resolved through negotiation have been:

- i) the deletion of a £300,000 contribution to Chatteris Library; given that the library hours have been reduced it is not considered necessary to make the scheme acceptable nor is it considered fairly related.
- ii) a rights of way contribution of £3500 has also been deleted from the S106 package given that the project identified was not considered to fairly relate to the development.

Viability Considerations

As indicated an open book appraisal has been submitted and duly assessed by Independent Specialists. The appraisal analysis shows in summary that all of the cumulative development phases should be considered non viable and returns a substantial deficit when assuming an 'acceptable developer profit'. The viability assessment submits that the usual advice would be to suggest further reductions to the affordable housing/S106 contributions to improve viability. Notwithstanding this Hallam Land have indicated that they would be willing to proceed with the scheme with the level of contribution they highlight as long as the deficit amount does not increase any further. In effect they have taken a commercial decision.

It should be noted that the viability appraisal assumes an overall provision of 14% affordable housing and a total S106 provision of £6.528 million. The figures utilised in the report do however exclude the Market Town Transport Strategy contribution and have proposed a lesser primary school contribution as the Applicants consider that the primary school could be delivered more competitively. Sensitivity testing has been undertaken with regard to the initial viability report supplementing these obligation requirements in full and this further reduces the scheme viability. In order to maintain the levels highlighted in the initial submission the affordable housing provision would have to reduce down for 14% overall to 7% provision.

Independent assessment of the scheme concurs that a fully compliant scheme providing the entire Section 106 requirement and 25% affordable housing is not viable. The land values assumed are at the lower end of the generally accepted market standards.

Whilst there remain some further aspects which should be debated with the applicant, arising from the viability work, there is a requirement to prioritise which of the contributions are deemed most important and prioritise accordingly.

In order to inform these discussions Member opinion is sought in this regard. The developers have expressed that they are committed to the delivery of the scheme at the margins shown and clearly the amount available to fund related S106 obligations is finite.

7.1 Conclusion

Overall the scheme is found to be on balance policy compliant and Officers consider that in principle it should be supported. Notwithstanding this it is clear that there remain certain detailed aspects which require resolution which given the scale and nature of the scheme are not unwarranted.

In order to provide some comfort to the applicants and to create a backdrop against which the more detailed iterations may be progressed this report seeks to secure agreement in principle to the development subject to the resolution of S106 contributions, accepting that the scheme will not be able to deliver a fully compliant suite of contributions, and suitable conditions.

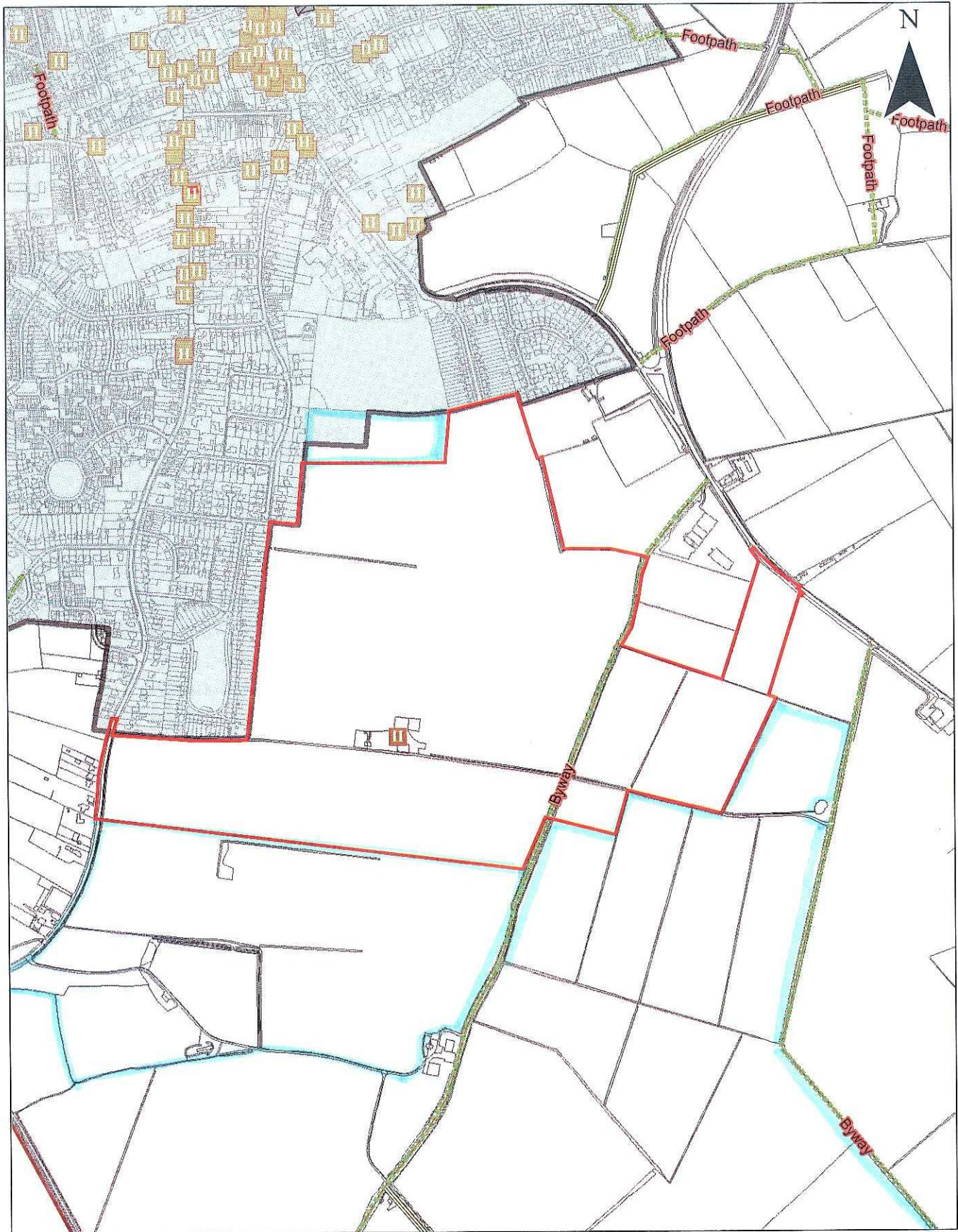
The scheme will also require advertisement as a departure in accordance with Article 13 of the Town and Country Planning (Development Management Procedure] Order 2010. This may be undertaken in parallel with the detailed discussions regarding S106 obligations and the formulation of appropriate conditions.

It should be noted that the scheme is not one which falls under the direction of Communities and Local Government Circular 02/2009 The Town and Country Planning (Consultation) (England) Direction 2009 in terms of call-in; nevertheless the Secretary of State does, under Section 77 of the TCPA, have powers to call in any decision of this type if considered necessary

8. RECOMMENDATION

Officers recommend that Members:

- i) agree the principle and amount of development as specified and authorise Officers to proceed with finalising the detail of an appropriate S106 contribution schedule, and
- ii) authorise the Head of Planning, subject to satisfactory conclusion of these discussions (within the parameters expressed by the committee) and expiry of the consultation period relating to departure applications with no new grounds of objection being raised to proceed to formalise a suitable list of conditions to be appended to the subsequent decision
- iii) Support the return of the scheme to committee once these aspects are finalised to agree the detail of the same.



Scale: 1:10,000

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Development Services

Reference F/YR10/0804/O



Fenland District Council



- 1- Cycle / Pedestrian and Emergency access only, onto Eastbourne Road
- 2- New access point onto A142 Iretons Way
- 3- New link road
- 4- New access point onto London Road B1050
- 5- Cycle / Pedestrian and Emergency access only, onto Wenny Estate
- 6a - Employment - Phase 1
- 6b - Employment - Phase 2
- 7 - Local Centre
- 8 - Land for a new Primary School
- 9- Tithes Barn Community Facility/Commercial Use
- 10 - Open spaces
- 11 - Drop-off point
- 12 - Formal Sports Provision



Location
Land to the South East of Chatteris, Cambridgeshire

Title
ILLUSTRATIVE MASTERPLAN

Dwg. No.
FIGURE 2.3

Scale
 Not To Scale

Date
 APRIL 2010

- Main Bus / Transport Route
- Home Zones
- MUSE / Parking Courts
- Greenways
- Land Drains
- Sustainable Drainage System
- Structural Landscape and Ecological Enhancement Area
- Private Gardens
- Public Open Space
- Wetland
- Public Footpath