

**Application Number: F/YR14/0778/F
Minor
Parish/Ward: Slade Lode Chatteris
Date Received: 30 September 2014
Expiry Date: 23 January 2015
Applicant: Construct Reason Ltd
Agent: Andrew Fleet MCIAT**

**Proposal: Erection of 6no single storey dwellings comprising of 4 x 3-bed with garages and 2 x 2-bed
Location: Land North of 35-45 New Road, Chatteris**

Site Area: 0.274 hectares

Reason before Committee: This application is before committee due to the level of objection received from local residents.

1.0 EXECUTIVE SUMMARY/RECOMMENDATION

1.1 This application seeks full planning permission for the erection of 6 single-storey dwellings comprising of 4 x 3-bed with garages and 2 x 2-bed dwellings.

The site is located on land north of 35-45 New Road, Chatteris within easy reach of existing services and facilities that Chatteris has to offer.

The site offers an appropriate extension to Lindsells Walk and the proposed development would be well integrated with the existing built development surrounding the site.

The proposal accords with the relevant development plan policies and to the aims and objectives of the National Planning Policy Framework, as such the application is recommended for approval.

2.0 HISTORY

F/92/0538/F	Development of surgery without compliance with Condition 05 imposed under F/92/0134/O relating to access	Granted 30/11/1992
F/92/0535/RM	Erection of a surgery and medical resource centre	Approved 12/11/1992
F/92/0422/RM	Erection of a surgery and medical resource centre	Approved 20/10/1992
F/92/0134/O	Proposed new surgery and medical resource centre	Granted 22/07/1992

3.0 PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 11 – Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
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 53 - Local Planning Authorities should set out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

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.

Paragraphs 100 – 103 – Development and flood risk.

3.2 Fenland Local Plan:

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Meeting Housing Need

LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland

LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

4.0 CONSULTATIONS

4.1 **Chatteris Town Council:** Raise no objection to the revised application. Welcome the removal of Plot 7 and the re-instatement of the trees. The Town Council would still like to see the installation of a light in the existing car park as part of the planning gain.

4.2 **Local Highway Authority (CCC):** This proposal seeks residential dwellings around a hammerhead constructed to an adoptable standard. The new hammerhead would be located at the top of Lindsells Walk of which is a residential cul-de-sac road. This development proposal would provide the road with a turning head with more workable space for manoeuvring which could be seen as a gain in highway terms. The parking provision appears consistent with FDC parking policy.

4.3 **FDC Conservation Officer:** No comments received on revised plans. However no objection to the principle of residential development on the site. Raise a number of reservations in respect of the layout and density of the proposed development. The development of the site with single-storey dwellings would have negligible impact on the adjacent conservation area.

- 4.4 **FDC Tree Officer:** No comments received on revised plans. Whilst the original scheme does not require the removal of any of the significant trees (mainly off-site), it will require the removal of important screening on the west boundary with 31 Lindsells Walk. In addition Plot 7 is shown close to the west boundary and adjacent to off-site trees. Whilst currently small, these are London plan capable of reaching in excess of 20m in height and crown radius greater than 12m. The plot will be heavily shaded and it is therefore likely that over time the residents of plot 7 will demand tree pruning for light and the perceived danger of the presence of large trees.
- 4.5 **Middle Level Commissioners:** Oppose the application in the absence of a proper appropriate Flood Risk Assessment. In addition the Board will expect the applicant to provide the Council with, and reserve the right under their byelaws to themselves require, adequate details and test results, where appropriate to prove that the proposed surface water/treated effluent disposal system will work efficiently at this location and effectively in the long term.
- 4.6 **FDC Environmental Protection Team:** Note and accept information. No objection to the proposal as it is unlikely to have a detrimental effect on local air quality or the noise climate. Given the previous neighbouring land use a planning condition in respect of unsuspected contamination should be imposed.
- 4.7 **FDC S106 Officers:** Awaiting response to the Viability Assessment submitted on 7 November 2014.
- 4.8 **FDC Housing Strategy & Enabling Officer:** Following the revised application, the level of commuted sum should be reduced to 0.2 of a dwelling (£10,298.40) rather than 0.4 of a dwelling (£20,596.80)
- 4.9 **Local Residents:**

8 Letters/emails of objection have been received which may be summarised as follows:

- Drainage and flood risk problems which currently exist
- Loss of privacy, overlooking, light and noise pollution
- Proposed development will affect the value of existing properties
- Additional vehicular traffic using Lindsells Walk including construction vehicles – causing disruption on existing living conditions.
- On going land dispute over the strip of land adjacent to 45 New Road running to the back of 5 Mallard Close.
- Consideration should be given to using New Road as an access point into the site.
- The close proximity of the proposed development to the existing properties along Mallard Close.
- Loss of wildlife if the site is cleared and trees are removed

3 further emails of objection received following consultation on the revised scheme reiterating the concerns expressed above.

5.0 SITE DESCRIPTION

5.1 The site is located at the end of Lindsells Walk, to the north of the centre of Chatteris. The site is rectangular shaped and is currently redundant and overgrown. The site is bounded on all sides by existing development, with residential development off Mallard Close, New Road, and Lindsells Walk to the north, south and west respectively, and to the east by car parking associated with the doctor's surgery and pharmacy off Swan Drive.

The site lies within Flood Zone 1 and the Conservation Area together with the rear gardens of grade II listed buildings abut the site from the south.

6.0 PLANNING ASSESSMENT

6.1 Nature of Application

This application seeks full planning permission for the erection of 6 single-storey dwellings on land north of 35-45 New Road, Chatteris.

The application has since been revised following concerns relating to the proposed layout with particular regard to Plots 1 and 7, the impact of the existing trees on future occupiers, and the focal point to the development. As a result of these concerns revised plans were received showing:

- Revised dwelling type to Plot 1, together with realignment of the adjacent private drive and turning head;
- New hedge planting to western boundaries of Plots 1 and 2;
- Omission of double garage serving Plots 4 and 5, reposition of Plot 5 and the addition of two detached garages to serve Plots 4 and 5; and
- Omission of Plot 7 and the reinstatement of the trees to be removed.

The main issues associated with this proposal are:

- **Principle, policy implications and sustainability**
- **Character and appearance of the area**
- **Impact on residential amenity**
- **Ecology considerations**
- **Highway safety matters**
- **Flood risk and drainage**
- **S106 Planning Obligations and Viability**
- **Health and wellbeing**
- **Economic growth**

These are discussed in more detail below.

Principle, policy implications and sustainability: Chatteris is listed as an 'other market town' in Policy LP3 the Fenland Local Plan, where the majority of the district's new housing, employment growth, retail growth and wider service provision is directed to.

The site is located within walking distance of the town centre, as such the proposed residential development of this site is considered to be well located to support the existing facilities and services of Chatteris. Accordingly the principle of residential development of this site in this sustainable location is considered acceptable.

Character and appearance of the area: The area surrounding the site is characterised by mainly residential development. The housing on Lindsells Walk is a mix of two-storey terraced and semi-detached houses, and small bungalows immediately adjacent to the site. The style of the proposed development is in keeping with the bungalow form of development of Lindsells Walk and is therefore considered acceptable.

The suggested bricks for the development are a mix of Anglian Cream handmade and Anglian Reds, however given the revised scheme, full details would still be safeguarded by planning condition.

The Conservation Officer has reviewed the scheme and considers that the development of the site with single-storey dwellings would have negligible impact on the adjacent conservation area.

Impact on residential amenity: The scheme involves single-storey development only with maximum ridge heights of approximately 5.8 metres. There are no rooms in the roof spaces shown, as such there are only ground-floor windows proposed. The majority of the boundaries comprise of 2 metre high close boarded fencing and given the overall separation distance which is provided it is considered there would be no undue impact in terms of overlooking of adjoining residential properties.

Similarly the proposed single-storey development would not cause any adverse impacts in terms of overshadowing of surrounding dwellings, partly due to the orientation of the site but also due to the acceptable level of separation that has been provided.

Overall the proposal is considered to have an acceptable relationship to the adjoining properties and consequently accords with Policy LP16 of the Local Plan.

The comments received from local residents in respect of the loss in value of existing properties as a result of the proposed development is not material to the planning considerations of this application and as such do not carry any weight in the determination of this application.

Ecology Considerations: The application contains an Ecological Appraisal dated September 2014. This appraisal identifies that no species of habitats that are known to be present or likely to be present are likely to be significantly affected by the proposed development. The appraisal makes conclusions and recommendations to mitigate to minimise the likely impacts, which include a minimum of 3 bat boxes, avoiding bird breeding season during the operational set up, and a search for any reptiles prior to site clearance.

Highway safety matters: The existing access of Lindsells Walk, which is an adopted highway, would be used to accommodate this small-scale development. There is an existing turning head present at the eastern end of Lindsells Walk, adjacent to the western boundary of the site.

The proposal includes a 5 metre wide carriageway with 1.8 metre footways and the provision of an adoptable turning head. This is reduced to a 4 metre private drive to serve Plots 1 to 3.

Two parking spaces are provided for each dwelling, which includes the garages for Plots 1 to 5. Plot 6 has no garage, but space for two vehicles. This provision accords with the parking standards set out in Appendix A of the Local Plan.

Overall, the Highway Authority raises no objection to the proposal subject to suitable planning conditions detailing the access, parking and turning provision.

Flood risk and drainage: The site lies within Flood Zone 1 and as such development of this nature in this location is considered appropriate.

Whilst the comments and opposition of the Middle Level Commissioners has been carefully considered, in accordance with the NPPF a Flood Risk Assessment is not required as the site is less than 1 hectare in size and lies within Flood Zone 1. Notwithstanding this, a comprehensive Flood Risk Assessment has been submitted with the application, and concludes that the site is considered to be at low risk of flooding from both fluvial and tidal sources, and is not at a significant risk of flooding by any other means.

The FRA indicates that the surface water is likely to be discharged to the Anglian Water surface water sewer on Lindsells Walk. The precise drainage design would need to be in accordance with the requirements of Anglian Water and would also need to comply with Building Regulations.

There are no requirements for flood resistant or resilient construction methods and minimum floor levels do not need to be set.

Accordingly there is no flood risk or drainage related grounds in the context of the Local Plan and to the NPPF on which to object to the proposed development.

S106 Planning Obligations and Viability: The proposed development, in accordance with Policy LP5 of the Local Plan would require the provision of 1 affordable home (tenure to be affordable rented) to be provided on site plus a contribution of £10,298.40 to enable housing need to be met elsewhere.

The applicant has recently submitted a Viability Assessment. The Assessment indicates that with the reduction of 1 dwelling due to the impact on the existing trees the site is not viable to provide affordable housing and therefore this requirement should be relaxed. The details of the assessment are currently being reviewed by the Council's S106 Officers and the outcome will be updated to Members accordingly.

The Town Council's comments in respect of the installation of a light in the existing car park as part of the planning gain have been noted. This cannot be secured through the proposed development as it would fail all 3 tests set out at paragraph 204 of the NPPF in that it would not be necessary to make the development acceptable in planning terms, it is not directly related to the development and it would not fairly and reasonably relate in scale and kind to the development.

Health and wellbeing: In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location.

It is considered that this town centre location represents a sustainable location where residents will be able to easily access local services and facilities without dependence on a private motor vehicle. The scheme also provides a mix of 2 and 3-bedroom properties.

Economic growth: The development would be likely to provide a degree of local employment during construction which would support the continued sustainability and economic growth of Chatteris.

7.0 CONCLUSION

- 7.1 The site forms a logical extension to the existing housing development of Lindsells Walk. The application site presents an ideal opportunity to provide a mix of 2 and 3-bed housing in a sustainable location.

The proposal complies with the provisions of the development plan and to the guidance contained in the National Planning Policy Framework; accordingly it is recommended that permission be granted subject to a s106 agreement and conditions below.

8.0 RECOMMENDATION

GRANT SUBJECT TO:

- i) **Completion of S106 Planning Obligation and/or outcome of Viability Assessment**
- ii) **Planning conditions – see below.**

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. **A satisfactory scheme of external finishes shall be submitted to and approved in writing by the Local Planning Authority before any development commences on the site, and the work executed in accordance with the approved scheme.**

Reason

To safeguard the visual amenities of the area.

3. The development hereby approved shall be carried out in accordance with the Ecological Appraisal Prepared by Steve Parnell and Jonathan Graham dated September 2014 and the following mitigation measures detailed within the appraisal:

- A minimum of 3 bat boxes to be installed on site;
- Any site clearances shall avoid the bird breeding season (late February to August inclusive); and
- Prior to any site clearance a search is undertaken by suitably qualified persons of any reptiles, and any found translocated to nearby suitable habitat.

Reason – To protect the habitats of protected species in accordance with Policy LP19 of the Local Plan.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.

Reason - To control pollution of land and controlled waters in the interests of the environment and public safety and in accordance with Policy LP16 of the Local Plan.

5. Prior to the commencement of use hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:

1. enter, turn and leave the site in forward gear;
2. park clear of the public highway;

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

Reason - In the interests of satisfactory development and highway safety and in accordance with Policy LP15 and LP16 of the Fenland Local Plan.

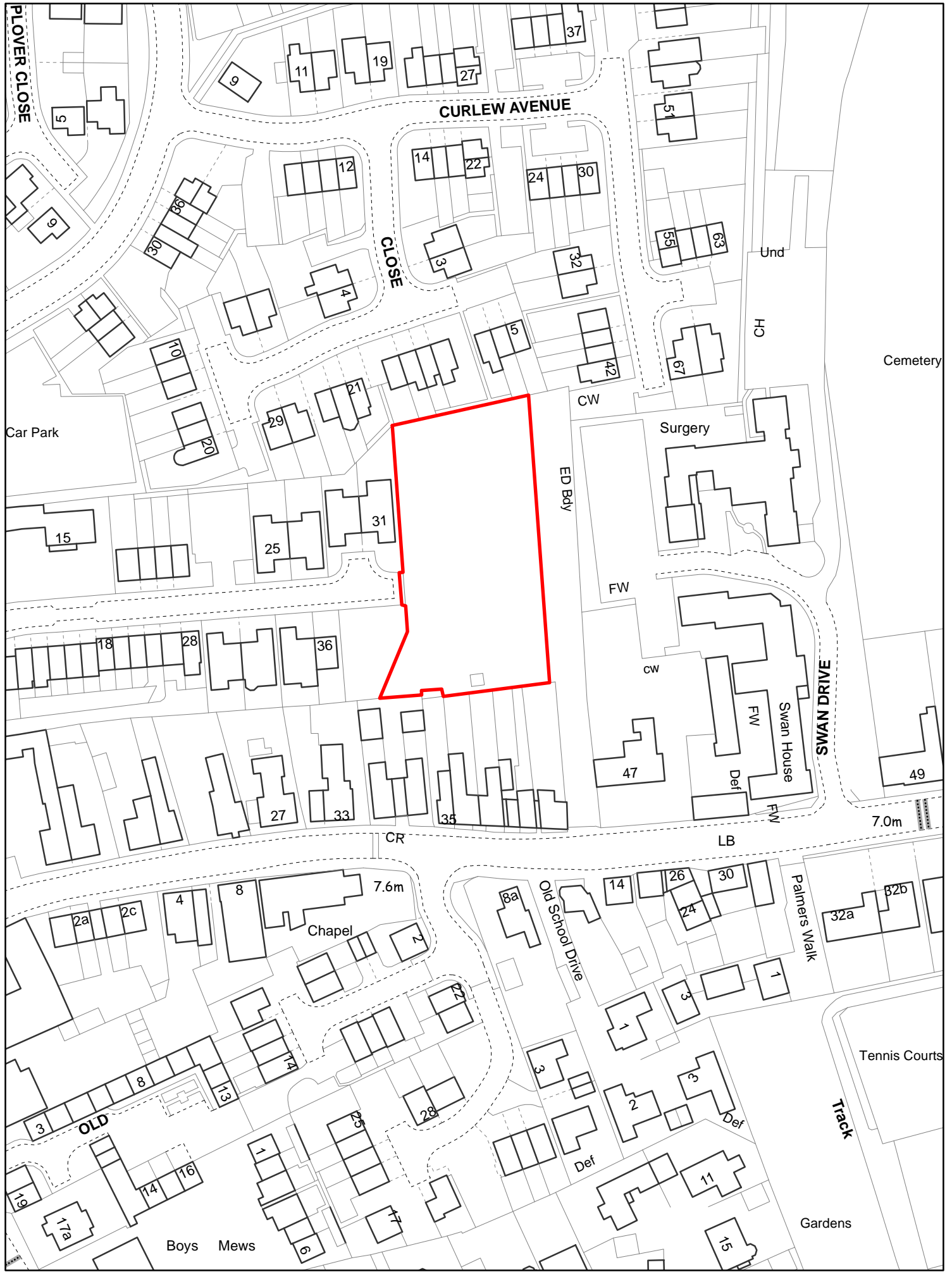
6. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.

Reason - To ensure that retained trees are adequately protected and in accordance with Policy LP16 of the Local Plan.

- 7. 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 and in accordance with Policy LP16 of the Local Plan.

- 8. Approved Plans**



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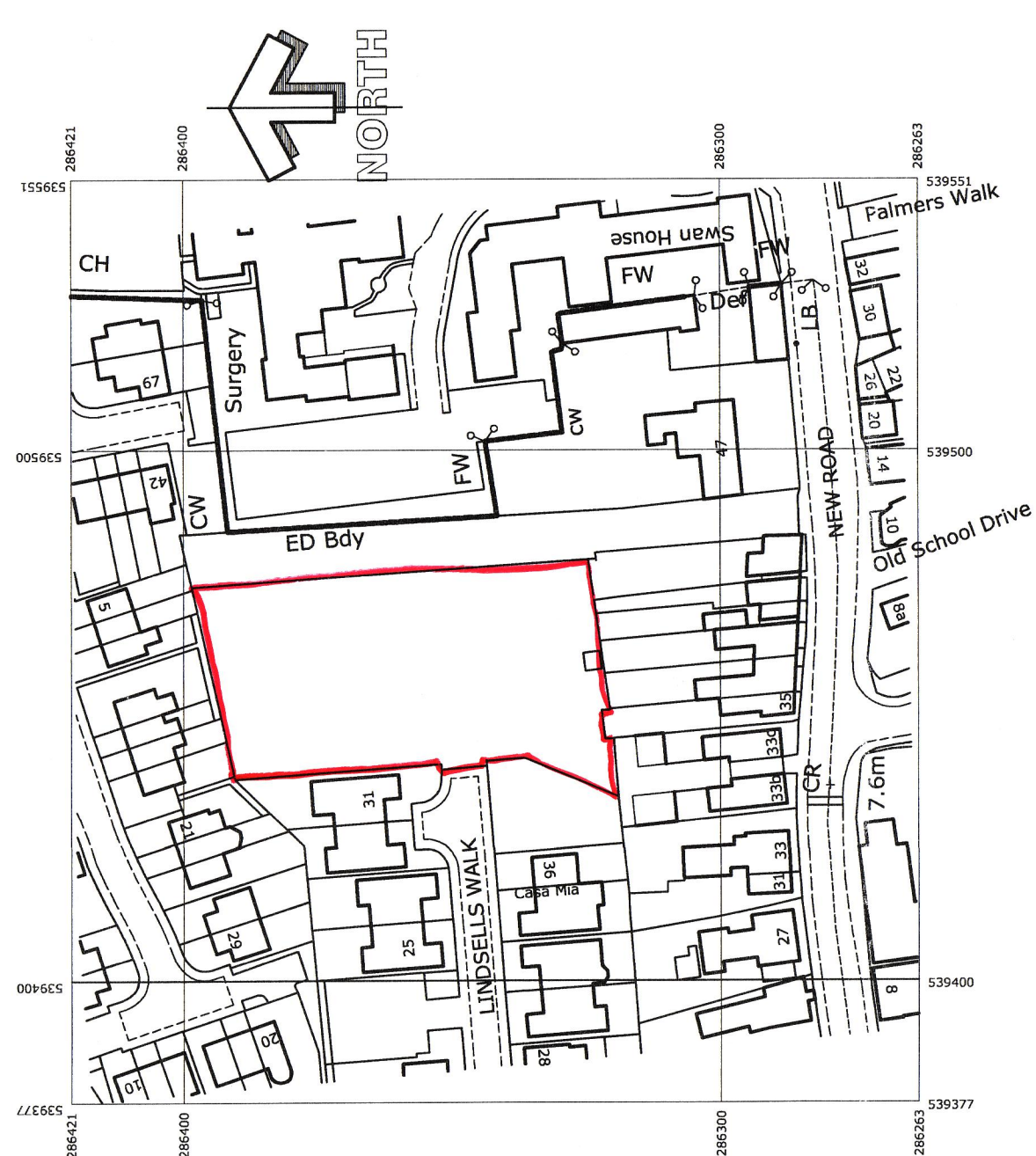
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Scale = 1:1,250



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LOCATION PLAN
Scale: 1:1250

REPRODUCED FROM THE 1:2500 ORDNANCE SURVEY MAP WITH THE PERMISSION OF ORDNANCE SURVEY ON BEHALF OF THE CONTROLLER OF HER MAJESTY'S STATISTICAL OFFICE.
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**CONSTRUCT
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**LINSELLS WALK, CHATTERIS
CAMBRIDGESHIRE**

SITE LAYOUT

REV	DATE	DETAILS	BY
A	26.AUG.14	PARKING AND GARAGES AMENDED. ANNOTATION ADDED	APF
B	04.SEP.14	PLOT NO. 2, 4 AND FIVE AMENDED	APF
C	18.SEP.14	BOLLARD LIGHTS AND FENCING DETAILS ADDED. LOCATION PLAN ADDED	APF
D	30.OCT.14	PLOT NO. 7 OMITTED. PLOT 4, 8 AND 5 LAYOUT REVISED. SINGLE GARAGES, RED SPLAYS ADDED	APF
		PLOT NO. 1 DWELLING TYPE AMENDED. RED VIS SPLAYS ADDED. HEDGE TO SIDE BOUNDARY OF	
		PLOT 1 AND 2. HAMMERHEAD LAYOUT REVISED. ADDITIONAL DIMS ADDED TO HEAD	

DESIGN BY	DATE
C. P. MARSH	MAR 2014

DRAWN BY	REV	A	B	C	D
A. P. FLEET					

SCALE
1:200

DRAWING No.	2091/AD/1/101
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