

Application Number: F/YR13/0804/O
Minor
Parish/Ward: Whittlesey/Benwick, Coates and Eastrea
Date Received: 25 October 2013
Expiry Date: 20 December 2013
Applicant: Mr D Lutkin
Agent: Mr Colan Bartram, PDG Architects.

Proposal: Erection of 6no dwellings.
Location: Land South of Jones Lane, Eastrea.
Site Area: 0.28ha

Reason before Committee: The Town Council recommendation is contrary to Officer recommendation.

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks outline consent for 6 dwellings on land to the south of Jones Lane in Eastrea. The application seeks to commit access and layout with all other matters (appearance, scale and landscaping) reserved for consideration in a later submission. The site currently forms an open area of land off Jones Lane and is within the main settlement core of Eastrea. There are a number of surrounding residential developments which sit to the north, east and south of the site. The site is within Flood Zone 1.

The key issues to consider are:

- Site History
- Layout
- Access and Highway Safety

The key issues have been considered along with current Local and National Planning Policies and the proposal is considered to be acceptable in terms of the principle and layout of the proposal. It is considered that, on balance, there will be no adverse impacts on residential amenity, highway safety or the character of the surrounding area. Therefore the application is recommended for approval.

2. HISTORY

Of relevance to this proposal is:

- | | | | |
|-----|---------------|----------------------------|--|
| 2.1 | F/YR12/0013/O | Erection of 9 x dwellings. | Refused 5 th March 2012 – Delegated.
Dismissed at Appeal 3 rd April 2013. |
| 2.2 | F/YR10/0808/O | Erection of 9 dwellings | Refused 17 th January 2011 – Delegated. |

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 14: Presumption in favour of sustainable development.

Paragraph 17: Seeks 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.

Section 6: Delivering a wide choice of quality homes.

Paragraph 58: Development should respond to local character and be visually attractive as a result of good architecture and landscaping.

3.2 Fenland Local Plan 2014:

LP1: Presumption in favour of sustainable development.

LP3: Spatial strategy, the Settlement Hierarchy and the Countryside

LP16: Delivering and Protecting High Quality Environments across the District.

4. CONSULTATIONS

- | | | |
|-----|--|---|
| 4.1 | <i>Town Council</i> | Recommend refusal due to the access onto Wype Road and the A605 and have serious safety concerns. |
| 4.2 | <i>FDC Conservation Officer</i> | Do not wish to object to the scheme. Provided the new build is kept to an appropriate scale there should be no detrimental impact on the setting of the listed building. From an amenity point of view the existing vegetation on site is generally not worth of retention. A comprehensive planting scheme will be crucial to help assimilate any development into this rural setting. |
| 4.3 | <i>Ramblers</i> | No response received. |
| 4.4 | <i>Countryside Access</i> | No response received. |
| 4.5 | <i>Middle Level Commissioners</i> | No response received. |

4.6 **CCC Highways**

Whilst the LHA retains concerns over the suitability of the means of access to serve further residential development the Planning Inspectorate at the earlier Appeal clearly considered that an appropriate form of access could be achieved within the existing constraints. Accordingly no further comments are made and conditions are requested relating to reserved matters submission and the construction of roads and footways prior to the first occupation of any dwelling.

Following the reduction in proposed dwelling numbers the LHA comments are as follows:

Note the reduction in the scale of development and have no observations. Requires an additional condition relating to restriction of gates to the vehicular access.

4.7 **FDC Environmental Protection**

No objections. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. The contaminated land condition is required to ensure that the land is not contaminated and is suitable for its intended use.

4.8 **CCC Minerals and Waste**

The site falls partly within a Mineral Safeguarding Area (MSA) for sand and gravel. The relevant County policy is CS26: Mineral Safeguarding Areas. Due to the location of this MSA and its existing proximity to residential dwellings, it is unlikely that sand and gravel will be worked in this area.

4.9 **CCC Archaeology**

Recommend that an archaeological standard condition is imposed to secure a scheme of archaeological investigation.

4.9 **Local Residents:**

2 letters of objection received concerning (in summary):

- Whilst no objection to the application per se, do have major concerns over the suitability of the access to the site.
- Jones Lane is a designated public byway used by pedestrians, cyclists, horse riders and other vehicles accessing the rear of their properties.

- It is also used by farm machinery and as an access to the vehicle compound to the rear of 1 Jones Lane, which is sometimes accessed by car carriers.
- Jones Lane is a single track access with no scope for widening.
- Concerns over the lack of visibility from Wype Road and additional vehicles will add to safety concerns on an already busy junction.
- No pavements are proposed for pedestrians using Jones Lane.
- The junction serves 4 roads and the public house car park.
- The 30mph speed limit along A605 is rarely respected.
- Cramming 8 more properties on a small plot of land would be too much, out of keeping with the surrounding area and would be over-intensification.
- There is an abundance of wildlife on the site including muntjacs, pheasants, squirrels, barn owls, rabbits, snakes, mice and birds.
- Recently bats have been seen flying around the area.
- The Design and Access Statement states that there is a shop in Eastrea which is incorrect.

Following the reduction in proposed dwelling numbers the two residents who had initially objected resubmitted their objections as summarised above. In addition, 1 further letter was received concerning (in summary):

- Searched for some time to find a rural area to relocate to and therefore would like to keep the most immediate space around their property free from building developments.
- Concerns over the impacts on wildlife.
- Concerns over highway safety from increased traffic movements.
- Concerns over the potential for overlooking into existing properties.

5.

SITE DESCRIPTION

- 5.1 The application site currently forms an area of vacant land that is accessed via Jones Lane, a byway open to all traffic (BOAT). The site is currently overgrown with vegetation and was formerly used for horticultural purposes. The site is bounded to the south by the Bryony Close residential estate, to the north by Jones Lane with dwellings beyond. To the east is an existing vehicle salvage/repair site and to the west lies open agricultural land. The site falls adjacent to the existing settlement core.

6. **PLANNING ASSESSMENT**

- 6.1 The key considerations for this application are:
- Site History
 - Layout
 - Access and Highway Safety

Site History

In 2012 an outline application was submitted for this site proposing 9 dwellings with access committed and all other matters reserved. This application was refused for the reasons that Jones Lane could not accommodate the increase in traffic, the site had failed to consider land drainage, the applicant had failed to demonstrate that the site could accommodate 9 dwellings and the failure to comply with the RECAP waste requirements.

Following this refusal the applicant appealed the refusal with the Planning Inspectorate and this in turn was dismissed. The reasons for dismissing the appeal were that the intensity that the site was proposed to be developed (with 9 dwellings) would result in a shoehorned layout with little opportunity for landscaping to relieve the monotony of the layout. The Inspector considered that 9 dwellings on the site would lead to a poor quality environment for residents. The Inspector acknowledged that the site was in a sustainable location and although they noted that the condition of Jones Lane was poor and it could not be brought up to adoptable standards, it was considered that the access could be made acceptable in highway safety terms through the use of conditions. The Inspector also concluded that in terms of the site drainage, conditions could be imposed to ensure a satisfactory method of drainage.

Therefore, the application was dismissed on the grounds of overdevelopment and poor layout only.

Layout

This application seeks outline consent for residential development at the existing vacant site off Jones Lane. When initially submitted the application was for 8 dwellings and, in light of the Inspectorate's comments in terms of the site layout and ability to accommodate 9 dwellings, it was considered that the reduction by 1 dwelling only did not fully address the Inspector's concerns over the site. As such an amended plan was submitted which reduced the dwelling numbers to 6 in order to allow for a better layout within the site.

The current layout comprises of 6 detached dwellings which have been indicated to be a mix of single storey, 1 and a half storey, 2 storey and 2 and a half storey dwellings. The layout shows each dwelling having a suitably sized plot including individual parking areas for each dwelling and good sized rear private amenity space. 5 of the dwellings are to be accessed off a shared driveway, with one dwelling accessing directly onto Jones Lane.

It is considered that the reduction in dwelling numbers to 6 dwellings ensures a more comfortable arrangement of dwellings on site, with ample residential amenity areas and parking and turning. It is considered that the submitted layout demonstrates that 6 dwellings can be accommodated on the site with space for areas of landscaping in order to provide a good living environment for future occupiers. The layout also allows for a mix of dwelling scales and design and will provide an opportunity creating an aesthetically pleasing development with a mix of dwelling designs resulting in an attractive space, as required by the Inspector in the previous appeal.

As such it is considered that the proposed layout is acceptable in this location and overcomes the previous issues which resulted in the appeal dismissal.

Access and Highway Safety

There have been a number of objections in relation to concerns over the suitability of the proposed access for additional vehicles that would be generated by 6 new dwellings. These have been noted and taken into consideration when assessing the scheme.

A material consideration in the determination of this scheme is the previous appeal decision. Although this was dismissed due to overdevelopment it did consider the suitability of the access to the site via Jones Lane. In their report the Inspectorate advised that *'Even with the addition of 9 new houses, the volume of traffic entering and leaving Jones Lane would be low enough to consider a shared surface street and narrower carriageways. Single lane traffic over a short stretch of the access road is unlikely to raise safety concerns in these circumstances. The narrowness of the lane and its geometry would also encourage motorists to drive more cautiously. Additional traffic calming measures could be introduced to reduce driving speeds at the approach to the 90° bend. With these measures in place, the lane could operate effectively and safely as a shared surface street, satisfactorily accommodating the additional movements generated by the appeal scheme.'*

This assessment of the access suitability has been considered in light of the new scheme and it is considered that as the number of dwellings has been reduced by 3 since the Inspectorate's comments are applicable in this instance also. The width and visibility of Jones Lane has been taken into consideration, as well as the inability to widen this access given the existing buildings either side. The comments from the LHA are also noted, as they also give weight to the Inspector's report in terms of the access arrangements.

The proposal shows a shared driveway off Jones Lane to serve 5 of the 6 dwellings, with the 6th dwelling accessing directly off Jones Lane further to the west. Each dwelling has ample parking and turning available.

In addition it has been identified that the refuse vehicles access Jones Lane to collect the bins to the rear of the existing dwellings fronting onto the A605 therefore the proposed dwellings will be able to utilise this service also, thereby removing the need to drag their bins to the A605.

The proposed access arrangements, both via Jones Lane and also the proposed shared roadway within the site, the parking arrangements and highway safety are considered to be, on balance, acceptable in this instance.

7. CONCLUSION

- 7.1 The proposal has been assessed in accordance with relevant National and Local Planning Policy and is considered to be in keeping with the relevant provisions. The proposal, by virtue of its reduction in housing numbers, revised layout and the previous acceptance of the access arrangements (subject to conditions), has overcome the previous reasons for refusal and appeal dismissal. As such the proposal is considered to be acceptable and is recommended for approval.

8. RECOMMENDATION

Grant – Subject to the following conditions.

1. Approval of the details of:

- (i) the scale of the building(s);**
- (ii) the external appearance of the building(s);**
- (iii) the landscaping**

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning to control the details of the development hereby permitted.

- 2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.**

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

- 3. The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.**

Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 4. The details submitted in accordance with Condition 01 of this permission shall include:**

- (a) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (b) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;
- (c) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site
- (d) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development;
- (e) the plans and particulars submitted shall include details of the size, species, and positions or density of all trees or hedges to be planted, and the proposed time of planting.

Reason - To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site.

5. 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 turving 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.

6. 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

7. **No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.**

Reason – To protect the archaeological potential of the site.

8. **Prior to the first occupation of any dwelling the roads and footways shall be laid out and constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with a detailed engineering scheme to be submitted to and approved in writing by the Local Planning Authority, and such a scheme shall include levels, forms of construction, surface water drainage and street lighting systems.**

Reason – In the interests of highway safety.

9. **Adequate 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 details to be submitted to and approved in writing by the LPA.**

Reason: In the interests of highway safety.

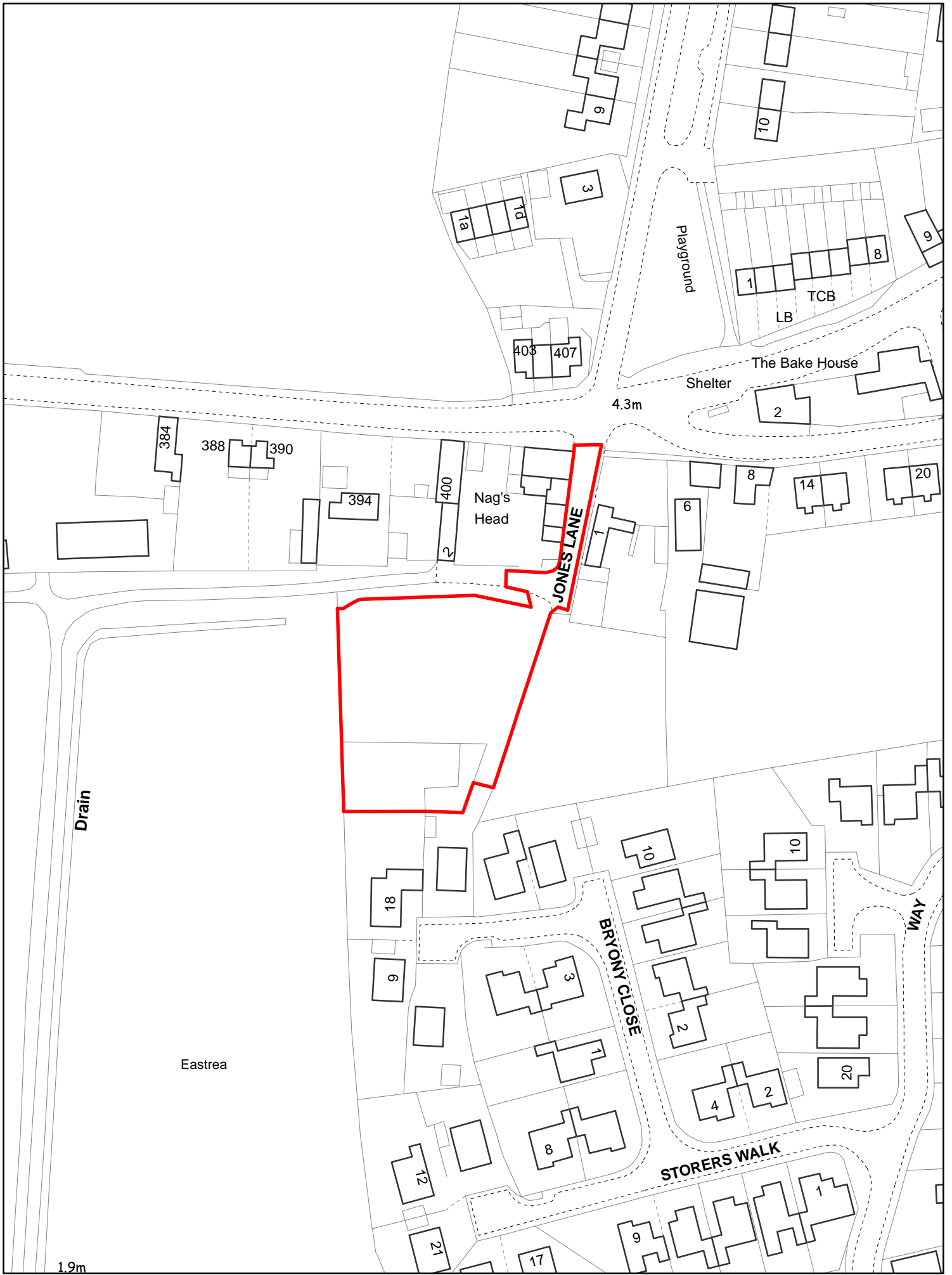
10. **Prior to the commencement of the development hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity.**

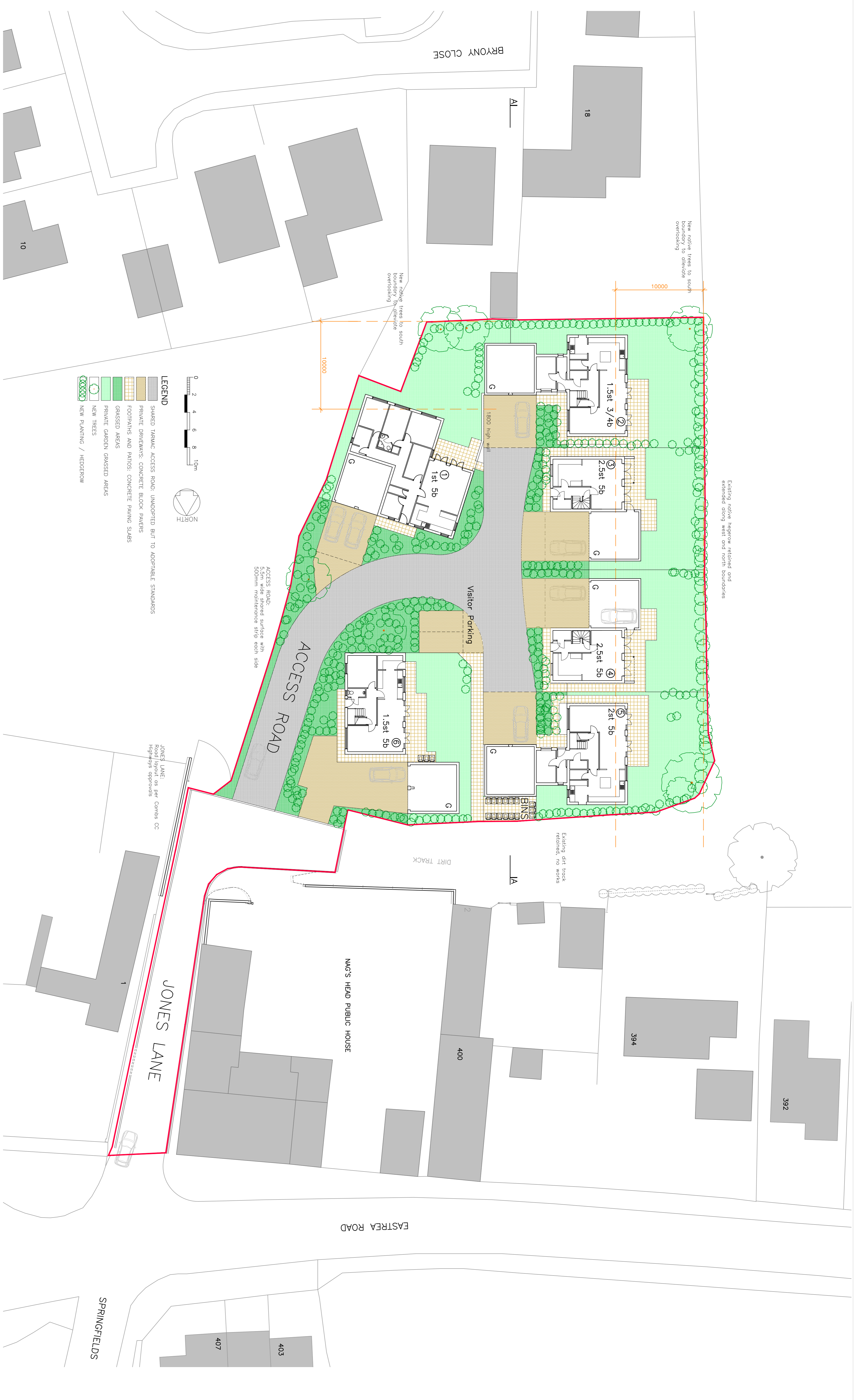
Reason – To ensure a satisfactory form of refuse collection.

11. **Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.**

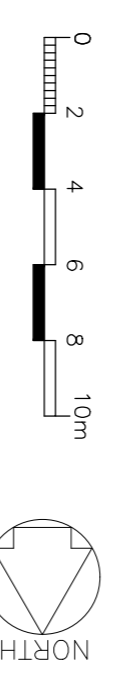
Reason: In the interests of highway safety.

12. **Approved Plans.**





- LEGEND**
- SHARED PARKING ACCESS ROAD: UNADOPTED BUT TO ADOPTABLE STANDARDS
 - PRIVATE DRIVEWAYS: CONCRETE BLOCK PAVING
 - FOOTPATHS AND PATIOS: CONCRETE PAVING SLABS
 - GRASSED AREAS
 - PRIVATE GARDEN GRASSED AREAS
 - NEW TREES
 - NEW PLANNING / HEDGEROW



JONES LANE:
Road layout, as per Combs CC
Highways approvals

ACCESS ROAD:
5.5m wide shared surface with
500mm maintenance strip each side

Existing dirt track
remains, no works

Existing native hedgerow retained and
extended along west and north boundaries

New native trees to south
boundary to alleviate
overlooking

New native trees to south
boundary to alleviate
overlooking



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RESIDENTIAL DEVELOPMENT
SITE TO SOUTH OF NAGS HEAD, EASTREA
FOR MR LUTKIN
PROP REVISED SITE PLAN & SK SECTION

Scale: 1:200/A1
Date: 12/03/14
Drawn: CRB
Checked:
Drawing Number: 13020/P107

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