

F/YR15/0492/EXTIME
25 June 2013

Applicant: Bexwell Tractors

Agent : Alan Faulkner, Grounds & Co

Land East Of Llanca, Huntingdon Road, Chatteris, Cambridgeshire

Erection of 6 houses comprising; 3 x 4-bed terraced, 2 x 4-bed semi-detached and 1 x 4-bed detached with 2 triple garage blocks (Renewal of planning permission F/YR10/0339/EXTIME)

Application raises viability issues in terms of affordable housing contribution.

1 EXECUTIVE SUMMARY

This proposal seeks full planning permission for the erection of 6 dwellings on the former site of Bexwell Tractors. The principle of development has been firmly established on the site through the earlier grant of planning permission for an identical scheme.

Whilst the planning policy against which the original scheme was assessed has been amended by virtue of the adoption of the Fenland Local Plan (May 2014) the policy aims regarding this development remain largely consistent.

The proposal has been assessed with regard to highways, heritage, amenity and flood risk and is considered to be policy compliant, subject to appropriate conditions. Whilst the amount of development proposed should attract the provision of an affordable home on-site a viability assessment has been provided by the agent demonstrating that such provision would render the proposal unviable. This assessment has been accepted following robust internal review and as such the scheme is favourably recommended without such obligation.

- 2 PROPOSAL:** The proposed scheme consists of the erection of 6 dwellings; three of the new units are to be situated immediately to the back edge of the existing footway with a gated access from Huntingdon Road. A further three terraced properties will be situated to the rear of the site with all dwellings being served by a central courtyard area and a pair of triple garage blocks (sited to the west and east of the site).

3 SITE PLANNING HISTORY

F/YR10/0339/EXT	Erection of 6 houses comprising; 3 x 4 bed Terraced, 2 x 4-bed semi-detached and 1 x 4-bed detached with 2 tripe garage blocks (Renewal of Planning Permission F/YR06/0144/F)	Granted 25.06.2010
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F/YR06/0144/F	Erection of 6 houses comprising; 3 x 4 bed Terraced, 2 x 4-bed semi-detached and 1 x 4-bed detached with 2 tripe garage blocks	Allowed on Appeal 02.05.2006
F/YR03/0212/F	Erection of 9 dwellings comprising; 4 x 4 bed Two and a half storey semi-detached houses, 1 x 3-bed one and a half storey semi-detached house, 1 x 5 bed two and a half storey house, 3 x 4 bed two and a half storey houses	Refused 30.05.2003

CONSULTATIONS

Town Council: Raise no objections, would be good to see site tidied up.

(FDC) Environmental Protection: The Environmental Health Team has 'No Objections' to the above development as it is considered unlikely to have an adverse effect on local air quality and the noise climate. The existing Contaminated Land condition (condition 8 of F/YR10/0339/EXTIME) should be retained if the time extension is granted.

Cambridgeshire County Council Archaeology: Site lies in an area of high archaeological potential and as per earlier consultation responses they recommend that site should be subject to a programme of archaeological work prior to development commencing; this can be secured via condition.

Highways Authority: Please refer to highway comments provided as part of planning application number F/YR10/0339/EXTIME and append any previous highway conditions made to any consent granted.

Middle Level Commissioners: Oppose the development as the water level flood risk management systems in the area become overloaded during high rainfall events and this has previously and continues to result in flooding in the area. For this reason no additional volumes or flow or increased rates of run off to the Boards/Commissioners systems in the area will be consented.

Local Residents/Interested Parties: none received

4 POLICY FRAMEWORK

National Planning Policy Framework (NPPF) (2012)

Fenland Local Plan (2014)

LP1: Presumption in favour of sustainable development.

LP2: Health and Wellbeing

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5: Meeting Housing Need –

LP10 - Chatteris

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

LP19: The Natural Environment

5 KEY ISSUES

The key issues associated with the consideration of this proposal are as follows:

- **Background**
- **Principle**
- **Character, Appearance and Heritage**
- **Residential amenity**
- **Highways**
- **Flood risk**
- **Viability**
- **Health and wellbeing**
- **Economic Growth**

Background

Planning permission for this scheme was first granted in 2006. Whilst the local planning authority initially resisted the scheme on the grounds of its impact on the character of the conservation area by virtue of its design and appearance the Planning Inspector having considered this factor together with residential amenity, highway safety and flood risk concluded that the scheme was compliant with policy and allowed the appeal. It is against this backdrop that further applications were submitted to extend the time frames for the commencement of development.

Principle

The principle of development has been firmly established through the earlier grant of permission; notwithstanding this the principle of residential development on this site is supported by Policy LP3, which identifies Chatteris as a market town and therefore a settlement which should accommodate housing growth, this is reinforced in Policy LP10.

In accordance with Policy LP5 schemes of 5 dwellings or more should provide 1 affordable dwelling on site and this element is discussed under the viability section of this report.

Design and heritage considerations, together with issues of residential amenity and highway safety are addressed by virtue of policies LP16 and LP18

Character, Appearance and Heritage

The Planning Inspector in the earlier decision noted that Huntingdon Road was characterised by a variety of houses and other buildings with a range of different designs, scales and ridge heights, concluding that the development would not appear unduly dominant or out of place in the street scene with regard to scale or height. Furthermore it was considered that the scheme had paid sufficient regard to the character and appearance of the conservation area; in that the frontage houses would be sited close to the back edge of the footway, reflective of the character of this part of the conservation area. The materials and detailing proposed were also considered to respond to the area. The central siting of the access to the site was felt to add interest and a sense of place to the streetscene. These factors together with the removal of a workshop and other buildings, which were considered harmful to the character and appearance of the Conservation Area, led the Inspector to conclude that the proposal would enhance the area and would not conflict with the development plan policies in place at that time.

Given that the scheme replicates the earlier approved details and that the development plan policy aims of LP16 and LP18 remain consistent with earlier policy framework regarding character, heritage and appearance the scheme continues to be acceptable.

Viability

Since the last grant of planning permission in 2010 development plan policy has changed through the adoption of the Fenland Local Plan(May 2014) The new policy framework results in this scheme attracting an obligation to provide one affordable unit on site. An open book viability assessment has been provided for review and our evaluation of this supports the assertions made in that the scheme is not viable for development either with or without the affordable housing element. It is noted that with the affordable housing element removed and the developer being prepared to accept a lower profit margin the scheme could be delivered. Accordingly recognising the advice given under Para 205 of the NPPF, which empowers Local Planning Authorities to be flexible to ensure that the development is not stalled, it is considered appropriate to relax the requirement to provide an affordable unit on site.

This is especially pertinent in light of the comments of the Town Council which clearly illustrate that there is a local desire to see this site come forward for development as it forms a key view in the town and does little to contribute to the townscape in its current dilapidated state. The site has also previously been identified as a potential candidate for a S215 notice although this has been avoided following positive interventions by the site owners to secure and clear detritus and weeds from the area.

Residential amenity

Again the earlier scheme evaluation fully considered issues of residential amenity and no representations have been received from adjoining occupiers in respect of the current proposal to extend the time limit for implementation of this scheme. Given that the scheme details have been previously accepted against the relevant planning policy in place at the time, which again remains consistent with the aims of Policy LP16 there are no issues regarding residential amenity to address.

Highways

The Local Highway Authority maintain their position as per previous approvals and recommend that conditions previously recommended are included within any subsequent decision notice. Such conditions relate to the provision of parking and turning, closure of existing access and a requirement for the entrance gates to be set back a minimum of 5 metres into the site.

Flood risk

The comments of the Middle Level Commissioners are noted with regard to the localised situation regarding flood risk. This aspect has been previously considered by the Planning Inspectorate as part of their appeal determination. It is noted that the original submission was accompanied by a flood risk assessment and whilst the Planning Inspector noted that Middle Level Commissioners had reservations regarding this document it was further identified in the appeal decision that the Environment Agency at that time were content with its contents. The inspector concluded that the proposal would be acceptable in flood risk terms subject to a condition which enabled the delivery of an on-site surface water system, which allowed controlled discharge from the site. It is against this backdrop that a similar condition is considered appropriate to ensure that flood risk is ameliorated and addressed.

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. The scheme will deliver housing in a sustainable location with access to services, facilities and public transport links.

Economic Growth

The proposal will boost the supply of housing as sought by Government through the NPPF. The development would provide a degree of local employment during construction of a site which is considered sustainable.

6 CONCLUSION

This application follows a succession of planning approvals for residential development on a town centre site. The scheme is policy compliant in terms of heritage, amenity, highway and townscape considerations. Although site constraints and market conditions are such that the proposal will be unable to support the provision of an affordable unit on the site, in accordance with Policy LP5, the viability information put forward to demonstrate this is accepted and the scheme may be favourably recommended without such obligation. This will enable the owners of the site to proceed to implement the scheme thereby ensuring that this dilapidated premises which currently make a negative contribution to the street scene are removed and this key site brought back to active residential use.

7 RECOMMENDATION

Grant

- 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 Before the commencement of any work on the site a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and such a scheme shall include:
 - i. a plan and schedule of all trees on the land, their location, species and which are to be retained, felled, lopped or topped.
 - ii. a plan and schedule for the planting of trees and shrubs, their types and distribution on the site, hard landscaping and the areas to be seeded, turfed or paved.
 - iii. a programme of the timing of the landscape work having regard to the timing of the commencement of any part of the development hereby permitted.
 - iv. an indication of the measures to be taken during the course of development operations to protect those trees which it is intended to retain.

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 in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.

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 in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014

- 4 Details of the location, height, design and materials of all screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, and all such works shall be erected concurrently with the erection of the dwelling(s).

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 ensure that the private areas of the development are afforded an acceptable measure of privacy in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014

- 5 Particulars of the materials to be used in the development, including walls, roofs, ground surface finishes and all means of enclosures shall be submitted in writing to and approved in writing by the Local Planning Authority before any development commences on the site and the work shall be carried out in accordance with the approved particulars.

Reason - To safeguard the visual amenities of the area and to ensure compliance with Policies LP16 and LP18 of the Fenland Local Plan, adopted May 2014

- 6 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;
 3. load and unload;

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 to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014

- 7 No development or preliminary groundworks of any kind shall take place on the site 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 Local Plan, adopted May 2014

- 8 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 and to ensure compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014

- 9 Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding. and to ensure compliance with Policy LP14 of the Fenland Local Plan, adopted May 2014

- 10 Prior to the commencement of the development hereby approved a scheme for the permanent and effective closure of the existing access to Huntingdon Road including the removal of the existing crossover and the reinstatement of the footway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with the approved details within 28 days of the bringing into use of the new access.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014

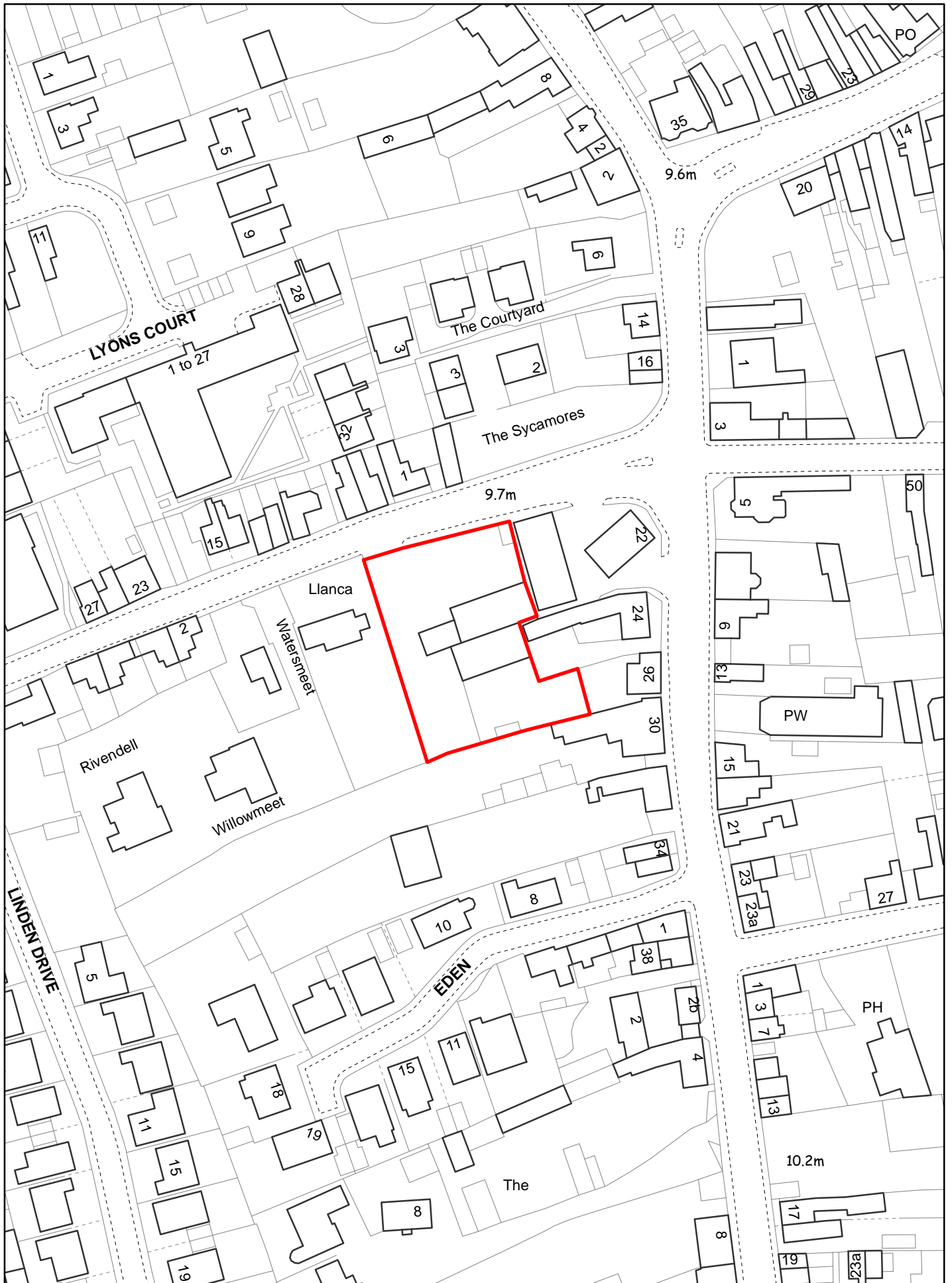
- 11 Prior to the first occupation of the development hereby approved any gate or gates to the vehicular access shall be set back a minimum of 5 metres from the near edge of the highway carriageway, hung to open inwards, and retained in perpetuity thereafter.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

- 12 Prior to commencement of development details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason - To ensure that the precise height of the development can be considered in relation to adjoining dwellings to achieve compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

13 Approved Plans



Created on: 24/07/2013

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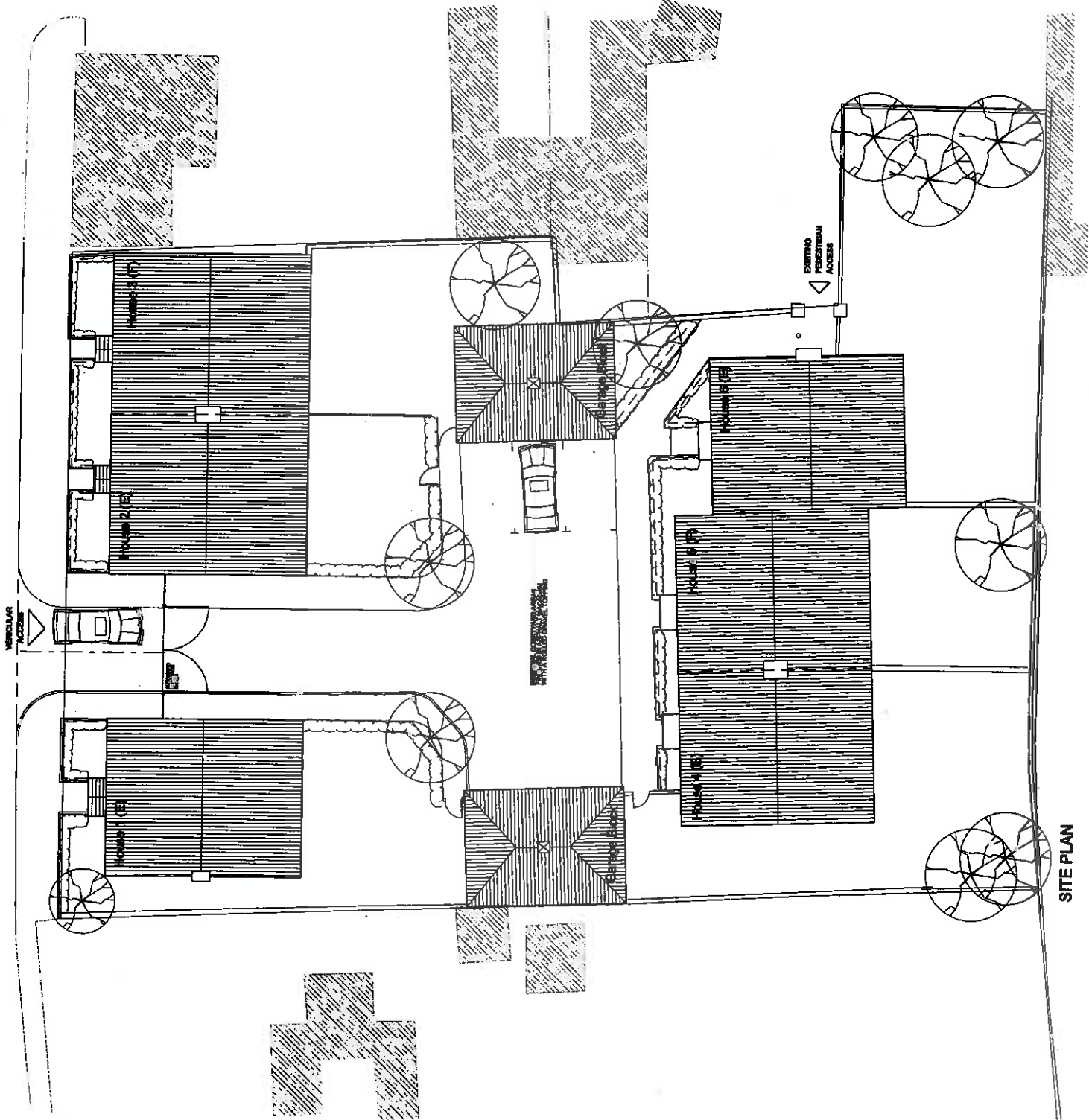
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20/10/02/01441



LOCATION PLAN



SITE PLAN

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING

Proposed Residential Development
Huntingdon Road
Chatteris Cambs

Bexwell Tractors Ltd
1000 Huntingdon Road
Huntingdon Cambs PE28 1PQ

DATE: 11/07/02

NO.	DATE	DESCRIPTION
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