

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 9 OCTOBER 2019**

**1.00 PM**

**COUNCIL CHAMBER, FENLAND HALL,  
COUNTY ROAD, MARCH, PE15 8NQ**

Committee Officer: Jo Goodrum  
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 10)  
  
To confirm and sign the minutes from the previous meeting of 11 September 2019.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 Planning Appeals. (Pages 11 - 16)  
  
To consider the Appeals Report.
- 6 F/YR17/0349/VOC Variation of conditions 2 and 3 of appeal reference APP/D0515/C/15/3008989 relating to planning permission F/YR14/0854/F to increase the number of static caravans from 5 to 8 and touring caravans from 1 to 5 (to be used by the occupiers of the static caravans only), and to allow each residential pitch to have one associated commercial vehicle not exceeding 3.5 tonnes in weight; The Spinney, Horsemoor Road, Wimblington, March (Pages 17 - 28)

To determine the application.

- 7 F/YR19/0152/O - Erection of up to 50no dwellings (outline application with all matters reserved); Land South Of, 8 - 59 Fairbairn Way, Chatteris, Cambridgeshire (Pages 29 - 46)

To determine the application.

- 8 F/YR19/0510/LB - Demolition of a Listed Building (existing derelict structures); 11 - 12 High Street, Wisbech, Cambridgeshire (Pages 47 - 68)

To determine the application.

- 9 F/YR19/0509/F - Erect 5-storey mixed use development (1 x retail unit to ground floor and 11 x 1-bed and 4 x 2-bed flats to remaining floors) involving demolition of existing derelict structures in a Conservation Area; 11 - 12 High Street, Wisbech, Cambridgeshire (Pages 69 - 98)

To determine the application.

- 10 F/YR19/0684/O - Erect up to 3no dwellings (outline application with matters committed in respect of access); Land East Of 4A, Primrose Hill, Doddington, Cambridgeshire (Pages 99 - 108)

To determine the application.

- 11 F/YR19/0612/F - Erect 2 dwellings (1 x 3-storey 3-bed and 1 x 2-storey 2-bed) involving partial demolition of existing dwelling and garage; 31 Bowthorpe Road, Wisbech, Cambridgeshire, PE13 2DX (Pages 109 - 120)

To determine the application.

- 12 Items which the Chairman has under item 3 deemed urgent

Members: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor A Bristow, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

## PLANNING COMMITTEE



**WEDNESDAY, 11 SEPTEMBER 2019 -  
1.00 PM**

**PRESENT:** Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor S Clark, Councillor A Lynn, Councillor C Marks, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton, Councillor R Skoulding (Substitute)

**APOLOGIES:** Councillor Mrs S Bligh and Councillor A Bristow,

Officers in attendance: Nick Harding (Head of Shared Planning), Izzi Hurst (Member Services & Governance Officer), Bob Power (Legal Officer), David Rowen (Development Manager) and Gavin Taylor (Senior Development Officer)

### **P26/19      PREVIOUS MINUTES**

The minutes of the meeting of 14 August 2019 were confirmed and signed subject to the following comment;

1. Councillor Hay stated that minute P25/19, the bottom of page 7 of the agenda pack should read; 'There are no substantive reasons to go against the planning policies'

### **P27/19      F/YR19/0158/RM RESERVED MATTERS APPLICATION RELATING TO DETAILED MATTERS OF LAYOUT, SCALE, APPEARANCE AND LANDSCAPING PURSUANT TO OUTLINE PERMISSION F/YR15/0134/O AND F/YR17/1231/VOC FOR THE ERECTION OF 220 DWELLINGS AND GARAGES COMPRISING OF 4 X 1-BED; 34 X 2-STOREY 2-BED; 127 X 2-STOREY 3-BED; 47 X 2-STOREY 4-BED AND 8 X 3-STOREY 4- BED WITH ASSOCIATED WORKS, PLAY AREA, SUBSTATION AND PONDS;LAND NORTH OF WHITTLESEY EAST OF, EAST DELPH, WHITTLESEY, CAMBRIDGESHIRE**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04)) during its deliberations.

Gavin Taylor presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Anne Dew (Persimmon Homes) and Rob Hill (Infrastructure Design Ltd)

Anne Dew introduced herself as Planning Manager for Persimmon Homes and introduced drainage expert, Rob Hill, from Infrastructure Design Ltd. She stated that the site benefits for outline planning permission with part of the outline consent requiring consideration for drainage. A subsequent Flood Risk Assessment was submitted and approved. This application is submitted to agree the reserved matters relating to layout, scale, appearance and landscaping of the proposed development as well as the discharge of a number of conditions, including the condition relating to surface water drainage.

She explained that throughout the process Persimmon Homes had engaged with the Council, Cambridgeshire County Council (CCC) Highways, the lead Flood Authority and North Level Internal Drainage Board (IDB) and the scheme has been amended throughout the planning process to consider the comments made by these consultees. She highlighted that the report raises no concerns in relation to access, density, amenity or safety and accords with policies in the Local Plan.

In relation to the drainage, condition 12 of the planning permission deals with this issue and requires that this is carried out in accordance with the approved Flood Risk Assessment. She added that the lead Flood Authority and North Level IDB support this.

Anne Dew highlighted that the scheme will bring many benefits to Whittlesey, with the provision of 20 affordable homes being agreed with the Council. The scheme will provide 1.95 hectares of open space and a network of paths that will benefit existing residents of Whittlesey too. She explained that as part of the Section 106 (S106) associated with the outline consent, the development will provide contributions towards bus shelter improvements, cycle plans, school travel plans and enhancements to Whittlesey Train Station. Contributions will also be made in relation to primary and secondary schools and Whittlesey Library.

In conclusion, this is a policy compliant scheme which complies with the National Planning Policy Framework (NPPF) and the Local Plan and has the support of consultees.

Rob Hill explained that since the original Flood Risk Assessment, amendments have been made that the final outfall is now west of the B1040 into the IDB-managed watercourse system.

He highlighted that originally a Pond was proposed to be adjacent to the Play Area on the site but this has now been removed and the development will benefit from buried pipes and crates throughout the site. He informed members that the design has been modelled for a variety of 'storm events'.

Rob Hill explained that to manage the issue of flooding the properties are all set 600ml above sea level and whilst pumps were initially considered, this solution was deemed a better alternative as overspill will be taken to the existing ditches and pumps can be subject to mechanical failings.

He informed members that the maintenance of the site's pipe network will be managed by Anglian Water as part of the Section 104 Agreement and the maintenance of the Ponds will be the responsibility of a management company.

Members asked Anne Dew and Rob Hill the following questions;

1. Councillor Murphy asked for confirmation that there will be Play Areas on the development. Anne Dew confirmed this.
2. Councillor Murphy asked for confirmation that these Play Areas will be managed by a management company and their maintenance will not be the responsibility of the Council. Anne Dew confirmed that this was correct. Councillor Murphy asked that this assurance was noted in the minutes.
3. Councillor Connor explained that Councillor Mrs Kay Mayor had submitted representation to the Planning Committee as she was unable to attend today's meeting. He asked for assurance that there will be on-site parking for construction workers to avoid any issues with parking in neighbouring streets. Anne Dew confirmed that as part of the Construction Management Plan, an area will be identified in the development and set aside as a parking area for construction vehicles.
4. Councillor Connor asked if there would be a wheel-wash facility and sweeper provided to ensure the existing highways remain clear from mud and debris during construction. Anne Dew confirmed that the Construction Management Plan would include this provision too.

5. Councillor Connor asked that at the entrance of the site, the developer's contact details are displayed so members of the public can report any issues where necessary during construction. Anne Dew agreed to this.
6. Councillor Connor asked for confirmation of the site's opening hours. Anne Dew confirmed that no work will take place on Sundays or Bank Holidays with work only taking place on weekdays and Saturday mornings.

Members asked questions, made comments and received responses as follows;

1. Councillor Lynn said whilst he had had concerns over the volume of access traffic to the site, housing is a necessity and as long as the conditions are met, he supports the proposal.

**Proposed by Councillor Lynn, seconded by Councillor Meekins and decided that the application be GRANTED; as per officer's recommendation.**

**P28/19      F/YR19/0518/F  
ERECT 4 DWELLINGS (2 X 2-STOREY 4-BED AND 2 X 2-STOREY 3-BED) WITH  
GARAGES;LAND EAST OF TINDALL MILL, KIRKGATE, TYDD ST GILES,  
CAMBRIDGESHIRE**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04)) during its deliberations.

David Rowen presented the report to members and drew their attention to the update report which had been circulated.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from James Burton (Agent).

James Burton explained that the site had previously benefitted from planning permission for two larger dwellings however this application proposes an alternative housing mix which would provide Tydd St Giles with more affordable housing. He added that the proposal complies with both the NPPF and Local Plan.

James Burton stated that whilst the Parish Council have objected to the proposal based on over-development, the current planning permission allows for two much larger dwellings and this application not only proposes less visual impact but also a reduced build frontage and larger gaps between dwellings.

He informed members that he has engaged with officers throughout the process and there have been no objections received from technical consultees. The scheme will allow for affordable, family homes in Tydd St Giles and he asked members to support the application.

Members had no questions for James Burton.

Members asked questions, made comments and received responses as follows;

1. Councillor Hay highlighted that Highways had requested an amended plan for the dropped kerb (5.5 of the report). She asked if this had been completed. David Rowen drew member's attention to 10.15 and 10.16 of the report which provides further information on this. He explained that any work to the highway would require the Highway Authority's consent and any issues would be raised at that stage.
2. Councillor Hay raised concern that Highways had requested this plan and it has not been submitted. Nick Harding informed members that there are two options available to remedy this, if members decide to grant the application; the application could be approved subject to

an amended plan being received before planning consent is issued or attach a condition to the planning permission requiring a revised dropped-kerb design plan being submitted.

3. Councillor Connor supported the application.
4. Councillor Lynn agreed and stated that development is taking place in close proximity to the site and the proposal would be within keeping of the area.
5. Councillor Sutton congratulated officers and the Agent for proactively working together on this application. He stated that he supported a condition being added to the planning permission in relation to the dropped kerb design plan.

**Proposed by Councillor Murphy, seconded by Councillor Sutton and decided that the application be GRANTED subject to an additional condition being attached to the planning permission regarding access details; as per officer's recommendation.**

**P29/19      F/YR19/0636/FDC  
ERECT 1 DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED); LAND SOUTH OF 18, ROWAN CLOSE, WISBECH, CAMBRIDGESHIRE**

Councillor Benney, Councillor Sam Clark and Councillor Murphy left the Chamber.

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04)) during its deliberations.

David Rowen presented the report to members and drew their attention to the update report which had been circulated.

David Rowen informed members that part of the site sits within the boundary of the Borough Council of Kings Lynn and West Norfolk. He confirmed that they had delegated this planning decision to Fenland District Council.

Members asked questions, made comments and received responses as follows;

1. Councillor Lynn explained that as a local resident, he supports development as the site has previously been subject to fly-tipping and other issues.
2. Councillor Sutton agreed that the best use of the land would be for development purposes and whilst he believes the site is too large for just one dwelling, he supports the application.

**Proposed by Councillor Lynn, seconded by Councillor Sutton and decided that the application be GRANTED; as per officer's recommendation.**

*(Councillor Benney, Councillor Sam Clark and Councillor Murphy declared an interest by virtue of the fact that at they are members of Cabinet and had been involved in a decision in relation to this proposal. They left the Chamber for the duration of this agenda item)*

*(Councillor Lynn declared that he is a member of Wisbech Town Council but takes no part in planning matters)*

*(Councillor Meekins declared that he is a member of Wisbech Town Council but takes no part in planning matters)*

**P30/19      F/YR19/0179/VOC  
VARIATION OF CONDITION 4 OF PLANNING PERMISSION F/YR17/0685/VOC  
(ERECTION OF 6 X 3-STOREY, 3-BED DWELLINGS WITH BALCONY TO FRONT**

**AND INTEGRAL GARAGE AND 4 X 3-STOREY, 2-BED DWELLINGS) IN  
RELATION TO ACCESS;LAND SOUTH WEST OF, QUEEN STREET CLOSE,  
MARCH,CAMBRIDGESHIRE**

Councillor Benney, Councillor Sam Clark and Councillor Murphy returned to the Chamber.

Councillor Skoulding left the Chamber.

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04)) during its deliberations.

David Rowen presented the report to members and drew member's attention to the additional drawings submitted by the Agent. He explained that the decision to install a turning head accessing the site had been imposed following an appeal to the Planning Inspector and today's application seeks to remove the condition associated with this.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Richard Brown (Agent).

Richard Brown introduced himself to members as a planning consultant appointed by Elmside Limited. He informed members that the application being considered is for an amendment to the access arrangements previously approved. This is due to land ownership issues with CCC who own part of the land that would be required for the turning head.

Richard Brown explained that a planning application had been submitted in 2011 for 8 dwellings with similar access arrangements. When access plans were submitted CCC Highways had responded that if the application was to be approved, they would require a condition to be added to the planning permission creating a turning area at the end of Queen Street Close which would serve as access to the site and a turning facility. At that time, CCC had agreed to adopt this turning head as part of a Section 38 agreement and stated that the turning head would benefit both road users and themselves as it would improve access to their land which sits adjacent to the site. The application was initially refused but subsequently granted planning permission following an appeal with the Planning Inspector.

Richard Brown informed members that following this, CCC have both refused to sign over their piece of land required to create the turning head or enter into a Section 38 agreement as per the original proposal due to the differing aspirations of the CCC Property Team and Highways department. He stated that CCC have not considered the public interest of this proposed development and have put both himself, the Applicant and Fenland District Council in a difficult position.

Richard Brown drew member's attention to the swept-plan analysis drawings included in David Rowen's presentation. He highlighted that the drawings show that vehicles will be able to both enter and exit the site in forward gear without the need of a turning head. He urged members to consider the valuable contribution this site will bring to the area and asked that members go against officer's recommendations and approve the application.

Members asked Richard Brown the following questions;

1. Councillor Meekins asked for confirmation that CCC will not release their piece of land to enable the construction of the turning head. Richard Brown confirmed this and explained that as part of the initial application, Highways had raised concerns in relation to access and had suggested a turning head subject to the Applicant constructing this at their own cost. This was agreed however the Property Team at CCC have since refused as they have different aspirations for this piece of land. He stated that the turning head was initially

- suggested by CCC and they had agreed to enter into a Section 38 agreement.
2. Councillor Meekins raised concerns with refuse vehicles entering and exiting the site in the absence of a turning head. Richard Brown stated that there are no provisions for this currently in Queen Street Close and the development would not add to an already existing problem.
  3. Councillor Hay asked if the Applicant or Agent had approached the Assets Team at CCC in relation to potentially purchasing the piece of land required. Richard Brown confirmed they had not specifically discussed purchasing this land as it was intended that a Section 38 agreement be signed and the turning head adopted as part of the public highway. He suggested that as CCC own land adjacent to the proposed turning head; they have differing aspirations for this land.
  4. Councillor Hay said as Vice-Chairman of the Commercial and Investment Committee at CCC, she would suggest that the Applicant contacts the Assets Team at CCC to discuss the potential purchase of this land.
  5. Councillor Benney asked if the Applicant would consider reducing the number of dwelling on the site to allow for a turning head to be installed without the need for CCC land. Richard Brown agreed that consideration would have to be given to this, if the application is refused today.
  6. Councillor Hay asked if Richard Brown could indicate on a plan where CCC's land is located. Richard Brown indicated that approximately half of the proposed turning head is land owned by CCC.

Members asked questions, made comments and received responses as follows;

1. Councillor Sutton questioned Councillor Hay's position on CCC's Commercial and Investment Committee. Councillor Hay clarified that the Committee had not discussed this particular application or site. Bob Power confirmed that this is not a planning issue but rather a land transaction issue therefore there are no concerns.
2. Councillor Lynn raised concern with the proposed turning heads proximity to the primary school adjacent.
3. Councillor Benney raised concern that without the turning head, access would be very difficult and residents will have issues. He said members must consider the future users of the site as whilst the swept-plan drawings show access is possible, this is dependent on a number of parking bays being unoccupied.
4. Councillor Sutton stated that he is disappointed that CCC have put both the developer and the Council in this position and as a result, the scheme will not be delivered. He added that there are too many issues to grant planning permission but he is very disappointed that he cannot support this application.
5. Councillor Benney agreed that as no turning head can be secured, members have no option but to refuse the application. He endorsed Councillor Sutton's comments.
6. Councillor Murphy said he was disappointed that the applicant has been put in this position by CCC. He said it was a disgrace that the delivery homes have been prevented due to this issue.
7. Councillor Hay reiterated that the applicant needs to re-approach CCC and make them aware of what they had initially promised. Unfortunately the only other alternative is to reduce the amount of dwellings to incorporate a turning provision on-site.
8. Councillor Murphy disagreed and said the applicant should not have to reduce the number of dwellings proposed as the turning head had been agreed with CCC.
9. Councillor Sutton asked if Councillor Hay and Councillor Connor could attend the forthcoming Commercial and Investment Committee meeting at CCC and make a representation on behalf of the applicant in support of the application. Councillor Hay disagreed with this approach and reiterated her previous comments.
10. Councillor Sutton said reluctantly, he cannot support the application due to the ongoing land ownership issues.

**Proposed by Councillor Sutton, seconded by Councillor Sam Clark and decided that the application be REFUSED; as per officer's recommendation.**

*(Councillor Skoulding declared a personal interest by virtue of the fact that he owns land opposite the site at Queen Street Close and left the Chamber for the duration of this agenda item)*

**P31/19      F/YR19/0501/F  
ERECT 5 DWELLINGS (COMPRISING OF 3 X 1-BED AND 2 X 2-BED FLATS) AND  
ASSOCIATED PARKING,NELSON HOUSE, 22 NORWOOD ROAD, MARCH,  
CAMBRIDGESHIRE**

Councillor Skoulding returned to the Chamber.

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute P19/04)) during its deliberations.

David Rowen presented the report to members and drew member's attention to the update report which had been circulated.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Adam Sutton (Agent).

Adam Sutton thanked members for the opportunity to speak at today's Planning Committee meeting. He explained that officers had considered the objections raised by neighbouring residents and supported the application.

Adam Sutton stated that concern had been raised regarding vehicles parking to the front of the property due to the current access gates to the site being locked. He explained that these gates have been locked for security purposes and if the application is approved, the gates will be removed to allow parking to be provided on site, which should alleviate the concerns of local residents.

He explained that a previous application for the site had been withdrawn earlier this year as officers could not support the application. Following this, both he and the applicant have taken officers comments on board and have submitted a redesigned proposal incorporating the comments made. He praised the officers for their proactive approach to facilitating development on this site and asked that members support their decision to approve the application.

Member had no questions for Adam Sutton.

Member asked questions, made comments and received responses as follows;

1. Councillor Benney highlighted that there was no footpath to the front of the site and asked if a condition could be attached to the planning permission in the interest of public safety. David Rowen explained that as Highways had not raised this as a concern, it could be seen as an unreasonable request. He highlighted that to install a footpath would require the floor level of the adjacent property to be lifted in order to accommodate this.
2. Councillor Hay asked if the opposite side of the road benefits from a footpath. David Rowen confirmed this.
3. Councillor Sutton praised officers for their engagement with the applicant and agent in relation to this application.
4. Councillor Connor endorsed Councillor Sutton's comments and supported the proposal.

**Proposed by Councillor Connor, seconded by Councillor Lynn and decided that the application be GRANTED; as per officer's recommendation.**

*(Councillor Sutton declared a personal interest by virtue of the fact that the Agent of this application is a relative. He abstained from voting on this agenda item)*

**P32/19      PLANNING APPEALS.**

David Rowen presented a report to members with regards to appeal decisions in the last month.

2.48 pm

Chairman

## PLANNING APPEAL DECISIONS

The Council has received the following Appeal decisions in the last month:

PA Ref	Site/Proposal	Officer Recommendation	Decision Level	Appeal Decision	Main issues
F/YR18/0841/O	4 no detached dwellings and associated garages Land west of Magnolia Cottage, Kirkgate, Tydd St Giles	Refused	Delegated	Allowed	<ul style="list-style-type: none"> <li>• Effect on the character and appearance of the site and its surroundings.</li> <li>• Site not considered to be isolated, due to the number of developments around the site considers the area residential.</li> <li>• Dwellings capable of being delivered in linear form so would not be an incongruous feature in the streetscene</li> <li>• Majority of landscaping would be retained which would maintain the existing green and spacious characteristics of Kirkgate</li> <li>• Dwellings would not be a prominent feature in the streetscene</li> <li>• Inspector concluded development would not be detrimental to the character and appearance of the area</li> </ul>

					<ul style="list-style-type: none"> <li>• Considered concerns of interested parties regarding flood risk and concluded no material harm. Also considered highway safety against the backdrop of the safeguarding conditions suggested by the LHA and concluded no detrimental impact on highway safety</li> <li>• Did not consider it to be overdevelopment or precedent and that the site could be development without detriment to residential amenity. With regard to ecology considered all concerns had been addressed</li> </ul>
F/YR18/0877/F	Change of use of land for domestic purposes including the erection of a shed (retrospective) - Land South East Of 34 Chapelfield Road, Guyhirn	Refused	Delegated	Dismissed	<ul style="list-style-type: none"> <li>• The main issues are the effect on the the character and appearance of the area; and the living conditions of the occupiers of No 32 Chapelfield Road, with particular regards to the sense of enclosure, overshadowing and crime</li> <li>• Inspector considered that the design and position of shed would be a clear and visible feature and would appear as an incongruous feature, failing to respect its surroundings and would cause harm to the character of the area</li> </ul>

					<ul style="list-style-type: none"><li>• It was also considered that the shed would create a sense of enclosure for the occupants of No 32. With regards to overshadowing it was also considered that the shed would cause harm.</li><li>• Inspector did not consider that the development would significantly increase levels of crime or fear of crime for occupants of No 32</li><li>• Representations regarding drainage of the shed were considered but it was accepted that the downpipe could be easily repositioned.</li><li>• Inspector concluded that the appeal should be dismissed on the grounds of character and amenity harm.</li></ul>
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ENF/183/17/UW	<p>Change of use of land to a residential use of touring caravans and associated container unit, hardstanding and fence.</p> <p>Land South of junction of New Drove and Bevis Lane, Wisbech St Mary</p>	Enforcement notice served	Delegated	Allowed	<p>Inspector varied wording of notice and quashed the enforcement notice, with the outcome being that planning permission was granted for the development already carried out.</p> <p>The Inspector considered:</p> <ul style="list-style-type: none"> <li>• The site was in suitable location for a traveller site;</li> <li>• No detrimental impact on the countryside; and</li> <li>• Site in Flood Zone 3, but actual flood risk limited and no evidence sites at lower risk of flooding available.</li> </ul>
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F/YR18/0985/F	<p>Erection of 2 x 2-storey 3-bed dwellings with integral garages.</p> <p>Land North East Of 8 Gote Lane Gorefield</p>	Refused	Delegated	Dismissed	<ul style="list-style-type: none"> <li>• The main issues are the effect on the character and appearance of the area; the principle of development and whether it constituted as limited residential infill.</li> <li>• The inspector considered that the site was not in the open countryside due to no settlement boundary and the presence of existing dwellings to the north-east of the site as well as its close proximity to the built form.</li> <li>• The Inspector held that infilling is normally associated with the completion of a substantial built up frontage of several dwellings or at the very least, consolidation of a largely built up area. Rather than how small or large a gap measures. In the Inspectors view the application site did not possess the characteristics of an infill development.</li> <li>• The Inspector considered that by virtue of the proposed development's scale, mass and location that it would be visually intrusive and harm the character and appearance of the local area and landscape.</li> <li>• It was concluded by the Inspector that the appeal should be dismissed on the above grounds.</li> </ul>
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All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

F/YR17/0349/VOC

**Applicant: Mr Andrew Connors**

**Agent : Mr P Brown  
Philip Brown Associates**

**The Spinney, Horsemoor Road, Wimblington, March**

**Variation of conditions 2 and 3 of appeal reference APP/D0515/C/15/3008989 relating to planning permission F/YR14/0854/F to increase the number of static caravans from 5 to 8 and touring caravans from 1 to 5 (to be used by the occupiers of the static caravans only), and to allow each residential pitch to have one associated commercial vehicle not exceeding 3.5 tonnes in weight.**

**Officer Recommendation: Grant**

**Reason for Committee: Parish Council's comments contrary to Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks to regularise the use of this Gypsy and Traveller site by varying and clarifying two of the planning conditions set out in the appeal decision letter issued by the Planning Inspectorate in May 2016, specifically in relation to the number of pitches, touring caravans and commercial vehicles allowed on site.
- 1.2 The appeal granted permission for a Gypsy and Traveller site consisting of 6 x pitches. The appeal decision included a planning condition (condition 5) which required the applicant to submit further details with regard to the site layout and site drainage, as well as for example, access, lighting, hardstanding areas, landscaping and a Flood Plan. These details were approved in August 2019 (F/YR16/3080/COND).
- 1.3 Condition 2 restricted the number of caravans to six. This application (in part retrospective) seeks to allow for 8 static caravans on the site. It also seeks to allow up to 5 touring vans on site. The touring vans are only to be used by the occupiers of the static caravans. In addition, the application seeks to clarify the condition regarding commercial vehicles (condition 3). The proposal is to allow for one commercial vehicle (not exceeding 3.5 tonnes) to be kept on the land for use by the occupiers of each caravan, therefore up to 8 commercial vehicles in total.
- 1.4 The proposal is considered against the appeal decision alongside Policy LP5 Part D regarding Gypsy and Traveller sites, and other relevant policies within the Local Plan. In doing so it is considered that the addition of 2 pitches and 5 touring vans, would not impact significantly on visual amenity, the general character of the area or residential amenity. Permitting one commercial vehicle per caravan is also deemed acceptable. Any additional traffic generated by the 2 additional pitches and vehicles is not considered likely to result in any significant impact on highway safety. The proposal is therefore recommended for approval subject to the planning conditions set out in Section 12 below.

## **2 SITE DESCRIPTION**

- 2.1 This application relates to a 0.34 hectare rectangular site located on the northern side of Horsemoor Road within the open countryside to the north east of Eastwood End and Wimblington. The site is currently in use as a static and mobile caravan park for Gypsies and Travellers having been granted permission on appeal by the Planning Inspectorate (F/YR14/ 0854/F).
- 2.2 The site has a wide brick paving access with boundary wall and railing gates set back approximately 9.5 metres from the carriageway. There are gravelled parking areas, a conifer hedge to the southern and eastern boundaries with 1.8m high fencing to the western and laurel hedging to the northern boundaries. An area is laid to grass, surrounded by 1.8m high close boarded fencing, to the north. These details were approved as part of a condition discharge application. Plan H5996/00 formalises these aspects of the site (F/YR16/3080/COND). The plan shows a proposed day room. This does not form part of this application.
- 2.3 In August 2019 permission was granted for the erection of a stable block with tack room and 1.0 metre high gate and fence within the adjacent field (F/YR19/0497/F).

## **3 PROPOSAL**

- 3.1 The application has been amended during processing and now seeks to vary the planning conditions to enable 8 static caravans be sited and up to 5 touring caravans but these are to be used only by the occupiers of the static vans. The applicant's original statement referred to the need to accommodate three extra families from the 5 originally permitted. However, the Inspector's wording of Condition 2 allowed potentially for 6 families to occupy the site.
- 3.2 The application is partly retrospective as 8 static caravans have been in situ for some months. The total number of families occupying the site would not exceed 8.
- 3.3 The total number of commercial vehicles proposed is one per static caravan and therefore would not exceed 8.
- 3.4 Further consultation was undertaken in June 2019 following the amendment to the description of development set out above.

Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OP2FO2HE01U00>

## 4 SITE PLANNING HISTORY

F/YR16/3080/COND	Details reserved by condition 5 of planning application F/YR14/0854/F and Appeal Decision APP/D0515/W/15/3008987 (Change of use of land to residential caravan site for an extended traveller family.....)	Approved	Aug 2019
F/YR14/0854/F	Change of use of land to residential caravan site for an extended traveller family; siting of 5 mobile homes and 1 touring caravan involving formation of hardstanding erection of amenity building and use of existing barn as ancillary storage The Spinney Horsemoor Road Wimblington	Refused Allowed on Appeal APP/D0515/ W/15/3008987	10/12/2014
F/YR13/0711/F	Change of use of land for the siting of 4no mobile homes and 4no touring caravans for 4no traveller families to include the laying of hardstanding The Spinney Horsemoor Road Wimblington March Cambridge	Refused	14/11/2013
F/YR00/1084/F	Use of land for the siting of 1 no. mobile home cedar Cottage The Spinney Horsemoor Road Wimblington Ca	Refused	05/04/2001
F/96/0652/F	Stationing of 1 no. mobile home; formation of vehicular access and use of land for light haulage the Spinney Horsemoor Road Wimblington Cambs	Refused	29/01/1997
F/93/0834/F	Use of land for the stationing of a residential caravan North Of Horsemoor Road The Hook Horsemoor Road Wimbli	Refused	31/08/1994
F/92/0498/F	Erection of boarding kennels Part OS Parcel 215 The Hook Horsemoor Road Wimblington	Refused	25/11/1992

## 5 CONSULTATIONS

### Wimblington Parish Council

5.1 May 2017. The Parish Council objected for the following reasons:

- The front hedgerow is on highway land which is likely to cause damage to the highway; and
- The highway is inadequate to cope with the additional number of vehicles generated from the proposal.

19 July 2019. *The Parish Council objects to this planning application. Reasons for objection are the increased volume of traffic on an unsuitable road. Safety hazard to other local residents. Planning reasons relevant to the local plan: LP12 (c); LP12 (d); LP12 (J); LP12 (k); LP16 (d); and LP16 (e).*

### CCC Highways

5.2 17 May 2017. *The Planning Inspectorate ignored the LHA's recommendation for the provision of vehicle to vehicle visibility splays to be detailed at the proposed site access (appeal ref: APP/D0515/C/15/3008989). The absence of appropriate sightlines at the access will become more of a safety problem with an intensification movements at the access. I therefore request the applicant details vehicle to vehicle visibility splays commensurate with the 85%ile speeds for the access intersection with the Highway.*

*The site layout plan includes planting and development works that encroach within the Highway. Please provide amended plans that detailed this removed from the Highway reserve.*

21 June 2019. *The site is an already established site with access onto the public highway. The proposal will not result to any material impact to the highway network. In light of the site growing in scale, FDC should consider the unsustainable location and whether the site continues to be policy compliant. No highways objections.*

## **Local Residents/Interested Parties**

### **Objectors**

- 5.3 An objection received from a property approximately 1700metres from the site referred to the following:
- The site is already very busy and would lead to overcrowding,
  - The request for each caravan to have a commercial vehicle would mean a further 10 vehicles.
  - The access to the highway has restricted visibility to the west and the single track road is already unable to cope with the present volume of traffic, proof of which can be seen by the torn up verges where vehicles try to pass each other due to the lack of passing places.
  - The site plan doesn't appear to be to scale so the size of the parking bays shown give a false impression of how traffic management on the site could work. The original conditions were put in place for a reason and nothing has changed to warrant a variation of those conditions.
- 5.4 A representation received from a nearby resident on Hook Road was concerned regarding the following:
- *I am concerned about the extra amount of traffic there is no speed limit down this road and there are children and horses in frequent use of the road, my house is only a pavements width from the road and I am constantly splashed with mud. Chapel Cottage Plants across the road from me are ever expanding and there is a stream of HGV traffic throughout the day. As it is only a single track road there are constant hold ups when vehicles approach in opposite directions directly under my bedroom window, human rights should have some bearing on this case.*
- Further comments received 21.06.2019:
- *I strongly object to any further increase the amount of traffic down the Hook Road as I live only a pavements width from the Road, as things stand my house is constantly covered in mud which I have to clean and there is a danger of physical damage to anyone who should step out into the road, Furthermore the speed limit is 60mph which is far too fast for this area, the road has no proper foundation and is totally unsuitable for HGV or any other kind of traffic, the pavement is being used continuously to allow traffic to pass each other.*
- 5.5 A further objection was received from Stonea Grange (approximately 700m from the site). Concerns include: increase in traffic along the single track road which is already difficult to navigate will add to the problem.

## 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).
- 6.2 The Council has a duty Under the Equality Act 2010, Section 149, to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## 7 POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**Fenland Local Plan 2014**  
LP2, LP3, LP5, LP12, LP14, LP15, LP16

## 8 KEY ISSUES

- **Principle of Development**
- **Appropriateness of S73 Application**
- **Impact on the Character of the Area**
- **Impact on Residential Amenity**
- **The Need for Gypsy and Traveller pitches**
- **Highway Safety**
- **Other considerations.**

## 9 BACKGROUND

- 9.1 Application ref F/YR14/0854/F was allowed by the Inspectorate on appeal. The Inspector considered the following:
- The site was in a sustainable location in terms of serving a Gypsy and Travellers site;
  - The application demonstrated a need and there was weight given to personal circumstances for the evidence submitted;
  - It was not consider that there was overriding evidence contrary to the need argued by the appellant;
  - The impact on the character of the area could be mitigated by planting on the eastern boundary; and
  - The flood and drainage issues could be dealt with by planning condition (these were discharged by application F/YR16/3080/COND )

9.2 The existing planning conditions are:

1	The site shall not be occupied by any persons other than gypsies and travellers as defined in annex 1 of Planning policy for traveller sites (DCLG August 2015).
2	No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 5 shall be a static caravan) shall be stationed on the site at any time.
3	No more than one commercial vehicle shall be kept on the land for use by the

	occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.
4	No commercial activities shall take place on the land, including the storage of materials.
5	<p>The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:</p> <p>i) within 3 months of the date of this decision a scheme for: the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; site access; the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking and amenity areas; tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities; and a Flood Plan for the evacuation of the site in the event of an extreme flood event, (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.</p> <p>ii) within 11 months of the date of this decision the site development scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.</p> <p>iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State.</p> <p>iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.</p>

## 10 ASSESSMENT

### Principle of Development

- 10.1 Policy LP5 Part D of the Fenland Local Plan provides advice and criteria for determining Gypsy and Traveller applications. The Planning Inspector examined these criteria as part of the allowed appeal in 2015. The principle of the use of the site as a Gypsy and Traveller site is already established. Therefore the issues for consideration here are: the additional caravans proposed; and the clarification regarding the allowance of 1 commercial vehicle per caravan, and what impact these would have on: the character of the area; and highway safety. Whether there is a need for the additional caravans will also have to be considered.

### Appropriateness of S73 Application

- 10.2 Section 73 of the Town and Country Planning Act 1990 allows some or all of the planning conditions to be removed or changed by making an application. In deciding an application under S73, the NPPG states that the local planning authority must only consider the disputed conditions that are subject of the application – it is not a complete re-consideration of the application.
- 10.3 It should be noted that the original planning permission will continue to exist whatever the outcome of the application under S73. The NPPG advises that to assist with clarity, decision notices for the grant of planning permission under S73 should also repeat the relevant conditions from the original permission unless they have already been discharged.

- 10.4 In granting permission under S73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier permission.
- 10.5 Where an application under S73 is granted, the effect is the issue of a new permission, sitting alongside the original permission, which remains intact and amended. For this reason the time limits on this permission will reflect the deadline imposed originally, and any conditions already discharged amended accordingly.

**Impact on the Character of the Area**

- 10.6 Policies LP12 (c), LP16 (d) and LP5 (a) are relevant and seek to protect the character of the area. The site area is the same as previously approved, the additional caravans being accommodated within the existing layout. This layout was approved as part of the discharge of condition application (F/YR16/3080/COND). The boundary hedges have addressed any potential visual impact of the site, especially from the east, as raised by the Inspector in the appeal decision. It is also considered that the site has a well -managed appearance. The Inspector concluded that the site sits comfortably within the landscape, given the immediate surroundings. It is considered that the proposed additional structures and vehicles would not result in a different conclusion. Therefore, the proposal is considered to accord with Policy LP16 (d) and criteria LP5 (a).

**Highway Safety**

- 10.7 The site is some distance from the nearest dwelling (Sycamore House is over 50m to the west). As such residential amenity is not considered to be directly affected by the proposed changes. However, the Parish Council and three residents have concerns regarding the likelihood of additional traffic from the site causing disturbance or impacting on highway safety.
- 10.8 The proposal is in part retrospective and the 8 static caravans are already in situ and occupied. The proposal would allow for an additional 4 touring caravans but only in association with the static caravans. It is unlikely that the Planning Inspector would have restricted the number of commercial vehicles to only one in total on the site. But rather that the condition should be interpreted as “*only one commercial vehicle per caravan (6 in total)*”. It is considered that a limit of one commercial vehicle on the above site would have been unreasonable and not typical of this nature of site. Therefore the proposal would result in a net increase of 2 commercial vehicles, 8 in total. This is summarised in the table below:

Existing Permitted Use	Proposed Permitted Use
6 caravans (5 static and one tourer)	8 static caravans with 5 tourers (only to be used in association with the statics)
Number of pitches = 6	Number of pitches = 8
6 commercial vehicles not exceeding 3.5 tonnes in weight.	8 commercial vehicles not exceeding 3.5 tonnes in weight.

- 10.9 As stated earlier, the Planning Inspector has already considered the quality of the highway and site location and deemed the site and highway to be acceptable to serve as a Gypsy and Traveller site. Therefore, with regard to the impact on the highway, it is only appropriate to consider what additional traffic is likely to be generated by the site and whether this would have a significant and detrimental impact on highway safety.

- 10.10 The traffic likely to be generated by the two additional commercial vehicles associated with the two new pitches has therefore been carefully considered. When compared to the permitted use of the site (6 vehicles), the additional traffic likely to be generated by 8 vehicles is not considered to be significantly different and therefore for this reason, would not have a significant and detrimental impact on highway safety.
- 10.11 Similarly, the touring vans will either be parked on site or taken off site when the owner is travelling for work. Therefore any impact on the highway is likely to be minimal.
- 10.12 Since raising concerns in May 2017, the Local Highway Authority (LHA) became involved in the discharge of condition 5 which included details of the access. The LHA's subsequent comments in June 2019 accept that the site is established with access onto the public highway. Importantly, the LHA consider that the 2 additional pitches, associated touring vans and commercial vehicles would not result to any material impact to the highway network.
- 10.13 Concerns have been raised by an objector with regard to poor visibility to the western side of the access. The wide nature of the access will enable exiting vehicles to achieve reasonable visibility to the west for vehicles leaving the site. However, a condition is attached seeking a reduction to the conifers at the western corner of the access fronting the highway and requiring regular maintenance of this hedge at the front of the site.
- 10.14 The objectors raised concerns regarding lack of pedestrian facilities. However, the Planning Inspector's decision, regarding the sustainability of the site, did not consider poor pedestrian access to Gypsy or Traveller sites to be critical in the planning balance.
- 10.15 In conclusion, paragraph 109 of the NPPF states the following: *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.* It is not considered that the proposed variation of conditions would result in severe or cumulative danger to the safe use of the public highway network in the immediate vicinity of the site. It is therefore considered that the proposal accords with Paragraph 109 of the NPPF and Policy LP15 of the Fenland Local Plan.

#### **Need for Gypsy and Traveller pitches.**

- 10.16 The Council's most recent 5-year Housing Land Supply Assessment identifies a current need for 3 Gypsy and Traveller pitches. This does not take into account under-occupancy on existing sites, however occupancy can fluctuate.
- 10.17 Of note are recent relevant appeal decisions which have considered the issue of need for Gypsy pitches (including one in Peterborough). Whilst the issue of need was given some weight, whether or not there was need it was not the determining factor in the appeals. Policy LP5 also states that irrespective of whether an up to date need is identified or not, the Council will still determine applications on a case by case basis.

#### **Other Considerations**

- 10.18 The Parish Council has concerns that planting has taken place on highway land. However, on inspection of the rest of this part of Horsemoor Lane shrubs, fencing and hedges appear to be located on similar or identical setbacks from the highway. Furthermore, if planting has occurred on highway land, that itself would be a matter between the applicant and the Highway Authority as landowner.
- 10.19 Given the screening that the planting provides, the planning authority is unlikely to consider seeking the general removal of the conifers. Elsewhere on Horsemoor Lane and Hook Lane there are larger sites where the absence of such planting results in a somewhat more stark visual impact on the street scene. Therefore the concern raised by the Parish is not considered a reason on which to refuse the application.

## 11 CONCLUSIONS

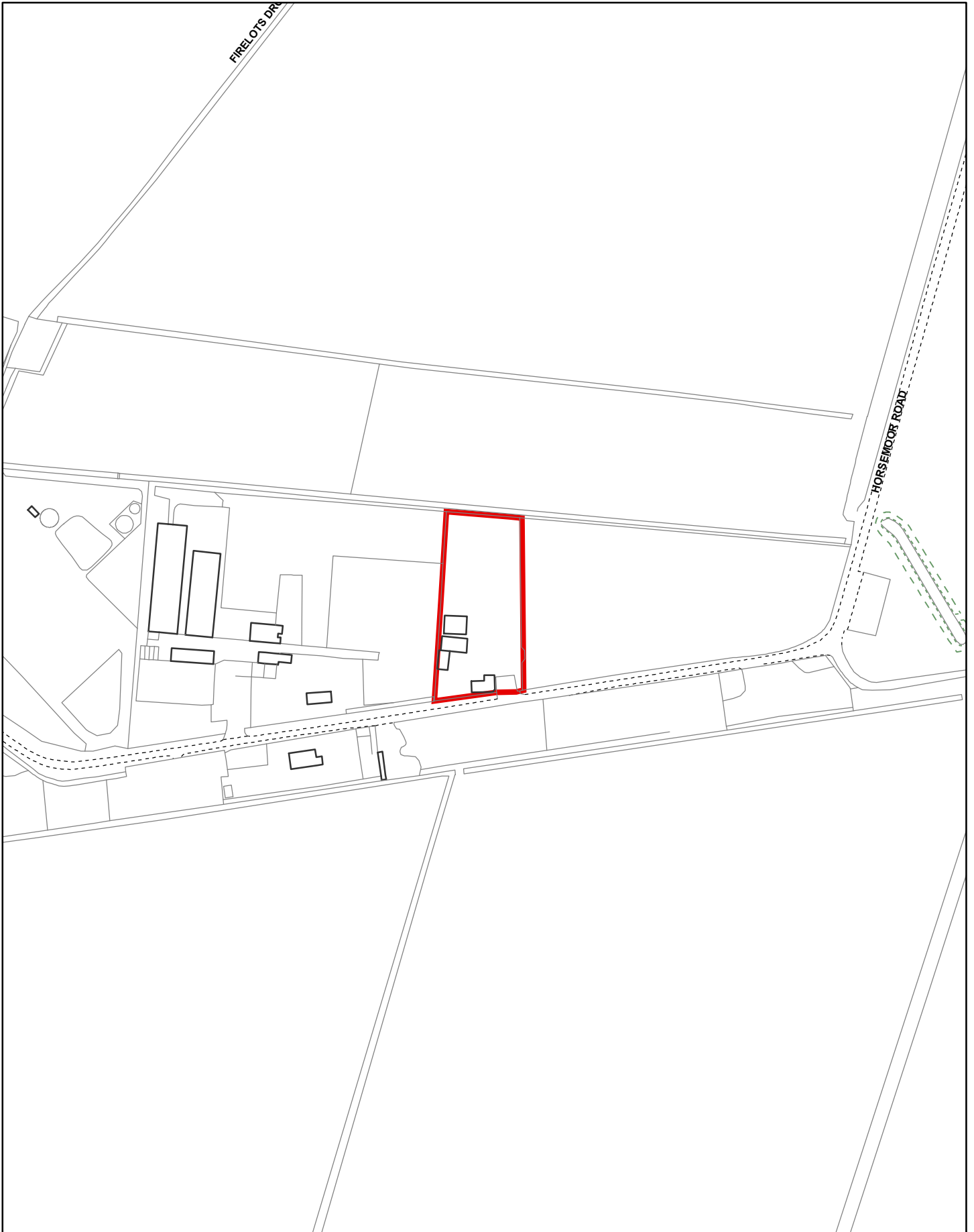
- 11.1 This application seeks to regularise the use of this Gypsy and Traveller site by varying and clarifying two of the planning conditions set out in the appeal decision letter issued by the Planning Inspectorate in May 2016, specifically in relation to the number of pitches, touring caravans and commercial vehicles allowed on site.
- 11.2 The appeal granted permission for a Gypsy and Traveller site consisting of 6 x pitches. The appeal decision included a planning condition (condition 5) which required the applicant to submit further details with regard to the site layout and site drainage, as well as for example, access, lighting, hardstanding areas, landscaping and a Flood Plan. These details were approved in August 2019 (F/YR16/3080/COND).
- 11.3 Condition 2 restricted the number of caravans/pitches to 6. This application (in part retrospective) seeks to allow for 8 static caravans on the site. It also seeks to allow up to 5 touring vans on site. The touring vans are only to be used by the occupiers of the static caravans. In addition, the application seeks to clarify the condition regarding commercial vehicles (condition 3). The proposal is to allow for one commercial vehicle (not exceeding 3.5 tonnes) to be kept on the land for use by the occupiers of each caravan, therefore up to 8 commercial vehicles in total.
- 11.4 The proposal is considered against the appeal decision alongside Policy LP5 Part D regarding Gypsy and Traveller sites, and other relevant policies within the Local Plan. In doing so it is considered that the addition of 2 pitches and 5 touring vans, would not impact significantly on visual amenity, the general character of the area or residential amenity. Permitting one commercial vehicle per caravan is also deemed acceptable. Any additional traffic generated by the 2 additional pitches and vehicles is not considered likely to result in any significant impact on highway safety. The proposal is therefore recommended for approval subject to the planning conditions set out below.

## 12 RECOMMENDATION

**Grant subject to the following conditions:**

1	The site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller sites
---	--

	<p>(DCLG August 2015).</p> <p>Reason- In accordance with Policy LP5 of the Fenland Local Plan 2014</p>
2	<p>No more than 8 static caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 8 shall be a static caravan) shall be stationed on the site at any time. No more than 5 touring caravans shall be present on the site at any one time and each one shall only be used in association with the occupation of one of the static caravans.</p> <p>Reason- In order to control the impact of the proposal on visual amenity and highway safety in accordance with LP15 and LP16 of the Fenland Local Plan 2014.</p>
3	<p>No more than one commercial vehicle shall be kept on the land for use by the occupiers of each static caravan hereby permitted up to a maximum of 8 vehicles. Each vehicle shall not exceed 3.5 tonnes in weight.</p> <p>Reason- In order to control the impact of the proposal on visual amenity and highway safety in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
4	<p>No commercial activities shall take place on the land, including the storage of materials.</p> <p>Reason- In order to control the impact of the proposal on visual amenity and highway safety in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014.</p>
5	<p>The details approved under planning reference F/YR16/3080/COND shall be retained and maintained in perpetuity in accordance with the approved plans and details. The approved foul and surface water drainage schemes shall be completed before 31 December 2019.</p> <p>Reason- In order to control the impact of the proposal on visual amenity and highway safety in accordance with Policies LP15 and LP16 of the Fenland Local Plan 2014; and to ensure satisfactory drainage in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
6	<p>The front boundary hedge shall be maintained to a maximum height of 3metres only and shall not impede the safe use of the highway or visibility into the site access.</p> <p>Reason- In accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
7	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



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**F/YR17/0349/VOC**

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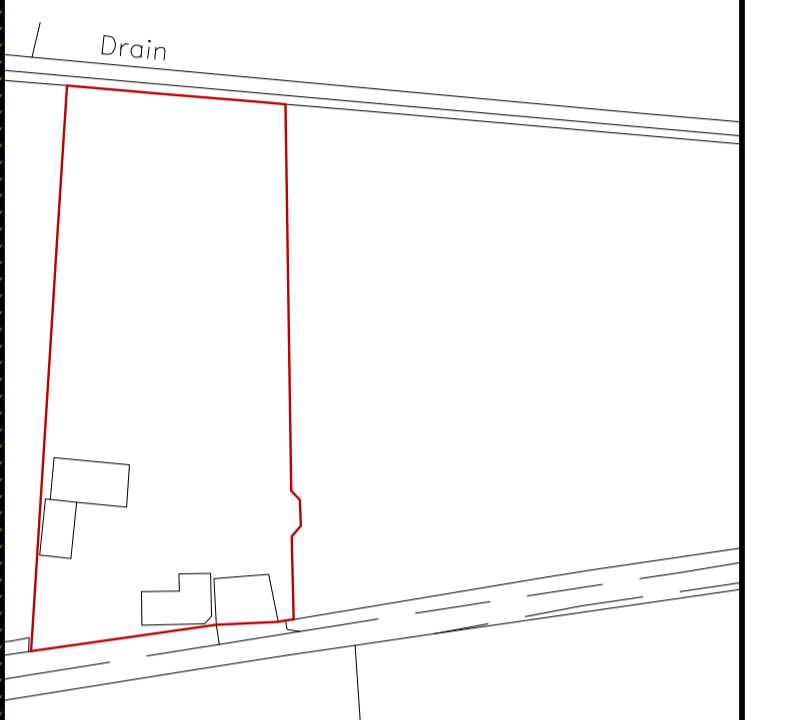
Drain



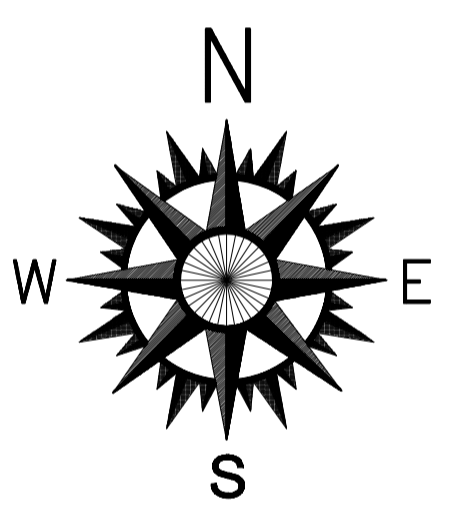
**LEGEND**  
 ○ TP = TELEGRAPH POLE  
 ○ LP = LAMP POST  
 ○ IC = INSPECTION CHAMBER

**SITE PLAN (1:200)**

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 Contractor to check all dimensions on site before work starts or materials are ordered. Do not scale, if in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
 All finishes, insulation and damp-proofing to architect's details



**LOCATION PLAN (1:1250)**  
 LICENCE NUMBER 100022432



REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**  
 CONSULTING STRUCTURAL ENGINEERS

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**Fenland District Council**  
 Building Design Awards  
 Winner

CLIENT  
 Mr A Connors

PROJECT  
 The Spinney  
 Hook Road  
 Wimblington  
 PE15 0QL

TITLE  
 Site Plan

DRAWN R.Papworth	DATE OF ISSUE
CHECKED	
DATE Feb 2019	DRAWING NUMBER H5996/00
SCALE 1:200	

F/YR19/0152/O

**Applicant: Mr T Bartlett**

**Agent : Mr J Campbell  
SISCO Architecture Ltd**

**Land South Of, 8 - 59 Fairbairn Way, Chatteris, Cambridgeshire**

**Erection of up to 50no dwellings (outline application with all matters reserved)**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations received contrary to the Officer recommendation.**

## **1 EXECUTIVE SUMMARY**

- 1.1 The proposal is an outline application with all matters reserved for up to 50 dwellings (12 of which would be affordable housing) on a 1.76ha site that encompasses a smaller site of 0.76ha which Members approved in February 2017 for up to 26 dwellings with 7 affordable houses, accompanied by a S106 Agreement.
- 1.2 The principle of some development in this edge of settlement location in Chatteris has therefore been established. The key considerations with the application are: whether there would be unacceptable harm to the open countryside and/or highway safety; and whether there would be unacceptable impact upon the amenity of occupiers of nearby houses; caused by the extended area of development and the 24 extra houses. Although no details have been committed at this stage, an illustrative layout has been provided and amended during consultation with Officers.
- 1.3 The extended site is considered, on balance, to be a natural further extension to the southern edge of Chatteris which will contribute to the district's housing land supply.
- 1.4 It is considered that subject to the submission of acceptable details as part of the reserved matters application(s), any potential harm to the countryside would not be significant. Similarly, the development could take place with no significant harm to neighbouring occupiers, although it is accepted that open views from Millfield Close would be lost. Following the amendments, there is no objection on highway grounds.
- 1.5 This outline application is therefore recommended for approval subject to completion of a S106 Agreement which includes affordable housing, education and open space contributions.

## **2 SITE DESCRIPTION**

- 2.1 This application relates to a 1.76 hectare site off Fairbairn Way on the southern edge of the settlement of Chatteris to the west of London Road. The site is currently open fields/ grassland with ponies seen to be grazing on part of the site. It has housing abutting on two sides. The site wraps around the previously approved

development site extending 28m further south and 78m further west, now adjacent to the properties at the south of Millfield Close. A drain runs north south along the western boundary and also along the northern boundary of the site.

2.2 The site is within Flood Zone 1.

### 3 PROPOSAL

3.1 The application is in outline form seeking approval for the principle of up to 50 dwellings, 12 of which will be affordable. Although not committed at this stage, amendments have been made to the layout and access in order to demonstrate that a suitable access arrangement is possible and 50 dwellings could be accommodated on the site in a satisfactory manner. The layout shows: 25 detached; 4 x semidetached dwellings; and 21 flats

3.2 The applicant has included a Habitat Survey, Reptile Survey and a Flood Risk Assessment/ Drainage Strategy.

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PLUCFHHE06P00>

### 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR16/0795/O	Erection of 26no dwellings (max) (Outline application with all matters reserved) Land West Of 15 Fairbairn Way Chatteris Cambridgeshire	Granted	16/01/2017
F/YR01/0613/O	Residential Development (0.83 ha) Land West Of 80 - 86 London Road Chatteris Cambridgeshire	Refused	15/01/2003

### 5 CONSULTATIONS

#### 5.1 Chatteris Town Council

07.03.2019 *The Council supports the idea of development but requests that the road running through the estate is wider than the road running through the existing estate which is inadequate and frequently blocked by parked cars. Parking on the estate is woefully inadequate with pedestrians often forced to walk in the road as the pavements are also blocked by parked cars. The Council also requests a Section 106 donation towards a pot which should be set up to fund the final section of the southern bypass for Chatteris from London Road to the A141. The Town Council would also encourage FDC to impose planning conditions to include features to improve the ecology of the site, as set out in the ecology report, including the addition of bird and bat boxes (such as swift bricks/boxes), the retention of the hedgerows, further landscaping to include native and wildlife attracting species and the installation of boundary post and rail fencing.*

21.08.2019 *Plans previously approved, however CTC still have concerns & reservations regarding parking and the width of the road.*

#### 5.2 CCC Archaeology

*Our records indicate that this site lies in an area of archaeological potential, on the western edge of the fen island and to the west of the known area of Iron Age settlement south of Cromwell Community College identified during large-scale detailed magnetometer survey and previous excavations (Cambridgeshire Historic Environment Record references ECB2900, ECB3740, MCB19835). The magnetometer survey and trench-based evaluation which was carried out over a*

large area east of London Road also identified an area of settlement dating to the Bronze Age which in some areas continued in usage into the Roman and Saxon periods (CHER ref MCB20214), with earlier features overlain by medieval and post-medieval cultivation. Two round houses and linear ditch with an attached enclosure, indicated by the presence of the round houses to be of later prehistoric or Romano-British date, were also identified during the magnetometer survey south of Tithebarn Farm (ECB2900, 10664). An evaluation carried out to the north of the proposed development area in 2006 identified a series of post-medieval extractive pits as well as medieval pottery sherds indicative of earlier activity in the vicinity of the site (MCB17442).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG:

#### Archaeology

No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

#### Reason

To ensure that the significance of historic environment assets is conserved in line with NPPF section 16

### **5.3 CCC Highways**

22.08.2019

The layout will require some amendments at reserve matters stage to ensure:

- The layout is conducive to CCC road adoption requirements.
- Footways wrap around turning head
- 0.5m margins required around shared surface perimeter
- Ramp required for shared surface/DK crossover

No highway objections subject to the standard outline planning condition securing reserve matters.

### **5.4 FDC Environmental Health**

22.08.2019

The Environmental Health Team note and accept the submitted information and have 'No Objections' in principle, as it is unlikely to have a detrimental effect on local air quality or the noise climate.

I am satisfied with the Flood Risk Assessment & Sustainable Drainage Strategy provided by MTC Engineering, and note that there are proposals to connect the development to mains foul and surface water drainage systems, which I welcome for a development of this size and would have requested.

*I would recommend a construction management plan is in place to ensure that the construction phase does not impact upon any nearby existing residential dwellings, and would also welcome (likely to be requested by County Council Highways) documented measures to mitigate the amount of construction site debris/mud that is transferred onto the surrounding public highway.*

*I noted from a site visit that the proposed development site is established grass land, some of which was being put to use for animal grazing. Should planning consent be granted, I would therefore request that the following condition is imposed:*

**UNSUSPECTED CONTAMINATION**

*CONDITION: If during development, contamination not previously identified, is found to be present at the site then 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 this unsuspected contamination shall be dealt with.*

*REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.*

## **5.5 CCC Lead Flood Authority**

*Based on the submitted details, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development. The details demonstrate that surface water from the proposed development can be managed through the use of permeable paving on all parking areas and private driveways with cellular storage tanks for surface water attenuation and a Hydrobrake flow control. This will restrict surface water discharge to 2 l/s for all events up to and including a 1 in 100 year rainfall event plus a 40% allowance for climate change. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment, which is of particular importance when discharging into a watercourse.*

*In addition, the Hydrobrake has been sized appropriately at 75 mm, limiting risk of blockage. The site is located in Flood Zone 1, with only minor fluvial flood risk expected in the event of blockage of the drains along the northern and southern site boundaries, which could cause water to flow across the site in a westerly direction. However, if such an event was to occur, water is expected to re-enter the drain downstream of the blockage or enter the drain along the western boundary without having any significant impact on the site. In addition, the land to the west of the site is at a lower level to the site itself, meaning it is unlikely that blockage of the western drain would pose a significant flood risk to the site. In addition, almost the entire site is at Very Low Risk to surface water flooding, with the exception of a localised area in the northwest corner at Low Risk to surface water flooding, which will be offset by a vegetated buffer area.*

*Water quality has been adequately addressed when assessed against the Simple Index Approach outlined in the CIRIA SuDS Manual.*

*We request the following condition(s) are imposed:*

*Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment & Sustainable Drainage Strategy prepared by MTC Engineering (Cambridge) Limited (ref: 2251 – FRA & DS) dated February 2019 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.*

**Reason**

*To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.*

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

Reason

*To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework and in accordance with Policy LP14 of the Fenland Local Plan and the Cambridgeshire Flood and Water SPD 2016*

## **5.6 PCC Wildlife Officer**

19.08.2019 *Thank you for the opportunity to comment on the **further information** submitted in relation to this application which I note is now accompanied by a Reptile Survey Report (July 2019). I have the following comments to make with regard to ecology:*

**Protected Species:**

**Reptiles:** *I am satisfied that adequate reptile surveys have now been carried out to establish that the application site is unlikely to support reptiles and therefore no further action is required.*

**Bats:** *No evidence of any bat roosts were found during the survey, however the site is likely to support foraging/ commuting bats. I would therefore recommend the following measures in relation to bats:*

- a) Provision of a range of integral bat boxes/ tiles to be incorporated into the new dwellings to provide suitable bat roosting habitat and*
- b) External lighting to be designed to be baffled downwards away from the retained boundary habitats.*

*The above detail should be provided by the applicant which would be acceptable via a suitably worded condition.*

**Nesting Birds:** *The proposal involves the removal of vegetation which may support nesting birds. I would therefore recommend that a standard bird nesting Informative be attached should the scheme be approved.*

*To mitigate for the loss of potential nesting habitat, I would request that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would may be secured via a suitably worded condition.*

**Hedgehogs:** *Suitable habitat is present within the application site to support hedgehogs which are a UK Biodiversity Action Plan priority species and listed as a Species of Principle Importance under s41 of the NERC Act 2006. I would therefore recommend that as a precaution, the following measures are secured in relation to hedgehogs:*

- a) All construction trenches are covered overnight or a means of escape provided for any hedgehogs (or other mammals or reptiles) that may have become trapped;*
- b) Impenetrable barriers are avoided by allowing adequate gaps to be retained under any new fencing.*

*The above may be secured via a suitably worded condition.*

**Site design & landscaping:**

*The revised Proposed Site Plan (Rev No. P7) is an improvement on the original layout proposal, and now indicates a more acceptable situation regarding provision*

*of undeveloped buffers to the site boundary habitats as well as provision of on-site open space/ landscaping.*

*With regard to landscape planting I would recommend the use of a range of native plant species such as those listed in Appendix 3 of the original ecology report, full details of which may be secured via a suitably worded condition.*

**Recommendation:**

*I have no objection to the proposal subject to the use of a suitably worded biodiversity condition to secure the above recommendations which should include a) provision of a range of bird nesting and bat roosting features, b) covering of construction trenches & use of hedgehog gaps in new fences and c) design of external lighting as well as a landscaping condition.*

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

**5.7 CC Designing Out Crime Officer**

*I have viewed the revised documents in relation to crime, disorder and the fear of crime, noted my previous comments and completed further research of the Constabulary crime and incident systems covering Chatteris and this location for the last 6 months. While the location of this development is still low in reported crime, I would consider Chatteris to be an area of medium vulnerability to the risk of crime. The following relevant crimes have been reported during the above time period:*

*\* 17 x dwelling burglary*

*\* 16 x vehicle crime (3 theft of and 13 theft from)*

*\* 31 x criminal damage offences*

*I have the following comments in relation to changes to the indicative layout:*

*One access point – should allow more natural surveillance and territoriality for the residents;*

*Replaced some housing with three blocks of flats which appear to be open – what surveillance will residents have over their own vehicles from active rooms (living rooms and kitchens), will there be access control to the entrances for residents, what security will there be for cycle and bin stores;*

*External lighting – our recommendation is that all adopted and un-adopted roads, shared drives and car parks should be lit with columns to BS5489:1 2013;*

*Allocated parking for plots 25/26 and 35/36 – appears that parking spaces for these plots is within the flats parking area, will the residents for these plots have a view of their vehicles from active rooms?*

**5.8 CCC S106 Officer**

The application is in outline form and does not define the actual numbers provided. However, the following requests are made based upon the school numbers generated. They request the following:

£31,731 per place towards early years;

£9,333 per pupil place towards extension of the Kingsfield Primary School;

£33,333 per pupil place towards extension of the Cromwell Community College; and

£5,265 towards Libraries and Lifelong Learning.

**5.9 Anglian Water**

Wastewater Treatment

The foul drainage from this development is in the catchment of Chatteris-Nightlayer Fen Water Recycling Centre that will have available capacity for these flows

### Used Water Network

The sewerage system at present has available capacity for these flows

#### **5.10 Cambridgeshire Fire and Rescue**

Request the provision of fire hydrants

#### **5.11 FDC Housing Strategy Officer**

*As it currently stands, we would expect a contribution of 25% on this site of 50 dwellings. The total number of dwellings we require would be 13.*

*The current tenure split we would expect to see delivered for affordable housing in Fenland is 70% affordable rented tenure and 30% intermediate tenure. This would equate to the delivery of 9 affordable rented homes and 4 intermediate tenure in this instance.*

*In terms of a tenure mix for the 13 affordable homes, we would suggest a mix like below:*

*2 x 2 bed dwellings for affordable rent*

*7 x 3 bed dwellings for affordable rent*

*4 x 3 bed dwellings for shared ownership/intermediate tenure*

#### **5.12 Local Residents/Interested Parties**

7 letters have been received from local residents objecting to the proposal.

Concerns include:

- The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually and intrusive overbearing impact.
- The site access proposals are not in accordance with acceptable standards and would create conflicts between pedestrians, cyclists and vehicular movements and lead to potential safety hazards.
- The proposed parking for the development has not sufficient parking which could result in overspill parking in Fairbairn Way which is already at an unacceptable level.
- The proposed development will increase the already strained access to the flow of traffic entering the estate. The flow of traffic entering the estate is already of poor design with emergency access limited.
- Part of the area has been green belt land and should not be built on.
- Noise from the development
- The town is overpopulated there is a strain on the resources
- Wildlife habitat will be destroyed, we see foxes, monk jacks, owls, woodpeckers here.
- Eye sore and negative impact on the value of my property.
- Access and roads are not suitable
- Boundary fences to adjacent properties need replacing
- Housing Estate would ruin the peace and quiet of the countryside;
- 50 is too many
- Why is this different to the appeal site next door which was dismissed in 2017 (F/YR16/1000/F).

## **6 STATUTORY DUTY**

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**

### **National Planning Policy Framework (NPPF)**

### **National Planning Practice Guidance (NPPG)**

### **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

LP4 - Housing

LP5 – Meeting Housing Need

LP10 – Chatteris

LP13- Mitigating Growth

LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland

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**

- **Principle of Development**
- **Character and Appearance/ Residential Amenity**
- **Highway Safety**
- **Section 106 Contributions**
- **Other**

## **9 BACKGROUND**

**9.1** Members considered the first application in February 2017 (F/YR16/0795/O) and granted permission for 26 dwellings on the smaller site. This was subject to a S106 Agreement which was finalised in January 2018. As well as 7 affordable dwellings, the Agreement included:

£9,333 per pupil towards an extension to Kingsfield Primary School;

£24,667 per pupil towards an extension to Cromwell Community College; and  
Open Space and Play areas,

- Neighbourhood Park £3,000
- Children's Play £3,000
- Natural Green Space £3,750
- Allotments £750
- Outdoor sports £6,000

Total £16,500

## **10 ASSESSMENT**

### **Principle of Development**

**10.1** The site is on the edge of the Market Town of Chatteris considered to be a sustainable location where new growth can be accommodated. Policy LP4 directs 1600 new homes to be built in Chatteris during this plan period. Therefore the principle of residential development is considered to accord with Policy LP3.

### **Character and appearance/ Residential Amenity**

**10.2** Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. Policy LP2 and LP16 (e) seek to ensure that development does not adversely affect the amenity of neighbouring or future occupiers. The previous approval was considered to be an appropriate

extension to the town without projecting unduly into the open countryside. Similarly, it was considered unlikely that the proposal would have a significant impact on the wider landscape, nor was it thought to be out of character with the immediate area.

- 10.3 Consideration is therefore given to whether development on the extended site would result in a different conclusion. The comments of the objectors, specifically those backing onto the wider site are noted. These occupiers live on the edge of the town and currently benefit from unobstructed views to the south across the open countryside. However, the retention of an open view is not a material planning consideration and subject to the development not being visually overbearing, can be deemed to be acceptable.
- 10.4 Subject to the receipt of acceptable details such as the height, scale, siting and design of the new houses and apartment blocks, it is considered that the development has the potential to not impact detrimentally on the amenity and outlook of the existing residents.
- 10.5 Although the new site has also extended the development to the south as well the west, the southern edge of the proposed development remains north of the settlement edge of Chatteris in this location along London Road and is considered to be of a scale and in a location that is in keeping with the core shape and form of the settlement.
- 10.6 As part of the reserved matters applications and proposed sustainable drainage solution, the LPA will be able to ensure that the boundary features and landscaping are protected or enhanced in order to: retain the biodiversity on the site; protect residential amenity; and provide appropriate drainage within the site.
- 10.7 The proposal is therefore considered to have the potential to make a positive contribution to the area and housing targets in compliance with Policies LP2, LP4 and LP16 of the Local Plan.

### **Highway Safety**

- 10.8 Policy LP15 seeks to achieve a safe and suitable access. The access and layout have been reserved for consideration later. However, following concerns from the Highways Officer, the illustrative layout and access has been amended in order to demonstrate a better indicative solution, and to demonstrate the 50 homes can be accommodated safely within the site. The number of access has been reduced to one and the proposed road width is 5m. The illustrative layout indicates that there are adequate off road parking spaces to satisfy FDC's parking standards. Although a couple of garages will need to be enlarged slightly in order to count as a parking space.
- 10.9 The majority of the objector's concerns relate to: highway standards; on street/ insufficient parking; and increased traffic using Fairbairn Way. The comments are noted. However, there are now no objections from the Local Highway Authority and as such the development is considered capable of implementation in accordance with adopted Policy LP15 of the Fenland Local Plan.

### **Section 106 Contributions**

- 10.10 The Developer Contribution SPD requires the following:
- Open Space and Play areas,
  - Neighbourhood Park £7,040
  - Children's Play £7,040

- Natural Green Space £8,800
  - Allotments £1,760
  - Outdoor sports £14,080
- Total £38,720

This contribution is to be used on recreation projects within Chatteris.

- 10.11 The applicant has agreed to meet the planning obligations for recreation, affordable housing (12 homes) and libraries/ lifelong learning. The applicant has also agreed to the principle of contributing to education. However, they are disputing the methodology used by the County Council in formulating their response. However, the proposal is considered to accord with Policy LP13 of the Fenland Local Plan 2014.

### **Other**

- 10.12 The Town Council's comments are noted with regard to the contributions requested towards the bypass. However, this has not been requested by the highways department. The Lead Flood Authority have examined the initial drainage reports and are content that the details can be dealt with by planning conditions. The comments of the Designing Out Crime Officer will be forwarded onto the applicant. The Housing Strategy Officer has requested 13 affordable homes rather than the 12 proposed by the applicant. 25% of 50 equals 12.5, the applicant has rounded down whereas the officer has rounded up. In this instance due to the quantum of S106 monies agreed to be paid by the applicant, 12 affordable homes is considered on balance in this instance to be acceptable.
- 10.13 In 2017 an appeal was dismissed for the erection of a 4 bedroom workplace home and storage shed to be used for horticultural purposes on a site to the west of the ditch which marks the western boundary to this site (F/YR16/1000/F).
- 10.14 The Inspector considered that built development of the type and scale proposed would have an *"inevitable and unavoidable effect on the open character of the appeal site and thus the countryside. It would be readily indefinable as encroachment of built form beyond the established limits of the settlement"*.
- 10.15 Furthermore, *"the flat land beyond the site to the south would make the dwelling highly visible in the above context. Its visual effect would be exacerbated by how far removed it would be from other development to the north"*.
- 10.16 The Inspector accepted that the appeal site was close to the edge of Chatteris and therefore future occupiers would not necessarily have to travel far to access services. But in that instance there was a danger that approval of the appeal site could lead to pressure to approve other individual small sites on the edge of settlements to accommodate small scale development such as one dwelling.
- 10.17 Cumulatively, these individual incursions into the countryside would undermine the objectives of national and local plan policies which protect the countryside from such developments.
- 10.18 It is considered that this application is different in two ways to the appeal proposal. Firstly, it is a comprehensive, planned extension to the settlement where the quantum of housing to be delivered will contribute to the housing land supply. Secondly, the ditch along the western boundary to this application site is considered to be a robust and defensible boundary which would constrain any further development to the west.

## **11 CONCLUSION**

- 11.1 The proposal is an outline application with all matters reserved for up to 50 dwellings (12 of which would be affordable housing) on a 1.76ha site that encompasses a smaller site of 0.76ha which Members approved in February 2017 for up to 26 dwellings with 7 affordable houses, accompanied by a S106 Agreement.
- 11.2 The principle of some development in this edge of settlement location in Chatteris has therefore been established. The key considerations with the application are: whether there would be unacceptable harm to the open countryside and/or highway safety; and whether there would be unacceptable impact upon the amenity of occupiers of nearby houses; caused by the extended area of development and the 24 extra houses. Although no details have been committed at this stage, an illustrative layout has been provided and amended during consultation with Officers.
- 11.3 The extended site is considered, on balance, to be a natural further extension to the southern edge of Chatteris which will contribute to the district's housing land supply.
- 11.4 It is considered that subject to the submission of acceptable details as part of the reserved matters application(s), any potential harm to the countryside would not be significant. Similarly, the development could take place with no significant harm to neighbouring occupiers, although it is accepted that open views from Millfield Close would be lost. Following the amendments, there is no objection on highway grounds.
- 11.5 This outline application is therefore recommended for approval subject to completion of a S106 Agreement which includes affordable housing, education and open space contributions.

## **12 RECOMMENDATION**

**GRANT SUBJECT TO:**

**i)Completion of s106 agreement with delegation to the Head of Planning to finalise the education contributions. Should the applicant be unwilling or unable to complete the S106 agreement within 4 months from the date of committee approval then delegated powers to be given to Officers to refuse the application.**

**ii)Planning conditions – see below.**

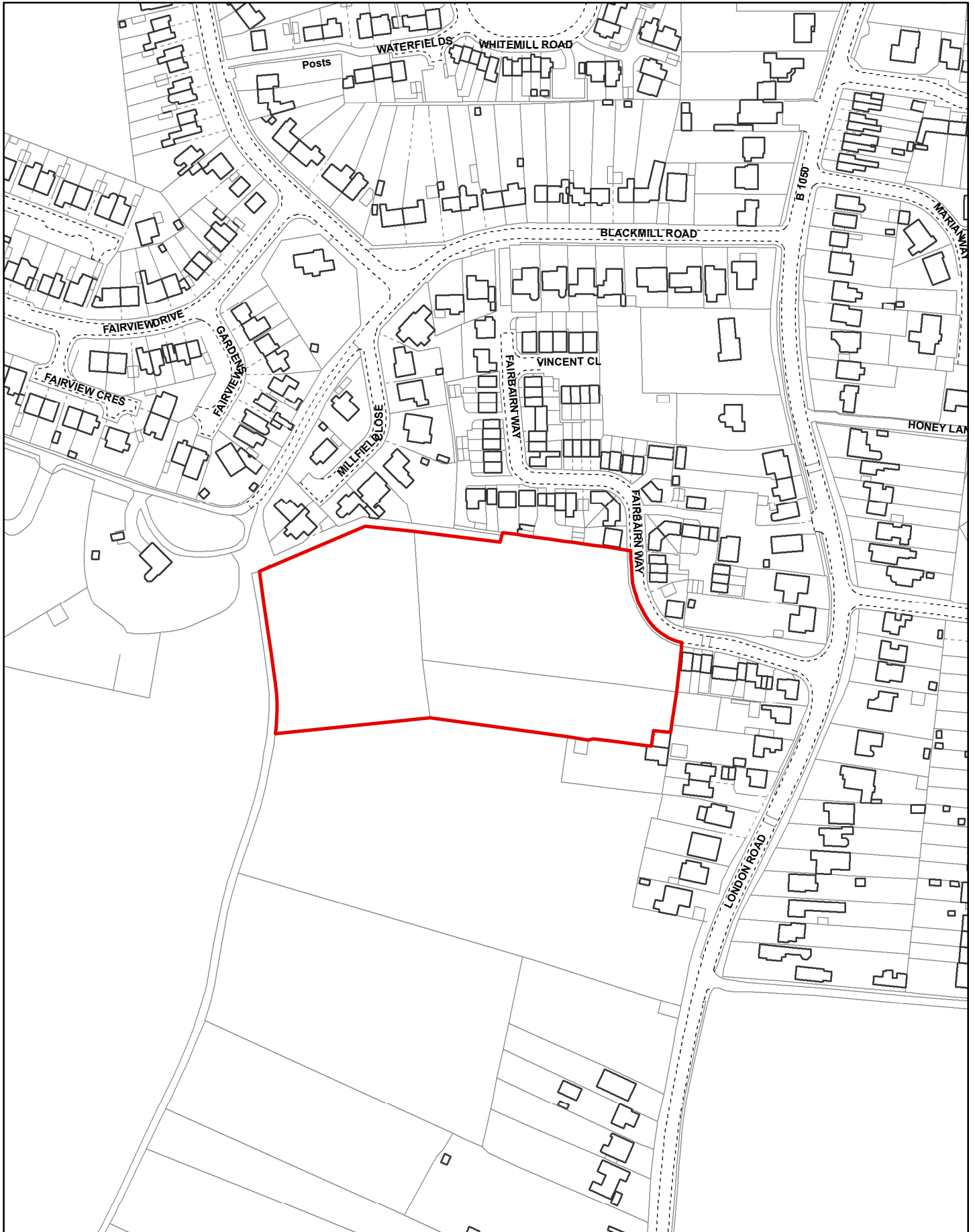
1	<p>Approval of the details of:            i. the layout of the site            ii. the scale of the building(s);            iii. the external appearance of the building(s);            iv. the means of access thereto;            v. the landscaping            (hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).</p> <p>Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.</p>
2	<p>Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
3	<p>The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4	<p>The Reserved Matters submission in accordance with Condition 1 above shall make provision for no more than 50 dwellings on the site.</p> <p>Reason – For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>The details submitted to discharge Condition 1 shall include a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment &amp; Sustainable Drainage Strategy prepared by MTC Engineering (Cambridge) Limited (ref: 2251 – FRA &amp; DS) dated February 2019 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the development is completed.</p>

	Reason-To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Policy LP14 of the Fenland Local Plan and the Cambridgeshire Flood and Water SPD 2016
6	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason- To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework and in accordance with Policy LP14 of the Fenland Local Plan and the Cambridgeshire Flood and Water SPD 2016</p>
7	<p>The details submitted to discharge Condition 1 shall include:</p> <p>a) details of a range of native plant species such as those listed in Appendix 3 of the Ecology Report, to be including within the landscaping scheme; b) provision of a range of bird nesting and bat roosting features; c) proposed covering of construction trenches and the use of hedgehog gaps in new fences; and d) the design of external lighting so that it is baffled downwards away from the retained boundary habitats.</p> <p>Reason- in order to protect and or enhance the biodiversity on the site in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
8	<p>The details submitted to discharge Condition 1 shall include: details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development. The development shall be carried out and thereafter retained in accordance with the approved details.</p> <p>Reason To ensure that the precise height of the development can be considered in relation to adjoining dwellings.</p>
9	<p>No demolition/ development or preliminary ground works of any kind shall take place on the site until the applicant, or their agents or successors in title, has secured the implementation of a programme and timetable of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.</p> <p>Reason - To secure the provision of the investigation and</p>

	<p>recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan and to enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation.</p>
10	<p>No development shall commence on site until such time as details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets 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).</p> <p>Reason - To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan, 2014</p>
11	<p>Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and approved by the local planning authority and shall include:</p> <ol style="list-style-type: none"> <li>1. Provision for the parking off the public highway of all construction vehicles and management of construction traffic and access/haul routes including a signage strategy for construction traffic and details of any traffic management works required on the adopted highway;</li> <li>2. Arrangements for materials delivery, loading and unloading and storage areas;</li> <li>3. Hours of operation of construction;</li> <li>4. Site working methods to control the emission of dust through a Dust Management Plan and measures for the sustainable use of soils;</li> <li>5. Wheel washing facilities;</li> <li>6. Means to control noise and pollution of the water environment; and</li> <li>7. A scheme for recycling/ disposing of waste from demolition and construction works</li> </ol> <p>Reason- In order to ensure that the development of the site is undertaken following best practice and to ensure the protection of the amenities of nearby residents and in order to comply with Policy LP16 of the Fenland Local Plan 2014.</p>
12	<p>If during development, contamination not previously identified, is found to be present at the site then 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 this unsuspected contamination shall be dealt with.</p>

	Reason- To ensure that the development complies with approved details in the interests of the protection of human health and the environment.
13	<p>Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.</p> <p>Reason - In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.</p>
14	<p>Prior to the occupation of the first of the dwellings hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).</p> <p>Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
15	<p>Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(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 details approved as part of Condition 14 above.</p> <p>Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
16	The development hereby permitted shall be carried out in accordance with the following approved plans and documents

Case Officer	Team Leader
Date:	Date:



Created on: 26/02/2019

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**F/YR19/0152/O**

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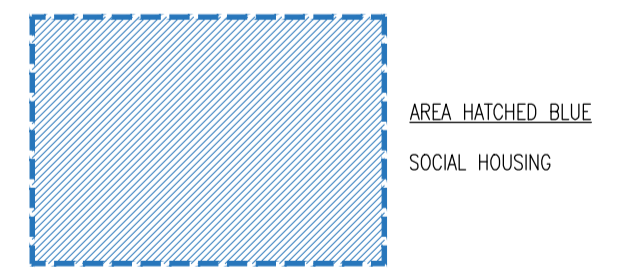
PLOT No.	TYPE	GIA (m <sup>2</sup> )	GARDEN (m <sup>2</sup> )
1	2 Bed Flat	70	N/A
2	2 Bed Flat	70	N/A
3	2 Bed Flat	70	N/A
4	2 Bed Flat	70	N/A
5	1 Bed Flat	50	N/A
6	1 Bed Flat	50	N/A
7	4 Bed House	125	180
8	4 Bed House	125	180
9	3 Bed House	84	135
10	3 Bed House	84	135
11	4 Bed House	125	175
12	4 Bed House	125	175
13	3 Bed House	84	128
14	3 Bed House	84	130
15	3 Bed House	84	130
16	4 Bed House	125	176
17	4 Bed House	125	176
18	4 Bed House	125	205
19	4 Bed House	125	185
20	3 Bed House	84	135
21	3 Bed House	84	135
22	3 Bed House	84	174
23	3 Bed House	110	163
24	3 Bed House	110	163
25	3 Bed-Semi	84	110
26	3 Bed-Semi	79	62
27	2 Bed Flat	70	N/A
28	2 Bed Flat	70	N/A
29	2 Bed Flat	70	N/A
30	2 Bed Flat	70	N/A
31	2 Bed Flat	70	N/A
32	2 Bed Flat	70	N/A
33	1 Bed Flat	50	N/A
34	1 Bed Flat	50	N/A
35	3 Bed-Semi	84	62
36	3 Bed-Semi	84	75
37	3 Bed House	84	120
38	3 Bed House	84	106
39	3 Bed House	84	106
40	3 Bed House	84	106
41	2 Bed Flat	70	N/A
42	2 Bed Flat	70	N/A
43	2 Bed Flat	70	N/A
44	2 Bed Flat	70	N/A
45	2 Bed Flat	70	N/A
46	1 Bed Flat	50	N/A
47	1 Bed Flat	50	N/A
48	5 Bed House	125	165
49	5 Bed House	125	120
50	5 Bed House	125	267



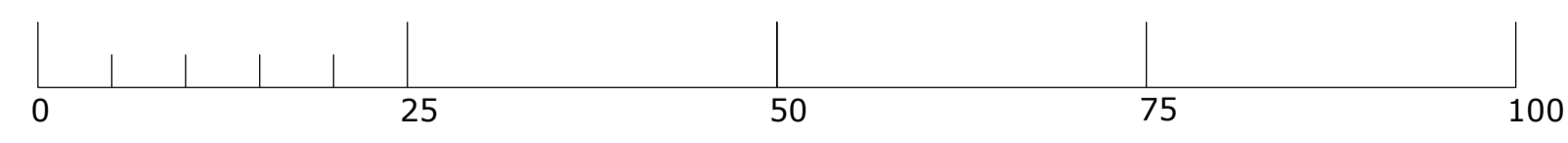
SITE LOCATION  
SCALE 1:1250

SITE PLAN - PROPOSED  
SCALE 1:500

NOTE:  
SITE LAYOUT IS INDICATIVE ONLY



ITEM	RISK
01	Risk 01 .....
02	Risk 02 .....
03	Risk 03 .....
04	Risk 04 .....
05	Risk 05 .....



SCALE BAR 1:500



SCALE BAR 1:1250

P7	UPDATED FOLLOWING HIGHWAYS CONSULTATION	19.07.23	NO
P6	L.A COMMENTS	28.06.19	AM
P5	PLANNER COMMENTS	16.05.19	AM
P4	OUTLINE PLANNING APPLICATION ISSUE	18.02.19	JC
P3	ISSUE FOR SPECIALIST CONSULTANT	05.02.19	JC
P2	OUTLINE PLANNING APPLICATION ISSUE	09.01.19	JC
P1	ISSUE FOR CLIENT COMMENT	08.01.19	JC
Rev		Date	Initials

Job: PROPOSED 50 DWELLING DEVELOPMENT ON THE LAND WEST OF FAIRBAIRN WAY, CHATTERIS PROPOSED SITE AND LOCATION PLAN  
 Client: MR T BARTLETT  
 Date: 06/11/2018  
 Scale: 1:500/1:1250  
 Job No: 60415 Dwg No: (0-)101 Rev No: P7

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**F/YR19/0510/LB**

**Applicant: Mr D Whitfield  
Whitfield Property Investments Ltd**

**Agent : Miss Lianne Toothill  
Wilby & Burnett**

**11 - 12 High Street, Wisbech, Cambridgeshire,**

**Demolition of a Listed Building (existing derelict structures)**

**Recommendation: Grant**

**Reason for Committee: Fenland District Council are landowners**

## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks Listed Building Consent for the total demolition of two adjoining Listed Buildings being 11-12 High Street, Wisbech. The buildings are located in prominent locations within the heart of Wisbech Conservation Area. A planning application F/YR19/509/F has been submitted concurrently with this Listed Building Consent application covering the redevelopment of the site following demolition.
- 1.2 The site has been in a derelict condition for a number of years and a report in October 2006 from English Heritage (now Historic England) noted that the buildings were at risk and at high risk with the roof of 11 High Street being collapsed.
- 1.3 The buildings are now near total collapse with only part of the main front façade in place and only the masonry shells of both buildings remaining but not to their original height with the fourth floor already gone. There are no roofs, floors or joists, no windows and no other discernible internal features.
- 1.4 The state of the buildings has resulted from inactivity over a considerable number of years from past owners and in 2019 Fenland District Council bought the building in order to facilitate a successful outcome for the site.
- 1.5 A robust consultation exercise has been undertaken with the National Amenity Societies and other relevant consultees such as the Council's Conservation Officer and all have concluded that, whilst it is regrettable that the loss of the listed buildings is now being considered, their retention cannot be warranted and therefore the total demolition is acceptable.
- 1.6 The application is therefore recommended for approval having due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 and also the requirements of the National Planning Policy Framework 2019 and Policy LP18 of the Fenland Local Plan 2014.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises of a pair of buildings, namely 11 and 12 High Street, Wisbech, which are both Listed Buildings located within the heart of the Wisbech Conservation Area and front High Street with rear access from Castle Mews. The buildings are currently derelict and in an advanced state of collapse with only part of the front façade still standing.
- 2.2 11 and 12 High Street date back to the 18<sup>th</sup> century and both were historically four storey two bay buildings with basements. Each building had ground floor retail space and upper floor residential space. Later rear extensions have been added accessed off Castle Mews. The site measures approximately 300 square metres.

## **3 PROPOSAL**

- 3.1 This Listed Building Consent application seeks to demolish both 11 and 12 High Street, Wisbech.

Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

#### 4 SITE PLANNING HISTORY

F/YR19/0509/F	Erect 5-storey mixed use development (1 x retail unit to ground floor and 11 x 1-bed and 4 x 2-bed flats to remaining floors) involving demolition of existing derelict structures in a Conservation Area	Pending
F/YR06/1354/F	Installation of new shop fronts and conversion of upper floors to form 2 x 1-bed and 2 x 2-bed flats	Granted 22/1/2007
F/YR06/1355/LB	Installation of new shop fronts and conversion of upper floors to form 2 x 1-bed and 2 x 2-bed flats	Granted 17/1/2007
F/93/0985/LB	Temporary propping and tying in of existing structure to maintain structural stability and installation of temporary shop front boarding	Granted 13/5/1994
F/92/0436/LB	Underground works to strengthen and support proposed reconstruction of carriageway	Granted 26/11/1992

#### 5 CONSULTATIONS

##### 5.1 Senior Archaeologist (CCC)

*Our records indicate that the application for demolition concerns two adjoining properties, Nos 11 and 12 High Street, which both represent former town houses with associated commercial operations dating back to the 18th century, and are afforded statutory protection by virtue of their Grade II listed status (National Heritage List for England references 1331613 and 1279361, respectively). We would take issue with the assertion made in the non-technical summary and repeated at 4.15.16 of the 'Heritage Statement' accompanying this application that the significance of the impact of the proposals for total demolition of these structures would be 'low to negligible'. The National Planning Policy Framework is quite clear that total loss of Grade II listed structures should be exceptional (paragraph 194). Whilst the present parlous condition of these two buildings is accepted on the evidence of the submissions accompanying this application, (as is, arguably, the principle of their demolition when weighed against the relevant tests - para 195), there remains a requirement for an appropriate, publically accessible record to be made in mitigation of the development impact (para 199, and footnote 64). Policy LP18 of the Fenland Local Plan (2014) affords for the*

*conditioning of mitigation measures where development proposals impact on the significance of a heritage asset, in this case the proposed impact being total loss.*

*We therefore do not object to development from proceeding in this location but consider that, should Fenland District Council be minded to grant permission for demolition, the site should be subject to a programme of historic building recording in mitigation of the loss of these structures, and that this should be secured through the inclusion of a negative condition, such as the example condition approved by DCLG:*

#### *Archaeology*

*No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological historic building recording in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:*

- a) the statement of significance and research objectives;*
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

*Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.*

## **5.2 Conservation Officer (FDC)**

Fenland District Council Conservation Officer makes the following comments:

- 1. The proposal is for the total demolition of two adjoining listed buildings of 18<sup>th</sup> century origin namely 11 High Street, Wisbech (listed 19th November 1976) and 12 High Street, Wisbech (listed 31st October 1983). These buildings are located in prominent locations within the heart of the historic town of Wisbech and within the Wisbech Conservation Area. A planning application, F/YR19/0509/F, has been submitted concurrently with this listed building consent application which covers the demolition and redevelopment of the site.*
- 2. Due regard is given to the planning history associated with these listed buildings. With regard solely to 11 High Street its planning history shows the building had a new shop front circa 1967 under planning permission WB/67/6/U. In 1992 planning permission F/92/0436/LB was granted for road strengthening works specifically filling of its basement under High Street. With regard solely to 12 High Street its planning history shows a new shop front was installed in 1951. In 1952 alterations were undertaken to its roof and in 1962 alterations were undertaken to the space at the back of the shop. In 1993 under listed building consent F/93/0985/LB consent was granted for structural works, temporary propping and*

installation of temporary shop front boarding of 12 High Street as this building was cited as being in “dire structural condition”. In 2006 planning permission F/YR06/1354/F and Listed Building Consent F/YR06/1355/LB were granted for a scheme concerning 11-12 High Street jointly and allowed for Installation of new shop fronts and conversion of upper floors to form 2 x 1- bed and 2 x 2-bed flats although this scheme was clearly not implemented.

3. *In October 2006 English Heritage (now Historic England) produced a Historic Buildings Report (Survey and Analysis) of 11 & 12 High Street. At that time the report notes the buildings were at risk and at high risk. The roof of 11 High Street had recently collapsed. The report noted both buildings had been unused for 10 years at that point in time. The report concludes **“the single most important element of these listed buildings is the façade of no 11 and every effort should be made to retain as much of this original structure as possible”**.*
4. *In November 2008 a structural report by Scott Wilson, was produced for Fenland District Council on the condition of the buildings. This stated **“The properties are in extremely poor condition and have been open to the elements for some considerable time following collapse of the roof and some floor areas”**.*
5. *It is evident that Fenland District Council has utilized its statutory powers in the past to seek to address the hazardous condition of these buildings and attempt to arrest their deterioration. In January 2003 a Repairs Notice was served under S48 Planning (Listed Buildings and Conservation Areas) Act 1990 but not complied with. In December 2006 a dangerous structures notice was served under S77/78 Buildings Act 1984. In February 2009 a dangerous structures notice was served under S77 Buildings Act 1984. In March 2009 Urgent Works Notices were served under S54 Planning (Listed Buildings and Conservation Areas) Act 1990 to seek to support the dilapidated structural envelopes. It would appear that multiple protracted attempts were made to work with the long-term owner of these listed buildings in the 2000’s and 2010’s but without achieving a successful conclusion. Fenland District Council acquired the building in 2019 in order to facilitate a successful outcome for this site.*
6. *High Street, Wisbech is currently the focus of a live Heritage Lottery funded Townscape Heritage project; in Summer 2016 the HLF awarded £1.9 million to the Wisbech High Street project, a project which will run until 2020/2021. The HLF project focuses on the regeneration of High Street which is an important street within the town, linking the prestigious Brinks to Market Place. This is to be achieved by a scheme to refurbish dilapidated property, and bring vacant buildings back into use as well as to facilitate building improvements including addressing poor quality shop fronts and signage. Addressing the dilapidated stated of 11 High Street and 12 High Street is a key focus of this regeneration project.*
7. *The applicant of this scheme had entered into pre-application discussions with planning and conservation prior to the submission of this formal application. It is welcomed that following advice they have provided a robust assessment of the interests of the buildings as they stand today supported by structural surveys and a comprehensive heritage statement.*

8. Consideration is given to the impact of this proposal with due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990. **The proposal to demolition 11 High Street and 12 High Street is supported, this being considered in conjunction with a scheme to redevelopment the site under planning application, F/YR19/0509/F.** The following comments are made:

- i) 11 High Street and 12 High Street both date back to the 18<sup>th</sup> century. They were historically four story two bay buildings (with basements), two rooms deep affording ground floor retail space and upper floor residential accommodation. At basement and ground floor level they had been extended back at later dates (many 20<sup>th</sup> century additions added to the back) to create additional retail space. While seemingly originally built together, due to the manner of the construction of the shared stack, it is evident that 12 High Street was refronted at a later date and they presented differing street fronting facades. Where 11 High Street maintained its brick aesthetic with banding detail the façade of 12 High Street was plainer and had been painted. Both buildings now stand in an extreme state of dilapidation having stood in this state for many years. Indeed only the masonry shells of both buildings remain but not to their original height, the upper fourth floor has already gone. They have no roofs, no floors or joists, no windows, barely any plasterwork left on internal walls and no discernible internal features. The architectural and historic merit of these two buildings has been brutally diminished by their extreme deterioration resulting in loss of their special qualities. The most identifiable architectural historic interest of the buildings is presented in what remains of the street fronting facades. It is with this understanding of the specific circumstances of these listed buildings that this case is considered.
- ii) Under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 the duty in law is to **“have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest it possesses”**. The severely dilapidated situation of this building has left it in a state where it is beyond possible to preserve what interest it may have possessed. That said it is reasonable to consider what of the structure could potentially be kept and if the remains of the facades could be retaining particularly with regard to the English Heritage statement made in their October 2006 report which stated **“the single most important element of these listed buildings is the façade of no 11 and every effort should be made to retain as much of this original structure as possible”**. There are two structural reports, accompanying this application which make the following key points in their assessments:
  - a) The first report dated June 2018 by The Morton Partnership (CARE Register Engineers) concluded that **“The condition of the larger part of the structure is such that most of the masonry walls will all need to be demolished once a plan is agreed for rebuilding of the properties. The rear walls are in particularly poor state and the remaining**

**structure will cannot effectively be utilised to integrate within any new form of construction. The walls in this respect are the centre walls, between the front and rear sections of the main part of building, the furthest rear walls and the Party Wall between 11-12 High Street. The ground and basement areas of the main areas of the building could not be inspected. In the absence of any information available with regards to its condition it is not unreasonable to assume that these lower level walls are also likely to be in a poor state and needing to be demolished” It goes on to state “The front walls of the two buildings, at least in part, are the only really significant areas of structure which potentially could be retained.”. In respect of 11 High Street façade it states “As regards to the front wall of number 11 High Street, this wall is quite substantially out of plumb and additionally bowing, as described previously in item 3.1.4. Given the extent of the lateral displacement; the structure from just below second floor level would need to be demolished as the existing out of plumb wall cannot sustain any additional loads. Even just the dead load arising from new masonry extending up to incorporate the third-floor storey, which is largely missing at present, would be problematic. Any floors and roof loads supported off this wall, as part of future works, would make the structural condition of wall far worse and not sustainable”In respect of 12 High Street it states “The front wall of 12 High Street for it full remaining height is basically sound and intact and could be fully utilised to form part of any new re-development of the site.**

- b. **The second report dated May 2019 by Andrew Firebrace Partnership Limited concluded that “In our opinion, in its current distorted condition, the front elevation to 11 High St really needs to be taken down and rebuilt as part of the development”. With regard to 12 High Street it is stated that “The front elevation to 12 High St is in a condition that could potentially be retained and re-supported off the new development structure” but “Retaining the façade would complicate construction works due to the restricted rear Castle Mews access meaning the High St is likely to be the principle access point for delivery of materials to site. The façade restraint system would further restrict the entrance and potentially result in further disruption to the High St. Whilst we are confident there are solutions to these issues that could be developed and managed during the works, considering the relatively small section of wall that would be retained which appear to be in average condition and quality and we suspect of limited architectural interest we would question if this would be the correct and practical solution to adopt. A full demolition option and rebuilding to match the original would be far more economically viable and I suspect result in a better end product.**

- iii) *As English Heritage cited in their October 2006 report “the single most important element of these listed buildings is the façade of No 11” yet both structural engineers have concluded that this cannot be saved. The only potential element of structure that could potentially be retained is part of the painted façade of 12 High Street and this would not be retained it is entirety as its original façade given that at ground floor (shop front level) is already breeze block and it has lost its upper floor. To try and retain a limited element of brickwork of the façade of 12 High Street would not preserve the architectural and historic interests of 12 High Street. It has been demonstrated that the structural condition of the listed buildings are such that demolition of the ruinous remains is in this circumstance justified and the visual assessment of the buildings does not contradict this.*
- iv) *In considering this case due regard is given the statutory guidance provided with the National Planning Policy Framework (February 2019). Paragraph 191 is noted. Due regard is given to the presumption that great weight should be given to the asset’s conservation under paragraph 193 acknowledging that the extreme ruinous state of the building’s leaves little to conserve. Under paragraph 194 a) it makes clear the loss of grade ii listed buildings should be exceptional and require clear and convincing justification. In this specific case it is felt that this justification has been provided due to the extreme ruinous state of both buildings, their lack of tangible architectural and historic interest and evidenced structural condition which results in so little being structural sound enough to be retained; the circumstance of these buildings are exceptional to warrant demolition. With due regard to paragraph 198, such matters are covered by the corresponding planning application, F/YR19/0509/F, and conditions will need to be put in place to ensure development proceeds immediately after loss. With due regard to paragraph 199 undertake necessary archaeological and architectural recording as per a Cambridgeshire County Archaeology recommended archaeology and building recording condition. It is requested that mortar samples from within the brickwork are obtained. The proposal complies with Policy LP18 Fenland Local Plan (May 2014) with regard to what is required from development proposals.*

No objection but seeks conditions to:

- i) cover securing new development immediately after loss;
- ii) CCC Archaeology recording condition with a request for mortar samples.

*Once demolition of these buildings has occurred the buildings will be put forward to be de-listed and their list entries removed from the National Heritage List for England. This course of action wasn’t encouraged prior to determination given the potential for facade retention needed to be considered and transparency of the case was required.*

## **National Amenity Societies**

### **5.3 Society for Protection of Ancient Buildings (SPAB)**

*The loss of these listed buildings is deeply regretted by the Society. From the information available we feel that they are now beyond the point of worthwhile repair. However, rather than approving an application for the demolition of a listed building, which would set an unfortunate precedent within your district, we feel it would be better for your authority to encourage an application to de-list, based on the fact that the structure's interest has largely been lost through decay.*

*This approach would also sit better against national guidance on determining listed building applications that 'where there is evidence of deliberate neglect, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision (National Planning Policy Framework, paragraph 191)'. Given that listed buildings are structures of national importance and of considerable consequence to the character and cultural history of any district, we feel that your authority must also examine how the building has fallen into its present state and whether alternative actions might have helped the situation to be avoided. This review should be of relevance to other listed buildings in the area for the future.*

*We would also expect that your authority attach a condition to any consent granted requiring a programme of historic building recording, in accordance with paragraph 199 of the NPPF 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part)'.*

#### **5.4 Georgian Group**

*Nos. 11 and 12 High Street are early eighteenth-century brick structures which were probably built as substantial town houses, but which were later converted into shops. No. 12 appears to have been refaced in the early nineteenth century. The two structures are now in an advanced state of decay and were partially dismantled c2006 for safety reasons; behind their partially dismantled façades very little now remains.*

*The proposed demolition of these two listed buildings will result in harm to the significance and character of the Conservation Area, as well as the complete loss of the two listed buildings themselves. The NPPF rightly insists that any proposal which would result in substantial harm to a listed building should be justified against strict criteria. In this case, The Group considers that these criteria have been met. The applicant's documentation demonstrates that there is a considerable conservation deficit for which no funding has been identified, and that even if repaired very little historic fabric would remain. We therefore do not wish to object to this proposal.*

*The Group has carefully read Andrew Martindale of Historic England's detailed comments regarding the design of the proposed replacement structure and wishes to register its support for this advice.*

#### **5.5 Historic England**

*Numbers 11 and 12 High Street are early-eighteenth century four storey over basement former townhouses, later adapted as shops on their ground floors. While number 11 retains part of its original brickwork façade, with raised storey-bands and rubbed brick window heads, number 12 was refaced at some point in the late eighteenth or early nineteenth centuries, with a plainer brick elevation, subsequently painted. They are individually listed at Grade II.*

*Since listing in 1976 the properties have suffered long neglect and partial dismantling for safety reasons. The principal surviving elements are the two storey brick elevations above the inserted shopfronts; this represents a partial survival as the upper floor and parapet has been lost to both buildings. Behind the front elevation even less remains, with only part of the rear elevation, and no floor plates or roof surviving.*

#### *Impact*

*The total demolition of the buildings at 11-12 High Street would completely remove their significance as listed buildings. Such a demolition would cause substantial harm as defined in the NPPF. The buildings would be lost, and the wider group of historic buildings in the centre of Wisbech would have a reduced significance as a result. The contribution that the buildings make to the Wisbech Conservation Area would also be lost, reducing the overall significance of the conservation area*

*It has, however, been shown that 11-12 High Street are beyond reasonable repair, and only radical reconstruction remains as an option to return the buildings to use. The buildings have been vacant and derelict for a number of years, leading to partial dismantling, and underused for a considerably longer period. Throughout that period no practicable and fundable solution has come forwards to reuse them, despite previous initiatives aimed at improving the wider conservation area.*

#### *Legislation and Policy*

*As the application affects listed buildings, the statutory requirement to have special regard to the desirability of preserving the buildings, their setting and any features of special interest (ss.16, 62, 1990 Planning (Listed Buildings and Conservation Areas) Act) must be taken into account by your authority when making its decision.*

*The NPPF's historic environment policies require local planning authorities to take account of the desirability of sustaining and enhancing heritage assets and notes the positive contribution conservation can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).*

*As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a listed building should be exceptional (paragraph 194), noting that substantial harm or loss to assets of the highest significance .... should be wholly exceptional.*

*Paragraph 195 deals with proposals which will lead to substantial harm or total loss, stating that local planning authorities should refuse consent unless it can be demonstrated that:*

*The substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the loss or that all of the following apply:*

- the nature of the heritage asset prevents all reasonable use; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

- conservation by grant funding or some form of charitable or public trust ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefits of bringing the site back into use.

Historic England's position

Historic England consider that there does not appear an over-riding public benefit that would accrue from the demolition so as to fully address the first bullet point of paragraph 195.

In terms of the four tests set out in the second half of paragraph 195:

the nature of the heritage asset prevents all reasonable use

The current condition of the buildings, and resultant health and safety concerns, rule out reuse in their current state. The buildings do not have roofs, floor plates or even back walls. What fabric that does remain is noted as being in dangerous condition.

The remaining parts of the buildings, primarily the partially surviving front walls and the party wall between the two plots, would not be capable of any form of use in their current state, nor could they be readily repaired to usable state.

no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

The reports considering repair of the existing structure, particularly the front elevation, which accompany the current application, make it clear that a very considerable conservation deficit exists in bringing the structure back into repair. The deflexion that exists in the façade, and its relative settlement in relation to the party wall, would make repair both difficult and also potentially a health and safety hazard. Hence any medium term reuse would entail a level of demolition in line with the current proposals.

conservation by grant funding or some form of charitable or public trust ownership is demonstrably not possible

The application has demonstrated a considerable conservation deficit for which no funding has been identified. Even if repaired, the resulting building would only contain a relatively small proportion of historic fabric, given how much has already been lost, and this would have restricted historical significance.

the harm or loss is outweighed by the benefits of bringing the site back into use.

The site of the existing derelict buildings at 11-12 High Street would be brought back into beneficial use as mixed use development with a retail unit on the ground floor and eleven residential units on the upper floors. This sustainable economic use would be of wider public benefit to the Wisbech Conservation Area and High Street in particular, encouraging investment and retail activity.

Justification for substantial harm or complete loss, in line with the requirements of the Framework, has, in our opinion, been made. It is for your authority to weigh the benefits of the proposals against the harm that they will entail, in determining whether to grant consent for the demolition or not.

## **Redevelopment of the site**

*The proposed new development would be a substantially larger building than the listed buildings that it would replace. By accommodating an additional floor in a set-back, clearly modern extra floor viability is increased. This should not adversely impact on the historic appearance of the streetscape, or within the wider conservation area, as the set-back is generously scaled.*

*We have concerns that the proposed replica elevation to High Street is not a replication of what existed at point of listing, but rather a hybrid design, using some accurate details but not being consistent. To be acceptable, there is a need for revision to this design to ensure greater accuracy. Historic photographs in the Heritage Statement that accompanies the application makes it clear that while the upper floor windows of 11 High Street were narrower than those below, in the refronted 12 High Street the windows remained a consistent width on all floors. The upper floor of 12 High St appears to have retained its original windows, which were 3 over 6 sashes, while the majority of other windows were 1 over 1 replacements, presumably of mid-nineteenth century or later date. If it is decided to replicate an earlier glazing pattern, it is important that this is based on surviving evidence and an appropriate understanding of historic sash windows.*

## **Recommendation**

*Historic England has concerns regarding the applications on heritage grounds, primarily in relation to the detailing of the proposed High Street elevation of the new building.*

*We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of the NPPF.*

*In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

### **5.6 The Wisbech Society**

*It is with some reluctance that the Wisbech Society supports the demolition of these grade 2 listed buildings. It is clear that the current condition shows the facades to be structurally unsound and the rear aspects are collapsed to an extent that restoration is impractical. Demolition will allow for a sympathetically designed structure to replace the existing derelict buildings and bring the site back into retail and accommodation use.*

*It is recommended that a publicly accessible record of the buildings fabric/heritage/archaeological findings be made as demolition progresses. It is also recommended that the existing buildings be formally 'delisted' to maintain an up to date record of Wisbech's listed buildings and prevent a precedence of future unauthorised demolition of listed buildings being set.*

### **5.7 Wisbech Town Council**

That the application be supported.

## 5.8 Environment & Health Services (FDC)

No adverse comments to make.

## 5.9 Business and Economy (FDC)

Supports the overall application and makes the following comments:  
*The proposals seeking to bring this long term and derelict site back into use is much welcomed. The site forms part of the centrepiece redevelopment of Wisbech High Street as part of the Heritage Lottery Funded Scheme. The extent of the development will avoid piecemeal development and ensure a comprehensive and sympathetic redevelopment of the overall site. The proposed construction of a single larger retail unit on the ground floor, with scope to sub-divide into two smaller units is a sensible decision. The use of the upper floors for residential will help to introduce further vibrancy and life into this area, providing much needed new homes for many people.*

## 5.10 Local Residents/Interested Parties

No comments received

## 6 STATUTORY DUTY

- 6.1 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## 7 POLICY FRAMEWORK

### 7.1 National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
Paragraph 10 - Presumption in favour of sustainable development.  
Paragraph 189 – need to describe the significant of affected heritage assets  
Paragraph 192 – LPA should consider sustaining and enhancing heritage assets (HA) and putting them to viable uses, the positive contribution HA can make to sustainability communities including economic viability  
Paragraph 193 – weight should be given to the significance of the heritage asset, the more important the asset the greater the weight  
Paragraph 196 – where a development proposal causes less than substantial harm to a heritage asset this harm should be weighted against the public benefits, including securing its optimum viable use

### 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  
LP14 - Responding to climate change and managing the risk of flooding in Fenland  
LP15 – Facilitating the creation of a more sustainable transport network in Fenland

## 8 KEY ISSUES

- **Policy Considerations**
- **Heritage considerations**
- **Impact on character of area and conservation area**

## 9 BACKGROUND

- 9.1 These two High Street buildings have been unused for in excess of 20 years and over time have suffered from collapse of parts of the buildings to the rear including the roof structures and floors. Until recently the buildings have been in private ownership and whilst FDC has utilized its statutory powers in the past to seek to address the hazardous condition of these buildings and attempt to arrest their deterioration works were never undertaken to secure the future of the Listed Buildings.
- 9.2 FDC decided to acquire the buildings in 2019 in order to facilitate a successful outcome for the site. This application and the corresponding Full planning application to rebuild the site has resulted in interest from a developer to rebuild the site in a sympathetic manner whilst providing 2 retail units fronting the High Street and a further 4 storey development to provide a total of 15 flats.
- 9.3 There has been quite extensive pre-application discussions between the applicant, the case officer and the Conservation Officer which has resulted in the submission of this application to demolish the buildings.
- 9.4 High Street, Wisbech is currently the focus of a live Heritage Lottery funded Townscape Heritage project and in summer 2016 the HLF awarded £1.9 million to the Wisbech High Street project which runs until 2020/2021. The HLF project focuses on the regeneration of High Street which is an important street within the town. The scheme seeks to refurbish dilapidated buildings and bring vacant buildings back into use as well as to facilitate building improvements which is a key focus of this regeneration project.

## 10 ASSESSMENT

### **Policy Considerations**

- 10.1 The total demolition of these buildings requires consideration is given to the impact of the proposal and due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Area) Act 1990. A Local Planning Authority has a duty to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In matters concerning the Conservation Area “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 10.2 In considering this demolition application due regard has to also be given to the statutory guidance provided within the National Planning Policy Framework 2019 and in particular paragraphs 189 to 202.
- 10.3 Policy LP18 of the Fenland Local Plan 2014 seeks to protect, conserve and seek opportunities to enhance the historic environment through consideration of

applications for planning permission and listed building consent setting out a list of criteria to be submitted.

### **Heritage considerations**

- 10.4 This application seeks the total demolition of Nos. 11-12 High Street, Wisbech, both of which are Listed Buildings dating from the 18<sup>th</sup> century. The buildings are in an advanced stage of collapse with only part of the front façade remaining. An element of single-storey rear outbuildings, which are later additions, remain to the Castle Mews frontage. The application has been supported by a comprehensive Heritage Statement and a robust assessment of the interests of the buildings as they stand today supported by 2 structural reports.
- 10.5 The first structural report was undertaken in June 2018 and concluded that *“The condition of the larger part of the structure is such that most of the masonry walls will all need to be demolished once a plan is agreed for rebuilding of the properties. The rear walls are in particularly poor state and the remaining structure will not effectively be utilised to integrate within any new form of construction. The walls in this respect are the centre walls, between the front and rear sections of the main part of building, the furthest rear walls and the Party Wall between 11-12 High Street. The ground and basement areas of the main areas of the building could not be inspected. In the absence of any information available with regards to its condition it is not unreasonable to assume that these lower level walls are also likely to be in a poor state and needing to be demolished”* It goes on to state *“The front walls of the two buildings, at least in part, are the only really significant areas of structure which potentially could be retained.”*
- 10.6 In respect of 11 High Street façade it states *“As regards to the front wall of number 11 High Street, this wall is quite substantially out of plumb and additionally bowing, as described previously in item 3.1.4. Given the extent of the lateral displacement; the structure from just below second floor level would need to be demolished as the existing out of plumb wall cannot sustain any additional loads. Even just the dead load arising from new masonry extending up to incorporate the third-floor storey, which is largely missing at present, would be problematic. Any floors and roof loads supported off this wall, as part of future works, would make the structural condition of wall far worse and not sustainable”*.
- 10.7 In respect of 12 High Street it states *“The front wall of 12 High Street for its full remaining height is basically sound and intact and could be fully utilised to form part of any new re-development of the site.*
- 10.8 A second report was undertaken in May 2019 and concluded that *“In our opinion, in its current distorted condition, the front elevation to 11 High St really needs to be taken down and rebuilt as part of the development”*. With regard to 12 High Street it is stated that *“The front elevation to 12 High St is in a condition that could potentially be retained and re-supported off the new development structure”* but *“Retaining the façade would complicate construction works due to the restricted rear Castle Mews access meaning the High St is likely to be the principle access point for delivery of materials to site. The façade restraint system would further restrict the entrance and potentially result in further disruption to the High St. Whilst we are confident there are solutions to these issues that could be developed and managed during the works, considering the relatively small section of wall that would be retained which appear to be in average condition and quality and we suspect of limited architectural interest we would question if this would be the correct and practical solution to adopt. A full demolition option and rebuilding to*

*match the original would be far more economically viable and I suspect result in a better end product.*

- 10.9 As can be seen from the statutory consultee comments set out in Section 5 of this report, no objections have been received to the demolition of the buildings. The National Amenity Societies, Heritage England, County Archaeology and the Conservation Officer (FDC) support the application for demolition following the submission of the Heritage Statement and justification regarding the viability of trying to retain the remaining part of the structure.
- 10.10 The consultee comments have been made with regard to S16 Planning (Listed Buildings and Conservation Areas) Act 1990 where the duty in law is to “*have special regard to the desirability of preserving the building or its setting of any features of special architectural or historic interest it possesses*”. The severely dilapidated situation of this building has left it in a state where it is beyond possible to preserve what interest it may have once possessed.
- 10.11 The redevelopment of the site, subject to application reference F/YR19/0509/F, has been designed in line with the comments from the statutory consultees whose main concerns relate to the satisfactory design of the front façade. The design of the redevelopment of the site will be set out in a separate report under F/YR19/0509/F.

## **11 CONCLUSIONS**

- 11.1 The demolition of listed buildings require a robust justification as set out in the NPPF 2019 and the presumption that great weight should be given to the asset’s conservation under para 193. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 11.2 Under para 194 a) it makes clear the loss of grade II Listed Buildings should be exceptional and require clear and convincing justification. In this specific case it is considered that this justification has been provided due to the state of both buildings, their lack of tangible architectural and historic interest and evidenced structural condition which results in so little being structurally sound enough to be retained. Therefore given the circumstances of these buildings the situation is exceptional enough to warrant demolition.
- 11.3 Para 195 states that “*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
  - b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
  - c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
  - d) *the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 11.4 As can be determined from the statutory consultee responses and the evidence provided within the application to demolish the buildings, the condition of this asset is such that its removal is the only feasible way forward to bring the site back into use. It has been proven through structural surveys and a robust cost exercise that even the retention of part of the building which remains, namely part of the front façade, to try to redevelop the site in-situ is not viable or feasible. This has been shown in attempts over the last 20 years to encourage previous owners of the site to repair and protect the buildings resulting unfortunately in the ultimate failure to preserve the buildings.
- 11.5 The site in its present condition i.e. boarded up ground floor, partial demolition of the front façade, almost total loss of the main fabric of the building and boarded up rear access into the site, is considered to have substantial harm on the character of the Wisbech Conservation Area.
- 11.6 The Local Planning Authority considers that there are significant and substantial public benefits to bringing this site back into use. The ground floor retail units will help to add to the retail offer in Wisbech and the introduction of flats will have an impact on the vibrancy of the town centre.
- 11.7 Para 198 states that *LPA's should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure that the new development will proceed after the loss has occurred.* These matters are covered by the corresponding planning application F/YR19/0509/F.
- 11.8 With regards to para 199 it will be necessary for the applicant to undertake necessary archaeological and architectural recording as set out by Cambridgeshire County Council Archaeology Team. A condition will be applied as appropriate.

## 12 RECOMMENDATION

- 12.1 It is recommended that the application is granted to allow the total demolition of Nos. 11-12 High Street, Wisbech, in accordance with the evidence set out above and suitable conditions.

1. The works/demolition shall be begun not later than 3 years from the date of this consent.

Reason – To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological historic building recording in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

c) The programme for the analysis, publication & dissemination, and deposition of resulting material.

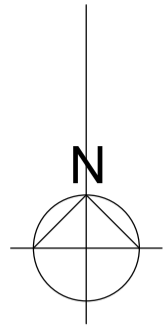
Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

Reason: To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan 2014.

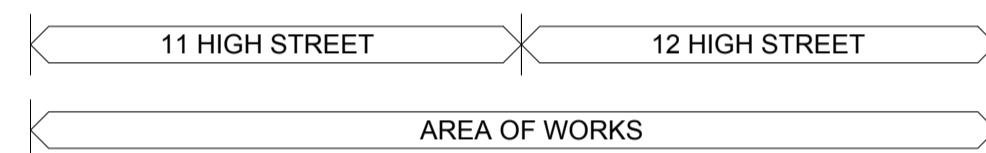


ALL WORKING DIMENSIONS TO BE CHECKED ON SITE.  
 FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS.  
 ANY DISCREPANCIES BETWEEN DRAWINGS OF DIFFERING SCALES AND BETWEEN DRAWINGS AND SPECIFICATION WHERE APPROPRIATE TO BE NOTIFIED TO SUPERVISING OFFICER FOR DECISION.  
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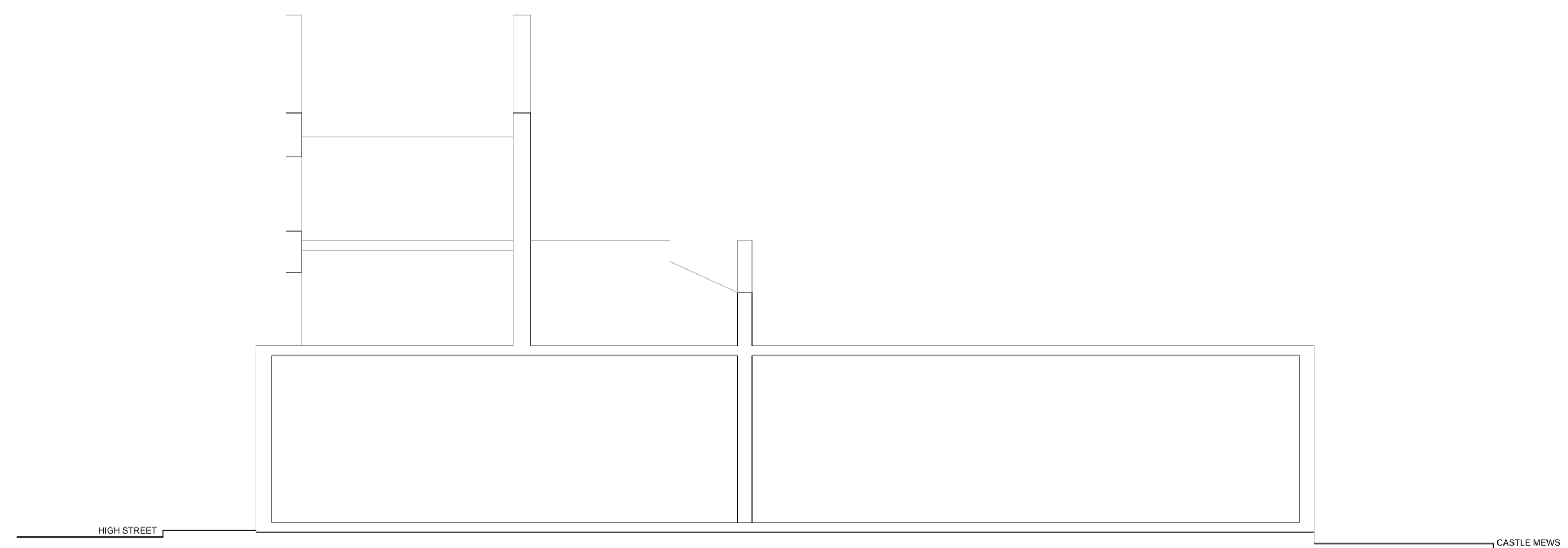


Notes:

1. Approximate site section based on aerial photographs taken of the site.



HIGH STREET ELEVATION



SITE SECTION AS EXISTING

## PLANNING

REDEVELOPMENT OF  
 11-12 HIGH STREET  
 WISBECH

WHITFIELD PROPERTY  
 INVESTMENTS LIMITED

HIGH STREET ELEVATION &  
 SITE SECTION AS EXISTING

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Notes:

1. Approximate elevation based on photographs taken on site.



AREA OF WORKS

## PLANNING

REDEVELOPMENT OF  
11-12 HIGH STREET  
WISBECH

WHITFIELD PROPERTY  
INVESTMENTS LIMITED

CASTLE MEWS ELEVATION  
AS EXISTING



MARCH 2019

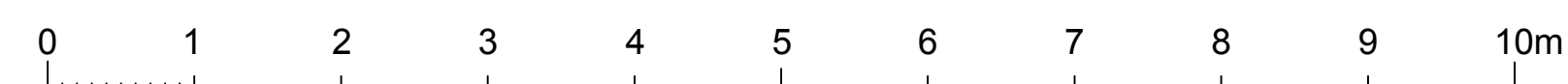
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**F/YR19/0509/F**

**Applicant: Mr D Whitfield  
Whitfield Property Investments Ltd**

**Agent : Miss Lianne Toothill  
Wilby & Burnett**

**11 - 12 High Street, Wisbech, Cambridgeshire,**

**Erect 5-storey mixed use development (1 x retail unit to ground floor and 11 x 1-bed and 4 x 2-bed flats to remaining floors) involving demolition of existing derelict structures in a Conservation Area**

**Officer recommendation: Grant**

**Reason for Committee: Fenland District Council are landowners**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The proposal is for the redevelopment of a town centre site in Wisbech, identified as 11-12 High Street. The scheme will involve the demolition of all existing buildings on the site and the erection of a new five storey building comprising of ground floor retail and upper floor flats. The site is located within the Wisbech Conservation Area. The existing derelict buildings are both listed and specifically listed as 11 High Street, Wisbech (listed 19th November 1976) and 12 High Street, Wisbech (listed 31st October 1983). A concurrent Listed Building Consent application, F/YR19/0510/LB, has been submitted alongside this planning application.
- 1.2 The site has been in a derelict condition for a number of years and a report in October 2006 from English Heritage (now Historic England) noted that the buildings were at risk and at high risk with the roof of 11 High Street being collapsed.
- 1.3 The buildings are now near total collapse with only part of the main front façade in place and only the masonry shells of both buildings remaining but not to their original height with the fourth floor already gone. There are no roofs, floors or joists, no windows and no other discernible internal features.
- 1.4 The redevelopment of the site consists of the demolition of the existing remaining structures and the erection of a 5-storey building with 2 retail units at ground floor and a total of 15 one and two bed flats.
- 1.5 Pre-application discussions have been held with the proposed developer of the site resulting in the submitted proposal. Lengthy discussions have taken place, in particular regarding the design and number of units proposed. The current plans submitted are as a result of these discussions whereby the design of the front façade has been amended to reflect the historic frontage design, and most importantly protracted discussions have taken place over the resultant height of the building which will render this building the tallest in the immediate locality.

- 1.6 The development will bring a derelict site located in the heart of Wisbech Conservation Area back into use and whilst the loss the Listed Buildings is regrettable it is clear that it is not viable to try to retain any part of the Buildings and that the total demolition and re-building is necessary in this instance.
- 1.7 The application is recommended for approval as set out in the body of the report below having due regard to the duty in law under S16 Planning (Listed Buildings and Conservation Areas) Act 1990 and also the requirements of the National Planning Policy Framework 2019 and Policy LP18 of the Fenland Local Plan 2014.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises of a pair of buildings, namely 11 and 12 High Street, Wisbech, which are both Listed Buildings located within the heart of the Wisbech Conservation Area and front High Street with rear access from Castle Mews. The buildings are currently derelict and in an advanced state of collapse with only part of the front façade still standing.
- 2.2 11 and 12 High Street date back to the 18<sup>th</sup> century and both were historically four storey two bay buildings with basements. Each building had ground floor retail space and upper floor residential space. Later rear extensions have been added accessed off Castle Mews. The site measures approximately 300 square metres.
- 2.3 The cleared site of 11 High Street and 12 High Street will present an irregular plot footprint. The plot associated with 11 High Street is approximately 21 metres in length with the back of the plot abutting an existing four storey red brick building (this building appears to form part of 9 and 10 High Street). The plot associated with 12 High Street is approximately 28 metres in length with the back of the plot abutting Castle Mews.

## **3 PROPOSAL**

- 3.1 This application seeks full planning permission for the erection of a 5-storey mixed use development which includes the provision of 2 ground floor retail units fronting High Street and a further 15 flats set over the 4 storeys located above.
- 3.2 The flats consist of a mix of 1 and 2 bedrooms and the residential element will be accessed via Castle Mews to the rear. There will be no parking available for this town centre location however a cycle store will be provided at ground floor level. An enclosed bin store will be provided accessed off Castle Mews.
- 3.3 The development will fill the site from the High Street frontage to the Castle Mews road to the rear with a varying degree of set back on each storey from the Castle Mews frontage. The fifth floor is set back from both the High Street frontage and the Castle Mews frontage. The second, third and fourth floor rear flats will benefit from a balcony area facing Castle Mews.

Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

## 4 SITE PLANNING HISTORY

F/YR19/0510/LB	Demolition of a Listed Building (existing derelict structures)	Pending
F/YR06/1354/F	Installation of new shop fronts and conversion of upper floors to form 2 x 1-bed and 2 x 2-bed flats	Granted 22/1/2007
F/YR06/1355/LB	Installation of new shop fronts and conversion of upper floors to form 2 x 1-bed and 2 x 2-bed flats	Granted 17/1/2007
F/93/0985/LB	Temporary propping and tying in of existing structure to maintain structural stability and installation of temporary shop front boarding	Granted 13/5/1994
F/92/0436/LB	Underground works to strengthen and support proposed reconstruction of carriageway	Granted 26/11/1992

## 5 CONSULTATIONS

### 5.1 Conservation Officer (FDC)

The Conservation Officer has been consulted and the following outlines the main points relating to both the demolition of the building, which is comprehensively covered in Listed Building Consent application F/YR19/0510/F and the rebuilding of the site for a mix of retail and residential accommodation. No objection is raised to the demolition and rebuilding of the site as set out below.

1. The Conservation Officer has given due regard to the overall height of the resultant building and states: *Given the nature of the scheme, particularly its height and the construction of the fifth storey "room in the roof", it will affect the setting of listed buildings in its immediate vicinity and potentially also in a wider vicinity of the site. Due regard is therefore given to the setting of listed buildings in a wide vicinity around the site, notably but not exclusively: 23 High Street (grade ii), 19 High Street (grade ii), Clarkson Memorial, Bridge Street (grade ii\*), Congregational Chapel, Castle Square (grade ii), 6 Union Place (grade ii), 5 Union Place (grade ii), the listed buildings forming York Row, the listed buildings forming The Crescent and the Parish Church of St Peter and St Paul (grade i).*

Pre-application discussions have taken place between the applicant, agent, case officer and the Conservation Officer in particular relating to the height, scale and design of the development. (see Assessment at point 10 of this report).

The Conservation Officer concludes that *“it is considered that this scheme brings with it great benefits to enhancing the character and appearance of the Wisbech Conservation Area in connection with a HLF Townscape Heritage Project. This is a great opportunity to address a site which for decades has had a considerable negative impact on the character and appearance of the conservation area and setting of adjacent listed buildings. The presence of the top fifth floor and the visibility of this in certain viewpoints has been raised in terms of its impact on views through the conservation area and setting of some adjacent listed building. Any harm is outweighed by the benefit of the scheme as a whole.*

To view the full comments of the Conservation Officer please use the following link:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PSW4YAHE01U00>

## **5.2 Historic England**

*The demolition of 11-12 High Street would entail the complete destruction of two Grade II listed buildings. This would result in what the National Planning Policy Framework (NPPF) terms substantial harm. The NPPF sets out the criteria for assessing proposals which result in substantial harm, and makes clear that loss of a listed building should be exceptional. In this particular case we believe that these criteria have been met, and while the loss of the buildings is deeply regrettable a case for demolition has been made.*

*It is proposed to redevelop the site of the listed buildings with a mixed use development incorporating retail and residential units. Subject to the correction of various issues of detail design, we believe that this approach is appropriate.....*

### **Redevelopment of the site**

*The proposed new development would be a substantially larger building than the listed buildings that it would replace. By accommodating an additional floor in a set-back, clearly modern extra floor viability is increased. This should not adversely impact on the historic appearance of the streetscape, or within the wider conservation area, as the set-back is generously scaled.*

*We have concerns that the proposed replica elevation to High Street is not a replication of what existed at point of listing, but rather a hybrid design, using some accurate details but not being consistent. To be acceptable, there is a need for revision to this design to ensure greater accuracy. Historic photographs in the Heritage Statement that accompanies the application makes it clear that while the upper floor windows of 11 High Street were narrower than those below, in the refronted 12 High Street the windows remained a consistent width on all floors. The upper floor of 12 High St appears to have retained its original windows, which were 3 over 6 sashes, while the majority of other windows were 1 over 1 replacements, presumably of mid-nineteenth century or later date. If it is decided to replicate an earlier glazing pattern, it is important that this is based on surviving evidence and an appropriate understanding of historic sash windows.*

### **Recommendation**

*Historic England has concerns regarding the applications on heritage grounds, primarily in relation to the detailing of the proposed High Street elevation of the new building.*

*We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of the NPPF.*

*In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

### **5.3 Georgian Group**

*Nos. 11 and 12 High Street are early eighteenth-century brick structures which were probably built as substantial town houses, but which were later converted into shops. No. 12 appears to have been refaced in the early nineteenth century. The two structures are now in an advanced state of decay and were partially dismantled c2006 for safety reasons; behind their partially dismantled façades very little now remains.*

*The proposed demolition of these two listed buildings will result in harm to the significance and character of the Conservation Area, as well as the complete loss of the two listed buildings themselves. The NPPF rightly insists that any proposal which would result in substantial harm to a listed building should be justified against strict criteria. In this case, The Group considers that these criteria have been met. The applicant's documentation demonstrates that there is a considerable conservation deficit for which no funding has been identified, and that even if repaired very little historic fabric would remain. We therefore do not wish to object to this proposal.*

*The Group has carefully read Andrew Martindale of Historic England's detailed comments regarding the design of the proposed replacement structure and wishes to register its support for this advice. If we can be of any further assistance, please do not hesitate to contact me.*

### **5.4 Natural England**

Natural England has not made comments on this application and no assessment has been made for impacts on protected species. They consider that the LPA should consult their own ecology service for advice.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

### **5.5 PCC Ecology**

*Bats: I note from the submitted photos that much of the structure proposed for demolition no longer has a roof cover and is open to the elements, however there*

*still appear to be a number of features which have the potential to support roosting bats such as gaps in the brick work and covered areas in the lower floor sections.*

*I would therefore recommend that a Bat Inspection Survey is carried out. The survey should establish whether further survey work is required; any further survey work which is recommended should be carried out and a report provided (including details of measures to mitigate any impacts on bats). The survey should be carried out in accordance with BS 42020:2013 (Biodiversity Code of Practice for Planning & Development) and a report provided in advance of determination of this application.*

*Nesting Birds: The scheme would involve the removal of vegetation and structural features which may support nesting birds. I would therefore recommend that a standard bird nesting Informative be attached should the scheme be approved. To mitigate for the loss of potential nesting habitat, I would request that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which may be secured via a suitably worded condition.*

*I would advise that prior to determination the LPA requests that a bat survey be carried out as set out above. I therefore object to the granting of planning permission at this moment in time with regard to this application.*

In line with the comments received from the Wildlife Officer a bat survey was carried out which found that whilst no direct evidence of bats was found, several access points including gaps and cracks in the brickwork and wooden beams were noted. The report recommends that two bat activity surveys are carried out.

These have been carried out and the Wildlife Officer raises no objection to the proposal subject to the use of a suitable worded biodiversity condition to secure the provision of a range of bird nesting and bat roosting features. With the provision of such features it is the Wildlife Officer's opinion that the development will result in a net gain in biodiversity.

## **5.6 Business And Economy (FDC)**

Supports the overall application and makes the following comments:  
*The proposals seeking to bring this long term and derelict site back into use is much welcomed. The site forms part of the centrepiece redevelopment of Wisbech High Street as part of the Heritage Lottery Funded Scheme. The extent of the development will avoid piecemeal development and ensure a comprehensive and sympathetic redevelopment of the overall site. The proposed construction of a single larger retail unit on the ground floor, with scope to sub-divide into two smaller units is a sensible decision. The use of the upper floors for residential will help to introduce further vibrancy and life into this area, providing much needed new homes for many people.*

## **5.7 Senior Archaeologist (CCC)**

*We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG:*

### *Archaeology*

*No demolition/development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to include historic building recording, in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:*

- a) the statement of significance and research objectives;*
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- c) The programme for the analysis, publication & dissemination, and deposition of resulting material. Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.*

*Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.*

### *Reason*

*To ensure that the significance of historic environment assets is conserved in line with NPPF section 16*

## **5.8 Cambridgeshire County Council Highways Authority**

*This is an application to erect 5-storey mixed use development (1 x retail unit to ground floor and 11 x 1-bed and 4 x 2-bed flats to remaining floors) involving demolition of existing derelict structures in a Conservation Area.*

*The proposal comes forward with zero parking. FDC will need to consider the impact of this zero parking development on town centre parking, availability of kerb side parking etc.*

*The development will have no material impact across the highway network and therefore I have no highway objections.*

## **5.9 Designing Out Crime Officers**

*This office has reviewed this Full Planning Application - we consulted with the Applicant prior to planning and our comments are reflected in the Security Needs Assessment we produced. We are pleased to see that recommendations made are to be implemented and we fully support the Application. We believe that community safety concerns and vulnerability to crime should be addressed.*

*No further comments at this stage.*

## **5.10 Lead Local Flood Authority (CCC)**

When consulted the Lead Local Flood Authority originally objected to the grant of planning permission due to the absence of a surface water drainage strategy. The submitted Drainage & Community Safety Plan shows the connection of surface

water from the building to connect into a surface water sewer within High Street and Castle Mews. The ownership of this sewer will need to be identified and any permissions to discharge surface water from this development into the sewer to be submitted to demonstrate a viable connection point.

### **5.11 Parish/Town Council**

That the application be supported.

### **5.12 Environment & Health Services (FDC)**

*I have now had an opportunity to observe the details submitted to support the above application, having particular regard to the ACA Acoustics Ltd report (Reference: 190506-R001) for the acoustic assessment of proposed new mechanical services equipment.*

*I am satisfied with the methodology and findings of the report, and that it has reference to the appropriate nationally recognised standards.*

*I note the following stated in Para 5 of the report;  
Once the design has been finalised ACA Acoustics would undertake an acoustic assessment of the equipment selections to confirm compliance with the above specified criteria and, where necessary, provide specification for suitable noise mitigation measures.*

*With the proposal for air source heat pumps, I would request a condition in the event that planning consent is granted, that a suitably qualified acoustic consultant undertakes an assessment in line with the aforementioned, and if this service is satisfied with the assessment and subsequent report, discharge of condition can then occur prior to the commencement of development. It will also provide us with time to address any concerns, and if required, make recommendations for further noise mitigation measures to ensure acceptable amenity protection before any future occupants are in place.*

### **5.13 Housing Strategy and Enabling Officer (FDC)**

When consulted, the Housing Strategy and Enabling Officer considers that on a site of 15 dwellings a total of 4 units should be available for affordable housing equating to 3 affordable rented homes and 1 intermediate tenure in this instance.

### **5.14 Wisbech Society**

*It is with some reluctance that the Wisbech Society supports the demolition of these grade 2 listed buildings. It is clear that the current condition shows the facades to be structurally unsound and the rear aspects are collapsed to an extent that restoration is impractical. Demolition will allow for a sympathetically designed structure to replace the existing derelict buildings and bring the site back into retail and accommodation use.*

*It is recommended that a publicly accessible record of the buildings fabric/heritage/archaeological findings be made as demolition progresses. It is also recommended that the existing buildings be formally 'delisted' to maintain an up to date record of Wisbech's listed buildings and prevent a precedence of future unauthorised demolition of listed buildings being set.*

## 5.15 Anglian Water

*The foul drainage from this development is in the catchment of West Walton Water Recycling Centre that will have available capacity for these flows....*

*The preferred method of surface water disposal would be to a SuDs with connection to sewer seen as the last option.... The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable..... We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval.*

*Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.*

**CONDITION** *No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.*

**REASON** *To prevent environmental and amenity problems arising from flooding.*

### **Local Residents/Interested Parties**

No comments received.

## **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).
- 6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
Paragraph 10 - Presumption in favour of sustainable development.  
Paragraph 189 – need to describe the significant of affected heritage assets  
Paragraph 192 – LPA should consider sustaining and enhancing heritage assets (HA) and putting them to viable uses, the positive contribution HA can make to sustainability communities including economic viability  
Paragraph 193 – weight should be given to the significance of the heritage asset, the more important the asset the greater the weight  
Paragraph 196 – where a development proposal causes less than substantial harm to a heritage asset this harm should be weighted against the public benefits, including securing its optimum viable use.

## **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

LP4 – Housing

LP5 – Meeting Housing Need

LP6 – Employment, Tourism, Community Facilities and Retail

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

## **8 KEY ISSUES**

- **Principle of Development**
- **Heritage Considerations**
- **Design Considerations**
- **Impact on character of area and conservation area**
- **Amenity Considerations**
- **Flood Risk and Drainage**
- **Viability**

## **9 BACKGROUND**

- 9.1 These two High Street buildings have been unused for in excess of 20 years and over time have suffered from collapse of parts of the buildings to the rear including the roof structures and floors. Until recently the buildings have been in private ownership and whilst FDC has utilized its statutory powers in the past to seek to address the hazardous condition of these buildings and attempt to arrest their deterioration, works were never undertaken to secure the future of the Listed Buildings.
- 9.2 FDC decided to acquire the buildings in 2019 in order to facilitate a successful outcome for the site. This application and the corresponding Listed Building Consent application to demolish the 2 buildings has resulted in interest from a developer to rebuild the site in a sympathetic manner whilst providing retail unit(s) fronting the High Street and a further 4 storey development to provide a total of 15 flats.
- 9.3 There has been extensive pre-application discussions between the applicant, the case officer and the Conservation Officer which has resulted in the submission of this application and the Listed Building Consent application to demolish the buildings and redevelop the site for a mixed use of retail and residential.
- 9.4 High Street, Wisbech is currently the focus of a live Heritage Lottery funded Townscape Heritage project and in summer 2016 the HLF awarded £1.9 million to the Wisbech High Street project which runs until 2020/2021. The HLF project focuses on the regeneration of High Street which is an important street within the town. The scheme seeks to refurbish dilapidated buildings and bring vacant buildings back into use as well as to facilitate building improvements which is a key focus of this regeneration project.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application seeks the erection of 15 flats and retail at ground floor and includes the demolition of 2 listed buildings. A Local Planning Authority has a duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In matters concerning the Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 10.2 In considering the demolition element of this application due regard has to also be given to the statutory guidance provided within the National Planning Policy Framework 2019 and in particular paragraphs 189 to 202.
- 10.3 Policy LP18 of the Fenland Local Plan 2014 seeks to protect, conserve and seek opportunities to enhance the historic environment through consideration of applications for planning permission and listed building consent setting out a list of criteria to be submitted.
- 10.4 Policy LP3 sets out that the focus for the majority of the District's growth is in and around the four market towns which includes Wisbech. Development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land.
- 10.5 Policy LP16 seeks to deliver and protect high quality environments across the district and sets out a number of criteria to be met including compliance with the NPPF and Policy LP18 of the Fenland Local Plan.

### **Heritage Considerations**

- 10.6 This application seeks the total demolition of Nos. 11-12 High Street, Wisbech, and the redevelopment of the site with a mixed retail/residential use. The buildings are in an advanced stage of collapse with only part of the front façade remaining. An element of single-storey rear outbuildings, which are later additions, remain to the Castle Mews frontage. The application has been supported by a comprehensive Heritage Statement and a robust assessment of the interests of the buildings as they stand today supported by 2 structural reports.
- 10.7 Full consideration of the demolition of 11-12 High Street, Wisbech, has been undertaken as shown in the report for F/YR19/0510/LB attached to this agenda.
- 10.8 The redevelopment of the site, following demolition, has been designed in line with protracted discussions between the applicant, agent, Conservation Officer and Case Officer in line with comments received from statutory consultees.
- 10.9 The site is located in an area of high heritage value in the heart of the Wisbech Conservation Area which consists of 227 listed buildings, of which 3 have grade 1 status and 23 have grade ii\* status. Given the nature of the scheme, particularly its height and the construction of the fifth storey, it will affect the setting of the listed buildings in its immediate vicinity and potentially also in a wider vicinity of the site.
- 10.10 Due regard is given to the fact that in 2014 Wisbech Conservation Area was added to the Historic England Heritage at Risk register due to issues concerning

dereliction of buildings and key streets within the conservation area which have a considerable negative impact on the character and appearance of the conservation area. 11 High Street and 12 High Street and High Street in general are a key contributing factor as to why the Wisbech Conservation Area is considered to be at risk by Historic England. In March 2016 the Wisbech Conservation Area Management Plan was adopted to complement the Wisbech Conservation Area Appraisal. The Management Plan acknowledges High Street as a specific risk issue and Priority Objective One commits to addressing High Street, through the Heritage Lottery Fund bid.

- 10.11 High Street, Wisbech is currently the focus of a live Heritage Lottery funded Townscape Heritage project; in Summer 2016 the HLF awarded £1.9 million to the Wisbech High Street project, a project which will run until 2020/2021. The HLF project focuses on the regeneration of High Street which is an important street within the town, linking the prestigious Brinks to Market Place. This is to be achieved by a scheme to refurbish dilapidated property, and bring vacant buildings/site back into use as well as to facilitate building improvements including addressing poor quality shop fronts and signage. Addressing the dilapidated stated of 11 High Street and 12 High Street is a key focus of this regeneration project.

### **Design Considerations**

- 10.12 The proposal for the redevelopment of this site follows extensive pre-application discussions and many issues have been addressed during the evolution of the final plans being submitted. These discussions included, height of the building, design of the front façade, massing and number of units to make the scheme viable.

#### Height of the building

- 10.13 One of the main issues resulting from the pre-application discussions was as to the scale and overall height of the proposed 5 storey building and to ultimately understand any significant impact that such a building would have on the setting of nearby Listed Buildings and Wisbech Conservation Area.
- 10.14 In order to understand the resultant height of the building, a ‘balloon test’ was carried out to give an idea of the proposed building and to assess the visual impact the development may have on the character and appearance of the conservation area and setting of adjacent listed buildings. The balloon test was undertaken by putting up heavy duty helium balloons to the height of the proposed building. The test was carried out on a dull day where wind affected the test, as a consequence it wasn’t possible to have the balloons in the air for a long time. The test gave an indication only as to the proposed height of the building but beneficial to understand this in the context of how it might be seen from Bridge Street and The Crescent.

#### Front façade

- 10.15 Discussions have taken place regarding an appropriate design for the new front façade facing High Street with the desire for the scheme to closely replicate the two narrow 18<sup>th</sup> century facades as they historically existed and whose partial remains are now being demolished. The new brick facades will reflect the original height the listed buildings once possessed, being four storey with parapet. It is welcomed that the scheme is taking this traditional approach to the

design of the High Street fronting facades as this will serve to preserve the character and appearance of High Street, that being one of mixed height property with some tall narrow facades.

- 10.16 It is noted that the existing dilapidated facades had windows at slightly different levels and as two separate buildings this variation was not an issue. It is appreciated however that this scheme is for one block of build and floor levels are going to be the same across the High Street frontage so windows are best served being the same height across the frontage too. A slight difference in the two façades will be acknowledged by the replication of a banding detail between floors on 11 High Street, which reflects the current appearance of that existing façade, and no banding detail on 12 High Street, which currently presents a plain façade. This subtle detail along with the centrally positioned down pipe should serve to give the impression of there being two tall narrow facades fitting to the character of the streetscene rather than one wide façade.
- 10.17 The shop frontage is to be of a traditional style with two fascia's and frames according the building giving the appearance of two tall narrow buildings. At present, however, it has been designed with only one entrance so to provide one large retail unit although it can easily be changed to serve two units.

#### Castle Mews elevation

- 10.18 Part of the proposed building will front Castle Mews, this being circa 5.5m (width) section of rear elevation which accords with the plot that served 12 High Street. This section of rear elevation will sit between part of an existing listed building – former Sunday School (listed as part of the Congregational Chapel) – and adjoining the four storey building that forms the rear building to 9 and 10 High Street. Opposite the site is also the main chapel of the listed Congregational Church.
- 10.19 The character of Castle Mews is very much that of a back street defined by the side elevation of the Congregational Chapel, unassuming rear elevations of the rear of buildings fronting High Street and Market Place, rear boundary walls for Union Place property and back street parking area. The rear building to 9 – 10 High Street is the only building that has a specific frontage presence onto Castle Mews.
- 10.20 It is acknowledged that the challenge in this relatively tight location has been to design a rear elevation that will not have an imposing impact on the listed Congregational Chapel opposite and its associated former Sunday School to the south side. It is evident that the scheme has sought to achieve this by stepping back the building. The first floor will align with the street and the building line of the adjacent building (rear building to 9 and 10 High Street) but the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> storeys all progressively step back reducing their impact on the Castle Mews streetscene and avoiding an overbearing presence of build which might have been the case if the building went straight up for five storeys. The design treatment for the rear elevation is acceptable in context.

#### Footprint and Massing

- 10.21 Along High Street building footprints fill their plots and there are no rear open courtyard spaces of any merit or pattern. In this respect, and in common with the manner of development along the south east side of High Street, development proposed for 11 and 12 High Street will fill the entire plot from front to back.

- 10.22 In mass the scheme will fill the plot up to five storeys in height. The first four storeys of the building will follow the parapet height of the original historic buildings (as they fronted High Street) for 21m from the High Street fronting elevation before dropping at the back and capitalizing on changing ground levels to create a slightly lower height of building at the back. The top fifth storey will sit as an addition above the parapet and will appear as “rooms in the roof” arrangement with windows within the metal cladded roof covering. The fifth floor sits back 5.5m from the High Street fronting parapet and extends approximately 17metres.
- 10.23 The proposed building will become the greatest mass of build along the south east side of High Street. The proposed building will also be the tallest building on High Street and within the immediate vicinity of this site; the current tallest buildings on High Street are currently no more than four storeys in height therefore this will become the tallest building in the immediate locality.
- 10.24 Given the character of development on the south east side of High Street there is no objection to the scheme being designed on a footprint that covers the entire asymmetrical plot. Indeed the footprint of the current buildings covered the entire plot. In the context of this specific town centre location it is not felt that the large massing of the building is an issue of concern given that this mass will be bounded by other surrounding property specifically 9-10 High Street and its associated rear building that fronts Castle Mews, 13 – 17 High Street and 1 Castle Mews (The School Room).
- 10.25 The true mass of the proposed building will never be appreciated externally as the building will never be seen in its entirety; elevations will never be seen in their totality in the context of one another. From the High Street standing in front of the building it will be perceived as two narrow four storey brick facades, from the rear it will be perceived as a narrow 5m rear elevation with roofline stepping back.
- 10.26 Much of the north-east side elevation abuts an existing neighbouring building that is 9-10 High Street and only part of the third and fourth floor brickwork will be above this and potentially visible two dimensionally. On the south west elevation much more structure will be brick and not directly adjoining other buildings. In this respect a large part of this south west side of the building will be seen two dimensionally from the side of the adjoining property 13-17 High Street an acute angle of this side elevation in context with the narrow rear elevation will potentially be seen from Castle Mews. This side of the development will be seen in a limited context and will not overwhelmingly impact on the character and appearance of the conservation area.
- 10.27 Developing this site has been proven to come with a conservation deficit which includes demolition costs and clearance, costs incurred working in a restricted site with limited access and total rebuild. It is therefore appreciated that achieving “rooms in the roof”, the fifth storey, is part of maximizing the plot and making it more financially viable to develop. The fifth floor achieves three additional flats.
- 10.28 Given the style of the street fronting façade with its parapet arrangement and the extent of flat/low pitch roof behind such a parapet detail there is logic to the fifth storey concept and incorporating this in a new build development. This proposal is considered on its own specific merits and achieving a fifth storey in this rare

new build town centre scheme does not set a precedent for introducing fifth storey extensions to other existing buildings within the Wisbech Conservation Area. In this specific case the fifth storey will utilize the space afforded by the parapet and will include an additional 1.9m flat roof structure above the parapet line; the “rooms in the roof” will not read as full floor above parapet level. Importantly the fifth storey is set back 5.5m metres from the street fronting parapet of the building and in this respect it isn't going to read as part of the High Street façade; the High Street façade will continue to be read as it was historically as being four storey only.

- 10.29 It is appreciated that the set back position of the “rooms in the roof” is designed to mitigate the impact of the fifth storey by having this element set in from the front elevation and the rear elevation. Given the height changes of the scheme it is only approximately 11metres of “room in the roof” that will appear to sit above the parapet line of the building as the rear section of the fifth storey serving flat 15 drops down at the back. Within the Wisbech Conservation Area and noticeably along High Street it is acknowledged that roof heights are not consistent but vary considerable. In this respect it is felt the fifth floor “rooms in the roof” can be accommodated as part of the variation of building heights that form the character and appearance of the conservation area.
- 10.30 It is acknowledged that the fifth floor has been designed sensitively and its success will come down to the careful selection of materials specifically the colour of the metal roof covering, which should be dark to sit subtly in the context of lead roofs, and the colour of window frames which should be dark (not white) to sit inconspicuously within the roof area.

#### **Impact on character of area and conservation area**

- 10.31 In considering the impact of this proposal it is critical to understand the impact the development will have on views through the conservation area and how it may affect the setting of other listed buildings in the wider vicinity of the site.
- 10.32 In close range views i.e. from High Street in front of the proposed building, the fifth storey will not be visible but from longer range views through the conservation area the upper floors and particularly the three dimensional form of the top fifth storey has the potential to be much more conspicuous.
- 10.33 The applicant has submitted a key views 28.8.19 concept drawing which provides an indication of how the proposed building may be seen as specific points from York Row, The Crescent and Bridge Street. These concept drawings demonstrate that the upper fifth storey of the building will be seen sitting above the roof line of adjacent buildings from certain angles. In order to appreciate how high the building may sit balloon height testing was also undertaken as referenced above. The balloon testing does appear to concur with heights shown in the key view 28.8.19 concept drawing.
- 10.34 Stood on High Street the proposed development will make for a significant improvement to the character and appearance of the High Street streetscene and the setting of listed buildings along this street. The current situation 11 High Street and 12 High Street find themselves in is such that they are eyesores within the High Street and have a considerable negative impact on the character and appearance of the conservation area. The replacement of these severely dilapidated buildings with a new building presenting a carefully considered

“period” style of façade will serve to enhance the character and appearance of the conservation area.

- 10.35 From central High Street it will be the four storey façade with its parapet that is seen but the fifth floor will not be seen. High Street gently curves in a north eastwardly direction towards Market Place. From the junction of High Street and Market Place looking towards 11-12 High Street the angle of the view widens. From this perspective the north east elevation of the proposed building and specifically the upper brickwork and part of the fifth storey roof will come into view. Moving back along the west end of Market Place and into Union Street more of the fourth storey and the fifth storey “rooms in the roof” will become visible.
- 10.36 Perspectively, from Union Street, the fourth and fifth floor will be seen at distance (approx. 100m) partially above other High Street property but the buildings in the foreground of those views, those being the buildings on Union Street itself, will appear higher still and the proposed development shouldn’t appear overbearing and unduly detract from the character and appearance of the conservation area from this viewpoint.
- 10.37 Three listed buildings namely 21 Market Place, 22 Market Place and 1 High Street are seen façade on in views from Union Street looking towards High Street. The proposed development would not exceed the height of their parapets and it should visually appear separate from these buildings in view and not unduly encroach on their setting. From elsewhere in Market Place in general the development will not be visible.
- 10.38 The most notable view of High Street is arguably the view from Bridge Street looking north along High Street. This is a view that appeared in many historic postcards of High Street. This viewpoint affords wide angle views into High Street with the shapely façade of 13-17 High Street is a notable building in these views. From this view point the parapeted south west elevation will come in to view and as will glimpses of the fifth storey although it is not felt such glimpses would fail to preserve the character and appearance of the conservation area.
- 10.39 Moving along Bridge Street and standing adjacent to The Clarkson Memorial the south west elevation and the fifth storey will be most visible above the roofline of adjacent buildings although in perspective it should appear of a similar height to the building in the foreground of that perspective. Moving along Bridge Street to its junction with South Brink the sight of the roofline of the proposed building will disappear.
- 10.40 Clarkson Memorial is a landmark structure on Bridge Street standing alone on an island area in the middle of the road. The positioning of Clarkson Memorial is such that it is appreciated from multiple viewpoints and it is the manner of its setting and how it stands tall in these views, appearing to rise high above the buildings around it, that contribute to its interest. The positioning of the proposed development should not unduly encroach on the setting of the Clarkson Memorial or detract from its setting.
- 10.41 The development will have the greatest visual impact on parts of the Castle Estate. This area is highly attractive and architecturally significant built composition, a result of its strong cohesive design seen through the consistency in their materials, the consistent facade heights and architectural style. The proposed development will occur to the north east of the Castle Estate and

behind Castle Square and specifically behind the grade ii listed Congregational Chapel and behind Union Place. It is noted that the existing four storey building (rear of 9 and 10 High Street) on Castle Mews is not visible from the Castle Estate but the development now proposed will exceed this height by another storey and this upper storey is likely to be seen over the roofline of the Congregational Chapel.

- 10.42 The perspective views submitted with this application gives an indication of how the fifth storey “rooms in the roof” will be seen over the top of the Congregational Chapel. Stood in Castle Square the new building will not be visible over the roof of the Congregational Chapel. It will be seen through the archway access but from this point only a section of the rear elevation will be visible and this will not impact on the Castle Estate and the setting of its buildings. The fifth storey of the proposed building will become visible as one steps back around the Crescent from 13 The Crescent to 8 The Crescent before it is lost from view by the curving of the road. The form of the fifth storey roof is likely to be most visible from outside 8 The Crescent. This new roofline is likely to catch the eye at this point and this visibility may not truly preserve or enhance the character and appearance of the conservation area or setting of adjacent listed building although it is not felt it going to appear overbearing from this angle.
- 10.43 It is considered that a dark coloured metal roof finish and dark windows would ensure it assimilates with the surrounding slate roofs and this will mitigate its impact. The view of the Congregational chapel will change. It is also noted that parts of the upper storeys of the development would be seen in views from Market Street looking down Castle Mews although impact on these oblique views is less concerning.
- 10.44 North Brink is described by Pevsner as “*one of the most perfect Georgian streets of England*”. It is appreciated for its long length of Georgian and Victorian property which face the gently curving river and present a tapestry of individually designed buildings. Looking east along North Brink specifically from 2 North Brink to Chapel Lane the view is terminated by Nene Quay property with Clarkson Memorial and the tower of the parish church key features in these views and the skyline. In these views 11 & 12 High Street will sit behind 1 Nene Quay (the old Belfast building). The proposed development should not be visible with any clarity in these views. The spire of the Clarkson Memorial and tower of the parish church will remain the feature buildings within the skyline and their setting from this viewpoint will not be affected by this proposal.

### **Amenity Considerations**

- 10.45 The proposal involves the formation of 15 one and two bed flats spread out over four storeys contained within the space between 9-10 and 13 High Street.
- 10.46 In order to achieve satisfactory living accommodation and amenity for all flats a design solution has been found to ensure that all flats receive a level of natural light and ventilation to all habitable rooms through the use of light wells located on the side elevations which face existing brick walls and other enclosed areas.
- 10.47 Each flat has its own front door and private lobby, from which all rooms are accessed directly from. Bedrooms are located as close to the front doors as possible to avoid passing kitchens, to minimise risks associated with fire escape.

- 10.48 The application has been accompanied by an acoustic assessment of proposed new mechanical services equipment to provide evidence that noise emissions from the equipment will not be detrimental to the amenity of nearby noise sensitive properties and also the impact of any existing noise impacts are identified and understood.
- 10.49 The Councils Environmental Health Team has reviewed the report and considers that the methodology is satisfactory and recommends an appropriate condition to ensure that the final build complies with recognised standards.
- 10.50 The development does not achieve any parking on site however this is a town centre location and the area is served well by 4 FDC run car parks within 3 – 6 minutes walking distance of the site. Wisbech is also served well by a frequent bus service operating daily between various strategic locations and is a 3 minute walk from the site. The development incorporates a cycle store within the ground floor area.

### **Crime prevention**

- 10.51 Cambridgeshire Constabulary has been consulted on the design which has resulted in the following being incorporated into the scheme:

Anti-climb rainwater goods along the Castle Mews elevation;  
All external windows and doors to be 'Secured by Design' compliant;  
Access control and CCTV located as recommended.

### **Flood Risk and Drainage**

- 10.52 The site is located within Flood Zone 1 which is the lowest risk of flooding. This site comprises a mixed use with retail on ground floor being a 'less vulnerable' use within the Technical Guidance and residential over the above 4 floors which is classed as 'highly vulnerable'. The technical guidance shows that development within these areas in Flood Zone 1 is appropriate.
- 10.53 The water run-off from the site would follow the same path as the existing arrangements tapping into the existing drainage runs. It is proposed that the foul drainage connections will also be incorporated into the existing system.
- 10.54 There is currently an outstanding objection from the Lead Local Flood Authority however amended drawings and drainage strategy has been received and are currently with the LLFA for further consideration. Given the constrained aspect of this development site and a consequent lack of realistic drainage options, it is considered that, in this instance, a condition can be imposed to ensure that a satisfactory drainage proposal is agreed and actioned.

### **Ecology**

- 10.55 Due to the condition of the buildings which no longer have a roof cover and is open to the elements, it is considered that the structure could support roosting bats and a Bat Inspection Survey was requested. It was also recommended that due to the potential for nesting birds that mitigation for the loss of a potential nesting habitat via a range of nesting boxes be designed into the development.
- 10.55 Subsequently the applicant has produced the required bat surveys and the Wildlife Officer is content that, provided the mitigation measures, which include

bat and bird boxes, is incorporated into the final design, then the development will result in a net gain in biodiversity and is supported.

## **Viability**

- 10.56 The application is accompanied by a Viability Assessment in relation to the provision of affordable housing on the site due to the number of flats being provided. The Councils Senior Planning Obligations Officer has been consulted and makes the following observations and recommendation:

*The applicant has submitted 2 HCA DAT appraisals as part of their viability submission:*

*Appraisal 1 With 25% policy compliant Affordable Housing delivers a deficit of -£264,994*

*Appraisal 2 With no Affordable Housing Provision delivers a deficit of -£235,089*

*Both appraisals include £1,000,000 Heritage Lottery Funding.*

### **Build Costs**

*The build costs have been adopted at £1,426m<sup>2</sup>. BCIS Lower Quartile Rehabilitation / Conversion of Houses with Shops /Offices published on BCIS webpages 17th September 2019 rebased for Fenland are £1,427m<sup>2</sup>. Given the narrow configuration of the site, the premises being within a terrace, restricted access and the requirement for specific heritage materials I am satisfied that the adopted costs are reasonable. A Build Cost Plan has also been provided by the project architect which results in significantly higher build costs than the BCIS values which if incorporated into the HCA DAT appraisals would result in the deficit significantly increasing.*

### **External Works and Infrastructure Costs**

*The adopted build cost plan identifies the required external works and infrastructure costs which are acceptable.*

*Design & Professional Fees of 10% have been adopted, up to 10% is considered within an acceptable range for a proposal of this nature.*

*A contingency of 5% has been adopted which is acceptable given the significant refurbishment required for this site*

*A Build Period of 14 months has been adopted which is in accordance with the estimated duration for proposals of this nature by BCIS.*

*The adopted Bank interest and Sales fees are both acceptable.*

### **Revenue**

*I have reviewed the comparable evidence that has been provided by Westcott Surveyors. I am satisfied that the market values comply with RICS and PPG guidance.*

### **Profit**

*A Developer's profit of 20% has been included. Given the comprehensive refurbishment and current derelict condition of the existing premises and recognising the associated potential complications that may require mitigation to*

*bring this development forward I am satisfied that the adoption of this level of profit is reasonable and is in accordance with guidelines.*

*Based on the inputs referred to above and having reviewed additional supporting information I accept that on this occasion the proposal has adequately demonstrated that it is not able to provide any S106 Planning Obligations including an Affordable Housing Commuted Sum due to economic viability.*

## **11 CONCLUSIONS**

- 11.1 The application site lies in the heart of the Wisbech Conservation Area and consists of 2 severely dilapidated listed building which are currently undergoing partial demolition due to structural stability concerns.
- 11.2 The site has been vacant for a considerable number of years with little or no noticeable action taken from previous owners of the site to ensure the buildings future.
- 11.3 It has been demonstrated within the planning application that the only viable way forward for the site is to totally demolish the buildings (subject to a separate application F/YR19/0510/LB) and redevelop the site with a mix of retail and residential.
- 11.4 Since FDC took ownership of the site, discussions have been ongoing regarding its redevelopment and, as set out above, the design, height, massing and number of units has resulted in the current application.
- 11.5 The site in its present condition i.e. boarded up ground floor, partial demolition of the front façade, almost total loss of the main fabric of the building and boarded up rear access into the site, is considered to have substantial harm on the character of the Wisbech Conservation Area.
- 11.6 The Local Planning Authority considers that there are significant and substantial public benefits to bringing this site back into use. The ground floor retail units will help to add to the retail offer in Wisbech and the introduction of flats will have an impact on the vibrancy of the town centre.

## **12 RECOMMENDATION**

- 12.1 Grant planning permission subject to the conditions set out below.

From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

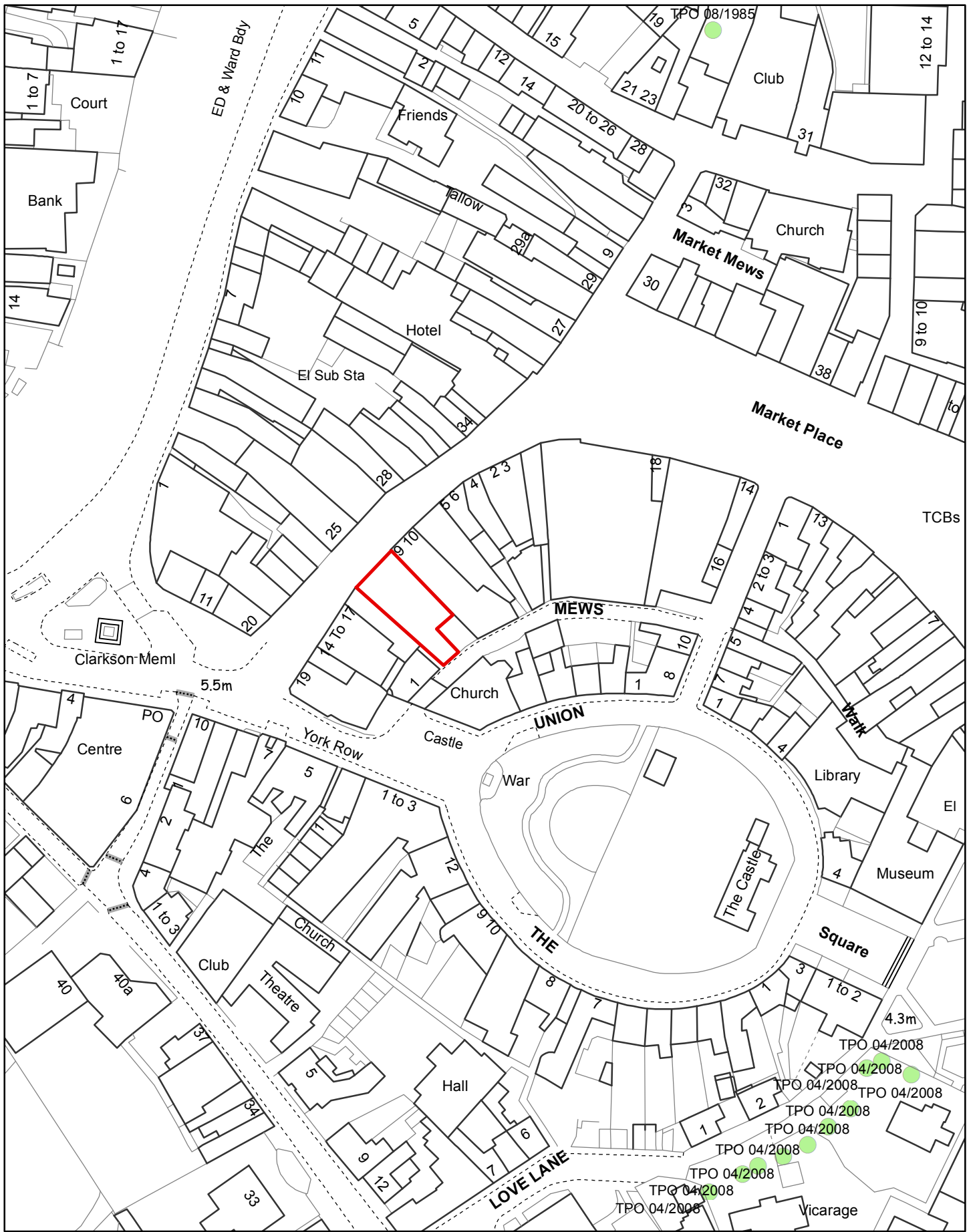
The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions after 1<sup>st</sup> October 2018, it is considered that the requirements of section 100ZA(5) have been met.




The proposed conditions are as follows;

1.	<p>The development shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason – To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the commencement of post demolition above ground works, details associated with the construction of the High Street fronting façade including (i) brick panel (1m by 1m) presenting brick, brick bond and mortar, (ii) full joinery details (scale 1:5) including vertical and horizontal sections of windows, (iii) product information for lintels, (iv) product information for cills and, (v) product information for rainwater goods shall be submitted to and approved in writing by the Local Planning Authority and works undertaken in accordance with the approved details.</p> <p>Reason – To safeguard the visual amenity of the area and in particular the character of the Wisbech Conservation Area in accordance with Policy LP18 of the Fenland Local Plan 2014 and the NPPF 2019.</p>
3.	<p>Prior to the commencement of post demolition above ground works, details including (i) brick panel (1m by 1m) presenting brick, brick bond and mortar for the rear and side elevations, (ii) product information for windows within the rear and side elevations (iii) product information for the balcony details shall be submitted to and approved in writing by the Local Planning Authority and works undertaken in accordance with the approved details.</p> <p>Reason – To safeguard the visual amenity of the area and in particular the character of the Wisbech Conservation Area in accordance with Policy LP18 of the Fenland Local Plan 2014 and the NPPF 2019.</p>
4.	<p>Prior to the commencement of post demolition above ground works, details associated with the roof construction including (i) sample roof material, (ii) roof sections (scale 1:5) covering parapets and roofing, (iii) sample coping stone and product information for windows associated with fifth floor story windows shall be submitted to and approved in writing by the Local Planning Authority and works undertaken in accordance with the approved details.</p> <p>Reason – To safeguard the visual amenity of the area and in particular the character of the Wisbech Conservation Area in accordance with Policy LP18 of the Fenland Local Plan 2014 and the NPPF 2019.</p>
5.	<p>Prior to the installation of shop frontages within the High Street fronting façade of the building full joinery details (scale 1:5) including vertical and horizontal sections of the shop fronts shall be submitted to and approved in writing by the Local Planning Authority and works undertaken in accordance with the approved details.</p> <p>Reason – To safeguard the visual amenity of the area and in particular the character of the Wisbech Conservation Area in accordance with Policy LP18 of the Fenland Local Plan 2014 and the NPPF 2019.</p>
6.	<p>No demolition/development shall take place until the applicant, or their</p>

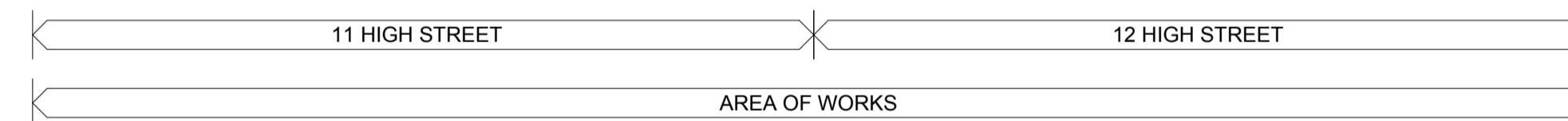
	<p>agents or successors in title, has secured the implementation of a programme of archaeological historic building recording in accordance with a written scheme of investigation (WSI) which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:</p> <p>a) the statement of significance and research objectives;  b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works  c) The programme for the analysis, publication &amp; dissemination, and deposition of resulting material.</p> <p>Part (c) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.</p> <p>Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.</p> <p>Reason: To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan 2014.</p>
7.	<p>Prior to any works above ground level, a scheme detailing the erection of Bat and Bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a range of bird boxes that cater for a number of different species such as starling, swift and house sparrow and the provision for bat roosting features and shall include numbers, designs and locations. The development shall then be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason – In order to protect and enhance biodiversity in and around the area in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.</p>
8.	<p>No works above slab level shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and thereafter retained and maintained.</p> <p>Reason: To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
9.	<p>Prior to any works above ground level, a further acoustic assessment is required detailing all new mechanical services equipment including the provision of air source units to serve the new development to ensure suitable noise mitigation measures are incorporate into the new development. The development is then to be undertaken in accordance with the approved details and thereafter retained.</p>

	Reason: To ensure an adequate level of residential amenity is afforded to future occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.
10.	<p>Prior to any works above ground level, a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity.</p> <p>Reason – To ensure a satisfactory level of residential amenity and minimise any environmental impacts in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11.	Approved plans



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ALL WORKING DIMENSIONS TO BE CHECKED ON SITE. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED DIMENSIONS. ANY DISCREPANCIES BETWEEN DRAWINGS OF DIFFERING SCALES AND BETWEEN DRAWINGS AND SPECIFICATION WHERE APPROPRIATE TO BE NOTIFIED TO SUPERVISING OFFICER FOR DECISION. COPYRIGHT RESERVED.



A. Height of fourth floor lowered. EJ. 27.08.19

## PLANNING

REDEVELOPMENT OF  
11-12 HIGH STREET  
WISBECH

WHITFIELD PROPERTY  
INVESTMENTS LIMITED

HIGH STREET ELEVATION  
AS PROPOSED

MARCH 2019 EJ

1:50 @ A1 LT

3354/SD11 A

1:50 @ A1





## PLANNING

- A. Drawing amended as a result of further stepping back the top floor. E.J. 16.08.19
- B. Height of fourth floor lowered and rear section levels altered. E.J. 27.08.19

REDEVELOPMENT OF  
 11-12 HIGH STREET  
 WISBECH

WHITFIELD PROPERTY  
 INVESTMENTS LIMITED

CASTLE MEWS ELEVATION  
 AS PROPOSED

RIBA  Chartered Practice

 **wilby & burnett**

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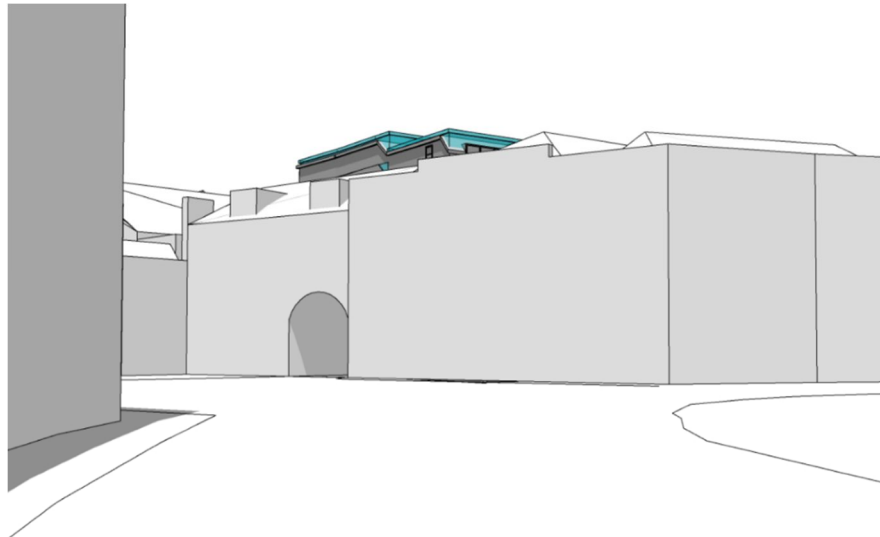
MARCH 2019 EJ

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3354/SD12 B

# 11-12 HIGH STREET, WISBECH

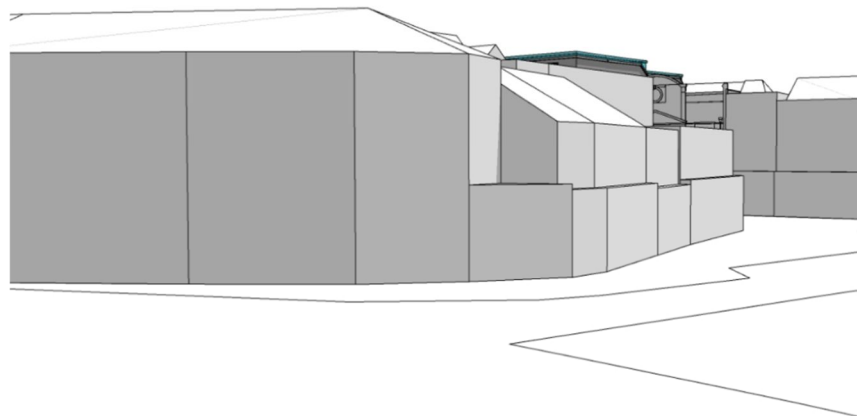
PROPOSED BUILDING COMPARISON - PRE & POST MEETING WITH PLANNERS DATED 20/8/19



View from The Crescent



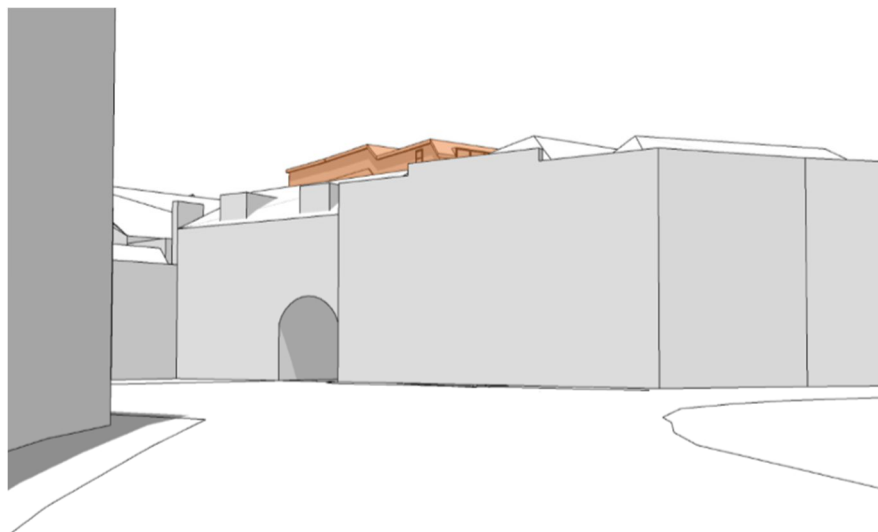
View from York Row/ High Street



View from North Brink

The previous building outline is highlighted in blue.  
The current building is shown in dark grey.

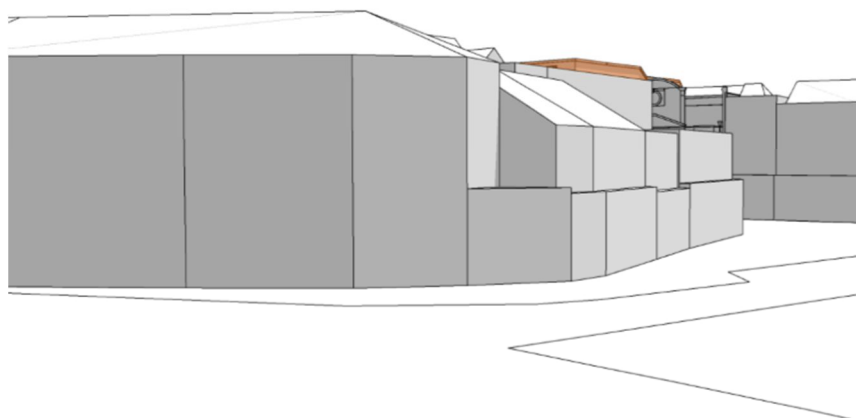
# 11-12 HIGH STREET, WISBECH



View from The Crescent



View from York Row/ High Street



View from North Brink

APPLICATION NO: F/YR19/0509/F

**UPDATES**

**Condition 3 – include details of decking in condition.**

**Condition 9 – reword trigger point for compliance to ‘Prior to the installation of any mechanical services equipment .....’**

**SITE LOCATION: 11-12 High Street, Wisbech**

**RESOLUTION**

**Grant**

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F/YR19/0684/O

**Applicant: Mr & Mrs Chambers**

**Agent : Mr Sam Herring  
Swann Edwards Architecture Limited**

**Land East Of 4A, Primrose Hill, Doddington, Cambridgeshire**

**Erect up to 3no dwellings (outline application with matters committed in respect of access)**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations received contrary to Officers recommendation.**

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission (with only access committed) for residential development of the site for up to 3 dwellings.
- 1.2 The site considered to fall outside the developed footprint of Doddington having regard to the criteria laid out under policy LP12 and is therefore contrary to policy LP3 being in an 'Elsewhere' location. Consequently the development would erode the rural, open character of the countryside, introducing a detached linear form of development which fails to respect the core settlement form of Doddington contrary to Policies LP3, LP12(c, d and e) and LP16(d) of the Fenland Local Plan, and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 127 of the NPPF.
- 1.3 Whilst the site offers no technical issues e.g. in respect of highways, flood risk, contamination or biodiversity, the significant harm resulting from the development is considered to substantially outweigh the modest benefits that the development could achieve.
- 1.4 The recommendation is to refuse the application.

## **2 SITE DESCRIPTION**

- 2.1 The site lies of the east of Doddington and comprises approximately 0.3Ha of agricultural land set along the southern side of Primrose Hill. A hedgerow runs across the frontage of the site. The site itself is undeveloped. No.2 Primrose Hill (immediately east) sits on an established farmstead of which the application site forms part of. To the west is No.4a – a single storey dwelling built in the early 1990's which is separated from the site by a hedgerow and a c.30m strip of land.
- 2.2 Notwithstanding the existing built form, the site and surroundings are predominantly rural in character and distinctly different to the development pattern on the northern side of Primrose Hill.
- 2.3 The site lies in Flood Zone 1 (low risk).

### 3 PROPOSAL

- 3.1 The application seeks outline planning permission for the residential development of the site for up to 3 dwellings.
- 3.2 The application is in outline with only access committed. Matters of layout, scale, appearance and landscaping are reserved for future consideration. Notwithstanding this, the applicant has provided an illustrative layout and elevations plan to indicate how the dwellings could be arranged within the site and could appear on the street scene.
- 3.3 The indicative plan denotes a linear row of 3 dwellings extending along the frontage with individual accesses onto Primrose Hill. The elevational plans denote 2-storey chalet-style dwellings with integral garages. (Note that these are for illustrative purposes only).
- 3.4 The application includes the following supporting documents:
- Application Form
  - Existing site layout ref: SE-1232
  - Location plan, Indicative Site and Street view plan ref: SE-1232 PP- 1000 E
  - Design and Access Statement
  - Initial biodiversity checklist
- 3.5 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

Reference	Description	Decision
19/0125/PREAPP	Erection of a 4 bed bungalow.	Planning application not encouraged by Officers

### 5 CONSULTATIONS

#### **Doddington Parish Council**

- 5.1 No comments received

#### **CCC Highways (LHA)**

- 5.2 [Following receipt of amended access layout] raises no objection subject to conditions controlling specific details of access surfacing and drainage and delivery of accesses and footpath prior to first occupation.

#### **FDC Environmental Protection**

- 5.3 Raises no objection or requirements

#### **Local Residents/Interested Parties**

- 5.4 11 letters of support received from 8 local residents providing the following comments (summarised);
- Will help to calm traffic
  - Would infill between existing properties
  - Would create jobs for local builders and trades

- Would support local services/ facilities
- The applicants are local and business owners
- Would enable future generations of the same family to continue living in the village
- Would enable the applicants to return to the village

5.5 One resident, while supportive of the proposal has requested the following amendments to the scheme;

- Requests that the driveway opposite 7 Primrose Hill is offset slightly (no reason provided)
- The speed limit should be reduced to 30mph following the introduction of these 3 additional dwellings

## **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);**

Paragraph 2 & 47: Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise;

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

Paragraph 78: Promoting sustainable development in rural areas.

Paragraph 127: Seek to ensure a good standard of amenity for all existing and future occupants.

Paragraph 102: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-130: Requiring good design

Paragraphs 170, 175: Conserving and enhancing the natural environment

Paragraphs 54-56: Planning conditions and obligations.

### **7.2 National Planning Practice Guidance (NPPG)**

### **7.3 Fenland Local Plan 2014 (FLP);**

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

LP4: Housing

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

### **7.4 Supplementary Planning Documents/ Guidance:**

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)

- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

## 8 KEY ISSUES

- **Principle of Development**
- **Impact on the character and appearance of the area**
- **Access & Highways**
- **Biodiversity & Ecology**
- **Resident Comments**

## 9 BACKGROUND

- 9.1 The applicant undertook pre-application advice prior to the submission of the application. The pre-application enquiry was for the erection of 1 dwelling but captured the same extent of land as with this application.
- 9.2 In summary, officers made the following comments;
- Officers considered that the application site fell outside of the developed footprint having regard to the criteria under policy LP12 and therefore contrary to LP3.
  - Officers considered development of this site would erode the character and appearance of the surrounding countryside and farmland and would result in the unjustified loss of agricultural land contrary to LP12 and LP16.

## 10 ASSESSMENT

### **Principle of Development**

- 10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Doddington as a 'growth village' where development and new service provision either within the existing urban area or as a small extension will be appropriate.
- 10.2 The development site forms part of the existing farmstead of 2 Primrose Hill. Beyond No.2 (eastwards) is an extent of undeveloped open countryside before it then meets with the continuous built frontage along Newgate Street leading into the settlement. Heading west, away from the settlement are dispersed and intermittent buildings.
- 10.3 The developed footprint of the village is defined under policy LP12 as the continuous built form of the settlement excluding:
- (a) individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement;
  - (b) gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlement where the land relates more to the surrounding countryside than to the built-up area of the settlement;
  - (c) agricultural buildings and associated land on the edge of the settlement;
  - (d) outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement.
- 10.4 Having regard to these criteria, it is concluded that the site is set amongst an area of intermittent buildings that are clearly detached from the continuous built up area of Doddington. As such the site does not fall within or (particularly for the purposes of small village extensions) directly adjacent to the established settlement and relates more to the open countryside than to the urbanised part of the settlement. This assessment is made acknowledging that the northern side of

Primrose Hill does form a continuous built frontage, whereas this site is notably detached and comprises a very different character area.

10.5 Notwithstanding this, regard is had to the NPPF whereby Paragraph 78 of the NPPF seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities through supporting services and businesses in nearby settlements, whilst avoiding new isolated homes in the countryside. In this regard it is noted that whilst the site is clearly detached from the main settlement it benefits from links to the core of Doddington including a footpath immediately opposite where frontage development can be found. The proposed development would therefore not be in an isolated location in the context of paragraphs 79 of the NPPF and occupiers could sustainably access Doddington's services which are located approximately 1km from the site.

10.6 In this regard therefore, whilst there is conflict with the aims of LP3 in terms of the detached location of the site as set out under LP12, this policy is somewhat superseded by paragraph 78 of the NPPF and the principle of development can be supported subject to compliance with other relevant policies of the development plan.

#### **Impact on the character and appearance of the area**

10.7 The site comprises agricultural land with views extending southwards across the countryside and farmland leading to the A141 highway. Due to the drop in land levels to the south, the openness and expanse of open countryside is notable when viewed from the highway. Whilst it is noted that linear development exists along the north of Primrose Hill opposite the application site, the site itself has a completely different character comprising agricultural land with open southerly views extending across the countryside and farmland.

10.8 It is considered that development of this site would fail to respect the core shape and form of the settlement, instead introducing a detached development creating a visually isolated linear feature which would stifle the open views currently enjoyed. Consequently, the development would erode the rural character and appearance of the surrounding countryside and farmland resulting in a suburbanising effect through the loss of openness. Chapter 15 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment, for example; through protecting valued landscapes and recognising the intrinsic character and beauty of the countryside.

10.9 Whilst policy LP12 (Part A)(c, d and e) applies to development in villages (which this site is not considered to fall within), it nonetheless seeks to achieve development which respects the core shape and form of the settlement, does not adversely affect the character of an area and does not result in linear or ribbon development. Furthermore, LP16(c) requires development to retain natural features such as field patterns and criteria (d) amongst other things, to make a positive contribution to local distinctiveness and character of an area.

10.10 The development is therefore contrary to the aims of policy LP12- Part A (c, d and e) as it would erode the rural character of the area and fails to make a positive contribution to the settlement pattern contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

### **Access & Highways**

- 10.11 The LHA has raised no objection to the proposal following amendments to the scheme including the reduction of access widths from 5m to 3m and the inclusion of a footpath link to the adjacent bus stop. The accesses are now considered to provide safe and effective access to the development in accordance with LP15 and specific details of their finishes and drainage could be reasonably secured through planning condition.
- 10.12 The LHA has requested that a footpath is introduced across the frontage, connecting the accesses to the existing bus stop immediately west to encourage sustainable modes of transport as per LP15. The applicant has amended their scheme to provide this and whilst this satisfies LHA requirements, the infrastructure would only seek to further urbanise the area, compounding the character harm already identified. Notwithstanding this, given that each dwelling is served by its own access with adequate visibility achieved and the existence of a footpath opposite the site which residents could use before re-crossing the road to the bus stop if required, it is concluded that this infrastructure would not be strictly required in order to make the development acceptable. Therefore having regard to the tests of planning conditions, to insist that the infrastructure is secured would not be reasonable.
- 10.13 Two residents have concluded that the introduction of the dwellings would slow vehicles down however no evidence has been advanced to indicate that the development would have an effect on current traffic flows/ speeds. The LHA raises no specific objection or support to the development on this point and as such little weight can be given to this.
- 10.14 One resident has asked that the access opposite No 7 is offset slightly but no reason is provided for this. The LHA has not raised this as a safety issue and therefore it would not be reasonable to request such an amendment. Furthermore, the same resident has requested that a new traffic regulation order (TRO) should be introduced to reduce speed limits from the current 40mph to 30mph. Again, the LHA has raised no concerns in this regard and it would not therefore be reasonable or proportionate to secure the cost of a new TRO through this proposal. The LHA has powers to secure this should they feel it necessary in the future.
- 10.15 In summary, given that only the access is committed at this time, with matters of layout to be determined through reserved matters, the application satisfies Policy LP15 and LP16 in respect of access design and highways impacts, subject to conditions securing timing of access delivery and specific construction details.

### **Biodiversity & Ecology**

- 10.16 The proposal raises no significant concerns on biodiversity grounds subject to biodiversity enhancement opportunities being incorporated into the scheme at design stage (reserved matters). It is considered that this could be controlled via a suitably worded planning condition secured under the outline application and could meet the aims of policies LP16 (b) and LP19 in this regard.

### **Resident Comments**

- 10.17 Whilst a number of residents' comments have been addressed above, the following matters are considered;

*Would create jobs for local builders and trades*

- 10.18 It is acknowledged that there would be some economic benefits to tradespeople and builders merchants etc. during the build of the project. However, there would be no specific requirement for services to be locally sourced, nor could this be reasonably controlled through any planning obligation. Furthermore the development is for only 3 properties and therefore the economic benefits would be modest. Weight however can be given to general economic benefits of the scheme.

*Would support local services / facilities*

- 10.19 It is acknowledged that there would be economic benefits in respect of supporting local businesses and facilities and this is a material consideration to be given weight.

*The applicants are local business owners*

- 10.20 The development is for 3 dwellings with no reference to any specific ownership requirements e.g. personalised permissions. As such, this application is to be determined based on 3 market dwellings with unrestricted occupancy.

*Would enable future generations of the same family to continue living in the village/ would enable the applicants to return to the village*

- 10.21 Doddington is identified as a growth settlement and since 2011 around 167 dwellings have been built or permitted to be built in the village – exceeding the anticipated Local Plan growth by at least 20 dwellings. Whilst it is acknowledged that this development would enable a family to live locally, given the growth ambitions of Doddington and previous/ extant permissions for dwellinghouses, it is assumed that other sites would also be available for development or occupation – more appropriately located within the settlement, which could accommodate these needs. As such, limited weight is afforded to this point.

## **11 CONCLUSIONS**

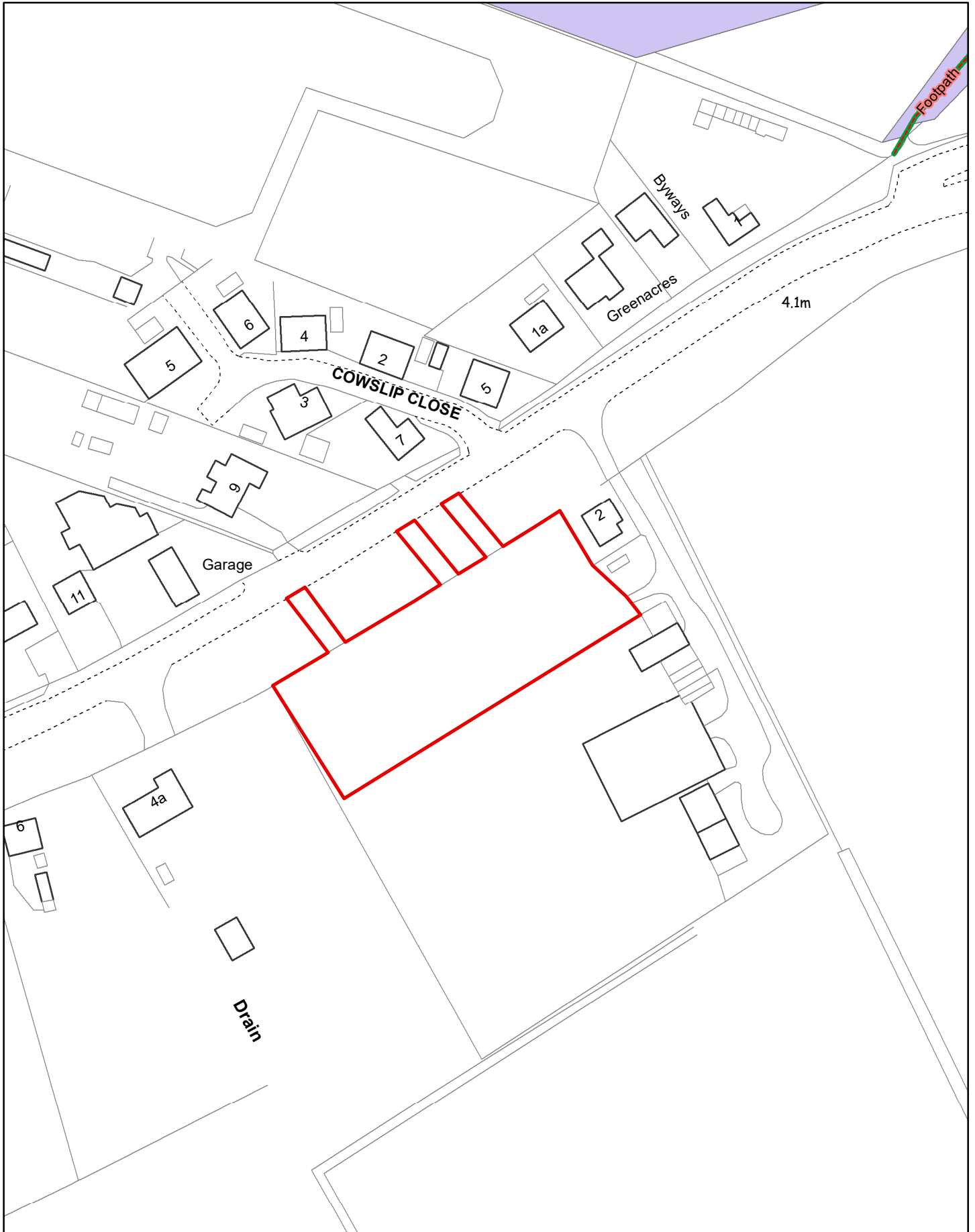
- 11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Doddington and the wider district and would make a modest contribution towards the district's housing stock. This also has social benefits.
- 11.2 Weighing against the proposal however is the introduction of development which would not be in-keeping with the pattern of the settlement, resulting in a visually detached, linear form of development which would have a significant, adverse impact on the spacious rural character and openness of this area.
- 11.3 It is considered that the harm substantially outweighs the benefits of the development.
- 11.4 The Council can demonstrate a 5 year supply of housing and therefore the 'tilted balance' under paragraph 11 of the NPPF is not engaged. In this regard therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.
- 11.5 The proposal fails to accord with the development plan when taken as a whole and is considered unsustainable development. The Local Planning Authority is required in law to determine planning applications in accordance with the

Development Plan unless material planning considerations indicate otherwise. Officers consider that there are no material considerations that have been presented to indicate that a departure from the development plan would be justified in this instance. Therefore, Officers recommend that the application is refused for the reason set out in section 12 below;

## **12 RECOMMENDATION**

### **12.1 Refuse for the following reason;**

The application site constitutes an area of open countryside located outside the developed footprint of the settlement. The development proposal would result in an unwarranted incursion into the open countryside resulting in the loss of the open character of the site and an urbanisation of the area through the introduction of a detached, linear form of development. Therefore, the proposal is considered to be contrary to Policies LP3, LP12 Part A (c, d and e) and LP16(c and d) of the adopted Fenland Local Plan (2014), Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland (2014) and paragraph 127 of the NPPF.



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**F/YR19/0684/O**

Scale = 1:1,250





Indicative Street Elevation  
Scale: 1:200  
metres

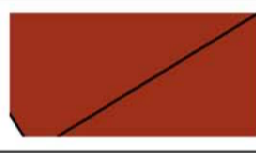
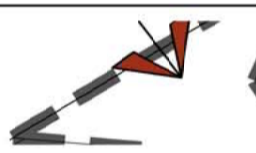


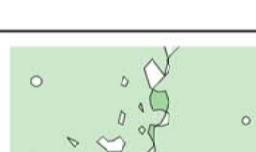






Indicative Site Plan  
Scale: 1:200  
metres



Location Plan  
Scale: 1:2500  
metres

SITE PLAN KEY

-  Indicates surveyed buildings
-  Indicates proposed site access
-  Indicates surveyed trees and hedging
-  Indicates features to be demolished
-  Indicates proposed trees and hedging
-  Indicates proposed lawned garden
-  Indicates proposed gravel driveway
-  Indicates proposed patios and footpaths
-  Indicates extent of application site

- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
  2. All dimensions are shown in 'mm' unless otherwise stated.
  3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  5. Any discrepancies are to be brought to the designers attention.

Revisions	
E	Sept 2019 Amendments following Highways Comments received 23/09/2019

Status  
**FOR APPROVAL**



Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barr, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed 3No. Dwellings 2 Primrose Hill Doddington Mr & Mrs A Chambers	Date June 2019	Drawn by SHE
Drawing Title Outline Planning Drawing	Job No. SE-1232	Checked by G.E.
	Dwg No. PP-1000	Sheet Size A1
		Revision E

To be included in village threshold statistics? NO

---

**F/YR19/0612/F**

**Applicant: Mr S Necker**

**Agent : Mr R Swann  
Swann Edwards Architecture Limited**

**31 Bowthorpe Road, Wisbech, Cambridgeshire, PE13 2DX**

**Erect 2 dwellings (1 x 3-storey 3-bed and 1 x 2-storey 2-bed) involving partial demolition of existing dwelling and garage**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations received contrary to the officer recommendation.**

---

## **1 EXECUTIVE SUMMARY**

- 1.1 This application seeks full planning permission for the erection of 2 dwellings (1 x 3-storey 3-bed and 1 x 2-storey 2 bed) involving partial demolition of the existing dwelling and garage.
- 1.2 The application site is situated within the settlement of Wisbech and is located to the east of Bowthorpe Road. A two-storey detached dwelling is located on the site which has a detached double garage to the rear of the dwellinghouse that faces onto Wilberforce Road. The application site is surrounded by residential dwellings of 2-storey height. The site also lies within Flood Zone 1 (low risk).
- 1.3 It is considered that the proposed dwellings on Plot 1 and Plot 2 will not cause adverse harm to the character of the local area due to the mixed character of the area in respect to varied architecture, scale and mass. Also, it is considered that the scale, mass and appearance of the proposed dwellings will not be dominant or incongruous within the context of its local setting.
- 1.4 It is also considered that the proposed dwellings will not cause adverse harm to the surrounding residential dwellings in respect to outlook, overbearing, overlooking and overshadowing, subject to mitigation of obscure glazing.
- 1.5 The proposed dwellings will provide adequate private amenity and access and parking provisions.
- 1.6 There are no objections to the scheme from the Town Council, Environmental Health and County Highways. 8 letters of objections have been received of which it is considered that the objections raised will not result in significant harm and do not warrant a refusal.
- 1.7 As such, the proposed development complies with Policy LP2, LP3, LP15 and LP16 of the Fenland Local Plan 2014. It is therefore recommended that planning permission is granted, subject to the conditions denoted in section 11 of this report.

## **2 SITE DESCRIPTION**

- 2.1 The application site is situated within the settlement of Wisbech and is located to the east of Bowthorpe Road. A two-storey detached dwelling is located on the site which has a detached double garage to the rear of the dwellinghouse that faces onto Wilberforce Road. The application site is surrounded by residential dwellings of 2-storey height. The site also lies within Flood Zone 1 (low risk).

## **3 PROPOSAL**

- 3.1 This application seeks full planning permission for the erection of 2 dwellings (1 x 3-storey 3-bed and 1 x 2-storey 2 bed) involving partial demolition of the existing dwelling and garage.
- 3.2 Plot 1 will have a detached dwelling located to the eastern boundary of the application site. It will be 3-storey in height and comprise of 3 bedrooms. Vehicular and pedestrian access will be off Wilberforce Road.
- 3.3 The proposed dwelling on Plot 2 will be attached to the existing dwelling and will comprise of a 2-storey 2-bed dwelling. Vehicular and pedestrian access will be off Bowthorpe Road.
- 3.4 No materials details have been provided for plot 1 whilst plot 2 will be constructed from materials that match the existing dwelling.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

## **4 SITE PLANNING HISTORY**

- 4.1 No pertinent planning history.

## **5 CONSULTATIONS**

### **Wisbech Town Council**

- 5.1 Support the application.

### **Environment and Health Services**

- 5.2 *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development as it is unlikely to have a detrimental effect on local air quality or the noise climate.*
- 5.3 *As the proposal involves the demolition of existing structures, the following condition should be imposed in the event that planning consent is granted.*
- 5.4 *CONDITION: If during development, contamination not previously identified, is found to be present at the site then 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 this unsuspected contamination shall be dealt with.*

- 5.5 *REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.*

### **Cambridgeshire County Highways**

- 5.6 *I have no highway objections to the proposal in principle. The parking areas will need to be sealed and drained away from the highway. This can either be addressed through amended plans or addressed at discharge of conditions stage (condition below). No highways objections subject to the following conditions*

1.) *Prior to the first occupation of the development the proposed driveways/on-site parking shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and thereafter retained for that specific use.*

*Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.*

### **Local Residents/Interested Parties**

- 5.7 Eight letters of objections have been received from local residents expressing the following comments (summarised):

- Alter the character of the street and the height will be over dominant and it will be a cramped form of development.
- Site lies within a Conservation Area and therefore the proposed Housing of Multiple Occupation would be in contrast to the character of the local area.
- Insufficient car parking provisions.
- No allocation for bins onsite.
- Poor provision of amenity space.
- Plot 1 would overlook the adjacent property and result in loss of privacy.
- Proposed development would lead to highway risk.

## **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**

### **National Planning Policy Framework (NPPF)**

Para 47 – Decisions should accord with the development plan

Para 127 – Good design

### **Fenland Local Plan 2014 (FLP)**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, Settlement Hierarchy and the Countryside

LP15 – Transport

LP16 – Delivering and Protecting High Quality Environments

## **8 KEY ISSUES**

- **Principle of Development**

- **Character and Appearance**
- **Residential Amenity**
- **Highway Safety**
- **Other Considerations**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 The site is located within the settlement of Wisbech. Policy LP3 identifies Wisbech to be a 'Market Town' where majority of the district's new housing should take place. Therefore, the principle of development is considered to be acceptable subject to complying with the below policy considerations.

### **Character and Appearance**

- 9.2 The application site forms a corner plot which magnitudes the visual appearance of the host dwelling within the street scene and the local character. The host dwelling has an historical appearance with its roof feature, date stone and historical facade. Its appearance differentiates the host dwelling from the mixed architecture of the surrounding dwellings. Its distinctive character is considered to positively contribute to the local character. The introduction of the proposed dwelling on plot 2 is considered to detract from the historical character of the host dwelling and diminish its presence within the local character. Notwithstanding this, the proposed dwelling incorporates some features of the existing dwelling i.e. sash style windows and matching materials which is considered to visually harmonise with the existing dwelling.

Wilberforce Road also has a mixed character with residential dwellings of various height, scale and architecture. The proposed dwelling on plot 1 will be slightly set back from the public footpath and will be a similar height to the surrounding residential dwellings. Given the mixed character of Wilberforce Road and that the scale and mass of the dwelling is reflective of the surrounding properties, it is considered that the proposed dwelling will not cause significant harm to the local character. Materials for the proposed dwelling have not been submitted, however, this can be conditioned should planning permission be granted.

- 9.3 Overall, whilst the proposed dwelling on plot 2 will not enhance the distinctive character of the existing dwelling, it will incorporate some of the features. Also, the surrounding properties have a mixed character and plot 1 is not considered to cause adverse harm on the local character. Therefore, on balance it is considered the proposed scheme will not cause significant harm to the local character and as such it is considered to comply with Policy LP16 (d) of the FLP.

### **Residential Amenity**

- 9.4 The proposed dwelling on plot 1 will be 1 metre from the adjoining boundary of No.1 Hereward Road (No.1), 1.1 metres from No.2 Hereward Road (No.2), 1.1 metres from the adjoining boundary of the existing dwelling (No.31) and 6.4 metres from No.30a Bowthorpe Road (No.30a).
- 9.5 Nos.1 and 2 have a distance of circa 14 metres from the rear elevation of their properties to the adjoining boundary of the application site. The host property (No.31) will have a distance of 10.7 metres from the rear elevation to the adjoining boundary. Given the distance it is considered that the proposed

dwelling will not appear overbearing or harm the outlook from the aforementioned properties. The adjoining boundary of No.30a has mature trees which provide screening from the application site. This as well as the orientation of No.30a being away from the application site leads to the consideration that the proposed dwelling will not result in significant harm to the outlook of No.30a.

- 9.6 The proposed dwelling will have a first-floor side window facing No.2 which will serve the proposed landing area. This window would have direct view of Nos.1 and 2 rear gardens, however, to mitigate the loss of privacy a condition can be imposed to obscure glass the window. The proposed dwelling has another first-floor side window which will face the host dwelling (No.31) and serve a bedroom. The proposed elevation plan (ref: SE-1218-201 E) states that this window will be obscure glazed up to a height of 1.7 metres above finished floor level. This will obscure majority of the window with a small part of the top window being clear. Whilst, having an obscure window in the bedroom is not ideal in regards to outlook and amenity of the future occupants, a degree of the window will be clear providing a sufficient outlook while providing mitigation against overlooking into the host's rear garden (No.31). Also, under permitted development rights, the principle of a first-floor side window that is obscure glazed is accepted. Therefore, taking this into consideration it is considered that a refusal could not be sustained in this case.
- 9.7 The proposed window on the rear elevation of plot 1 will face No.30a and will serve a bathroom. The adjoining boundary has mature trees which will provide some screening. However, a condition can be imposed to obscure the window to mitigate the harm of overlooking. Velux windows will also be inserted into the rear roof slope which will face No.30a as well. However, given the maximum height of the roof lights (1.6 metres) and their positioning, the view from the windows will be restricted and therefore will not cause adverse harm in respect to overlooking.
- 9.8 Given the orientation of the built form and the positioning of the proposed development it is considered that the proposed dwelling will not cause adverse harm to the adjoining dwellings in respect to overshadowing.
- 9.9 The proposed dwelling on plot 2 will be circa 3.4 metres from the side elevation of No.30a, 11.3 metres from the proposed adjoining boundary of plot 1 and abuts the host dwelling (No.31).
- 9.10 No.30a has 2 narrow side windows that face onto plot 2. The windows are obscure glazed and therefore it is likely that they do not serve habitable rooms. The scale and mass of the proposed dwelling is not considered to be dominant within the context of its setting. Therefore, it is considered that the proposed dwelling will not cause adverse harm to the outlook of No.30a or the proposed dwelling on plot 1 given its distance and orientation. Similarly, given the orientation of the host dwelling (No.31) and the size of the proposed dwelling it is considered that the outlook of the host dwelling (No.31) will not be severely harmed.
- 9.11 The proposed dwelling will have a first-floor side window that will serve a landing area and face No.30a. No.30a has a side conservatory which from the landing window would have views into. The proposed side window can be conditioned to be obscure glazed to mitigate the harm. It is considered that no significant harm will be caused from the proposed first-floor rear window, which will serve a bedroom, due to sufficient distance to the adjoining rear boundary of plot 1.

- 9.12 Due to the orientation of the built form and the positioning of the proposed dwelling, it is considered that no adverse harm will be caused to the adjoining residential dwelling in respect to overshadowing.
- 9.13 The host dwelling (No.31) as well as the proposed dwellings will have sufficient private amenity space with the subdivision of the original application site.
- 9.14 Overall, it is considered that the proposed scheme will not cause adverse harm to the residential amenity of the neighbouring properties and will sustain sufficient private amenity. As such, the proposed development complies with Policy LP2 and LP16 (e) and (h) of the FLP.

### **Highway Safety**

- 9.15 Vehicular access for the host dwelling and plot 1 will be off Wilberforce Road and for plot 2 will be off Bowthorpe Road. The 3 properties (host and proposed) will have 2 car parking provisions with the host dwelling and plot 1 being adjacent to each other and plot 2 having tandem parking. County Highway considers that the proposed scheme will not result in adverse harm to highway users and the level of parking proposed is in line with Fenland parking standards that stipulate dwellings up to 3 bedrooms should provide 2 car parking spaces onsite.
- 9.16 As such, the proposed development complies with Policy LP15 of the FLP.

### **Other Considerations**

- 9.17 Whilst it is considered that majority of the resident comments have already been addressed in the report, the following matters remain outstanding:

*Site lies within a conservation area and the scheme is for a House of Multiple Occupation (HMO).*

- 9.18 The application site does not lie within a conservation area or adjacent to one. The scheme is for 2 dwellinghouses as per the proposed description and not for a HMO. The application has been assessed on this basis.

*No allocation of bins onsite*

- 9.19 Whilst, the plans do not denote a storage area for bins, it is considered from the layout of the scheme that sufficient space can be provided onsite for the storage and collection of bins.

## **10 CONCLUSIONS**

- 10.1 The proposed development is considered to be acceptable as it is considered to not cause significant adverse harm in respect to the character and appearance, residential and private amenity and highway safety in a location where the principle of residential development is acceptable,. The proposed development therefore complies with Policies LP2, LP3, LP15 and LP16 of the Fenland Local Plan 2014.
- 10.2 It is therefore recommended that planning permission is granted.

## **11 RECOMMENDATION**

**Grant, subject to the following conditions:**

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>Notwithstanding the materials denoted on the approved elevation plan (ref: SE-1218-201 E) for plot 2, prior to the commencement of the development above slab level, full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars.</p> <p>Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.</p>
3	<p>The first-floor rear window (serving bathroom) and the first-floor side window (serving the landing area) ; in the east and south elevation of the development hereby approved on Plot 1 shall be glazed with obscure glass and fixed shut to a height of 1.7 metres; and so maintained in perpetuity thereafter.</p> <p>Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
4	<p>The first-floor side window (serving landing area) ; in the south elevation of the development hereby approved on Plot 2 shall be glazed with obscure glass and fixed shut to a height of 1.7 metres; and so maintained in perpetuity thereafter.</p> <p>Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
5	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, and amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The development shall then be carried out in full accordance with the amended remediation strategy.</p> <p>Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.</p>
6	<p>Prior to the first occupation of Plot 1, the car parking to serve this dwelling and No.31, Bowthorpe Road, as shown on the approved plan (ref: SE-1218-200 B) shall be laid out, demarcated, levelled, hard surfaced and drained in accordance with the approved plan (ref: SE-1218-200 B) and thereafter retained for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>

7	<p>Prior to the first occupation of Plot 2, the car parking to serve this dwelling, as shown on the approved plan (ref: SE-1218-200 B) shall be laid out, demarcated, levelled, hard surfaced and drained in accordance with the approved plan (ref: SE-1218-200 B) and thereafter retained for that specific use.</p> <p>Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents.</p>



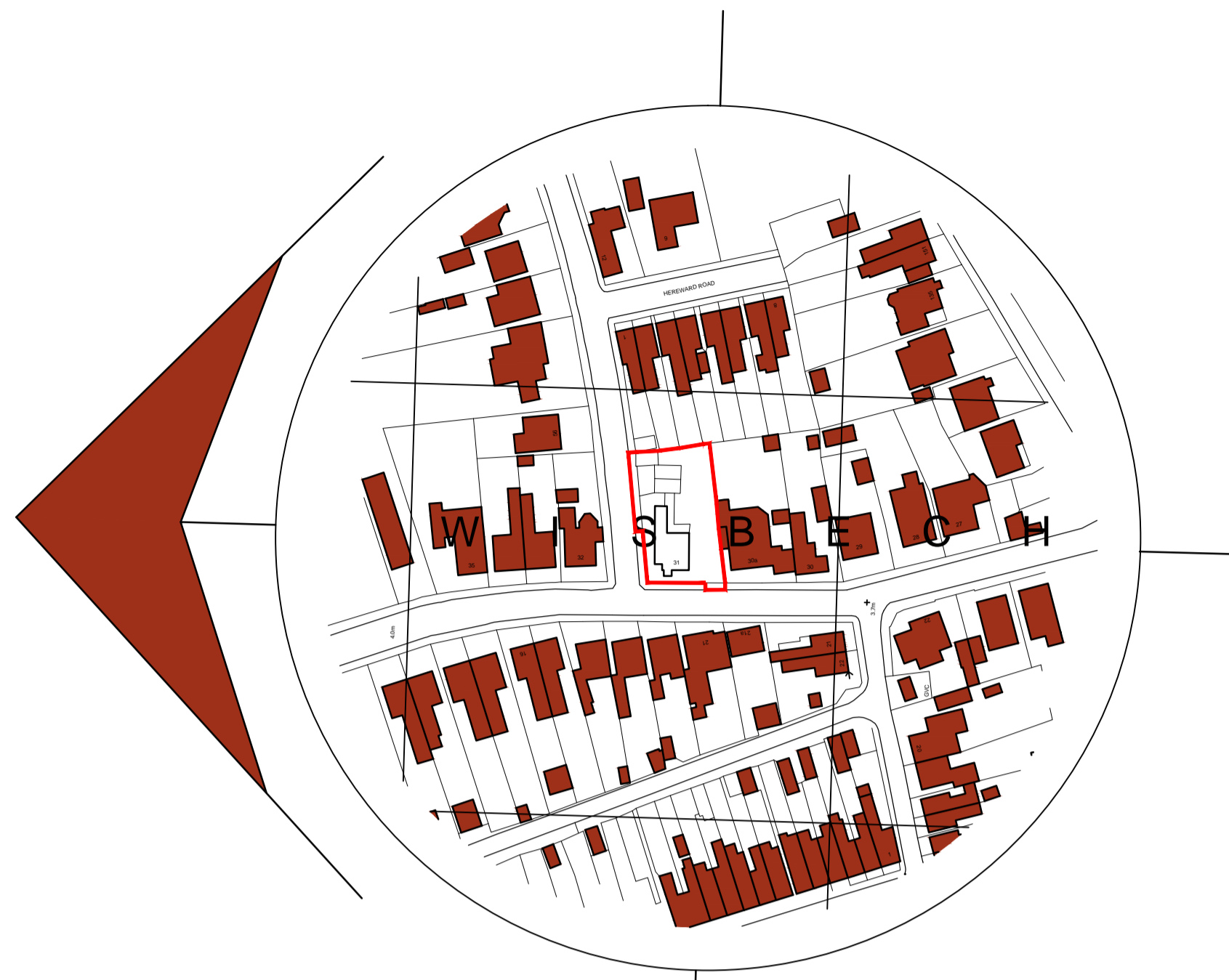
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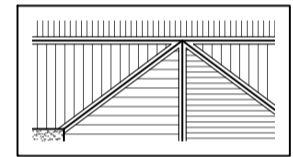
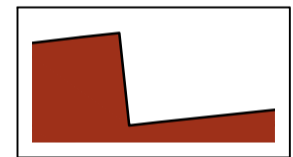
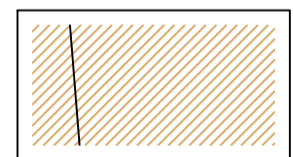
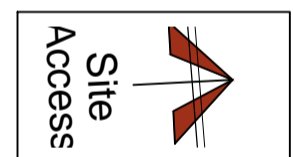

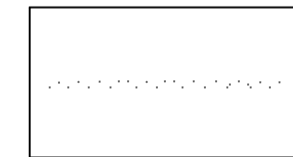
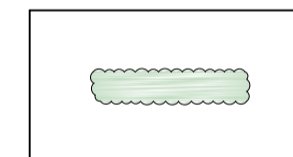
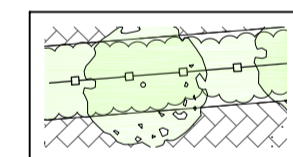
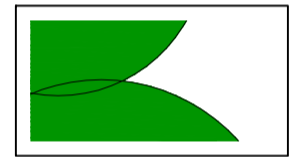
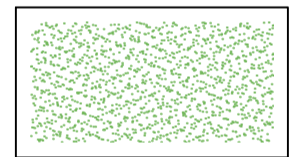
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Location Plan  
Scale: 1:1250  
metres

SITE PLAN KEY

-  Indicates existing host dwelling
-  Indicates un-surveyed buildings taken from OS map
-  Indicates proposed new dwelling
-  Indicates site access
-  parking Indicates proposed block paved parking areas
-  Indicates features to be demolished
-  Indicates position of surveyed trees and hedges
-  Indicates position of proposed planted areas and new specimen trees
-  Indicates approximate position of un-surveyed trees and hedges
-  Indicates proposed grass



Site Plan  
Scale: 1:100  
metres

- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
  2. All dimensions are shown in 'mm' unless otherwise stated.
  3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  5. Any discrepancies are to be brought to the designers attention.

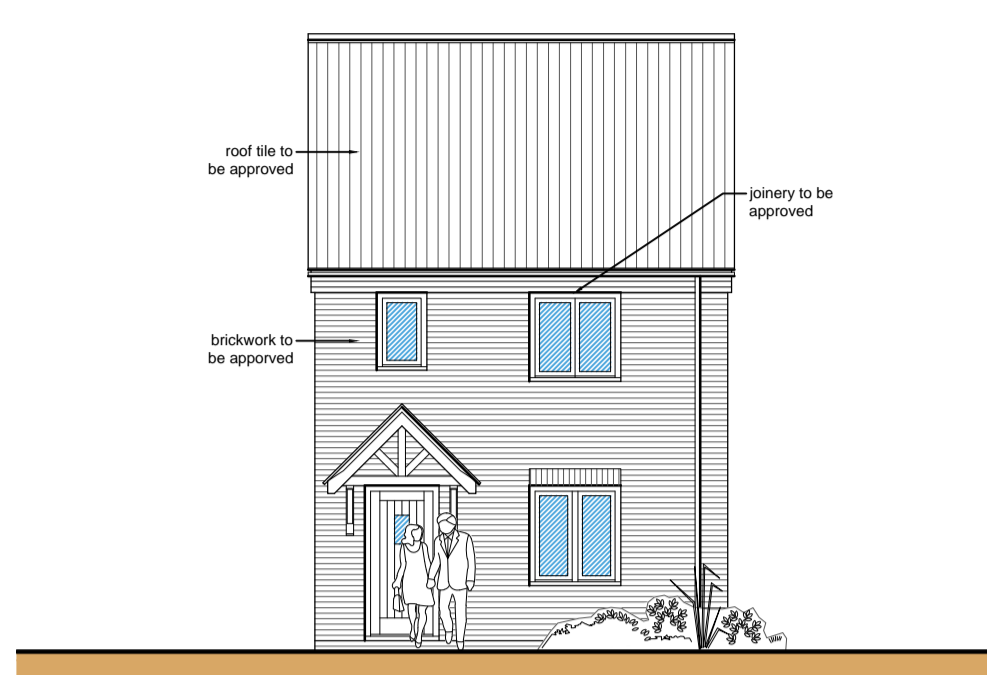
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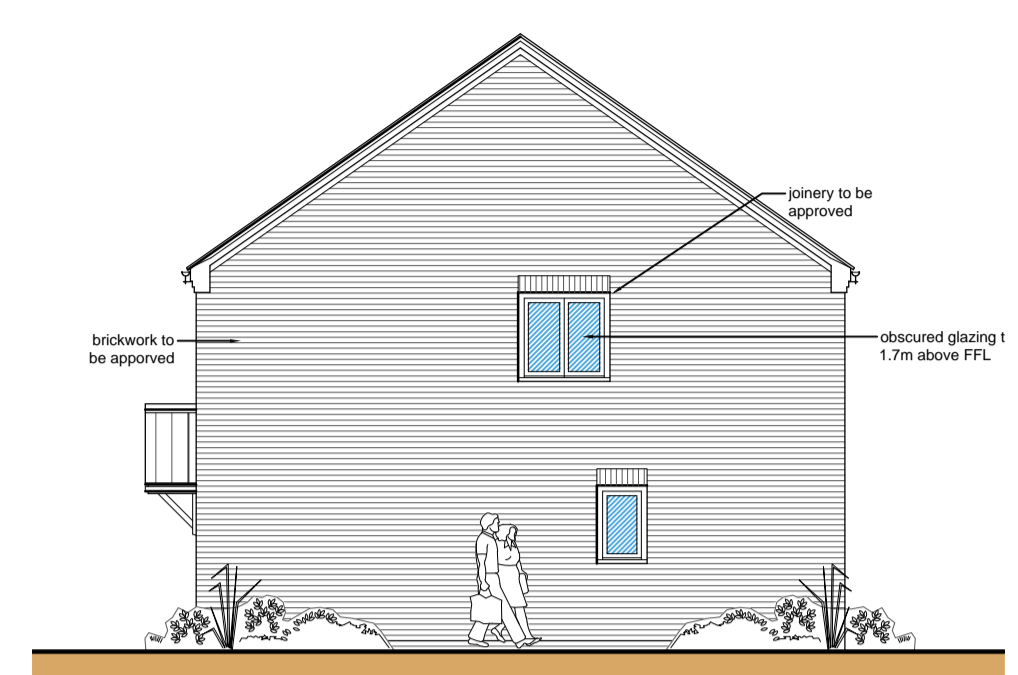
Swann Edwards Architecture Limited, Swann Edwards Architecture, Black Barn, Fen Road, Guyhim, Wisbech, Cambs. PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed 2No. Dwellings 31 Bowthorpe Road, Wisbech	Date June 2019	Drawn by RS Checked by
For: Mr S Necker	Job No. SE-1218	Sheet Size A1
Drawing Title Planning Drawing Site and Location Plans	Dwg No. PP200	Revision B

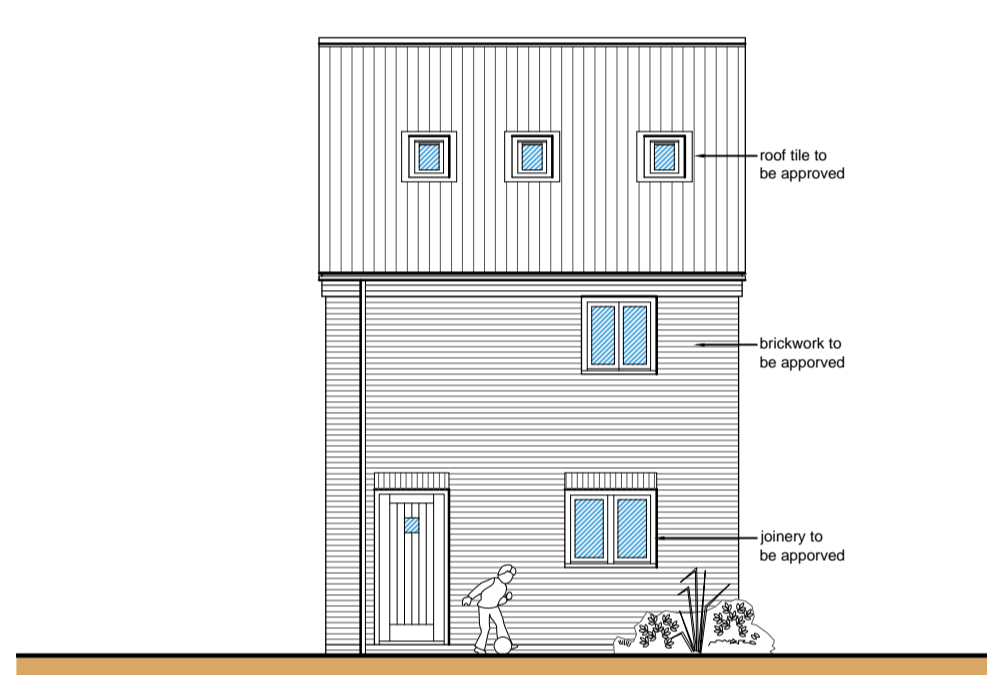
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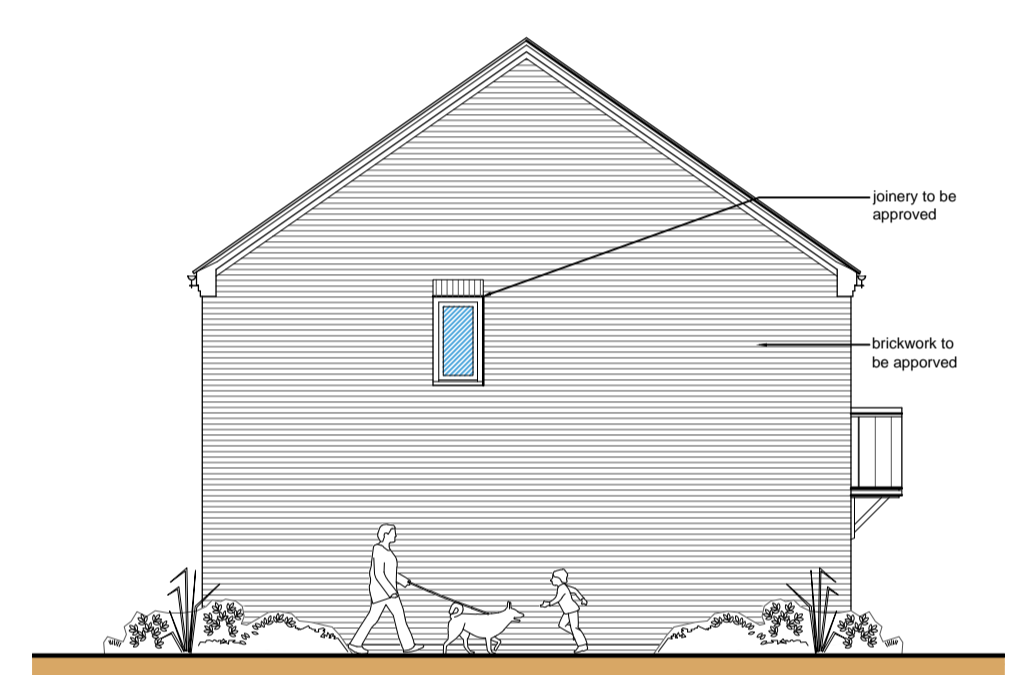
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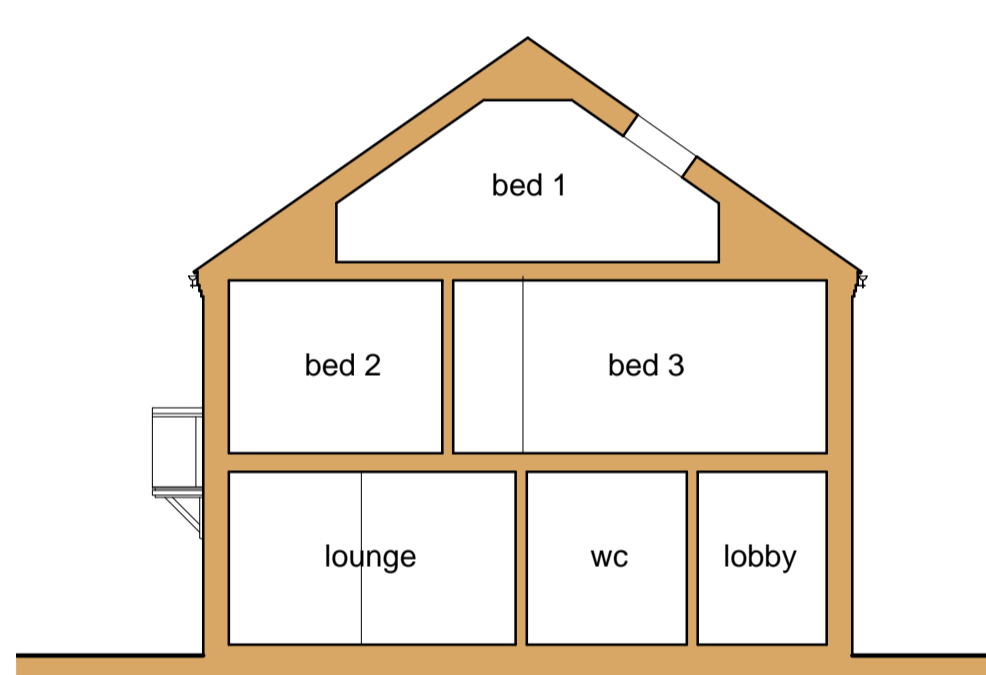
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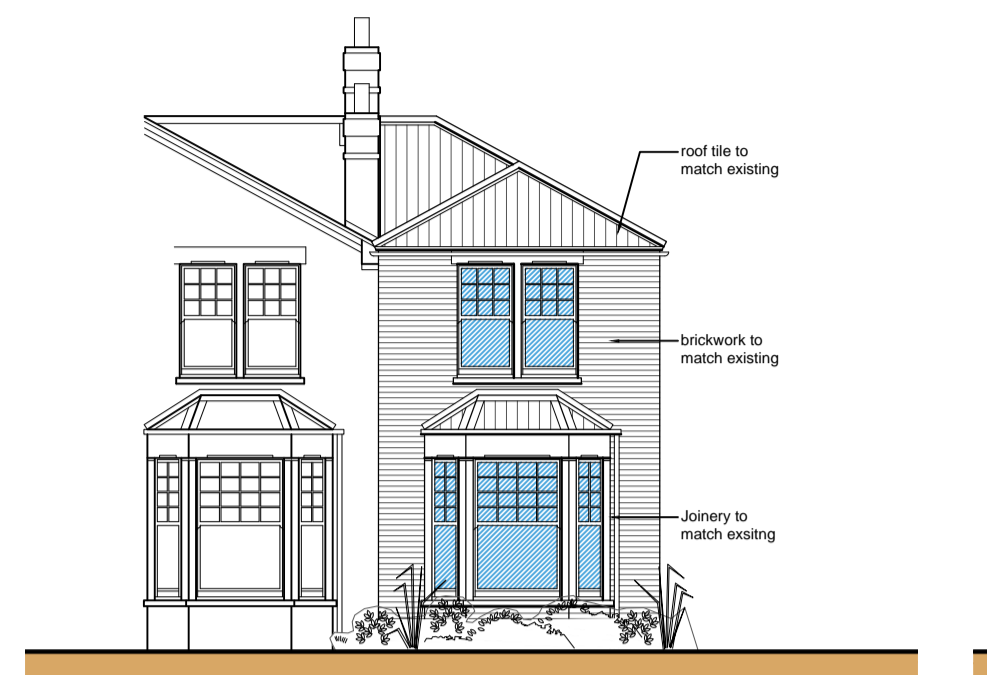
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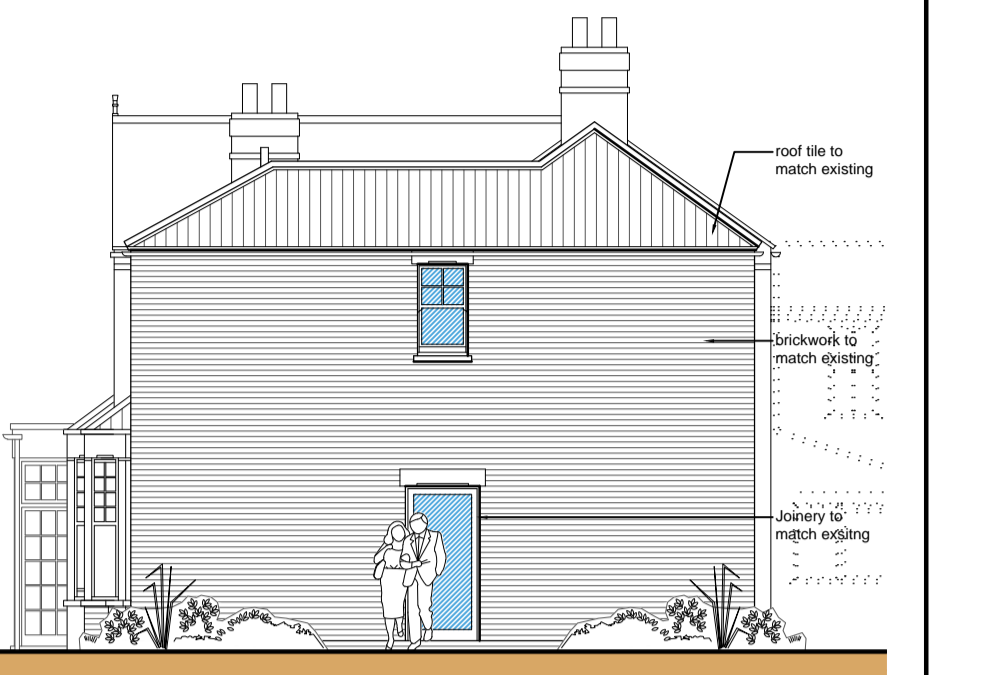
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**Section A-A**  
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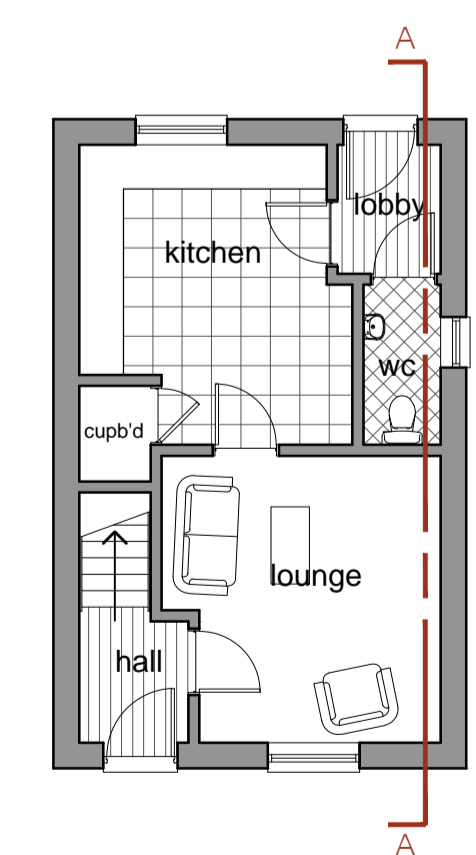
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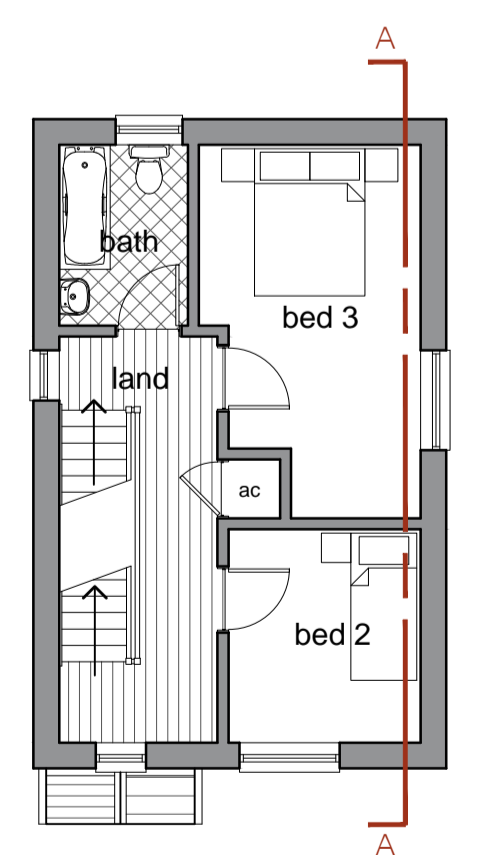
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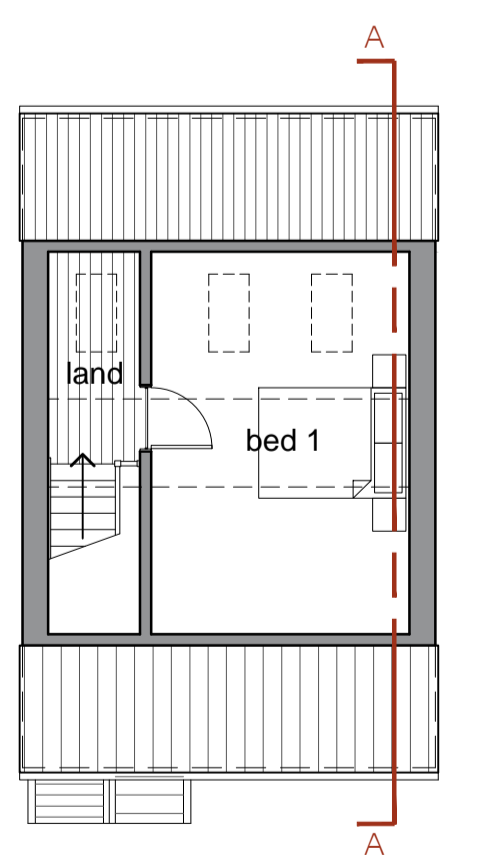
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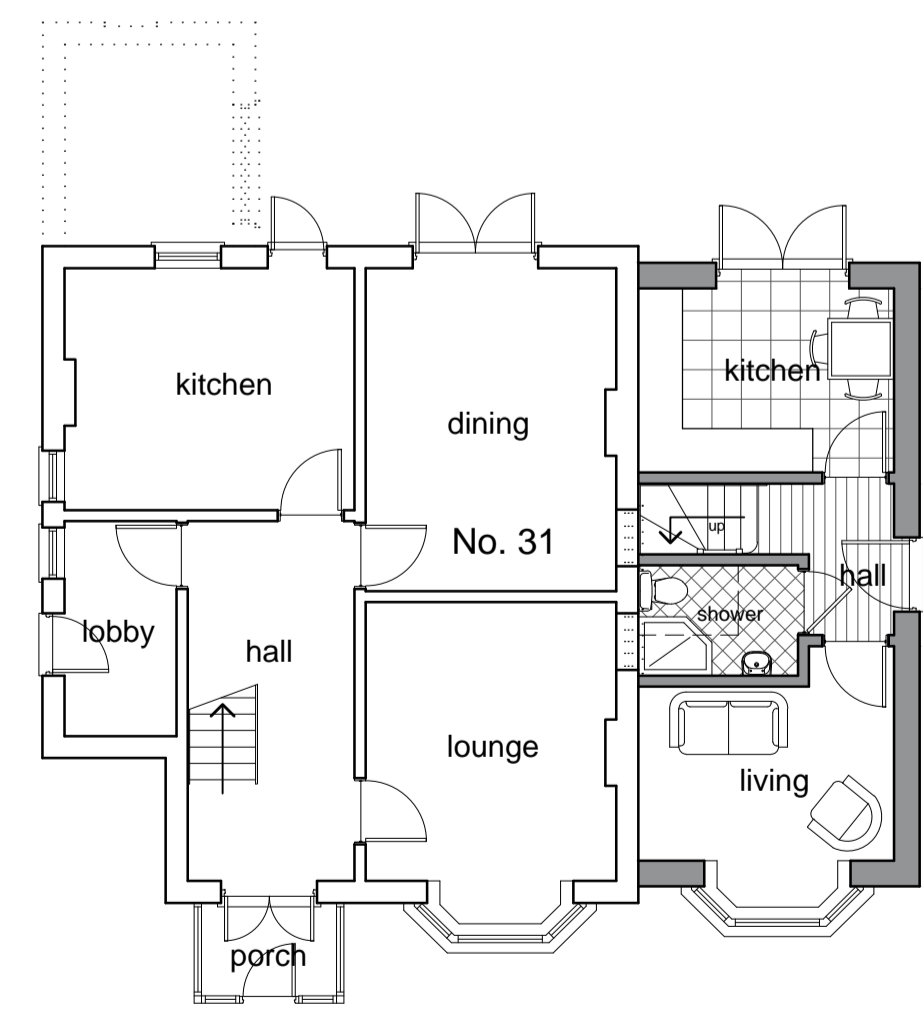


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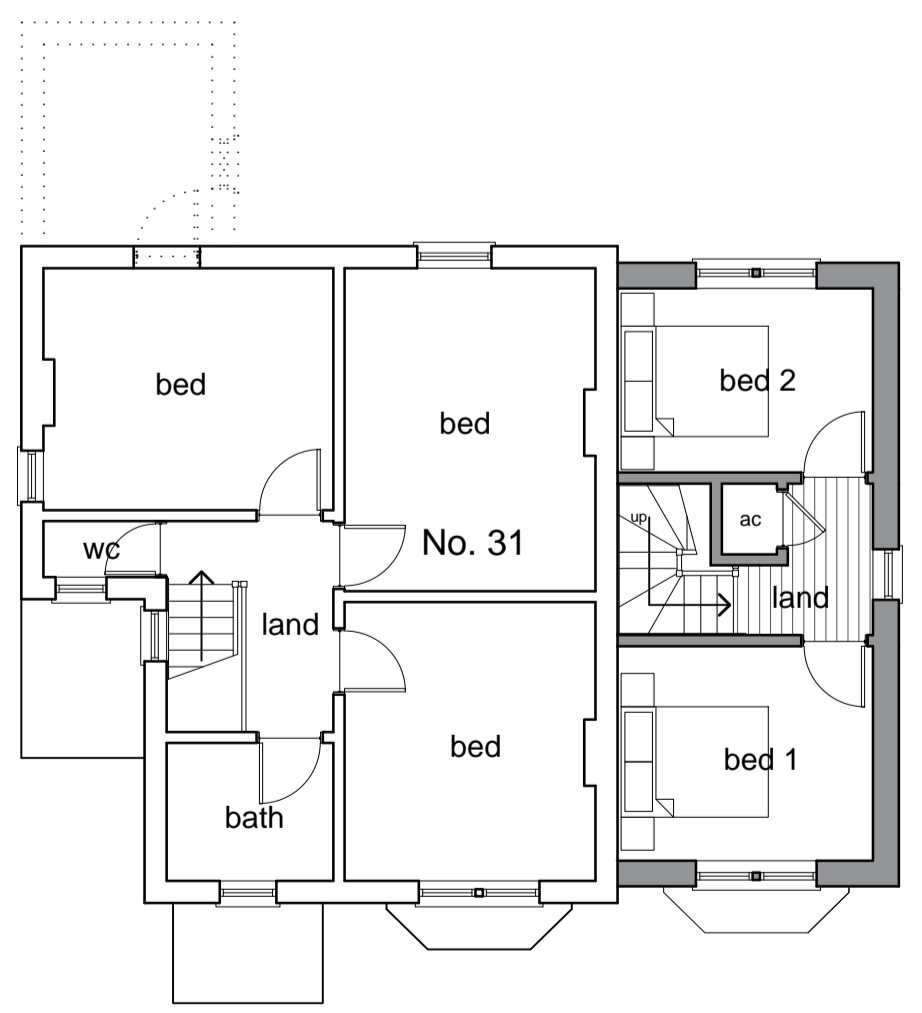
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PLOT 1



**Ground Floor Plan**  
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PLOT 2



**First Floor Plan**  
 Scale: 1:100  
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Status  
**FOR APPROVAL**



Proposed 2No. Dwellings 31 Bowthorpe Road, Wisbech	Job Title June 2019	Date June 2019	Drawn by RS
For: Mr S Necker	Drawing Title Planning Drawing Plans and Elevations	Job No. SE-1218	Sheet Size A1
		Dwg No. PP201	Revision E

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