

F/YR15/0790/F

Applicant: Mr L Klimczuk

**Agent : Mr Chris Walford
Peter Humphrey Associates Ltd**

Land East Of 3 To 9, Linley Road, Whittlesey, Cambridgeshire

Erection of 3 x 3-bed single-storey dwellings and garages involving demolition of existing outbuildings.

Reason for Committee: Due to the number of objections received.

1 EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of 3 x 3-bed single-storey dwellings and garages involving the demolition of existing outbuildings.

The application was the subject of a previous refusal and subsequent appeal for four dwellings where it was dismissed on the grounds of poor residential amenities for future occupiers and failure to respect the character of the area.

The current proposal is considered to overcome the previous reasons for refusal by reducing the number of dwellings on site to allow for increased garden areas and for more space to be provided between the dwellings.

A number of objections have been received from local residents and these mainly relate to the highway safety aspect of the proposal. The access is in the same position as the previous application and was not raised as an issue by the Planning Inspector. In addition CCC Highways have concluded that the proposal is acceptable in highway safety terms. With this in mind it is considered that a reason for refusal on highway grounds cannot be substantiated.

It is considered that the proposal is an acceptable form of development which overcomes the previous reasons for refusal and complies with policies of the Development Plan. It is therefore recommended that planning permission is granted.

2 SITE DESCRIPTION

The existing use of the land is as extended garden land serving the dwellings at (even numbers only) 30 – 44 New Road. There are vegetable plots, various sheds, conservatories and storage buildings on the land and some of the properties use the land as an informal parking area for domestic vehicles and caravans. There is a combination of walls, fencing and landscaping on the western boundary and a 2m high wall on the southern boundary and part of the eastern boundary. The remaining boundaries are open.

3 PROPOSAL

The proposal seeks full planning permission for the erection of 3 x 3-bed single-storey dwellings and garages.

Access will be taken from Linley Road, between numbers 6 and 15. The access will be via a private drive which will be finished in block paving. The parking areas beyond will be surfaced in gravel.

The dwellings will be arranged around a single turning head with plot 1 located to the south east and plots 2 and 3 located to the north. Plots 1 and 2 will share a double garage with parking area in front and plot 3 will have its own single garage with parking area in front.

The dwellings are contemporary in appearance with fully hipped roofs and small front gable projections. The dwellings will have a footprint of approximately 13.5m x 9.5m and a maximum height of 5.5m. Each dwelling will have a rear garden space exceeding one third of the plot area and this will be made private with the use of 1.8m high close boarded fencing.

The proposed garages will have dual pitched roofs and up and over doors. The single and double garages will be approximately 4m and 5.3m high respectively. The spaces within the garages measure 3.5m x 7m.

Both the dwellings and the garages will be finished in Granchester blend facing bricks for the external walls and Sandtoft plan smooth concrete roof tiles in grey.

4 SITE PLANNING HISTORY

F/YR14/0669/F – Erection of 2 x 2-bed and 2 x 3-bed single-storey dwellings involving demolition of outbuildings – Refused 14.10.2015, dismissed on appeal 27.01.2015

5 CONSULTATIONS

Whittlesey Town Council

No objection and therefore recommend approval however would like to ensure that the splay area is vitally important to access and egress of the site and must be taken into consideration.

FDC Environmental Protection

No objections to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Given that the development involves the demolition of outbuildings the unsuspected land contamination condition is required.

Environment Agency

The site falls within Flood Zone 1. The site is located above a Secondary Aquifer, do not consider the proposal to be high risk therefore no detailed site-specific advice or comments to make. The developer should address risks to controlled waters from contamination at the site following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

(N.B Aquifer is underground layers of water-bearing permeable rock or drift deposits from which groundwater can be extracted. Secondary aquifers include a

wide range of rock layers or drift deposits with a wide range of permeability and storage.)

CCC Highways

The access width has been increased to 5m and the southern wall dropped to 600mm for the first 2m which provides an acceptable access arrangement for the application site.

The visibility for 9 Linley Road is restricted when reversing out however vehicle speeds along both Linley Road and the proposed access road will be low enough to enable drivers to react safely. Vehicles are in most cases going to favour the southern side of the proposed access which offers an approach which provides better visibility of a vehicle reversing out of no. 9. The three dwellings proposed and associated access road poses no severe harm to highway safety, none that could be substantiated at appeal.

No highways objections subject to conditions relating to the provision of temporary facilities, access surfacing, reduction in the height of the wall, provision and retention of parking and turning and the provision of gates.

County Development, Minerals and Waste

No comments received

CCC Archaeology

The site lies in an area of high archaeological potential, situated just outside of the medieval core of the town. Do not object to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation to be carried out prior to the commencement of development.

Local Residents/Interested Parties

14 letter of objection received. Comments are summarised as follows:

- Concerns with access through Linley Road;
- Highway safety given elderly/disabled/vulnerable people in Linley Road;
- The entrance to the site is the access and turning area for emergency vehicles and deliveries for Linley Road;
- Existing residents park on the area shown on the drawings as 'parking';
- Reduced visibility for future occupiers given the wall;
- No objection to the site being developed for housing;
- The previous application was refused due to lorries not being able to access the site;
- The landowners do not want the access;
- There are other cul-de-sacs in New Road who have to take their bins to the main road to be collected so there is no difference;
- Oppressive impact on existing gardens;
- Loss of privacy;
- Cramped development;
- Poor layout;
- Green spaces have been put in to appease the Planning Inspectorate;
- Does not enhance the area;
- Increased traffic flow;
- Access from New Road would be better;
- There is no right of way over Linley Road past number 40;
- The site is too small;
- Loss of view given loss of open space;

6 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

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

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

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

National Planning Policy Guidance (NPPG)

Fenland Local Plan 2014

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Settlement Hierarchy

LP14: Responding to climate change and managing the risk of flooding in Fenland

LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments

LP18: The Historic Environment

7 KEY ISSUES

- **Principle of Development**
- **Design and layout**
- **Access and parking**
- **Residential amenities**
- **Flood risk**
- **Health and wellbeing**
- **Economic Growth**
- **Other matters**

8 BACKGROUND

Application F/YR14/0669/F was refused planning permission on 14 October 2014 for the following reasons:

1. The proposal would constitute a gross overdevelopment of the site leading to a cramped and overdeveloped appearance when viewed in the context of the surroundings. The proposal would result in an incongruous form of development which fails to make a positive contribution to the local distinctiveness and character of the area nor does it respect its local setting. The application is therefore contrary to policy LP16 part (d) of the Fenland Local Plan and paragraph 58 of the NPPF.

2. The development would result in garden areas which are bound by buildings on two sides, are less than 4m deep and less than a third of the plot for three of the dwellings. The proposed development as arranged will have an overbearing and oppressive impact when viewed from Linley Road. It is therefore considered that future occupiers would suffer from a poor level of residential amenity to the detriment of their privacy, outlook, levels of sunlight and daylight and also health and well-being. The proposal is therefore contrary to policies LP2 and LP16 of the Fenland Local Plan and paragraphs 57 and 58 of the NPPF.

The decision was subsequently appealed and was dismissed by the Planning Inspector on 27 January 2015. The key issues raised in the decision notice by the Planning Inspector were as follows:

- The proposal would have no front gardens and would be dominated by hardstanding and would appear oppressive and overbearing;
- The spaces surrounding most of the properties within the area is generous;
- The lack of any substantial areas of landscaping or relief to the built facades of the layout created by the dwellings and hardstanding areas would create an oppressive outlook for any future residents. This would be unacceptable in terms of the provision of private amenity space and outlook;
- Note that the access to the site appears to be quite tight however the Highways Officer has no objections to the proposal subject to suitable conditions.

In view of the above the Inspector dismissed the appeal on the grounds of the following reasons only:

- The adverse impact on the character and appearance of the area;
- The failure to provide acceptable living conditions for future occupiers of the proposal.

9 ASSESSMENT

Principle of Development

The application site lies within the established settlement of Whittlesey which is characterised as an 'Other Market Town' in policy LP3 where the majority of the district's new housing should take place. The principle of the development is therefore acceptable subject to compliance with other policies of the Local Plan.

Design and layout

The dwellings have been arranged around a central turning area and have all been provided with front garden spaces and there are gaps between the dwellings. Each dwelling is afforded at least one third of the plot as private garden space and at least two parking spaces. The proposal therefore satisfies the previous reasons for refusal and overcomes the concerns raised by the Planning Inspector.

The design of the dwellings and garages and the proposed materials are commensurate with the character of the area.

The outbuildings to be demolished as part of the proposal are of no architectural or historic merit and as such no concerns are raised with regards to their loss.

An area for bin storage has been provided towards the site entrance in order that they can be collected by refuse trucks from the public highway. Future residents will not have to wheel their bins more than 30m in order to be collected thereby satisfying the RECAP Waste Management Guidance.

In view of the above it is considered that the proposal complies with policy LP16 of the Fenland Local Plan.

Access and parking

Access is provided in the same location as the previous application, via Linley Road. The highway safety comments raised by local residents have been noted however highway safety was not identified as an issue by the Planning Inspectorate despite the previous application being for a higher number of dwellings. In addition CCC Highways has made it clear that a reason for refusal on highway safety grounds cannot be substantiated as the access is an acceptable width and the existing wall will be reduced to 600mm for 2m back from the entrance point to allow for visibility.

CCC Highways has requested a series of conditions to ensure the safety of the site in highway terms. These are considered necessary and reasonable and as such it is recommended that they are imposed on any permission given.

The dwellings are each provided with at least two parking spaces which complies with the standards set out in Appendix A of the Fenland Local Plan.

In view of the above it is considered that the proposal complies with policy LP15 of the Fenland Local Plan 2014.

Residential amenities

As per the 'Design and Layout' section of this report it is considered that future occupiers of the site will not suffer from adverse residential amenities.

The single-storey height of the dwellings, their relatively low height and their position in relation to existing properties are such that it is considered that harmful overlooking and overshadowing of neighbouring residential amenity spaces will not occur. The comments raised by a neighbouring resident regarding 'loss of view' have been noted however as this is not a material planning consideration, it can be afforded no weight in the determination of this planning application.

In view of the above it is considered that the application complies with policies LP2 and LP16 of the Fenland Local Plan 2014.

Flood risk

The site is located in flood zone 1 and is therefore in a sequentially preferable area for development in terms of flood risk. The application therefore complies with policy LP14 of the Fenland Local Plan 2014.

Health and wellbeing

The proposal provides adequate residential amenities for future occupiers without harming those of existing residents. The application therefore complies with policy LP2 in respect of Health and Wellbeing.

Economic Growth

The proposal constitutes additional housing stock thereby promoting economic growth in accordance with policy LP6 of the Fenland Local Plan 2014.

Other Matters

The comments raised with regards to there being no right of access past 40 Linley Road are noted. However since Linley Road, up to the turning head at number 49, is an adopted highway the access to the site will remain within the public highway. As such the right of access raises no concerns.

The other issues raised by local residents and the Town Council have been addressed within the body of this report.

Although the garden areas for the dwellings appear small, it is considered that no harm would be caused if the occupiers of the properties opted to exercise their permitted development rights in terms of extensions or free standing buildings. This is due to it being their own choice, with the Local Planning Authority being satisfied that the appropriate amount of private garden space was provided in the first instance. It would however be prudent to restrict the insertion of dormer windows via a planning condition in order that no overlooking of neighbouring private garden areas occurs.

10 CONCLUSIONS

It is considered that the application is an acceptable form of development which overcomes the previous reasons for refusal and as such complies with policies of the Development Plan. It is therefore recommended that planning permission is granted.

11 RECOMMENDATION

F/YR15/0790/F - Grant

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason:

To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason:

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

3. Prior to the first occupation of the development, the vehicular access from Linley Road shall be hard surfaced, sealed and drained away from the highway for 5m wide for a minimum length of 10m from the back edge of the existing public highway.

Reason:

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

4. Prior to the first occupation of the development the existing brick wall, forming the southern boundary of application site, shall be reduced to and maintained at a height not exceeding 0.6m above the level of the highway carriageway for the first 2m from the highway boundary.

Reason:

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

5. Prior to the first occupation of the development the proposed on-site parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

Reason:

To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.

6. Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the public highway. Any access gate or gates shall be hung to open inwards.

Reason:

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

7. No development shall take place within the application site 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 secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan 2014.

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

Reason

To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with policy LP16 of the Fenland Local Plan 2014.

9. The 1.8m high fencing shown on drawing 5113/01E dated 05 October 2015 shall be installed prior to the occupation of any dwelling and shall thereafter be retained in perpetuity.

Reason

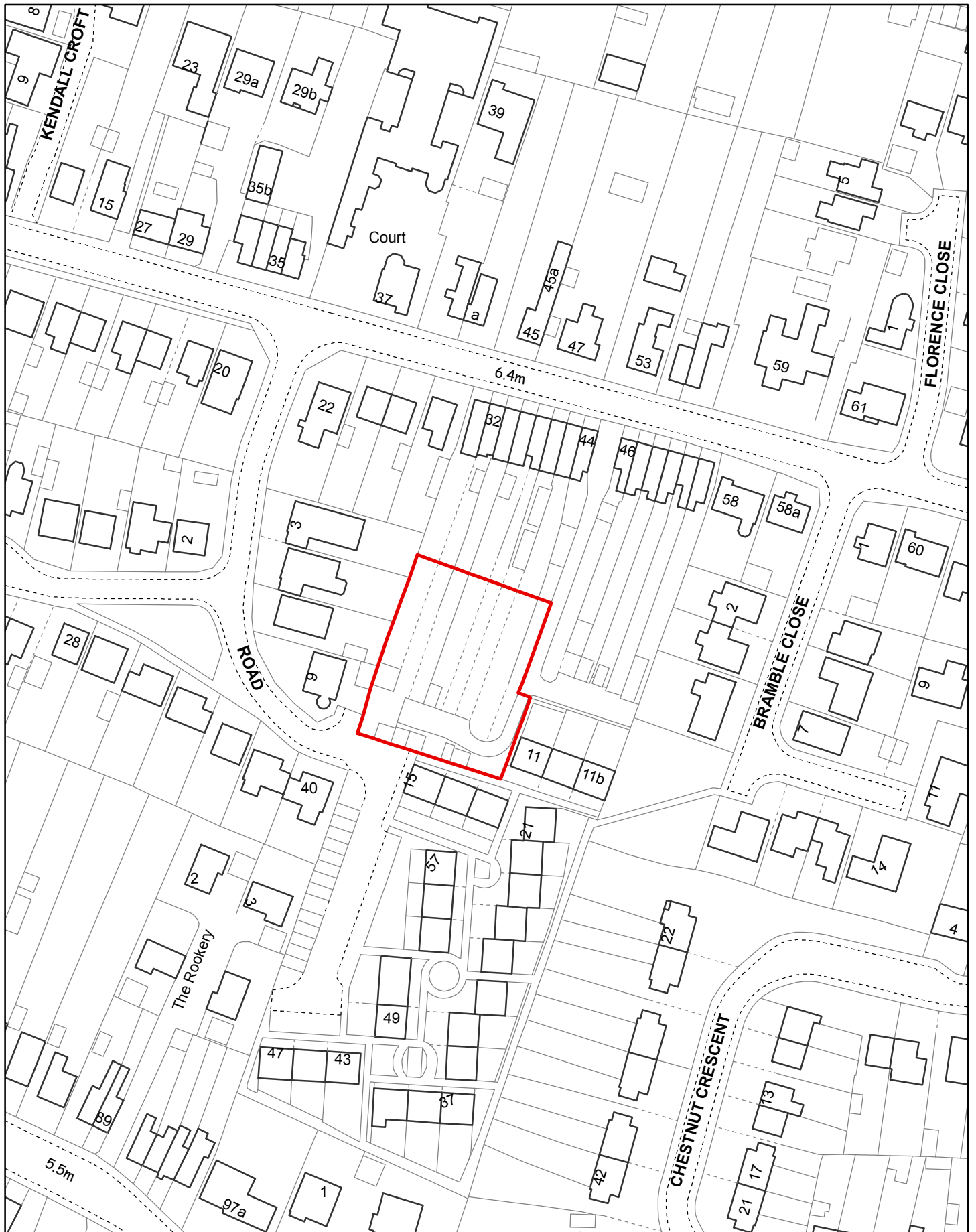
To protect the residential amenities currently enjoyed by existing dwellings in accordance with policy LP16 of the Fenland Local Plan 2014.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no dormer windows shall be erected or constructed without the express grant of planning permission.

Reason: to prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan (Adopted May 2014).

11. Approved plans

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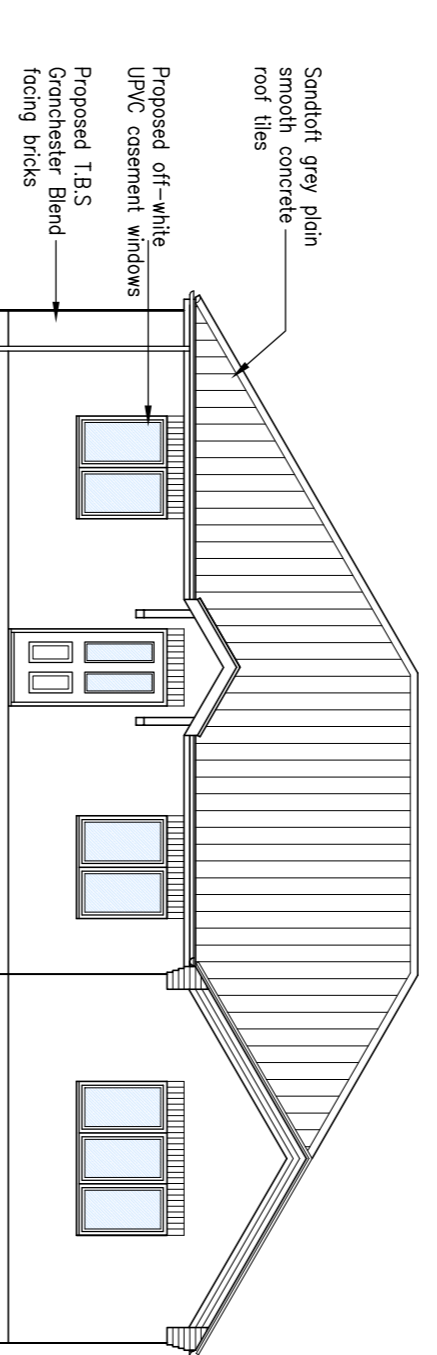
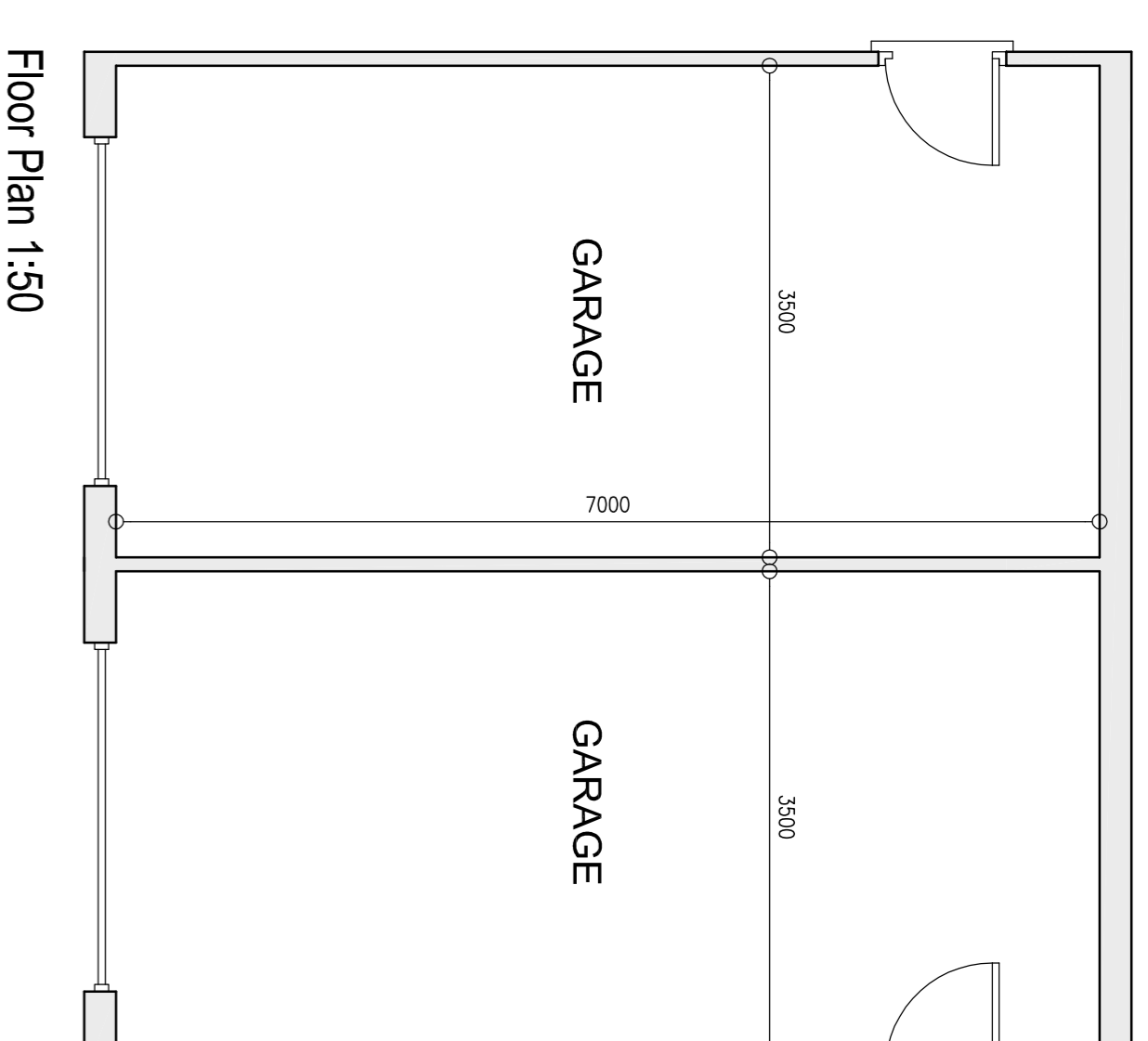
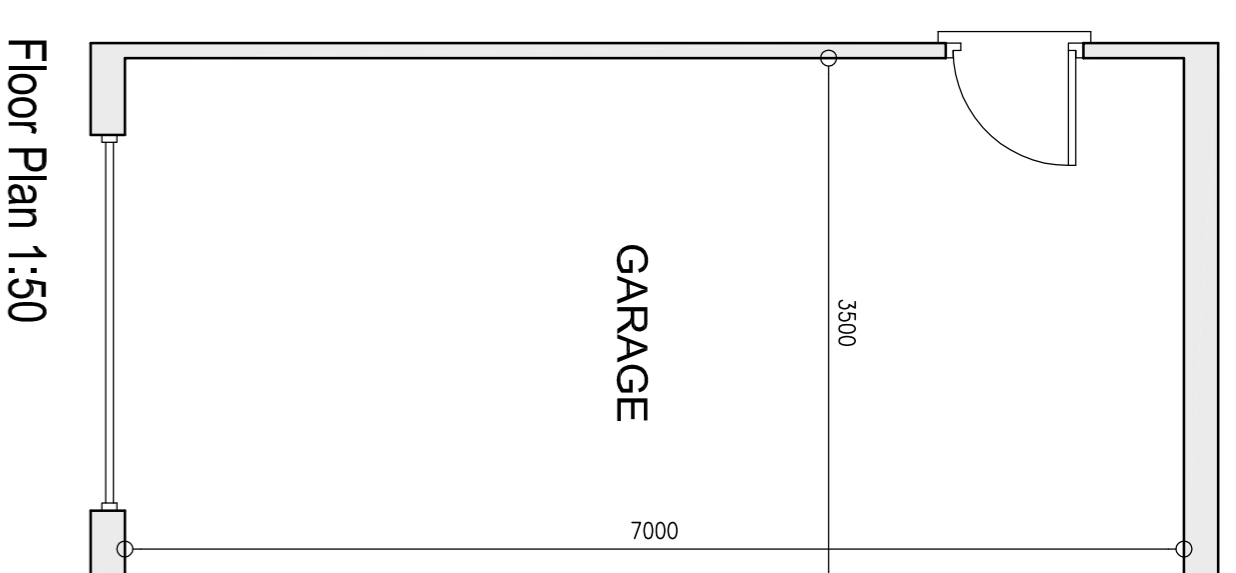
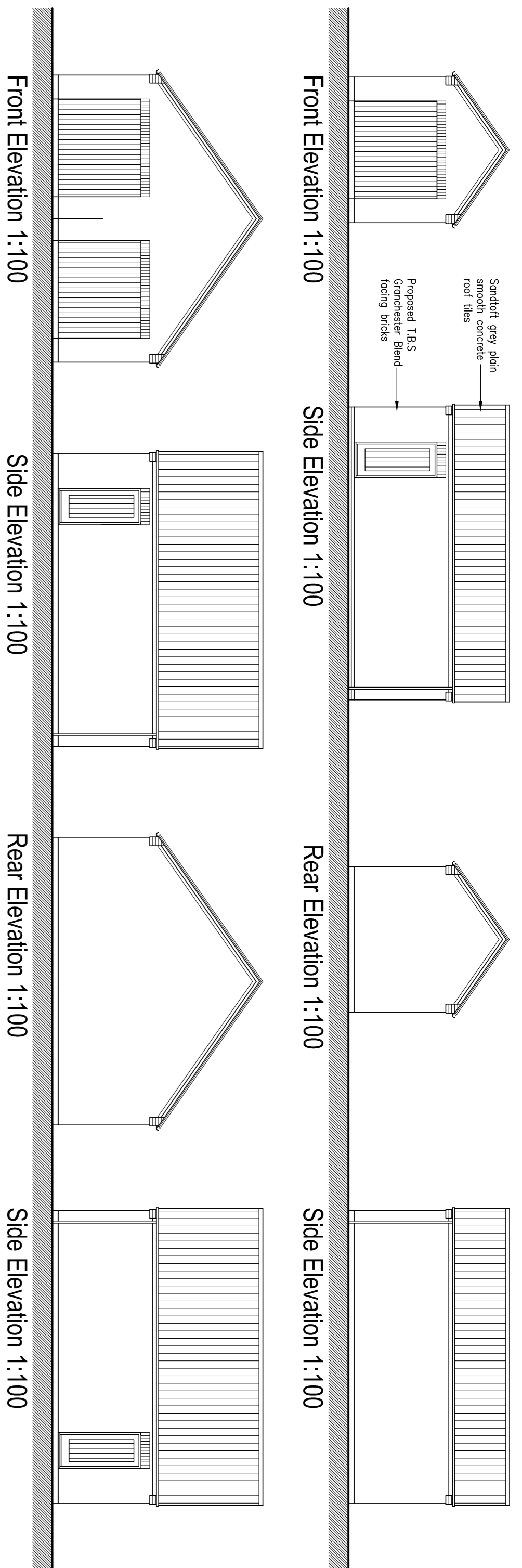
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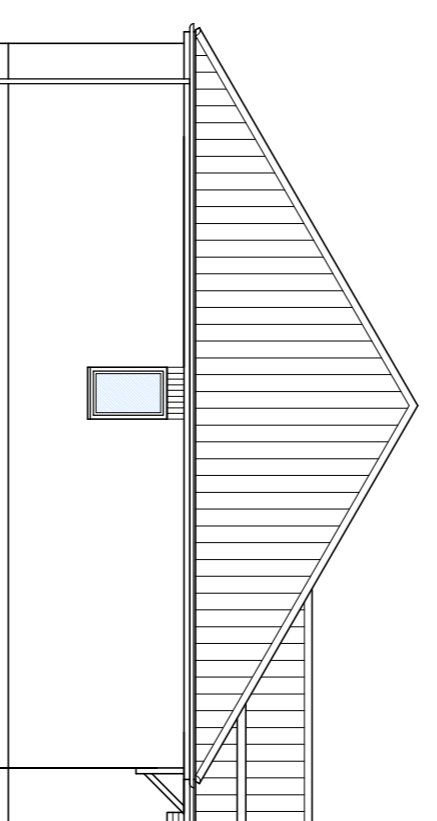
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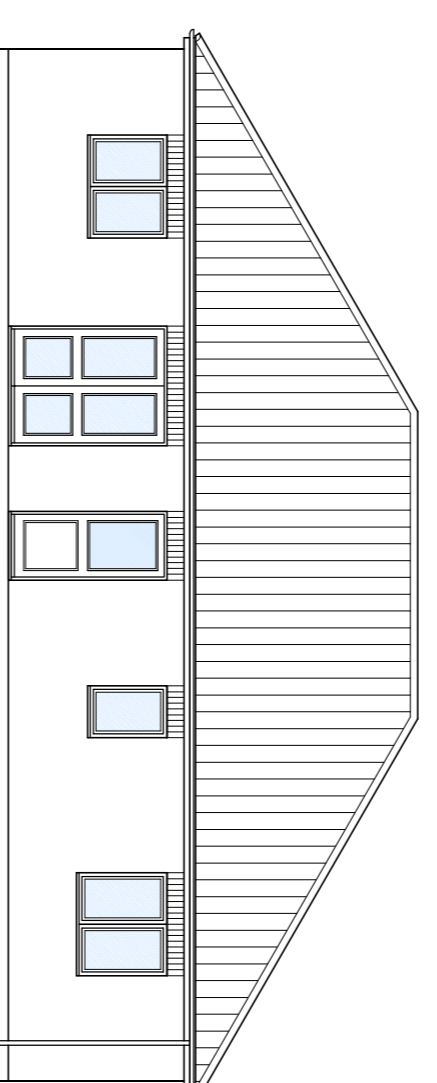
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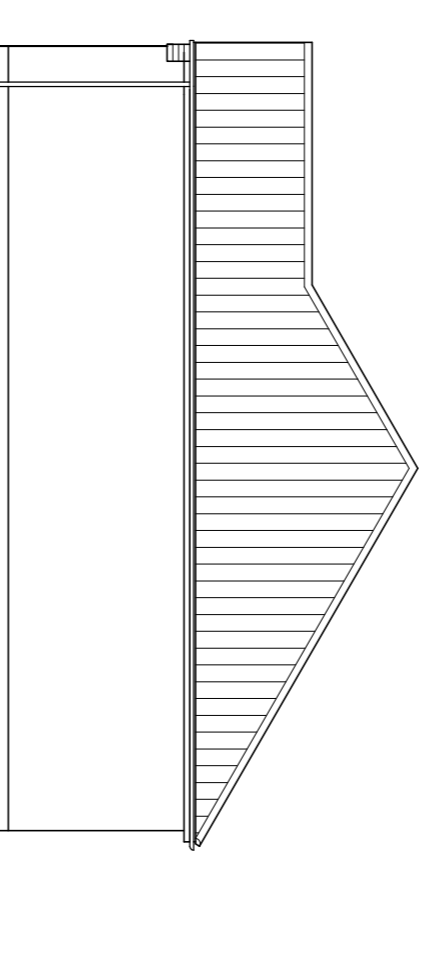
Proposed Front Elevation 1:100



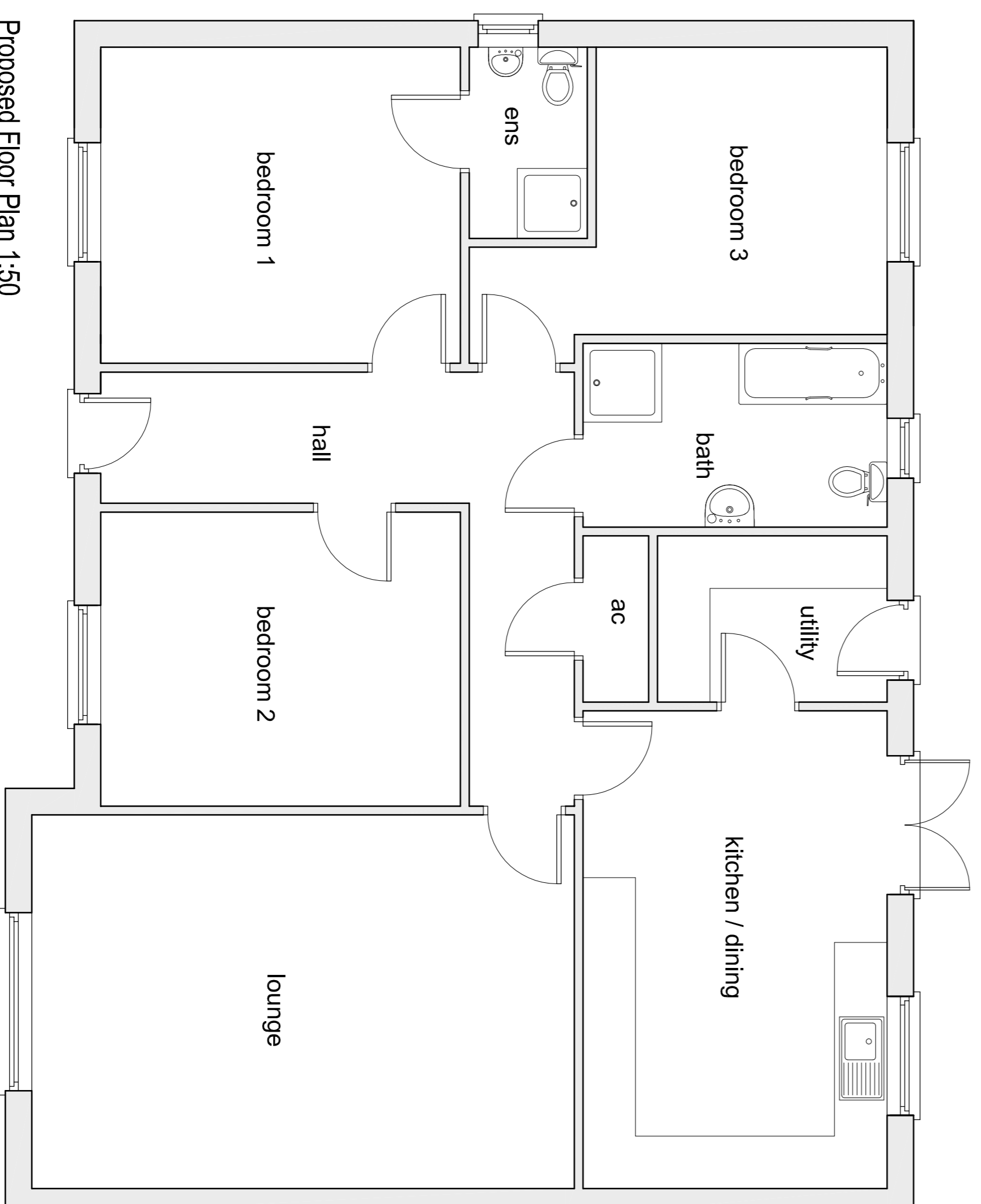
Proposed Side Elevation 1:100



Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100



Proposed Floor Plan 1:50

LANDSCAPING NOTES:

SP SHRUB PLANTING TO INCLUDE:
 BABBERY(BEBBERIS) GLEDER ROSE(VIBURNUM)
 BUDLEIA SANDY(FORSYTHIA X INTERMEDIA LINWOOD)
 C3 FOLIAGE (PHYLLOCLADUS/SINONIA WISHLIUS(WALLENHOFER))

PLANTING SIZE: 40-60cm
 PLANTED AT 750mm c/s

GC: GROUND COVER PLANTS
 COTONEASTER, HOSERONNETUS
 HEDERA, HELIX(LAMINARIA), SPICA
 6 PLANTS PER METRE SQ.

NOTE: Late soil landscape works generally in open weather conditions. Typically mow, dig and mulch. Do not undertake pointing, seeding or watering when the temperature is below 4°C and 10°C, when the ground conditions are dry, in frost or waterlogged ground or in drought.

Planting should be undertaken between November and March when the plants are dormant and planted at centers shown above. Plants should be set at the same root depth as they were at the nursery and should be planted in a 20mm layer of bark mulch (conformer Bark Mulch) which will help to retain moisture and protect the soil during winter. The soil should be watered in after planting.

If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub, or any tree or shrub planted in replacement of any tree or shrub, is found to be dead, damaged or defective, whether the cause of the same is due to natural causes or otherwise, the contractor shall be responsible for the replacement of such tree or shrub at the same species and size as that originally planted or equivalent. The contractor shall be responsible for the cost of any written consent to any variation.



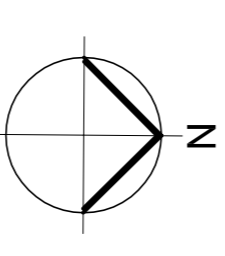
Location Plan 1:1250



Proposed Site Plan 1:500

PLOT CALCULATIONS:

Plot 1 total area = 495.5m ²
Plot 1 total area = 515.0m ²
Actual front garden area = 172.1m ²
Plot 2 total area = 443.5m ²
Plot 2 total area = 463.0m ²
Actual front garden area = 144.85m ²
Plot 3 total area = 492.8m ²
Plot 3 total area = 512.3m ²
Actual front garden area = 142.26m ²
Actual front garden area = 145.00m ²



PLOT 1 & 3 - AS SHOWN
 PLOT 2 - HANDED

Deter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 PROPOSED DEVELOPMENT
 3NO. DETACHED BUNGALOWS WITH GARAGES
 SITE
 LAND EAST OF 3.9
 LINLEY ROAD
 WHITTLESEY
 PE7 1TP

DRAWING
 PROPOSED SITE PLAN
 CLIENT
 Mr L Klimczuk

DATE: July 2015 SCALE: As Shown JOB No: 5113/01E

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