
F/YR16/1170/O

Applicant: Mr J Blake

**Agent : Mr Grahame Seaton
Grahame Seaton Design Ltd**

CFC Disposals Limited, Upwell Road, Christchurch, Wisbech

Erection of up to 16no dwellings (Outline with matters committed in respect of access)

Reason for Committee: The Officers recommendation is contrary to Christchurch Parish Council's.

1 EXECUTIVE SUMMARY

The application seeks outline planning permission for the residential development of the site for up to 16 dwellings. The application is in outline with only access committed.

The site lies in the settlement of Christchurch and comprises a brownfield site currently in use for the recycling of 'white goods'.

The site is considered capable of being developed without harming neighbouring residential amenity subject to careful design at reserved matters stage and subject to contaminated land remediation. In addition, the development would remove a non-conforming use of the land when considered against the adjacent residential uses.

The development would place burdens on local infrastructure which would be required to be mitigated through financial contributions and the provision of affordable housing or a contribution towards off-site delivery. The applicant has not entered into a S106 agreement to mitigate the impacts of the development and no justification has been provided for this by way of a viability assessment.

Whilst there are clear benefits that weigh in favour of the scheme in terms of housing delivery and removal of a non-conforming use, the unmitigated infrastructure demands arising from the development, contrary to LP5 and LP13, weigh against the development.

It is considered that the benefits do not outweigh this policy conflict and the application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 This application relates to a 0.8 hectare site located on the eastern side of Upwell Road on the northern edge of the village of Christchurch. The site is currently occupied by CFC Disposals who refurbish and recycle various 'white Goods'. There is existing vehicular access off Upwell Road serving the business activity. There are a variety of 6 commercial buildings on the site with considerable amount of open storage. The site is considered to be a brownfield location. To the south is a detached dwelling known as 'Richden.' To the north and east of the site is open countryside.

3 PROPOSAL

- 3.1 The application is in outline for up to 16 dwellings and the position of an access off Upwell Road. Matters of layout, scale, appearance and landscaping are reserved for future consideration. The application includes an indicative plan that seeks to demonstrate that 16 dwellings could reasonably be accommodated on the site.
- 3.2 The application includes the following supporting documents:
- Design And Access Statement;
 - Flood Risk Assessment
 - Amended Surface Water Strategy
 - Ground Condition Desk Study and Risk Assessment.
- 3.3 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

F/YR07/0292/F	Stationing of a residential caravan (renewal of planning permission F/YR04/3008/F)	Granted	05/01/2007
F/YR04/3008/F	Continued use of land for stationing of a residential caravan	Granted	13/04/2004
F/95/0557/F	Erection of 2-storey building for ground- floor retail and offices and first-floor dwelling; cladding and elevational alterations to existing storage/repair building and associated works to forecourt	Granted	24/01/1996
F/92/0091/F	Use of land and buildings for Use Classes A1 (Shops) B1 (Business) B2 (General Industrial) B4(c) (recovering metal from scrap) and B8 (Storage) including recovery of CFCs from redundant refrigerators/freezers	Granted	15/09/1992
F/0566/84/F	Erection of a Volvo tractor servicing and sales building with associated vehicle sales storage and display areas		23/08/1984

5 CONSULTATIONS

5.1 Christchurch Parish Council

Does not object but highlights concern regarding the indicative plan indicating houses forward of the building line, and refer to some existing trees on the site. Also highlights issues of street lighting and recreational infrastructure needs.

5.2 The Environment Agency

Refers to its advice regarding contamination which is included as an informative. The agency has no objection.

5.3 CCC Lead Flood Authority (LLFA)

Originally objected but following updated information submitted by the applicant demonstrating the approximate required attenuation storage volumes and an indicative location for attenuation the LLFA no longer objects subject to conditions.

5.4 Cambridgeshire Fire and Rescue,

Requests adequate provision for Hydrants via a legal agreement.

5.5 **FDC Environmental Services Waste Management**

Highlights the need to provide appropriate waste collection facilities and a planning condition is attached.

5.6 **FDC Housing**

Considers an affordable housing contribution equivalent to four dwellings in accordance with the Local Plan policy.

5.7 **CCC Local Highways Authority (LHA).**

Advises that the new access road should be constructed to an adoptable standard. The road should be a minimum of 5m wide with 2m wide footways either side. Alternatively the access road should be a 5.5m wide shared surface road with 0.5m wide margins. With this arrangement the access should be in accordance with appendix 7 of Cambridgeshire County Councils Housing Estate Road Construction Specification 2013.

Requests that a 30mph speed limit throughout the application site potentially by legal agreement.

Vehicle to vehicle visibility splays should be detailed on the plan as 2.4m x 120m with no obstruction over 0.6m at the intersection with Upwell Road.

5.8 **Cambs Police**

Raises no objection. Considers this to be an area of low vulnerability to crime. Advises they would be happy to discuss Secured by Design and measures to mitigate against crime and disorder should the application be successful.

5.9 **Local Residents/Interested Parties**

No comments received

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 **National Planning Policy Framework (NPPF)**

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 127: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

Paragraphs 34, 54-57: Planning conditions and obligations.

7.2 National Planning Practice Guidance (NPPG)

Viability

7.3 Fenland Local Plan, 2014 (FLP)

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

LP6: Employment, tourism, community facilities & retail

LP13: Supporting and Mitigating the Impact of a Growing District

LP14: Climate Change and Flood Risk

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

7.4 Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- Principle of Development
- Highway Safety
- Ground Contamination
- Residential amenity
- Economic Growth
- Infrastructure Contributions

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 considers Christchurch to be a 'Small Village' where development will be considered on its merits but will normally be of a very limited nature normally limited in scale to residential infilling. A development of 16 dwellings is not small in scale or of an infilling nature. However this development is brownfield in character and will result in the redevelopment of something of a discordant element in this otherwise quiet rural village. Development of this site will not result in a change to the settlements built footprint, and will not lose green fields or agricultural land and replace a somewhat unsightly piece of land. It is considered that a satisfactory design is likely to enhance the character of the area capable therefore of according with LP16(d). Therefore the merits of this proposal are considered to outweigh considerations of scale and accord with sustainable objectives set within the NPPF.

Highway Safety

- 9.2 The key details are required to be provided by condition. The point of access is considered to be acceptable located on a straight section of Upwell Road. The applicant has confirmed that the appropriate visibility can be provided.
- 9.3 The request for a 30 mph speed limit to a cul-de-sac approximately 150 in length is not considered to be reasonable. Built up areas that have no other speed limits are assumed to be 30mph. To require a legal agreement is not considered necessary which therefore fails the test contained within the CIL Regs.
- 9.4 The Highway Authority raises no other objection. The proposal is therefore considered capable of complying with Policy LP15.

Ground Contamination.

- 9.5 The site has a history of commercial uses including use of petrol pumps therefore underground storage tanks, and has recently stored white goods with potential contamination issues. The applicant has submitted a desktop study and risk assessment considered acceptable by the Council's Environmental Health Officer. However a more detailed invasive survey is required including soil tests and identification and mitigation of any underground fuel tanks, to ensure the site is safe for occupation. This is included by planning condition prior to commencement of the development. Subject to the findings appropriate mitigation will be required. Therefore the scheme is considered capable of according with policy LP16(l).

Residential amenity

- 9.6 There is a single detached dwelling abutting the site. There is a commercial building that currently abuts the side boundary with the house in a perpendicular juxtaposition. Any development of houses will need to address the relationship as regards impact on privacy particularly the immediate rear garden of the existing house. The indicative layout suggests rear gardens of only 7 metres in this area. It maybe that a detailed submission would benefit from single-storey properties in this position in order to negate any overlooking issues. However this would be a matter for detailed consideration. It is considered that the site is capable of providing 16 dwellings in a satisfactory manner and therefore is capable of complying with Policy's LP2 and LP16(e).

Economic Growth

- 9.7 A development of this nature is likely to result in some short term economic benefits during construction.

Infrastructure contributions.

- 9.8 The applicant is required to provide the following:
- 9.9 Open space contributions taken from FDC's Supplementary Planning Document, Developer Contributions.

• Neighbourhood Parks	£ 3,200
• Childs Play	£ 3,200
• Natural Greenspace Total	£ 4,000
• Allotments	£ 800
• Outdoor sports	£ 6,400
<u>Total</u>	<u>£17,600</u>

- 9.10 Following the Parish Council comments it is considered that contributions can be towards some extra equipment. It therefore seems entirely appropriate to combine Childs Play and outdoor sport towards Christchurch Parish Council's upgrade of play/sports equipment.
- 9.11 A Secondary School contribution £38,333 per child. The proposal, if built to 16 dwellings, would result in 4 places.
- 9.12 Affordable housing, can either be provided as 4 dwellings, (3 rented, 1 shared ownership) based on 16 houses, or as an off-site contribution of 55% of Open Market Value (OMV) for a rented dwelling and 65% of OMV for a shared ownership dwelling.
- 9.13 The applicant has advised that they do not consider that the site is viable to provide any infrastructure contributions in view of the costs involved in remediating the site in preparation for a residential use.
- 9.14 Policy LP13 states that planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Developers will either make direct provision or make a contribution towards this infrastructure.
- 9.15 The Council expects development to deliver affordable housing in-line with the targets set out in LP5 but will negotiate with developers is an accurate viability assessment indicates these cannot be met in full.
- 9.16 The matter of viability is a material consideration in the determination of a planning application and the LPA recognises the need to balance infrastructure viability issues with the benefits of bringing forward development. However, paragraph 57 of the NPPF sets out that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs.
- 9.17 The Officers have worked proactively with the applicant in providing time to undertake a viability assessment of the scheme and submit this for the Council to appraise. However, the applicant has not provided any such assessment and therefore Officers are unable to apportion any weight to the viability issues the applicant claims.

10 CONCLUSIONS

- 10.1 This application is for the principle of up to 16 dwellings and the point of access only. The site is within the built settlement of Christchurch a Small Village in the Council's Settlement Hierarchy where only small scale development is normally permitted. The proposal is not a small scale or infilling development. However it will result in development of a brownfield site and is considered capable of having no detriment to the character of the settlement.
- 10.2 The site is considered capable of being developed without harming neighbouring residential amenity although careful design on properties abutting the existing neighbour needs to be given.

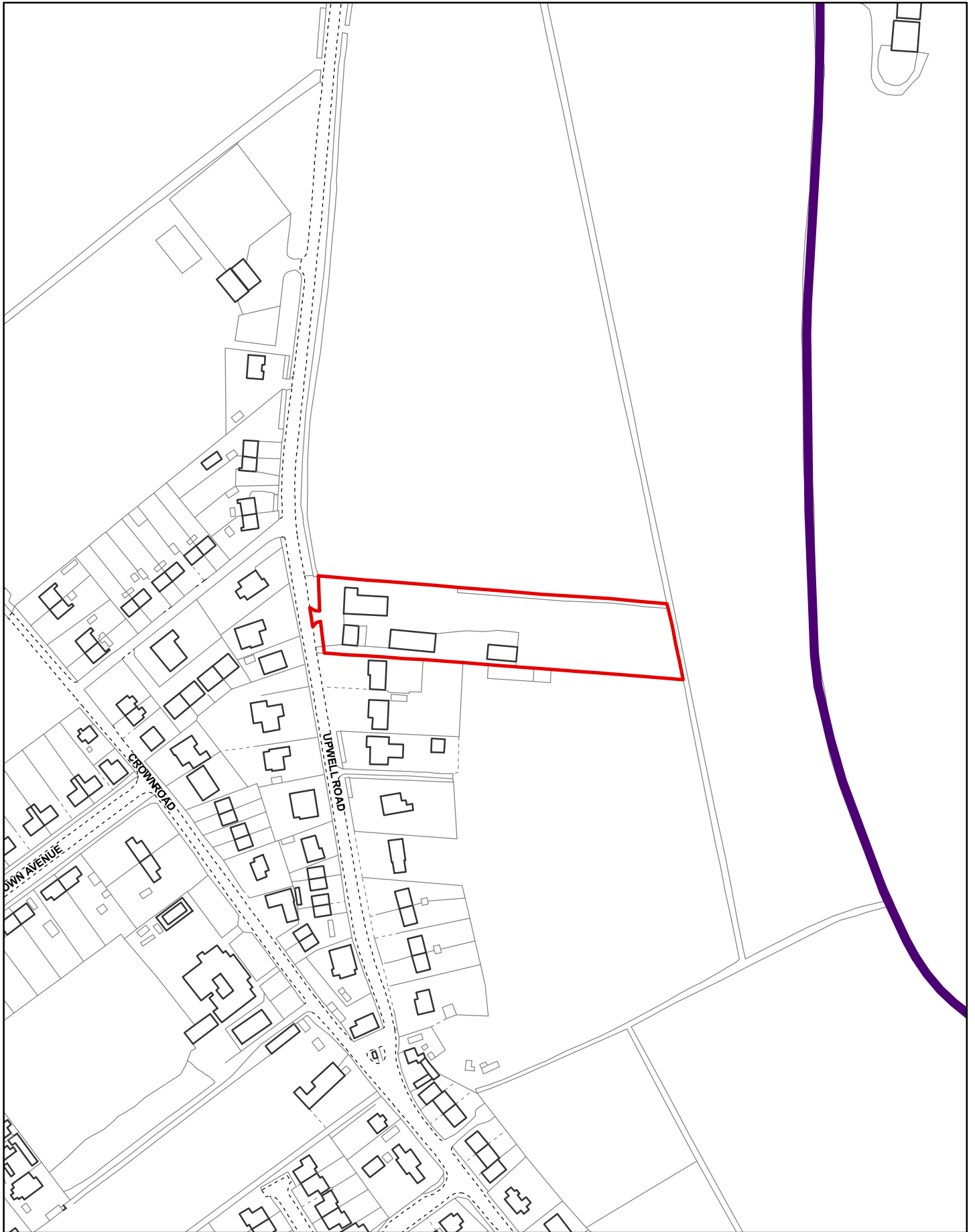
- 10.3 This site has potential for contaminated land and a condition requiring an invasive survey be completed prior to any development takes place. This may require the identification and mitigation of any underground fuel tanks.
- 10.4 The development would place burdens on local infrastructure which would be required to be mitigated through financial contributions and the provision of affordable housing or a contribution towards off-site delivery. The applicant has not entered into a S106 agreement to mitigate the impacts of the development and no justification has been provided for this by way of a viability assessment.
- 10.5 Whilst there are clear benefits that weigh in favour of the scheme in terms of housing delivery and removal of a non-conforming use, the unmitigated infrastructure demands arising from the development, which is contrary to LP5 and LP13 weigh against the development. It is considered that the benefits do not outweigh this policy conflict and the application is therefore recommended for refusal.

11 RECOMMENDATION

Refuse for the following reason;

1. Policy LP5 requires development of 10 or more units to secure affordable dwellings or in exceptional circumstances, financial contributions towards such provision. LP13 requires development to mitigate its impacts through necessary infrastructure contributions.

A planning obligation to ensure the provision of necessary infrastructure and mitigation has not been agreed and completed with the Local Planning Authority. In the absence of such an obligation, the development would be contrary to policy LP5 and LP13 of the Fenland Local Plan, 2014 and paragraph 57 of the NPPF.



Created on: 05/01/2017

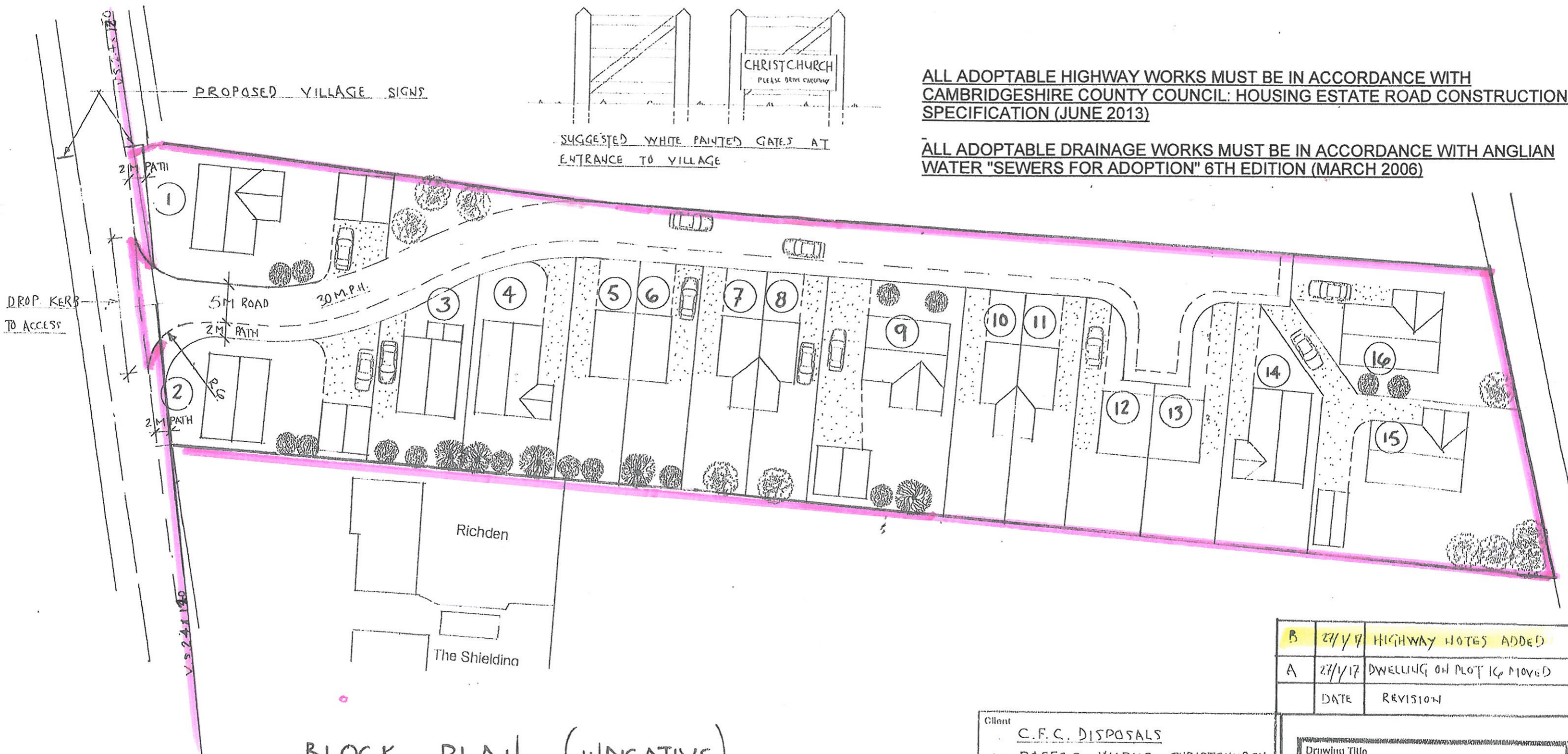
© Crown Copyright and database
rights 2016 Ordnance Survey 10023778

F/YR16/1170/O

Scale = 1:2,500



 **Fenland**
CAMBRIDGESHIRE
Fenland District Council



ALL ADOPTABLE HIGHWAY WORKS MUST BE IN ACCORDANCE WITH CAMBRIDGESHIRE COUNTY COUNCIL: HOUSING ESTATE ROAD CONSTRUCTION SPECIFICATION (JUNE 2013)

ALL ADOPTABLE DRAINAGE WORKS MUST BE IN ACCORDANCE WITH ANGLIAN WATER "SEWERS FOR ADOPTION" 6TH EDITION (MARCH 2006)

BLOCK PLAN (INDICATIVE)

PLOT	TYPE	PLOT	TYPE
1	4 BED HOUSE	9	4 BED HOUSE
2	4 BED HOUSE	10	3 BED SEMI
3	3 BED BUNGALOW	11	3 BED SEMI
4	3 BED BUNGALOW	12	2 BED SEMI
5	2 BED SEMI	13	2 BED SEMI
6	2 BED SEMI	14	3 BED BUNGALOW
7	3 BED SEMI	15	3 BED BUNGALOW
8	3 BED SEMI	16	3 BED BUNGALOW

Client
C.F.C. DISPOSALS
ROFCO WORKS, CHRISTCHURCH

Job Title
**RESIDENTIAL DEVELOPMENT
AT ROFCO WORKS,
CHRISTCHURCH.**

Grahame Seaton Design Limited
Design & Planning Consultant
New Build Domestic & Commercial

67 St. Peters Road, Upwell, Wisbech, Cambs PE14 9EJ
Telephone/Fax (01945) 772632 Mobile (07799) 833359
Email: gas@grahamseaton.co.uk
Directors: G A Seaton M.B.Eng. A.C.I.O.F. B J Seaton

DATE	REVISION
B 27/1/17	HIGHWAY NOTES ADDED
A 27/1/17	DWELLING ON PLOT 16 MOVED

Drawing Title
**BLOCK PLAN
INDICATIVE**

Scale
1:500

Date
DEC 2015

Drawn by
[Signature]

Drwg No.
15/12/1963/2

Rev.
B