

UPDATE

This application was considered at the Planning Committee meeting on the 3rd September 2013 when Members, in line with officer recommendation, resolved to:

Agree in principle the amount of development as specified and authorised Officers to proceed with finalising the detail of an appropriate S106 contribution schedule; and to,

Authorise the Head of Planning, to formalise a suitable list of conditions; and,

Support the return of the scheme to committee to agree the detail of the development.

The purpose of this report is, therefore, not to discuss the principle of the development which has already been agreed at the previous meeting but, moreover, to update the progress made towards the previous resolution and to recommend a way forward for the delivery of the proposed scheme.

To do this it is important to firstly identify if there have been any material changes to the planning considerations since the previous resolution made by Members.

Adoption of Fenland Local Plan

Members may recall that when the application was previously reported it was assessed having regard to the provision of the Draft Fenland Core Strategy – Proposed Submission Feb 2013. Subsequent to the resolution, the Fenland Local Plan was adopted on 8 May 2014. The policies now to be considered are:

LP1 (Previously referred to as CS1): Presumption in Favour of Sustainable Development;

LP3 (Previously referred to as CS3): Spatial Strategy & Settlement Hierarchy and the Countryside;

LP4 (Previously referred to as CS4): Housing;

LP5 (Previously referred to as CS5): Meeting Housing Need;

LP6 (Previously referred to as CS6): Employment, Tourism, Community Facilities and Retail;

LP7 (Previously referred to as CS7): Urban Extensions;

LP10 (Previously referred to as CS10): Chatteris;

LP13 (Previously referred to as CS13): Supporting and Managing the Impact of a Growing District;

LP14 (Previously referred to as CS14): Responding to climate change and managing the risk of flooding in Fenland;

LP15 (Previously referred to as CS15): Creation of a More Sustainable Transport Network in Fenland;

LP16 (Previously referred to as CS16): Delivering High Quality Environments;

LP17 (Previously referred to as CS17): Community Safety;

LP18 (Previously referred to as CS18): The Historic Environment;

LP19 (Previously referred to as CS19): The Natural Environment;

With the exception of Policy LP10 there are no material differences in respect of these policies other than how they are described within the plan.

Policy LP10 relates to Chatteris and the site is within the area identified as the South Chatteris Strategic Allocation which allocates the site for approximately 850 dwellings with some business uses close to the A142. Policy LP7 amends the requirement in the previous plan for ‘comprehensive delivery scheme’ for strategic allocations to a “broad concept plan”. As identified in the original report the application is accompanied by an illustrative masterplan which is considered to meet this requirement.

Given that the Adopted Plan identifies this as a location for residential and business development, the proposal is not considered to be a departure to the development plan that requires advertising in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) Order 2015.

Householder Waste Contribution

Subsequent to the report being submitted to the meeting of the Planning Committee in September 2014 the Council has published its Developer Contribution Supplementary Planning Document Adopted February 2015 which has removed the requirement for the developer to make a contribution towards Householder waste provision (bin provision) which is now secured directly from the resident of the dwelling when first occupied. For this reason the reported heads of terms no longer include the £234,000 requirement for this provision.

Public Open Space (POS)

Subsequent to the report being submitted to the meeting of the Planning Committee in September 2014, the Council has published its Developer Contribution Supplementary Planning Document Adopted February 2015 which includes a section on POS. Notwithstanding this however, at the previous meeting of the Planning Committee it was reported that the ongoing management of the site would be via a private management company rather than being adopted and maintained by the Council. Whilst this does not fully accord with the SPD the principle for such provision has already been accepted. The terms of the S106 will however, given the option to the developer to either provide details of the ongoing maintenance of the POS through a private maintenance company or by adoption of the POS by the Council.

Education

Members will note that the sum sought originally for education has now increased to £5,984,000 from £5,366,410 since September 2013. The justification put forward by CCC is as follows:

- There is no longer any surplus capacity in existing schools and there is an increase in the number of pupils anticipated from the development;
- Build cost inflation between May 2011 and May 2014;
- The cost also includes pre-school and after school provision.

The developer has agreed to the increased s106 contribution which is included within the agreement.

Ecology

As the application is in excess of 1 year old it is usually required that the wildlife surveys submitted in support of the application are updated to take into consideration any changes that have taken place on the site over the intervening period. However, as reported to the previous committee, no objection to the scheme was raised subject to conditions which recognise that the scheme is to be delivered through phases and over a significant period of time and as such required a mechanism for review prior to commencement of any development. As can be seen at condition 32, as listed below, no development shall take place until a biodiversity and ecology strategy has first been submitted to and approved in writing by the Local Planning Authority. For such strategy to be approved there will be a requirement for it to be updated to address any material changes which have taken place on the site.

Viability

As can be seen from the original report below, when the application was placed before members on 3rd September 2013 it was done so having regard to a viability report submitted by the Applicant which had been assessed on behalf of the Council by an independent specialist. The conclusions drawn from that was that the development was not economically viable and could not achieve a 25% affordable housing provision and that a figure of 14% was accepted. It was agreed however, that even with a 14% affordable provision, the scheme was unviable but that it was a commercial decision on the part of the developer to proceed with the development.

In accordance with the resolution and subsequent to the September 2013 meeting, negotiations on the s106 have been undertaken. However, as a result of the original viability appraisal being in excess of 12 months old, officers requested that the applicant provide a revised viability appraisal to take account of current economic conditions and any changes sought in the level of contributions.

A number of viability updates have subsequently been submitted by the Applicant in respect of the application which have been reviewed by an independent assessor on behalf of the Council.

The Council's viability consultant's considered opinion is that, even without the need to provide for Chatteris Market Town Transport Strategy contribution (not included within the reported appraisal in 2013 and accepted previously), the scheme remains uneconomic although the developer is of the view that this is only marginal based upon their calculations. Notwithstanding this, however, the Applicant has advised that they are prepared to deliver the scheme with a provision of 14% affordable housing as was previously the case accepted by Members with a mix of 50% rented units and 50% intermediate housing (Shared ownership) which has been accepted by the Council's housing officer.

Notwithstanding the above, the Council's independent assessor has advised that the financial viability is, at this moment in time, less viable than before, brought about, in part, by the increased education contribution as detailed above. They have stated:

While each item in isolation is at the most favourable allowance to make the scheme viable and cannot be completely proven to be unrealistic, the overall position with everything at its most favourable is not we believe realistic and it will be very easy for a subsequent appraisal to be presented which would be extremely difficult to criticise, that showed the scheme to be unviable.

It is important to bring to Members' attention that under Section 106BA of the Town and Country Planning Act 1990, where a scheme is uneconomic by reason of the costs associated with the affordable housing the procedure allows the applicant to apply to have the affordable housing element removed or reduced.

Having regard to the above therefore, as both the Council's expert and the applicant consider the scheme to be economically unviable, the applicant could theoretically apply under S106BA to vary the proposed level of affordable housing provision. Notwithstanding this however, the starting point of any such application and any subsequent appeal, should the Council refuse such application, would be the signed S106 agreement with the 14% affordable housing provision as supported by the most recent viability appraisal.

Paragraph 19 of the guidance 'Section 106 Affordable housing requirements Review and appeal April 2013 states that:

'The revised appraisal should identify those relevant variables where there is new evidence and where this impacts on viability.

Accordingly, whilst the Council's expert has expressed some concerns over the viability of the scheme, the developer has agreed the present 14% provision. Crucially, for the developer to subsequently challenge the level of provision they would have to provide new evidence that the scheme was unviable over and above the figures already agreed. For this reason the application is recommended to Committee on the basis of the 14% affordable housing.

As the S106 is proposing 14% affordable housing provision which is below the policy requirement for 25%, a review mechanism is proposed to be put in place within the agreement.

This will require an appraisal to be undertaken for each phase or sub phase, with the exception of phase 1 or its sub-phases, which will be with the starting point being the most recent appraisal. Accordingly, should market conditions improve the review mechanism will allow for an increase in the level of affordable housing up to the maximum of 25% for that phase.

Market Town Transport Strategy (MTTS) and Travel Plan

As can be seen from the previous report, and detailed above within the viability section of this report, the MTTS was excluded from the previously accepted viability assessment and, on the basis of that viability and the provision of 14% affordable housing, Members resolved to approve the development in principle. As part of that resolution members accepted a S106 contribution of £150,000 towards the provision of a travel plan for the site.

As a result of that resolution the negotiations on the S106 have progressed on the basis of the above with no MTTS being included and neither was it included within the most recent viability assessment.

Subsequently to this however, County Highways team have decided to re-prioritise the agreed monies associated with the travel plan and have sought to re-introduce the MTTS for the provision of information in relation to cycle and buses. In doing so it has been recognised that, due to viability issues, there is no scope to increase S106 costs and have agreed a corresponding reduction in the travel plan contribution. As such, the proposed changes will not increase the financial burden on the scheme or further erode the potential viability of the scheme. These changes are reflected in the heads of terms as detailed below.

Real Time Passenger Information

CCC have confirmed that a figure of up to £90,000 is required for the provision of two Real Time Passenger Information bus stops on the London Road site access.

Conditions

Officers have worked with statutory consultees and the Applicant to draft a comprehensive list of conditions to address the issues raised through the assessment of the application and in the consultation process. These are now included in the recommendation.

Conclusion

Having regard to the resolution by Members at the meeting of the Planning Committee on the 3rd September 2014, discussions have taken place with the developer to progress both the list of conditions and the also the S106 contribution schedule.

During the intervening period the S106 costs for education have increased whereas the Household waste contribution has been removed.

Following a review of the viability the Council's expert considered that the scheme is less viable than previously reported to committee whereas the Applicant maintains that it remains marginal and is prepared to provide 14% affordable as per the previous resolution.

Whilst this could be potentially challenged through a S106BA application the starting point would be 14% affordable housing based upon the most recent viability. For such a challenge to be successful the Applicant would need to demonstrate additional costs which make the scheme less viable, over and above those already detailed within the most recent assessment. For this reason this element is considered to be acceptable.

Whilst the MTTS was excluded from the previous resolution to grant, CCC Highway team have reprioritised the need associated with the site and have sought to seek MTTS provision but, having regard to the issue of the viability of the scheme, sought to reduce down the Travel Plan contribution pro rata so as not to make the scheme less viable.

In terms of other material changes that have taken place in respect of the assessment of the proposal, such as the adoption of the Local Plan and the Developer Contribution SPD, there are no changes which are material to the previous resolution.

Overall the proposal is considered to be acceptable and now the Council recommends moving forward to agree conditions and allow the finalising of the specific wording of the S106 agreement.

10 RECOMMENDATION

That delegated authority be given to the Head of Planning, in agreement with the Chair and Vice Chair, to grant outline permission for the development subject to the completion of a signed S106 being received within 6 months of the date of this resolution which is in accordance with the schedule of heads of terms and draft conditions as set out below.

S106 Heads of Terms

Fenland District Council (FDC)

On-site affordable housing:

- 14% affordable housing on the first phase or sub-phase thereof with a split of affordable housing mix of 50% rented, 50% intermediate as detailed within the updated viability appraisal;**
- 14% affordable housing on any subsequent phase or sub-phase thereof with a split of affordable housing mix of 50% rented, 50% intermediate subject to a review mechanism in respect of the percentage of provision. Prior to the submission of any application on any subsequent phase or sub-phase thereof, a viability review is undertaken with the starting point being the updated viability appraisal. Increase to a maximum of 25% affordable housing with a mix of 50% rented, 50% intermediate;**

Public Open space provision:

- 16.16ha for public open space and structural landscape areas.**
- 11.17 ha for ecological enhancement and habitat creation**
- 2 x Local Equipped Areas for Play**

- 1 x Neighbourhood Equipped Areas for Play in accordance with the illustrative masterplan. (conditions include phasing which will ensure that play provision is provided in a timely way, see note on file)
- 3.8ha for outdoor sports (sufficient for 2 x playing pitches) and to include changing rooms/pavillion)
- Details of management company or alternatively a financial contribution for the maintenance and adoption of Public Open Space.

Cambridgeshire County Council (CCC)

**Pre-school/Primary school:
C£5,984,000**

**Secondary School:
£500,000**

**Community Transport Contribution:
£391,272.49**

MTTS

Cycle Maps (maps and promotion material) – £10,000

Bus Maps (maps, easy-read timetables and publicity) – £15,000

Real Time Passenger Information payment - £90,000 (to be updated at committee)

Travel Plan - £125,000

**Strategic Waste Contribution:
£267,000**

Conditions F/YR/10/0804/O

Agreed with Agent, Cambridgeshire County Council, Environment Agency

Approved Drawings

1. The development hereby permitted shall be carried out in accordance with following approved plans:

Location plan: 2913-PL-01

The Access details to drawings 10048-HL-101-c;10048-HL-102-b;10048-HL-103 –c

Reason

To define the planning permission

2 The development hereby permitted shall be in substantial accordance with the following unless otherwise agreed in writing.

Illustrative Masterplan 2913-PL-02 Rev A

Document 2 Design and Access Statement October 2010

Figure 2.4, Anticipated Phasing Plan, July 2010

Reason

To ensure that the development is carried out in accordance with good design principles and to ensure the timely provision of infrastructure to support the proposed development in accordance with Policy LP7 and Policy LP15 of the Fenland Local Plan, 2014.

Phasing

3. Prior to the submission of any reserved matters, a phasing scheme for the delivery of the entire development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The phasing scheme shall be in accordance with the approved Anticipated Phasing Plan and shall include:

a) Details of the intended number of market and affordable dwellings for each phase of the development together with general locations;

b) Phasing of key infrastructure, including surface water drainage, green infrastructure, conversion of the Grade II listed tithe barn, community facilities and access for pedestrians, cyclists, buses and vehicles.

The development shall thereafter be carried out in accordance with the approved phasing scheme.

Reason

To ensure adequate and timely provision of infrastructure and affordable housing to support the proposed development in accordance with Policy LP15 of the Fenland Local Plan, 2014.

Design Principles

4. Prior to the submission of any reserved matters for any phase, or any sub phase identified within the phasing scheme approved pursuant to condition 3, a document setting out the Design Principles for the development hereby approved shall be submitted to the LPA for approval in writing. The Design Principles will set out how the principles and objectives of the Design and Access Statement (date July 2010) will be met so as to substantially accord with the illustrative Masterplan, the Parameters Plan within it plus the agreed phasing scheme, pursuant to condition 2 except where other planning conditions specify otherwise. The Design Principles shall include the following matters:

The principles for determining the design, form, heights and general arrangement of external architectural features of buildings including the roofs, chimneys, porches and fenestration;

The principles of the hierarchy for roads and public spaces;

The principles to ensure a permeable development layout for pedestrians and cyclists reflecting desire lines to link into the existing Chatteris infrastructure;

The principles to ensure that streets and junctions are designed to limit the dominance of the car, to restrict vehicular speeds to 20mph, to encourage walking and cycling and create a home zone atmosphere;

The principles for determining the colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;

The principles for the design of the public realm to include the colour, texture and quality of surfacing of footpaths, cycleways, streets, parking areas, courtyards and other shared surfaces;

The principles to ensure good quality strategic links between green spaces;

The principles for laying out of the green infrastructure including the access, location and general arrangements of the equipped children's play areas, playing pitches;

The principles to ensure the preservation and enhancement of the setting and special interest of the Grade II Listed Tithe Barn;

The principles to ensure that there is appropriate access to buildings and public spaces for the disabled and physically impaired;

The principles to promote energy efficiency and reduce carbon emissions;

The principles to minimise opportunities for crime and to create a safe environment;

The development shall be carried out in accordance with the approved Design Principles.

Reason

To ensure that the development is carried out in accordance with good design principles and in order to integrate harmoniously with its surroundings in accordance with Policy LP16 of the Fenland Local Plan, 2014.

Reserved Matters

5. The development of each phase for which permission is hereby granted shall not be begun before detailed plans showing the layout, scale and external appearance of the building and landscaping (hereinafter referred to as the reserved matters) have been submitted to and approved in writing by the LPA. The development shall be carried out as approved.

Reason

To enable the Local Planning to control the details of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.

6. Applications for the approval of the reserved matters relating to phase 1 of the proposed development, as shown on anticipated phasing plan, shall be made to the Local Planning Authority before the expiration of three years from the date of

this permission. The development hereby permitted shall be begun either before the expiration of four years from the date of this permission, or before the expiration of one year from the date of the approval of the phase 1 reserved matters approval whichever is the later.

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

7. Application for the approval of reserved matters for the subsequent phases of development as identified by the phasing plan shall be made to the LPA before the expiration of 10 years from the date of this permission. The subsequent phases of development hereby permitted shall be begun either before the expiration of 15 years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to the last phase to be approved, whichever is the later.

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

Other information requirements

8. For each phase, or any sub phase identified within the phasing scheme approved pursuant to condition 3, the reserved matters submitted shall be accompanied by the following details:

The existing and proposed ground levels;

The location of fire hydrants and a timetable for their provision;

The location and design of bus stops and a timetable for their provision;

The location and design of any recycling and refuse stores which will not be provided as part of individual residential, commercial or community buildings;

The design and layout of the roads, footways and cycleways including the provision of highway drainage;

Any of the parking, turning, manoeuvring, loading/unloading areas not being provided as part of individual residential, commercial or community buildings

The design and location of cycle parking facilities which will not be provided as part of individual residential, commercial or community buildings;

Details of existing and proposed site levels and the levels of the proposed roads and buildings;

The level of external illumination, including street lighting, and measures to control light pollution, specification of any playing pitches or equipped play areas to be provided within the phase;

Each phase, or sub phase of the development shall be carried out and thereafter retained in accordance with the details approved.

Reason

To ensure that the development is carried out in accordance with good design principles and in order to integrate harmoniously with its surroundings in accordance with Policy LP16 of the Fenland Local Plan, 2014.

Defining the Planning Permission

9. The reserved matters submitted pursuant to condition 1 shall be restricted to a maximum of 1000 dwellings

Reason

To ensure that no more dwellings are provided on site than has been assessed within the Environmental Statement, without the further consideration of the Local Planning Authority in accordance with Policy LP10 of the Fenland Local Plan, 2014 .

10. The extent of retail and business proposals shall accord to the parameter land use plan within the approved Design and Access Statement.

Reason

To ensure that no more commercial/retail development is provided on site than has been assessed within the Environmental Statement, without the further consideration of the Local Planning Authority in accordance with Policy LP10 of the Fenland Local Plan, 2014.

Construction Method Statement

11. No development shall take place on any agreed phase, or any sub phase identified within the phasing scheme approved pursuant to condition 3, until a Construction Method Statement for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction phase of the development. The Statement shall provide for:

- a) an appropriate construction access;
- b) adequate turning and off loading facilities for delivery/construction vehicles;
- c) an adequate parking area clear of the highway for those employed in developing the site;
- d) wheel cleaning facilities;
- e) construction traffic routes;
- f) protection of public rights of way;
- g) a before and after road condition survey.

Reason

To reduce the potential impact on the public highway in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

Drainage and Flooding

12. The first reserved matters application submitted pursuant to condition 5 shall be accompanied by details of the surface water drainage scheme for the whole development hereby approved, incorporating sustainable drainage principles, a timetable for implementation and a management and maintenance plan. All subsequent reserved matters applications shall incorporate the approved surface water drainage scheme and the development shall be carried out only in accordance with the approved surface water drainage scheme and timetable for implementation.

**The details shall be based on:
Flood Risk assessment, reference: 10048/FRA/01**

Reason

To ensure adequate disposal of surface water drainage in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

13. No building hereby permitted shall be occupied until the sustainable drainage scheme for the relevant phase has been completed in accordance with the details approved pursuant to condition 12. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason

To ensure adequate disposal of surface water drainage in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

Contamination

Site Characterisation

14. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The scheme, investigation and risk assessment must be undertaken by competent persons and a written report of the finding must be produced. No works or development shall take place on each phase of development, or any sub phase identified within the phasing scheme approved pursuant to condition 3, until the scheme and written report has been submitted to and approved in writing by the Local Planning Authority. The report of findings must include:

- a) A survey of the extent, scale and nature of contamination;**
- b) An assessment of the potential risks to;**
 - (i) Human health;**
 - (ii) Property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;**
 - (iii) Adjoining land;**
 - (iv) Groundwater and surface waters;**
 - (v) Ecological systems;**
 - (vi) Archaeological sites and ancient monuments.**

c) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR11.

Reason

To control pollution of land or water in the interests of the environment and public safety in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

Submission of Remediation Scheme

15. If the scheme, investigation and risk assessment indicates the presence of contamination, a scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To control pollution of land or water in the interests of the environment and public safety in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

Implementation of Approved Remediation Scheme

16. The remediation scheme approved must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason

To control pollution of land or water in the interests of the environment and public safety in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

Reporting of Unexpected Contamination

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 14.

Reason

To control pollution of land or water in the interests of the environment and public safety in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

Long Term Monitoring and Maintenance

18. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a 5 year period and the provisions of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR11.

Reason

To control pollution of land or water in the interests of the environment and public safety in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

Highways

19. Prior to the commencement of development, full details of the Sustainable Transport Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority and the Strategy shall be implemented as approved.

Reason

In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan, 2014.

20. Prior to the commencement of development full details of the site access junctions as indicated on drawings 10048-HL-101- c; 10048-HL-102 - b; 10048-HL-103 – c, to include a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be completed in accordance with the agreed details and programme.

Reason

In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan, 2014.

21. Prior to the first occupation of any dwelling, the roads and footways linking the dwelling to the adjoining County Road shall be constructed to at least binder course level in accordance with a detailed scheme to be approved in writing by the Local Planning Authority and such a scheme shall include levels, forms of construction, street lighting systems and surface water drainage.

Reason

In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan, 2014.

22. Any existing accesses to the site shall be permanently and effectively closed and the footway/highway verge shall be reinstated in accordance with a scheme that has first been approved in writing by the Local Planning Authority within 28 days of the bringing into use of the new access.

Reason

In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan, 2014.

23. No part of any structure shall overhang or encroach under or upon the public highway and no gate / door / ground floor window shall open outwards over the public highway.

Reason

In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan, 2014.

24. The proposed new highway boundary(ies) shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.

Reason

To prevent any building being constructed within the proposed highway boundary in accordance with Policy LP15 of the Fenland Local Plan, 2014..

25. Prior to the commencement of development, details of all amendments to any public rights of way that are affected by the development, shall be submitted to and approved in writing by the Local planning Authority. The submitted details shall include a schedule of the timing of any temporary and/or permanent public rights of way closures, diversions, stopping up or creations.

Reason

To ensure that all amendments to the public rights of way network are planned and agreed in advance of the commencement of the development in accordance with Policy LP15 of the Fenland Local Plan, 2014.

26. The gradient of any vehicular access shall not exceed 1:12 for a minimum distance of 5.0m (or longer if in connection with a commercial development) into the site as measured from the near edge of the highway carriageway.

Reason

In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan, 2014. .

27. Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason

In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan, 2014..

28. No B1 or B8 employment use shall be occupied until a routing schedule for Heavy Commercial Vehicles, utilising only principal highway routes, has been approved in writing by the local planning authority. The routing schedule shall be implemented in accordance with the approved details.

Reason

In the interests of maintaining highway efficiency and safety and to minimise the impact of heavy commercial vehicles on the local community in accordance with Policy LP15 of the Fenland Local Plan, 2014.

Note: FDC consider that it might be more appropriate to address this issue in the S106 together with appropriate orders under the Road Traffic Regulation Act 1984.

29. Prior to commencement of development the details of the bus services to be provided through the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure appropriate provision for bus services for the development in accordance with Policies LP13 and LP15 of the Fenland Local Plan, 2014.

30. Prior to commencement of development a site-wide Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall document the measures for the pre-occupation, occupation and post occupation phases of the development and shall substantially accord with the Travel Plan submitted with the Transport Assessment. The site-wide Framework Travel Plan shall be implemented in accordance with approved details.

Reason

In the interests of maintaining highway efficiency and safety in accordance with Policies LP13 and LP15 of the Fenland Local Plan, 2014. .

31. Prior to commencement of development of any phase a phase-specific Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The phase-specific Travel Plan shall be implemented in accordance with approved details.

Reason

In the interests of maintaining highway efficiency and safety in accordance with Policies LP13 and LP15 of the Fenland Local Plan, 2014. .

Biodiversity Mitigation, Enhancement and Management

32. No development shall take place until a biodiversity and ecology strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include:

- a) The measures proposed to maintain the biodiversity of the site during construction;**
- b) The measures proposed to maintain the biodiversity of the site following the completion of the development;**
- c) The measures proposed to control and eradicate potential invasive species i.e. water fern;**
- d) Mitigation proposals for all protected species and for any species identified as being of principal importance in the biodiversity action plan, to include a timetable for the implementation of any works. The proposals shall include the mitigation strategy for Great Crested Newts set out in the Ecology Report;**
- e) Planting proposals to ensure biodiversity is maintained. The proposals shall include the retention and enhancement of hedgerow H.1 located along the eastern boundary of the application site;**
- f) A management plan for all activities relating to habitats and species within the site for the 10 years following completion of the development;**

Development shall be carried out in accordance with the approved strategy and the management plan shall be implemented as approved.

Reason: In order to ensure that biodiversity of the site is maintained in accordance with Policy LP19 of the Fenland Local Plan, 2014.

Trees and Landscaping

33. No development shall take place until a survey of trees, hedgerows and other vegetation within the site and a scheme identifying those trees and hedgerows to be retained and the measures to be taken to protect them during the construction of the development, in accordance with BS5837, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out prior to the commencement of that phase of the development and retained at all times during the course of the development of the phase, as approved under condition 5, within which they are located.

Reason

To ensure appropriate protection for trees, hedgerows and other vegetation during construction in accordance with Policy LP19 of the Fenland Local Plan, 2014.

34. For each phase, or any sub phase identified within the phasing scheme approved pursuant to condition 3, the plans and particulars submitted in accordance with condition 5 above shall include:

- (i) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;**
- (ii) details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;**
- (iii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;**
- (iv) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree;**
- (v) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.**

In this condition “retained tree” means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

Reason

To ensure the retention of appropriate trees to enhance the appearance of the proposed development and to support biodiversity in accordance with Policy LP19 of the Fenland Local Plan, 2014.

35. For each phase, or any sub phase identified within the phasing scheme approved pursuant to condition 3, the reserved matters submitted pursuant to condition 5 shall be accompanied by full details of both hard and soft landscape proposals. These details shall include, as appropriate:

- (i) Proposed finished levels or contours;**
- (ii) Positions, design, materials and type of boundary treatment to be erected;**
- (iii) Hard surfacing materials;**
- (iv) The equipment and surfacing for the equipped children’s play areas; and**
- (v) Minor artefacts and structures (e.g. street furniture, refuse or other storage units and signs); and,**

Soft landscape details shall include:

- a. Planting plans including positions for all tree, hedge and shrub planting;**
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment);**
- c. Schedules of plants, noting species, planting sizes and proposed numbers;**
- d. Densities where appropriate; and,**
- e. Implementation timetables including time of planting.**

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the LPA, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place.

Reason

The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP19 of the Fenland Local Plan, 2014.

Noise

36. Details of any extraction, ventilation, cooling and refrigeration equipment to be installed on or in any building shall be submitted to and approved in writing by the local planning authority. All equipment to be installed shall be installed on or in the building prior to occupation and shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason

To ensure the future residents of the development are protected from undue noise nuisance and disturbance and to protect the amenity of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.

37. Any class A3 (food and drink for consumption on the premises) and class A4 (public house, wine-bar or other drinking establishment) shall not be open to the public outside the hours of 08.00 to 23.00 Monday to Saturday and 12.00 to 22.30 on Sundays and bank or public holidays.

Reason

To ensure the future residents of the development are protected from undue noise nuisance and disturbance and to protect the amenity of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.

Heritage

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

Reason

To make provision for a programme of archaeological mitigation, so as to record and advance understanding of any heritage assets which would be lost in accordance with Policy LP18 of the Fenland Local Plan, 2014.

39. No development shall take place until a Scheme for the protection of the Grade II listed tithe barn has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include:

- a) The works proposed, including a timetable for implementation, to ensure that the building is weatherproof
- b) The measures proposed to protect the building during the construction of the development, this shall include measures for each phase of construction
- c) The works proposed, including a timetable for implementation, to ensure that the building is secure against vandalism or theft

d) The measures proposed to ensure that all site operatives are aware of the heritage value of the building and the requirement for it to be conserved and protected.

The scheme shall be implemented in accordance with the approved details and timetable.

Reason

To ensure the long term protection for the listed building in accordance with Policy LP18 of the Fenland Local Plan, 2014.

40. The reserved matter for Phase 2c shall include full details of the proposed use of the Grade II listed tithe barn. No dwelling shall be occupied in Phase 2C until the tithe barn has been converted to an alternative use in accordance with details that have been approved by the local planning authority.

Reason

To ensure an appropriate and timely beneficial use for the listed building in accordance with Policy LP18 of the Fenland Local Plan, 2014.

Informatives

Any estate road which is to be adopted as a highway maintainable at the public expense shall be designed and constructed in accordance the County Council Housing and Estate Road Specification as shall be current at the time.

This planning permission does not confer any rights to interfere with, obstruct or move PROW.

This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

The schedule of all amendments to any public rights of way (condition 25) should be agreed with the County Council's Asset Information Team.

Full planning permission and listed building consent will be required for the conversion of the Grade II listed tithe barn. The condition above requires that these applications be submitted at the same time as the reserved matters application for phase 2c.

PREVIOUS REPORT TO COMMITTEE

Application Number: F/YR10/0804/F

Major

Parish/Ward: Chatteris Town Council/Wenneye Chatteris

Date Received: 22 October 2010

Expiry Date: 21 January 2011

Applicant: Hallam Land Management Limited and BS Pension Fund Trustee Ltd

Proposal: Mixed use development comprising residential development up to 1,000 dwellings, employment (B1, B2, & B8), Local Centre (A1, A2, A3, A4 & D1), Primary School, playing fields, landscaping and open space, new highways and associated ancillary development.

Location: Land south east of Chatteris, London Road, Chatteris

Site Area/Density: 67.9ha

Reason before Committee: This proposal is before the Planning Committee given its strategic importance, its status as a departure from the development plan, the number of objections received and to enable consideration to be given to the viability issues identified.

EXECUTIVE SUMMARY/RECOMMENDATION

1.

This major scheme proposes to bring forward the South Chatteris Strategic Allocation as identified in the Fenland Local Plan Core Strategy Proposed Submission February 2013.

The proposal has been evaluated in terms of the general principle and policy implications, having due regard to:

- Local context
- Layout and design
- Impact on the Setting of Heritage Assets
- Amenity
- Highways
- Biodiversity, Tree Protection and Landscape
- Minerals Safeguarding

- Strategic Linkages
- Planning Obligations and viability

and has been found to be on balance compliant with both the local and national planning policy framework as indicated within this report,

Officers are now in a position to favourably recommend the scheme to committee following an extended consultation and evaluation period largely attributable to the need to address issues highlighted by stakeholders during the consultation phase, which involved follow on studies in respect of archaeology and minerals safeguarding.

As a final phase an open book viability assessment has been provided which in itself whilst confirming that the scheme is not technically viable does highlight a need for further iteration to prioritise levels of contribution. To enable these discussions to progress an indication regarding overall priorities and the parameters within which negotiations should fall, the scheme is presented to committee for both an approval in principle in respect of the scheme and guidance regarding prioritisation of Obligation requirements.

2. HISTORY

Of relevance to this proposal is:

- | | | | |
|-----|------------------|--|------------------------------|
| 2.1 | F/YR08/0265/SCOP | Scoping Opinion: Mixed use development (up to 1000 new houses, employment land, open space and associated infrastructure | Further details not required |
|-----|------------------|--|------------------------------|

- 2.2 Relating to blue land within applicants control immediately to the south:

- | | | |
|---------------|---|-------------------------|
| F/YR01/0146/O | Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and- | Withdrawn
04/02/2001 |
|---------------|---|-------------------------|

play golf course, erection of club house with bar/restaurant facilities health and fitness

F/97/0659/O

Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and-play golf course, erection of club house with bar/restaurant facilities health and fitness

Approved
24/02/1998

Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and-play golf course, erection of club house with bar/restaurant facilities health and fitness

F/94/0684/O

Approved
24/02/1995

Formation of a recreation and leisure complex including 18 hole golf course and 9 hole pay-and-play golf course, erection of club house with bar/restaurant facilities health and fitness centre

F/90/0596/O

Approved
26/02/1992

2.3 Small parcel of land in the north-western corner of the application site

F/0362/80/F

Layout of site for 19 mobile homes with car parks roadways and landscaping

Refused 18/06/1980

PLANNING POLICIES

3.

3.1 National Planning Policy Framework:

Paragraphs 2 & 11: 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(3): Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs. Economic development aspirations expanded in Paragraphs 18-21.

Paragraph 17(4): Seek to ensure high quality design and a good standard of amenity for all existing and future occupants (repeated and expanded on in paragraphs 56 to 56).

Paragraph 17 (5): Take into account the different roles and characters of different areas.

Paragraph 17 (9): Promote mixed use development

Paragraph 17 (10): Conserve heritage assets

Paragraph 17 (10): Actively manage patterns of growth

Paragraph 29: Promoting sustainable transport

Paragraph 30: LPA's should support a pattern of development, which, where

reasonable to do so, facilitates the use of sustainable modes of transport.

Paragraph 32: Decisions should take account that a safe and suitable access to the site can be achieved for all people.

Paragraph 47: Delivering a wide choice of high quality homes, including sites sufficient to provide a five years' worth of housing against their housing requirements with an additional buffer of 5%. Identifying a supply of specific deliverable sites or broad locations for growth.

Paragraph 50: Plan for a mix of housing and set policies to deliver affordable housing where required

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 and the way it functions.

Paragraph 109: conserving and enhancing the natural environment - the planning system should contribute to and enhance the natural and local environment by: Minimising impacts on biodiversity and providing net gains where possible.

Paragraph 117: Biodiversity and geodiversity

Paragraphs 129-131: LPAs should identify and assess the particular significance of any heritage assets that may be affected by a proposal. In determining applications LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.

Paragraphs 142 – 144: Facilitating the sustainable use of Minerals

Paragraphs 203 – 206: Planning Conditions and Obligations

3.2 **Draft Fenland Core Strategy – Proposed Submission Feb 2013:**

CS1: Presumption in Favour of Sustainable Development.

CS3: Spatial Strategy & Settlement Hierarchy and the Countryside

CS4: Housing

CS5: Meeting Housing need

CS6: Employment, Tourism, Community Facilities and Retail

CS7: Urban Extensions

CS10: Chatteris

CS13: Supporting and managing the Impact of a Growing District

CS14: Responding to climate change and managing the risk of flooding in Fenland

CS15: Creation of a More Sustainable Transport Network in Fenland

CS16: Delivering High Quality Environments

CS17 Community Safety

CS18 The Historic Environment

CS19: The Natural Environment

3.3 **Fenland District Wide Local Plan:**

H3: Development Area Boundaries/Protection of Character and Amenity/Highway Safety

EMP1: Establishment of new businesses

R1: Recreation

E1: Fenland Character

E3: Landscape Character and Protection

E7: Excavation and Recording of Archaeology

E8: Landscape and amenity protection

E16: Alterations to Listed Buildings

E20: Noise, Nuisance and Environmental pollution

TR3: Car Parking
TR6: Pedestrians and cycling
CF3: Community facilities
IMP2: Securing Benefits through Planning Agreements

4. CONSULTATIONS

4.1 *Town Council*

The Town Council supports application in principle but raises the following points:

- Considers it well thought out and welcomes buffer planting and decision to retain Dean Drove
- Trusts that there will be an integrated drainage system, welcomes shallow open waterways but seeks assurances regarding possible infestation
- Considers significant contribution should be made to leisure centre/swimming pool
- Local centre should include a health centre
- Community gain should be linked to phasing
- Once link road built there should be in town weight restrictions to ensure link road will not result in HCVs using London Road
- All construction traffic should enter site via A142 and the A142 element of the road should be delivered before development
- There should be one major well equipped children's play area rather than 3 small sites
- Plenty of parking should be provided
- A separate footpath/cycleway should be provided to the school
- Concerns regarding accommodating pupils at Cromwell Community College
- Considers Owls are present at Tithe Barn
- Note that the developers appear to have taken notice of public consultations in that the playing fields have moved to the preferred site.

With regard to the suggested bus route the proposals were welcomed as the Council are in favour of any improvement to local transport services; however they did recommend that the route be extended to include Bridge Street and the applicants noted that they intended to accommodate this change in their proposals.

4.2 ***Cambs County Council***

General

Chatteris acknowledged as a priority for economic regeneration; there should be a clear commitment to the provision of associated infrastructure before development is permitted.

Highways

Highway elements of scheme assessed and comprehensive reply given including safety audit details. Recommend that consideration be given to all HCVs associated with employment uses should access the highway network via the A141 not the B1050. In addition the majority of HCVs accessing the employment uses on site will use the A142, appropriate signing should be used to direct return by the same route. Contributions to the Chatteris Market Town Transport Strategy should be made via S106.

A proposed bus service between Manea and Chatteris forms part of the scheme proposals – further clarification is required in this regard.

40 safe covered cycle parking spaces should be provided to support the employment uses.

A detailed walk, cycle and public transport strategy should be provided for a development of this size.

The local plan standards are adequate in respect of this development and ultimate provision should be made to accord with this.

Scheme includes framework travel plan and this should include a fully funded coordinator for 5-years. Implementation of a travel plan should be secured via S106.

The LHA would recommend a holding objection until further information is provided regarding a sustainable transport strategy.

Waste Audit, Strategies and Site Waste Management Plan

Further information would be expected for each phase of the following: earthwork strategy on site, details of minerals requirements to be imported, any site plant for concrete mixing

CCC Continued

Archaeology

Initial objection on the grounds of insufficient evidence in respect of cultural heritage matters. Subsequent to this an evaluation report has been provided evidencing further on-site investigation.

S106 contributions

Outlined to cover primary and early years education, secondary education, rights of way, library and lifelong learning, household waste recycling centre. These are addressed in detail at the relevant section of the report.

Minerals safeguarding

Initial objection received as site identified as safeguarded for mineral extraction in Cambridgeshire and Peterborough Minerals and Waste Plan adopted July 2011. This objection removed following site investigation – see relevant section of report.

4.3 FDC Scientific Officer

Following consideration of the geo-environmental report, along with supporting information it is considered that a full Phase II investigation should be carried out in order to rule out any risk from unknown contamination in soils at the site. The site's previous usage is considered to be potentially contaminative according to current guidance. Recommend a contaminated land condition.

- 4.4 **Environment Agency** Have reviewed the submitted Environmental Statement and have no objection. Note the need to secure acceptance of the MLC regarding surface water disposal and suggest appropriate conditions covering surface water disposal, contamination, foul water disposal. Engagement with AWA is also recommended and a number of informatives suggested.
- 4.5 **Cambs Fire and Rescue** Request that adequate provision be made for fire hydrants
- 4.6 **Anglian Water** Recommends conditions in respect of Foul Water, Surface Water disposal, Trade Effluent
- 4.7 **Police Architectural Liaison Officer** No objection to the concept of housing or the granting of outline planning consent. However concerned that Design and Access statement does not appear to take into account the cost of crime. Identifies key detailed development requirements and highlights that further work is necessary to reduce the crime risk within the development.

4.8 **Wildlife Trust.**

Recommends that a qualified Ecologist assesses the detailed information; however comments on the strategic aspects of the scheme as follows:

- Welcomes the provision of green infrastructure and the fact that the scheme has been designed to incorporate and link features of ecological interest; together with the provision of accessible green spaces.
- Whilst the layout provides 30 hectares of various open spaces much of this is in a relatively narrow band around the edge of the development and divided by the access road. Whilst this does provide a good quantity of site related green infrastructure it cannot really be considered as strategic green infrastructure which is a missed opportunity.
- The Cambridgeshire Green Infrastructure Strategy 2nd edition identifies the need for a 'country park' or equivalent strategic open space at Chatteris. The WT would urge FDC to work with the developers to identify how such a space could be provided and recommend that the scheme is not approved until these points are addressed.

4.9 ***Middle Level Commissioners***

It is appreciated that due to the scale and nature of this submission, limited detailed design has been undertaken at this stage and whilst it is considered that the proposals generally meet the Boards' approval 'in principle', a number of fundamental surface water disposal/flood risk management issues highlighted in the detailed response remain outstanding. MLC highlight the merits of a partnership approach between the applicants and themselves to agree certain parameters within the development wide drainage/flood risk strategy. With such documents providing a framework upon which additional subsequent planning applications within sites can be considered.

4.10 ***Natural England***

Proposal is unlikely to result in any significant impacts to designated sites. NE satisfied with the assessment provided within the application in respect of wider biodiversity/protected species. The mitigation recommendations of the Environmental Statement should be followed. NE is satisfied with the details contained in the ecological management plan but recommends that a mechanism is required to ensure management of all green infrastructure assets in the long term. Considers the outline masterplan to be well designed however suggest detailed scheme considers provision of dedicated children's play areas, the provision of a community orchard/allotments and the provision of green walls/roofs within the employment and community areas of the development.

NE also highlights that the site includes 9.6ha of grade 2 and 25.3 ha of Subgrade 3a agricultural land in order to maintain soil functions it is recommended that the proposals set out in the relevant Agricultural Baseline report be adopted.

The proposals are not located within or near to any nationally designated landscapes and the Council should look to their own specialist to provide any detailed comments on the visual impacts and effects on local landscape character.

Local Residents:

12 letters of representation have been received from 10 residents, the comments made are summarised below

- If there is a need for new development this should include small local land providers in a manner that allows for integration of new residents and is fair and reasonable to both small and large scale providers
- Object to scale, considers town centre should be improved first as facilities are not good enough for existing residents
- Does not consider development sustainable as town facilities are inadequate people will have to travel
- Object to likely impact on wildlife
- Do not consider there is a need for a new ring road, will be adversely affected by traffic and other noise
- If development is approved the town perimeter should be redrawn and the houses on the London Road approach included in this
- Speed limit should be reduced to 30mph along the newly developed London Road
- Drainage proposals should incorporate provision for existing houses on London Road close to and opposite the site
- Concerns regarding on site drainage
- No guarantees regarding provision of play equipment
- Considers trees and hedgerows should be kept

- Raises issue regarding maintenance of drains and ditches
- Considers no paving over green areas should be allowed
- Should be a nature reserve provided to compensate for loss of landscape
- Infrastructure should be enhanced in town
- A bus service will be required – public transport woeful
- Considers affordable housing should be integrated

- Recommend conditions regarding construction timings
- Concerns regarding traffic congestion, noise, air and light pollution
- Overlooking, loss of view, impact on amenities, devaluation
- Road safety issues
- Danger to pets during construction
- Concern local centre will take business from town centre
- Increased antisocial behaviour
- Can present facilities(water and sewerage) cope with new build
- By plonking development on the edge of town the development has not made sufficient effort to integrate – it will attract commuters
- The land is currently stunning fenland farmland this is going to be a noisy building site for years disturbing residents and followed by the predictable modern housing estate devoid of character
- Should stay as green belt
- Considers S106 will not benefit all whereas the housing will be a disbenefit to all due to strain on existing facilities
- Rear access to properties must be maintained throughout the construction phase
- Will need extra policing. Current doctors surgery is at capacity and dentists do not accept NHS patients
- Taking away green spaces will worsen issues with dog waste
- Derelict building/ unused spaces are

- being ignored to build on Grade A agricultural land
- Suspect it's a done deal but it's the wrong thing to do
- Best left as farm land or a golf course
- Suggest development only accessed from Ely Road
- This is probably the tip of the iceberg as the proposed supermarket will give someone an excuse to build more houses
- Object to the roundabout and its proximity to their domestic curtilage – consider there will be gridlock

- Noise impact from roundabout
- Considers new roads/roundabouts will impact on highway safety
- Suggested recreation and sports facilities are limited to football – what additional provision will be made
- Requests consultation with the residents affected by the new road constraints in London Road

SITE DESCRIPTION / NATURE OF APPLICATION

5.

- 5.1 The application site comprises an area of 67.9Ha and extends beyond the south-easterly 'broad location for growth' as identified in the FLP Core Strategy Proposed Submission Document February 2013. It lies to the south east of Chatteris, west of the A142 adjacent to the edge of the built settlement, south of Wenny Estate and the playing fields associated with Cromwell Community College, and east of the residential areas at Wood Street, Tithe Road and the B1050 London Road. The southern boundary comprises agricultural land as it extends southwards from the town.

The site is irregular in shape and is currently in use for intensive arable farming. It is largely flat and open except at the Byway Dean Drove within the eastern area which is flanked by hedges. Within the southern portion of the site is a farm building group comprising two semi-detached houses and three agricultural storage buildings which include Tithe Barn, a Grade II timber framed and boarded Listed Building with corrugated roof.

All matters are reserved excepting access with the following aspects being for

later approval:

- The layout of the urban extension although an illustrative master plan has been submitted to indicate the amount of development, proposed uses and their locations and other development principles
- The scale of buildings and their appearance
- Landscaping

Key elements of the scheme include:

- Up to 1,000 dwellings located on 27.79 Ha (36 dwellings per Ha)
- Employment uses within Classes B1, B2 and B8 (2.8Ha)
- Local centre likely to comprise of Class A1, A2, A3, A4 and D1 uses with neighbourhood shop and opportunities for health centre, day nursery and cafe (0.8ha)
- Land for a new 2 form primary school (extending to 2.4Ha)
- Outdoor sports facilities (extending to 3.8Ha)
- Informal open space facilities (extending to 27.21 Ha)
- Associated drainage and transport infrastructure
- A new link road to serve the development
- Refurbishment of Tithe Barn

Adjacent to, but outside the current application site boundaries, the illustrative master plan depicts

- Employment uses falling within Class B1, B2 and B8 as a future phase II of employment land (3.66 Ha)
- An extension to land for Cromwell Community College (3.3 Ha)

A phasing schedule was included in the initial submission however this will need updating to reflect the slippage due to surveys accommodated during the consideration of the scheme. This activity could be undertaken post a decision being taken in principle and prior to the issue of formal consent.

6. **PLANNING ASSESSMENT**

6.1 **Background**

This scheme has been the subject of an extended consultation period during which time ecological, archaeological and minerals investigations have been undertaken. More recently the scheme has been the subject of an open book

viability assessment which has culminated in the scheme now being presented to Committee to secure a decision in principle.

The application is considered to raise the following key issues;

- Principle and Policy implications
- Local context
- Layout, Design and Amenity
- Highways
- Drainage
- Archaeology and Heritage Assets
- Biodiversity, Tree Protection and Landscape
- Minerals Safeguarding
- Strategic Linkages
- Planning Obligations and viability

6.2 Principle and Policy Implications

The scheme is in the spirit of the emerging core strategy. There do however remain issues of phasing within the plan period of the core strategy, dependant on it being adopted in its present form and the issue of a larger site area, albeit Policy CS8 does highlight that the highway access(es) may fall outside the specific allocation area. Whilst the Core Strategy identifies that around 850 dwellings will be delivered on this location this is based on a standard density formula on the smaller site. It should be noted also that the Housing Target for Chatteris is set at 1,600 dwellings (FCS:CS4)

With the passage of time since the application was submitted the scheme has moved from a premature submission to one which has compliance, in the main, with the emerging core strategy and the thrust of the National Planning Policy Framework.

Whilst the scheme is applicant driven and does not conform to the agreed 'comprehensive delivery scheme' approach it does put forward a master plan. In addition it should be noted that the area falls within one land ownership interest, details a comprehensive approach to the site and offers deliverability in this regard. This clearly complies with the ethos of the NPPF that development which is sustainable should go ahead, without delay. (NPPF Vision)

That said Members should be mindful that the employment element of the proposal has not been informed by a Fenland Economic Strategy given its submission prior to the publication of the Strategy in January 2013. However Fenland District Council have set a challenging target in this strategy to create over 7000 jobs by 2031 (FCS:CS6), the focus in part will be on attracting large sector-driven multinational businesses that have the financial strength to invest and create significant numbers of jobs and attract and support new and existing supply chains.

Located in the south of Fenland, Chatteris is the smallest of the four market towns with a population just over 10,400 and is considered as being part of the Cambridge growth necklace. As such the site is strategically placed to accommodate a mixed development of this nature. The FDC Employment Evidence Report issued February 2013 notes that the Council should facilitate the delivery of around 85ha of new employment land to provide for business, industrial and distribution uses. The strategy for employment land development distribution should then be in line with housing growth for each of the settlements – the minimum target identified for Chatteris is 20 Ha

Local Authorities are required to identify and maintain a 5 year land rolling land supply for housing development that is suitable, available and achievable, in line paragraph 47 of the National Planning Policy Framework (NPPF). Fenland's Monitoring Report published December 2012 notes that whilst Fenland cannot quite demonstrate a full 5 year supply of land plus the 5% requirement from NPPF it is important to note that this scheme is highlighted in the reports commentary and whilst making no comment on the merits of the scheme it is highlighted that, should a large site such as this be approved it would represent a significant increase in supply beyond the five year period 2013- 18, making up the initial shortfall.

Part 2: Appraisal and Evidence Base of Alternative Locations for Growth at the Market Towns produced to inform site selection identifies that the site (as depicted in the Strategic Allocation) whilst extending into open countryside would still generally be within existing overall built up limits of the town to the south and east, and therefore acceptable. The area also lies within Flood Zone 1 and as such the allocation allows for a significant amount of residential development in accordance with the sequential approach and test. In terms of landscape the area is identified as follows:

- The area is located within the Chatteris Clay Island landscape character type.
- The area is generally flat. The majority of the area to the west of the site consists of a number of arable fields although it appears to be a single homogenous area.
- To the east are some smaller fields and paddocks, those furthest to the east are bounded by semi-mature hedgerows.
- To the east and south of the area, the landscape is open with extensive arable farming.
- Dean Drove Byway provides the main tree cover within the area.

Furthermore in assessing the site this document notes that whilst this is a greenfield site which would involve the loss of high grade agricultural land the area is in Flood Zone1 which would allow substantial housing in this area in accordance with the sequential approach and test for flood risk.

The assessment goes on to highlight that although there are definable boundaries to the majority of the area, care will be needed to prevent unacceptable visual intrusion into the open countryside to the south, which is likely to require enhanced landscaping. However, there would not be any adverse impact on the town's morphology. The area is well located in relation to the town centre and Cromwell Community College with its community sports facilities which may be able to be further enhanced as a result of new development. The size of development means that a primary school and local convenience shopping will be required in the area.

Access is likely to be required from the A142 and also London Road, and existing sustainable links mean that the area should have good permeability with the rest of the town. Opportunities also exist to enhance sustainable links to the Mepal Outdoor Centre to the south.

Known issues to address include preserving the setting of Tithe Barn Farm

listed building, and the relatively small area of sand and gravel deposits within the area although these have the potential to provide a local resource for development.

Detailed consideration will also be needed in the upgrade of the sewer network although the waste water treatment works has capacity to cater for the anticipated growth.

The policy wording also makes it clear that access to the site may have to be found from outside of the allocated area.

Local Context

It is noted that the scheme has secured the support 'in principle' of the Town Council although they have highlighted that a significant contribution should be made towards a leisure centre/swimming pool. They also identified that there should be the provision of a health centre – however no requirement for such a facility has been highlighted by the PCT/NHS and confirmation that the existing provision has capacity to accommodate the development has also been obtained.

Layout, Design and Amenity

The illustrative masterplan comprises the following elements, moving north to south

- A new primary school location directly south of an area of land allocated as additional school playing field abutting the Cromwell Community College
- Cycle pedestrian access onto Wenny Road
- Formal sports provision area
- Tranches of housing with a focal point for the development being created around the existing Tithe Barn and nearby cottages. A local centre is illustrated in the north-eastern segment of the site.

To the east of the site adjacent to the A142 lies the Employment land.

The southern boundary of the site is softened by structural landscaping and ecological enhancement areas, this area will also accommodate a sustainable drainage system.

Whilst the application boundaries do extend further than the strategic allocation there are no constraints on the ground that would act as visual stops to the development that may not be ameliorated through appropriate landscaping to soften the edges of the development.

As this is an outline scheme exact evaluation of site specific issues is not possible. Notwithstanding this the site offers opportunities for a high standard of design which will not unduly compromise such aspects of residential amenity that may be protected through the planning process, noting that loss of view would not be material in planning terms. (FDWLP:E8 and CS:16)

Highways.

To facilitate development of the site a spine road is proposed running from east to west. This access is offset from London Road B1050 (west) in the form of a roundabout with two further roundabouts proposed to access the development as detailed in the illustrative masterplan. The link road then culminates to the east with a further proposed roundabout at its junction with Ireton's Way A142.

As an addendum to the Transport Assessment supporting information has been provided in respect of the service specification for the proposed bus links, walking improvements and the Market Town Transport Strategy.

The scheme details have been subject of robust appraisal by the LHA, this appraisal has included input from Highway professionals within the disciplines of strategy, development control and accident and investigation. Issues of accessibility, trip generation and impact, together with capacity have been duly considered supported by appropriate traffic count data.

Detailed conditions regarding the highway elements of the scheme have yet to be finalised, these will be required to inform later submissions should the scheme be supported in principle.

Biodiversity, Tree Protection and Landscape

The information submitted by the applicant was subject to scrutiny on behalf of the Council by a qualified ecologist. The Ecologist noted general acceptance and welcomed the areas of structural landscaping and biodiversity enhancements within the south and east of the site, maintained greenways through the site, SUDs and proposals for mitigation impact to protect notable species and habitats. However they initially raised concern regarding the insufficient level of information provided with regard to protected species. These omissions were resolved through the submission of further information.

In addition further clarification was provided regarding the eastern section of the proposals (including the location of hedgerow H1) which fell within a section of the site allocated as an area of Biodiversity Enhancement Structural Landscape and Balancing Ponds within the ES parameters plan. Their recommendation being that if planning permission is granted, more detailed landscaping of this area should be secured (through planning permission), which should include the retention and enhancement of Hedgerow H1 located along the eastern boundary of the site.

It should be noted that the Ecology report includes a mitigation strategy for Great Crested Newts, this should be secured through appropriate condition, with this strategy being utilised in the design of the drainage systems, highways and layout of the bridleways/footways.

Conditions are recommended to ensure the provision and implementation of detailed mitigation for European Protected species, to address potential invasive species, to secure a detailed mitigation strategy for Barn Owls, to outline an appropriate construction management plan and an extended Ecological Management Plan in the form of a detailed Biodiversity Management Plan.

The importance of the site in terms of wildlife offer has been identified by neighbours as part of the consultation process, appropriate safeguards in the form of surveys and mitigation will be conditioned as part of any subsequent approval.

In terms of landscape quality the FDC Tree Officer raises no objection to the scheme and agrees with the classification of the trees as per the arboricultural

report supplied as part of the application. Furthermore it is noted that the master plan states the trees are to be retained. The development will increase the number of trees on site and contribute to the landscape amenity of the area. Comments made during the consultation process are acknowledged however the site has been identified as a broad location for growth and the provision of green space and appropriate landscaping will serve to integrate the development. (FCS:CS19)

Drainage

The Middle Level Commissioners promote partnership working between the applicants and themselves to arrive at a suitable drainage/flood risk strategy. It is recommended that such a proactive approach should form the basis of a condition appended to any subsequent approval for the site.

Both Anglian Water and the Environment Agency raise no objection to the scheme whilst suggesting appropriate conditions to require the further submission of an appropriate drainage strategy. Issues raised during the consultation process may be addressed via such a strategy. (FCS:CS14)

Archaeology and Heritage Assets

Tithe Barn Farm is Grade II Listed and it is recommended that the ultimate use of this building should be the least physically demanding and invasive – the suggested community use would in principle be supported. In terms of context and positioning in relation to the development as a whole, this seems sympathetic and respectful and allows the building a reasonable amount of open, undeveloped space. Some concern regarding the timing of works to Tithe Barn – would wish to see work begun after a reasonable percentage of the housing has been completed to allow the new use to be started and avoid it remaining at risk. If the scheme is approved it is recommended that a condition be attached requiring that the barn conversion be begun contemporaneously with the start of the development scheme as a whole. (FDWLP: E16, FCS: CS18)

Archaeological evaluation was undertaken on site in September 2011 in response to the formal consultation response of CCC. This evaluation is noted by CCC as being a comprehensive account of the findings and contains useful recommendations for further work in the form of a mitigation strategy.

Clarification has been sought from CCC as to whether this may be dealt with post consent. (FDWLP: E7, FCS: CS18, NPPF: 129-131)

Minerals Safeguarding

In accordance with NPPF Paras 142-144 and given that the site is identified as a minerals safeguarding area the applicants have undertaken a site investigation covering the extent and viability of potential minerals reserves. This site investigation has confirmed that the potential sand and gravel resource is not a viable economic resource that the County Council as Minerals Planning Authority removed their original objection to the development. As such the scheme can be deemed NPPF compliant and there are no issues arising which would warrant consent being withheld in this regard.

Strategic Linkages

Whilst the masterplan provides for access to green space these areas do meander around the proposed spine road and as such lack a strategic dimension. In addition it is disappointing to note that linkages with the Mepal Outdoor Centre have not been explored. The comments of the Wildlife Trust have also been considered in respect of the provision of a country park for Chatteris. Whilst it is agreed that these aspects are disappointing; they must be viewed in the context of the overall scheme and in light of the policy framework promoted in the emerging core strategy. It is recommended that whilst further consideration should be given at detailed design phase consent should not be withheld on this basis alone.

Comments made regarding the aspiration for a country park in Chatteris is noted however the Fenland Infrastructure Plan issued February 2013 highlights that a more general aspiration for a country park in Fenland. This would help meet the requirements for a strategic area of open space in the district. The plan notes that opportunities will therefore be sought to deliver an area of strategic open space in the district, however the most likely location is highlighted as March.(FCS: CS7)

Planning Contributions.

The scheme attracts the following S106 contributions (FDWLP: IMP2 and FCS: CS5):

(FDC) On-site affordable housing at 25% in accordance with the emerging Core Strategy

Public Open space provision

Maintenance of Public Open Space – likely to be the feature of private adoption therefore no monetary value

(CCC) Pre-school/Primary school: £5,366,410

(CCC) Secondary School: £500,000

(CCC) Chatteris Market Town Transport Strategy: £525,000

Community Transport Contribution £391,272.49

Travel Plan

(CCC) Strategic Waste Contribution: £267,000

(FDC) Householder Waste Contribution: £234,000

It should be noted that when the scheme was first mooted there was a local desire for the proposal to make provision for a Leisure Contribution of circa £2,000,000. Through sensitivity testing at viability stage and in the absence of a formal policy basis on which to seek such a contribution this requirement is clearly non CIL compliant as it is not necessary to make the development acceptable, is not directly related to the development, nor is it fairly or reasonably related in scale and kind to the development.

Other issues resolved through negotiation have been:

- i) the deletion of a £300,000 contribution to Chatteris Library; given that the library hours have been reduced it is not considered necessary to make the scheme acceptable nor is it considered fairly related.
- ii) a rights of way contribution of £3500 has also been deleted from the S106 package given that the project identified was not considered to fairly relate to the development.

Viability Considerations

As indicated an open book appraisal has been submitted and duly assessed by Independent Specialists. The appraisal analysis shows in summary that all of the cumulative development phases should be considered non viable and returns a substantial deficit when assuming an 'acceptable developer profit'.

The viability assessment submits that the usual advice would be to suggest further reductions to the affordable housing/S106 contributions to improve viability. Notwithstanding this Hallam Land have indicated that they would be willing to proceed with the scheme with the level of contribution they highlight as long as the deficit amount does not increase any further. In effect they have taken a commercial decision.

It should be noted that the viability appraisal assumes an overall provision of 14% affordable housing and a total S106 provision of £6.528 million. The figures utilised in the report do however exclude the Market Town Transport Strategy contribution and have proposed a lesser primary school contribution as the Applicants consider that the primary school could be delivered more competitively. Sensitivity testing has been undertaken with regard to the initial viability report supplementing these obligation requirements in full and this further reduces the scheme viability. In order to maintain the levels highlighted in the initial submission the affordable housing provision would have to reduce down for 14% overall to 7% provision.

Independent assessment of the scheme concurs that a fully compliant scheme providing the entire Section 106 requirement and 25% affordable housing is not viable. The land values assumed are at the lower end of the generally accepted market standards.

Whilst there remain some further aspects which should be debated with the applicant, arising from the viability work, there is a requirement to prioritise which of the contributions are deemed most important and prioritise accordingly.

In order to inform these discussions Member opinion is sought in this regard. The developers have expressed that they are committed to the delivery of the scheme at the margins shown and clearly the amount available to fund related S106 obligations is finite.

7.1 ***Conclusion***

Overall the scheme is found to be on balance policy compliant and Officers consider that in principle it should be supported. Notwithstanding this it is clear that there remain certain detailed aspects which require resolution which given the scale and nature of the scheme are not unwarranted. In order to provide

some comfort to the applicants and to create a backdrop against which the more detailed iterations may be progressed this report seeks to secure agreement in principle to the development subject to the resolution of S106 contributions, accepting that the scheme will not be able to deliver a fully compliant suite of contributions, and suitable conditions.

The scheme will also require advertisement as a departure in accordance with Article 13 of the Town and Country Planning (Development Management Procedure] Order 2010. This may be undertaken in parallel with the detailed discussions regarding S106 obligations and the formulation of appropriate conditions.

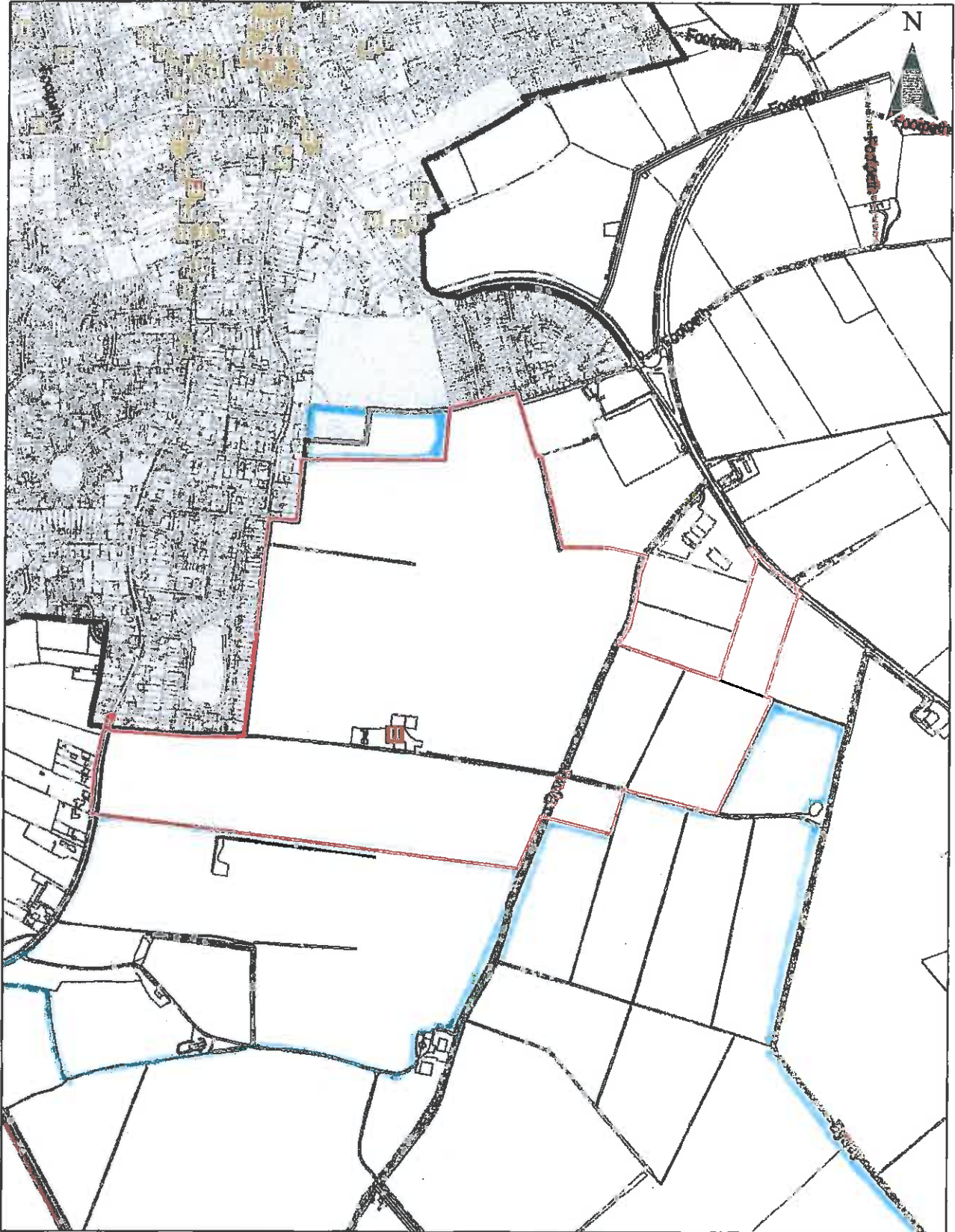
It should be noted that the scheme is not one which falls under the direction of Communities and Local Government Circular 02/2009 The Town and Country Planning (Consultation) (England) Direction 2009 in terms of call-in; nevertheless the Secretary of State does, under Section 77 of the TCPA, have powers to call in any decision of this type if considered necessary

RECOMMENDATION

8.

Officers recommend that Members:

- i) agree the principle and amount of development as specified and authorise Officers to proceed with finalising the detail of an appropriate S106 contribution schedule, and
- ii) authorise the Head of Planning, subject to satisfactory conclusion of these discussions (within the parameters expressed by the committee) and expiry of the consultation period relating to departure applications with no new grounds of objection being raised to proceed to formalise a suitable list of conditions to be appended to the subsequent decision
- iii) Support the return of the scheme to committee once these aspects are finalised to agree the detail of the same.



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Development Services

Reference F/YR10/0804/O

Scale: 1:10,000





- 1- Cycle / Pedestrian and Emergency access only, onto Eastbourne Road
- 2- New access point onto A142 (revisions Way)
- 3- New link road
- 4- New access point onto London Road B1050
- 5- Cycle / Pedestrian and Emergency access only, onto Wenny Estate
- 6a - Employment - Phase 1
- 6b - Employment - Phase 2
- 7- Local Centres
- 8- Land for a new Primary School
- 9- Tilted Barn Community Facility/Commercial Use
- 10- Open spaces
- 11- Drop-off point
- 12- Formal Sports Provision

Location
Land to the South East of Chatteris, Cambridgeshire
 Title
 ILLUSTRATIVE MASTERPLAN
 Dwg. No. FIGURE 2.3
 Scale Not To Scale
 Date APRIL 2010



- Main Bus / Transport Route
- Home Zones
- Alms / Parking Courts
- Greenways
- Land Drains
- Sustainable Drainage System
- Structural Landscape and Enhancement Area
- Private Gardens
- Public Open Space
- Wetland
- Public Footpath