

<b>Parish:</b>	<b>Emneth</b>	
<b>Proposal:</b>	<b>OUTLINE APPLICATION WITH SOME MATTERS RESERVED: Residential development</b>	
<b>Location:</b>	<b>Land At 37 Elm High Road Emneth Wisbech</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs Rout</b>	
<b>Case No:</b>	<b>20/02137/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 18 February 2021 Extension of Time Expiry Date: 20 May 2021</b>

**Reason for Referral to Planning Committee** – Appeal history, recommendation contrary to Parish Council’s views and at the instruction of the Sifting Panel on 07 April 2021

**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.

Members may recall that outline permission was previously sought for residential development around the existing dwelling under application ref: 19/01416/O which was refused by the Committee in June 2020 and subsequently dismissed on appeal (a copy of the appeal decision is appended to this report for reference). This application is a re-submission but seeks to develop four dwellings within the area of garden land to the rear of the chalet bungalow (which is proposed to be retained) and not within the front garden. 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 a private driveway serving 4 plots to the rear of No.37.

This same access was approved under application (ref: 19/00926/F) and is presently being used 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  
Other material considerations

## **Recommendation**

**APPROVE**

## **THE APPLICATION**

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## **SUPPORTING CASE**

The agent submits the following statement:

"This statement supports the outline planning application for residential development of up to 4 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.

Planning Committee  
17 May 2021

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 application follows an appeal for residential development of up to 8 dwellings which was submitted under reference 19/01416/O. The application was refused due to form and character reasons and on highway grounds and was subsequently appealed. The appeal was dismissed however the Inspector noted that there was no issue with highway safety, the only concern being the scale and visual impact of the dwellings on the road frontage in form and character terms.

The comments raised by the Inspector have been noted and the scheme amended accordingly. The number of dwellings on site has been reduced from 8 to 4 and these will all be located to the rear of the site, thereby retaining the spacious feel along the site frontage. The indicative drawings demonstrate that buildings of a reasonable scale which is consistent with the surrounding area and without harming neighbouring residential amenities can be achieved on the land. There is no dispute that the principle of subdividing the existing curtilage to accommodate additional dwellings is acceptable in planning terms.

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. 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: 07/04/20 - Construction of temporary construction access road to serve approved development of 117 houses (18/01464/RMM)

19/01416/O: Application Refused: 09/06/20 – Outline application some matters reserved: Proposed residential development - Appeal Dismissed 29/10/20

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** - Emneth Parish Council recommends refusal to this application as they consider it to be back land and over intensive development at the locality.

**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 indicative plan submitted is an improvement on the previously refused scheme for 8 dwellings. This proposal has removed the 4 dwellings to the front of the site and therefore lessened the impact on the character of the area but retains without change the siting and scale of the 4 dwellings to the rear.

The proposed layout requires the proposed dwellings to have a much smaller footprint than the existing bungalow. They are also likely to be single storey in height. It is considered that this would result in an incongruous and visually awkward form of development as the site relates more to the existing development along Elm High Road rather than the large modern development of 117 houses approved behind the site.

In addition, the resultant residential amenity for No.37 could also be severely compromised by the number of dwellings proposed to the rear.

It is considered that some development to the rear of the bungalow could be acceptable, for example, 2 medium sized bungalows, which would fit better with the existing frontage.

**Wisbech Town Council: COMMENTS** - The committee decided that the application be supported.

**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:** Suggest that details of foul and surface water disposal are defined.

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to 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.

## **REPRESENTATIONS**

**ONE** item of correspondence raising concerns on the following grounds:

- Overlooking;
- Residential amenity;
- Cramped form of development not in keeping with locality.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**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  
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 SADMPP. 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**

Members will recall that the earlier application ref: 19/01416/O was refused for two reasons as follows:

1. The proposal to introduce 8 no. additional dwellings along with the retention of the existing bungalow, would constitute an overdevelopment of the site and a layout that would be detrimental to the form and character of this locality and the street scene from Elm High Road. The proposal is therefore contrary to Paragraph 127 of the NPPF, Core Strategy Policy CS08 of the LDF (2011) and Policy DM15 of the SADMP (2016).
2. The traffic movements associated with this increased number of dwellings onto this already highly trafficked main arterial route serving Wisbech, would be to the detriment of the free flow of traffic and highway safety. This would be contrary to the provisions of the NPPF, Core Strategy Policy CS11 of the LDF (2011) & Policy DM15 of the SADMP (2016).

With regards to the first reason for refusal, the Planning Inspector's decision notice stated at Paragraph 5:

"The development close to the frontage with Elm High Road suggested on the indicative plan would substantially erode this spaciousness, to the detriment of the character and appearance of the area."

"7. However, notwithstanding this, given the location of the bungalow and shape of the site, the awkward and incongruous relationship between the existing and proposed development would be likely to remain, even if the number of dwellings were reduced. It may be possible to move the frontage development back. However, this would be likely to cause harm in other respects, due to its close relationship to the existing bungalow. Taken as a whole therefore, the information before me fails to demonstrate that the development envisaged could be accommodated on the site in a manner that would not cause significant harm to the character and appearance of the area."

Whilst this remains 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 a private driveway to the rear of the existing dwelling which is proposed to be retained serving 4 no. dwellings. A garage would effectively block off this site from the estate to the rear. The previously sought dwellings at the front of the site are no longer being proposed in light of the appeal decision.

As a resubmission, the red line site area is the whole of the plot, however the number of dwellings, and preclusion of the areas to the front and north of No.37 may be controlled via condition.

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 indicated in the Statement in Support above. The footprints of the indicative dwellings are shown as approx. 7m x 10m which is fairly modest with plot widths ranging from approx. 13.5 – 17m and depths of 24-30m (excluding private driveway). From what has been submitted it would appear that up to 4 dwellings could be accommodated within the rear part of the site; however the precise layout and the inter-relationships between proposed and existing dwellings would have to be addressed at the reserved matters stage. This may even be in the format of two pairs of semi-detached units.

Whilst the Parish Council, Fenland DC and objector have raised criticism with regards to form and character, it must be recognised that this will change with the introduction of the estate. The Elm High Road frontage will still comprise mostly bungalows with dwellings to the rear and there is already an example of development in depth in the form of No.33 Elm High Road to the rear of No.31.

The rear part of the site has bungalows to the north and a mix of bungalows and two storey semis and flats on the estate to the rear. The introduction of dwellings of single storey construction could create a transition from the Elm High Road frontage to the more contemporary estate to the rear/east. This enclave would have an appropriate scale and respond favourably to the character of this locality.

On the basis of the information submitted and the ability to constrain its scale, it would appear that this development could be achieved on this site and the principle is therefore considered to be acceptable.

### **Access**

With regards to the second reason for refusal stated above, the matter of access onto Elm High Road was considered by the Planning Inspector in determining the appeal, who concluded at Paragraph 11 that:

“...the proposal would not cause harm to the safe and efficient operation of the highway network and that there would be no conflict with Policy CS11 of the CS and Policy DM15 of the SADMPP, where they seek to safeguard the highway network. There would also not be a conflict with the aims of The Framework in this respect.”

This proposal is for a reduced number of dwellings and the impact would therefore be lessened and is deemed to be acceptable.

The access is the same as the temporary access route which has already been implemented as per application ref: 19/00926/F, for construction traffic to build the estate of 117 dwellings to the rear of the site. There are also measures to protect the amenity of No.37 during operation.

Conditions are suggested by the Local Highway Authority 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.

## **Other material considerations**

### *Impact on trees*

There are trees within and adjoining the overall 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. The temporary construction access has been implemented along with tree protection measures. The trees within the rear part of the application site were identified to be removed in the earlier application which was accompanied by an Arboricultural Impact Assessment & Method Statement. These trees were indicated to have no significant amenity value and there was no opposition to this from our Arboricultural Officer at that time.

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

### *Contamination*

Whilst contamination is not likely to be an issue, given the former uses of the site Environmental Protection suggest a suite of contamination conditions. This is not consistent with the recommendation to the previous application where a precautionary condition regarding unexpected finds was required. For consistency, this should be used as the contamination information submitted with the application is the same as with the earlier application.

### *Affordable housing contribution*

The application site area exceeds 0.5ha however only up to 4 units are proposed, so Policy CS09 is not triggered with regards to affordable housing contribution, unlike the earlier proposal which was for 8 dwellings.

### *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. The dwellings would be set well back from the road with the donor property in-between. Road noise implications are not therefore considered to be an issue. The condition should therefore be aimed at the impact from deliveries etc. at B&Q.

### *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 and IDB).

### *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. However as discussed earlier in this report, the scale could effectively be controlled to single storey construction with the possibility of roof accommodation, which would reduce those implications.

#### *Crime and Disorder*

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

## **CONCLUSION**

This proposal responds to the recent appeal decision by virtue of significantly reducing the proposed number of dwellings and seeks to develop only to the rear of the existing chalet bungalow with up to 4 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 and the key consideration is the impact upon the form and character of this locality, which could be acceptable with certain constraints applied via condition.

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.

## **RECOMMENDATION:**

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

- 1 Condition: 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 Reason: 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 Condition: 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 Reason: 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 Condition: 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 Reason: 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 Condition: 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 Reason: 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 Condition: 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 Reason: 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 Condition: 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 Reason: To ensure that the amenities of existing and future occupants are safeguarded in accordance with the NPPF & Policy DM15 of the SADMPP. This has to be a pre-commencement condition as the issue of amenity needs to be addressed before construction starts.
- 7 Condition: 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 Reason: 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 Condition: Prior to the commencement of the use hereby permitted, the vehicular access indicated for improvement on Drawing No. 10 Rev C 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.

- 8 Reason: 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.
- 9 Condition: 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.
- 9 Reason: In the interests of highway safety in accordance with the principles of the NPPF & Policy CS11 of the LDF.
- 10 Condition: 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.
- 10 Reason: In the interests of highway safety in accordance with the principles of the NPPF & Policy CS11 of the LDF.
- 11 Condition: There shall be no vehicular access created to the land to the north and east of the site.
- 11 Reason: 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.
- 12 Condition: There shall be up to 4 new dwellings accommodated on this site within the area to the rear/east of the existing dwelling only as shown on Drawing No. 10 Revision C.
- 12 Reason: To define the terms of this permission in the interests of proper planning.
- 13 Condition: The dwellings hereby approved shall be of single storey construction.
- 13 Reason: To define the terms of this permission in the interests of the amenity of this locality and to accord with Policy CS08 of the LDF and Policy DM15 of the SADMPP.
- 14 Condition: No development above foundation level shall take place on site until a scheme to protect the future occupiers from noise has been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use.
- 14 Reason: To ensure that the amenities of future occupiers are safeguarded in accordance with the provisions of the NPPF and Policy DM15 of the SADMPP.