

**Application Number: F/YR13/0252/O**

**Major**

**Parish/Ward: Parson Drove/Wisbech St Mary**

**Applicant: Mr A Quince**

**Agent: Mr R Briscoe, Peter Humphrey Associates**

**Proposal: Residential Development (1.35ha) – 20 dwellings**

**Location: Land north of 19 to 29 Chapel Avenue, Wisbech St Mary**

**Site Area: 1.35ha**

**Reason before Committee: The Officer recommendation is at variance to the comments received from the Town Council.**

## **1. EXECUTIVE SUMMARY/RECOMMENDATION**

The application seeks outline planning permission for the erection of 20 dwellings. Details of access and layout have been committed for consideration at this stage. The key considerations for this application are:

- Principle of development
- Rural areas development policy
- Flood risk
- Highway safety
- Layout
- Contributions
- Health and wellbeing
- Economic development

The proposal is for residential development on the edge of a growth village. The site lies within flood zones 2 and 3 where residential development should usually be steered away from in accordance with flood risk policies set out in LP14 of the Local Plan and the NPPF. However, the proposal provides 50% affordable housing which is double the requirement set out in the Local Plan and there is demand for the affordable units within the village. It is therefore considered that the application provides a wider sustainability benefit by contributing to meet an identified community need, thereby satisfying the Exception Test.

The scheme is considered acceptable in terms of layout and access and careful design can ensure that neighbouring residential amenities are not harmed.

It is considered that the proposal complies with policies of the Development Plan and it is therefore recommended that outline planning permission is granted.

## **2. HISTORY**

F/1055/86/F – 7 Bungalows and layout of 2 building plots – Approved 26/02/1987

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

Paragraph 50: Housing applications should be considered in the context of the presumption in favour of sustainable development.

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

Paragraph 100: Directing development into areas of lower flood risk.

#### 3.2 **Fenland Local Plan 2014:**

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Settlement Hierarchy

LP4: Housing

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

LP18: The Historic Environment

### 4. **CONSULTATIONS**

#### 4.1 ***Parish/Town Council:***

object to the development due to access being a major problem. In the development there was a lack of 1 and 2 bedroom properties.

#### 4.2 ***CCC Archaeology:***

The site lies in an area of high archaeological potential. The site should be the subject of an archaeological investigation.

#### 4.3 ***Environment Agency:***

Withdraw objection, condition relating to the permission being carried out in accordance with the FRA is required.

#### 4.4 ***Anglian Water:***

Condition relating to no dwellings being located within 15m of the sewage pumping station is required.

4.5 **North Level Internal Drainage Board:**

No objection in principle, the developer will be required to fund an investigation into the capacity within the existing drainage system and any improvement works. Byelaws prohibit any construction within 9m of the brink of water courses, one of which is located on the northern boundary.

4.6 **CCC Highways:**

Further drawings required showing details of pedestrian visibility splays.

4.7 **Police Senior Architectural Liaison Officer:**

Condition relating crime prevention and specific security needs is required.

4.8 **FDC Housing and Development:**

The appropriate affordable tenure mix for this scheme is 70% Affordable Rent and 30% Intermediate Affordable Housing. There is evidence of demand for 10 affordable homes in this location as there are currently 121 applicants on the housing register who have expressed a preference to find housing in Wisbech St Mary.

The mix of affordable house-types is to be agreed upon submission to the council of an affordable housing scheme; this is likely to take place prior to the submission of a reserved matters planning application. However an indicative affordable housing mix is:

- 2 x 1 bedroom bungalows
- 4 x 2 bedroom houses
- 3 x 3 bedroom houses
- 1 x 4 bedroom house

4.9 **FDC Environmental Health:**

Contaminated land condition is required

4.10 **Cambridgeshire County Council Growth and Economy:**

Provides framework for S106 contributions

4.11 **Neighbours:**

7 households object to the proposal on the following grounds:

- there have been instances of malfunction with the existing sewage treatment plants – surely a third can't be built,
- chose to live in this location as it is quiet with no children,
- Chapel Avenue is inadequate to serve the development,
- where is the need for the proposal if the Sayers Field development has not been completed,
- inappropriate as the surrounding development is bungalows,
- there are other more preferable sites available,
- limited infrastructure in the village,
- loss of agricultural land,
- existing residents are elderly and require mobility aids,
- increase in traffic,
- highway safety,
- difficulty in construction traffic maneuvering on existing roads,
- disturbance and road blocking from construction vehicles,
- access from Chapel Avenue is not acceptable,

- crime risk and safety given the amount of cars resulting from the proposal,
- loss of light to 3 The Birches,
- overlooking of existing properties,
- harm to wildlife,
- poor public transport availability,
- limited amenities in the village,
- no proposed landscaping or fencing,
- the proposal will result in on-street parking from visitors,
- Chapel Avenue is in a poor state of repair,
- Parking issues from school traffic,
- The Birches is a private road which is maintained by residents,
- Noise disturbance from vehicular movements,
- The development is overcrowded,
- A small estate of one and two bed bungalows would be more appropriate as it would be an extension of Chapel Avenue,
- The proposal does not accord with the Development Plan
- The claim by the agent that the village is 'ripe for development' does not stand up as there are limited amenities,
- The amount of development will urbanise the village,
- The development encroaches onto The Birches,
- The play area is unlikely to be supervised which will result in a meeting place for youths.

## 5. **SITE DESCRIPTION**

- 5.1 The application site joins the built up settlement of Wisbech St Mary, immediately north of the Chapel Avenue development. The area is residential in character with the local primary school located to the immediate east and the community centre and playing fields towards the north east. There are existing single-storey dwellings located to the immediate south of the site. The current use of the land is agricultural and the southern most part of the site serves as access for farm vehicles. There are existing drains on the east and west boundary and a water course, under the jurisdiction of the North Level Internal Drainage Board, forms the northern boundary of the site. The southern boundary is defined by the various rear boundary treatments serving the rear gardens of properties along Chapel Avenue and The Birches.

The land lies within flood zones 2 and 3.

## 6. **PLANNING ASSESSMENT**

- 6.1 The application seeks outline planning permission for the erection of 20 dwellings. Following the request of further details under the Development Management Procedure Order 2010 Part 2 Article 4(2), details of access and layout have been committed for consideration at this stage. The key considerations for this application are:
- Principle of development
  - Rural areas development policy
  - Flood risk
  - Highway safety
  - Layout
  - Contributions

- Health and wellbeing
- Economic development
- Other matters

(a) Principle of development

Wisbech St Mary is defined as a 'Growth Village' in Policy LP3 of the Local Plan. For these settlements development and new service provision either within the existing urban area or as small village extensions will be appropriate albeit of a considerably more limited scale than that appropriate to the Market Towns. The proposal would constitute an extension to the village and, subject to it meeting other policies of the Development Plan, is acceptable.

(b) Rural areas development policy

For villages new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the area. Any proposal will need to satisfy all of the criteria set out in Policy LP12 in order to be supported. The criteria and commentary are as follows:

- a) The site is in or adjacent to the existing developed footprint  
*The site does join the existing developed footprint at Chapel Avenue and therefore satisfies part a).*
- b) It would not result in coalescence with any neighbouring village  
*The proposal would not result in the coalescence with any neighbouring village*
- c) It would not have an adverse impact on the character and appearance of the surrounding countryside and farmland  
*The site would extend the existing built form further into the countryside however it would not result in a spur of development which could be described as 'encroachment' into the countryside. On the basis that the design of the units is carefully considered and appropriate landscaping is incorporated into the scheme, no concerns are raised with regard to the impact on the surrounding countryside.*
- d) The proposal is of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance  
*The scale and location of the site is such that the core shape of the settlement will not be compromised.*
- e) It would not extend existing linear features of the settlement or result in ribbon development  
*The proposal has been designed as a comprehensive development scheme and therefore does not contain, or extend, any linear features or ribbon development.*
- f) The site retains and respects natural boundaries such as trees, hedgerows embankments and drainage ditches  
*There are no existing natural boundary treatments.*

- g) The site retains and respects ecological, heritage and biodiversity features  
*The land is currently farmed and it is therefore unlikely that there would be any permanent ecological and biodiversity features on the land. There are no heritage assets within the vicinity.*
- h) It would not result in the loss of important spaces within the village  
*The site forms an extension and therefore important spaces within the village will not be compromised.*
- i) It would not result in the loss of high grade agricultural land or it so comprehensive evidence is provided to justify the loss  
*The proposal will result in the loss of the land for agricultural use and this is cause for concern as a justification for this loss has not been included within the submission. The agricultural classification of the land is Grade 1 and it was apparent from the site visit that the land was currently being farmed. The proposal would be contrary to the paragraph 112 of the NPPF and the NPPG which stipulates that lower grades of agricultural land should be developed in the first instance. No justification has been submitted to demonstrate that land at lower agricultural grading is available elsewhere within the District. The proposal therefore fails part (i).*
- j) It would not put people or property in danger of identified risks  
*The proposal can be designed so as not to put people of property at risk.*
- k) It can be serviced by sustainable drainage infrastructure provision, such as surface water and waste water drainage and highways  
*The land can be adequately serviced by drainage infrastructure provision however concerns are raised in respect of highway safety. This will be discussed in greater detail in the 'Highways' section of this report.*

The above confirms that the proposal complies with policy LP12 with the exception of part (i) relating to the unjustified loss of agricultural land. Although this is of concern, significant weight is attached to the principle of the development which brings development to a village earmarked for growth as set out in policy LP3 (settlement hierarchy).

(c) Flood risk

The majority (over three quarters) of the site falls within flood zone 3 (high risk) and flood zone 2 (medium risk). Approximately two thirds of the site is within flood zone 3 and approximately one sixth is in flood zone 2. Policy LP14 part B of the Local Plan refers to the requirement for developments to comply with the NPPF so far as flooding is concerned where paragraphs 100 – 104 are relevant.

The proposal is in a location which has good links to the village centre and the community centre and sports fields. It is therefore in a sustainable location and passes the Sequential Test.

If there are wider sustainability objectives that the development is seeking to address the Exception Test can be applied. Both parts must be passed namely that: it must be demonstrated that (a) a site specific flood risk assessment must demonstrate the development will be safe for its lifetime without increasing flood risk elsewhere and, where possible, reduce flood risk overall and (b) that the development provides wider sustainability benefits to the community which outweigh flood risk

A flood risk assessment has been submitted which demonstrates that the development is technically acceptable on flood risk grounds. The proposal therefore complies with (a) above.

It is submitted that the proposal will provide 50% affordable housing on site. This would equate to 10 units. Policy LP4 of the Fenland Local Plan requires 25% affordable housing provision of sites of 10 dwellings or more, which in this application would result in the provision of 5 units. The proposal would double the amount of affordable housing provision required by policy. Confirmation that there is a demand for 10 affordable housing units in this location has been received from FDC Housing and Development. The proposal would therefore be of benefit to the local community, thereby satisfying (b) above.

In view of the above it is considered that the proposal provides a wider sustainability benefit which outweighs flood risk. The Exception Test is therefore passed and the proposal is considered acceptable in flood risk terms.

Since the acceptability of the development depends solely on the provision of 50% affordable housing it is considered necessary to request a financial assessment from the Developer to ensure that the scheme is capable of delivering the proposed amount of affordable units. Should it transpire that the development cannot financially support the proposed affordable housing units it is requested that delegated authority is obtained to refuse the application on the grounds of failure to meet the Exception Test.

(d) Highway safety

Access is to be taken from Chapel Avenue, via the existing access for the field. The principle of the access in this location is acceptable given that there is currently an access in situ and that it will serve residential development in a residential location.

Amended drawings are currently being sought which demonstrate that acceptable geometry and visibility splays can be achieved.

In principle, the access complies with policy LP15 of the Fenland Local Plan 2014.

(e) Layout

The National Planning Policy Guidance defines layout as how buildings, street blocks, routes and open spaces are positioned in an area and how they relate to each other. It provides the basic plan for development.

The layout of the scheme has been committed for consideration and, although the scale of the dwellings is currently unknown, concerns are raised with regard to the impact on the existing dwellings at 3 The Birches and 25 Chapel Avenue. This is due to the proximity of plots 1 and 18 to the rear boundaries of these dwellings and the potential for an overbearing impact. The concerns are not reason enough for a refusal as it is considered that the harm in this respect could be resolved by the design for example having the roofs of these properties fully hipped. The layout of the scheme is such that overlooking and overshadowing of existing residents is not considered to be an issue.

The layout on the whole is considered to be acceptable however the private drive serving plots 4, 10 and 11 are such that occupiers of these dwellings would have to drag their bins over 30m to be collected. This would be contrary to the requirements of the RECAP Waste Management document. It is acknowledged that this issue in itself would not be reason enough for refusal as the harm caused by reduced residential amenities from long bin collection point distances would not outweigh the benefits gained in terms of the growth generated by this development and the provision of the affordable housing. It is considered that a condition to secure a waste collection strategy could assist in overcoming concerns with regards to RECAP.

(f) Contributions

In addition to the 50% affordable housing, the proposal generates the following contributions which will be secured via a S106 agreement:

- Early years need (£16,800)
- Primary and secondary education (to be sought in accordance with LP13 of the Fenland Local Plan 2014)
- Waste and recycling (£3600)
- Open space

(g) Health and wellbeing

The proposal provides an acceptable level of private amenity space for future occupiers and will not compromise the living conditions of existing and future neighbouring residents. The site is within walking distance to the village centre and existing services and an additional footpath has been provided to link the development with the neighbouring community centre and sports fields. The proposal therefore addresses health and wellbeing issues.

(h) Economic development

The proposal will create additional housing stock within a sustainable location. It therefore aids in the growth of the District thereby contributing to economic development.

(i) Other matters

Other issues raised by consultees which have not already been covered by this report are addressed as follows:

The foul drainage will be dealt with as part of the Building Regulations application. This is where the existing capacity will be addressed and amended if necessary.

The need for the development is not a material planning consideration.



The disturbance caused by vehicles during the course of construction is not a material planning consideration.

The play area is located within the centre of the site and as such will benefit from natural surveillance. Fear of crime and crime safety has therefore been addressed.

## 7. CONCLUSION

- 7.1 The proposal is for residential development on the edge of a growth village. The site lies within flood zones 2 and 3 where residential development should usually be steered away from in accordance with flood risk policies set out in LP14 of the Local Plan and the NPPF. However, the proposal provides 50% affordable housing which is double the requirement set out in the Local Plan and there is demand for the affordable units within the village. It is therefore considered that the application provides a wider sustainability benefit by contributing to meet an identified community need, thereby satisfying the Exception Test.

The scheme is considered acceptable in terms of layout and access and careful design can ensure that neighbouring residential amenities are not harmed.

It is considered that the proposal complies with policies of the Development Plan and it is therefore recommended that outline planning permission is granted.

## 8. RECOMMENDATION

**That delegated authority be given to the Head of Planning, in agreement with the Chair, Vice Chair and Ward Members, to grant permission subject to:-**

- 1. Receipt of which demonstrates that the scheme is deliverable, and;**
- 2. A signed S106 agreement being received within 3 months of the receipt of the financial viability assessment, or such longer time as may be agreed with FDC, to secure applicable financial contributions and the delivery of the agreed affordable housing provision.**

**The following conditions are applicable:**

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

Reason

To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland District Wide Local Plan.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for proposed residential development at land north of 19-29 Chapel Avenue, Wisbech St Mary dated June 2013, ref: GCB/Humphrey and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven as detailed in paragraph 7.5;
2. Finished floor levels are set no lower than 1.0m above existing ground level;
3. Flood resilience and resistant construction will be incorporated up to 300mm above finished floor level;
4. The eventual occupiers will sign to the Environment Agency's Floodline Warnings Direct Service as stated in paragraph 8.2;
5. No sleeping accommodation is to be located at ground floor.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to ensure adequate provision of a flood warning mechanism in order to protect life and property on and in the vicinity of the application site in accordance with policy LP14 of the Fenland Local Plan 2014.

6. Prior to the construction of any unit within the development hereby permitted, measures to minimise the risk of crime to meet the specific needs of the application site and the development as a whole shall be implemented in accordance with schemes previously submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of crime safety in accordance with policy LP16 of the Fenland Local Plan 2014.

7. 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:

1. 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:

2.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 (1) 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:

3. 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.

4. 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 in accordance with policy LP16 of the Fenland Local Plan 2014.

- 8.** No development shall be placed within 15metres of the boundary of the sewage pumping station.

Reason

In the interest of residential amenities in accordance with policy LP16 of the Fenland Local Plan 2014.

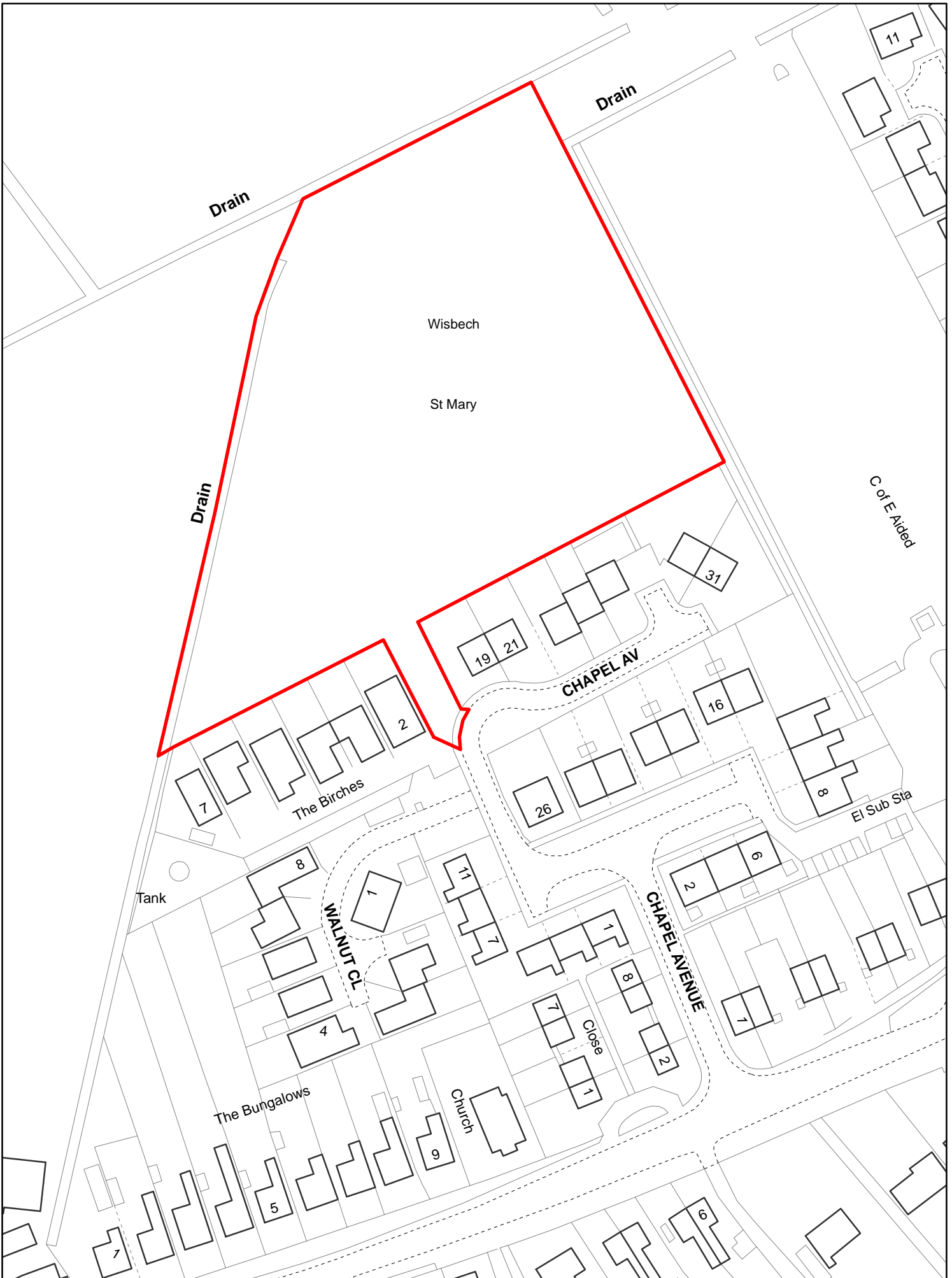
- 9.** Prior to commencement of development a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason

To ensure a satisfactory form of refuse collection in accordance with policy LP16 of the Fenland Local Plan 2014.

- 10.** Approved plans





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F/YR13/0252/O

Scale = 1:1,250



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LOCATION PLAN Scale 1:2500

SITE PLAN Scale 1:500

Accommodation  
 New Homes - 4 bedroom detached  
 3 bedroom semi-detached  
 Total 20 homes

**Peter Humphrey Associates**  
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT Proposed Residential Development  
 SITE Land North West of High Road, Welton St Mary, Cambs

DATE Illustrative Site Layout  
 06/11/2010

NO.	DATE	DESCRIPTION	BY
001	06/11/2010	Issue for Planning	PH
002	12/01/2011	Issue for Planning	PH
003	12/01/2011	Issue for Planning	PH
004	12/01/2011	Issue for Planning	PH
005	12/01/2011	Issue for Planning	PH
006	12/01/2011	Issue for Planning	PH
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008	12/01/2011	Issue for Planning	PH
009	12/01/2011	Issue for Planning	PH
010	12/01/2011	Issue for Planning	PH

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 UNLESS THE CONTRACT SPECIFICALLY PROVIDES OTHERWISE



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