
F/YR18/0320/F

**Applicant: Mr J Griffiths
Kier Living Ltd**

Agent :

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

Erection of 27 x 2-storey dwellings comprising of: 15 x 2-bed, 8 x 3-bed and 4 x 4-bed with associated parking and landscaping

Reason for Committee: Level of objection and Officer recommendation being contrary to that of the Parish Council.

1 EXECUTIVE SUMMARY

- 1.1 The scheme proposes 27 dwellings on a site which benefits from previous planning approvals for 20 dwellings (across two applications). The proposal has generated significant local interest with both the Parish Council and local residents objecting to the increase in units.
- 1.2 Notwithstanding the local concern the scheme has been assessed against both local and national planning policy and there are no significant issues which would preclude the application receiving a favourable recommendation.
- 1.3 As part of the submission a viability assessment has been provided, the detail of which has been assessed and found to be suitable robust in terms of the assumptions made and as such this otherwise policy compliant scheme may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site lies to the west of Cedar Way and south of the Oaks and west of Atkinson's Lane, Elm. At present the land is fenced off from the adjacent housing estate with gates in place where the shared surface driveway serving Nos 18-21 Grove Gardens currently terminates. The land is laid to grass. Within the site is post and rail fencing
- 2.2 Atkinson's Lane, which is a single width rural track, runs to the north and west of the site and along its western boundary is a grass verge and drain, beyond which is a drain. The site is relatively featureless excepting for some overgrown earth mounds which are a legacy of the estate development to the north and east; there is limited planting on site.
- 2.3 Cedar Way/Grove Gardens comprises a residential estate of detached, semi-detached and terraced properties predominately two storey dwellings (only one single storey dwelling) of varying styles and designs, there is a central area of open space which serves the development.

- 2.4 An area of land was identified for community use, directly to the south of this site and partially included within the current application site area; this was included within the S106 agreement relating to the 2003 consent however during the site inspection it was noted that there is no access to this land

3 PROPOSAL

- 3.1 Whilst initially the scheme proposed 20 dwellings the agent revised the scheme early in the evaluation of the application and it was agreed that amended plans could be submitted to encompass the design changes; with full consultations and publicity being undertaken in respect to the additional units.
- 3.2 The access arrangements/road layout is similar to that originally approved, albeit the layout incorporates several private drive areas off the main spur road. The dwellings are a mix of detached, semi-detached and terraced properties and do not have garages, although each dwelling will have off-road parking. A comprehensive materials schedule accompanies the submission.

Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

| | | |
|---------------|--|-----------------------|
| F/YR16/0335/F | Erection of 9 x 2-storey dwellings | Granted 16/11/2016 |
| F/YR15/0907/F | Erection of 11no 2-storey 4-bed dwellings with garages | Granted 16/12/2016 |
| F/YR15/0514/F | Erection of 5 x 2-bed and 15 x 4-bed 2-storey dwellings with garages | Refused 09/10/2015 |

**Decision appealed; but appeal withdrawn following a resolution by Planning Committee to grant planning permission*

| | | |
|---------------|---|------------------------|
| F/YR03/1149/F | Erection of 26 dwellings comprising 2 x 4-bed detached houses with integral garages, 9 x 4-bed terraced houses with integral garages, 10 x 3-bed semi-detached houses, 1 x 4-bed detached house, 4 x 2-bed terraced houses and garages (The Oaks) | Granted 14/01/2005 |
| 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. (nos 1-15 Maple Road) | Granted 15.05.2003 |
| 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 | Approved 20/05/2003 |

5 CONSULTATIONS

- 5.1 **Parish Council:** Resolved that the application could not be supported due to the number of houses already approved and/or built in Elm far exceeding limits set in LP12. Concerns were expressed at to the effect on the roads and infrastructure. In addition the Council received a number of comments from residents who are not supportive of the application.
- 5.2 **Cambridgeshire County Council Highways Authority:** Originally made representations regarding the required carriageway widths and margins, i.e. a 5.5m wide shared surface carriageway with 0.5m wide margins should be detailed throughout the development and noting that the turning square/head was not acceptable to be adopted by the Local Highways Authority. However following discussions between the applicant and given the applicant's intention to keep the main access road private, the LHA raise no objections to the application.

They do however go on to note that 'The development proposes a greater number than 5 dwellings served by a private drive. Your Authority [FDC] must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road(s) together with refuse collection.'

5.3 **FDC Scientific Officer (Land Contamination)**

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the principle of the proposed development. The proposal is unlikely to have a detrimental effect on local air quality, it is noted that the development will be connected to the main sewer. Due to the number of proposed dwellings and their proximity to existing residential dwellings the effects of construction noise and dust upon existing dwellings will be needed and any measures to control or mitigate these issues provided.

5.4 **Anglian Water Services Ltd:** Comment as follows -

- Request the following Informative: '*There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water request informative*'.
- *The foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows*
- *The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.*
- *The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole*

connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval

Anglian Water would therefore recommend a planning condition requiring the submission of a surface water management strategy and a requirement that no hard standing areas should be constructed until the drainage works have been undertaken.

- 5.5 **CCC (Lead Local Flood Authority):** Originally raised objection as latest climate change allowances (published 19 February 2016) had not been used to inform the surface water drainage strategy and greenfield runoff rate calculations had not been provided to support the figures stated in the surface water drainage proforma. In addition it was considered that the final discharge rate could be lowered and that the drainage strategy should be amended to ensure that there was no surcharging in anything lower than a 3.3% AEP rainfall event.

Following receipt of update information the Lead Local Flood Authority (LLFA) now have 'no objection in principle to the proposed development and our previous comments have been addressed. The above documents demonstrate that surface water from the proposed development can be managed through the use of an attenuation basin, restricting surface water discharge to 2l/s'.

The Lead Local Flood Authority have request conditions regarding submission of a surface water drainage scheme for the site based on sustainable drainage principles, including a range of specified details and also requests informatives regarding when the calculations should be sourced and the need to gain IDB consent

- 5.6 **Housing Strategy (FDC):** On this application, I would expect the affordable housing requirement to be in accordance with Policy LP5. The consultation response also acknowledges that *'FDC is aware that some developers have struggled to secure Registered Providers to take on the affordable housing on smaller sites. Accordingly, in view of this exceptional circumstance it has been decided that the affordable housing planning requirement on sites submitted for planning between 1st April 2016 and 31st March 2019 can be discharged by way of a financial contribution rather than on site provision. This will apply to all applications which are for 37 dwellings or fewer.'*

- 5.7 **NHS England (East) NHS England Midlands And East (East):** *Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.*

- 5.8 **Head of Environmental Services (Refuse):** *In broad principal we have no objection to this development, however, the following issues should be addressed before the application could be agreed from our perspective:-*

o A swept path plan should be provided to demonstrate that an 11.5m refuse vehicle can access and turn on the public highway.

o Dwellings serviced by a shared private driveway will require shared bin collection points at the boundary of the public highway (plots 1-2, 5-7, 8-9 & 11-15 will require shared collection points).

o Residents will be expected to present waste and recycling bins for collection at the curtilage of the property, where it meets the Public Highway on the day of collection.

o New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.

o Refuse and recycling bins will be required to be provided as an integral part of the development.

- 5.9 Designing Out Crime Officers:** Originally commented that *'there is no section or mention within the Design and Access statement in relation to security or crime prevention. I have completed a crime and incident search covering the Elm area for the last 12 months and would consider this to be an area of low risk to the vulnerability of crime at present. While this would appear to be an acceptable layout in relation to crime and the fear of crime I would like to see the lighting proposals for the development particularly in relation to the parking areas to the front of plots 10 - 15 and the rear of plots 8 and 9. We recommend that all adopted, un-adopted roads and parking areas are lit by columns to BS5489:1 2013.'* Further notes that *'This office would be happy to consult with the applicant in relation to a Secured by Design application and measures to mitigate against the vulnerability to crime and the fear of crime.'*

On review of the revised scheme comment as follows: *'I have reviewed updated documents regarding the addition of 7 more units on this development. I am reinforcing the comments made by our office earlier this year regarding parking areas and I am concerned that in some areas residents do not have clear views of their vehicles and this could lead to them parking outside of parking court areas and causing issues for other residents.'*

This could be somewhat mitigated by a Condition regarding all external lighting on the site, which I could comment on to ensure that parking courts have appropriate lighting. I would also like to see boundary treatments which overlook rear parking courts reduced in height to 1.5m with 300mm trellis (or similar) topping to improve visibility.

This amendment has been secured and the DOCO is supportive of the changes made.

- 5.10 Local Residents/Interested Parties:** 11 letters of objection were received in respect of the original 20 dwelling scheme; along with a solicitors letter reiterating comments made by his client.

Following re-consultation 6 of the earlier contributors wrote to reiterate/expand their earlier concerns with one of the residents writing twice. 17 new objections were also received with three of these contributors writing in twice.

Lack of supporting Infrastructure/Impact on village:

- Village already struggles with infrastructure, shops, health and dentist provision, schools, leisure, with new development and this proposal this will impact more
- 80 homes have already been granted (Gosmoor and Henry Warby) should see the impacts of these on the village before we do irreversible damage to village and its residents
- Village is limited growth village for a reason and has already gone over LP12 policy by a massive percentage

- Village has accepted 20 homes on this site it would be a foolish idea to build more and if it was considered the community would fight this development as illegal
- Existing open space will be oversubscribed, such areas are at a premium in Elm
- All further development in Elm needs to cease
- Bought house in peaceful village if they wanted noise traffic pollution and anti-social behaviour would have bought in town
- Power outages will worsen with increased demand
- Public transport has worsened

Visual impact and amount of development

- Out of character/not in keeping with area; small crammed in houses
- Elm will lose its identity as a village and be just another part of Wisbech which would be a travesty.
- Kier justify the development as 'logical rounding off of development of a site'; they ignore that the site can be used as a natural area thus 'achieve a logical rounding off of a development site.'
- Is there really a need to increase the amount of properties within a small area that will impact on the village and its residents
- Elm cannot cope with another 10 homes let alone 27 homes.

Residential Amenity

- Loss of privacy, shadowing and loss of light, loss of view/outlook, proximity
- Impact during construction

Access, Traffic, Highways, Parking

- Extra traffic generated by new homes would impact on highways safety; there are already a lot of children on the estate and traffic has increased locally.
- Speed restrictions in place due village becoming too busy
- Proposal will mean a loss of our driveway and garden if the access is through Grove Gardens; the roadway outside our property in our deeds states that it is a private driveway, potential for it to be damaged through increase use and loss of privacy
- Parking arrangements; a concern from both a health and noise perspective - the 8 car parking spaces adjacent their rear garden boundary will be within 1 metre of their fence, possibly closer. Lights will shine into their property and bedrooms.
- Suggest alternative access, i.e. road straight off of Main Road, utilised
- Insufficient parking will cause on street parking and obstructions in the road
- Black Horse Lane has inadequate drainage and numerous potholes and often floods after moderate rain. It is often used by traffic accessing the current housing in the Grove Gardens estate.
- Propose that the number of homes be reduced to 10 and the access road is taken from Begdale Road into the site or even adopting the farm track that leads from the Sportsman to the Oaks this is already being used many times a day. Then having a no through section in Cedar Way to eliminate a rat run and possible endangerment to children playing.

Flooding

- Part of the reason why Kier have had to change the design of the development is because of flooding concerns. There will always be flooding issues and will be

made worse if houses are built on this land. More sewage going into an already overloaded system

-

Other:

- Why do you feel the community would agree a further 7 dwellings when there were so many objections to 20, scheme should not have been amended. FDC should listen to residents.
- Kier want to take away some of the community land for drainage.
- How many houses need to be built before the government decides we are full
- Moved on the basis that only 20 houses had been agreed, previous design did not have a major impact
- Density/Over development/Backfill, loss of agricultural land
- Increased anti-social behaviour, noise, smell, waste and litter and light pollution
- Doesn't comply with policy, outside DAB, will set a precedent
- Environmental concerns, wildlife concerns, Trees
- Devaluing property
- Antisocial behaviour; extra properties may lead to anti-social behaviour - notes crime issues in the locality extra housing can only increase risks
- Will make parking at the local shop worse
- The effects on the environment and current living conditions should be assessed independently
- Development should be focused on town centre.
- FDC LP12 policy seems to be worthless as the village is already over the agreed percentage of homes allowed to be built in a limited growth village.
- We are all aware that this application will probably be granted. Although objections are raised by residents, it's usually a tick box exercise .We can see this from the developments that have already taken place in Elm or have been approved
- Planning needs to start listening to residents and working together to ensure that they live up to "SHAPING FENLAND'S FUTURE TOGETHER" or stop using it in your PR !

Civil and legal issues:

- Easement over front lawn not explained
- Concern re who will own the boundary fence; how can the developer just attach a gate to their fence and expect us to maintain it
- Believe existing drainage runs under our property. Naturally I would expect in line with current jurisdiction someone will be courteous to discuss at some point.

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

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

Paragraph 11: Presumption in favour of sustainable development.
Paragraph 34: Development Contributions
Paragraph 47: Determine applications in accordance with development plan
Paras 54-57: Planning conditions and obligations; including viability
Section 5: Delivering a sufficient supply of homes.
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change.

7.2 Planning Policy Guidance

7.3 Fenland Local Plan

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 Managing the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland;
LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland;
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 - Community Safety
LP18 – The Historic Environment
LP19 - The Natural Environment

8 KEY ISSUES

- **Background**
- **Principle of Development**
- **Village thresholds**
- **Character of the area**
- **Residential amenity**
- **Highways and parking**
- **Flood risk and drainage**
- **Open space**
- **Viability**
- **Other matters**

9 BACKGROUND

- 9.1 Only 41 houses were constructed under 02/0372 as four plots were lost to facilitate access through to the 26 dwellings delivered under 03/1149 (The Oaks); 7 further plots were delivered as affordable housing under F/YR03/0379/F. F/YR02/0372/F included 0.4 Ha of open space for community use, in addition to a central area of open space, the Oaks development S106 included a contribution in lieu of open space.
- 9.2 Two separate planning permissions have been granted for the current application site; these total the provision of 20 units across the combined area. The agent notes in support of the current submission that the built form coverage of the approved scheme (20 units) totals 18,843 square feet whilst the present scheme for 27 units would result in built form coverage of 12,466 square foot. This

reduction is attributable to the garages and larger houses actually generate a much higher built form coverage compared to the smaller units (a 34% reduction in coverage). The agent also notes that there is also a larger provision of POS due to the 9m drainage easement.

- 9.3 F/YR15/0907/F required financial contributions in respect of public open space and affordable housing

10 ASSESSMENT

Principle of Development

- 10.1 The principle of residential development on this site has been firmly established through the earlier grant of planning permission; as there is an extant consent for 20 dwellings it is the largely the impact of the additional 7 dwellings that should be evaluated. 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.
- 10.3 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.
- 10.4 It is also necessary to consider the highway, heritage, flooding and infrastructure implications of the development to assess whether there are any aspects which would lead individually or cumulatively to significant harm.

Village Thresholds

- 10.5 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.
- 10.6 The most recent village threshold figures (26th October 2018) show that Elm had capacity for 73 additional dwellings before the 10% threshold was breached. Since April 2011 there have been 154 dwellings committed to be built/built and therefore the village threshold has clearly been exceeded (noting that the 154 dwelling figure includes the 20 units already consented on this site).
- 10.7 It is clear that the scheme is not able to evidence the clear local community support required to comply with Policy LP12, nor has it attracted a favourable recommendation from the Parish Council. However an appeal decision in 2017, post local plan preparation, questioned this aspect of the policy with the Planning Inspector noting that the failure to achieve community support should not render an otherwise acceptable scheme unacceptable and allowed the appeal.

10.8 Against this backdrop it would not be appropriate to withhold consent solely on these grounds; although it is recognised that should the exceeded threshold limits manifest themselves in actual and significant harm when the scheme is viewed against other policies these material considerations would stand in their own regard.

Character of the Area

- 10.9 The area of land is relatively featureless and benefits from planning consent for housing development, as such the principle of development is firmly established as both these consents; save for the drainage matters highlighted below, being capable of implementation.
- 10.10 In terms of the built form now proposed whilst there will be an increase in numbers the scale and extent of development will reduce in terms of floor space; as illustrated at 9.2 above. The development maintains a similar access arrangement to the earlier scheme however it will utilise spur roads from the main access which will result in the orientation of the plots being varied; such an approach is not dissimilar to that evident on the wider developed estate.
- 10.11 Whilst comments made by local residents with regard to the impact on the character of the area are noted it is clear that the development will not extend the settlement any further than that which has been previously accepted by virtue of the earlier grant of planning permission. The development site is clearly contained by the drain that runs along Atkinson's Lane and the western boundary will not encroach any further in this direction than 'The Oaks' or indeed Abington Grove to the south of the site.
- 10.12 As the scheme will represent a continuation of the existing two-storey development in the vicinity it is considered that continued compliance with Policy LP12 (a) to (f) is achieved and that there are no grounds to withhold consent based on increased numbers.

Residential amenity

- 10.13 The layout shown makes appropriate provision for parking and amenity space to serve the proposed households; it is noted that it is necessary to agree the location of bin collection points to serve those properties accessed via private drives and whilst these details are outstanding at this time they may be secured via condition. Similarly the recommendations of the FDC Refuse team may be incorporated into a refuse collection strategy focused on informing future residents of the arrangements.
- 10.14 With regard to access arrangements and the comments received from householders directly affected by the proposed access to the site, i.e. those who are served from the private drive/shared surface leading from Grove Gardens (nos. 18 - 21), these relate largely to noise and disturbance, devaluation, lack of privacy and matters of ownership. Looking firstly at lack of privacy and noise and disturbance it must be highlighted that these matters will have been previously assessed as part of the approved submissions and the delivery of a 20 unit scheme accessed solely from this point has been accepted. Therefore it is only the impacts of the seven additional units that may be considered; in this regard it is not considered that the additional traffic movements generated by the scheme now under consideration would be so significant as to render the proposal unacceptable.

- 10.15 The second issue highlighted, relating to land ownership, is a civil matter and therefore outside the planning considerations of the scheme proposal. That said the applicant has provided a land registry extract which details that the land shown for access is not under the ownership/control of the households that front onto this area. Whilst the current site layout is such that the gardens and gravelled driveways extend up to the block paved access road this does not appear to correspond with the land conveyance extract.
- 10.16 Matters of overlooking, overshadowing, loss of privacy and visual dominance have been considered and it is noted that the new development will lie to the west of Grove Gardens and Cedar Way with a separation distance of at least 10 metres between Plot 22 and Nos 5 & 7 Cedar Way as such it is not considered that any significant overshadowing will occur. Whilst there is the potential for some late afternoon shadowing to the bottom of these gardens this would not be so significant as to render the scheme proposals unacceptable. Similarly whilst there may be an element of overlooking resultant from the development the separation distances and layout of the development is such that this would not render the scheme proposals unacceptable. The landing windows serving Plots 17 & 22 will be conditioned as obscure glazed to mitigate against any perceived loss of privacy.
- 10.17 The comments made regarding noise and disturbance with particular reference to the construction phase have again already been considered and evaluated as acceptable by virtue of the earlier grant planning consent; and specific safeguarding conditions relating to construction management may be brought forward to any subsequent approval.
- 10.18 Against the backdrop of the earlier extant planning permissions the scheme currently under consideration is not considered to raise any significant issues in terms of residential amenity and compliance with Policy LP16 is maintained.

Highways

- 10.19 Access to the scheme is derived from the existing shared driveway which serves Nos. 18 - 21 Grove Gardens; this is as proposed and accepted under the combined approvals for 20 dwellings; albeit the road design was not explicitly detailed and was to be the subject of further detailed plans (required by condition). Nonetheless the provision of a suitable access would always have been in the form now shown. In highway terms there are no highway safety issues arising from this scenario - residential amenity considerations are dealt with in the preceding section of this report.
- 10.20 During the consultation phase of the scheme the LHA identified that the road should be block paved, as is the CCC standard for shared surfaces within Cambridgeshire. However the applicant, noting the earlier approvals and scheme viability, indicated that their preference was to deliver the roadway in tarmac with a single footpath as is prevalent elsewhere on the scheme. The LHA have discussed this directly with the applicant, and as indicated in the consultation response above, have accepted the scheme proposals on the basis that the roadway will not be adopted and will retain the access as a private road with management company maintenance.
- 10.21 Whilst not ideal there would be no reasonable planning reason to withhold consent solely on the grounds that the road is not offered for adoption. A

safeguarding condition may be imposed regarding road management and maintenance. Para 109 of the NPPF clearly indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Flood risk and drainage

- 10.22 The site lies within Flood Zone 1 and benefits from extant consent(s) accordingly it is a sequentially preferable site and accords with both local and national planning policy framework.
- 10.23 The scheme proposals have been accompanied by a completed surface water proforma document and a drainage statement which have been accepted by the statutory consultees. In response to the scheme the LLFA and Anglian Water Services whilst requiring the submission of a surface water management strategy have raised no objection. AWS have also indicated that no hard standing areas should be constructed until the drainage works have been carried out.
- 10.24 Whilst formal comments have not been received from the Internal Drainage Board the submission clearly indicates that detailed discussions have been held between the developer and the IDB in respect of the earlier scheme approvals. At this time it became apparent that the IDB would not support the discharge of the drainage planning condition without the scheme providing a 9m easement from the top of embankment of the brook which is adjacent to the site. The requested easement was to enable the IDB to undertake drainage works to the ditch if necessary and has been incorporated into this current submission.
- 10.25 It is considered that subject to conditions being imposed as per the recommendation the proposed scheme is acceptable and meets the requirements of both the NPPF and FLP policy LP14

Community Land

- 10.26 It has been noted by local residents that part of the land included within the current application site 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); with this obligation forming part of the Section 106 relating to this consent. However it was not part of the formal open space required as part of the development. The area of gifted land is not shown on the plans as being developed, however a SUDs feature is shown to be located on the northern end this land, this situation is as per the earlier approval F/YR15/0907/F.
- 10.27 The S106 indicates that the community space should be laid out as grassed and fenced with 1200mm Newmarket fencing and maintained for a period of two years at which time the land would be offered in writing to the District Council, and should this offer be accepted then transferred along with a commuted sum for maintenance. It is noted that there have been issues with the transfer of the land to date, largely outside the control of the developer, and whilst it is still the intention to transfer the land and a commitment to do so has been expressed by the developer this has not occurred to date. For insurance and management reasons the land is not yet available for public use, however it is clearly the intention of the developer to fulfil this obligation.

10.28 It is further noted that the SUDs feature shown is to be shallow grassed depression which will not prevent the use of the open space once the developer is in a position to hand it over and it is considered that this feature would therefore be compatible as part of the open space. It is considered however that the new Section 106 Agreement should refer to this element of the 2003 agreement for clarity though.

Viability

10.29 The combined planning permissions for the site both had Section 106 obligations attached; details as follows:

| | |
|---------------|--|
| F/YR15/0907/F | Affordable Housing contribution: £26,346 POS contribution: £9,680 |
| F/YR16/0335/F | Affordable Housing contribution: £21,574 POS contribution: £7,920 |

10.30 This scheme, accepting that a financial contribution for affordable housing would be appropriate on this site given the number of units proposed, would attract contributions as follows:

| | |
|---------------------|---|
| Affordable Housing: | Based on 27 houses can either be provided as 5 rented and two shared ownership on site or as an off-site contribution of 55% of Open Market Value for rented dwelling and 65% of OMV for a shared ownership dwelling. |
| POS Contribution: | £17,600 |
| Education: | No contributions have been requested |

With regard to POS it would be necessary to identify appropriate projects to deliver.

10.31 A DAT viability assessment has been submitted in respect of the scheme proposals; this has been assessed by officers and the following 'headlines' established:

- *There would be a deficit at the completion of the project with no Affordable Housing Contribution, based on a 15% Profit (including overheads) of Gross Development Value with a sum of £42,569 available for Public Open Space.*
- *The anticipated revenue for the scheme is a realistic expectation of value.*
- *The adopted bank interest is 4.5% which is an acceptable assumption.*
- *Design & Professional Fees of 6% have been adopted, up to 10% is considered within an acceptable range.*
- The build costs assumptions are in accordance with Mean figures published on BCIS TPI webpages for the types of properties proposed rebased for Fenland.
- A contingency of 2.5% is included which is reasonable for this type of proposal.
- Evidence was provided supporting the External works which were benchmarked against similar schemes within Fenland.
- The submission includes 15% profit of the Gross Development Value. 20% profit is considered the minimum amount that a developer would usually require for a site of this nature.
- The applicant has confirmed that a sum of £42,569 will be provided through a S106 Agreement for Public Open Space.

Based on the evidence submitted the Senior Planning Obligations Officer at PCC accepts that there are viability issues preventing the delivery of an Affordable Housing Commuted Sum or any other S106 contributions other than the POS contribution.

Other Matters:

Crime and Safety

10.32 A common theme of the consultation responses received has been that of anti-social behaviour and crime; no such concerns have been raised by the Designing Out Crime Officer with their recommendations relating solely to the site specific design aspects of the proposal. These recommendations have been incorporated into the proposal in so far as they relate to fencing and surveillance within the area and will be conditioned with regard to external lighting. Accordingly it is considered that the scheme represents no issues in terms of Policy LP17 of the FLP.

Conditions

10.33 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

10.34 The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) have been met.

10.35 The proposed conditions are as follows;

- (2) Surface water drainage scheme
- (3) Construction Management Plan
- (12) Site levels

11 CONCLUSIONS

11.1 It is considered that the scheme, on balance, achieves compliance with national and local planning policies and may be favourably recommended.

11.2 The Viability Assessment is outstanding and will be reported to the committee and this will inform the scope of the S106.

12 RECOMMENDATION: Grant subject to:

- (i) **Prior completion of a Section 106 with regard to public open space contribution. Should the obligation referred to not be completed and the applicant is unwilling to agree to an extended period of determination of 4 months, or on the grounds that the applicant is unwilling to complete the obligation necessary.**
- (ii) **Conditions as follows:**

Conditions

- 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 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Drainage Statement (ref: PK/17449/B1), Prepared by Woods Hardwick, Dated 7th August and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
- b) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.

A pre-commencement condition is necessary in order to ensure that a suitable surface water drainage scheme is agreed.

- 3 No works shall commence on site until such time as a Construction Management Plan shall be submitted to and 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 Policy LP15 and LP16 of the Fenland Local Plan 2014. This condition is pre-commencement as it is necessary to have such mitigation in place at the start of development.

- 4 Before the development hereby permitted is occupied the vehicular access from Grove Gardens shall be hard surfaced, sealed and drained away from the highway for a minimum width of 5m and minimum length of 5m from the back edge of the existing footway, in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and to ensure compliance with Policy LP15 of the FLP (2014).

- 5 Prior to the first occupation of each respective dwelling the proposed on-site parking for that dwelling shall be laid out in accordance with the approved plan and thereafter retained for that specific use. The visitor spaces annotated on the approved site layout plan 422-SK-02 Rev E shall be laid out in accordance with the approved plan on completion of the final dwelling.

Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and to ensure compliance with Policy LP15 of the FLP (2014).

- 6 No development shall commence in respect of the carriageway construction until 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 Policies LP15 and LP16 of the FLP (2014)

- 7 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(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 and to ensure compliance with Policy LP15 of the FLP (2014).

- 8 Prior to commencement of the relevant part of the development and notwithstanding the submitted plans, a scheme shall be submitted and approved in writing by the Local Planning Authority detailing surface finish, levels, drainage and construction of the development access link between the development access road and Grove Gardens estate road and footways. The approved scheme should then be implemented in strict accordance with the approved plans and fully constructed prior to first occupation of the development.

Reason: In the interest of Highways safety and to ensure compliance with Policies LP15 and LP16 of the FLP (2014)

9. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding and to ensure compliance with Policy LP14 of the FLP.

10. No works shall proceed beyond slab level until such time as full 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.

11. 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.

- 12 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.

A pre-commencement condition is necessary in order to ensure that dwelling heights are compatible with the adjoining development in the interests of the visual appearance of the development.

- 13 Prior to the first occupation of the development a refuse strategy shall be 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 Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply and access arrangements for fire and rescue service shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the first occupation of the first dwelling.

Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply

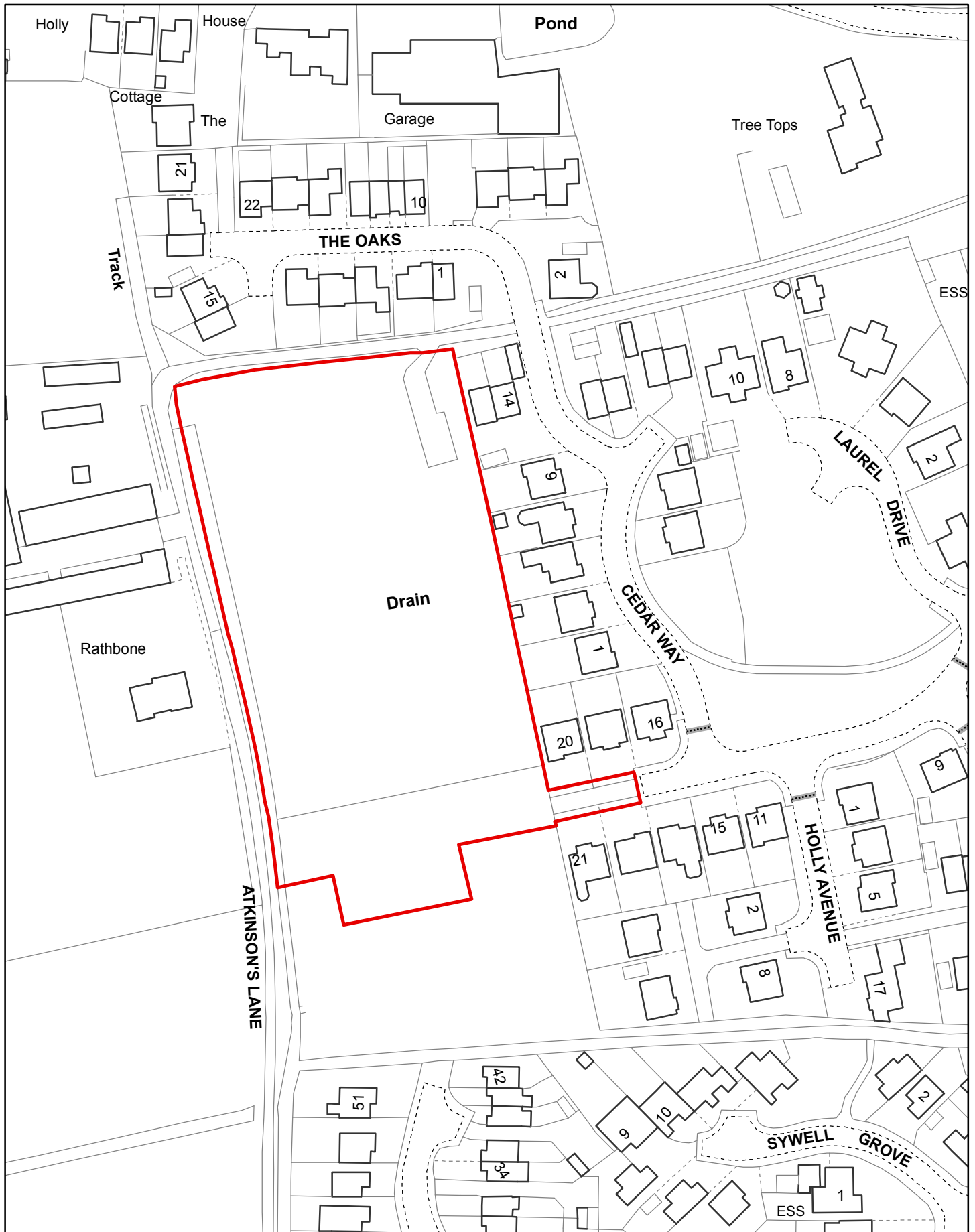
- 15 The hall/landing windows in the eastern elevations of Plots No. 17 and 22, hereby approved, shall be glazed with obscure glass and so maintained in perpetuity thereafter.

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.

- 16 Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason: In order to ensure that the site meets the crime prevention guidelines and achieves compliance with Policies LP16 and LP17 of the FLP (2014)

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans and documents



Created on: 06/04/2018

© Crown Copyright and database rights 2018 Ordnance Survey 10023778

F/YR18/0320/F

Scale = 1:1,250





| PLOT SCHEDULE | | | |
|-----------------------------|-----|------|-----|
| | BED | SIZE | No. |
| H072 - Femberton | 2 | 727 | 15 |
| H094 - Hopwood (Bluebell) | 3 | 928 | 6 |
| H095 - Maywood (Bullington) | 3 | 947 | 2 |
| H104 - Stableford | 4 | 1041 | 4 |
| TOTAL | | | 27 |
| GRAND TOTAL | | | 27 |

Revisions:
 E. 17/09/18 Highway amendments.
 D. 13/09/18 Highway amendments.
 C. 12/09/18 Highway amendments.
 B. 27/07/18 Minor client amendments.
 A. 24/07/18 Minor client amendments.

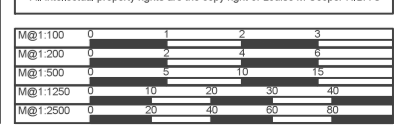
LMC - Architect Limited
 87 Main Street, Lyddington,
 Rutland, LE15 9LS

Tel/Fax 01572 820185
 Mobile 07985 943743

Client:
Kier Living Limited
 Title:
**Land Off
 Grove Gardens
 Elm**
 Drawing:
Planning Site Layout

| | | | |
|-----------------|-------------|----------|--------|
| Scales: | Sheet Size: | Date: | Drawn: |
| 1:500 | A2 | 08/02/18 | LMC |
| Drawing Number: | Rev: | | |
| 422-SK-01 | E | | |

Do not scale off or measure from this drawing. All discrepancies should be reported to the architects. This drawing should be read in conjunction with the specifications and standard details. All intellectual property rights are the copy right of Louise M Cooper RIBA ©





FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

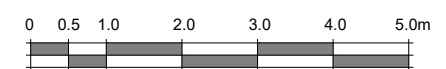
SIDE ELEVATION

ELEVATIONS - BRICK
HOPWOOD

3 BEDROOM HOUSE FLOOR AREA = 86.22m² (928 sqft)

Drawing No - HOPWOOD - 02

Scale 1:100@A3





FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

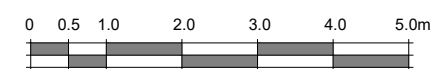
SIDE ELEVATION

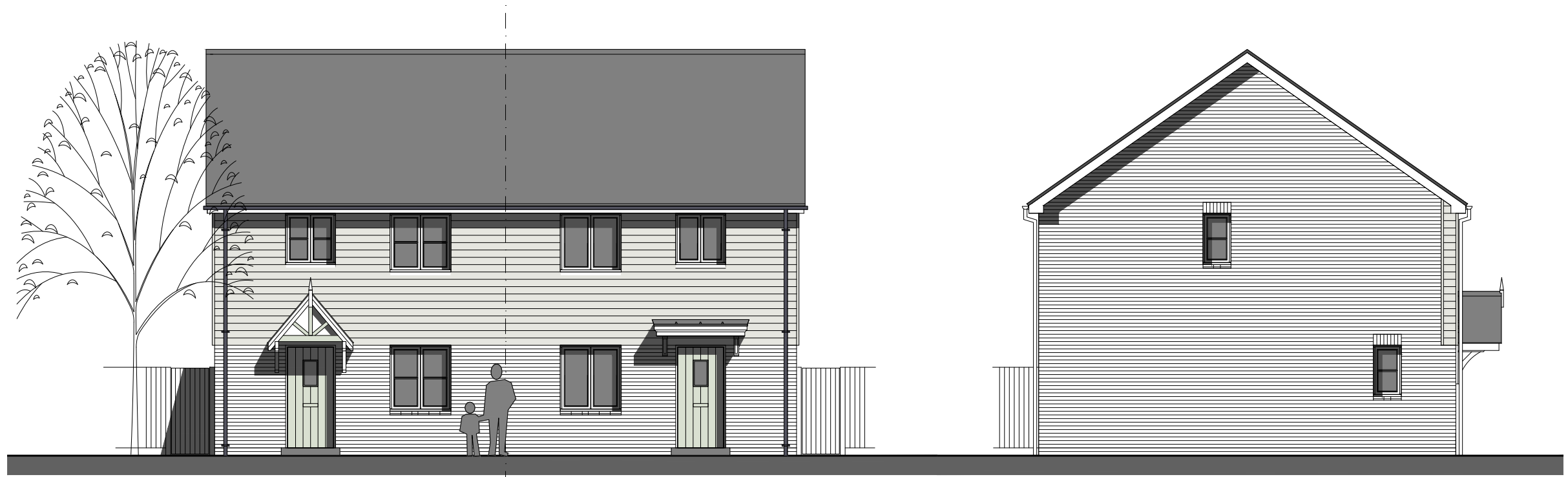
ELEVATIONS - RENDER
HOPWOOD

3 BEDROOM HOUSE FLOOR AREA = 86.22m² (928 sqft)

Drawing No - HOPWOOD - 03

Scale 1:100@A3





FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION

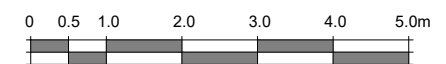
ELEVATIONS - BOARDING

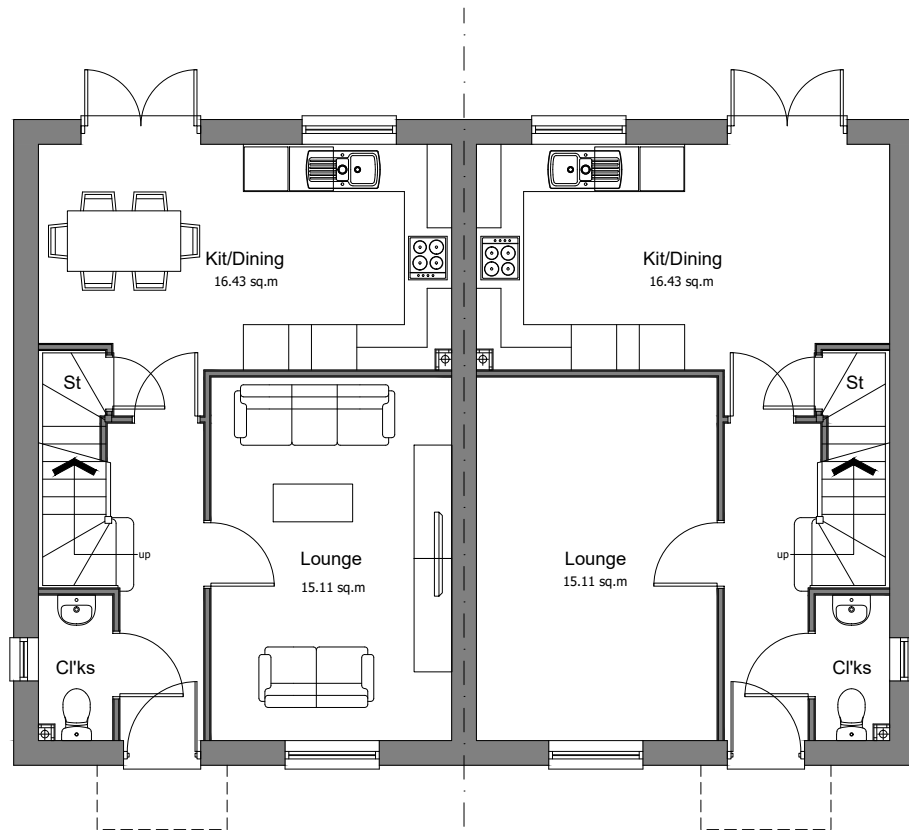
HOPWOOD

3 BEDROOM HOUSE FLOOR AREA = 86.22m² (928 sqft)

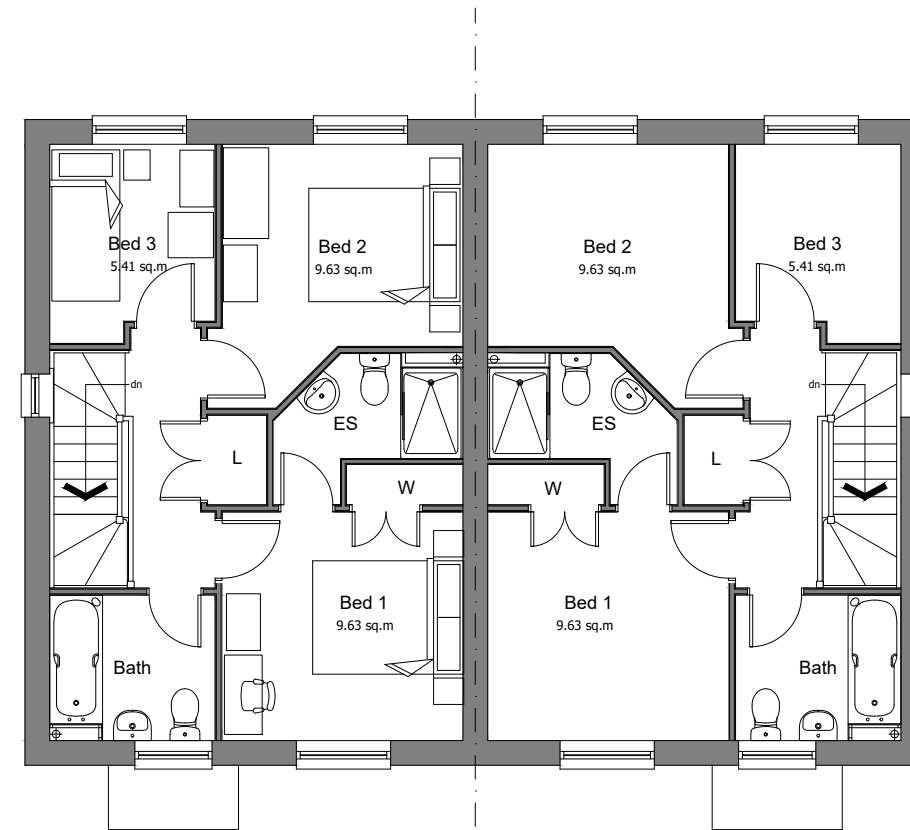
Drawing No - HOPWOOD - 04

Scale 1:100@A3

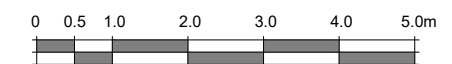


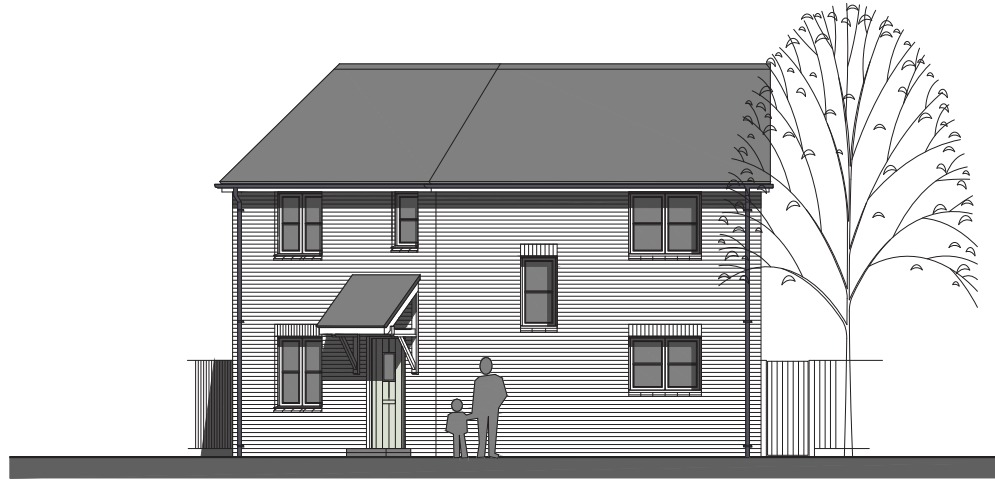


GROUND FLOOR PLAN



FIRST FLOOR PLAN

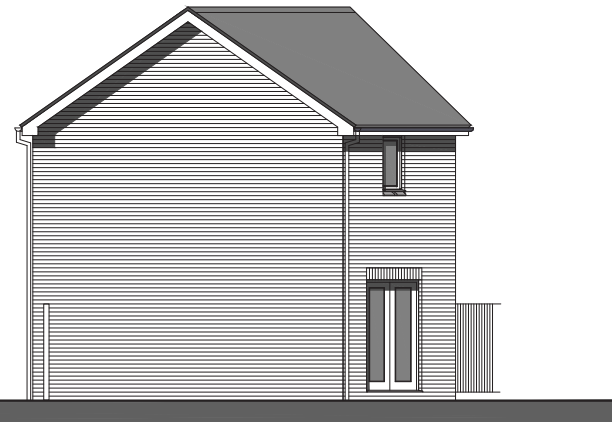




FRONT ELEVATION



REAR AND SIDE ELEVATION



SIDE ELEVATION

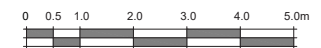
ELEVATIONS - BRICK

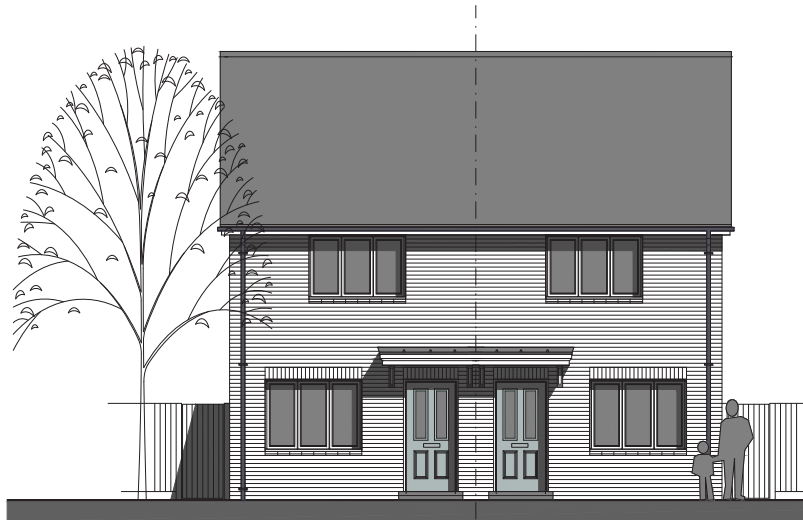
MAYWOOD

3 BEDROOM HOUSE FLOOR AREA = 87.90 m2 (947 sqft)

Drawing No - MAYWOOD - 02

Scale 1:100@A3





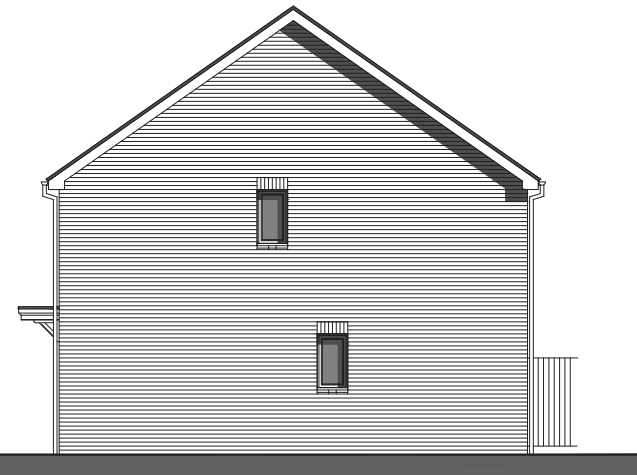
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



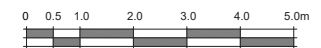
SIDE ELEVATION

ELEVATIONS - BRICK
PEMBERTON

2 BEDROOM HOUSE FLOOR AREA = 66.16 m2 (712 sqft)

Drawing No - PEMBERTON - 02

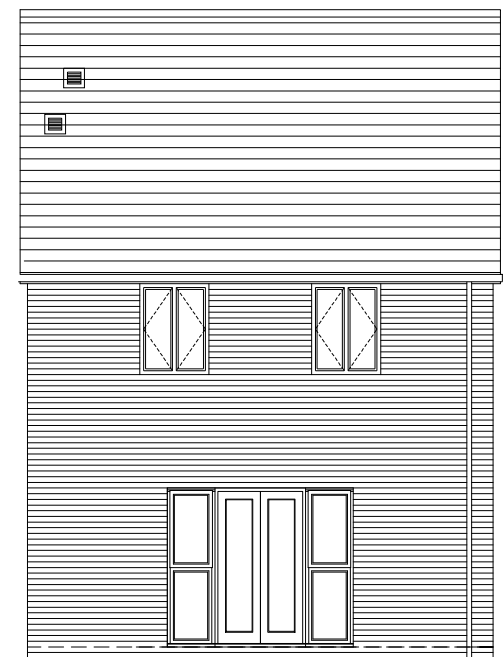
Scale 1:100@A3



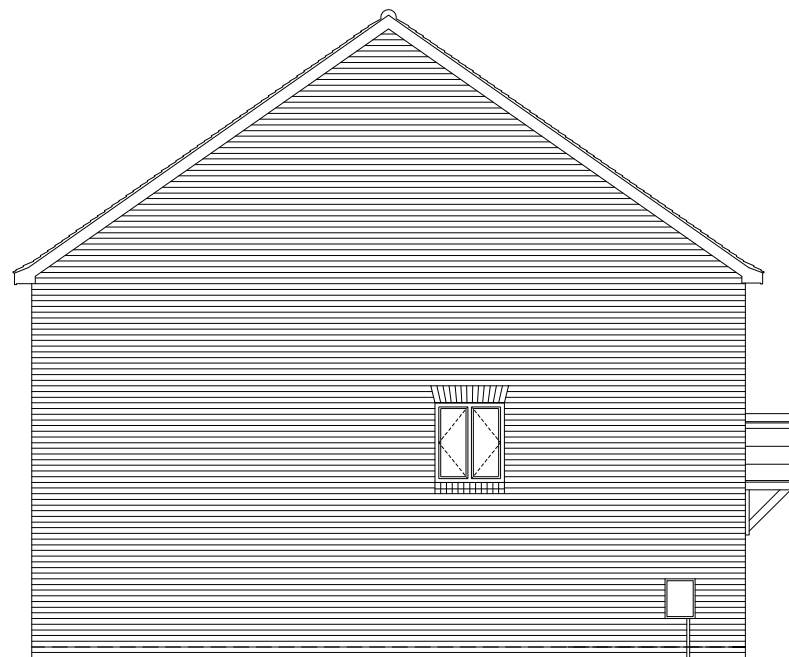
| | | | | |
|----------|---|----|----|----|
| M@1:100 | 0 | 1 | 2 | 3 |
| M@1:200 | 0 | 2 | 4 | 6 |
| M@1:500 | 0 | 5 | 10 | 15 |
| M@1:1250 | 0 | 10 | 20 | 30 |
| M@1:2500 | 0 | 20 | 40 | 60 |



FRONT ELEVATION



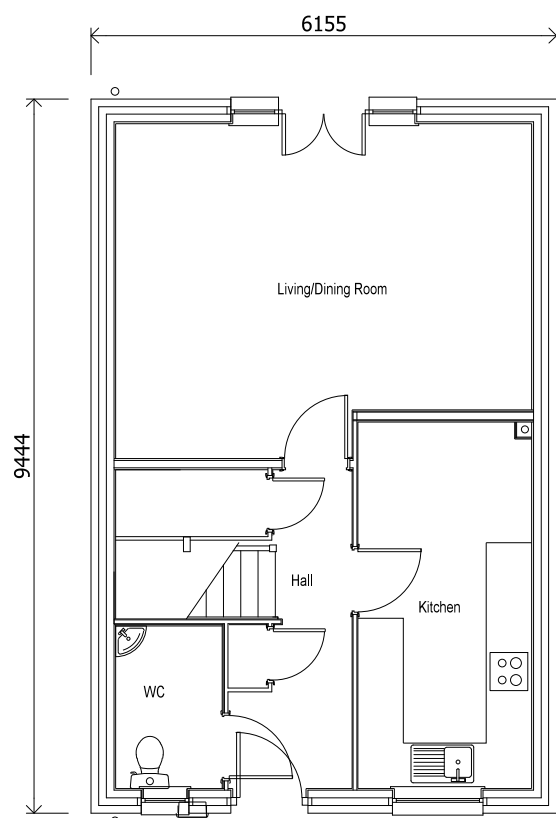
REAR ELEVATION



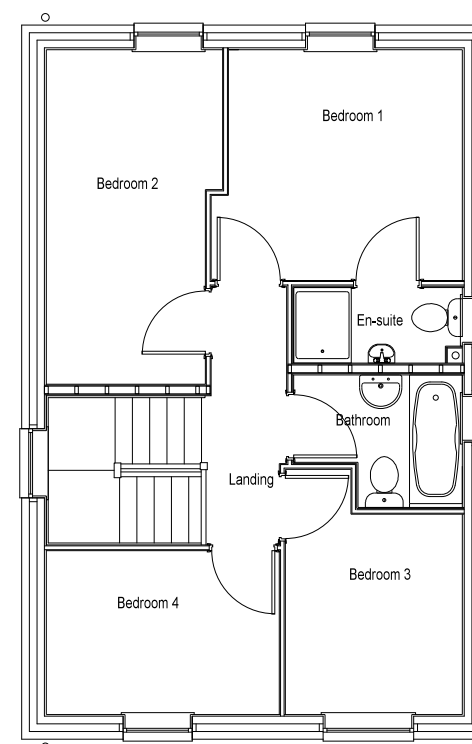
SIDE ELEVATION



SIDE ELEVATION



Ground Floor



First Floor

| Rev | Details | Date | By |
|-----|---------|------|----|
| | | | |



Kier Living Limited
 Lysander House
 Tempsford Hall
 Sandy
 Bedfordshire
 SG19 2BD
 Tel: 01767 355500 Fax: 01767 355501

Project: **House Type
 Stableford v1**

Drawing:
**Planning Drawing
 4 bed 2 storey house 1041 sqft**

Drawing File Location:

| | |
|----------------|-------------------|
| Drawn by: - | Date: 18/06/18 |
|----------------|-------------------|

| | |
|-----------------|---------------------|
| Scale: 1@100 | COINS code: ---- |
|-----------------|---------------------|

This drawing is © copyright protected.
 All dimensions to be checked on site.
 Any discrepancies to be reported to
 the Architect immediately.
 This drawing should not be scaled.

| | |
|---------------------------------|-----------|
| Drawing no: H104v1-01 | Revision: |
|---------------------------------|-----------|