

Parish:	Emneth	
Proposal:	OUTLINE APPLICATION SOME MATTERS RESERVED: Proposed residential development	
Location:	Longridge 37 Elm High Road Emneth Wisbech	
Applicant:	Mr & Mrs S Rout	
Case No:	19/01416/O (Outline Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 15 November 2019 Extension of Time Expiry Date: 1 August 2020

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer Recommendation, and at the instruction of the Sifting Panel (06/11/19)

Neighbourhood Plan: No

Case Summary

The application site comprises 'Longridge'/No.37 Elm High Road which is a large detached chalet bungalow set in substantial mature landscaped grounds (0.6ha) on the eastern side of this main route into Wisbech. It lies just north of the B & Q store and The Peel Centre Retail Park, with housing and commercial opposite, bungalows to the north and a recently approved residential estate (approved under ref: 18/01464/RMM) to the rear.

Outline permission is sought for residential development around the existing dwelling which is proposed to be retained. All matters with the exception of means of access are reserved for future consideration. An indicative site layout plan is submitted which shows the existing access upgraded into a cul-de-sac and two private driveways serving plots to the front, rear and side of No.37.

This same access is the subject of a separate application (ref: 19/00926/F) which has recently been approved under delegated powers, for a temporary access route for construction of the adjoining estate as an alternative to accessing it via Hunters Rowe further along this road frontage to the north.

The site lies within the defined development area of Emneth and within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

Key Issues

- Principle of development
- Impact on form and character
- Access
- Impact on trees
- Affordable housing contribution
- Other material considerations

Recommendation

A) **APPROVE** subject to conditions and Section 106 being completed, within 4 months of resolution to approve, to secure affordable housing contribution.

B) Should the Section 106 agreement fail to be completed within 4 months of the resolution to approve, the application shall be **REFUSED** on the grounds of failure to secure affordable housing contribution and being contrary to Policy CS09 of the LDF.

THE APPLICATION

The application site comprises 'Longridge'/No.37 Elm High Road which is a large detached chalet bungalow set in substantial mature landscaped grounds (0.6ha) on the eastern side of this main route into Wisbech. It lies just north of the B & Q store, with two storey housing and commercial (Michael Wicks Garage & Car Sales) opposite, bungalows to the north and a recently approved residential estate for 117 dwellings (approved under ref: 18/01464/RMM) to the rear.

Outline permission is sought for residential development around the existing dwelling which is proposed to be retained. All matters with the exception of means of access are reserved for future consideration. An indicative site layout plan is submitted which shows the existing access upgraded into a cul-de-sac and two private driveways serving plots to the front, rear and side of No.37.

This same access is the subject of a separate application (ref: 19/00926/F) which has recently been approved under delegated powers, for a temporary access route for construction of the adjoining estate as an alternative to accessing it via Hunters Rowe further along this road frontage to the north.

The site lies within the defined development area of Emneth and within Flood Zone 1 of the Council-adopted Strategic Flood Risk Assessment.

SUPPORTING CASE

The agent submits the following statement:

"This statement supports the outline planning application for residential development of up to 8 dwellings on land at 37 Elm High Road, Wisbech. Only matters of access are committed for consideration at this stage, with all other matters reserved.

The area is largely residential in character. There is continuous residential frontage development to the north of the site and on the opposite side of the highway. To the immediate south is part of the commercial park where B and Q is located. To the north east of the site is agricultural land which benefits from permission for residential development under outline planning permission 14/01714/OM and reserved matters 18/01464/RMM. The residential development set out in 18/01464/RMM wraps around part of the north and the east boundaries and comprises of detached one and two storey dwellings.

The site is within the established settlement of Wisbech however is identified as being within the settlement boundary for Emneth.

The site lies within Flood Zone 1 of the adopted Level 2 SFRA and is therefore in a Sequentially preferable location in terms of flood risk.

The proposal constitutes the development of garden land within an existing built up area. In accordance with the definition set out in Annex 2 of the NPPF the site constitutes previously developed land, the redevelopment of which is promoted by paragraph 117 of the NPPF.

It is the applicants desire to remain living within the existing bungalow, hence the retention of the building. The current site has been valued at approximately £600,000. Sub-dividing the garden to provide new homes would reduce that value to approximately £500,000. We have explored the option of demolishing the bungalow. Should this occur, we estimate being able to achieve approximately 16 plots. A developer would look to pay a maximum of £35,000 per plot. This equates to £560,000 total value, less the affordable contributions, CIL Levy, demolition costs etc. etc. It is therefore not economically viable to demolish the existing dwelling. The site has been subdivided as practicably as possible to retain the bungalow whilst still making efficient use of the land and providing good residential amenities without compromising those of existing dwellings or the character of the area.

The proposal will also bring increased benefits to the area by means of CIL and Council Tax Income which will be paid in perpetuity.

The proposal will bring economic benefits by reason of local expenditure and creation of employment and purchasing of local materials during the course of construction, thereby meeting the economic objective as set out in paragraph 8 of the NPPF.

The development will allow for enhanced landscaping within the site, promoting ecology and biodiversity within the area as well as improving visual amenities in general. The proposal therefore meets the environmental objective as set out in paragraph 8 of the NPPF.”

PLANNING HISTORY

Application site:

2/96/0914/F: Application Permitted: 03/09/96 - Occupation as a residential dwelling without complying with condition 2 of M876/3 dated 12th April 1960 re: agricultural occupancy (Delegated decision)

19/00926/F: Application permitted: 08/04/20: Construction of temporary construction access road to serve approved development of 117 houses (18/01464/RMM) (Delegated decision)

Adjoining land to rear:

18/01464/RMM: Application Permitted: 04/03/19 - RESERVED MATTERS: For construction of 117 dwellings (Committee decision)

19/00228/RMM: Application Withdrawn: 08/07/19 - Reserved Matters Application for 117 dwellings

RESPONSE TO CONSULTATION

Emneth Parish Council: REFUSE - The suggested access for this proposed site of 8 dwellings is the same entrance to a larger site to the rear for 117 dwellings. Until clarification

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is provided on the permanent access arrangements for this larger development to the rear, the parish council is not prepared to consider access arrangements for a further development at exactly the same entrance.

NCC Highways Authority: NO OBJECTION – subject to conditions relating to access specification, visibility splays, no obstructions and on-site parking provision for construction workers.

Cambs CC Highways Authority: No comments received from consultation

Fenland District Council: COMMENTS - The frontage plots appear out of character with the prevailing form of development along Elm High Road; the rest of the plots again do not respect the area; the resultant residential amenity for No.37 will be severely compromised by this level of dwellings; there could be reserve sensitivity from the B&Q site – has a noise impact assessment been undertaken? Access – it appears that this is the access for further development to the rear – LHA will need to clarify whether this access would serve any future development to rear.

Wisbech Town Council: COMMENTS - The committee is of the opinion that the development residentially of the application site would result in additional vehicle movements along Elm High Road, which would make worse what is already a difficult traffic situation in that locality; therefore, it is considered that the proposal would have an unacceptable detrimental impact upon the existing local highway infrastructure.

District Emergency Planning Officer: NO OBJECTION – suggests occupiers sign up to the EA flood warning system and a flood evacuation plan prepared. (Note: This is usually covered via informative note attached to any permission rather than planning condition, due to concerns relating to the tests applied to use of conditions and enforceability.)

Internal Drainage Board: No response to consultation received

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to condition relating to unexpected contamination.

Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION – subject to conditions relating to noise protection scheme from construction and general from retail park; foul & surface water drainage; and lighting scheme.

Housing Enabling Officer: NO OBJECTION - In this instance as the site area exceeds 0.5ha and 8 units are proposed, Policy CS09 is triggered and a contribution of 1.6 units of affordable housing would be required. This should be delivered as 1no. built unit for rent, and a commuted sum of £36,000 to discharge the remaining 0.6 units of affordable housing.

REPRESENTATIONS

Two items of correspondence **OBJECTING** on the following grounds:

- Overlooking;
- Residential amenity;
- Noise;
- Congestion and access problems on Elm High Road;
- Only eight properties should be served off a private road;
- Cramped form of development;

- What is going to happen to temporary access – will estate to rear be accessed off Hunters Rowe?
- Properties should be bungalows.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The key considerations when assessing this application are as follows:

Principle of development
Impact on form and character
Access
Impact on trees
Affordable housing contribution
Other material considerations

Principle of development

The application site lies on the fringe of Wisbech town and close to the County boundary. It lies within the defined development area of Emneth as shown on 'Inset G34 Emneth' of the SADMP. The site is considered to be in a highly sustainable location, and the principle of

development is therefore acceptable subject to meeting other policies contained in the Development Plan. These will be addressed later in this report.

Impact on form and character

Whilst this is an outline application seeking the principle of developing the site for residential purposes, an indicative site layout plan is submitted as part of the application. This shows the access road alongside the southern boundary of the site with a turning facility at its head and private driveways to the front and rear of the existing dwelling which is proposed to be retained. A garage would effectively block off this site from the estate to the rear.

As stated earlier in this report, the site has houses opposite and bungalows to the north and a mix of bungalows and two storey semis and flats on the estate to the rear. The introduction of houses fronting Elm High Road would respond to those opposite which comprise a mix of detached and semi-detached two storey units, set fairly close to the road. In streetscene terms the addition of two storey dwellings would create an end stop to the row of dwellings to the north; to the south lies the B&Q store which comprises a totally different built form and character.

Policy CS08 of the LDF seeks to optimise site potential by making the best use of land, and Paragraphs 122-123 of the NPPF also encourages achieving appropriate densities and making efficient use of land.

The applicants have chosen to retain the existing dwelling for viability reasons, as outlined in the Supporting Statement above. The footprints of the indicative dwellings are shown as 6.75m x 8.5m which is fairly modest with plot widths of approx. 15m at the front of the site and 14m to the rear of No.37. From what has been submitted it would appear that up to 8 dwellings could be accommodated within the site area around No.37; however the precise layout and the inter-relationships between proposed and existing dwellings would have to be addressed at the reserved matters stage.

On the basis of the information submitted it would appear that this development could be achieved on this site and the principle is therefore acceptable.

Access

A temporary access route (submitted under application ref: 19/00926/F), for construction traffic to build the estate of 117 dwellings to the rear of the site, has recently been approved under delegated powers. This shows an upgrading of the existing access off Elm High Road to take HGVs. It is considered to be acceptable as the temporary access would affect only the one dwelling rather than effectively six on and adjoining Hunters Rowe, which will be the formal/authorised route serving the residential estate. Conditions have been attached to that permission relating to the technical specifications of the road construction and measures to protect the amenity of No.37 during operation.

Whilst this current proposal is an outline application seeking the principle of development, the means of access is to be considered as part of this application. The indicative plan shows the existing access being modified to serve the proposed dwellings. This corresponds with the details of the temporary access route for construction of the adjoining estate, submitted as part of the aforementioned application ref: 19/00926/F.

In response to consultation the Local Highway Authority (NCC) respond as follows:

“As (this is) an outline application with access only to be considered at this stage, the application has been to our Development Team for review with the decision that: the private

scale of development proposed, served by a private road of no more than 9 dwellings, would accord to standard and we could not therefore substantiate an objection to the application site being served from a simple drop kerb access at the position shown.”

Conditions are suggested relating to the standard/specifications of the access (5.8m wide for first 10m back from edge of carriageway) and visibility splays (2.4 x 120m) with permitted development rights removed relating to means of obstruction – gates/ bollards etc.

The request for a condition to control on-site parking provision for construction vehicles would be incorporated into the Construction Management Plan.

The number of vehicular movements generated by 9 dwellings would be insignificant compared to the volume of traffic using Elm High Road. It is therefore considered that the use of the access to serve the proposed dwellings off a private road, would not adversely affect this route into the town to a degree that would warrant refusal. Notwithstanding the concerns raised by third parties, the Parish & Town Councils and Fenland DC, the technical consultee/Local Highway Authority finds the proposal to be acceptable.

Impact on trees

There are several trees within and adjoining the application site – the most amenity value being attached to the mature Beech trees along the southern boundary of the site closest to the adjacent public footpath and B & Q store beyond. An Arboricultural Impact Assessment & Method Statement has been submitted as part of this proposal. This indicates that 7no. trees are to be removed within the site to accommodate the development - they are not protected and could be removed by the owner at any time; cypress hedging at the front, part northern side and rear are also to be removed; however the aforementioned Beech trees and hedges along the southern side boundary are to be retained and protection measures used during construction works.

This scheme has been assessed by our Arboricultural Officer who is content with these provisions, subject to the works being undertaken in accordance with the recommendations of that report. This may be controlled via condition.

Replacement trees/structural planting may be addressed at the reserved matters stage.

Affordable housing contribution

The application site area exceeds 0.5ha and up to 8 units are proposed, so Policy CS09 is triggered and at 20% a contribution of 1.6 units of affordable housing would be required. This should be delivered as 1no. built unit for rent, and £12k per dwelling over 5 units as a commuted sum towards off-site affordable housing provision.

This may be secured via Section 106 agreement and the applicants have indicated their intention to comply.

Other material considerations

Contamination

Whilst contamination is not likely to be an issue, however given the former uses of the site Environmental Protection suggest a precautionary condition regarding unexpected finds.

Noise and disturbance

CSNN have requested a condition for a detailed construction management plan to be submitted and agreed in writing by the LPA. This will include timescales and hours of construction, deliveries/collections, any piling, noise and dust suppression, location of machinery, contractor compound and parking etc.

A further condition is suggested in relation to noise protection from road noise and The Peel Centre retail park to the south. Road noise implications may be secured via condition as done with similar residential developments on this road frontage. However, concerns relating to the latter matter/relationship was not raised in connection with the estate development to the rear, which has dwellings closer to the service areas of the retail park. This would not be consistent and necessary and therefore fail the tests applied to the use of conditions.

Lighting scheme

CSNN suggest a condition relating to a lighting scheme, however given where the site is situated and surrounding levels of illumination, it is not considered that a development on this scale would warrant such a requirement.

Foul & surface water disposal

According to the application forms, the method of foul water disposal is presently unknown and surface water is proposed via soakaways. For the avoidance of doubt details of both shall be controlled via a pre-commencement condition (as requested by CSNN).

Overlooking

This application merely addresses the principle of developing this site for residential purposes. The layout, landscaping, scale and appearance of the dwellings will be assessed at the reserved matters stage. Therefore, the inter-relationships between existing and proposed dwellings, including those on the adjoining estate, will be dealt with accordingly upon submission of those details.

Crime and Disorder

There are no significant crime and disorder issues raised by the proposed development at this outline stage.

CONCLUSION

This proposal seeks to develop around an existing chalet bungalow set within substantial grounds, with up to 8 new dwellings. The site lies within the defined development area of Emneth on the fringe of Wisbech town and is therefore a highly sustainable location. The principle of the development is considered to be acceptable without adversely impacting upon the form and character of this locality; and highway concerns raised by third parties and elected bodies are not shared by technical consultees.

The proposal constitutes sustainable development which accords with the provisions of the NPPF and Development Plan and is duly recommended for approval, subject to certain conditions stated below and completion of a Section 106 agreement to secure affordable housing provision.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Conditions: Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reasons: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Conditions Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reasons To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Conditions Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reasons To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Conditions The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reasons To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Conditions No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 5 Reasons To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 6 Conditions Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, proposed attenuation and mitigation methods to protect residents from noise, dust and litter, and communication methods to the wider community regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.
- 6 Reasons To ensure that the amenities of existing and future occupants are safeguarded in accordance with the NPPF & Policy DM15 of the SADMP. This has to be a pre-commencement condition as the issue of amenity needs to be addressed before construction starts.
- 7 Conditions In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment

must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to occupation of any associated dwelling.

- 7 Reasons To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 8 Conditions No development above foundation level shall take place on site, until a scheme to protect the new dwellings along the frontage of Elm High Road from traffic noise has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved before the associated dwellings are occupied.
- 8 Reasons To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.
- 9 Conditions Prior to the commencement of the use hereby permitted, the vehicular access indicated for improvement on Drawing No. SE-1245 10 Rev A shall be upgraded and widened to a minimum width of 5.8 metres in accordance with the Norfolk County Council residential access construction specification for the first 10 metres as measured back from the near channel edge of the adjacent carriageway/constructed in accordance with the approved plan / details to be agreed in writing by the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 9 Reasons To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement in accordance with Policy CS11 of the LDF.
- 10 Conditions Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4 metres x 120 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 10 Reasons In the interests of highway safety in accordance with the principles of the NPPF & Policy CS11 of the LDF.
- 11 Conditions Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 11 Reasons In the interests of highway safety in accordance with the principles of the NPPF & Policy CS11 of the LDF.

- 12 Conditions The development shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement (referenced OAS 19-298-AR01) prepared by Oakfield Arboricultural Services and submitted as part of this application.
- 12 Reasons To define the terms of this permission and secure the retention of mature trees within and adjoining the site, in the interests of amenity and to accord with Policy CS12 of the LDF.
- 13 Conditions There shall be up to 8 new dwellings accommodated on this site.
- 13 Reasons To define the terms of this permission in the interests of proper planning.
- 14 Conditions There shall be no vehicular access created to the land to the north and east of the site.
- 14 Reasons To define the terms of this permission and limit the vehicular movements served by this private drive off Elm High Road; in the interests of proper planning and highway safety to accord with the provisions of the NPPF & Policy CS11 of the LDF.