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F/YR18/0128/RM

**Applicant: Mr M Baker  
Axiom Housing**

**Agent : Mr Robert Jays  
Lindum Group**

**Westhaven Nursery, Peterborough Road, Whittlesey, Cambridgeshire**

**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**

**Reason for Committee: More than 6-letters of objection received contrary to Officers recommendation.**

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## **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. This reserved matters submission seeks to agree details of the layout, scale, appearance and landscaping.**

**It is considered that the scheme complies with relevant planning policy and may be supported.**

**The granting of reserved matters approval does not dispense with the requirement for the developer to appropriately discharge the conditions imposed on the original outline planning permission. The outline conditions will be subject to a stand-alone submission and fall outside the consideration of the current submission; albeit it is good practice to ensure that the scheme detail does not compromise the proposals ability to meet the requirements of such conditions.**

**Likewise the desire for the developer to deliver additional units on the site and modify the Section 106 Obligation are separate issues outside the consideration of this submission.**

## **2 SITE DESCRIPTION**

- 2.1** The site currently forms a vacant area of land which was 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 sits adjacent to some residential development along the frontage of Peterborough Road, a 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 The application seeks reserved matters consent for 68 two-storey dwellings, as per the schedule contained within the description above. The dwellings are served by an access that is sited between the car garage and No. 146 Peterborough Road. This access sweeps east west and then returns west-east. There is an area of land to the east of the site that is annotated as 'land for potential future development'. A 10 metre biodiversity buffer is shown along the northern boundary of the site abutting the nature reserve and a further 8.5 metre buffer, has during the development of the scheme proposals, now been introduced to the western boundary.

Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=P3FA61HE01U00>

### 4 SITE PLANNING HISTORY

F/YR18/0557/F	Erection of 18 x 2-storey dwellings (Phase 2) comprising of 5 x 2-bed and 13 x 3-bed	Pending
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/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 19/02/2015

### 5 CONSULTATIONS

- 5.1 **Whittlesey Town Council:** *The Town Council recommend approval but would like to ensure the long-term maintenance of the buffer zone is implemented.*
- 5.2 **Cambridgeshire County Council Highways Authority:** *The application is a reserve matters application for the erection of 68 dwellings.*

Originally commented that the submitted plans do not correspond with those submitted at pre-application stage and that revisions were required to the scheme details with regard to geometry, details and drainage. Auto-track details were also required. Following the submission of amended details advise that: *I still need to see a plan that details all geometric feature dimensions. e.g. Kerb radii, carriageway widths, footway widths etc. Auto-track details should also be provided for the site detailing an 11.5m long refuse lorry passing a private motor vehicle.*

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*Details should also be shown on how the applicant intends to drain the highway. As per my previous comments I am aware that the applicant is looking at infiltration methods on site, however please note that if they don't meet CCC HERCS specification then the road will not be suitable for adoption.*

Further clarification given that the permeability rates on site do not provide sufficient confidence that soakaway drainage methods will work on this site.

Whilst the LHA acknowledge the one test result that does accord with our Housing Estate Road Specification, the BRE tests, observation of infiltration test on site and conclusion of drainage consultant's report all suggest that soakaways are not appropriate for this site. With the above in mind the LHA will not entertain adopting the estate roads/drainage with the methods proposed.

*With regard to the detailed layout the LHA note that '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) footway widths are not shown. The applicant will need to ensure that the footway dimensions are 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.*

*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.*

*Should the footway dimensions come forward I would have no highways objections subject to conditions.*

- 5.3 **PCC Ecologist:** Originally commented that the final site layout design should be informed by the results of the most up to date ecological surveys to ensure that adequate undeveloped buffers are provided. In addition design will need to take account of any specific requirements to adequately cater for the translocation of reptile and great crested newts.

*Noted that the proposed site plan indicated a significant area of land "for potential future development"; this is of concern, given that the outline planning permission was approved on the basis of a maximum of 68 dwellings across the whole site. I would advise that the layout is revised to remove this area and instead allocate this undeveloped area within a wider buffer to the nature reserve. I note Natural England's comments which state that by holding back this land it will impact on the ability of the proposal to deliver sustainable development. Also noted that no detailed landscaping scheme appears to have been submitted.*

Following submission of an updated Construction Environmental Management Plan makes the following observations:

*Proposed Site Plan: Satisfied that the requirements for protected species protection and mitigation are achievable based on the revised site layout plan. I am satisfied that the submitted Boundary Plan and Boundary Types Plan are adequate to prevent access by people and cats into the adjacent county wildlife*

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*site nature reserve, with the cat-proof fencing measures extending along the northern, western and eastern site boundaries. I am pleased to note that the revised site layout plan includes gates and access to the biodiversity buffer to enable future maintenance of this area.*

*Concerns remain regarding the area of land indicated "for potential future development", given that the outline planning permission was approved on the basis of a maximum of 68 dwellings across the whole site.*

*I also note that no detailed landscaping scheme appears to have been submitted.*

*Recommendation: As set out above, I am satisfied with the revised site layout and detailed boundary treatment details, I also understand that this reserved matters application requires the submission of full landscaping and planting plans which do not appear to have been provided to date. I would therefore advise that the landscaping details are submitted for approval prior to determination of this application. Subject to such details being satisfactory, likely have no objection to the RM application, noting the requirement for further ecological information to discharge OPP conditions.*

In respect of the revised scheme, comments received as follows:

*Thank you for the opportunity to comment on the **additional revised details** relating to this Reserved Matters application. I have the following observations to make with to protected species and habitats.*

*Having viewed the revised Construction Environmental Management Plan, I am satisfied that the requirements for protected species protection and mitigation are achievable based on the revised site layout plan. I am satisfied that the revised Site Layout Drawing (to include an undeveloped 8.5m buffer zone), Boundary Plan and Boundary Types Plan are adequate to prevent access by people and cats into the adjacent county wildlife site nature reserve, with the cat-proof fencing measures extending along the northern, western and eastern site boundaries.*

*Regarding the Landscape Strategy Plan, details provided regarding bird nesting and bat roosting features appears acceptable, and accords with the CEMP with fifty percent of dwellings to have such features incorporated into the buildings. I also note the commitment to ensure gaps are provided in new fence lines to enable hedgehogs movement between gardens and areas of open space. The plant species selections appear broadly acceptable, and again accord with the CEMP.*

I would have no objection to the proposal subject to the development being implemented in strict accordance with the above revised documents and drawings. 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

- 5.4 **Natural England:** *Further to advice provided by Natural England, in our letter dated 5 March 2018 (ref. 239172), we note and welcome that improvements have been made to the proposals in key areas. These include a revision to the boundary plan to include gates to the biodiversity buffer for maintenance access and cat proof fencing extended to 3 sides (north, east and west). We therefore*

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agree in principle with the proposed details set out in the CEMP (Greenwillows Associates Ltd, April 2018).

*Natural England advises your authority to clarify the situation regarding the adjacent land at the eastern end of the site; ideally this should be included as additional supporting habitat to help ensure no net loss to biodiversity.*

In addition to advice regarding the adjacent land at the eastern end of the site and the requirement for a financial commitment for in-perpetuity management and maintenance of on-site habitat and boundary treatments, the Council should secure implementation of a surface water management plan that is sufficient to demonstrate no adverse impact to the water environment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal

- 5.5 **The Wildlife Trust:** *The Wildlife Trust has been alerted to this case. While we did not comment on the original outline application in 2014, this was because the amount of housing proposed and proposed planning conditions provided scope to incorporate the necessary ecological mitigation measures into the development design. With good design the necessary mitigation measures to prevent adverse impacts on the adjacent Kings Dyke Nature reserve, a County Wildlife Site, and on local populations of protected species, should be achievable.*

*However, I note that the current reserves matters application showing a detailed site layout and the information previously provided to discharge conditions falls well short of good design and sustainably integrating ecological mitigation measures into the proposed development. This is unacceptable and the following issues need to be addressed before this application should be granted:*

1. *The site layout is completely unacceptable having removing the previously proposed 20-30 metre wide buffer zone along the northern and western boundaries bordering Kings Dyke nature reserve. While there may not be space for a 20-30 metre buffer all the way round as well as the 68 dwellings and other open space, there should be a minimum width of 15 metres. There is clearly scope to reinstate these buffer zones as an area has been left for "future development" contrary to the original planning permission for a maximum of 68 dwellings. The site layout therefore needs to be revised to include a significant buffer to the adjacent County Wildlife Site. This could also be designed as an area of accessible green space and a circular route for dog walking within the development itself.*

2. *I note the correspondence regarding cat / predator proof boundary fencing on the nature reserve boundary and fully support the comments from Philip Parker Associates regarding the design of this.*

3. *I also note the discussions regarding protected species and ensuring all aspects of the ecological mitigation are integrated, but we will leave this to the Fenland ecological advisor, the developer's ecologist and Philip Parker Associates to resolve. I hope these comments can be taken into account and that a revised site layout with all necessary ecological mitigation measures fully integrated into the design can be submitted*

Following the submission of further details comments as follows:

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*As I suspected the CEMP document does not address our fundamental objections to the detailed site layout as set out in our previous comments. The developer is clearly trying to fit more than the approved 68 dwellings onto the site, has provided insufficient buffer zone to King's Dyke nature reserve, insufficient habitat mitigation area and insufficient on-site landscaping and open spaces. I would also question the longevity of the proposed wooden garden fencing, which from personal experience is likely to last no more than 10 years, and if the responsibility of the householder will in all likelihood not be replaced to the original design specification, rendering King's Dyke open to cat predation in the future..*

*The proposed buffer zone is frankly pathetic by way of ecological mitigation and enhancement and there is clearly scope within the red line boundary to build the approved 68 dwellings and to design a far better landscape and ecological mitigation offer. We respectfully request that Fenland DC instruct the developer to go back to the drawing board on their site layout and to develop proposals that provide a significantly increased and enhanced area of complementary habitat to the adjacent King's Dyke nature reserve. The current proposals cannot be demonstrated to deliver net gain (or at least no net loss) in biodiversity, contrary to national and local planning policies. The area set-aside for future development must be reallocated to ecological and landscape enhancements in perpetuity as part of this application.*

*Additional comments have also been received outlining how the WT objection could be withdrawn through revisions/further information:*

*It appears that the Wildlife Trust's desire for an improvement to the development layout, with better on-site habitat enhancement and / or green infrastructure for the new residents, is unlikely to be delivered by the current Housing Association application.*

*If the current development layout with limited buffer to the north and none to the west is to be approved, the boundary fencing to Kings Dyke nature reserve must be of sufficient strength, durability and design to prevent unauthorised access by people to Kings Dyke nature reserve and limit as far as is possible cat access and predation, while allowing free movement of small animals. This is likely to necessitate a metal palisade and / or mesh fencing (one potential example of which is attached) rather than wooden fencing along the whole boundary between the development site and nature reserve.*

*It would be really helpful to see the details of the proposed landscaping, which must include the details of boundary fencing treatments including detailed specifications with images, prior to determination of the application. We will comment as to their suitability once details have been provided. Until such details have been supplied and agreed, our objection to the layout of this development remains in place.*

*Finally, I must also state that the approach taken by the applicant of "salami slicing" their development is unhelpful and poor practice. It is resulting in the development not being considered as a whole, with the potential need for further costly changes to the development design at a later stage, for example when it comes to discharging ecological and drainage conditions. Such uncertainty or risk of additional costs cannot be in the applicants interest. Their current approach is also wasting far more of the consultees time, Fenland DC planning officer time*

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*and the applicants time all of which is inefficient and costing us all more money than should be required. This approach does not show the applicant or their advisors in a good light, and will no doubt lead to closer scrutiny of future schemes they bring forward.*

- 5.6 **Managers of Kings Dyke Nature Reserve:** *Originally expressed their concern that fundamental ecological mitigation measures were outstanding including an acceptable buffer specification, an acceptable fence specification, the water pollution monitoring and contingency strategy and the great crested newt and reptile receptor site strategy (which are closely linked to the buffer specification).*

It was considered that the schemes submitted as part of the reserved matter have the potential to adversely impact on the value of the nature reserve in terms of:

- Inappropriate buffer zones
- Impact on great crested newts, reptiles, badger and further protected species
- Impact on the water quality within the nature reserve

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".*

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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.*

- 5.7 Buglife:** *The current scheme intends to use soak away surface drainage, including off roads. Despite this, no plan appears to have been submitted to monitor water quality or potential mitigation measures put in place.*

*Buglife considers a 20m buffer to be more appropriate to minimise the impacts on the adjacent reserve. The planned buffer should also be of a sufficient height to reduce light pollution, The landscaping documents fail to provide any planting scheme, an important consideration as the adjacent nature reserve currently contains regionally significant Open mosaic habitat on previously developed land, a Priority Habitat under Section 41 of the Natural Environment and Rural Communities Act 2006. Such low nutrient and bare ground habitats can be particularly vulnerable to invasion of non-native plant species and tree and shrub species which are able to rapidly establish and seed. Any landscaping scheme should avoid cotoneaster, buddleia and birch species for example.*

Consider that: The current applicant threatens the long-term water quality of the adjacent reserve which supports an outstanding invertebrate assemblage which includes nationally rare and scarce species.

- 5.8 FDC Scientific Officer (Land Contamination):** *The Environmental Health Team has viewed the supplied documents and welcomes the detailed site investigation report. We do not object to the principle of this development. The submitted site investigation report details the results of an intrusive investigation that acknowledges the site has a history of commercial usage including former fuel use.*

*A contaminated land condition should be applied as the land has been identified as being contaminated, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how the identified contamination shall be dealt with.*

Further comment that the proposal is unlikely to have a detrimental effect on local air quality or the noise climate.

- 5.9 Housing Strategy (FDC):** *The Fenland Local Plan indicates that the affordable housing tenure mix should be informed by and compatible with the latest SHMA and on this basis I would expect 30% Intermediate rented properties (such as Shared Ownership) and 70% affordable rented properties. Therefore I would expect to see 5 intermediate tenure homes and 12 affordable rented homes. The planning application indicates that the tenure of the affordable housing will be 10 affordable rented homes and 7 shared ownership homes. Please take these into consideration when discussing the application with the applicant. The mix proposed within the application is acceptable and the Housing Officer supports the proposal*



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*In the event that it is proven to not be viable for 25% affordable housing to be provided by the developer, I would still like to secure up to 25% of the homes as affordable housing. Prior to commencement on site I would expect the developer to approach the Council to enquire about the availability of grant funding to facilitate the delivery of up to 25% AH at no financial detriment to the developer*

- 5.10 Environment Agency:** *We have reviewed the information provided and have no comment to make on this application.*
- 5.11 CCC (Lead Local Flood Authority):** *Originally objected to the scheme, however following receipt of further information they have confirmed that: ‘as LLFA we have **no objection** to the proposals. 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.’*
- 5.12 Anglian Water:** *Our engineer has now assessed the proposal for Westhaven Nursery Peterborough Road, Whittlesey in relation to the Reserved Matters in which we were consulted. We can confirm the following in regards to our response: We have reviewed the applicant’s submitted foul drainage strategy and flood risk documentation ) and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 9 of the outline planning application F/YR18/0128/RM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.*
- 5.13 Head of 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:-*
- *As per issues raised by County Highways the turning head at the end of the access road needs to be slightly extended to remove the overrun of the refuse vehicle over the footway. Auto Track designs should be provided and areas of widening should be introduced around corners to ensure that a 11.5m long refuse lorry can pass a private motor vehicle.*
  - *New 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. Properties served by shared private driveways will require notification of the shared collection points set out on the proposed site plan.*
  - *For the 'type E' 4 x 1 bed properties provision of individual bins for each property with collection point at the curtilage where it meets the public highway would provide the best solution. Plans indicate two separate bin stores for the four properties.*
  - *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.*

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

Following receipt of additional details: *Note changes to the Bin Storage and collection arrangements for 'type E' property and have confirmed that they are happy with the tracking information and have no further observations.*

- 5.14 Senior Archaeologist (CCC):** *We have reviewed the amendments to the above planning application and can confirm that these do not affect our previous advice issued against associated outline application ref F/YR14/0183/O. This site was previously subject to an archaeological evaluation (Cambridgeshire Historic Environment Record reference ECB4198) for which a report of results has been received and approved and no further archaeological mitigation deemed necessary, therefore we have no further objections or requirements for this development.*
- 5.15 Designing Out Crime Officers:** *I have reviewed the updated documents and plans. I am happy that some security recommendations have been considered. I have no further objections or recommendations at this stage and also wish comments regarding a Secured by Design application made in my response on 13th February be considered by the Developer. They will be somewhat compliant already with adherence to Approved Document Q. Following receipt of landscape scheme again are happy to support and have no further comments.*
- 5.16 Local Residents/Interested Parties:** 106 letters of objection were received in respect of the original scheme proposals; these may be summarised as follows:
- Local concerns are not being considered
  - Concerns in villages about unrealistic development applications; when will FDC recognise this problem
  - Council has failed to notify adjacent land owners and previous contributors
  - Site location is inappropriate for family housing; close proximity to an operating industrial site with heavy machinery and excavation
  - Note that a large section of land is to be left vacant under the current plan.
  - The area reserved on site for future development would seem to be "land banking" currently frowned upon by both the government and the opposition. The vacant land could well be used to gain unauthorised access to the nature reserve and be used for other detrimental activities
  - Since the 2014 planning application on this site was submitted, there have been significant housing developments elsewhere in Whittlesey, with several new estates of 240+ houses being granted permission. With such an ambitious house building programme already underway, in 2018 the demand for extra housing in this area has reduced since 2014. So there is no need for another 68 houses to be built in this unsuitable location.
  - Scheme puts little back into community requirements
  - Concerns re anti-social behaviour/vandalism/waste/litter/noise
  - *Have always felt safe when walking around the Reserve on my own; I do not think I will feel that way knowing that there could be a lot more people on the Reserve who have no right to be there.*
  - Concerns re drainage, density/over development/ parking arrangements/ proximity to property/ out of character with the area/precedent
  - Environmental Concerns, concern re. light pollution, noise, trees, loss of view/outlook
  - Concern re. traffic and highways –

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- One cost-effective way to improve people's mental health is to allow access to open areas and green spaces filled with nature. Fenland council should be acting to support its residents and not just be ticking boxes to sign off a development which financially benefits the developer, but is detrimental to everyone else and puts children at risk.
- Whittlesey wash development a classic example of developers ignoring local concern
- Whittlesey does not have the infrastructure for further housing, not enough school places. It is almost impossible to get an appointment at the local doctor's surgeries, no dentists are accepting patients and there is a lack of local amenities
- Investment into the town centre and a supermarket should be considered like other Fenland Market towns
- A development so close to the reserve may encourage unaccompanied children to wander into the reserve and this would be dangerous, residents may also use it inappropriately
- Any benefits that the owners of these houses will give will be to the detriment of the nature reserve
- Drainage requires further consideration
- Development should not be approved if developer fails to satisfy conditions imposed on the outline
- A company has put a lot into developing this site so it should be protected; otherwise other companies are going to say why bother doing something to improve the community when it might be impaired or even destroyed by local authorities.
- There is also the historical issue of sulphur odour from the nearby brickworks, which although existing dwellings and residents are tolerant of, new occupiers of this development may not be aware of this issue when it arises.
- The council's main interest appears to be income from more houses even if the environment suffers
- The houses are of poor design, have no solar panels

### Ecology and Biodiversity Concerns

- Full Environmental Assessment of the impact this development could have on the Reserve should be undertaken
- Wildlife would not cope very well with the construction or occupancy of sixty-eight dwellings within two hundred meters of them.
- When building work is going on the disruption above ground what is going on below ground wild life must get very unsettled
- Can find other land for housing but cannot find another nature reserve
- Allowing more houses to be built in the area can only bring an end to the wonderful array of wildlife on Kings Dyke Nature reserve; which is used by many including schools
- Commends the stewardship of the KDNR; if developers do not take the highest precautions it will be to the detriment of Whittlesey
- Not enough safeguards to preserve flora and fauna
- Concerned re fencing and boundary buffer, consider buffer inadequate – suggest a minimum of 20 metres to northern and western boundaries
- There needs to be an adequate buffer and protective barrier along all boundaries with the reserve, and existing trees need to be maintained, as screening for houses from the hide and protection from the impact of people and pets on the reserve

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- The detailed plans fall short of what is required to develop appropriate mitigation measures to protect the significant ecological value of the nature reserve.
- No people/cat proof barrier has been specified
- How will buffers be maintained and funded
- Loss of habitat for protected species should be mitigated through the provision of an equivalent area, or smaller area if significantly enhanced – this is not addressed
- There is also concern of light pollution and noise impacting on wildlife behaviour.
- A European Protected Species licence for the great crested newts is required before the development can commence – it is unlikely that Natural England will grant a licence without an appropriate buffer or translocation zone.
- Hope that Natural England object to the size of the development
- The plans are negligent in their lack of any provision to undertake survey and monitoring even if the Council were minded to approve
- Soakaway drainage for roofs and roads would lead to contamination of ponds on the reserve (these being groundwater fed); no provision for survey and monitoring of water quality
- Nature reserve is a private member facility with no access for dog walkers or cycles
- Housing so close to the reserve will have a detrimental impact on wildlife and habitats, i.e pet cats will prey on wildlife, will generate noise and rubbish (potentially rubbish being dumped over fences), fireworks etc
- To maintain the reserve and its species it needs to be totally cat free
- No details are included in the proposal to deal with the great crested newts on the housing site satisfactorily. There needs to be adequate translocation and mitigation
- Buildings will detract from views from the main hide
- Condition 19 clearly states no ground clearance must take place until an appropriate licence is in force yet some scrub and brambles have already been cleared.
- Tree protection zone appears to be on land owned by Forterra.

### Access and highways

- Roads cannot cope with the morning commute to Peterborough.
- This is just going to make the road situation worse, already difficult to get out of drives on the main road. Another 129 cars! This road is no way suitable for the amount of traffic that uses it, there is no break in traffic at peak times unless a train is coming and that will not happen once the rail crossing is sorted.
- Inappropriate radii bends to allow cars to pass parked cars
- Children will be at risk walking to and from school with lorries thundering past
- The slim driveways which propose one car parked behind another just do not work. Cars will be parked on the pavements and road instead, which will be particularly hazardous at the bends on the road.
- Access to the site is to be on a extremely busy road which is affected by traffic jams on almost a daily occurrence

In respect of the revised scheme proposals 22 further letters have been received from previous correspondents; which may be summarised as follows:

- Drainage, environmental and wildlife concerns, flooding

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- Still very concerned about the buffer zone and protective fencing. I am not convinced that the proposed fencing will serve the purpose of providing adequate resistance to unwanted nuisance, no mention having been made of this in the revised proposals.
- The recent bioblitz event and related survey proves that we cannot allow any adverse development to affect this site and the decisions affecting the nature site should be rethought; consider that any development on the fringes of this site should not happen at all.
- Surface water drainage is completely inadequate due to ground conditions, all surface water should be piped away from application site
- Neither has any further comment been made on the subject of any pollution that might present an ominous threat to the Nature Reserve project.
- Life expectancy of proposed fencing is questioned and it is noted that there are no provisions for long term maintenance and retention
- Still no information regarding great crested newt translocation, LPA has to be satisfied that an EPS licence will be issued
- Accept that these projects have to be accepted but please make them more acceptable
- *It is disappointing that the applicant, no doubt having seen the comments on the initial application, has shown such scant concern for the development's potential ecological impact when submitting the revised application*
- Pleased to see that some of the concerns have been addressed, albeit partially, disturbed that the drainage issue remains unresolved
- KDNR was recently visited by Chris Packham who praised the management of the reserve, its uniqueness and its splendid biodiversity, it should not be ignored by FDC and should be heralded as a wonderful amenity and given protection and prominence.

One letter stating that they neither object to nor support the application although noting concern regarding the impact of this development upon the Kings Dyke Nature Reserve, and upon wildlife in general and raising similar issues to those raised as objections i.e. buffer zone must be adequate e.g. 20 metres and retained in perpetuity, drainage must be away from the Nature Reserve and not into it, a people and cat proof fence should be maintaining in perpetuity.

A further consultation response has been received which states that the '*application has our full support as a good use of a derelict piece of land.*'

## **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) 2018**

Paragraph 2: Planning law requires that application 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.

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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**
- **S106**
- **Biodiversity and mitigation**

## **9 BACKGROUND:**

9.1 Outline planning permission was granted in 2015 for residential development on this site up to a maximum of 68 dwellings (density of approximately 26 dwellings per ha). At the time of the outline application no details were committed as although an indicative layout accompanied the submission this did not form part of the application. It should be noted that the layout and numbers specified in the original scheme had not been directed by the Local Planning Authority and were purely dictated by the submission as made; furthermore the form and extent of the ecological buffer, whilst illustrated on the layout, was not prescribed by the illustrative layout, the supporting documents or the subsequent decision.

9.2 The agent for the scheme has provided a summary position statement which highlights that:

- Axiom, a long established housing association, purchased the land in December 2017 with only 3 months to run on the outline planning permission
- Their strategy for the site was to deliver a predominantly affordable housing scheme to meet a wider range of housing needs to the existing outline approval, which had illustrated large detached dwellings with garages
- The decision was taken to submit the reserved matters application based on the existing outline for 68 dwellings to preserve the outline

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- Axiom have always been clear that it was their intention to submit a further application to secure additional units to maximise the sites full potential
  - Axiom have recently submitted a further application for 16 market sale dwellings; in order to deliver the levels of affordable housing proposed the additional homes need to be outright sale to make the whole scheme viable.
  - It is also highlighted 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'*.
- 9.3 The agent has also included within their summary position document an overview regarding ecology and S106 contributions, their observations in this regard are considered in the relevant sections of this report.
- 9.4 This application was included on the Planning Committee Agenda for the 20<sup>th</sup> June 2018 meeting; however the officer report was withdrawn from the agenda as there were a number of unresolved issues relating to highways, drainage and biodiversity that had not been addressed to the satisfaction of the LPA and statutory consultees.
- 9.5 The agents/applicants have subsequently further developed their proposals in respect of both this reserved matters submission and the additional full application for 16 dwellings. Revisions to the layout across the site have sought to address the biodiversity concerns generated by the earlier proposal. It should be noted that a meeting was held on site on 11<sup>th</sup> June which specifically sought to explore how the development would relate to the adjoining nature reserve and what safeguarding measures would be put in place.
- 9.6 The agent has also endeavoured to address concerns regarding drainage which have implications for the adoption of both the highway and drainage systems; these matters are covered in the relevant section of the report below.
- 9.7 The 16 unit proposal and a further linked application relating to the planning obligation appended to the original outline approval are currently under consideration by the LPA; it is anticipated that these matters will be reported to the September Planning Committee.

## **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. Whilst it could be viewed as 'convoluted' procedurally to keep the original outline 'live' through the submission of a scheme which covers only part of the site, whilst delivering the full 'amount' of units, there are no procedural/planning reasons which preclude such an approach. As such the LPA must consider the scheme proposals against the backdrop of the outline approval; to this end it is the design, layout, residential amenity, access and highway considerations that are paramount for evaluation. Similarly there is some cross over with how the layout will enable the discharge of the conditions imposed on the original outline; specifically ecological mitigation, i.e. the buffer, appropriate landscaping, preventing cat access to the nature reserve etc.

### Design and layout:

- 10.2 The design and layout, which has been revised since the submission of the original application to accommodate an 8.5 metre western biodiversity buffer, in addition to the 10 metre biodiversity buffer to the north, remains acceptable in the context of the site. The individual units are afforded appropriate levels of separation, private amenity space and parking. Whilst there is a shortfall of 1 parking space per 4-bedroom unit when applying the FDC adopted standards this may be accepted noting the sustainable location of the site.
- 10.3 Similarly there are no residential amenity issues arising and ample separation exists between the new build proposed and the existing dwellings along the Peterborough Road frontage.
- 10.4 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 reserved matters submission 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.
- 10.5 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.
- 10.6 The scheme details are acceptable in the context of policies LP2 and LP16 of the Fenland Local Plan; as a safeguard in respect of the land shown as excluded from the current application proposals it will be necessary to ensure the site is either developed or treated in such a way as not to impact on the visual amenity of the intended residents; landscaping proposals for this area indicate an area of species-rich grassland and this is considered acceptable and its timely delivery may be secured by condition.

### Transport and Highways

- 10.7 The principle of development has been accepted in terms of the amount of development by virtue of the original outline. The agent has provided drawings to address consultation responses received with regard to the geometry of the internal estate roads.
- 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



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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.

- 10.11 It is noted that the LHA have requested that the footway widths be dimensioned on the plans and the agent has this in hand, it is anticipated that this outstanding item will be agreed prior to the committee meeting.

### **Drainage**

- 10.12 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.
- 10.13 As a reserved matters submission it will be necessary for a formal discharge of conditions application to be submitted and agreed as per the requirements of conditions 6 and 9 of the original outline (Condition 6 including ground water contamination and condition 9 relating to foul and surface water drainage); however it is clear that an appropriate strategy for SW drainage is available to serve the site and that subject to this being achieved the scheme is acceptable and meets the requirements of both the NPPF and FLP policy LP14.

### **S106**

- 10.14 The S016 requirements have previously been established by virtue of the earlier grant of outline planning permission with associated Section 106 obligation dated 18<sup>th</sup> February 2015. This S106 outlines contributions in respect of pre-school and secondary school education, Fenland Rail improvements, Libraries and Lifelong Learning and County Council waste, In addition it outlines the scope of public open space and maintenance together with the affordable housing requirement for the site at 25%.
- 10.15 Whilst the applicant has recently submitted an application to modify the scope of the S106 to reflect the tenure and mix of the affordable housing to be provided; and dispense with the other financial contributions given that the over provision of affordable housing cannot be delivered alongside the existing financial contributions included in the S106 agreement this is separate to the consideration of this reserved matters scheme.

### **Biodiversity and mitigation**

- 10.16 It should be noted that although a 'buffer' was identified as a requirement in the original outline proposals the exact extent and form was not specified. Ecological mitigation forms a key part of the outline planning approval as issued and it will be a requirement for the conditions imposed on the original outline to be formally discharged prior to the commencement of works on site.
- 10.17 There is obviously some overlap between the current layout and the ecological considerations on site; in that the extent of buffer available to address the ecology conditions is dependent on the site layout. In addition the landscaping of the site,

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which is one of the reserved matters has the potential to offer biodiversity habitat, or as identified by one of the consultees to undermine site biodiversity.

- 10.18 It is noted that the landscaping scheme was submitted a late stage in the application process however this has now been accepted by our Wildlife specialist and it is noted that the details provided regarding bird nesting and bat roosting features appear acceptable, and accord with the CEMP with fifty percent of dwellings to have such features incorporated into the buildings. The commitment to ensure gaps are provided in new fence lines to enable hedgehog's movement between gardens and areas of open space is also noted. With regard to the plant species selections these appear broadly acceptable, and again accord with the CEMP.
- 10.19 The site meeting held in mid-June highlighted the following key issues which in the opinion of the biodiversity specialists, including strong representation from the adjoining nature reserve, required resolution:
- Infiltration and safeguarding water quality in the ponds
  - Fencing, (cat proof and other wildlife fencing)
  - Extent of buffer zone, and deletion of western buffer zone
- 10.20 It is noted that there is no safeguarding condition on the original outline regarding safeguarding water quality; as such the LPA is unable to introduce a requirement in this regard. However the agent has clarified that all the private shared driveways and parking areas are to be a permeable pavement, which has its own water quality treatment process as it collects the hydrocarbons as the surface water infiltrates through the pavement construction. The proposed private soakaways located within the rear gardens will take the roof drainage which is considered a low risk, although the last manhole upstream of the soakaways will be a catchpit chamber which will retain sediments prior to the surface water entering the crate soakaway. The Highway surface water drainage scheme will include manholes each with their own catchpit chambers, in addition to the trapped gullies (which have their own sumps) located within the carriageway. The surface water treatment train outlined will, the agent asserts, ensure any water leaving the site through the drainage system is not harmful to the nature reserve.
- 10.21 Issues of fencing and buffer zones have been fully addressed through the submission of a comprehensive fencing schedule and a revised layout which now accommodates an 8.5-metre buffer to the western boundary. An updated Construction Ecological Management Plan has also been provided.
- 10.22 Based on the above positive engagement between the developers and interested parties/stakeholders this reserved matters scheme may now be deemed compliant with Policy LP18 of the FLP. As indicated the LPA is unable to revisit the issue of safeguarding water quality within the adjacent pond areas as this was not conditioned on the original outline approval.

## **11 CONCLUSIONS**

- 11.1 This reserved matters submission proposes a policy compliant scheme which raises no issues in terms of visual or residential amenity. The developer has provided outstanding 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

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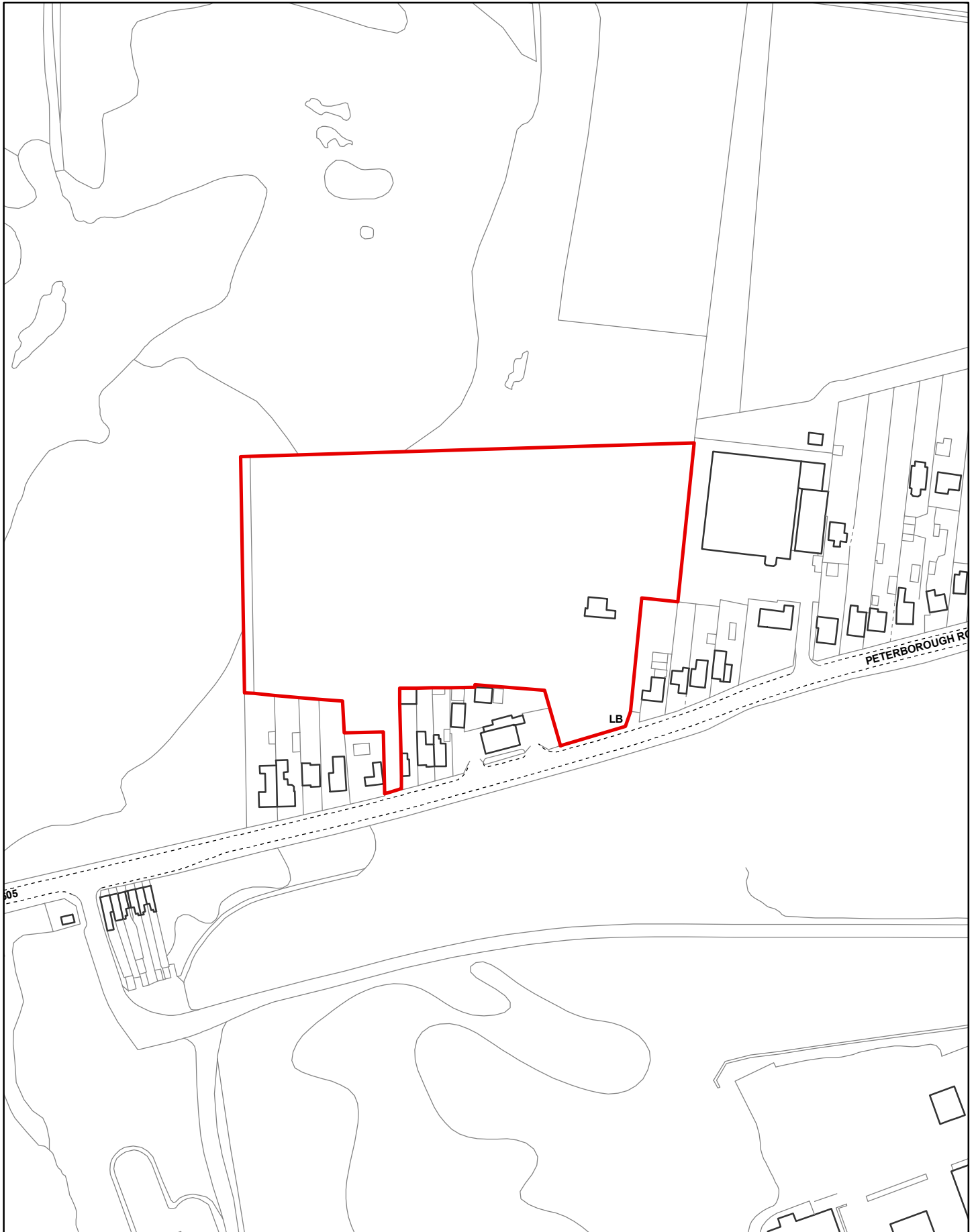
renders the scheme outside that which the LHA would formally adopt there are measures that can be secured via condition in terms of future management and maintenance of the systems proposed and consent may not be resisted solely on the grounds that the road system does not comply with adoption requirements.

- 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 and accordingly officers are now in a position to favourably recommend this reserved matters submission.

## **12 RECOMMENDATION: Approve**

### **Conditions**

- 1 The area of grassland shown on drawing number 50209001 Rev A shall be seeded and established prior to the occupation of 50% of the site and thereafter maintained in perpetuity unless a subsequent scheme for the further development of the site is approved.
- Reason: To safeguard the visual amenity of the area and the residential amenities of future occupants in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.
- 2 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.
- 3 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.
- 4 Approved plans



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**F/YR18/0128/RM**

Scale = 1:2,500







Street Scene A-A Along Spine Road 1:200 Scale



Street Scene B-B Through Central Public Open Space 1:200 scale



Key Plan 1:1000 scale



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Project: A development at Peterborough Road Whittlesea  
 Client: Longhurst Group  
 Sheet title: Street Scenes  
 Ref: 41083/ 019A  
 Scale: 1:200 @ A1  
 Date: 17.01.2018  
 Drawn: GW Checked: JR

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- A Revised to client comments 31.07.2017
- B Mix changed to client comments 01.11.2017
- C POS Trees Removed 03.11.2017
- D Site layout revised as per client comments 16.11.2017
- E Mix changed to client comments and POS increased 06.12.2017
- F Mix changed to client comments and layout amendments 20.12.2017
- G Plot 37 amended 08.01.2018
- H Type layout amended to project meeting 08.01.18 09.01.2018
- J Fence lines and schedule amended, plots swapped as per client discussions and sheet renamed 12.01.2018
- K Parking revised for plots 58 & 68, 3 spaces for 4 beds shown, visitor space for 12.01.2018
- L Note re future development added, bin collection points added 25.01.2018
- M Layout amended as per highway engineer's comments 26.02.2018
- N Tenure mix amended as per client's comments 14.03.2018
- P Tenure mix shown as per comments and boundary amended as per revised land registry 14.03.2018
- Q Shared access drives amended as per updated tracking information 26.03.2018
- R Gates added to northern boundary & extra bin storage added 20.04.2018
- S Site entrance wall detail moved clear of vehicle visibility 23.04.2018
- T 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 1

Ref: 41083/ 001T

Scale: 1:500 @ A2

Date: 25.07.2017

Drawn: YS Checked: RAW

ACCOMMODATION SCHEDULE							
41083 - Peterborough Road, Whittlesey							
HOUSE TYPE	Beds	NUMBER	SQM	SQM Total	SQFT	SQFT total	%
A	2b4p	20	64	1280	688.90	13777.92	29.4%
B	3b5p	4	83	332	893.41	3573.65	5.9%
C	3b5p	28	80	2240	861.12	24111.36	41.2%
C1	3b5p	10	80	800	861.12	8611.20	14.7%
D	4b6p	2	110	220	1184.04	2368.08	2.9%
E	1b2p	4	48	192	516.67	2066.69	5.9%
<b>Total</b>		<b>68</b>		<b>5064</b>		<b>54508.90</b>	<b>100.0%</b>
<b>Total Site Area:</b>		<b>2,644</b>				<b>Hectares</b>	
<b>Total Site Area:</b>		<b>6,533</b>				<b>Acres</b>	
<b>Site Density:</b>		<b>25.72</b>				<b>DPH</b>	

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

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