
F/YR18/0557/F

**Applicant: Mr M Baker
Axiom Housing**

**Agent : Mr Robert Jays
Lindum Group**

Westhaven Nursery, Peterborough Road, Whittlesey, Cambridgeshire

Erection of 18 x 2-storey dwellings (Phase 2) comprising of 5 x 2-bed and 13 x 3-bed

Reason for Committee: 6 or more representations have been received contrary to the recommendation.

1 EXECUTIVE SUMMARY

The principle of residential development on this sustainably located site has been accepted by virtue of the earlier grant of outline planning permission and subsequent approval of reserved matters. Whilst this application proposes additional units over those agreed under the outline approval there are no 'principle' issues with this per se.

Revisions have been secured during the evaluation of the scheme which have established the proposal as compliant with relevant planning policy, excepting issues of viability which have been proven, and accordingly the scheme may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site currently forms the eastern section of a wider area of vacant land formerly used as a nursery site. The site is on Peterborough Road to the western side of Whittlesey. The site adjoins the main settlement core and is adjacent to residential development fronting Peterborough Road and a commercial car garage. The Kings Dyke Nature Reserve adjoins the rear boundary of the site (to the north). The front boundary with Peterborough Road is largely screened by existing dwellings although there are two areas of land which are open and may facilitate access.
- 2.2 The site has been previously accepted as a brownfield site and is situated within a Flood Zone 1 location.

3 PROPOSAL

- 3.1 This scheme proposes the erection of 16 dwellings on land which is shown as 'species-rich grassland' on the reserved matters submission for the wider site
- 3.2 Access is derived from Peterborough Road, and forms part of a road network which will serve the wider estate which is the subject of a separate reserved matters submission.

- 3.3 The proposed dwellings are a mix of semi-detached two-storey 2-bed and 3-bed units which address the estate road.

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/YR18/0496/PLOBBA | Modification of Planning Obligation attached to planning permission F/YR14/0183/O (entered into on 18/02/2015) relating to affordable housing, tenure mix and schedule and financial contributions relating to Pre-School Education, Secondary Education, Fenland Rail Contribution, Libraries and Lifelong Learning, County Waste and public open space. | Pending |
| F/YR18/0128/RM | Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR14/0183/O - Erection of 68 x 2-storey dwellings comprising of 4 x 1-bed; 20 x 2-bed; 42 x 3-bed; 2 x 4-bed with Public Open Spaces and Play Area | Approved 16.08.2018 |
| F/YR17/3124/COND | Details reserved by conditions 6, 9, 13, 15, 16, 17, 18, 19 and 20 of F/YR14/0183/O | Withdrawn |
| F/YR14/0183/O | Erection of 68no dwellings (max) | Granted 18/02/201 |

5 CONSULTATIONS

- 5.1 **Town Council:** *The Town Council recommend approval as it finalises the plans for this site and allows FDC and other agencies to view and consider the whole site. Without this application the viability of affordable housing is questionable.*
- 5.2 **Cambridgeshire County Council Highways Authority:** *The kerb radii details are usually dictated by the tracking alignment. Whilst the majority of the access geometry is detailed on plan numbers P17090-10-04 and P17090-10-03 (kerb radii, carriageway widths etc) details of footway widths are required and should be shown on the plans. The tracking details provided show that an 11.5m long refuse vehicle can pass a motor vehicle throughout the development and turn within the turning head at the end of the development. In addition there is no real need for the ramp detailed between plots 78-82 as there is sufficient horizontal deflection without the need to provide vertical features.*

As previously mentioned though the LHA will not entertain adopting the estate roads/drainage with the methods proposed - CCC will not accept/adopt any infiltration/soakaway drainage system on this site.

The development therefore proposes a greater number than 5 dwellings served by a private drive. FDC should therefore consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road together with refuse collection.

The footway dimensions have been provided and the LHA confirm that they have no highways objections, recommending that all highways conditions from application number F/YR18/0128/RM should be appended to any granted consent.

This recommendation is again caveated with statements regarding adoption the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road together with refuse collection as above..

- 5.3 **FDC Scientific Officer (Land Contamination):** *No objection to the proposed application. The previously submitted contaminated land report submitted under Phase 1 of outline planning permission F/YR14/0183/O for the entire site should cover for the Phase 2 scheme. The previously submitted intrusive investigation showed the presence of localised contamination. A remediation strategy needs to be submitted and approved together with completion / verification report / report confirming the objectives, methods, results and conclusions of all remediation works have been undertaken to the required standards.*
- 5.4 **Designing Out Crime Officers:** *I have viewed all relevant documents and especially noted the Section on Security (5.5) in the Design and Access Statement. I am happy to fully support and at this stage have no further comments as I believe if the development follows the layout and design principles it would adhere to the principles of Secured by Design and could qualify for a Gold Standard if the developer choose to submit an application.*
- 5.5 **Environment Agency:** *We have reviewed the information provided and have no comment to make on this application.*
- 5.6 **CCC (Lead Local Flood Authority):** *Following receipt of revised details the LLFA advise that they 'have no objection in principle to the proposed development. The [...] documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving.*

The applicant proposes to manage surface water via permeable paving which provides suitable water quality treatment for this residential use, in line with the CIRIA SuDS Manual C753. Concerns regarding groundwater have been addressed, and no groundwater was encountered during any of the ground investigations. Infiltration testing demonstrated low rates, however these rates are considered the minimum acceptable for permeable paving. Based on the hydraulic calculations provided, the drainage strategy is appropriate to suitably manage the surface water on site, without increasing flood risk. Requests conditions regarding the implementation of the SW drainage scheme in accordance with the submitted details and agreement of the long term maintenance arrangements for the SWD system.

- 5.7 **Anglian Water Services Ltd:** *Notes that there are no assets owned by Anglian Water or subject to an adoption agreement within the development site boundary. Comment that the foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for these flows and that the sewerage system at present has available capacity for these flows via*

a gravity discharge regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. In addition AWA advise that the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

- 5.8 **Housing Strategy (FDC):** *This application is linked to the other recent application in for approval (F/YR18/0496/PLOBBA) for the site at Westhaven Nursery, North Peterborough Road, Whittlesey with a combined total of 84 dwellings across both applications. As far as I understand this site will be providing 58 affordable homes for affordable rent, shared ownership and rent to buy dwellings which is in excess of the requirements in Policy LP5 of the Fenland Local Plan.*

There is significant need for affordable housing in Whittlesey and therefore I am happy to support this application. There is very little affordable housing delivery in Fenland due to scheme viability which means that S106 affordable housing is often not provided and RPs also struggle to develop sites for AH due to viability. Therefore I have been working closely with Longhurst on this scheme. They are proposing to over-provide the level of AH to meet the pressing need for AH and intend to bid to either the Combined Authority or Homes England for grant funding. I would encourage you to support this application.

- 5.9 **NHS Property Services:** *Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.*

- 5.10 **Environmental Services:** *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:-*

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

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

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

- Please refer to the useful supplementary planning guidance for Cambridgeshire and Peterborough available in the RECAP Waste Management Design Guide

- 5.11 **PCC Wildlife Officer:** *Makes the following observations, noting the close interaction with the adjacent application site F/YR18/0128/RM:*

- Satisfied that the revised Construction Ecological Mitigation Plan (July 2018 version) sets out an acceptable approach towards dealing with protected species*

including reptiles, great crested newts, badgers, bats, nesting birds and hedgehogs.

- The proposal, if approved should therefore be carried out in strict accordance with the details set out in this CEMP document.
- In addition, full details of all external lighting should be provided; ensuring that disturbance to foraging bats is avoided, particularly along the northern and western site boundaries. This may be secured by condition.
- Revised site layout plan appears broadly acceptable, and includes a 10m wide biodiversity buffer along the northern boundary which ties in with the adjacent development site. However no detailed landscaping scheme has been provided. I would advise that such a scheme should be carefully designed to accord with that proposed for the adjacent site, including use of native plant species, management of the buffer area, and full details of bird and bat boxes.
- Pleased to note that the Boundary Plan and Boundary Types Plan have been revised to reflect recent discussions with the applicant to ensure that an effective boundary treatment is provided in relation to protected species and the adjacent nature reserve.
- Full details of landscaping including maintenance, as well as bird and bat box details, to accord with the adjacent development, should be secured by condition.

The application site is located immediately adjacent to King's Dyke Nature Reserve County Wildlife Site and I consider that this proposal has the potential to result in adverse impacts upon the being in place. I would therefore request that (in addition to the above measures) effective pollution control measures in relation to drainage and ground water are secured by condition, both during and post construction, to accord with that required for the adjacent development site.

I would have no objection to the proposal subject to the development being implemented in strict accordance with the revised CEMP and site layout plan, whilst full details of external lighting, bird and bat boxes, landscaping and drainage/ ground water protection measures should be secured by condition.

I can advise that subject to my recommendations being fully incorporated into the approved scheme the development will in my opinion result in no net loss to biodiversity.

5.12 Natural England: *The proposed development is unlikely to impact statutorily designated sites hence we have no objection to the proposed development and are unable to offer detailed comments. However, the proposal is located directly adjacent to King's Dyke Nature Reserve and County Wildlife Site hence development could have an adverse impact on the special ecological features of this site. Consequently we advise that, before issuing any permission for this scheme, your Authority must be satisfied that there is sufficient detail to ensure that the proposed habitat buffer zone is of appropriate size and quality to ensure:*

- *no net loss of biodiversity at the site (especially relating to great crested newts);*
- *that fencing and boundary arrangements are suitably robust to prevent ecological impacts to the adjacent Kings Dyke Nature Reserve and County Wildlife Site; and*
- *sufficient detail is received regarding the financial commitments for management and maintenance of on-site habitat and boundary treatments*
- *adequate surface water drainage arrangements and pollution control measures, sufficient to demonstrate no adverse impact to the natural*

environment including the adjacent nature reserve, are agreed and delivery secured through planning conditions.

Under regulation 9(3) of the Habitats Regulations, competent authorities (in this instance the local planning authority) must have regard to the requirements of the Habitats Directive when exercising any of their functions, including whether or not to grant planning permission. This includes having regard to whether the development proposal is likely to negatively affect any European Protected Species (EPS) etc

In respect of the revised proposals NE comment as follows:

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

- 5.14 **Managers of Kings Dyke Nature Reserve:** Originally commented that *'the addition of 18 houses will only serve to exacerbate the impact of the wider development scheme on Kings Dyke Nature Reserve. As such, we would recommend that the matters raised in our comments [...] are addressed prior to further consideration of this application.'*

Following discussions on site the scheme proposals were revised and the following comments have been received in respect of the revisions made:

[...] pleased to see that the developers have finally provided for a buffer on the western margin, although the buffers are still significantly smaller than should ideally be provided. [...] re-iterate that the conifers which form an important setting to the reserve and visual buffer when viewed from the west should be retained intact and protected either by a Tree Preservation order or an appropriate Section 106 Agreement.

[...] pleased also that the developers have now provided a more robust people and cat proof fence design and that the Housing Association will be responsible for the maintenance of this fence in perpetuity – this should be written in as part of the Section 106 Agreement.

The one issue we continue to have severe concerns over is the management of road drainage water through soakaways. We identified at an early stage that the groundwater in the area sits within the gravels over the top of the clay, at a shallow depth. Therefore, there is significant potential that either the soakaways will not work in periods of heavy rainfall and there is potential for contamination of that ground water which then feeds a number of the pools in the nature reserve (highlight similar concerns have been raised by the County Highways Authority and note that the LLFA have requested further ground investigations are undertaken to determine groundwater levels on site)

Go on to note that *the Kings Dyke Nature reserve recently hosted Chris Packham as part of his national Bioblitz campaign (with) Over 1100 species of wildlife were recorded at the reserve over a 24 hour period, more than any other of the other 50 sites visited across the United Kingdom. Many of these species (including a very large population of great crested newts, stoneworts and many of the invertebrates present) depend on the purity of the water. Any contamination of this water either through pollutants reaching the ground water or surface run-off from the*

development site would be catastrophic. This fact has been re-iterated in Buglife letter dated 22nd June 2018 and the letter from Natural England dated 26th June 2018 which states "the council should secure implementation of a surface water management plan that is sufficient to demonstrate no adverse impact to the water environment".

Highlight that [...] planning permission should not be granted until this has been addressed. [...] (and that) any approved surface water management plan MUST include an assessment of the current water quality of the pools within the reserve, an impact assessment of the potential for the development to impact on these, an appropriate monitoring scheme and outline mitigation scheme to remedy any impacts that could be anticipated. This scheme must be maintained in perpetuity and secured by a Section 106 agreement.

Following on from the above a further objection highlighting the continued concern [...] over the potential for surface and ground water pollution to negatively impact the water quality within nature reserve's water bodies via impact pathways from the proposed development. Although the Cambridgeshire County Council Local Flood Authority have now withdrawn their objection, we re-iterate our previous comments that the ground water is relatively shallow in the area. This can be confirmed by monitoring of the local water table undertaken by Forterra and the ground level of ponds within the nature reserve. It is of great concern that the developer's consultant's latest report (EPS dated 6th July 2018) still does not make reference to the correct water regime within the nature reserve. It references the main lake as the nearest water body, when there are a large number of ponds much closer than this. I can confirm that at no time has anyone accessed the site to inspect these ponds. Accordingly, this latest EPS report still makes no reference to any potential impacts on the water regime within the nature reserve.

Furthermore, we note that the Local Highways Authority maintain their concerns as to the proposed methods of soakaway drainage (email from Rikki Parsons dated 31st July 2018) and as such will not adopt the proposed drainage.

Our major remaining concern is that there is no scheme in place for monitoring of any potential hydrological impacts on the nature reserve and no remedial strategy to address any identified impacts. You stated that there were no conditions attached to the outline planning permission that would allow you to require this under the detailed permission.

However, we note that Condition 6 of the outline permission requires the provision of a scheme to deal with the "contamination of land and/or groundwater"

Of particular note, part d) requires "Provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-time monitoring and pollutions linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the local Planning Authority".

The purpose of the condition is "To control pollution or water in the interests of the environment and public safety in accordance with Policy LP16 of the fenland Local Plan 2014".

As the scheme to satisfy these conditions was withdrawn, this clearly still needs to be satisfied. As one of our concerns is that pollutants from the proposed soakaways will enter the groundwater and find their way into the water bodies

within the nature reserve, any scheme submitted cannot be considered as satisfactory unless these potential impacts have been taken into account and a suitable monitoring scheme proposed.

5.15 Cambridgeshire Fire and Rescue: Request that adequate provision be made for fire hydrants

5.16 Local Residents/Interested Parties: 28 letters of objection have been received which may be summarised as follows:

Ecology

- Environmental and Wildlife concerns
- Earlier concerns regarding impacts on reptiles and great crested newts and hydrological resources have not been addressed/ potential for contamination of ground water
- Inadequate buffer zone
- Light pollution and noise from houses in the development will have an adverse effect on wildlife
- Damage to the nature reserve boundary, long term maintenance of any boundary fence will be near impossible to guarantee
- No provision for suitable cat and people proof fence
- Concerned that development in the locality will devalue and damage the nature reserve
- It is inevitable that building near the reserve will result in both noise and chemical pollution and this will adversely and irreversibly affect the wildlife
- A European Protected Species licence from Natural England is required before the development can begin, and without a 20m buffer zone along both boundaries it is unlikely that the necessary licence will be granted
- The reserve has provided sightings of rare animals and birds and once the habitat is disturbed some these creatures may leave and never return. Others may perish with the change in environment from changes in water level and pollutants.
- KDNR was recently visited by Chris Packham who praised the management of the reserve, its uniqueness and its splendid bio-diversity, it should not be ignored by FDC and should be heralded as a wonderful amenity and given protection and prominence.

Traffic and Highways

- Any scheme should see major road improvement as a prerequisite, A605 cannot sustain any more traffic
- Egress on to the busy A605 will be problematic
- Concern re lack of parking per plot

General concerns

- Loss of view, Outlook, Out of character/not in keeping with the area, Visual impact
- Noise, Waste/Litter, Smell
- Proximity to property
- Concern re 'backhanders'
- Whittlesey has already exceeded its quota of planned housing which has affected local services, local infrastructure unable to cope.

- Density/Over development; extension to original application greatly increases density and will exacerbate any issues
- Anti Social behaviour
- Does not comply with policy

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) July 2018

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.

Section 5: Delivering a sufficient supply of homes.

Para. 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Achieving appropriate densities paras. 122 - 123

Section 15: Conserving and enhancing the natural environment.

7.2 National Planning Practice Guidance (NPPG)

7.3 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.

LP5: Meeting Housing Need.

LP11: Whittlesey

LP13: Supporting and Managing 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.

8 KEY ISSUES

- 8.1 The following key issues are identified as being pertinent to the evaluation of this scheme:

- Principle of Development
- Design and layout
- Transport and Highways
- Drainage
- Biodiversity and Mitigation
- S106
- Conditions

9 BACKGROUND

- 9.1 This application relates to the delivery of a further 16 market dwellings to support the predominantly affordable housing scheme proposed to be constructed on the site, under the umbrella of the original outline. The further application for 16 market sale dwellings is necessary in order to deliver the levels of affordable housing proposed on the wider site with the additional homes being offered as market dwellings to make the whole scheme viable.

The agents also highlight that a policy compliant scheme would deliver 25% affordable homes; however the exact on site provision will be 58 affordable units, i.e. 85% of the 68 dwelling and 69% of the total 84 units proposed. The agent for the scheme considers this to *'represent a significant benefit of the scheme and should be given considerable weight in the decision making process'*.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of residential development on this site has been established through the grant of outline planning permission and the subsequent grant of reserved matters approval. Although the outline granted was restricted in numbers there is a clear recognition that this is a sustainable site in one of the key market towns of the district and as such compliant with Policy LP3.
- 10.2 It is however also necessary to assess the impacts of the development with regard to design, layout, residential amenity; flood risk, access and highway considerations. Given the relationship of the site to the established Kings Dyke Nature Reserve it is also necessary to give full consideration to any biodiversity impacts of the scheme; specifically ecological mitigation.

Design and layout:

- 10.3 The design and layout, which has been revised during evaluation of the scheme to accommodate an 8.5 metre western biodiversity buffer, in addition to the 10 metre biodiversity buffer to the north, is acceptable in the context of the site. The individual units are afforded appropriate levels of separation, private amenity space and parking which is provided in accordance with the FDC adopted standards.
- 10.4 Similarly there are no residential amenity issues arising and adequate separation exists between the new build proposed and the existing dwellings along the Peterborough Road frontage.
- 10.5 The original scheme proposed a density of just over 26 dwellings per hectare and it should be noted that delivering 84 units on the site represents a density of just under 33 per ha. As acknowledged by the agent the original scheme proposed a mix of 2-5 bedroom houses whilst the combined reserved matters and full planning submissions has a concentration of 2 and 3-bedroom units, with only 2 four bedroom dwellings being delivered on the site. These smaller dwellings in essence follow the original design principles shown on the original illustrative layout albeit more units would be delivered.
- 10.6 A detailed materials schedule accompanies the application; this proposes a mix of yellow and red brick properties some with render, some with a projecting band

of blue brick and some with a mixture of both the projecting band and render. Roof tiles will be a smooth light grey. This palette of materials will offer variety within the streetscape and will contribute to a sense of place and links with that proposed on the wider site.

- 10.7 The scheme details are acceptable in the context of policies LP2 and LP16 of the Fenland Local Plan.

Transport and Highways

- 10.8 The principle of development has been accepted by virtue of the original outline. Whilst this full planning application proposes additional units within the site this has no implications with regard to acceptability in highway terms as the road geometry, tracking and turning etc. (subject to clarification of footway widths and the deletion of the ramp feature in the locality of Plots 78-82) is acceptable.
- 10.9 With regard to highway drainage, specifically infiltration, CCC have advised that if the proposals do not meet CCC Housing Estate Roads Construction (CCC HERC) specification then the road will not be suitable for adoption.
- 10.10 In response to the impasse between the agents and the LHA regarding site drainage and infiltration the developer/their agents now propose a Private Drainage System for the site with the main access roads, private driveways and parking areas being of a permeable (infiltration) pavement system that will be privately maintained by a management company employed by applicant in perpetuity. This will be a private road system that is not proposed for adoption by the County Council. 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.

Drainage

- 10.11 The site lies within a Flood Zone 1 area; although issue has been raised with regard to levels of infiltration, specifically relating to the highway adoption requirements. Whilst the LLFA originally raised objection to the scheme the submission of further details has resulted in them removing this objection, for the reasons outlined in their consultation response.
- 10.12 It is considered that subject to conditions being imposed as per their recommendation the proposed scheme is acceptable and meets the requirements of both the NPPF and FLP policy LP14.

Biodiversity and Mitigation

- 10.13 Both this scheme and the earlier reserved matters submission have prompted strong concern relating to the likely impacts of the proposal on the adjacent Nature Reserve. This scheme has been revised following input from relevant biodiversity champions and stakeholders and it is considered that the key points relating to fencing and biodiversity buffers have been satisfactorily addressed.
- 10.14 The issue of ground water quality and monitoring in the KDNR does remain a cause for concern for the local stakeholders and the Managers at the reserve consider that there is *'significant potential that either the soakaways will not work*

in periods of heavy rainfall and there is potential for contamination of that ground water which then feeds a number of the pools in the nature reserve.'

- 10.15 The consultation response received from the LLFA identifies that the permeable paving proposed provides suitable water quality treatment for this residential use, in line with the CIRIA SuDS Manual C753. They have also clarified that their earlier concerns regarding groundwater have been addressed, and that no groundwater was encountered during any of the ground investigations. Whilst they have acknowledged that infiltration testing demonstrated low rates, the rates were considered the minimum acceptable for permeable paving. Based on the hydraulic calculations provided, the drainage strategy has been accepted by the LLFA as appropriate to suitably manage the surface water on site, without increasing flood risk.
- 10.16 Against the above backdrop and mindful of the existing outline planning permission for the site the LPA is unable to substantiate a condition which places an obligation on the developers to undertake the ground water quality monitoring required by the KDNR, and recommended by the Wildlife Officer. In essence the LPA needs to consider whether the impacts of the additional dwellings when considered in conjunction with the approved scheme would warrant such a condition, i.e. would the pollution risks of the 84 units combined be more acute than those of the 68 dwellings approved. Having sought further advice from the Wildlife Officer it is noted that it is unlikely that the extra units would make a significant difference and as such it is contended that the condition would not therefore be 'reasonable', one of the key tests outlined in Para. 56 of the NPPF (2018).
- 10.17 Mindful of the above, and having given full consideration to the comments received, the LPA is unable to impose the condition relating to ground water quality monitoring. Conditions requiring the development to be implemented in strict accordance with the revised CEMP and site layout plan; and those requiring the submission of further details in respect of external lighting, bird and bat boxes and landscaping do however meet the tests outlined in Para, 56 and may therefore be imposed.

S106

- 10.18 There were issues of scheme viability with regard to the outline planning approval and subsequent reserved matters submission, even when factoring in the additional market homes proposed by this full planning application. This has previously been accepted and a request to modify the original section 106 was accepted by Planning Committee on 10th October 2018; the relevant legal process is now underway in this regard.
- 10.19 Based on the developer contributions that would be required for this scheme the agent/applicant asserts that even with the sales income from the additional plots the scheme continues to show a significant deficit which would make the scheme unviable for a speculative developer. Under the circumstances it is argued that a lower level of contributions is applicable. Again, the over provision of affordable housing is the justification of this position, and whilst not at the level shown for the 68 units (85%) there is still a very significant over provision of affordable units (69%) across the combined 84 units proposed.
- 10.20 The viability appraisal submitted in respect of this proposal has been assessed by officers and the following 'headlines' established:

A deficit is shown on completion of the project with 58 of the 84 dwellings being Affordable Housing including 20% Profit (including overheads) of Gross Development Value of the Market Dwellings.

- The anticipated revenue for the Market Dwellings is based on comparable new build evidence and is a realistic expectation of value.
- The adopted bank interest is 6.5% which is an acceptable assumption.
- Design & Professional Fees of 10% have been adopted; up to 10% is considered within an acceptable range.
- The build costs quoted are in accordance with figures published on BCIS TPI webpages for the types of properties proposed rebased for Fenland and are lower than anticipated costs for a scheme of this nature.
- A contingency of 2% 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 20% profit of the Gross Development Value for the Market Dwellings. 20% profit is considered the minimum amount that a developer would usually require for a site of this nature.

Based on the evidence submitted the Senior Planning Obligations Officer at PCC accepts that there are viability issues preventing the delivery of policy compliant S106 contributions however the scheme will deliver a significant over provision of Affordable Dwellings.

Conditions

- 10.21 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provided 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).
- 10.22 The applicant has been consulted on the proposed pre-development condition below and their response will be reported to committee. Therefore, should the application be approved and the consent granted with the proposed conditions, it is considered that the requirements of section 100ZA(5) will have been met.
- 10.23 The proposed condition is as follows;

Condition 2 - relating to contamination of land/groundwater

- 11 CONCLUSIONS** This application proposes a policy compliant scheme which raises no issues in terms of visual or residential amenity. The developer has provided supplementary technical details and actively engaged with the relevant statutory agencies to respond to issues relating to drainage, biodiversity and highway layout. Whilst it is noted that the on-site surface water drainage situation renders the scheme outside that which the LHA would formally adopt there are measures that can be secured via condition in terms of future management and maintenance of the systems proposed and consent may not be resisted solely on the grounds that the road system does not comply with adoption requirements.

11.2 Whilst it is clear that the proposal initially generated significant concern regarding ensuring that the development of the land does not prejudice the operation, longevity and value of the adjoining Nature Reserve much progress has been made in securing a scheme which goes some way to address the issues of concern; although the matter of ground water contamination has not been addressed to the satisfaction of the KDNR organisation it is considered that the LPA has used due diligence, within the constraints of the original outline, to ensure that this matter has been addressed as far as is possible. Against this backdrop the LPA is satisfied that the scheme has given due regard to the specific ecological constraints and requirements of the site and takes appropriate steps with regard to safeguarding.

11 RECOMMENDATION: Grant subject to the following 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. Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site..

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.

IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:

2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and

(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site

investigation shall be submitted to and approved in writing by the Local Planning Authority.

Following written LPA approval of the Site Investigation the LPA will require:

3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.

Reason:

To control pollution of land or water in the interests of the environment and public safety. This a pre-commencement condition as it would not be reasonable to expect the developer to undertake such investigation prior to the grant of consent.

3. The surface water drainage scheme shall be constructed in full accordance with the following documents:
- Typical Permeable Block Paving Contract, P17090-SK40(002), dated 13th July 2018
 - Proposed Drainage Plan Sheet 1 and 2, P17090-10-01 and 02 (002) Rev A, dated 13th July 2018
 - Highway Drainage Calculations (A) (002), P17090 Rev A, dated 13th July 2018

Reason - To prevent an increased risk of flooding and protect water quality

4. Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason - To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

5. No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed estate roads and private drives within the development have been submitted to and approved by the local planning authority. The estate roads and private drives 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 a satisfactory means of access in accordance with policies LP15 and LP16 of the Fenland Local Plan.

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

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

7. Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply 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 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 in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.

8. The development shall be undertaken strictly in accordance with the Construction Ecology Mitigation Plan (July 2018) which outlines an acceptable approach towards dealing with protected species on the site; in support of the CEMP the following further information shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the relevant parts of the scheme, and shall be retained in perpetuity thereafter in accordance with the agreed details.

- (i) Full details of all external lighting; such details should ensure that any potential disturbance to foraging bats is avoided, particularly along the northern and western site boundaries.
- (ii) Full details of the proposed bird and bat boxes, including numbers, types and locations

9. No works shall proceed beyond slab level until such time as full details of both hard and soft landscape works have been 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: full details of all 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) existing trees, hedges or other soft features to be retained
- b) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- c) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- d) 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 and to reduce the visual and environmental impacts of the development hereby permitted.

- 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.

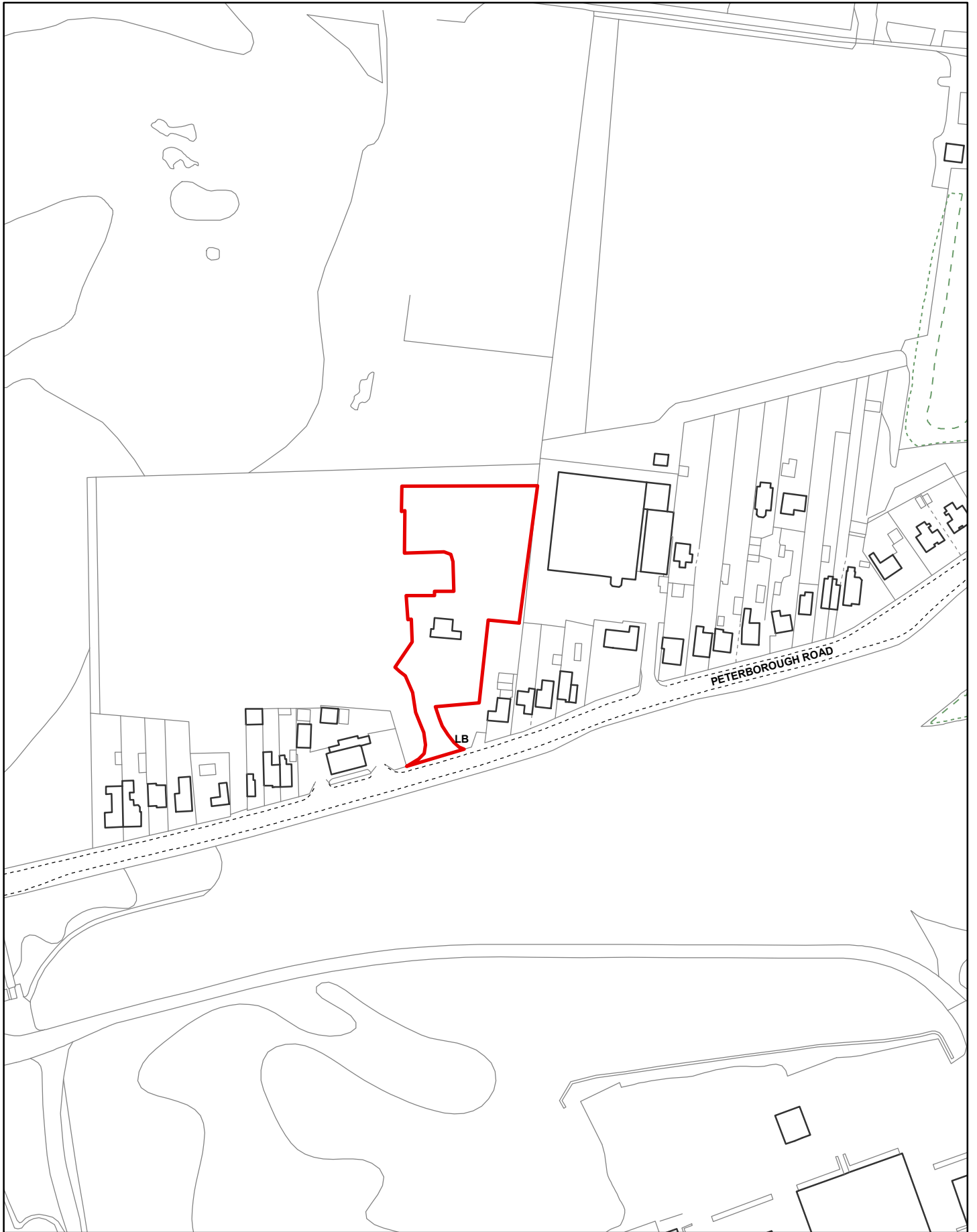
- 11 Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.

Reason: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site.

- 12 The fencing detailed on the Boundary Plan Phase 2 ref 41083/032 Rev B and Boundary Types drawing 41083/015 rev D shall be erected concurrently with the development and retained thereafter in perpetuity.

- 13 Reason: To ensure that the appearance of the development is satisfactory and the boundary screening does not affect highway visibility in accordance with Policies LP15, LP16 and LP17 of the Fenland Local Plan, adopted May 2014.

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



Created on: 20/06/2018

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F/YR18/0557/F

Scale = 1:2,500





- A Revised to client comments 08.12.2017
- B Fence lines and schedule amended, plots swapped as per client discussions and sheet renamed 12.01.2018
- C Layout amended as per highway engineer's comments 26.02.2018
- D Tenure mix amended as per client's comments 14.03.2018
- E Access road/homezone added between plots 41/42 and 81/82. Tenure mix amended to suit the revised layout and red line boundary amended to suit revised title plan 22.03.2018
- F Layout amended to suit revised site boundary. Tenure key added 26.03.2018
- G General amendments 04.04.2018
- H General amendments 20.04.2018
- J Site entrance wall detail moved clear of vehicle visibility 23.04.2018
- K 8.5m biodiversity buffer zone added to western site boundary. Layout amended accordingly and private drives that adjoin public open space reduced in size 04.07.2018



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Project: A development at Peterborough Road
 Client: Longhurst Group
 Sheet title: Site Layout - Phase 2
 Ref: 41083/ 004K
 Scale: 1:500 @ A2
 Date: 08.12.2017
 Drawn: YS Checked: JR

ACCOMMODATION SCHEDULE

41083 - Peterborough Road, Whittlesey

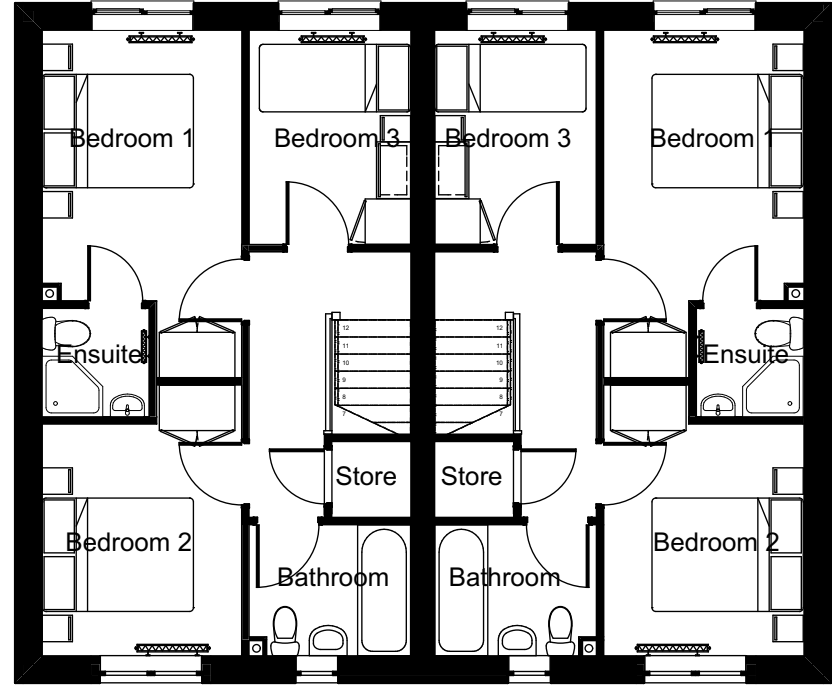
| HOUSE TYPE | Beds | NUMBER | SQM | SQM Total | SQFT | SQFT total |
|-------------------------|------|--------------|-----|-------------|-----------------|-----------------|
| A | 2b4p | 4 | 64 | 256 | 688.90 | 2755.58 |
| B * | 3b5p | 4 | 83 | 332 | 893.41 | 3573.65 |
| C | 3b5p | 6 | 80 | 480 | 861.12 | 5166.72 |
| C1 | 3b5p | 2 | 80 | 160 | 861.12 | 1722.24 |
| L | 3b5p | 1 | 86 | 86 | 925.70 | 925.70 |
| M | 2b3p | 1 | 56 | 56 | 602.78 | 602.78 |
| Total | | 18 | | 1314 | | 14143.90 |
| Total Site Area: | | 0.543 | | | Hectares | |
| Total Site Area: | | 1.342 | | | Acres | |
| Site Density: | | 33.15 | | | DPH | |

* Plots 41 - 42 have already been submitted in a previous reserved matters planning application (reference number F/YR18/0128/RM but will be redesigned as a pair of type Bs.

- Tenure
- Affordable Rent
 - Rent to Buy
 - Shared Ownership
 - Private Sale

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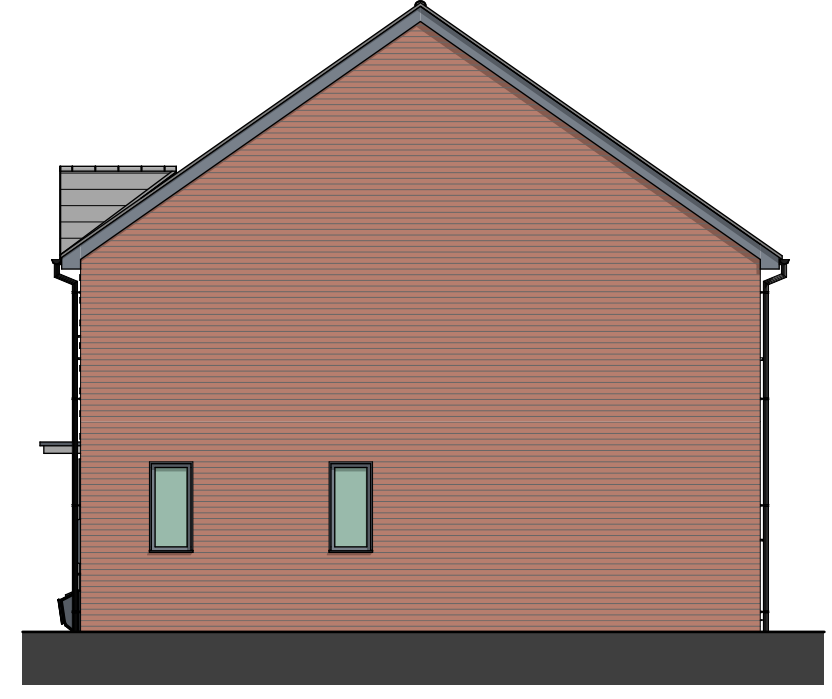
| | | | |
|---|--|------------|----|
| A | Plot numbers amended in accordance with site layout 001Q | 11.04.2018 | GW |
| B | Plot numbers amended | 05.06.2018 | GW |



First Floor Plan



Front Elevation

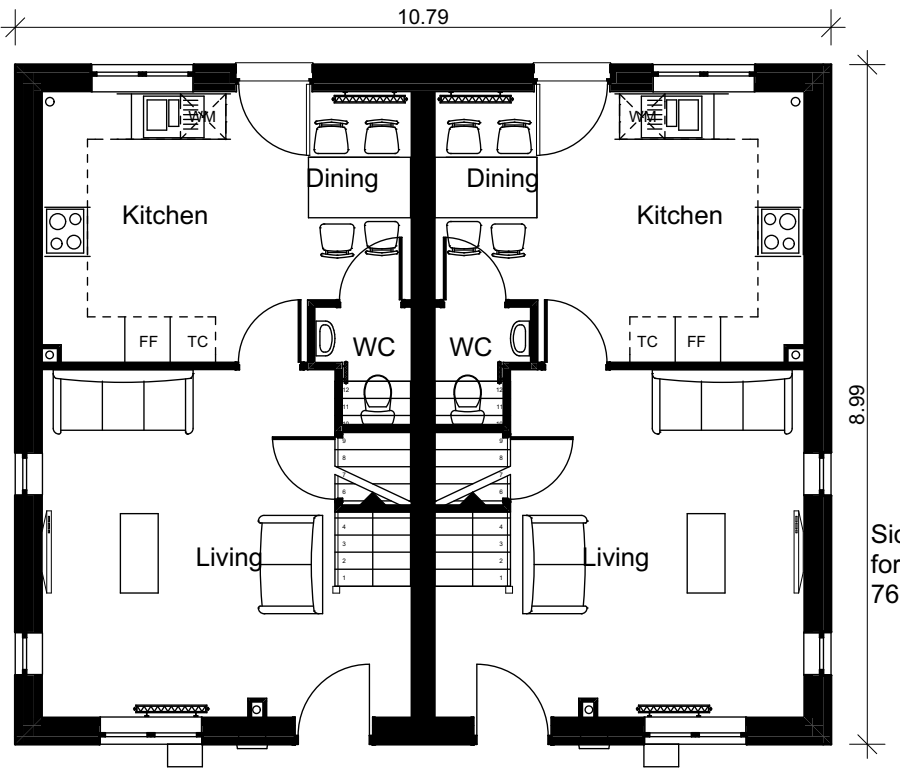


Side Elevation

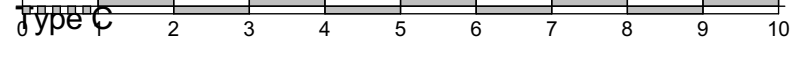
Plot Numbers:
69,70,71,72,75,76



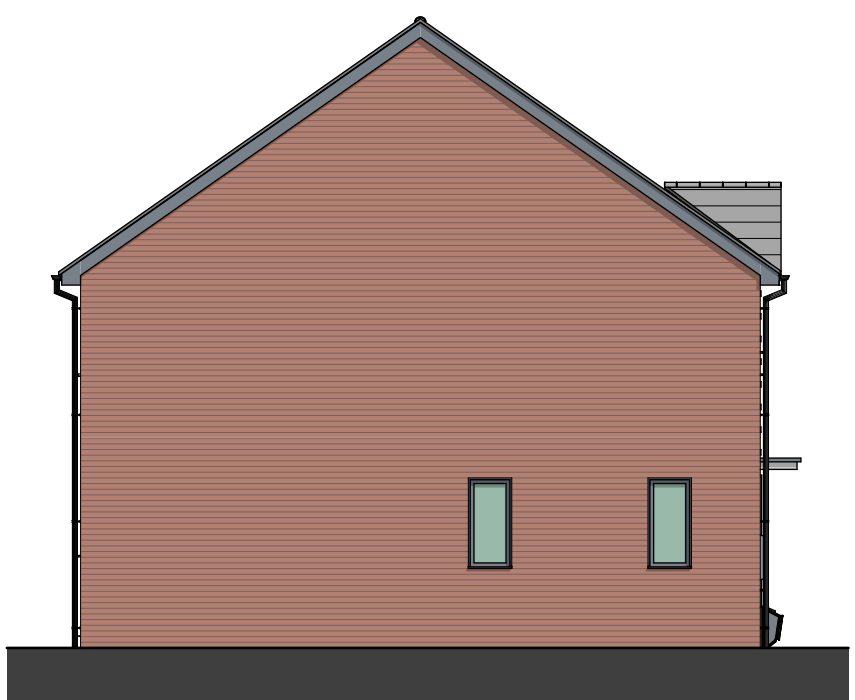
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Ground Floor Plan



Rear Elevation



Side Elevation

Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type C (Type 2) Phase 2

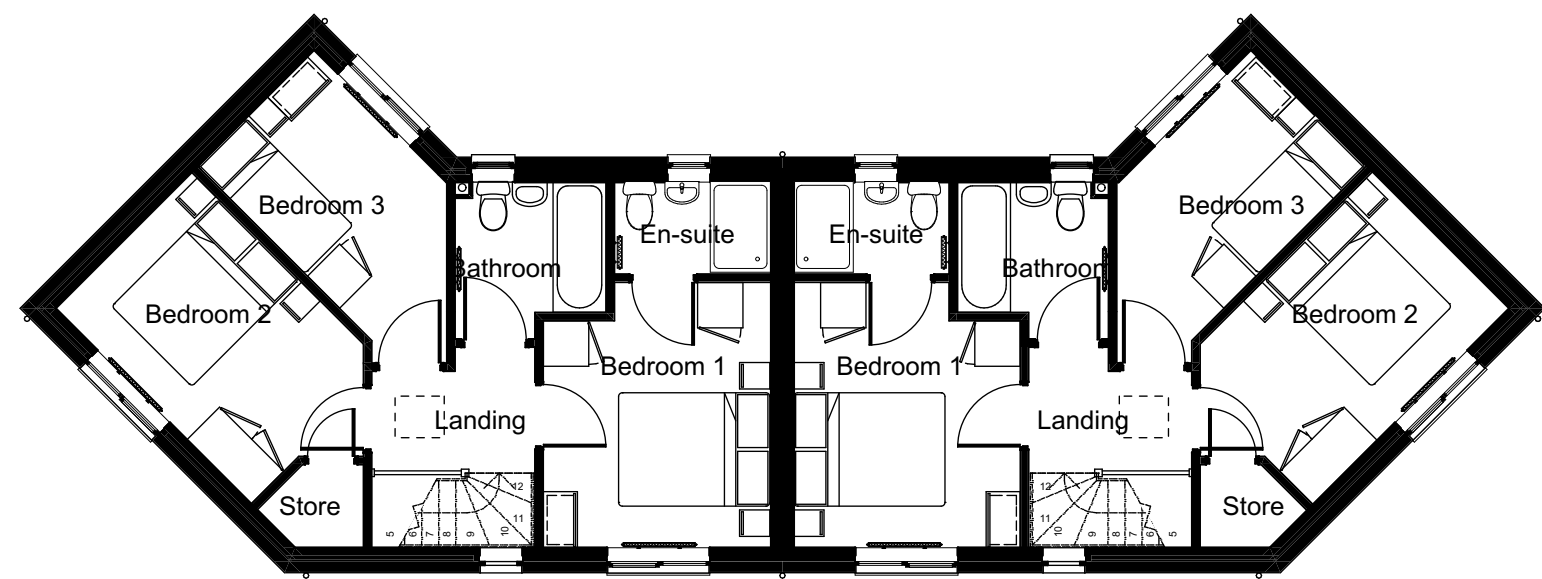
Ref: 41083/ 031B

Scale: 1:100 @ A2

Date: 30.04.2018

Drawn: GW Checked: JR

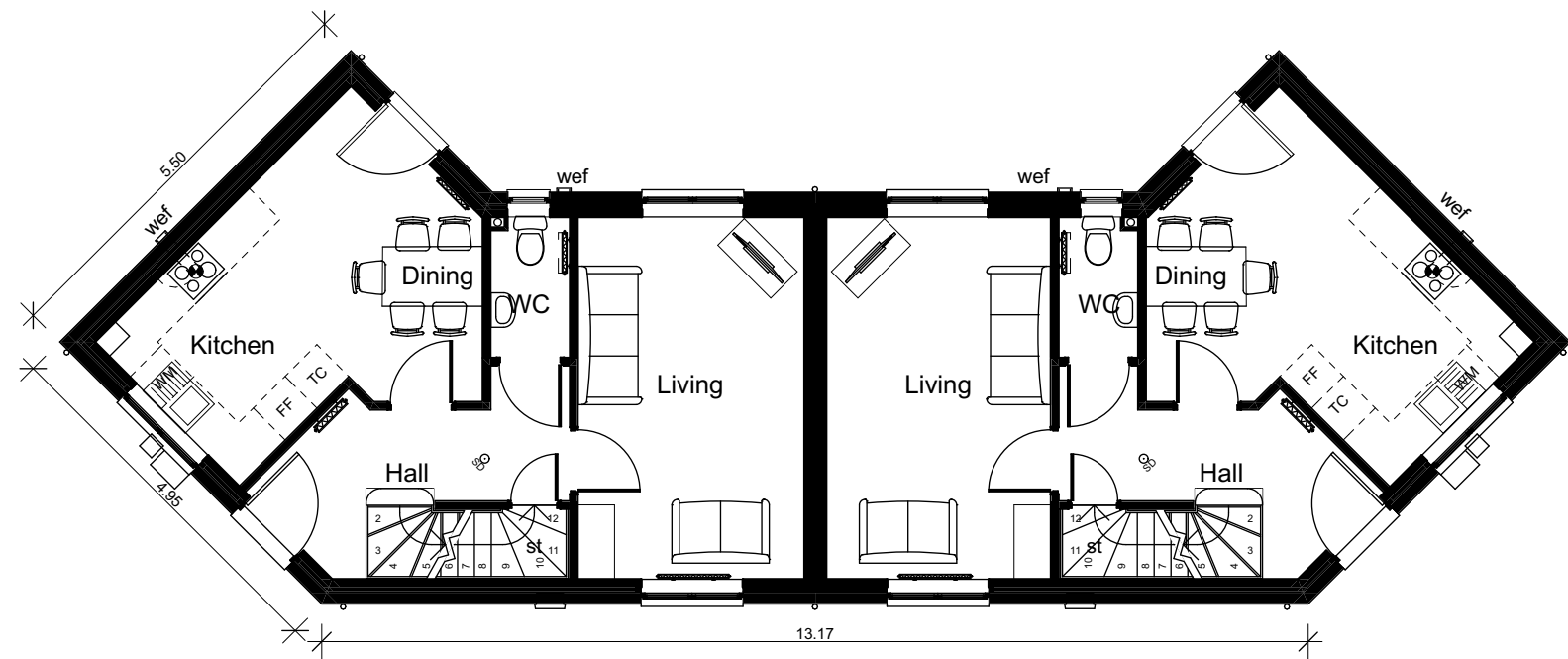
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First Floor



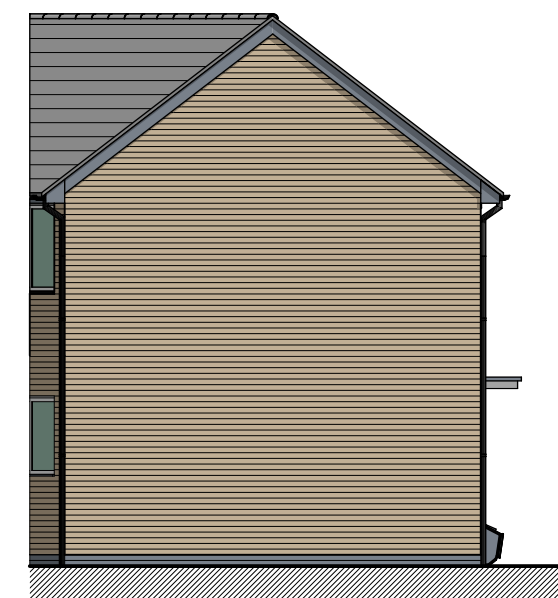
Front Elevation 1



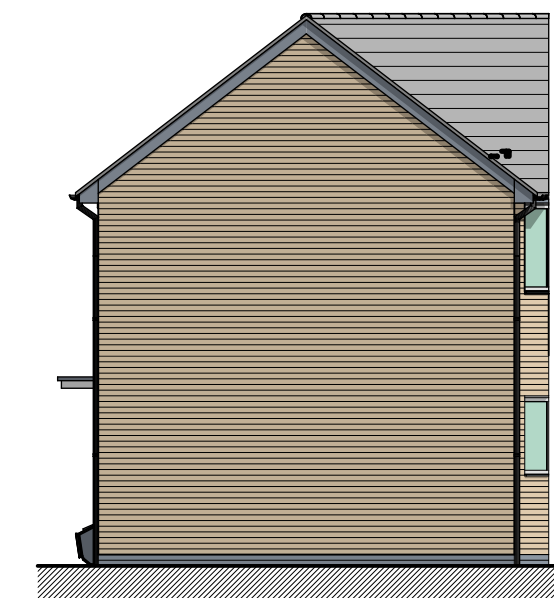
Ground Floor
Type B



Rear Elevation 1



Side Elevation 1



Side Elevation 2

Plot Numbers:
41,42,81,82



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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type B Phase 2

Ref: 41083/ 029

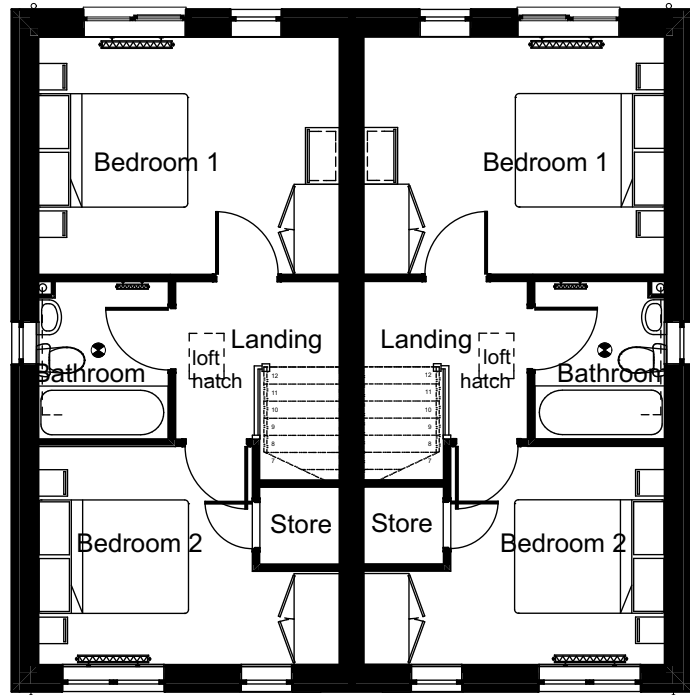
Scale: 1:100 @ A2

Date: 30.04.2018

Drawn: GW

Checked: JR

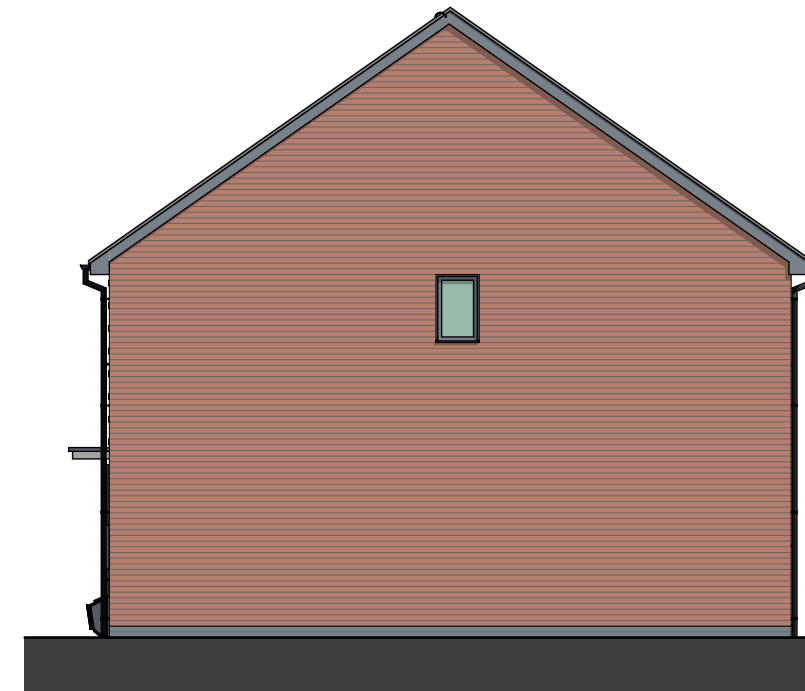
A Plot numbers 11.04.2018 GW
amended in
accordance with site
layout 001Q



First Floor Plan

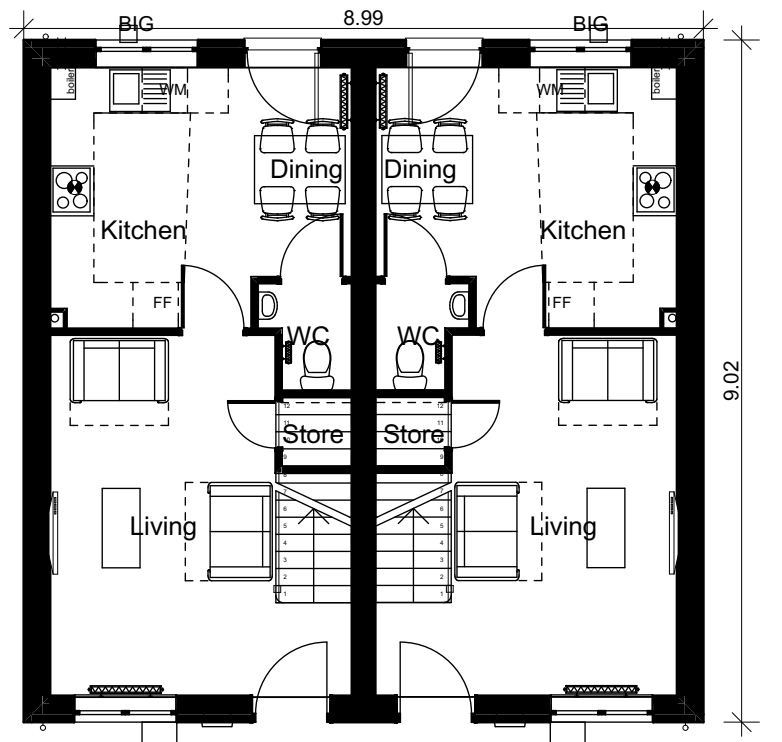


Front Elevation



Side Elevation

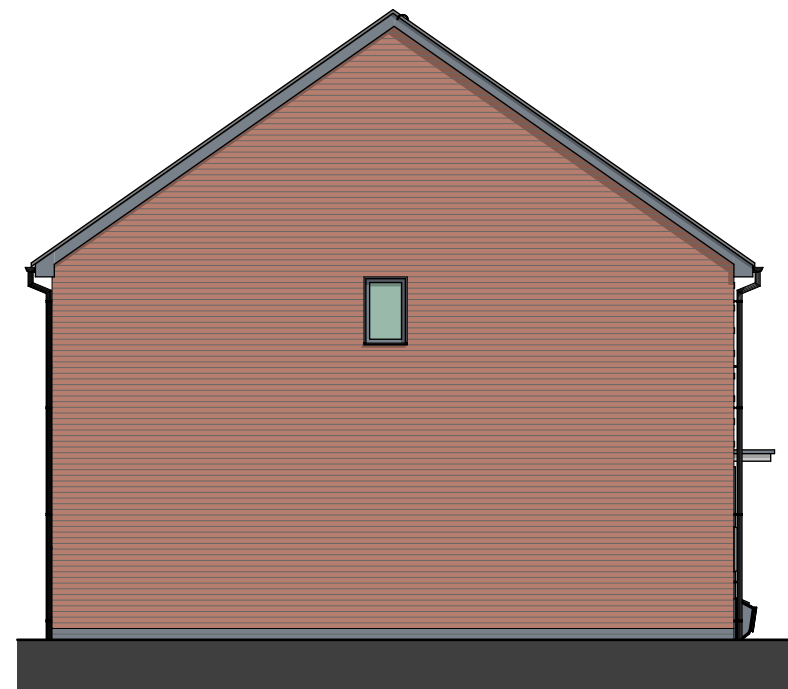
Plot Numbers:
77,78



Ground Floor Plan



Rear Elevation



Side Elevation



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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type A (Type 2) Phase 2

Ref: 41083/028

Scale: 1:100 @ A3

Date: 30.04.2018

Drawn: GW Checked: JR