

Application Number: F/YR13/0685/F

Major

Parish/Ward: St Mary's Whittlesey

Date Received: 12 September 2013

Expiry Date: 12 December 2013

Applicant: Rose Homes (EA) Ltd

Agent: Mrs J Robinson, Robert Doughty Consultancy Ltd

Proposal: Erection of 30 dwellings comprising; 15 x 2-storey 2-bed dwellings, 10 x 2 storey 3-bed dwellings, 1 x 2 storey 4-bed dwelling, 3 x 3 storey 3-bed dwellings, 1 x 2-bed flat with garage block below with associated parking and demolition of existing dwelling and buildings

Location: 64 Whitmore Street, 17 and 11 Windmill Street, Whittlesey

Site Area: 0.4931 hectares/61 dwellings per hectare

Reason before Committee: Number of neighbour objections

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks full planning permission for 30 dwellings on the site of a builder's yard close to Whittlesey town centre. The site is surrounded by residential development. Windmill Street runs along the eastern boundary of the site and terminates in a cul-de-sac to the south of the site close to Whitmore Street. Whittlesey conservation area wraps around the western and southern boundaries of the site and includes buildings on the site boundary which are proposed to be demolished and replaced. The site lies within Flood Zone 1.

The key issues to consider are:

- Relevant Policy and Guidance including Public Consultation
- Planning History
- Design, layout and amenity
- Access
- Archaeology
- Biodiversity
- Viability and S106 issues

Relevant policy has been considered alongside the identified material considerations. There will be an impact on local residents due to the site layout becoming residential rather than commercial but it can be argued that the removal of the commercial use as a builder's yard is a material benefit. The redevelopment of the site broadly accords with Policies H5, E8, E11 and E12 of the Fenland District Wide Local Plan. Policy CS3 of the Fenland Local Plan Core Strategy seeks to steer new housing to the market towns of the district and the NPPF promotes growth in sustainable locations especially on previously developed land. The previous part implemented residential consent must also be afforded weight in the decision making process and as a result the proposal can be considered policy compliant and is recommended for approval subject to appropriate conditions and continued S106/viability negotiations.

2. HISTORY

- 2.1 F/93/0785/F Change of use of showroom offices to 2 x 1 bed flats and 1 x 1 bed and 1 x 2-bed houses, change of use of office block and the erection of a 2 storey extension to form 12 x 1 bed flats, erection of 2 storey block of 4 x 1 bed flats, 14 terraced houses, 1 block of 3 garages and 1 x 3 bed house with detached garage. Granted – 28.03.1994 Committee decision.

3. PLANNING POLICIES

3.1 National Planning Policy Framework (NPPF):

Paragraph 2: 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: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants

Paragraph 32: Safe and suitable access to the site can be achieved for all people

Paragraph 50: Deliver a wide choice of quality homes

Paragraph 103: Ensure flood risk is not increased

3.2 Fenland Local Plan Core Strategy – February 2013 (Core Strategy):

CS1: Presumption in favour of sustainable development

CS2: Facilitating the health and wellbeing of Fenland Residents

CS3: Settlement Hierarchy

CS5: Meeting Housing Need

CS14: Responding to Climate Change and Managing the Risk of Flooding in Fenland

CS16: Delivering and Protecting High Quality Environments across the District.

CS17: Community Safety.

3.3 Fenland District Wide Local Plan 1993 (FDWLP):

H3 – Settlement Development Area Boundaries

E8 – Proposals for new development.

E11 – Demolition in Conservation Areas

E12 – Development in Conservation Areas

4. CONSULTATIONS

4.1 *Town Council*

No objections and recommend approval.

4.2 *CCC Archaeology*

No objection in principle but request examination of site prior to determination of any application in the light of recent archaeological findings in the area.

- 4.3 **Police Architectural Liaison Officer (PALO)** No objection to the use of the land for residential purposes but would prefer revisions to the layout as concern over lack of surveillance in some parking areas and would request a condition to require details of external lighting and boundary treatments.
- 4.4 **North Level IDB** No objection in principle but further information regarding surface water drainage is required regarding calculations.
- 4.5 **Middle Level IDB** Oppose the scheme as further information required to prove to the commissioners that a viable scheme could be constructed and maintained.
- 4.6 **FDC Scientific Officer (Contaminated Land)** As the site has been used as a builder's yard the full contamination condition is required. As part of the application desk study a limited ground investigation has been carried out although this is now 5 years old. It shows contamination on and under the site so further investigation is required to show the limit of contamination and to assess remedial options. Further investigations will also be needed once demolition has been undertaken.
- 4.7 **Anglian Water** No response received within the consultation period.
- 4.8 **Whittlesea Society** No objections and good to get rid of eyesore which has blighted the area.
- 4.9 **CCC Highways** Primarily, it is noted that the LHA will be expected to adopt only the access bellmouth; FDC should be satisfied that a suitable maintenance regime is secured for the remaining development; Junction vehicle to vehicle visibility splays are acceptable; Overall the identified details are noted and acceptable; the main internal carriageway has not been dimensioned but scales at 5.0m. We would normally require a shared surface carriageway to comprise 5.5m + 2 x 0.5m maintenance strips. FDC to be satisfied with the lesser dimensions; As previously advised, tandem parking for plots 24/25 within a such constrained area will not be practical given the lack of incidental manoeuvring space; Developer should consider provision of secure cycle parking.

The applicants comments in respect of the provision of access and parking for the existing dwellings No.s 2 – 8 being implemented under the established permission is noted.

The plans now show the allocated disabled bay sited between the site access and the Gracious Street junction. Whilst not ideally located, there is no apparent reason why this bay should be seen to compromise the development proposal, or vice versa.

I understand that there may be a level of public objection to the development. In determining the acceptability of the development from a highway point of view the following key elements have been taken into account:

- The existing site comprises an active commercial builder's yard with the associated potential for the generation of heavy commercial vehicles within the local residential environment; an alternative user of the existing builder's yard could operate the site in a more intensive manner than is currently apparent, without the need for any additional planning permission. The site also has an extant and implemented planning permission for 34 dwellings (FDC planning reference 93/0785). The existing uses and the established planning permission outlined above must be viewed as material considerations views of Local Highway Authority in respect of the current application.

- The scale of development proposed is such that a formal level of assessment is not required to be provided by the developer; the proposals have therefore been reviewed in terms of current local and national best practice, to ensure that an appropriate and safe form of development is secured.

- With regard to the relocation of the site access, the existing builders yard access is located virtually opposite Gracious Street and is less than ideal in terms of opposite junction spacing; the relocated access will comprise a standard arrangement in terms of width / radii, and the siting is entirely reasonable in this environment in the context of national design advice. The proposed access siting accords with that of the existing planning permission.

- Concerns have been raised with regard to the level of development parking provision, which is a matter for FDC as Local Planning Authority (LPA). In addition, whilst local residents may currently enjoy a level of informal on-street parking which may be partly lost in relation to the relocated access, it should be borne in mind that the accommodation of private parking is not the primary function of the public highway, and the loss of such incidental parking cannot be seen as a material reason to object to a development.

- In summary, in light of the established use and extant planning permission, and given that a satisfactory form of access can be achieved, it is considered that there are no material grounds to object to the current proposal in highway safety terms that could be substantiated in the event of any subsequent Appeal by the developer to the Secretary of State.

4.9 **FDC Conservation Officer**
4.10 **Local Residents:**

No objections.
15 letters of objection have been received from 13 different addresses on Windmill Street; 1 letter from 1 address on Millfield Way and 1 letter from an address on Low Cross.

The main points of concern are as follows;

- Site better suited for residential properties but concern over noise, disturbance and possible damage to property.
- Would like to see better boundary treatment such as a high wall and continuation of the existing wall.
- Road need resurfacing.
- Overlooking from new properties.
- Concern over rubbish storage.
- Increase in traffic from development unacceptable and dangerous as much on street parking now.
- Already hazardous road conditions in an area with a large elderly population.
- Site would be better suited for single and elderly people.

5. **SITE DESCRIPTION**

5.1 The site is located close to the town centre of Whittlesey and is a builder's yard with access on to Windmill Street. Residential properties are situated around the site with the former bus garage/station premises located in the south western corner of the site. These buildings lie within the conservation area. The site lies within a sustainable market town location with good access to services. An established commercial workshop is situated on the western boundary of the site amongst other residential properties. The site lies within Flood Zone 1 and partly within the conservation area. There is very little in the way of natural vegetation on the site.

6. **PLANNING ASSESSMENT**

6.1 ***The key considerations for this application are:***

- Relevant Policy and Guidance including Public Consultation
- Planning History
- Design, layout and amenity
- Access
- Archaeology
- Biodiversity
- Viability and S106 issues

Relevant Policy and Guidance

The application site lies within the market town of Whittlesey where growth is supported by policies within the adopted development plan, the emerging Core Strategy and the NPPF in seeking to deliver sustainable development in the most appropriate locations.

Policy CS3 of the Core Strategy looks to steer growth to the market towns of the district and the NPPF states a presumption in favour of sustainable development. It also encourages the use of brown field land for residential use where possible.

Policies E8, E11 and E12 of The Fenland District Wide Local Plan contain general good practice criteria to ensure that development in general, and more specifically in relation to conservation areas, and demolition is carried out to respect the prevailing character of the area and have regard to the existing amenity enjoyed by residents, amongst other considerations.

Policy CS16 of the Core Strategy updates these policies to be compliant with the NPPF and seeks to deliver and protect high quality environments across the district by requiring schemes to meet the criteria set out in the policy.

Within the scheme it has been demonstrated that regard has been had to meeting these criteria in relation to the treatment of heritage assets, biodiversity, local character, neighbourhood amenity, landscaping and amenity space.

To satisfy the FDC Statement of Community Involvement and the NPPF a public consultation event was carried out on the site in early September 2013. This attracted approx. 25 visitors with a generally favourable response. The points of concern as identified in the statement submitted as part of the application appear to match those raised by neighbours who have written in response to the FDC standard consultation. Residents concerns relate to parking and traffic generation, boundary treatments and potential overlooking. The applicant's agent indicates that these matters were explained and clarified with local residents who attended the consultation event and most appeared supportive of the scheme and that considerable pre-application discussion had taken place. The proposal was also presented to the Town Council and gained their support.

Planning History

Planning permission was granted in 1994 for a scheme consisting of a change of use of existing buildings to residential with a mix of 35 flats and dwellings. This scheme was partly implemented and therefore the permission remains alive and could still be built out. It is acknowledged that this historical consent represents a high density scheme which was dominated by parking. It was driven by the policy regime at that time which under PPS3 required high density development. The elements of the scheme which were completed consist of a change of use of showroom to flats on Low Cross and block of 4 x 1 bed flats built on Windmill Street along with a detached dwelling on the Whitmore Street/Low Cross frontage.

The current proposal is considered to offer a much better alternative to the previous approval and this was one of the points made as a result of the public consultation exercise. The existing consent is a material consideration in the determination of this application and weight should be attached to the fact that it has been implemented and could be completed in accordance with the plans which were approved in 1994.

Running in parallel to the current proposal is an application for Conservation Area Consent for the demolition of the buildings fronting Whitmore Street and positioned within the Conservation Area. It was not considered necessary to bring this application before committee as the main issues have been covered the full application. The application for conservation area consent will be determined under delegated powers in accordance with the decision relating to the current application under consideration.

Design, layout and amenity

The proposed layout provides a mix of the following properties to give a total of 30 units;

- 15 x 2-storey 2-bed dwellings
- 10 x 2-storey 3-bed dwellings
- 1 x 2-storey 4-bed dwelling
- 3 x 3-storey 3-bed dwellings
- 1 x 2-bed flat with garage block below
- plus associated parking and demolition of a dwelling and buildings

The site has road frontages onto Windmill Street and Whitmore Street. The access point into the site is in the previously approved location on Windmill Street and this allows the proposed frontage development on Windmill Street to follow and the reinforce the character of development in the area which comprises of two storey properties at the back edge of the footpath.

The approach on the Whitmore Street frontage is to seek to positively enhance the appearance of the Conservation Area where a group of derelict commercial buildings lie. A terrace of three properties is proposed to fill the gap between a Grade II listed house and a newer detached dwelling to the west. Access to these new properties will be via the site and Windmill Street to ensure the streetscape is improved at this location by allowing the dwellings to sit at the back edge of the footpath to respect the prevailing character of the more traditional development in the locality.

Within the site two-storey development prevails apart from a terrace of four 3 storey dwellings which act as a focal point on entering the site at the back edge of the square.

It is acknowledged that parking is an issue in the vicinity of the site and this has caused concern for the residents, however this concern must be balanced against the opportunity to remove the builder's yard use from this predominantly residential location. In addition the site provides a mix of 50 resident and visitor parking spaces which represents a shortfall of 10 spaces under the current car parking standards. Given the nature of the existing use and the extant consent on the site it is considered that this town centre location can justify such a shortfall without significant detriment to the locality and consent could not reasonably be withheld on these grounds.

The applicant has provided an amended plan showing the retention of existing walls along the boundary and the results of further consultations with neighbours will be reported by way of an update.

The issue of overlooking and privacy raised by neighbours has been noted and it is accepted that the feel of the site will change with the loss of the builder's yard and the proposed dwellings in its place. Rear garden depths vary from 5 metres to 11 metres and neither is uncharacteristic of the area. The distances between proposed and existing dwellings have been assessed and are considered acceptable to ensure an adequate level of amenity in this town location.

Access

Access is via Windmill Street and will entail the closing of the existing access into the builder's yard and the repositioning of the access into the position of the access of the already consented scheme. The comments of the Highway Authority which are reproduced in full above indicate some concerns with the scheme, however many of these can be overcome by the imposition of conditions if consent should be forthcoming.

Archaeology

A full archaeological investigation of the site has been requested prior to any consent being issued due to recent important findings within the area. The response from the archaeologists recognises that they raised no objection to the scheme that obtained consent in 1994; however their position has now changed. If permission for the 1994 scheme had lapsed it would be appropriate to seek to secure further archaeological work, however as the 1994 scheme has been implemented and remains capable of being completed in accordance with the approved scheme it is considered that it is neither appropriate nor proportionate to require the developer to carry out the requested work.

Biodiversity

The applicant has provided a biodiversity report which concludes that the site has no ecological value due to the current and former commercial uses. The major concern relates to the likelihood of nesting birds in the spring so it is recommended that if planning permission is granted a condition should be imposed to ensure demolition work takes place between September and February to ensure nesting birds are not disturbed.

Flood Risk

The site falls within Flood Zone and a Drainage Management Strategy has been provided. Despite this submission the Middle Level Commissioners have opposed the application based on insufficient information and North Level IDB have also requested further information although do not object in principle. In consideration of these responses it is felt necessary to impose a surface water condition relating to the submission of further information prior to the commencement of any development on the site.

Section 106 and Viability

A viability report has been submitted with the application. This has been independently assessed by external consultants at the applicant's expense. The independent assessment reveals that the scheme is only marginally viable and the developer would be unable to deliver the required full amount of affordable housing or any other S106 contributions

A further update will be provided at the meeting regarding the possibility of providing any reduced contributions.

7. CONCLUSION

- 7.1 The proposal has been assessed in light of the above points and the relevant National and Local Planning Policies. It is a comprehensive, mixed development making use of a previously developed site which is viewed as a non-conforming use in the town centre.

Policy CS3 supports development in market towns where it contributes to the sustainability of that settlement and policy CS16 seeks to ensure amenity is preserved and the development makes a positive contribution to local distinctiveness and character. It is considered that the scheme accords with the aims of these policies.

Evidence has been provided that there is community support for the proposal in principle and with amended plans showing the retention and reinstatement of existing walls the number objections may decrease significantly once reconsultation has taken place. It is acknowledged that there are also objectors to the scheme on grounds of highway safety and to a lesser extent overlooking. These representations have been considered and weighed against planning guidance, policy and other material considerations throughout the report.

As result and as demonstrated above, the Local Planning Authority considers that the proposal complies with the policies of the emerging Core Strategy and the provisions of the NPPF and is recommended for approval.

8. RECOMMENDATION

Grant subject to:

- i) no new objections raised in the re-consultation period relating to the revised plan showing boundary treatment**
- ii) conditions**
- iii) possible s106 agreement subject to the conclusion of viability discussions**

- 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 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) **hard surfacing, other hard landscape features and materials**
- d) **existing trees, hedges or other soft features to be retained**
- e) **planting plans, including specifications of species, sizes, planting centres number and percentage mix**
- f) **details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife**
- g) **details of sitting and timing of all construction activities to avoid harm to all nature conservation features**
- h) **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.

- 3 Prior to the occupation of the development, a highway and landscape management and maintenance plan, within the development site shall be submitted to and approved by the Local Planning Authority in writing. The highway and landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.**

Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site.

- 4 All hard and soft landscape works including any management and maintenance plan details, 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

- 5 All demolition on site shall take place outside the bird breeding season between September and February inclusive. If demolition work is required to be undertaken at any other time a specialist consultant shall undertake a survey of the buildings and provide a written report to the Local Planning Authority.**

Any clearance shall not be commenced until the report is approved in writing by the Local Planning Authority.

Reason - To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to provide biodiversity mitigation in line with the aims of The National Planning Policy Framework

- 6 Prior to the commencement of development, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.**

Reason - In order to ensure adequate safety and security on site.

- 7 Prior to the first occupation of the development the vehicular access to the dwellings from Windmill Street shall be laid out and constructed in accordance a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, and such a schemes shall include measures to prevent surface water discharging on to the public highway.**

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

- 8 Prior to the first occupation of the development the proposed on-site parking / turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with a detailed scheme to be submitted to the approved by the Local Planning Authority.**

Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

- 9 Prior to the first occupation of any dwelling the road and footway shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority in consultation with the Highway Authority.**

Reason: In the interests of highway safety.

- 10 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction in accordance with a detailed scheme to be submitted to the LPA for approval prior to the commencement of the development.**

Reason: In the interests of highway safety.

11. Prior to the commencement of the development visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2.4m, measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 43m north and 34.5m south, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway.

Reason: In the interests of highway safety.

12. The existing access to Windmill Street shall be permanently and effectively closed and the footway shall be reinstated in accordance with a scheme to be agreed with the Local Planning Authority, within 28 days of the bringing into use of the new access.

Reason: In the interests of highway safety.

13. Prior to the commencement of the development hereby permitted a detailed scheme of construction management to minimise disturbance during the construction process shall be submitted to and approved in writing by the Local Planning Authority and the construction process shall be carried out in accordance with the scheme so approved. The scheme shall include details of the following;

1. Operation of a Considerate Contractors Policy,
2. Wheel cleaning facilities,
3. Main contractor details to be provided to enable a resident's liaison group to be set up if required.
4. Parking arrangements for all vehicles associated with the construction works, including employees' private cars.

Reason - In the interests of the amenity of local residents in accordance with policy E8 of the Fenland District Wide Local Plan.

14. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.

15. Prior to commencement of development a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter retained in perpetuity unless otherwise agreed in writing.

Reason - To ensure a satisfactory form of refuse collection.

16 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

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

17 Approved plans