F/YR15/0907/F

Applicant: Kier Living Ltd Agent: Mr Lewis Smith

Robert Doughty Consultancy Limited

Land West Of Cedar Way Accessed From, Grove Gardens, Elm, Cambridgeshire

Erection of 11no 2-storey 4-bed dwellings with garages

Reason for Committee: Due to the number of objections received and the comments of the Parish Council which are at variance with Officer recommendation.

1 EXECUTIVE SUMMARY

This is a full application for the erection of 11 x 2-storey dwellings and garages at land West of Cedar Way in Elm. The site is to be accessed off the existing Grove Gardens estate road. The application site adjoins the main settlement of Elm and is considered to be in a sustainable location close to the village facilities. The key considerations for this application are:

- The principle of development in this location;
- Village Threshold for Elm;
- The design and layout of the development;
- The highway safety implications of the development;
- The impact on existing residential amenity;
- Section 106 requirements and;
- The status of the land as a community asset.

These will be discussed further in the relevant sections of the report below, however to summarise the proposal is considered to be acceptable in principle, design and layout, impacts on residential amenity and highway safety and as such is recommended for approval subject to completion of a Section 106 and relevant conditions.

2 SITE DESCRIPTION

2.1 The site is located to the west of Cedar Way in Elm and is accessed off Grove Gardens. The site adjoins the existing Cedar Way/Grove Gardens developments. The site is bounded to the north and west by Atkinson's Lane. The site adjoins the main village of Elm and is in close proximity to existing facilities including the local school. The site itself comprises grassed land and is located within Flood Zone 1.

3 PROPOSAL

3.1 This application seeks full planning permission for 11 x 2-storey 4-bed dwellings with garages. They will be sited predominantly along the eastern side of the site with plots 9, 10 and 11 extending west. The dwellings are all proposed to be detached. Each dwelling has 2 parking spaces proposed and a single garage, with a private amenity space to the rear of each dwelling. The dwellings will either be

- served by an individual driveway or shared driveway serving a maximum of 3 properties off the proposed estate road.
- 3.2 In design terms the dwellings will all be 2-storey with front porch features and internal chimneys. The dwellings have been designed to complement each other, whilst retaining a variety in design features, such as porch design and window arrangements, to add interest to the street scene. The dwellings will have gable ends at the side elevations and will have eaves heights of approximately 5.2m and a ridge height of 7.7m.
- 3.3 Full plans and associated documents for this application can be found at: https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=NVJPEPHE01U00

4 SITE PLANNING HISTORY

F/YR15/0514/F	Erection of 5 x 2-bed and 15 x 4-bed 2-storey dwellings with garages Land West Of Cedar Way Accessed From Grove Gardens Elm	Refused	10/09/2015
F/YR04/4031/F	Removal of Condition 10 of planning permission F/YR02/0372/F (Erection of 45 houses) and Condition 09 of F/YR03/0379/F (Erection of 7 dwellings): No dwelling shall be occupied until a zebra crossing has been provided on Friday Bridge Road close to the southern boundary of the site the exact position of which must be agreed in writing by the Local Planning Authority after consultation with the Local Highway Authority Land South And West Of Glenholm, Main Road, Elm, Wisbech,	Withdrawn	22/11/2004
F/YR03/1525/F	Erection of a 4-bed detached house with detached garage and store Plot 45 Land South And West Of Glenholm Main Road Elm Wi	Granted	02/04/2004
F/YR02/0372/F	Erection of 45 houses and garages comprising 7 x 6-bed detached; 26 x 4-bed detached; 4 x 3-bed detached and 8 x 3-bed semi-detached together with public open space estate roads and 0.4 ha. for community use Land South And West Of glenholm Main Road, Elm, Cambs	Approved	20/05/2003
F/YR03/0379/F	Erection of 7 dwellings comprising; 1 x 4-bed detached house 1 x 3-bed detached bungalow 2 x 3-bed semi-detached houses and 3 x 2-bed terraced houses Land South And West Of glenholm Main Road, Elm, Cambs	Approved	15/05/2003
F/YR01/1103/O	Residential development (2.5 ha) Land South And West Of glenholm Main Road, Elm, Cambs	Withdrawn	18/01/2002
F/93/0211/O	Erection of 63 houses (6.4 acres) and provision of 0.75 acre public open space West Of Main Road, Elm, Cambs	Refused	04/03/1996
F/92/0285/O	Erection of 63 houses (6.4 acres) West Of Fridaybridge Road, Elm, Cambs	Withdrawn	- n/a -
F/1726/88/O	Erection of 70 houses and provision of 0.75 acre public open space Land Off Fridaybridge Road North Of, Sywell Grove, Elm, Wisb	Granted	06/06/1989
F/0258/88/O	Residential Development Land Off Fridaybridge Road North Of, Sywell Grove, Elm, Wisb	Refused	13/04/1989
F/1065/85/O	Residential Development	Dismissed on appeal	16/09/1986
	Land Off Fridaybridge Road North Of, Sywell Grove, Elm, Wisb		

5 CONSULTATIONS

5.1 Parish Council:

Object on the grounds of overdevelopment, insufficient off-street parking and that the site is subject to a legal agreement for it to be used as community land.

5.2 CCC Highways:

Requires conditions relating to a construction management plan, parking and turning provision and retention, details of the future maintenance and management of the streets, details of the roads, footways and foul and surface water drainage and access construction.

5.3 Cambs Police Architectural Liaison:

No comments in relation to crime prevention and fear of crime and no objections to the proposal.

5.4 Anglian Water:

Require an informative to be included in relation to nearby Anglian Water assets. There is capacity within the existing foul drainage and sewerage systems.

5.5 FDC Housing Strategy:

Would anticipate the provision of 3 dwellings on site of a tenure mix of 2 dwellings as affordable rented and 1 dwelling as intermediate tenure.

5.6 CCC Lead Local Flood Authority:

Further comments are awaited.

5.7 NHS England:

No objections and no requirements for a financial contribution from this development.

5.8 FDC Environment and Leisure:

No objection in principle. The road surface will require construction to comply with gross vehicle weights of up to 26 tonnes and be adopted. Each property will be required to accommodate 3 wheelie bins and would need to be presented at the curtilage of the public highway, residents should not be required to pull or carry waste more than 30m.

5.9 Middle Level Commissioners:

Will be commenting. (However no further comments received).

5.10 Natural England:

No comments received.

5.11 CCC S106:

Requires primary school and strategic waste contributions from the development.

5.12 FDC Conservation Officer:

No objections. It is not considered that there is a tangible heritage issue affecting this application.

5.13 FDC Environmental Health:

No objections in terms of air quality or the noise climate. Due to the existing dwellings consideration as to the effects of construction noise and dust will be needed and measures to control and mitigate these.

5.14 Local Residents/Interested Parties

Objectors

9 letters of objection received concerning (in summary):

- · Loss of light to existing homes and gardens;
- Concerns over noise and air pollution from the development which could impact on existing medical conditions;
- Concerns over the location of the turning head near existing fencing;
- Access concerns and an increase in traffic using the estate roads;
- The land is intended for community use and provides enjoyment for dog walkers and children;
- There has been no public consultation;
- A new play area has been provided at the expense of Elm PC yet the developers have offered nothing.
- Concerns of the existing and future impacts on Atkinson's Lane which is a public road and requires reinstatement.
- The development contravenes the Local Plan Policies for Elm.
- The development would result in overdevelopment of the village;
- There is a lack of community infrastructure school, road network, medical facilities;
- LP12 allows for no more than a 10% increase in residential properties and should be carried out over a 20 year period rather than all in one go.
- Kier will not be able to obtain approval of the residents;
- Safety concerns, children play on the estate and may try and access the building site for playing;
- Concerns over damage to the roads during construction;
- How will the existing residents benefit from the development, how will the impact on Grove Gardens and Cedar Way be managed and how will the children be accommodated;
- Loss of open views from existing properties;
- Loss of peace and quiet;
- Traffic on the estate is busy at times and sometimes it is difficult to access existing properties;
- Visual impact;
- Overlooking.

6 POLICY FRAMEWORK

6.1 National Planning Policy Framework (NPPF)

Paragraph 14: A presumption in favour of sustainable development;

Paragraph 17: Core planning principles;

Section 6: Delivering a wide choice of high quality homes;

Section 7: Requiring good design;

Section 8: Promoting healthy communities;

Section 11: Conserving and enhancing the natural environment.

6.2 National Planning Policy Guidance (NPPG)

Design

Health and Wellbeing

6.3 Fenland Local Plan 2014

LP1: A presumption in favour of sustainable development;

LP2: Facilitating health and wellbeing of Fenland residents;

LP3: Spatial strategy, the settlement hierarchy and the countryside;

LP4: Housing;

LP5: Meeting housing need

LP12: Rural areas development policy;

LP13: Supporting and mitigating the impact of a growing District;

LP15: Facilitating the creation of a more sustainable transport network in Fenland;

LP16: Delivering and protecting high quality environments across the District;

LP19: The natural environment.

6.4 SPD: Delivering and Protecting High Quality Environments in Fenland (July 2014)

DM2: Natural Features and Landscaping Schemes;

DM3: Making a positive contribution to local distinctiveness and character of the

area;

DM4: Waste and recycling facilities;

DM6: Mitigating against harmful effects.

7 KEY ISSUES

- Principle of Development
- Village Thresholds
- Design and Layout
- Impacts on Residential Amenity
- Highway Safety
- Section 106 Requirements
- Loss of Community Land
- Health and wellbeing
- Economic Growth
- Other Matters

8 BACKGROUND

8.1 This application follows a previous refusal for 20 dwellings on this site which is currently being considered by the Planning Inspectorate at Appeal (ref: F/YR15/0514/F). This was refused on the grounds of the village thresholds being breached and the failure to complete a Section 106. The current position in terms of village thresholds for Elm is discussed below.

9 ASSESSMENT

Principle of Development

9.1 Policy LP3 provides that the majority of housing growth will be in and around the market towns. Paragraph 3.3.10 of the Local Plan states this is to steer most new development to those larger places that offer the best access to services and facilities. This can help reduce the need to travel, as well as making best use of existing infrastructure.

- 9.2 Policy LP3 allows for a small amount of development in limited growth villages, although of a considerably more limited scale than that appropriate to market towns or growth villages. Elm is identified as a limited growth village in the Fenland Local Plan. Therefore, the principle of development may be acceptable, subject to consideration against Policy LP12 Part A.
- 9.3 Policy LP12 Part A sets out that any proposal will need to satisfy all of the criteria (a) (k). The proposal is considered to comply with these criteria because the site adjoins the main settlement, would not result in coalescence with neighbouring villages, would not have an adverse impact on the surrounding countryside, is of a scale and in a location in keeping with the surroundings and would not extend any linear features of the settlement or result in ribbon development.

Village Thresholds

- 9.4 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a limited growth village by 10% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the relevant Parish Council.
- 9.5 The most recent village threshold figures (6th April 2016) show that Elm has capacity for 73 additional dwellings before the 10% threshold is breached, and as of 6th April there had been 44 dwellings committed or built. As such, Elm is under threshold and this would not be breached by the 11 dwellings proposed by this application. As such the proposal does not require a community consultation exercise and complies with this part of LP12 Part A.

Design and Layout

- 9.6 The proposal will introduce 11 new dwellings into the site which will be accessed off the existing estate road of Grove Gardens. The dwellings on Plots 1 8 have been designed to be sited to the west of the existing Cedar Way development with Plots 9 11 located further into the site. Each dwelling is proposed to be detached and will all have individual private rear gardens which meet the requirements of LP16. The layout of the proposed development continues the form and character of the existing residential estate to the east and north. It is considered that there is sufficient separation between existing and proposed dwellings was well as between the proposed dwellings themselves, and all of the dwellings have been sited to minimise the potential for overlooking or overbearing impacts. The proposed layout is therefore considered to be acceptable and complies with the provisions of Policies LP12 and LP16 of the Local Plan.
- 9.7 In design terms the development will introduce 2 storey dwellings which reflect the design features and details of the surrounding developments. The dwellings themselves are relatively simple in design with porch and chimney detailing to add interest. The proposed materials are a mix of Surrey Cream Multi roof tiles, Ibstock Reigate Medium Multi tiles, Marley Antique Brown and Marley Anglia Old English Dark Red bricks. The proposed materials and design of the dwellings are considered to be acceptable in visual amenity terms and would not have an adverse impact on the surrounding area. As such the design is considered to be acceptable also and complies with LP12 and LP16.

Impacts on Residential Amenity

- 9.8 The proposal will introduce new development adjacent to existing dwellings and as such due consideration must be given to the impacts on the residential amenities of these properties, as well as the occupiers of the new properties. It is considered that the proposed layout results in adequate separation from existing properties so as not to result in any significant harm from overlooking, loss of privacy or overbearing effects. The layout achieves approximately 24 28.5m back to back distances between the proposed dwellings on plots 2 5, with garage blocks on the site boundaries in places which will further reduce any loss of privacy in these areas. Plot 1 has an approximate distance of 3m between the proposed side elevation and the side elevation of 20 Grove Gardens and similarly Plot 6 achieves 3.5m between side elevations with 16 Cedar Way. These distances are considered to be acceptable in terms of the form and character of the estate development and the potential impacts on residential amenities of existing residents.
- 9.9 As well as the buildings themselves, consideration has been given to the impacts on the amenities of nearby residents during the construction period. It is noted that access to the site will be via the existing estate road, which will run between existing properties at the access point, 18, 19, 20 and 21 Grove Gardens. These dwellings are set back from the road by approximately 6.5 8m and therefore, whilst there will be additional traffic during the construction period and once the dwellings are occupied this is not considered to result in a significant impact on the amenities of these properties. It is also proposed to impose a condition requiring a construction management plan to be submitted prior to any works commencing on site to ensure that all construction work and access to and from the site during this period is done in a controlled manner to minimise disruption on adjoining residents.

Highway Safety

9.10 The proposal will be accessed off Grove Gardens and whilst it is noted some of the objections relate to concerns over the impact of additional traffic and existing and future on street parking, each dwelling is proposed with the required amount of parking which should serve to minimise any on street parking resulting from the development. The proposal has been assessed by the Local Highway Authority in relation to the highway safety aspects of the proposal and they raise no objections subject to the inclusion of conditions to ensure that the development remains acceptable in highway safety terms for its lifetime. It is not considered that the introduction of 11 dwellings would significantly increase the traffic movements to and from the site and therefore is unlikely to result in an adverse impact on highway safety and the use of the existing road networks. The proposal is therefore considered to comply with LP15 in highway safety terms.

Section 106 Requirements

- 9.11 It is noted that some of the objections relate to the lack of infrastructure for the development This application is subject to a Section 106 agreement for contributions towards Affordable Housing, Education and public open space. The site has been the subject of a viability assessment and further details relating to this will be updated to Members. The Section 106 agreement is ongoing and approval of the development will be subject to the completion of this agreement to the satisfaction of all parties.
- 9.12 It has been confirmed by the NHS that they do not require any contribution for further healthcare provision resulting from this development.

Loss of Community Land

9.13 It has been noted by the Parish Council that part of the land to be developed formed part of a parcel of land that was gifted to the community as part of the original application for the Grove Gardens estate (Ref: F/YR02/0372/F). This formed part of the Section 106 for this development however was not the formal open space required as part of the development. The area of gifted land is not shown on the plans as to be developed on and it is the intention of the developer that this will be retained as community land. As such there will be no loss of community land, nor access to it, as a result of this development. As such the proposal complies with LP2 in this regard.

Health and wellbeing

9.14 Policy LP2 of the Local Plan seeks to ensure that development proposals should positively contribute to healthy, safe and equitable living environments by creating the right and sufficient mix of homes, building homes that are easy to warm and safe from flooding, and promoting high levels of residential amenity. This development is considered to comply with the provisions of LP2 in terms of health and wellbeing.

Economic Growth

9.15 This development will result in 11 new dwellings for Fenland's Housing Stock as well as providing local employment opportunities during the construction period. The proposal therefore contributes to the economic growth of the district and complies with Policy LP6.

10 CONCLUSIONS

10.1 The proposal has been assessed against the relevant local and national planning policies. It has been found to comply with the policies in relation to the principle of development, village thresholds, design, layout, residential amenity, impacts on the surrounding area and highway safety. As such the proposal is recommended for approval subject to the completion of a Section 106 Agreement and relevant conditions.

11 RECOMMENDATION

Grant subject to:

- (i) Completion of Section 106 Agreement
- (ii) Conditions
- 1. The development 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. Prior to the first occupation of the development hereby approved the permanent space shown on the plans hereby approved to be reserved on the site to enable vehicles to:
 - 1. enter, turn and leave the site in forward gear
 - 2. park clear of the public highway,

shall be levelled, surfaced and drained and thereafter retained for no other purpose in perpetuity.

Reason - In the interests of highway safety and residential amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014.

- 3. No works shall commence on site until such time as a Construction Management Plan shall be submitted to an approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not exclusively), the following:
 - Haul routes to and from the site:
 - Hours of on-site working;
 - Parking, turning and loading/unloading areas for all construction/contractors vehicles;
 - Site compounds/storage areas;
 - Temporary access points;
 - Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction;
 - A noise management plan including a scheme for the monitoring of construction noise;
 - A scheme for the control of dust arising from building and site works;
 - Details of remedial measures to be taken if complaints arise during the construction period;
 - Details of a construction phase plan, including a construction methodology for the access off Grove Gardens and how access will be maintained to Nos. 19 21;
 - Pedestrian and cyclist protection; and
 - Any proposed temporary traffic restrictions.

Thereafter the details shall be implemented in accordance with the approved plan.

Reason - In the interests of highway safety and residential amenity in accordance with PolicyLP15 and LP16 of the Fenland Local Plan 2014.

4. No development shall commence on site until such time as details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan, 2014.

5. No development shall commence on site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure satisfactory development of the site and a satisfactory Standard of highway design and construction in

accordance with Policy LP15 of the Fenland Local Plan, 2014.

6. Prior to the first occupation of any dwelling the road(s) and footway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and satisfactory development in accordance with Policy LP15 of the Fenland Local Plan, 2014.

7. Notwithstanding the submitted plans, no development shall commence on site until such time as further details have been submitted and approved in writing by the Local Planning Authority detailing surface finish, levels, drainage and construction for the vehicular access link off of Grove Gardens. These works should then be implemented prior to first occupation in accordance with Cambridgeshire County Council's Construction specification.

Reason: In the interest of Highways safety in accordance with Policy LP15 of the Fenland Local Plan, 2014.

8. All accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the proposed public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority before any works are commenced on site.

Reason: To prevent surface water discharging to the highway in accordance with Policy LP15 of the Fenland Local Plan, 2014.

- 9. No development shall commence on site until such time as full details of details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently these works shall be carried out as approved. The landscaping details to be submitted shall include:
 - a) Hard surfacing and other hard landscape features and materials;
 - b) Existing trees, hedges or other soft features to be retained;
 - c) Planting plans, including specifications of species, sizes, planting centres number and percentage mix;
 - d) Details of planting or features to enhance the value of the development for biodiversity and wildlife;
 - e) Management and maintenance details.

Reason: The landscaping of this site is required in order to protect and enhance the existing visual character of the area in accordance with Policies LP16 and LP19 of the Fenland Local Plan, 2014.

10. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.

11. No development shall commence on site until such time as details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason - In the interests of visual amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.

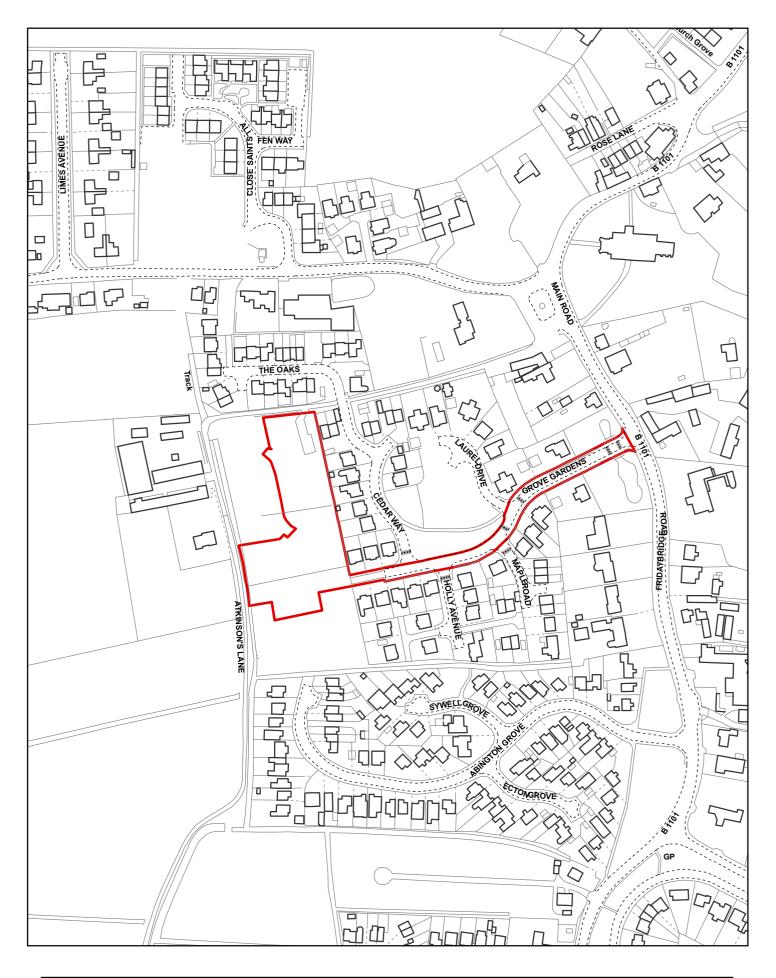
12. No development shall commence on site until such time as a scheme and timetable for the provision and implementation of foul and surface water drainage has been submitted and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time as may be specified in the approved scheme and thereafter retained in perpetuity.

Reason: To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of flooding in accordance with Policy LP16 of the Fenland Local Plan, 2014.

13. No development shall commence on site until such time as a refuse strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented in full upon first occupation of the dwellings and thereafter retained in perpetuity.

Reason: To ensure a satisfactory form of refuse collection in accordance with Policy LP16 of the Fenland Local Plan, 2014.

14. Approved Plans.



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CAMBRIDGES HIRE
Fenland District Council

