

F/YR15/0143/F

Applicant: Showfields Ltd

**Agent : Mr Mark Flood
Insight Town Planning Ltd**

Land North And West Of, Moorhen Road, Whittlesey, Cambridgeshire

Change of use from agriculture to public amenity space (no operational development)

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

1 EXECUTIVE SUMMARY

This is a full application for the change of use of land from agriculture to public amenity space. The site is located to the east of the application for 220 dwellings which is being considered by Members at this Planning Committee (F/YR15/0134/O).

The site comprises an area of 9.5 hectares of land from agriculture to public amenity space with no operational development proposed. The proposal would result in an appropriate use of the land as public amenity space. The associated health and recreational benefits, together with the ecological enhancements all weigh in favour of the development. The use is 'water compatible' according to national guidance and there would be no adverse impacts, following the imposition of conditions as required, in relation to residential amenity, crime and anti-social behaviour, highway safety, access and traffic.

The maintenance of the site can be conditioned to ensure that it is provided to a suitable standard. The owners of the land have indicated that they would be prepared to maintain and manage the site for a period of no more than 10 years.

The development is supported by planning policy and there are no material considerations which weigh against the development. The proposal is therefore recommended for approval subject to a number of planning conditions.

2 SITE DESCRIPTION

The site measures 9.5 hectares and comprises of two field parcels bisected by a drain on the northern edge of Whittlesey which extends from the north of Kingfisher Road across to the land to the north of Moorhen Road and Newlands Road. The site is currently vacant and is partly used for horse grazing.

The site is bounded to the south by residential properties, to the north by arable and grazing fields, to the east by arable land and to the west by open fields. The site is situated near to the Nene Washes which is an internationally important wildlife site, designated as a Special Protection Area, Special Area of Conservation, a Site of Special Scientific Interest and a Ramsar Site.

3 PROPOSAL

The proposal seeks to change the use of an area of land from agriculture to public amenity space with no operational development proposed. The change of use would, if implemented, enable the land to be converted for recreation use by local people. As part of the proposal permissive routes will be created within the managed grassland area.

4 SITE PLANNING HISTORY

F/YR15/0134/O	Hybrid application: Outline application for the erection of 220 dwellings (max) with access public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph	Pending
F/YR13/0714/O	Erection of 249 no dwellings with associated infrastructure vehicular and pedestrian access public open space and associated flood mitigation works	Refused on 20/12/2013 and Dismissed on Appeal 18/11/2014
F/92/0270/F	Construction of distributor road and associated roundabouts	Withdrawn on 06/04/2001
F/92/0249/O	Residential Development - 500 dwellings	Withdrawn on 06/04/2001

5 CONSULTATIONS

Whittlesey Town Council: Recommend refusal. The Town Council asks who will financially support, manage and maintain the proposed nature park. Whittlesey already has two existing nature reserve; Lattersey and Hanson Brick, both are well used and visited by members of the public and local schools – does Whittlesey need another nature park? The developer may wish to offer financial support for a limited number of years but consideration must be given to the next 20 – 50 years and the need to confirm who will manage and be responsible for this area.

North Level IDB: No comment to make this regard to this application.

Environment Agency: No objections.

FDC Planning Policy: No comments received.

FDC Open Spaces and Landscape Manager: No comments received.

FDC Tree Officer: No comments received.

County Archaeology: Do not object to this proposal for the “change of use from agriculture to public amenity space (no operational development)” as described on the planning application, as this could enable the long-term preservation of the archaeological remains known to be located in this area. However, we advise that any planning consent should contain the caveat that no ground works of any kind will be permitted in this area, save those indicated in the Biodiversity Statement that supports the planning application. These include hedge planting and an extant ditch and enabling scattered scrub to develop (not more than 10%). The improvement of the current scrubby pasture does not involve mechanical ripping or rotavation, at least this has not been described in the report, and in view of this “light touch” land use, we can recommend approval of the condition on archaeological grounds.

Environmental Protection (FDC): Note and accept the submitted information and have no objections to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. From the information provided contaminated land is not considered an issue.

Cambridgeshire County Council Highways Authority: Originally raised questions with regard to access to the land and its intended use and users. Following receipt of further information, the Local Highway Authority raises no objection..

Police Architectural Liaison Officer: Having assessed the information provided by the applicant/applicant's agent I have concerns that the information supplied regarding this open space does not enumerate the access onto the open space and is more biased toward the provision of houses on an adjacent site. Obviously changing the usage from agricultural to leisure would have an effect on the number of visitors accessing the site. It would appear that there is already informal parking areas at the ends of Moorhen Road and a footpath at the end of Curlew Close. I would ask what provision will there be for formalised parking of vehicles accessing this land. If no provision is made then parking within the two identified highways is likely to increase. In addition to the above, the change of use will inevitably bring an increased risk of antisocial behaviour in relation to its use as a leisure area over the current agricultural usage, which could occur to the rear of existing houses or spill out into surrounding roads. Whilst we would not object to the change of use I would ask that consideration be given to firming up of details regarding proposals for the use of the land, the vehicle/public access arrangements, vehicle parking, proposed usage such as sports (football etc) or installation of play equipment or MUGA's prior to determination of this application.

Local Residents/Interested Parties: 22 letters/emails received objecting to the proposed development. The objections and concerns relate to the parallel planning application for the housing development (F/YR15/0134/O) which is on this Agenda and do not specifically refer to this application.

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 2: Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 73: Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 112: LPAs should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 118: LPAs should aim to conserve and enhance biodiversity.

Section 8: Promoting healthy communities.

Section 11: Conserving and enhancing the natural environment.

National Planning Policy Guidance (NPPG)

Health and Wellbeing

Open Space, Sports and recreation facilities, public rights of way and local green space.

Flood Risk and Coastal Change

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development.

LP2 – Facilitating Health and Well-being of Fenland Residents

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

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

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment.

7 KEY ISSUES

- **Background**
- **Principle of Development**
- **Flood Risk**
- **Biodiversity Impacts and Enhancements**
- **Traffic, Parking and Access**
- **Residential Amenity, Crime and Anti-Social Behaviour**
- **Maintenance and Ownership**
- **Health and wellbeing**
- **Economic Growth**

8 ASSESSMENT

Background

The development would, if implemented, result in the use of the land being converted from its current use as agricultural land. Natural England records suggest that the site is Grade 4 (Poor) agricultural land and so the loss of this land from (theoretical) agricultural use (it currently appears to not be used for agricultural production) would be acceptable as it would not result in the loss of any best and most versatile land (as set out in paragraph 112 of the NPPF).

The agent has advised that the change of use subject of this application would only be implemented if the parallel outline planning application for housing (F/YR15/0134/O) is approved. The housing application provides sufficient open space within that site for the future residents and meets the Council's Policy requirement in this respect. It is not therefore necessary in order to contribute to the infrastructure of that site.

Principle of Development

The development would result in the provision of public open space which is to be welcomed having regard to the desire to improve recreational use and the associated health benefits which come with this.

The agent has clarified that the use of the land would be for the benefit of local residents rather than a destination location which would attract visitors. The lack of any proposed features or activities would lead to the site appearing largely as it does currently. It is intended that the pathways would be the subject of a cutting regime (grass) whereas the remainder of the site would be left.

The development is considered to be acceptable in principle having regard to Policy LP2 of the Local Plan which indicates that development proposals should positively contribute to creating a healthy living environment by providing good access to recreation facilities.

Flood Risk

The application site is located on land which is designated as Flood Zone 3b by the Environment Agency. The provision of public amenity land within such a designation is considered acceptable for the reasons which are set out within paragraph 21 of the appeal decision (see Appendix A of the report in relation to application F/YR15/0134/O). Open space is classified as water compatible development within the Planning Practice Guidance (Table 2 of Flood Risk and Coastal Change) and so the use of the land for open space is appropriate. Accordingly the proposal is considered to comply with Policy LP14 of the Local Plan in this respect.

Biodiversity Impacts and Enhancements

The application is accompanied by a Biodiversity Statement which indicates that the grassland will remain unaffected by the proposals, that 'habitat piles' (existing vegetation and wood piles) would be relocated and accordingly no adverse impacts are anticipated. It is anticipated that any impacts upon site's ecology can be avoided with the appropriate management of the existing open space and retention of boundary features.

The proposal would therefore result in a net improvement to the biodiversity of the site by reason of the planned manner in which the habitat would be created. Accordingly the proposal would accord with Policy LP19 of the Local Plan in this respect.

Traffic, Parking and Access

The Local Highway Authority had originally made a number of comments regarding the future use of the site, however have since confirmed that they have no objections to the proposed use. The Town Council and the Police Architectural Liaison Officer have raised similar concerns. As noted above the agent has clarified that the use of the site may attract residents from elsewhere in the town. The site would have no particular facilities which would be likely to attract people specifically to the site and would have no unique facilities which would not be found elsewhere within the vicinity.

There may be an increase in the use of the area to the south of the site as a result of the proposal but this is unlikely to result in any severe traffic conditions being apparent.

The local existing roads within the vicinity of the site are not the subject of any significant on-street parking restrictions. If the housing development were to be approved then additional on-street parking would be available.

The application site is currently accessed by a number of pathways which lead from the existing housing estate. These accesses would effectively be formalised should the application be approved and is considered to be an acceptable form of pedestrian and cycle access in to the site.

Overall the proposal is considered to be acceptable having regard to access, traffic and parking matters. Accordingly the proposal would accord with Policy LP16 and LP15 of the Local Plan in this respect.

Residential Amenity, Crime and Anti-Social Behaviour

In light of the lack of facilities which would be provided at the site and the anticipated usage it is not considered that the proposal, either by way of its use on the site or any increased traffic using the surroundings roads, would lead to any unacceptable impacts upon the amenity of the occupiers of the dwellings which adjoin the site and those within the locality. A good standard of amenity would still be provided at those properties.

With regard to crime and the potential for anti-social behaviour the Police Architectural Liaison Officer does not object to the proposal. Their concerns relating to highway matters are discussed above. It is not intended that any football pitches or Multiple Use Games Area uses would be part of the development of the site so concerns regarding anti-social behaviour regarding those uses would not arise.

It is not therefore considered that the proposal would give rise to any unacceptable impacts in relation to residential amenity nor would it give rise to any conditions which would promote crime or anti-social behaviour. Accordingly the proposal would accord with Policy LP16 and LP17 of the Local Plan in this regard.

Maintenance and Ownership

The applicant originally suggested that the site would be transferred to the Whittlesey Charity. However the agent has subsequently confirmed that this is no longer the case. It is therefore understood that the ownership of the site would be left with the existing situation.

In relation to maintenance and management of the site it is understood that this would fall again to the current landowner and the agent has identified that a management and maintenance scheme would be entered into by the landowner. This requirement, which is necessary in order to ensure that the facility is usable and therefore fulfilling its function, can be secured via a planning condition.

It is therefore considered that the ownership and maintenance of the site is not a hindrance to the development taking place. The Council would have powers to enforce the maintenance and management of the site should the need arise.

Health and wellbeing

These matters have been addressed within the principle of development section above.

Economic Growth

The proposal would have a limited positive impact here owing exclusively to the maintenance of the site.

9 CONCLUSIONS

The proposal would result in an appropriate use of the land as public amenity space. The associated health and recreational benefits, together with the ecological enhancements all weigh in favour of the development. The use is 'water compatible' according to national guidance and there would be no adverse impacts, following the imposition of conditions as required, in relation to residential amenity, crime and anti-social behaviour, highway safety, access and traffic. The maintenance of the site can be conditioned to ensure that it is provided to a suitable standard. The owners of the land have indicated that they would be prepared to maintain and manage the site.

The development is supported by planning policy and there are no material considerations which weight against the development. The proposal is therefore recommended for approval subject to a number of planning conditions as listed below.

10 RECOMMENDATION

Grant subject to conditions listed below.

1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the implementation of the development hereby permitted, a written strategy for the management and maintenance arrangements for the amenity space shall be submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall address the following:</p> <ul style="list-style-type: none">(i) The name and contact details of the management body;(ii) The constitution of the management body;(iii) The point at which the management body will take responsibility for the management of the land;(iv) The strategy for the management of the land to enhance its biodiversity, in accordance with the Biodiversity Statement reference 60409P2R1 forming part of this application; and(v) The layout of the permissive pathways within the land, including their points of connection with neighbouring land. <p>The development shall be implemented in accordance with the approved strategy and thereafter retained as such.</p> <p>Reason: To ensure the site is capable of fulfilling its authorised use.</p>
3.	<p>No groundworks of any kind shall take place in the public amenity space as shown on the submitted location plan dated 24 February 2015 for development of recreational structures, drainage/flood alleviation or planting without prior engagement with an approved archaeological scheme of works.</p> <p>Reason: To conserve the significance of the known archaeological resource within this area and in accordance with Policy LP18 of the Local Plan.</p>
4.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and associated documents:</p> <ul style="list-style-type: none">- Application form dated 24 February 2015- Location Plan dated 24 February 2015- Biodiversity Statement reference 60409P2R1 dated 24 February 2015 <p>Reason: In the interests of proper planning and for the avoidance of doubt.</p>

The Showfields, Whittlesey
Extended Masterplan February 2015

Change of Use Application



Application Boundary

Other land under the applicants control

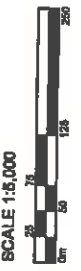
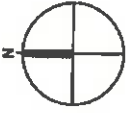
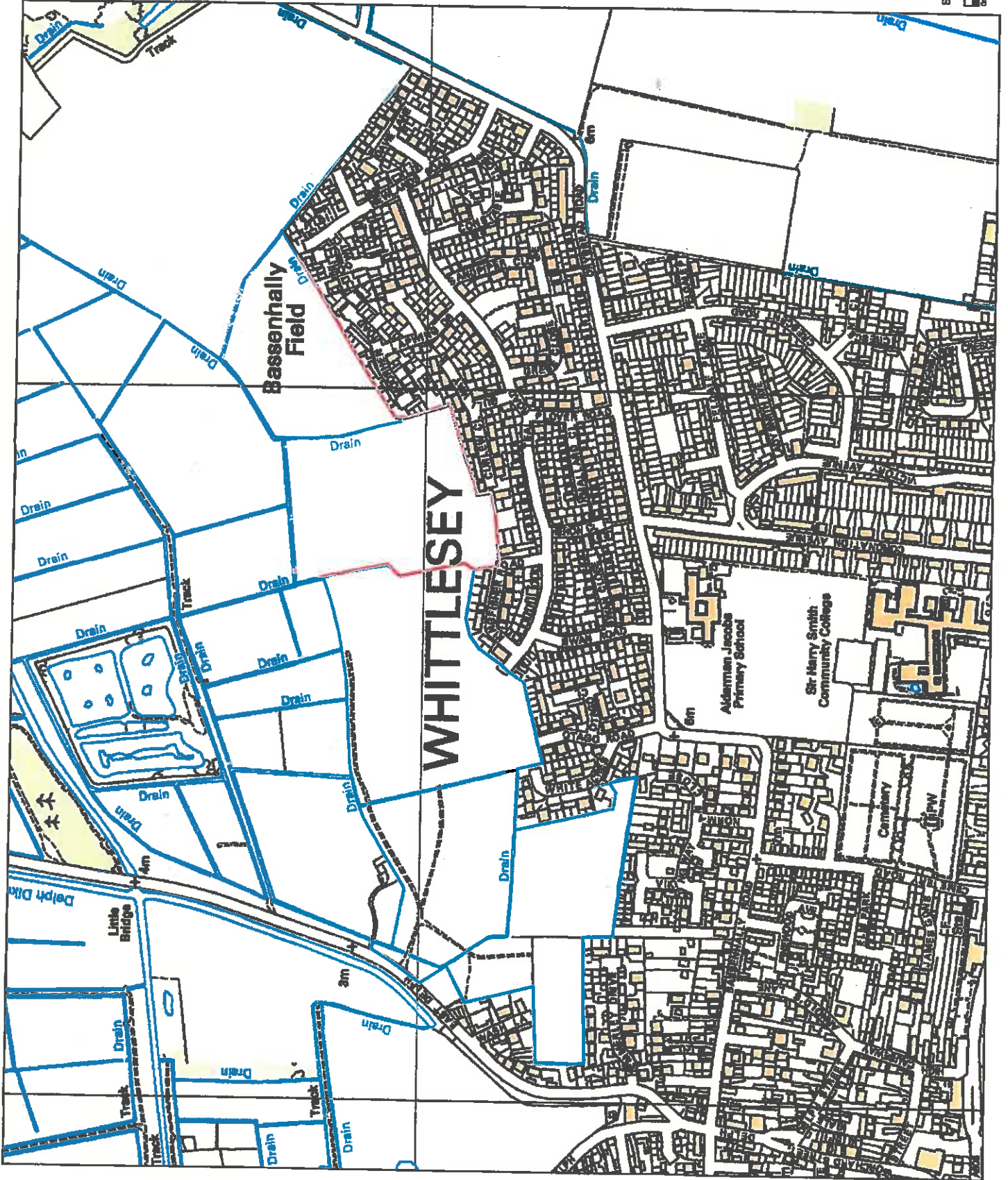


Figure 6.1. Biodiversity & Access Proposals.

