

APPENDIX

Case No:	0303468FUL (FULL PLANNING APPLICATION)
Proposal:	ERECTION OF 30 DWELLINGS
Location:	LAND NORTH OF LORD PROTECTOR, BUTTS GROVE WAY
Applicant:	HUNTINGDONSHIRE HOUSING PARTNERSHIP
Grid Ref:	524769 272806
Date of Registration:	19.12.2003
Parish:	HUNTINGDON

RECOMMENDATION - APPROVE

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This application site is located at the south of American Lane opposite the Lord Protector Pub and Trinity free church in Oxmoor. It is currently an open area of land laid to grass. There are two storey existing dwellings facing the site in the north -eastern corner. Existing two storey dwellings in Byron Close have rear gardens backing onto the site to the west. There are single storey units immediately to the east of the site adjacent to Butts Grove Way.
- 1.2 The application is for the erection of 30 dwellings. 20 2 bedroomed units and 10 3 bedroomed units are proposed. All the units are to provide affordable housing. The units are arranged in a number of small terraces. The dwellings are a mixture of 2 and 3 storey's with front projections some two storey in height and some single storey.
- 1.3 The land is owned by this Council.

2. NATIONAL GUIDANCE

- 2.1 **Planning Policy Guidance Note 1 General Policy and Principles (1997)** - provides general advice on the planning system indicating that applications should be determined in accordance with the development plan unless material consideration indicate otherwise
- 2.2 **Planning Policy Guidance Note 3 Housing (2000)** - provides advice on housing related development. It stresses that the best use needs to be made of land and recommends that densities should be in excess of 30 dwellings per hectare at least and higher than this in town centre locations and in areas which are well served by public transport. It also stressed the importance of good design.
- 2.3 **Planning Policy Guidance Note 17 Planning for open space and recreation (2002)** - discourages the use of existing open space for built development in the absence of a local authority audit to show that the space is surplus to requirements. It does however recognise

that not all open space is of equal merit and that some may be available for alternative uses. The local community is to be consulted to demonstrate that the loss of open space is supported.

- 2.4 **Planning Policy Guidance Note 24 Planning and Noise (1994)** - advises that Local Planning Authorities should consider carefully whether proposals for noise sensitive development would be incompatible with existing activities.

3. PLANNING POLICIES

- 3.1 The following policies in the Cambridgeshire and Peterborough Structure Plan 2003 are relevant:

- **P1/1** - sets out where new development should be located. Market towns like Huntingdon are identified as locations for new development.
- **P1/3** - indicates that a high standard of design and sustainability will be required for all new development.
- **P5/3** - indicates that densities of at least 40 dwellings per hectare will be required in areas close to a good range of services and where access to public transport is good and that densities less than 30 dwellings per hectare will not be permitted.
- **P5/4** - indicates that local plans should make provision to meet locally assessed need for:

Affordable housing including key workers

One and two bedroom homes

Housing suitable for elderly and those with mobility problems

Other groups including students, homeless, travellers, and gypsies

- **P4/3** - indicates that existing open spaces and outdoor recreation facilities should not be developed for another use if they are required to meet local needs unless alternative equally satisfactory provision can be made elsewhere in the local plan.

- 3.2 The following policies in the Huntingdonshire Local Plan are relevant:

- **En25** - Indicates that the District Council will expect new development to respect the scale form materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.
- **R17** - indicates that the District Council will have regard to policy R1 and the standards set out in policy R3 and other policies of the local plan in determining whether alternative developments should be permitted on existing or proposed recreation or amenity areas including school playing fields.
- **R1** - indicates that the District Council will promote recreation and leisure projects of District wide significance.

- **R3** - sets out standards for the provision of open space- in settlements of more than 1000 this is based on the standard of 2.43 ha(6 acres) per 1000 population.

3.3 The following policies in the Huntingdonshire Local plan Alteration are relevant:

- **STR1** outlines the settlement hierarchy.
- **STR3** selects Huntingdon as a market town.
- **HL5** indicates that good design and layout will be required for all new housing development.
- **HL6** indicates that housing densities will be between 30 and 50 dwellings per hectare.
- **AH1** defines affordable housing.
- **AH2** indicates that to achieve affordable housing the District Council will require developers to undertake that the rent or purchase price of such housing is below the lowest price at which a choice of properties can be found.
- **AH3** sets out the target for affordable housing.
- **OB1** the nature and scale of obligations sought from development will be related to the size of the development and the impact on physical infrastructure, social and community facilities and services.
- **OB2** financial contributions may be sought for the maintenance of children's play space and recreational facilities woodland or landscaping.

3.4 The Oxmoor Action Plan is also relevant.

3.5 This plan has been adopted by the Council as Interim Policy Guidance. The Action Plan deals with the land use and spatial aspects of the wider programme to regenerate the area through the government's SRB programme and the government's Sustainable Communities Programme. The Plan identifies that new development supporting the community in Oxmoor is key to the generation of necessary funding to allow improvements to come forward. It highlights that a number of sites have the potential for residential development one of which is the application site. Support for the Oxmoor Action Plan was received from the Huntingdon Town Council following extensive public involvement including a "planning for real" project, and a copy of this is attached. It is anticipated that a progress report in respect of this Action Plan will be presented to Cabinet at its next meeting on 12 February 2004. A copy of this report will be forwarded when it is available.

3.6 The Huntingdonshire Design Guide 2002, is also relevant. This provides advice on how to ensure that development schemes embody the principles of good design.

4. **PLANNING HISTORY**

4.1 None

5. CONSULTATIONS

- 5.1 **Huntingdon Town Council - OBJECT** (comments attached). Comment's awaited in respect of amended plans and will be reported orally.
- 5.2 **Local Highway Authority - NO OBJECTION**
- 5.3 **Head of Housing - NO OBJECTION**
- 5.4 **Parks Manager- NO OBJECTION** to the proposal as the loss of the open space was identified by the Oxmoor Action Plan, approved by the Council after a wide consultation. Other open spaces on the Oxmoor will be improved and a park created.
- 5.5 **Environment Agency – NO OBJECTION** subject to condition in respect of surface water.
- 5.6 **Environmental Health** - impose condition requiring acoustic report and proposing suitable levels of noise protection.
- 5.7 **CC Chief Financial Planning Officer** - contributions to education not required.
- 5.8 **Cambridgeshire Fire and Rescue Service** - Adequate provision will need to be made for fire hydrants.

6. REPRESENTATIONS

- 6.1 A petition with 81 names has been received, the concerns being:
- The area acts as a flood plain and hold quite a substantial amount of water during winter and spring months. Further building will increase this.
 - New houses will overshadow existing houses, resulting in a loss of light.
 - Despite being promised it no provision is being made to improve parking for existing residents. Two parking spaces are actually being lost.
 - Already have a substantial amount of crime as residents are not able to park close to their houses.
 - The removal of the play area will deny children a safe place to play.
 - Additional houses in what is already an overcrowded estate.
 - Lower area of Oxmoor is being neglected.
 - In addition **FIVE** letters of objection have been received the concerns being:
 - Residential development opposite could result in complaints that the Lord Protector is too noisy.
 - Loss of open space.
 - Parking
 - Noise & disturbance from new dwellings
 - Crime and vandalism

7. SUMMARY OF ISSUES

- 7.1 The issues which need to be considered relate to whether the loss of the open space is acceptable; whether the principle of providing additional housing is acceptable; whether the scheme makes the best use of land; whether the design of the development is of a high enough quality; the effect on residential amenity and in particular whether as suggested by the neighbours the new dwellings would overshadow existing; the effect on highway safety including the provision of car parking; the effect on drainage; crime prevention; and noise generation, and the benefit to the regeneration of the area.

Loss of open space

- 7.2 Planning Policy Guidance Note 17 stresses that there is a need to consider both the quantity and quality of the open space provision. It recommends that audits should be carried out for open space.
- 7.3 An audit has been carried out for Huntingdon. This included an analysis of the two types of open space - formal recreational and informal open space. This found that there was a total of 47.22 hectares of formal recreational space and 113.04 hectares of informal open space in Huntingdon. Overall, it was concluded that Huntingdon had a surplus of 16.79 hectares of formal recreational open space.
- 7.4 Oxmoor is also well placed in terms of existing formal pitch provision with both Sapley Park and King George V playing fields within easy reach. The Jubilee Fields at Kings Ripton Road require car borne access but Oxmoor is the nearest part of Huntingdon to these facilities.
- 7.5 Buttsgrove is one of four sites identified in the Oxmoor Action Plan for housing. The development of these four sites would reduce the level of informal open space in Huntingdon to 105.05 hectares. Even allowing for the development of these sites Oxmoor would still have more informal open space per residents, than other more modern developments in Huntingdon. There are 4.12 ha of informal open space per thousand people in Oxmoor. In Stukeley Meadows the ratio is 4.01 Ha per thousand population in Hinchingsbrooke 2.43 Ha per thousand population and in Sapley Road 1.33 Ha per thousand population.
- 7.6 Open space is integral to the layout of Oxmoor. All houses are within 100 metres or 1 minute's walk of open spaces associated with housing. The Oxmoor Action Plan concluded that these small pockets of open space are close and safer to access than some of the larger more remote areas. The quality of the Buttsgrove area of open space is limited. The Action Plan identifies open spaces where the investment of resources gained from the loss of other open spaces will be directly used to fund quality improvements including the establishment of a new park at Conneygear Road.
- 7.7 Planning Policy Guidance Note 17 indicates that proposals to develop areas of space should be supported by the local community. In preparing the Oxmoor Action Plan consultation with the local community was carried out and residents agreed that:

- There was a great deal of open space on the estate.
- It was mostly of a uniform kind managed in the same way.
- There were different sorts of spaces that could be treated in distinctly different ways.

7.8 Objections to the loss of the open space have however been received from nearby residents to the site who express concern that the removal of the area will deny their children a safe place to play away from traffic identifying that the nearest "play park" is on the opposite side of the road behind Hartford School.

7.9 As part of this proposal a play area is to be provided on the open space immediately to the north of the application site. It will be overlooked by two of the new dwellings and adjacent to American Lane a well used footpath. The proposal will therefore help to improve the quality of open space.

Suitability for housing and density

7.10 The site is located within the built up area of Huntingdon and therefore the principle of developing the site for housing is acceptable. Policy HL5 in the Alteration to the Huntingdonshire Local Plan requires the best use to be made of land and policies P5/3 in the Cambridgeshire and Peterborough Structure Plan and Policy HL6 in the Alteration to the Huntingdonshire Local Plan require that the density of development be at least 30 dwellings per hectare and more for sites well served by public transport. The site extends to 0.618 hectares and 30 dwellings are proposed. This represents a density of 48.5 dwellings per hectare, which accords with these policies. The Oxmoor Action Plan illustrated 2 scenarios with densities of 32 dwellings per hectare and 62 dwellings per hectare. (Extract attached) The density of the proposed scheme falls between these two scenarios.

Design and layout

7.11 The design of the scheme follows the design principles contained within the Oxmoor Action Plan. (Extract attached) A built frontage is provided to Buttsgrove Way and footpath links are retained and provided. The main difference is that a small play area is not to be provided within the site but instead play equipment is to be provided on the existing open space to the north. The scheme evolved in this way to ensure that the central area of the site had some character and was not just a car park. Instead Mews units have been provided which will make the central area more attractive, and also help to make the best use of the land. In addition, it was concluded that having a play area to the front of the existing dwellings in Buttsgrove could have resulted in conflict with these residents.

7.12 The dwellings are fairly contemporary in their design and the quality of development will be dependant upon the materials to be used. This matter could be addressed through the imposition of stringent planning conditions if permission is granted.

7.13 The Town Council suggest that the proposal represents over-development and that the new residents will have insufficient amenity

space. Whilst some of the gardens are small the residents would each have an area of private amenity space and having regard to the need to make the best use of land the scheme does not represent over-development. This view is also difficult to reconcile with their earlier support for the higher density scenario for Butts Grove.

- 7.14 The Town Council expresses concern that there is no amenity space between the houses fronting Butts Grove Way and the road. The amended scheme provides for slightly more space. The design of the dwellings also includes a small, enclosed area of private amenity space to the front of the dwellings.

Effect on residential amenity

- 7.15 Existing residents have expressed concern that their residential amenity will be adversely affected. Their main concern would appear to be overshadowing. The architects have submitted cross sections through the site, which show the relationship with existing residents and the relative levels of the site in relation to existing development. There is 14 metres between the two storey section of the new dwellings, which are 7.3 metres high, and the front walls of 127-135 The Whaddons. The elevation section shows that these new dwellings will be the same height as the existing dwellings in the Whaddons. There is 19 to 23 metres between the two storey section of the new dwellings, which are 9.1 metres high, and the rear walls of 13 to 18 Byron Close. Whilst the new dwellings will therefore be higher than these existing dwellings this should not be a problem because of the distance between the two dwellings. In addition the mono pitch design of these dwellings reduces their bulk. Additional landscaping can be provided adjacent to American Lane. There is 13 metres between the side elevations of the new dwellings, which are 7.3 metres high, and 100 and 101 The Whaddons. This distance, having regard to the height of the dwellings is sufficient to ensure that the proposed dwellings will not be overbearing.
- 7.16 One neighbour has suggested that the new residential properties will generate noise and disturbance. There is however, no planning reason why new residents cannot co-exist with existing.

Parking and access

- 7.17 Residents and the Town Council have expressed concern that the proposal will result in a loss of parking, and identified that parking is a problem in this part of Oxmoor. An application has just been submitted to provide additional parking for existing residents in The Whaddons. The Highway Authority have not objected to the application on the basis of lack of parking.
- 7.18 The Highway Authority are also satisfied that the Whaddons can serve the amount of development proposed. They did suggest at one point that a footpath should be provided to the rear of 137 to 147 The Whaddons but have advised that if the additional car parking is to be provided to the front of these dwellings then there is no requirement for a footpath.
- 7.19 The Town Council question whether access to the rear is sufficient for emergency vehicles. The Highway Authority was specifically asked

to comment on this issue and have not objected. The layout of the roads provides adequate access for emergency vehicles.

Flooding

- 7.20 Residents have expressed concern that the land acts as a flood plain and holds quite substantial amounts of water in the winter and spring, that the rear gardens of Byron Close are a quagmire and that further building will increase the problem. The land is not however in the floodplain. The views of the Environment Agency were however sought and they have advised that they have no objection to the proposal subject to the imposition of a condition in respect of surface water drainage. It is likely that the problems the residents refer to would be improved by the proposed development, as the houses, and roads would have positive drainage and this would reduce run off.

Crime

- 7.21 Residents have also objected because they experience a substantial amount of crime and petty vandalism. The Police Architectural Liaison Officer does not object to the proposal. It would therefore be unlikely that the scheme would add to the crime situation.

Noise

- 7.22 The Landlord of the Lord Protector has expressed concern that building dwellings opposite the public house will result in complaints that the public house is generating too much noise as a significant part of the business is live music. The view of the Environmental Health Officer are that there needs to be an assessment of the noise environment and acoustic measures will need to be incorporated into the houses fronting Butts Grove Way. This matter can be dealt with by a planning condition.

Interim Planning Policy - Oxmoor Action Plan

- 7.23 The development of this site is an integral part of wider planning policy related to environmental improvements and the development of a new district centre to serve the Oxmoor area. Both the development of this site and the new District Centre at Sapley Square are part of the government's Sustainable Communities Programme and implementation is interrelated. The existing Local Plan is out of date in relation to the environmental, economic and social objectives being promoted for this area and should be accorded limited weight although technically the proposal will need to be referred to Full Council and the Government Office should the Panel be minded to grant permission. The Interim Planning Guidance whilst not part of the Development Plan is a material consideration which should be afforded weight in the decision making process especially as it has emerged from extensive consultation and involvement with the community and parties including the Primary Care Trust, County Council, Town Council and resident groups.

Planning obligations

- 7.24 The proposal is of a size, which would generate the need for contributions to:

- Affordable housing
- Open space
- Education
- Market town strategy

7.25 As the land is owned by the Council the level of contributions can be controlled through the sale of the land rather than through a Section 106 Agreement, which would be the usual mechanism.

7.26 All of the housing is to be affordable. Provision is therefore in excess of requirements. As all of the units are for affordable housing there is no requirement to provide a contribution towards education.

7.27 The Parks Manager has advised that the following committed sums will be required for off site play equipment and open space.

Children's Play Equipment

Capital Costs	£21,600
Maintenance Cost	£ 5,700

	£27,300

Children's and Youth/Adult Open Space

Capital Cost	£ 1,950
Maintenance Cost	£ 4,420

	£ 6,370

Total **£33,670**

7.28 The Highway Authority have requested that £2,000 be provided per dwelling for the market town strategy. This equates to a total of £60,000.

7.29 An agreement has been reached with the developer to provide additional contributions in the order of £151,500 towards improvements identified in the Oxmoor Action Plan.

7.30 In conclusion, whilst the proposal is contrary to the development plan there are material considerations, which include the surplus of open space in Oxmoor, the need for affordable housing, and the regeneration benefits to Oxmoor, which outweigh development plan policies.

8. RECOMMENDATION – That the application be forwarded to Full Council and the Government Office as a departure to the Development Plan with a recommendation that permission be granted subject to Conditions to include the following and also Conditions in respect of appropriate highway matters:

02001 Time Limit

Nonstand Materials

Nonstand	Joinery Details
06010	Landscape Design
06011	Soft Landscape
06012	Hard & Soft Landscape Implementation
Nonstand	Acoustic report
Nonstand	PD Removal
Nonstand	Scheme for Social Infrastructure
Nonstand	Provision of fire hydrants

BACKGROUND PAPERS:

Planning Application File Reference: 03/03468FUL
Huntingdonshire Local Plan
Cambridgeshire & Peterborough Structure Plan 2003
Huntingdonshire Local Plan Alteration
Oxmoor Action Plan
Huntingdonshire Design Guide 2002

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