

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 4 DECEMBER 2019**

**1.00 PM**

**RICHARD YOUNG SUITE, THE  
BOATHOUSE BUSINESS CENTRE, 1  
HARBOUR SQUARE, WISBECH, CAMBS  
PE13 3BH**

Committee Officer: Jo Goodrum  
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 14)  
  
To confirm and sign the minutes from the previous meeting of 6 November 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 F/YR19/0550/O  
Erect up to 3 x dwellings (outline application with all matters reserved) and construction of footpath; Land South Of 6, Eastwood End, Wimblington, Cambridgeshire (Pages 15 - 26)  
  
To Determine the application.
- 6 F/YR19/0736/VOC

Removal of Condition 7 and variation of Conditions 4, 6, 8, 10, 12 and 14 (condition listing approved plans) of Planning permission F/YR16/0194/F (Erection of 4 x 2-storey 4-bed dwellings and the formation of 2 new accesses);Land South East Of Mole End, Gull Road, Guyhirn, Cambridgeshire (Pages 27 - 38)

To Determine the application.

7 F/YR19/841/VOC

Variation on conditions 8 and 9 to enable amendment to approved plans relating to Planning permission F/YR18/0386/O (Erection of up to 3 x dwellings (Outline with matters committed in respect of access);Land West Of Sunset Rooms, Station Road, Wisbech St Mary, Cambridgeshire) (Pages 39 - 48)

To Determine the application.

8 F/YR19/0859/FDC

Erect up to 3 x dwellings (outline application with all matters reserved);Former Garage Site, Crescent Road, Whittlesey, Cambridgeshire (Pages 49 - 58)

To Determine the application.

9 F/YR19/0860/FDC

Erect a dwelling (outline application with all matters reserved);Land North Of, 7 Glebe Close, Chatteris, Cambridgeshire (Pages 59 - 68)

To Determine the application.

10 F/YR19/0889/O

Erect up to 5no 2-storey dwellings (outline application with matters committed in respect of access and scale),Land North Of 3A-15, High Road, Gorefield, Cambridgeshire (Pages 69 - 84)

To Determine the application.

11 Planning Appeals. (Pages 85 - 86)

To consider the Appeals Report.

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 S Clark, Councillor A Lynn, Councillor C Marks, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

## PLANNING COMMITTEE



**WEDNESDAY, 6 NOVEMBER 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 Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton,

**OFFICERS IN ATTENDANCE:** Sheila Black (Principal Planning Officer), Nick Harding (Head of Shared Planning), Izzi Hurst (Member Services & Governance Officer), David Rowen (Development Manager) and Stephen Turnbull (Legal Officer)

**OBSERVING:** Councillor Mrs J French, Councillor Mrs D Laws and Councillor R Skoulding

### **P41/19      PREVIOUS MINUTES**

The minutes of the meeting of 9 October 2019 were confirmed and signed, subject to the following comments;

1. Councillor Sutton said in relation to minute P35/19 point 3; he had stated that the impact of the extra development land on residents would be no different to those houses located close to the existing site with planning permission.

### **P42/19      F/YR15/0699/O - ERECTION OF 14 DWELLINGS (MAX) (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) INVOLVING DEMOLITION OF EXISTING DWELLING AND INDUSTRIAL OUTBUILDINGS - DENNICKS YARD, BACK ROAD, GOREFIELD, 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 that had been circulated to them.

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

1. Councillor Sutton supported the application and said the site could easily accommodate more dwellings.
2. Councillor Connor agreed and said development would be an improvement on the current dilapidated site.

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

### **P43/19      F/YR18/0345/FDL - ERECTION OF UP TO 41 FLATS AND 4 DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) INVOLVING DEMOLITION OF EXISTING DWELLING - BREWIN OAKS, CITY ROAD, MARCH, 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.

Sheila Black presented the report to members and drew their attention to the update report that had been circulated to them.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Councillor Mrs Jan French (March Town Councillor).

Councillor Mrs French thanked members for the opportunity to speak at today's Planning Committee meeting. She raised concern with the officer's recommendation to grant planning permission and highlighted that the consultation with statutory consultees was carried out in April/May 2018 and is therefore outdated. She stated that Cambridgeshire County Council (CCC) Highways should have been re-consulted.

Councillor Mrs French informed members that the March Transport Strategy Study (MTSS) is underway and currently out for public consultation. The document highlights congestion at the Burrowmoor Road and High Street, March junction which would be further impacted by this development. She added that March Town Council had recommended refusal as well as the Council's own Transport team.

Councillor Mrs French explained that the scheme is not compliant with policy and highlighted that National Planning Policy Framework (NPPF) Paragraph 1- 17 promotes the effective use of land which this scheme fails to do as the application is only an outline application and therefore only indicative. She reiterated that due to the application only being for outline planning permission, the compliance with policy cannot be assessed effectively.

Councillor Mrs French informed members that March is currently subject to several studies including the MTSS, Growing Fenland Project and the High Street Study and if successful, will bring in the region of £14 million of government funding into the town. A development such as this is premature and therefore its effect on these studies must be considered.

She asked members to refuse the application based on the following factors; over-development, traffic concerns, detriment to the surrounding area and not in keeping with the current site and surrounding locality. She highlighted the effects of overlooking on the residents of Ravenhill Drive and stated that as no tree surveys have been carried out, it is unknown the effect the development will have on the wildlife and habitat onsite.

Councillor Mrs French asked members to refuse this application as only a full application for planning permission would highlight the full impact of this development on the town. She reminded members that the site is opposite a Council owned car-park in City Road, March and stated that this should not be expected to accommodate residents parking.

She drew members attention to the architect's drawings submitted with the application and highlighted the use of a roof garden in one of the proposed blocks and argued that this was out of keeping with other blocks of flats located in the town.

Councillor Mrs French reiterated that the application fails to address the impact of additional traffic and offers no means of mitigation against this. She added that the outline application does not provide assurance in relation to the impact on neighbouring properties and asked members to refuse planning permission because of this.

Members had no questions for Councillor Mrs French.

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

Ted Brand clarified the highways concerns in relation to the application and explained to members that whilst the Council's Transport team had initially raised concerns about traffic implications, Highways had carried out a full assessment and confirmed that the traffic implications of the proposal would not be sufficient enough to warrant a refusal of planning permission.

He explained that he had worked closely with the Planning officers for many months and had reduced the amount of dwellings on site during this period. Whilst the indicative layout does show the existing property on the site being demolished, he explained that there may be an option to retain this property for use as a nursing home or another community provision. He encouraged members to grant planning permission and welcomed any questions from them.

Members asked Ted Brand the following questions;

1. Councillor Hay said whilst she has no issue with the principal of development on the site, the scale of the development is an issue. As the application is only for outline planning permission, the site plan submitted is only indicative. She raised concern with the effect of the development on the character of the area and the visual impact this would cause and stated that she may view the application differently if the agent had made clear the possibility of utilising the existing dwelling at an earlier point in the planning process. She proposed members defer the application today and ask that further plans are submitted to allow members full consideration of the scale and layout of development. Ted Brand explained that the applicants are a local charity and they have a duty to obtain the best value for this land. He reiterated that the application is for the maximum amount of dwellings suitable for the site following consultation with Planning officers. He added that a developer may choose to alter the scheme at a later stage and confirmed that he believes the scale of the site and parking provisions proposed can be delivered in a satisfactory way.
2. Councillor Hay asked Ted Brand why he believes there will be no issue with the overlooking of properties in Ravenhill Drive considering the proposed block will be three-storeys in height. Ted Brand confirmed that whilst the proposed building is three-storeys in height, the third-storey will utilise the attic space and therefore have the appearance of a two-storey building thus minimising overlooking.
3. Councillor Meekins agreed that he has concerns with the scale of development and the proposed parking provisions too. He asked Ted Brand if consideration would be given to reducing the number of dwellings. Ted Brand explained that this could be considered at the reserved matters stage. Regarding the parking provisions, the site is located within March town centre and therefore many residents may not require a vehicle on site. He highlighted that national planning policy would possibly support no parking on site due to the town centre location.
4. Councillor Benney asked for clarification on the number of storeys proposed as one of the drawings submitted shows a 3.5-storey building. Ted Brand confirmed that this was an error and the dormer windows were included incorrectly.

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

1. Councillor Sutton asked if officers had a response to the issues raised in the presentations. David Rowen said in relation to the highways concern the comments from the Council's Transport team were received in September/October 2019. These comments were discussed with Highways and their decision has been made with full knowledge of these comments.
2. Nick Harding explained that a meeting had been held between himself, Highways and the Council's Transport team. Following this, Highways had subsequently provided figures for expected traffic generated from this site. He highlighted that a report carried out in 2011, had identified that the junction at Burrowmoor Road was under capacity and the additional traffic generated by the site is not expected to have a significant detrimental impact on this. He reminded members that the MTSS is in its infancy and feasibility has not yet been

considered therefore members should not refuse this application based on future improvements to this junction, as nothing has been yet approved or adopted.

3. Councillor Sutton highlighted that if members grant planning permission today the development will be taken into account as part of the MTSS anyway.
4. Councillor Murphy made the following statement;

'It worries me greatly that we are going to sit here today with this indicative outline planning application showing what it might look like but we know that if we approve this the designs can be changed beyond all recognition and we also know that the developer contributions to such things as affordable housing, education, libraries and public open space provisions can diminish or disappear altogether.

Now, I would like to discuss the Highways situation. Concern has been raised by members of the public and the Council's own Transport team regarding the traffic generated by the proposal and the potential impact on the junctions. At the mini-roundabout there are three roads directly converging, two from the main through road in High Street, which already has queued traffic trying to get in and out of the town centre and the third road, Burrowmoor Road, coming from the busy school and March bypass. Then we have the narrow City Road which already serves the car park, the busy leisure centre, the library and West End Park. This is also an un-adopted road. Unfortunately this road does not directly join straight onto the mini-roundabout; traffic has to stop at Burrowmoor Road which is further exacerbated by the traffic lights in close proximity to the junction. If traffic wants to turn right onto Burrowmoor Road, this can cause a standstill as it has to negotiate not only the normal flow of traffic but the traffic lights themselves.

Now, what is interesting is that Highways have said only ten two-way trips will be generated by the development in morning peak hours and only seventeen trips generated in the evening peak hours. Please remember these figures.

The proposal is for 45 flats and dwellings, some flats will no doubt be one-bedroom but even so, could accommodate two people. This being so, potential there could be 90 persons living on site with a car each totally 90 potential vehicles. As with other roads, you see many residents have work vans, some have caravans and other types of vehicles going in and out all day. Then they have relations and friends come and visit all times of day. Then most people as we know shop online, so delivery vans will deliver all times of day. In light of this, I do not believe the Highways authority have considered this.

Finally in the NPPF, NPPF 24 states that 'Local Planning authorities and County Councils (in two-tier areas) are under a duty to co-operate with each other, and other prescribed bodies, on strategic matters that cross administrative boundaries'.

NPPF 109 states 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety or the residual cumulative impacts on the road network would be severe'. I believe this will happen on both accounts. So, following discussion by members, I will be recommending refusal of this application due to the following reasons; NPPF 109, overdevelopment and the dramatic change of the landscape of the area.'

5. Councillor Hay agreed that the application proposes overdevelopment of the site and whilst she realises that the plans are purely indicative, 45 proposed dwellings would be inappropriate and out of character for the area. She added that whilst she appreciates the Highways assessment of vehicle trips, residents of March know that junction is busy and therefore she recommends that members refuse planning permission.
6. Councillor Benney agreed and drew members attention to the many letters of objection received. He urged members to listen to local residents and consider their comments. He added that he disagreed with the figures provided by Highways and said March Town

Council are also against the proposal. As Portfolio Holder for economic growth in the district, he raised concern that the development could deter residents from visiting the town centre which in turn could have a detrimental impact on March High Street.

7. Councillor Sutton disagreed and argued that all buildings have a visual impact. He urged members not to refuse the application based on highways grounds as the Highways authority has recommended the scheme for approval. He said as a regular user of this road, it is nowhere near as congested as other local routes and whilst he appreciates resident's concerns, members should only refuse planning permission on planning grounds.
8. Councillor Sutton highlighted that the March Broad Concept Plan proposes development only a short distance away from this scheme and no concerns were raised about the roundabout when these applications were submitted.
9. Nick Harding drew member's attention to other local schemes which have had planning permission granted that are also located within a close proximity to the roundabout and the junction in question. He explained that the Council's comments in relation to the access road have been purely made from a landowner perspective as the road is un-adopted. He confirmed that the road width is sufficient for development.
10. Councillor Murphy reiterated NPPF 109 and argued that whilst planning permission has been granted to nearby sites, the 'cumulative impact' would be affected by further development.

**Councillor Hay proposed that the application be refused due to the scale of the development and detrimental impact on the area.**

**Councillor Murphy proposed an amendment to Councillor Hay's proposal and added that the application should be refused as it contravenes NPPF 109.**

Stephen Turnbull offered members legal advice and reminded members that the Highways authority had recommended the application for approval.

**Proposed by Councillor Hay, seconded by Councillor Lynn and decided that the application be REFUSED due to overdevelopment; against officer's recommendation**

*(Councillor Marks abstained from voting).*

**P44/19 F/YR18/1108/FDL - ERECTION OF A PART 2-STOREY, PART 3 STOREY AND PART 4-STOREY BUILDING COMPRISING OF: 1 X RETAIL UNIT (A1) AND UP TO 26 X FLATS INVOLVING DEMOLITION OF EXISTING BUILDING (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF LAYOUT AND SCALE) - 15 STATION ROAD, MARCH, CAMBRIDGESHIRE, PE15 8LB**

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.

Sheila Black presented the report to members.

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

1. Councillor Hay supported the application and said she was pleased to see the amendments to the scheme following the previous refusal of planning permission.
2. Councillor Murphy agreed and stated that development of the site is long overdue.
3. Councillor Sutton highlighted that the impact of this scheme would have a similar impact on traffic as the previous application considered today (F/YR18/0345/FDL) and reminded members that they must consistently assess planning applications. He offered support to the application, as per his support for application F/YR18/0345/FDL.
4. Councillor Hay agreed but stated that all applications should be considered on their own

merits and disagreed that this application is similar to the previous application F/YR18/0345/FDL. She highlighted that this proposed development is in keeping with the neighbouring block of flats and is located in a town centre location surrounded by retail units.

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

**P45/19 F/YR19/0726/O - ERECT 1NO DWELLING WITH ATTACHED GARAGE (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS AND LAYOUT) - LAND NORTH OF 20, ST FRANCIS DRIVE, CHATTERIS, 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.

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

Lee Bevens thanked members for the opportunity to speak at today's meeting. He reminded members that planning permission had previously been granted approving the erection of two dwellings; one of which was a two-storey house. He highlighted that this application proposes the erection of only a single dwelling and this expected to be a bungalow.

Lee Bevens stated that there had been no objections from statutory consultees and Chatteris Town Council supported the application. In light of objections from residents, he highlighted that this application seeks a 50% reduction in dwellings compared to the previously approved scheme and this reduction will therefore mitigate the impact on neighbouring residents as the construction phase will be much shorter. He asked members to support the application today.

Members had no questions for Lee Bevens.

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

1. Councillor Connor asked for clarification on the site's current planning permission. David Rowen explained that the site currently has planning permission for two dwellings and this is due to expire in February 2020.
2. Councillor Benney said this site is situated within his ward and development would enhance the current piece of land. He offered his full support to the application.

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

*(Councillor Murphy declared an interest by virtue of the fact that he is a member of Chatteris Town Council but takes no part in planning matters)*

*(Councillor Hay declared an interest by virtue of the fact that she is a member of Chatteris Town Council but takes no part in planning matters)*

*(Councillor Benney declared an interest by virtue of the fact that he is a member of Chatteris Town Council but takes no part in planning matters)*

The meeting was adjourned at 2.24pm.



**P46/19**      **F/YR19/0760/O - ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH MATTERS COMMITTED IN RESPECT OF ACCESS) - LAND WEST OF 130, LONDON ROAD, CHATTERIS, CAMBRIDGESHIRE**

The meeting reconvened at 2.34pm.

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.

Sheila Black presented the report to members and drew their attention to the update report that had been circulated to them.

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

Matthew Hall thanked members for the opportunity to speak at today's meeting. He stated that the site is located between and opposite existing dwellings and has not been used for agricultural purposes for some 40 years. The site is located within Flood Zone 1, has the support of Chatteris Town Council and no concerns have been raised by the Environment Agency, Environmental Health and the Council's Tree officer. He confirmed that subject to planning approval, his client would be happy for a condition to be added to the planning permission requiring an ecological survey to be carried out.

Matthew Hall explained that the majority of trees will be retained on site and any that are removed will be replaced with additional landscaping behind the visibility splays. He added that the Council's Tree officer has visited the site and has requested that an extensive landscaping design is required. He reminded members that the earlier planning application considered (F/YR18/0345/FDL) had many mature trees on site and that was recommended for approval by officers without the need for this.

Matthew Hall drew member's attention to the aerial photo showing that residential dwellings surround the site currently. He informed members that as part of the application, an independent highways report had been submitted however the Highways authority denied ever being sent this report by officers and as a result, raised an objection to the application. Following this, he confirmed that he has engaged with an officer at the Highways authority to find an acceptable solution for the site and following this engagement, they have now removed their objection.

Matthew Hall reminded members that at the Planning Committee meeting on 9 October 2019, they had granted planning permission a similar application F/YR19/0684/O. He drew member's attention to the similarities between this application and application F/YR19/0684/O and said officer's had also recommended this application for refusal. One of the main concerns raised was whether or not the site was located within the village of Doddington and he highlighted that this site is located approximately 650m inside the 'Chatteris' road sign. He asked members to support the application today.

Members had no questions for Matthew Hall.

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

1. David Rowen clarified Matthew Hall's point regarding information not being passed on to the Highways Authority. He confirmed that it is the responsibility of the Highways authority to access any supporting documents via the Council's Planning Portal.
2. Councillor Benney agreed with Matthew Hall that the site is within the boundary of Chatteris and disagreed with officer's opinion that it is situated in an 'elsewhere location'. He said the

site will provide desperately needed, good quality, housing stock to Chatteris and offered support to the application.

3. David Rowen reminded members of a recent planning appeal decision in Westry, in which the Planning Inspector had stated that despite the presence of street signs, the site was located in an 'elsewhere location'. He reiterated that whilst residents may consider a site to be located within a town's boundary, it is about the character of the area and the built form of settlement and the location of road signs should not be considered.
4. Councillor Benney disagreed with this and referenced application F/YR19/0684/O in which members had approved planning permission. He stated that the dwellings would enhance the town and the character of areas naturally evolves as development occurs.
5. Councillor Hay said she had supported officer's recommendation to refuse planning permission due to highways concern but as Highways have now removed their objection, she believes the road can afford to take the additional traffic from the site. She stated that as a local resident of Chatteris she considers the site to be located within the town and therefore supports the application.
6. Councillor Sutton stated that he was unsure whether to support this proposal or not. He asked officers for clarification on the proximity of the site to the Hallam land boundary. Sheila Black indicated this location on a map for members. Councillor Sutton observed that this development would be adjacent to the built form of the Hallam Land, Chatteris.
7. Stephen Turnbull observed that paragraph 6.1 of the report (page 89 of the agenda pack) states; 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). He confirmed that officers have confirmed that this application is in breach of the Development Plan unless members are satisfied that there are other material planning considerations which outweigh this statutory obligation.
8. Councillor Sutton stated that that there is a dispute between members and officers in relation to the site's 'elsewhere location' and there is nothing in the legislation that stops members disagreeing with officer's opinion.
9. Councillor Benney asked Councillor Sutton what his concerns were in relation to the proposal as the application is very similar to the application F/YR19/0684/O which Councillor Sutton had supported. Councillor Sutton explained that he assesses each application individually and whilst he is reluctant to go against officer's recommendation, he will if necessary. He explained that previous long-standing Chatteris members had argued for many years about development in this location and he would give consideration to their opinions too.
10. David Rowen drew members attention back to recent planning appeal decisions and the Planning Inspector's opinion on 'elsewhere locations'. He highlighted that these appeal locations were located in a more urbanised area than this site and the Planning Inspector still described them as being in an 'elsewhere location' in line with officer's opinion.
11. Councillor Hay disagreed and said residents of Chatteris view the site as being part of the town.
12. Councillor Sutton highlighted a planning appeal in Elm that was upheld by the Planning Inspector and said officer's must provide members with all appeal decisions and not just those that agree with officer's recommendations. David Rowen confirmed that the planning appeal in Elm did not relate to the site's location and the cases he has referenced specifically relate to sites situated in 'elsewhere locations'.
13. Nick Harding explained that members must seriously consider the consequences of making planning decisions based on the location of road signs. He explained that the Council's planning policy makes no reference to the location of road signs but instead references the nature and character of the area. He highlighted that there is only sporadic development in this location which is distinct from the built-up urbanised area of Chatteris. Whilst members may choose to take this approach and grant planning permission, they must be aware of the consequences of uncontrolled 'ribbon' development across the district.

14. Councillor Benney highlighted that planning permission had been granted to a nearby garden centre which will provide a retail area therefore there will be amenities within close proximity to this development.

**Proposed by Councillor Benney, seconded by Councillor Hay and decided that the application be GRANTED; against officer's recommendation.**

*(Councillor Murphy declared an interest by virtue of the fact that he a friend of the applicant and left the Chamber for the duration of this agenda item)*

*(Councillor Hay declared an interest by virtue of the fact that she knows the applicant)*

*(Councillor Benney declared an interest by virtue of the fact that he knows the applicant)*

*(Councillor Connor declared an interest by virtue of the fact that he knows the applicant)*

*(Councillor Mrs Mayor, Councillor Meekins and Councillor Sutton abstained from voting on this item)*

*(Councillor Lynn left the meeting at 3.11pm)*

**P47/19 F/YR19/0799/VOC - REMOVAL OF CONDITION 6 OF PLANNING PERMISSION F/YR15/0004/F (ERECTION OF 3 X 2-STOREY 4-BED DWELLINGS INVOLVING THE FORMATION OF NEW ACCESSES) RELATING TO THE PROVISION OF A FOOTWAY - LAND SOUTH OF THE CONIFERS 67, FRIDAYBRIDGE ROAD, ELM**

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.

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

Shanna Jackson thanked members for the opportunity to speak at today's meeting. She explained that the application seeks to remove a planning condition in relation to the widening of an existing footpath. She explained that the condition was originally imposed as result of comments made by the Highways Authority however following further consultation; they have been unable to provide evidence showing poor highway safety to support this condition.

Shanna Jackson explained that the NPPF states that conditions must adhere to six tests, one of which states that conditions must be 'reasonable'. She highlighted previous planning applications and subsequent appeals, in which the widening of a footpath was not a condition of the planning permission and stated that she believes the condition to be unreasonable due to lack of highways evidence to support the need for a wider footpath. She requested that members agree with officer's recommendation to grant planning permission.

Members had no questions for Shanna Jackson.

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

1. Councillor Benney stated that he cannot see any issues with the proposal and supported the application.
2. Councillor Sutton agreed and stated that the condition should never have been added to the original planning permission. He asked officer's to be more robust when considering

comments received by the Highways authority.

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

**P48/19 F/YR19/0809/F - ERECT 1 DWELLING (2-STOREY 5-BED WITH ATTACHED 4-BAY GARAGE AND SWIMMING POOL TO REAR), 2.0M HIGH (MAX HEIGHT) WALL WITH RAILINGS AND GATES TO FRONT AND THE TEMPORARY SITING OF 2 X STATIC CARAVANS INVOLVING THE DEMOLITION OF EXISTING DWELLING AND GARAGE - 6 BRIDGE LANE, WIMBLINGTON, MARCH, 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.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Councillor Mrs Jan French.

Councillor Mrs French explained that this application proposes a replacement dwelling which demonstrates the effective use of the land for a residential property. The dwelling will provide a high quality living environment that will not compromise the amenities of neighbouring occupiers. She informed members that the applicant is a local business man who employs 58 members of staff locally. If planning permission is approved the applicant will relocate all of his remaining businesses to Fenland which will both promote economic growth in Fenland and may encourage other businesses to follow.

Councillor Mrs French explained that that whilst the proposed house is large in scale, it will be built to a very high standard and provide a good example of an executive home in the district. She explained that the applicant has engaged with herself in relation to his proposed business relocation due to the Portfolio Holder for Economic Growth, Councillor Benney, being a member of the Planning Committee. She asked members to approve the application and promote the Council's message of 'Open for Business'.

Members had no questions for Councillor Mrs French.

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

Shanna Jackson explained that the proposed dwelling has been specifically designed for the changing lifestyle of the applicant and whilst concerns have been raised about the scale and proposed materials being out of keeping with the area, this has been derived from the accommodation needs of the applicant. She highlighted that the site can clearly accommodate this size of dwelling and drew members attention to the varying size of properties located in Bridge Lane.

Shanna Jackson confirmed that whilst there is no strict building line on Bridge Lane, the dwelling will cause no harm to the appearance of the area and the property will be positioned further back on the site. She highlighted the varying pallet of building materials on the street scene and confirmed that the application was welcomed locally and had received no objections from technical consultees.

She addressed the concerns raised by Wimblington Parish Council in relation to the caravans

onsite and confirmed that these would be removed post completion of the dwelling. She asked members to support the application.

Members asked Shanna Jackson the following questions;

1. Councillor Meekins asked for clarification about the proposed building materials. Shanna Jackson confirmed that the dwelling would be built in buff brick and the roof would be slate.

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

1. Councillor Benney stated that he has considered this application carefully and believes that the proposed dwelling and garage are suitable for the site. Whilst the property will be large it is perfectly in keeping with the plot and the application has support from both local residents and businesses. He said it was commendable that a local business man is in the position to build a home of this standard and if the Council are keen to relocate businesses to Fenland, there must be the properties to accommodate these people. He highlighted that the applicant supports the Council by bringing business through the Port in Wisbech and said the scheme would both enhance the area and bring financial economic benefit to the wider district.
2. Nick Harding reminded members that the application should be assessed on planning grounds and not on the personal and business circumstances of the applicant as if planning permission is granted, the applicant is not legally obliged to relocate his businesses to Fenland or retain the dwelling for his own personal use. He reiterated that members should not link the planning permission to the applicant's business activities.
3. Councillor Benney stated that he supported the application and encourages the development of homes like this regardless of the applicant.
4. Councillor Sutton agreed with Nick Harding and said support of the applicant's business relocation is not a reason to grant planning permission. Whilst he is not against the principal of development on the site, he agrees that the character of the area will be affected and is not convinced of the benefits the development will bring to the wider district.
5. Nick Harding highlighted that officer's recommendation for refusal is based on the position of the building in relation to existing dwellings, the physical scale of the building in relation to neighbouring properties and the proposed building materials. He reminded members that if they are minded to grant planning permission, they should identify why they disagree with these points.
6. Councillor Mrs Mayor stated that whilst she has only recently been reappointed a member of the Planning Committee, she cannot recall an occasion in which an applicant's personal circumstances have been used to decide whether or not planning permission is granted. She stated that members should not consider this during their deliberation.
7. Councillor Benney stated that circumstance aside, the proposal is not out of keeping with the area and the applicant and agent have worked hard to ensure the design is in keeping with the neighbouring properties.
8. Councillor Meekins raised concern about the size of the building and did not agree that the scale was in line with surrounding properties.
9. Councillor Hay said member's judgement should not be clouded by the potential economic benefits the development could bring to Fenland. She highlighted that the proposal is for a residential dwelling which has no tie or obligation to business use. Whilst she has no issue with the building materials proposed, the scale of the development is entirely out of keeping with the area due to its size and height. She supported officer's recommendation to refuse planning permission.

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

*(Councillor Connor declared an interest by virtue of the fact that he knows the applicant and took no part in the discussion or vote for this item)*

**P49/19      PLANNING APPEALS.**

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

**P50/19      ENF/104/15 - LAND WEST OF THE COACH HOUSE, NEEDHAM BANK, FRIDAY BRIDGE**

Members considered the confidential report presented by David Rowen.

**The Planning Committee agreed to the recommendations contained within the confidential report.**

**P51/19      ENF/166/18 - 100 WISBECH ROAD, COATES**

Members considered the confidential report presented by David Rowen.

**The Planning Committee agreed to the recommendations contained within the confidential report.**

4.18 pm

Chairman

F/YR19/0550/O

**Applicant: Mr P Jolley**

**Agent : Mr Brent Ellis  
Peter Humphrey Associates Ltd**

**Land South Of 6, Eastwood End, Wimblington, Cambridgeshire**

**Erect up to 3 x dwellings (outline application with all matters reserved) and construction of footpath**

**Officer Recommendation: Refuse**

**Reason for Committee: Number of letters of support from separate sources contrary to the Officer recommendation.**

## 1. EXECUTIVE SUMMARY

- 1.1. The proposal is a resubmission of three previous applications for the construction of three dwellings on the site. The first two applications were refused under delegated authority, whilst the third and most recent was withdrawn following presentation to the Planning Committee where the recommendation was for refusal.
- 1.2. The application is again made in outline for the construction of 3 new dwellings.
- 1.3. The land is located in an elsewhere location as defined in the development plan, where development is to be restricted to support specific, countryside appropriate uses.
- 1.4. The scheme proposes the introduction of approximately 300m of new footpath to provide a link to the nearby settlement of Wimblington by way of mitigation of sustainability issues relating to the site, which would require the relocation of the existing roadside hedges along substantial sections of Eastwood End.
- 1.5. The scheme is contrary to the settlement hierarchy set out in the development plan, and therefore the principle of residential development on the site is contrary to planning policy.
- 1.6. The existing site contributes positively to the rural character of the area and its links to agriculture, and the development of three new properties would have a detrimental impact on that character.
- 1.7. The ecological impacts of the proposed hedgerow replacement are significant and are advised against, however mitigation could be developed that would ensure no net loss in biodiversity.
- 1.8. The highways impact of the proposals is considered to be acceptable.
- 1.9. The sustainability benefits from the provision of the footpath link to Wimblington are relevant to the consideration of the application, however given the need to remove and replant significant lengths of hedgerow in order to provide space for the footpath link to be provided and the additional harm caused to the character and appearance of the area from their removal, those benefits do not outweigh the harm caused by the proposals.

## 2. SITE DESCRIPTION

- 2.1. The application relates to a part of an agricultural field within the open countryside that fronts the eastern side of Eastwood End to the east of the A141 Isle of Ely Way to the east of Wimblington. Eastwood End has a mix of agricultural land and residential properties located along it. The application site

sits between 4b and 6 Eastwood End, and benefits from a hedgerow along its frontage approximately 2-2.5m high. This part of Eastwood End demonstrates a rural character.

- 2.2. The application site is located on land designated as Flood Zone 1, the area at lowest risk of flooding.
- 2.3. The following table indicates pedestrian walking distances to the nearest essential facilities. All are across the A141, a busy highway forming the bypass around Wimblington and Doddington. Crossing the A141 from Eastwood End and heading into Wimblington as a pedestrian the only assistance is a central pedestrian refuge to the north of the junction of Eastwood End and the A141 near to the junction with King Street.

Facility	Pedestrian distance to 6 Eastwood End
Post Office	850m
Pub (Anchor Inn)	800m
Primary School	1km
Church	1.2km
General Store	950m
Medical Centre	1.1km

### 3. PROPOSAL

- 3.1. The proposal is the construction of up to 3 dwellings on the site.
- 3.2. This application is a resubmission of 2 recent refusals and a withdrawn application for 3 dwellings on the site and is in outline form with all matters reserved. The application includes a site plan with indicative layouts for three large properties on spacious plots, and a footpath link to the A141 to the west.

### 4. SITE PLANNING HISTORY

F/YR18/0646/O	Erection of up to 3no dwellings (outline application with all matters reserved) and construction of footpath.	Withdrawn 30/1/19
F/YR18/0442/O	Erection of up to 3x dwellings (outline application with all matters reserved)	Refused 6/8/18
F/YR17/1095/O	Erection of up to 3no dwellings (outline application with all matters reserved)	Refused 15/1/18
F/YR10/0260/F	Formation of a service layby	Granted 1/6/10
F/YR10/0195/TE1	Erection of a 6 metre high telemetry aerial kiosk and ancillary works	FNREQ 29/4/10

### 5. CONSULTATIONS

#### 5.1. Wimblington Parish Council

*“This application was originally supported. However, after discussion Councillors did not agree to the current hedge being removed in this revised application. Should the original hedge have to be removed to allow room for the footpath, the only hedge which could replace the original must be a native fruiting hedge with no height restriction being attached.”*



**5.2. FDC Environmental Health**

No objections

**5.3. Cambridgeshire County Council Local Highways Authority**

The scheme is acceptable in principle. The design will require relocation of the existing speed signs and incorporation of a 25mm upstand kerb to delineate the footpath from the highway. The footway to the south will require third-party land in order to be delivered.

No highways objection subject to conditions securing the provision of visibility splays and full engineering details of the proposed 1.5m wide footway and its construction.

**5.4. Cambridgeshire County Council Historic Environment Team**

No objection to development from proceeding but consider that the site should be subject to a programme of archaeological investigation prior to commencement if permission is granted.

**5.5. Wildlife Officer**

Strongly advise that alternative solutions are considered to avoid the loss of the existing hedgerow.

Notwithstanding that, subject to recommendations regarding replacement of the hedgerow with a suitable alternative, provision of nesting boxes, and avoidance of barriers impenetrable to hedgehogs there will be no net loss of biodiversity.

**5.6. Local Residents/Interested Parties**

7 responses have been received from 7 separate sources stating support for the proposal.

14 responses have been received from 7 separate sources stating a range of objections to the scheme.

The letters of support identified the following matters.

- The proposal will enhance the area and make it a sought-after location
- The site is an infill location
- The road should be restricted to 30mph
- There is a crossing for the A141 nearby
- Will make the area more sustainable and support local services
- New footpath will enhance safety of the area
- The Hook and Eastwood End are now important parts of Wimblington
- Removal of the existing hedgerow would only be a short-term problem
- Eastwood End is part of the growth area of Wimblington

**5.7. The letters of objection identified the following matters.**

- Proposal to remove hedges and replace them with pavements will destroy the character of the lane
- The hedges are protected under the hedgerow regulations
- The footway specification is excessive in relation to the number of dwellings proposed and more appropriate to a much larger scale development.
- Alternative methods to improve road safety are available
- The hedgerows support a range of wildlife
- Proposal would remove the last open aspect of this part of Eastwood End and views across the surrounding fields

- Addresses of the supporters of the application are not from the immediate vicinity
- There is no room and no need for a footpath
- Revised plans are worse than previous applications
- Eastwood End is outside the development area of Wimblington and should have its countryside character retained
- Proposal leaves no agricultural access to the field beyond
- The visibility splays cross the neighbouring hedges, not the highway boundary
- Overdevelopment of an inappropriate location
- School and doctor's surgery are struggling to fit everyone in
- Potential for impact on residential amenity and privacy of neighbouring properties

## **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)**

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

Para 170: Contribution to and enhancement of the natural and local environment.

Para 175: Harm to habitats and biodiversity.

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

Determining a planning application

### **7.3. National Design Guide 2019**

### **7.4. 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

LP12 – Rural Areas Development Policy

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 of the Area**
- **Impact on Amenity**
- **Highway Safety**
- **Flood Risk**

- **Ecology**

## **9. BACKGROUND**

- 9.1. Three previous applications have been made for development of the site along similar lines to the current proposal. Two of these applications were refused planning permission on the grounds of the site being an unsustainable location and the harm to the character of the countryside.
- 9.2. The third application was submitted following an indication that the Parish Council supported the proposal subject to the provision of a footpath to connect the site to Wimblington. The application was withdrawn prior to final consideration by the Planning Committee of a detailed footpath layout as the recommendation remained for refusal.

## **10. ASSESSMENT**

### **Principle of Development**

- 10.1. Policy LP3 considers that Eastwood End is a remote community and as such is an Elsewhere location in terms of LP3, where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture or a range of other rural uses. The proposal does not accord with the criteria identified in that policy for development in Elsewhere locations. Wimblington is a growth village where LP3 states that development and new service provision either within the existing urban area or as a small village extension will be appropriate albeit of a considerably more limited scale than the Market Towns. Nevertheless previous planning and appeal decisions have concluded that Eastwood End is a separate settlement to Wimblington and therefore the more restrictive approach for development in Elsewhere locations is to be applied to this site.
- 10.2. Policy LP3 is the Council's Spatial Strategy that reflects the sustainable credentials of settlements. As regards the above mentioned decisions and appeal decisions the isolated nature and poor access to services (other than by motor vehicles) is a key consideration. As sustainability is the 'Golden Thread' running through the NPPF, developments that are poorly located are contrary to Local and National Planning Policy and guidance. The proposal to introduce a new footpath to join the application site to the A141 is noted, however this does not overcome the main barrier to non-vehicular access to services, which remains the need to cross the A141 itself and the distance to the relevant services. Therefore it is not considered that the proposal is acceptable in principle.
- 10.3. An appeal decision in relation to a refused application for planning permission within Eastwood End for a single dwelling was received in July 2018. This appeal decision considered among other things the matter of whether Eastwood End was to be considered within the Elsewhere category under policy LP3. The Inspector concluded that it did fall within this classification but noted that the location did make it possible to undertake some trips by sustainable means.
- 10.4. An appeal decision elsewhere within the district in relation to development of new dwellings within an Elsewhere location set out the approach to considering development in such locations, with the key steps of that approach being as follows:

The site is classed as an 'Elsewhere' location.

  - Policy LP3 restricts development in such areas to support specific uses (such as agricultural, horticultural etc).

- Policy LP12 Part A is not relevant as it deals specifically with village settlement classes and not 'Elsewhere' locations.
- Policy LP3 is consistent with paragraph 78 of the National Planning Policy Framework (2019) as the settlement hierarchy identifies opportunities for growth in smaller settlements.
- Paragraph 79 of the National Planning Policy Framework (2019) does not fall for consideration in relation to sites that are not considered to be 'isolated'.
- Modest social and economic benefits are not of sufficient weight to override policy LP3.

10.5. In conclusion with regard to the principle of the development, the location of the application site is not supported by the policies of the Fenland Local Plan except in specific circumstances relating to defined uses appropriate to countryside locations. No evidence has been provided to indicate that the scheme meets the requirements of those exceptions, and there are no material considerations that outweigh the restrictive policy.

#### **Character of the Area**

- 10.6. Policy LP16 seeks to deliver high quality environments across Fenland District, with sub paragraph (d) requiring development to make a positive contribution to the character of an area and its setting. The development of the application site would result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development and is an important feature within the street scene in establishing its rural character, linking the residential properties that are present to the agricultural land beyond.
- 10.7. The proposed plans show provision of a footpath along the east/west stretch of Eastwood End connecting the site to the A141, including repositioning of the hedgerow adjoining it further to the south on third party land. The proposed plans show complete removal of approximately 110 metres of hedgerow along the frontage of the site and a new hedgerow planted to the east, allowing provision of a 1.5m wide footpath along the site frontage. The result of these works to replace the hedgerows would substantially alter the character of the existing area, introducing a more urban feel to what is currently a rural lane.
- 10.8. Overall, the plans demonstrate that whilst it would be possible to replace the existing hedgerows along the side of the road, the construction of new dwellings on the land would result in a significant detrimental impact on the current rural, open character of the area, in particular through the urbanisation of this part of Eastwood End and the loss of visual connection between this part of Eastwood End and the agricultural uses beyond the site.

#### **Impact on Amenity**

- 10.9. Policy LP16(e) considers the impact upon neighbouring amenity. This application does not seek determination of siting or scale, reserving those matters for later approval, and therefore it is not possible to assess impact on the amenity of neighbours from the proposed dwellings. The plots on the indicative plans are quite spacious and therefore it appears capable of accommodating the dwellings satisfactorily. The proposal is therefore considered to be capable of complying with policy LP16(e) subject to the reserved matters details.

#### **Highway Safety**

- 10.10. The highway safety concerns in relation to the proposal are twofold, first the proposed footpath and its impact on the use of the carriageway, and second the safety of vehicular access to the site and visibility splays relating to that access.
- 10.11. With regard to the first of these points, the highways authority have noted in their response to the latest set of plans detailing the footpath, that through the use of a 25mm upstand kerb to mark the edge of the proposed footpath, it will be possible to provide an acceptable footpath whilst still allowing the road to be used by vehicular traffic. Such an arrangement has been used elsewhere and given the relatively low levels of traffic on Eastwood End it is considered to be an acceptable method of providing the footpath. It should be noted that even through this method of provision, the hedgerow and ditch adjoining the southern boundary of the road will require repositioning further to the south.
- 10.12. The second of these matters relates more to the specific arrangements for vehicular access to the site. There is an existing access point into the site at the northern corner adjacent to 6 Eastwood End. This access point is to be re-used to provide vehicular access to one of the dwellings proposed, with a second access indicated in the central part of the site serving the remaining two dwellings.
- 10.13. The relocation of the boundary hedge within the site ensures that appropriate visibility splays can be provided in relation to the central access, however in relation to the access at the north of the site the plans indicate reduction of the hedgerow between the site and 6 Eastwood End to provide the visibility splay required. The neighbour has indicated that this hedgerow is not owned by the applicant and would therefore require their agreement in order for the visibility splays to be provided. The matter of ownership however is a civil matter and therefore not one that is sufficient to justify refusal of the scheme, particularly in view of the fact that the current application does not include the formal approval of the means of access at this stage.

#### **Flood Risk**

- 10.14. The site is within Flood Zone 1 an area at lowest risk of flooding. The proposal is therefore considered to pass the sequential test and accords with Policy LP14 of the Fenland Local Plan.

#### **Ecology**

- 10.15. The main impact of the proposal from an ecology perspective relates to the removal of the hedgerows currently adjoining Eastwood End and the associated impacts on species that utilise the hedgerow.
- 10.16. Policy LP19 of the Fenland Local Plan (2014) addresses the matter of the natural environment, and states that the council will seek to conserve, enhance and promote the biodiversity interest of the natural environment throughout Fenland.
- 10.17. The comments of the Wildlife Officer make it clear that the removal of the hedgerows is solely down to the intention to provide a footpath link from the site to the A141 to the west, and beyond to Wimblington. The comments also advise strongly that from an ecological perspective, alternative solutions for footpath provision should be investigated.
- 10.18. It is also noted that the comments received from Wimblington Parish Council in relation to the original proposal identified no objection to the scheme, however following the revisions to the scheme the Parish Council comments now state that it does not agree to the removal of the existing hedge.

- 10.19. Notwithstanding the above, the Wildlife Officer identifies several areas where planning conditions could address the loss of biodiversity caused through the hedgerow removal, including a range of nesting boxes provided on the development, avoidance of impenetrable barriers such as fences, translocation or replanting of hedgerows using appropriate native species, and the introduction of a further native species hedgerow to the rear boundary of the site. Subject to the satisfactory implementation of all these matters their advice is that there will be no net loss in biodiversity on the site.
- 10.20. In similar terms, the Parish Council confirms that if the hedgerow removal were considered necessary then a suitable replacement (in line with the above comments of the Wildlife Officer) would be accepted.
- 10.21. Policy LP19 states that the Council will *“refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity”*.
- 10.22. In this instance, there is demonstrable harm arising from the loss of the hedgerows. Given the countryside location being contrary to the settlement hierarchy of the development plan there is no identified need for the development. The provision of the footpath would be of public benefit, although its scope would be naturally limited by its likely level of use and the limited number of members of the public likely to use it. The Wildlife Officer’s comments make it clear that there are mitigation measures that could be employed to address the harm caused and that if implemented fully there would be no net harm to the biodiversity of the area. On that basis, the impact of the scheme on ecological matters is considered to be acceptable.

## **11. CONCLUSIONS**

- 11.1. The application site is located in an area where market housing is not supported by the development plan. The development would result in a detrimental impact on the character of the area through urbanisation of the environment and result in the loss of existing mature hedges.
- 11.2. The site is located in an area of low flood risk, and the ecological impacts of the proposal can be mitigated through appropriate works that could be required by planning condition. The proposal would result in the provision of a footpath link between Eastwood End and the settlement of Wimblington to the west.

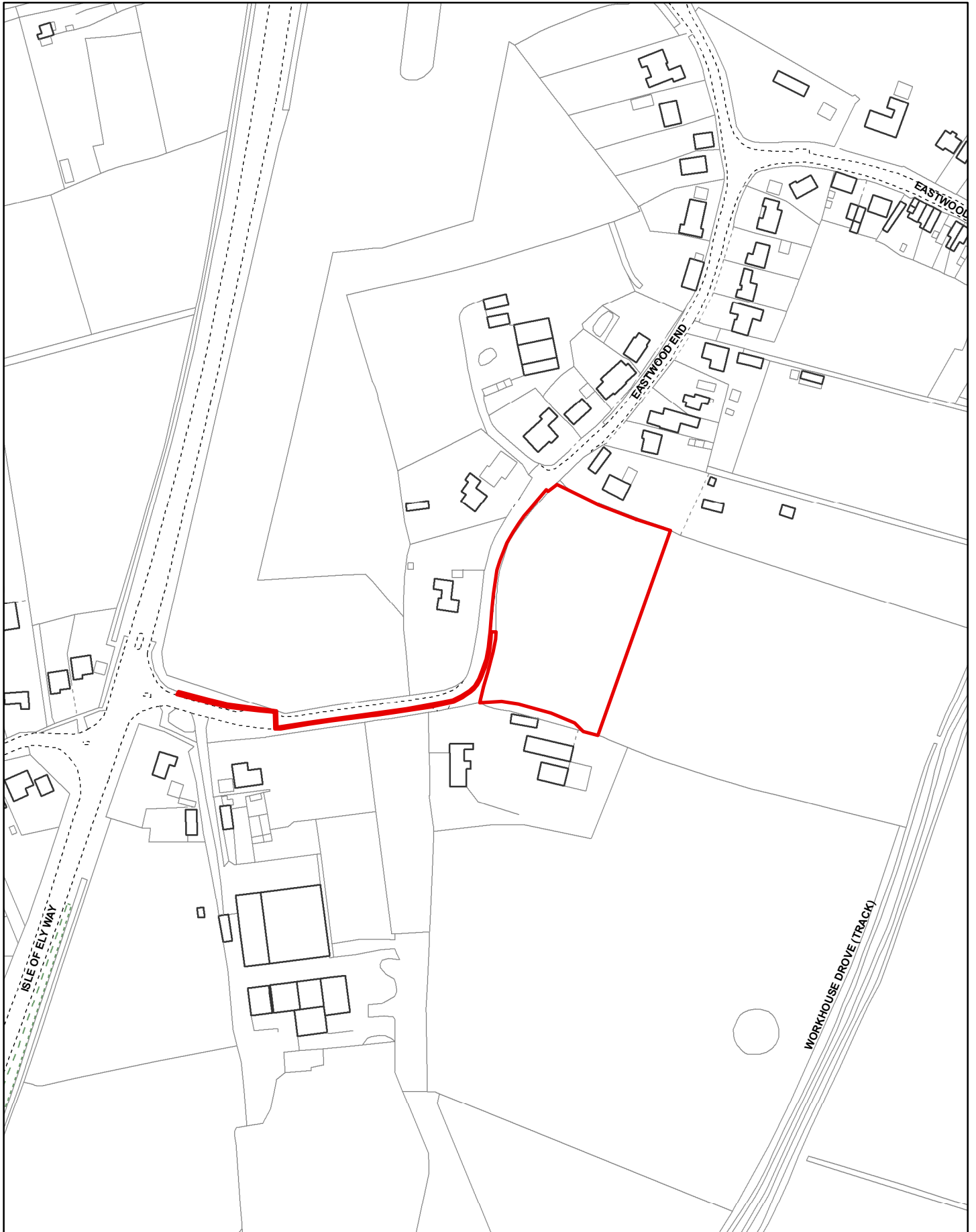
## **12. RECOMMENDATION**

### **Refuse**

- 1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 3 dwellings in Eastwood End, which is categorised as an Elsewhere location within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed

development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.

- 2 The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the existing boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, through the introduction of three new dwellings and approximately 300 metres of 1.5m wide footpath, adversely impacting on its character and appearance and visual amenity. The scheme fails to respect the intrinsic beauty of the countryside in this regard and is therefore contrary to Policy LP16 (d) of the Fenland Local Plan (2014) and also conflicts with aim of Paragraph 170 of the NPPF.



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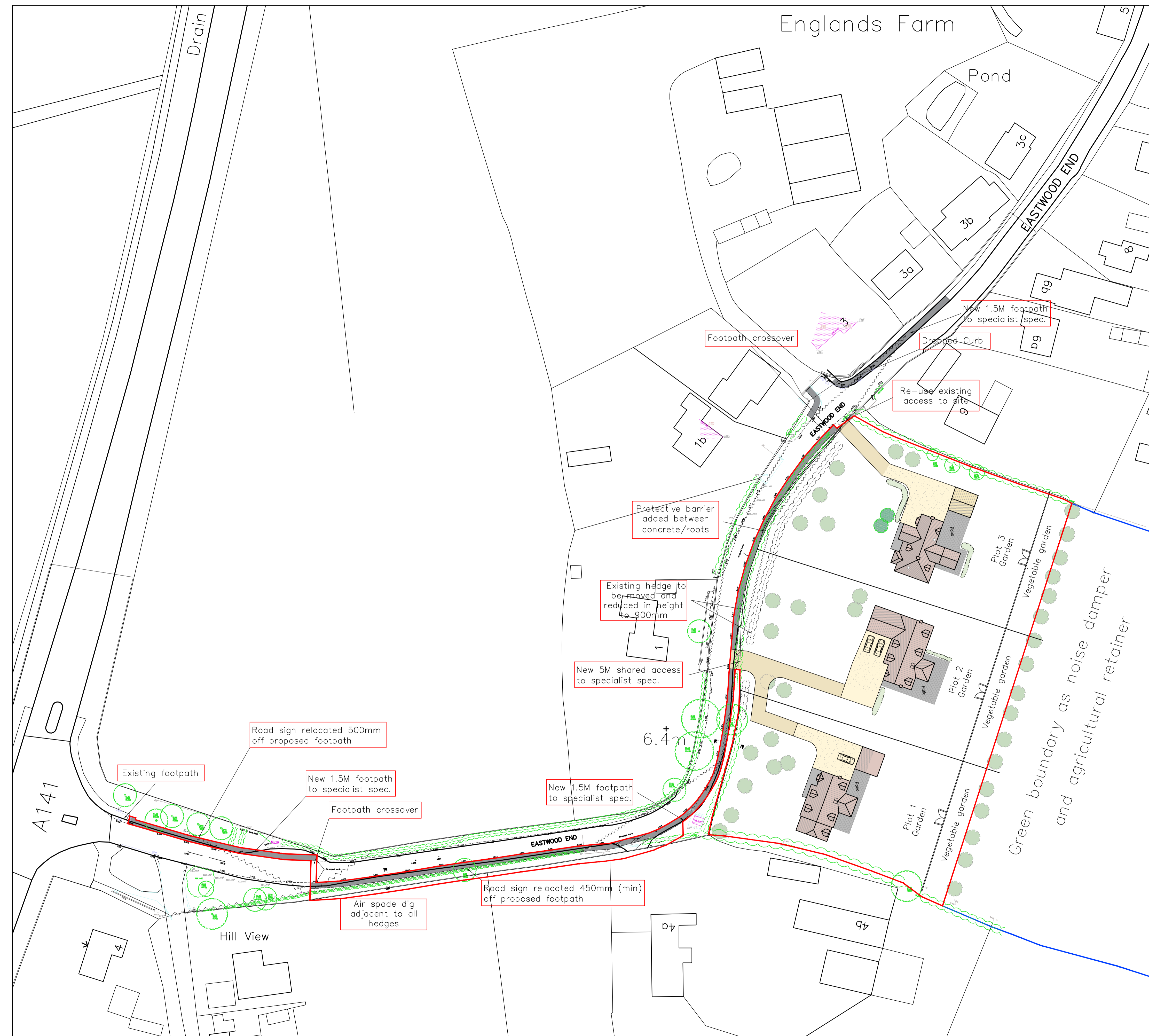
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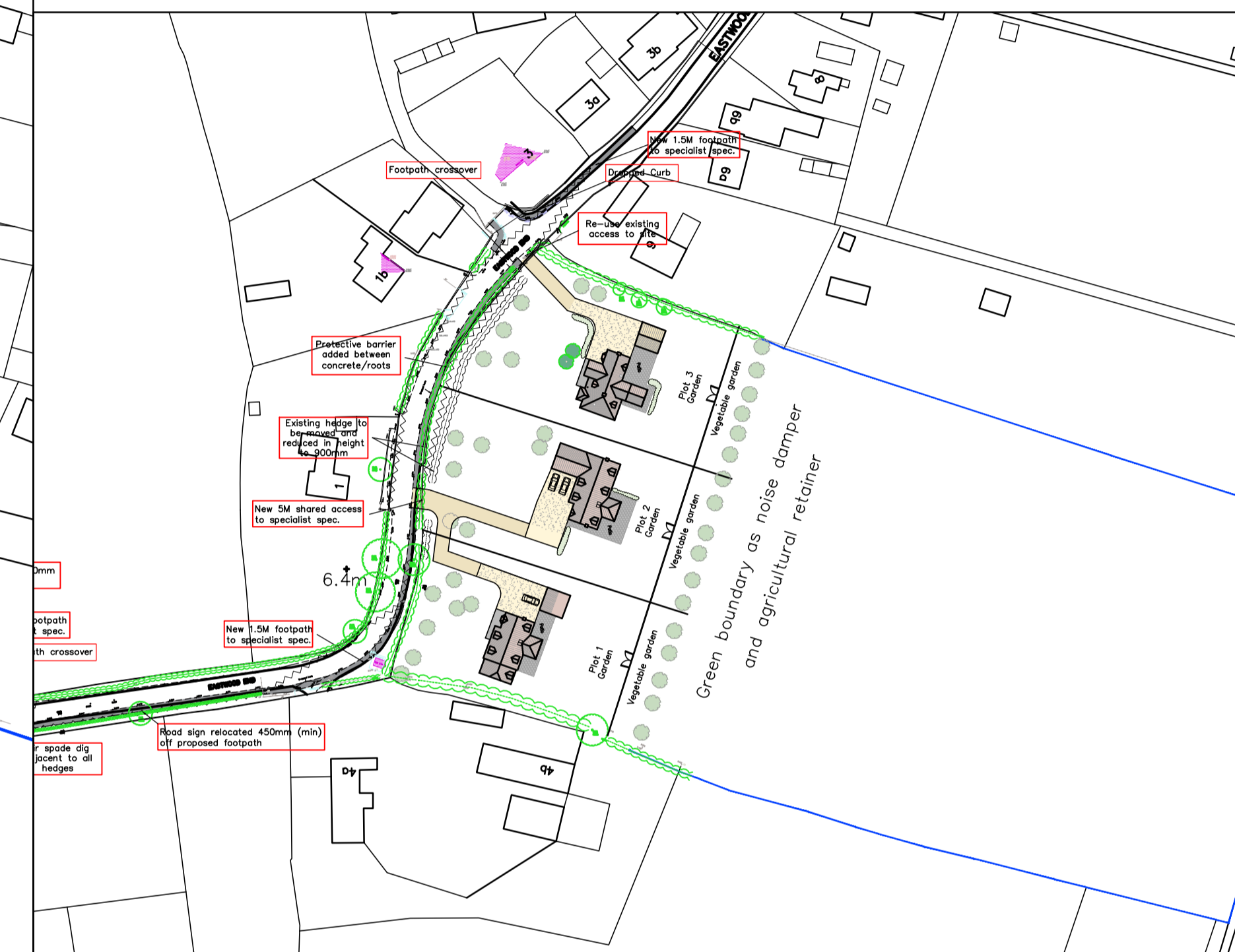
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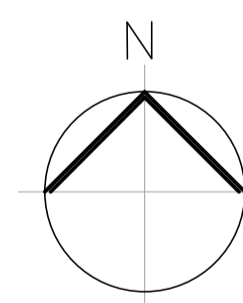




Proposed Site Plan 1:500



Proposed Location Plan 1:1250



**Peter Humphrey Associates Ltd.**  
ARCHITECTURAL DESIGN AND BUILDING

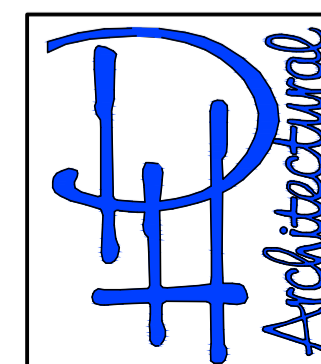
PROJECT  
**PROPOSED RESIDENTIAL DEVELOPMENT**  
 LAND AT THE EAST OF 6  
 EASTWOOD END  
 WIMBLINGTON  
 PE15 0QQ

DRAWING TITLE  
**INDICATIVE LAYOUT**

CLIENT  
**Mr Pop Jolley**

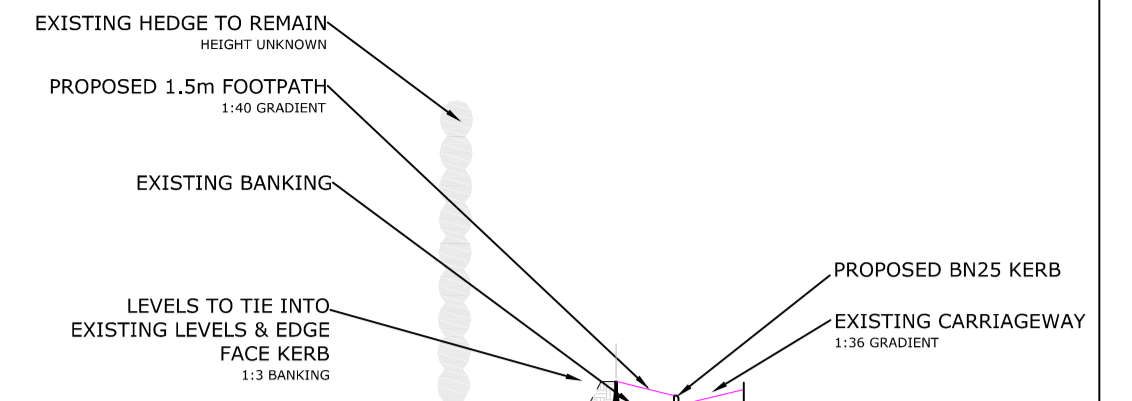
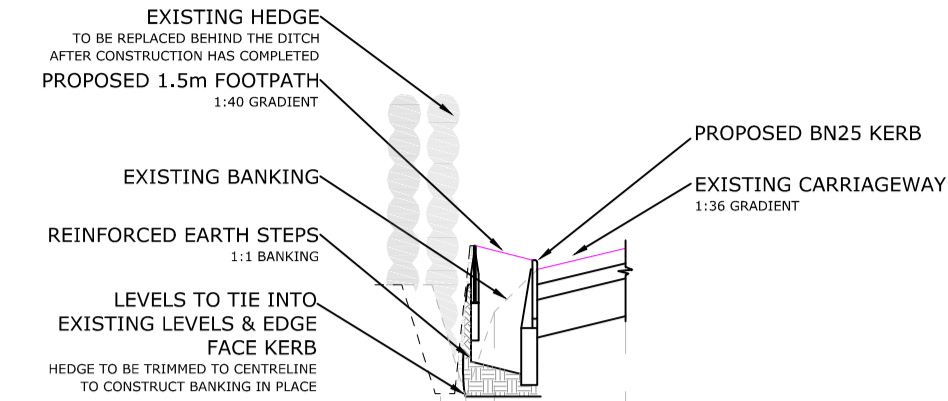
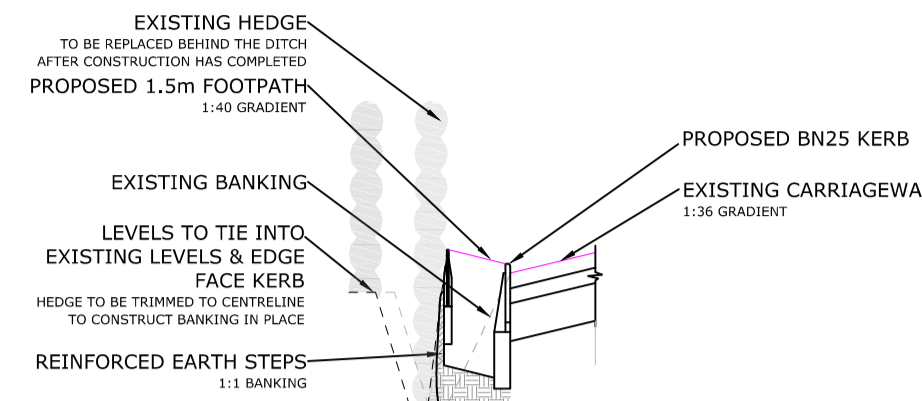
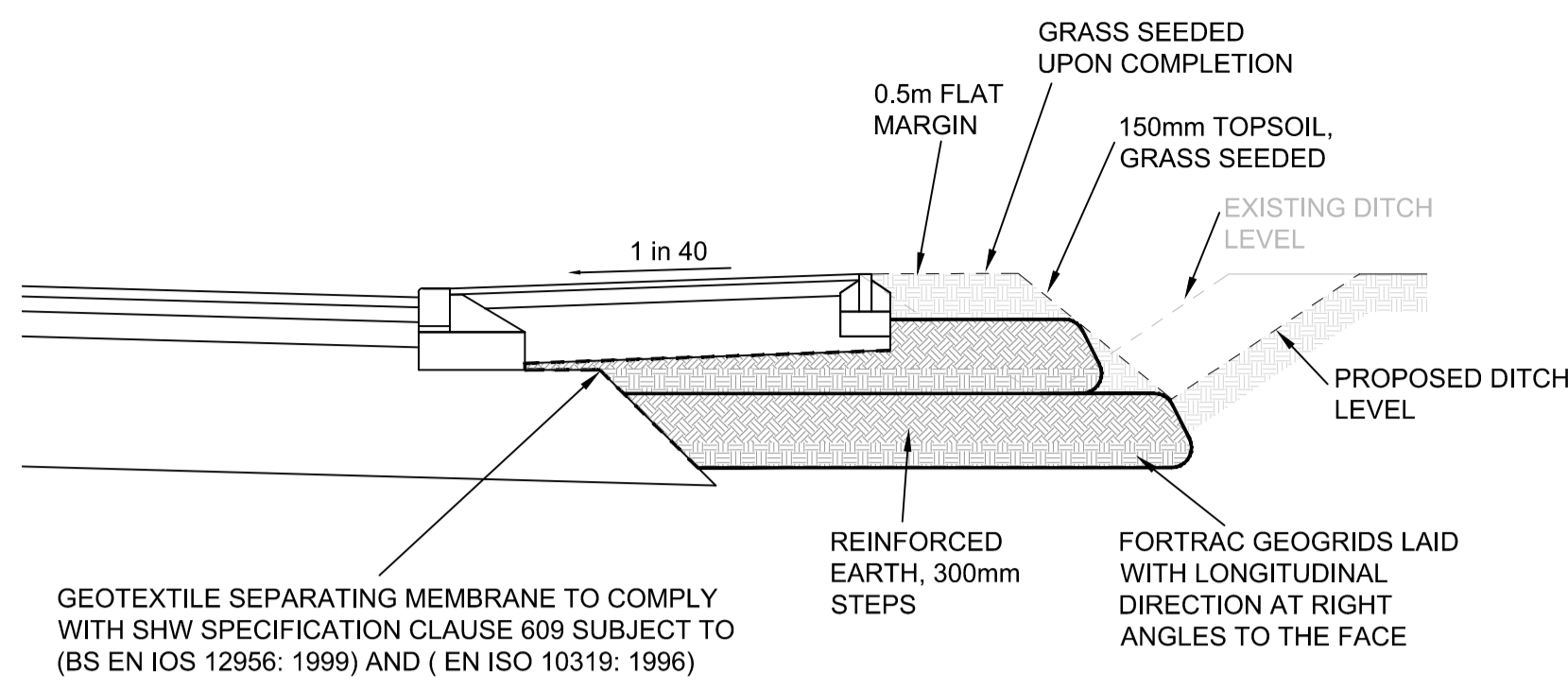
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DATUM 5m AOD

EXISTING LEVELS	5.804	5.804	5.859	5.804
PROPOSED LEVELS	5.804	6.14	5.859	4.416
CHAINAGE	0	0.6863	2.166	4.416

SECTION A-A:  
SCALE H=1:200, V=1:20

DATUM 5m AOD

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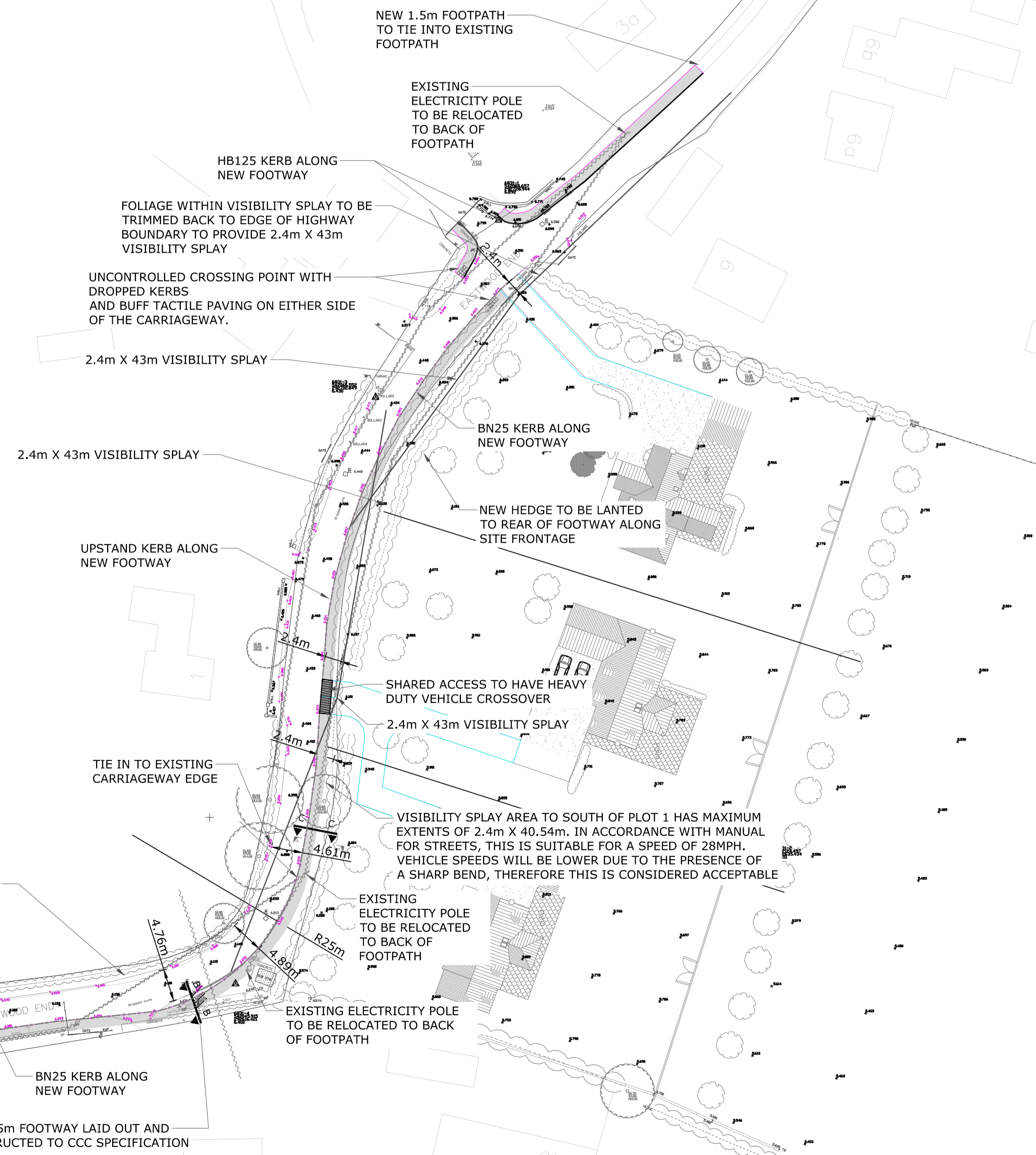
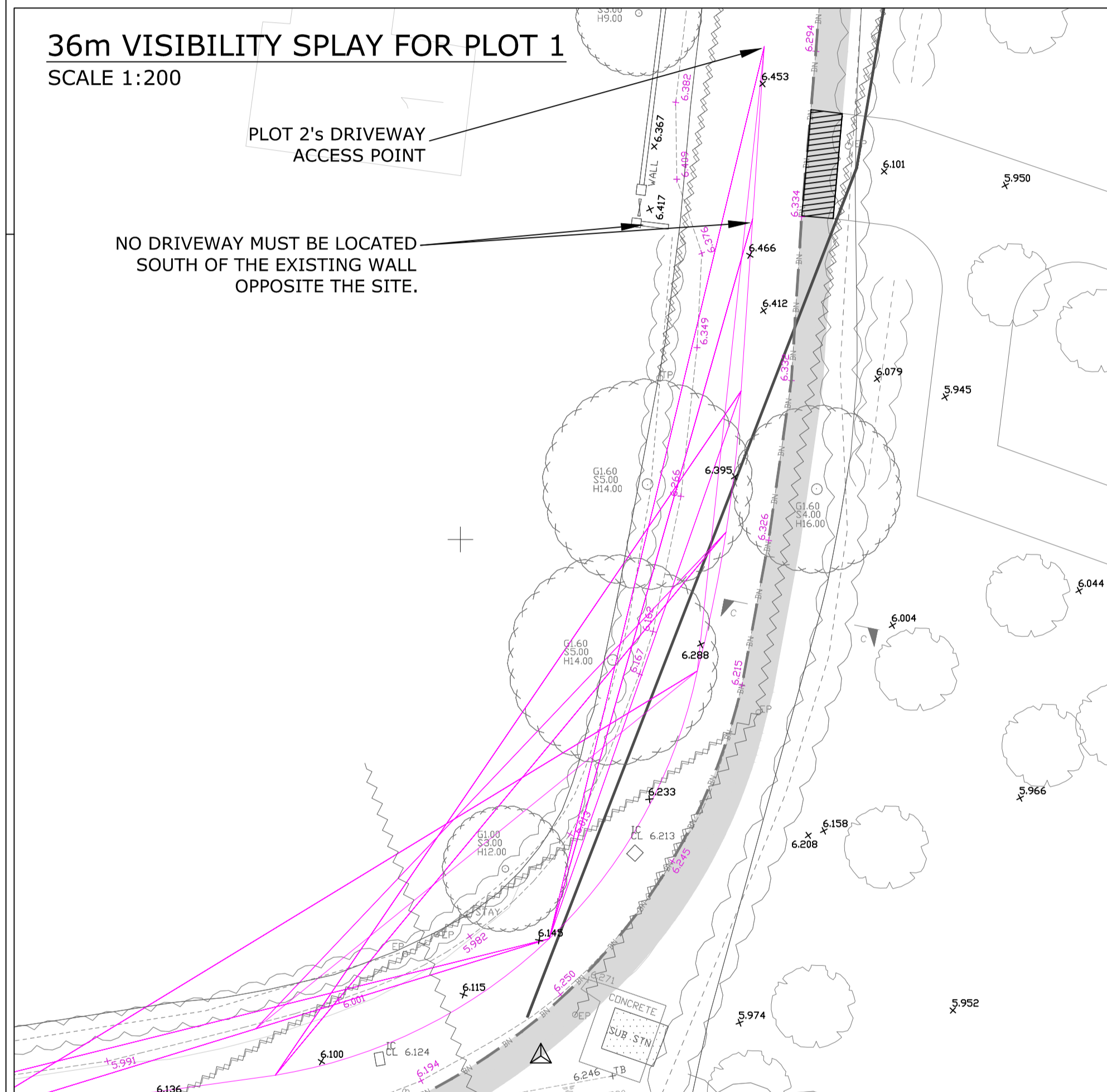
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DATUM 5m AOD

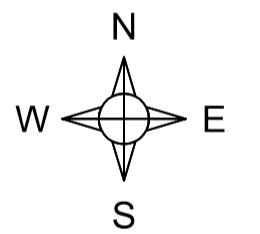
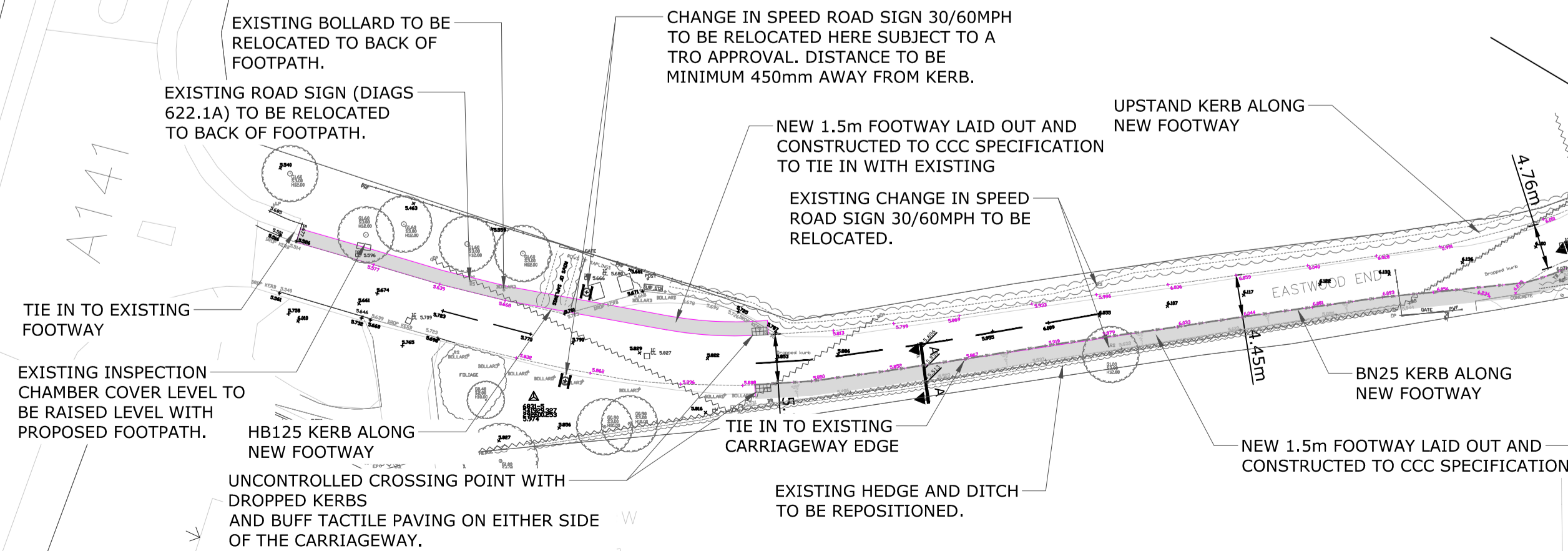
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PROPOSED LEVELS	6.236	6.236	6.236	6.236
CHAINAGE	0	1.163	2.413	3.679

SECTION C-C:  
SCALE H=1:200, V=1:20

36m VISIBILITY SPLAY FOR PLOT 1  
SCALE 1:200



CARRIAGEWAY EDGE TO BE REALIGNED IN ACCORDANCE WITH CCC HIGHWAYS SPECIFICATION. KERB DETAIL TO BE DETERMINED AT DETAILED DESIGN STAGE



REV	DATE	DESCRIPTION/REASON FOR ISSUE	APPR
E	16/10/19	UPDATED AS PER CCC HW COMMENTS	AO
D	09/10/19	UPDATED AS PER CCC HW COMMENTS	AO
C	01/10/19	UPDATED AS PER CCC HW COMMENTS	AO
B	02/09/19	ADDED FOOTPATH EXTENSION	AO
A	28/08/19	ADDED CROSS-SECTIONS OF KEY AREAS	AO



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TITLE  
Proposed Residential Development  
Land East of 6 Eastwood End  
Wimblington, Cambridgeshire  
Off Site Highway Arrangement

ORIG	J.T.C	DATE	May 2019
CHKD		SCALE	1/500 @ A1
APPR		DRAWING NO	2354-02
		REV	E

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**F/YR19/0736/VOC**

**Applicant: Mr R Grundy**

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

**Land South East Of Mole End, Gull Road, Guyhirn, Cambridgeshire**

**Removal of Condition 7 and variation of Conditions 4, 6, 8, 10, 12 and 14 (condition listing approved plans) of Planning permission F/YR16/0194/F (Erection of 4 x 2-storey 4-bed dwellings and the formation of 2 new accesses)**

**Officer recommendation: Grant**

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

## **1 EXECUTIVE SUMMARY**

- 1.0 The principle of the development has been established by virtue of the original grant of planning permission. This scheme seeks to amend the approved details, specifically remove the requirement imposed on the original consent (Condition 7) to secure a 70m length of footway. In addition, in order for the development to be sold off and built out as individual plots, the wording of several other conditions are proposed to be amended (Conditions 4, 6, 8, 10, 12 and 14).
- 1.1 The main character of the eastern side of Gull Road is characterised by a few scattered dwellings and the caravan park further north. Therefore the site is considered to relate more to the open countryside.
- 1.2 More recent planning decisions made by Members, Officers and the Planning Inspectorate indicate that future residential development to the eastern side of Gull Road is unlikely to be acceptable. As such there will be little or no demand for, or any opportunity to secure further lengths of footway as suggested by the Highways Officer and Parish Council.
- 1.3 As a result, Officers consider that the proposed footpath would be isolated or "floating" as it would not connect to an existing footpath, and is unlikely to connect to a future footpath. Condition 7 is considered to fail 4 of the 6 tests outlined in paragraphs 55-56 of the NPPF relating to the imposition of conditions, and therefore should be removed.
- 1.4 There is also no objection to the proposed amended wording to Conditions 4, 6, 8, 10, 12 and 14 in order that the development can be sold off and built out as individual plots.
- 1.5 The recommendation is therefore to approve the application as described.

## **2 SITE DESCRIPTION**

- 2.1 The site measures 0.17ha and consists of part of the side garden and paddock of Mole End, to the south east of the property adjacent to Gull Road. The site benefits from full planning permission for 4 x detached dwellings granted in 2018 (F/YR16/0194/F).

### **3 PROPOSAL**

- 3.1 The submission seeks to remove Condition 7 and vary Conditions 4, 6, 8, 10, 12 and 14 (approved plans) of the extant permission.
- 3.2 Condition 7: requires the provision of a 1.8m wide footpath along a 70m length in front of the development site, and Mole End. The applicant considers that the footpath will never be linked as there is no other footpath on this side of the road for the majority of its length.
- 3.3 The variation of the other conditions is to allow each plot to be sold off and developed as individual plots. The proposed revised wording is as follows:

C4: Prior to the occupation of each dwelling the associated vehicular access where it crosses the public highway shall be laid out and constructed in accordance with detailed plans to be submitted to and approved in writing by the Local Planning Authority.

C6: Prior to the occupation of each dwelling the associated on-site parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

C8: Prior to the commencement of development of each dwelling full details of the associated hard and soft landscape works for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:

- a) proposed finished levels which should not exceed 2.30m AOD;
- b) hard surfacing materials; and
- c) new tree planting plans, including specifications of species and size.

C10: Prior to the commencement of the development of each plot trade descriptions of the external facing and roofing materials to be used in the construction of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.

C12: Prior to the commencement of development of each plot details of:

- a range of bat boxes or bat tiles for incorporation into the new dwelling;
- a range of bird nest boxes be installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided;
- construction trenches to be covered overnight or a means of escape provided for any hedgehogs (or other mammals or reptiles) that may have become trapped; and
- impenetrable barriers to be avoided, by allowing adequate gaps to be retained under any new fencing;

shall be submitted to and approved in writing by the local planning authority. Details regarding numbers, designs and locations should be included. The

development shall be built out including and in accordance with these approved details.

C14: refers to the revised approved plans including the revised layout omitting the footpath. (Rev H)

- 3.4 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PWN6GLHE03000>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR16/0194/F	Erection of 4 x 2-storey 4-bed dwellings and the formation of 2 new accesses Land South East Of Mole End Gull Road Guyhirn Cambridges	Granted	24/05/2018
F/YR07/0285/O	Erection of 2 houses with garages Land South East Of Mole End Gull Road Guyhirn Wisbech Ca	Refused	05/02/2007
F/YR06/0552/O	Erection of 2 houses with garages Land South East Of Mole End Gull Road Guyhirn Wisbech Ca	Refused	27/06/2006

## 5 CONSULTATIONS

### 5.1 Wisbech St Mary Parish Council

Recommend approval of the varied conditions but Councillors did not agree with the removal of the requirement for the footpath. Their objective is to ensure that when this development and any adjacent plots are developed there should be a footpath/footway outside the properties (in the 40mph speed limit).

They consider that an unconnected footway in this location will not be 'floating'. It is a straightforward engineering design to ensure that the sections of footpath/footway provided outside each plot are constructed such that one length of footpath/footway is achieved. Otherwise, on completion of the developments there will be demands from the residents for a footpath/footway with no financial provision to enable one to be provided. The Council supports the CCC Highways previous requirement.

### 5.2 CCC Highways

Removal of Condition 7: *As piecemeal development comes along we should be taking the opportunity to secure lengths of footway.*

*Whilst I am unable to object to this application on highway safety grounds, I do think there is a strong policy argument for the footways to be retained.*

### 5.3 Local Residents/Interested Parties

None received

## 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)**

## **8 KEY ISSUES**

- **Principle of Development**
- **Variation/Removal of Conditions**
- **Removal of Requirement for Footpath**
- **NPPF- 6 tests for imposing conditions**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 The principle of the development has been established by virtue of the original grant of planning permission. This scheme seeks to amend the approved details, specifically remove the requirement imposed on the original consent (Condition 7) to secure a 70m length of footway. In addition, in order for the development to be sold off and built out as individual plots, the wording of several other conditions are proposed to be amended (Conditions 4, 6, 8, 10, 12 and 14).

### **Variation/Removal of Conditions**

- 9.2 Section 73 of the Town and Country Planning Act 1990 allows some or all of the conditions to be removed or changed by making an application. In deciding an application under S73, 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.
- 9.3 It should be noted that the original planning permission will continue to exist whatever the outcome of the application under S73. 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.
- 9.4 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.
- 9.5 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.
- 9.6 The proposed amendments to the wording of the conditions to allow the plots to be sold off and built out individually are acceptable and the proposal is considered to be a minor amendment. Similarly, the removal of the condition requiring the footpath would also fall under this legislation and could be considered to be a minor amendment. However, the impact of its removal is considered in more detail below.

### **Removal of Requirement for Footpath**

- 9.7 The 2016 permission required the provision of a 70m long footpath to the eastern side of Gull Road, at the request of the Highways Officer, although there is an established footpath on the western side of Gull Road.

- 9.8 The main character of the eastern side of Gull Road is characterised by a few scattered dwellings and the caravan park further north. Therefore the site is considered to relate more to the open countryside.
- 9.9 New development in Guyhirn should be considered on its merits but will normally be of a very limited nature and limited in scale to residential infilling. Within the immediate vicinity there has been considerable redevelopment which has extended the residential built on the western side of Gull Road where there is existing infrastructure to support it, including the existing footpath. However, this site is on the opposite side of the road which is considered to be of a significantly different character.
- 9.10 The recent comments of the Parish Council and Highways Officer are noted. But in hindsight, and in light of recent decisions including at appeal, Officers consider that the proposed footpath would be isolated or “floating” as it would not connect to an existing footpath, and is unlikely to connect to a future footpath, for the following reasons.
- 9.11 Application reference F/YR17/1213/O was refused by Members and dismissed at appeal (March 2019). The site is to the north west of Cobble House on the eastern side of Gull Road. The Inspector concluded that the development of 4 dwellings was not infilling, would result in a detrimental incursion into the open countryside and as the site is within Flood Zone 3, did not pass the sequential test.
- 9.12 Applications referenced F/YR18/0595/O and F/YR18/0956/O were refused by Officers in 2018 for 8 and 7 dwellings respectively on land to the south-east of Dove Cottage on the eastern side of Gull Road for similar reasons.
- 9.13 The above decisions indicate that future residential development on the eastern side of Gull Road is unlikely to be supported by Officers and Members. As such there will be little or no demand for, or any opportunity to secure further lengths of footway as suggested by the Highways Officer and Parish Council.

#### **NPPF- 6 tests for imposing conditions**

- 9.14 Whilst it may be ‘desirable’ to secure infrastructure improvements of this type this needs to be balanced against the 6 tests outlined in paragraphs 55-56 of the NPPF relating to the imposition of conditions, i.e.
- (a) Necessary
  - (b) Relevant to planning
  - (c) Relevant to the development to be permitted
  - (d) Enforceable
  - (e) Precise
  - (f) Reasonable in all other respects
- 9.15 For the above reasons and also as there is no objection on highway safety grounds it is considered that Condition 7 would fail parts a), b), c) and f) of the tests outlined under paragraphs 55-56 of the NPPF.

## **10 CONCLUSIONS**

- 10.1 Taking a pragmatic approach to the matter, and considering the constraints of the site and adjacent land to the east of Gull Road, it is considered that the provision of a 70m length of footway as required by Condition 7 would not meet the tests outlined in the NPPF.

10.2 Taking a similar pragmatic approach to the variation of Conditions 4, 6, 8, 10, 12 and 14, the variations are likely to encourage the delivery of dwellings on the site as it will allow the plots to be purchased as single development opportunities.

10.3 The recommendation is to approve the application as described.

## 11 RECOMMENDATION: Grant

The proposed conditions are as follows:

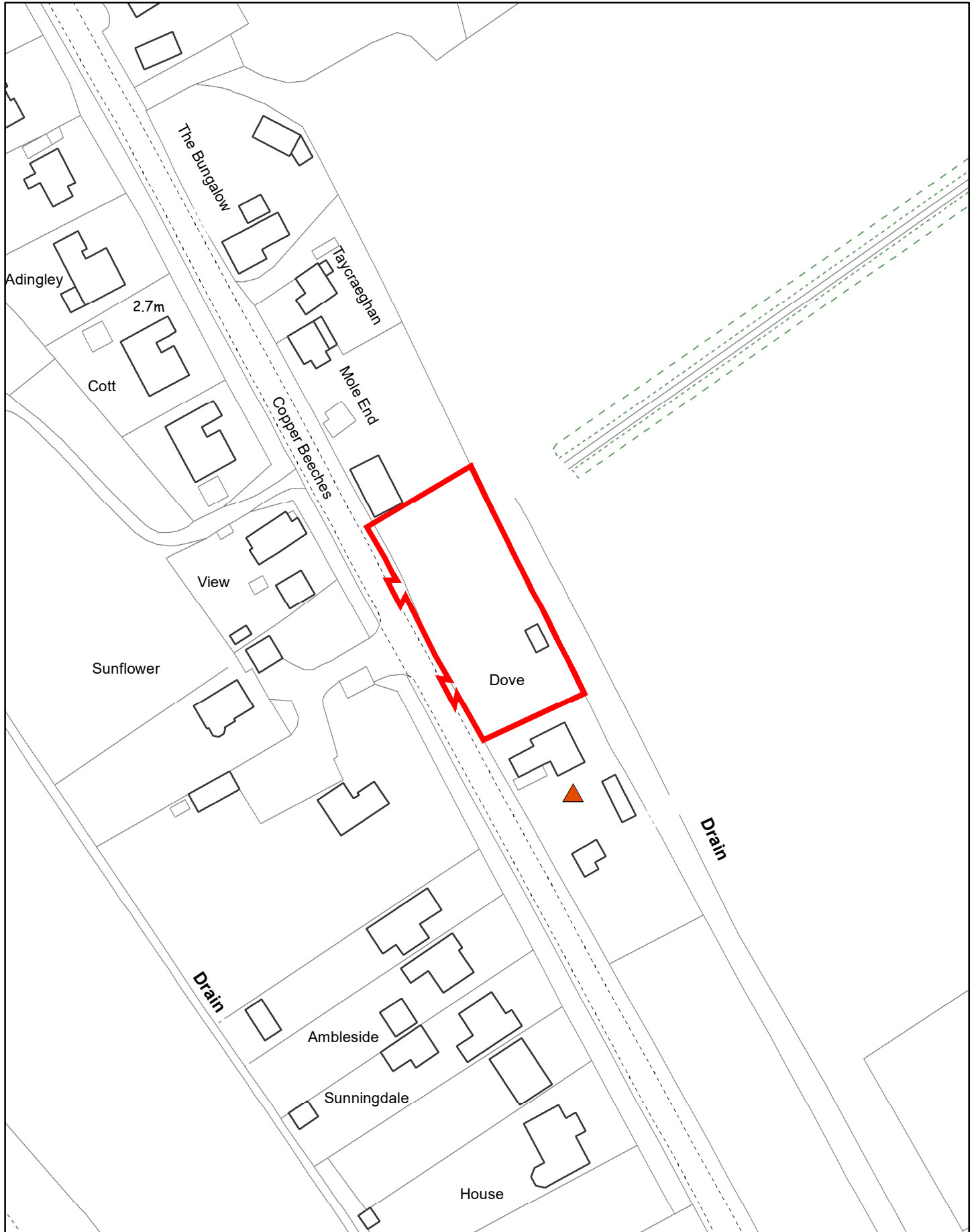
1	<p>The development permitted shall commence before 24 May 2021.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (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> <p>Reason- To ensure that the development complies with approved details in the interests of the protection of human health and the environment.</p>
3	<p>The gradient of the proposed vehicular accesses shall not exceed 1:12 for a minimum distance of 5.0m into the site as measured from the near edge of the highway carriageway.</p> <p>Reason- In the interests of highway safety and in accordance with LP15 of the Fenland Local Plan 2014.</p>
4	<p>Prior to the occupation of each dwelling the associated vehicular access where it crosses the public highway shall be laid out and constructed in accordance with detailed plans to be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason- In the interests of highway safety and to ensure satisfactory access into the site in accordance with LP15 of the Fenland Local Plan 2014.</p>
5	<p>Notwithstanding the submitted plans, the accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority prior to the commencement of development.</p> <p>Reason- To prevent surface water discharging to the highway</p>



	and in accordance with LP15 of the Fenland Local Plan 2014
6	<p>Prior to the occupation of each dwelling the associated on-site parking /turning shall be laid out in accordance with the approved plan 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 LP15 of the Fenland Local Plan 2014.</p>
7	<p>Any external lighting shall be designed to be baffled downwards to minimise any potential disturbance to foraging bats.</p> <p>Reason- In the interests of Policy LP19 of the Fenland Local Plan 2014</p>
8	<p>Prior to the commencement of development of each dwelling full details of the associated hard and soft landscape works for that dwelling shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:</p> <p>a) proposed finished levels which should not exceed 2.30m AOD;</p> <p>b) hard surfacing materials; and</p> <p>c) new tree planting plans, including specifications of species and size.</p> <p>Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted and in accordance with Policy LP16 and LP19 of the Fenland Local Plan 2014.</p>
9	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development and in accordance with Policy LP16 of the Local Plan.</p>

10	<p>Prior to the commencement of the development of each plot trade descriptions of the external facing and roofing materials to be used in the construction of the dwelling hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved detail.</p> <p>Reason- To ensure that the new materials are in keeping with the surroundings in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);</p> <p>ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and E);</p> <p>iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</p> <p>iv) alterations to the roof of the dwelling house (as detailed in Schedule 2, Part 1, Class C);</p> <p>Reasons-</p> <ol style="list-style-type: none"> <li>1. To ensure that the Local Planning Authority retains control over the future extension, alteration and enclosure of the development, in the interests of protecting visual amenity and the character of this part of the area in which it is set.</li> <li>2. To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.</li> <li>3. To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings</li> <li>4. In order to control future development and to prevent the site becoming overdeveloped. In accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</li> </ol>
12	<p>Prior to the commencement of development of each plot details of:</p> <ul style="list-style-type: none"> <li>• a range of bat boxes or bat tiles for incorporation into the new dwelling;</li> <li>• a range of bird nest boxes be installed that cater for a number of different species such as House Sparrow, Starling &amp; Swift. Details regarding numbers, designs and locations should be provided;</li> <li>• construction trenches to be covered overnight or a means of escape provided for any hedgehogs (or other mammals or reptiles) that may have become trapped;</li> </ul>

	<p>and</p> <ul style="list-style-type: none"> <li>• impenetrable barriers to be avoided, by allowing adequate gaps to be retained under any new fencing;</li> <li>• shall be submitted to and approved in writing by the local planning authority. Details regarding numbers, designs and locations should be included. The development shall be built out including and in accordance with these approved details.</li> </ul> <p>Reason- In the interests of biodiversity in accordance with LP16 and LP19 of the Fenland Local Plan 2014</p>
13	The development hereby permitted shall be carried out in accordance with the following approved plans and documents



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**F/YR19/0736/VOC**

Scale = 1:1,250





- 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.

SITE PLAN KEY

- Indicates buildings un-surveyed (from ordnance survey location plan)
- Indicates existing un-surveyed trees, hedges and planting
- Indicates proposed footprint of buildings
- Indicates proposed site access
- New Site Access
- Indicates existing overhead cables
- Indicates proposed site access to be sealed and drained into the site

Revisions

A	Feb 2016	Minor amendments made in acc. with planning officer comments
B	March 2016	Red Line Amended on Location Plan
C	June 2016	Foot Path Added
D	Nov 2017	Site access notes amended
E	June 2018	Dimensions Added
F	July 2019	Path Revised
G	Sept 2019	Access Revised
H	Oct 2019	Footpath Removed

Status  
**FOR COMMENT**

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title	Date	Scale
Proposed Residential Development	December 2015	As Shown
Mole End, Gull Road		Sheet Size
Guyhirn, Wisbech		A1
for Mr R Grundy		
Drawing Title	Job No.	Drawn by
Planning Drawing	SE-509	SJB
Location & Site Plan	Dwg No.	Revision
	02	H

Site Plan  
Scale: 1:200

Proposed Site Elevation  
Scale: 1:200

Location Plan  
Scale: 1:2500

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F/YR19/0841/VOC

**Applicant: Mrs M Symonds, Mrs L  
Goodger & Ms J Plumb**

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

**Land West Of Sunset Rooms, Station Road, Wisbech St Mary, Cambridgeshire**

**Variation on conditions 8 and 9 to enable amendment to approved plans relating to Planning permission F/YR18/0386/O (Erection of up to 3 x dwellings (Outline with matters committed in respect of access))**

**Officer recommendation: Grant**

**Reason for Committee: Parish Council comments contrary to officer recommendation.**

## **1 EXECUTIVE SUMMARY**

- 1.0 This submission seeks to vary conditions 08 and 09 of outline planning permission F/YR18/0386/O which requires the upgrade of the access surface up to the most westerly plot of the development.
- 1.1 In revisiting this condition it is necessary to ascertain whether there is a highway safety benefit in retaining the condition as imposed and the likely impact in residential amenity terms if the scheme was delivered without the access upgrade. It is also essential to consider whether the condition meets the tests outlined in the NPPF.
- 1.2 With regard to highway safety it is noted that there is no highway safety requirement to deliver an upgrade along the entire access; with the critical point requiring upgrade being the first 10 metres; this having been identified in the original recommendation of the Local Highway Authority.
- 1.3 Similarly whilst it would be 'desirable' to secure an upgrade the likely implications, in residential amenity terms, should the full access remain as gravel, when viewed against the backdrop of an established and active access route to the sports hall car park is likely to be negligible at most. It is further contended that any additional vehicular movements are likely to be insignificant in noise and disturbance terms.
- 1.4 Matters of refuse collection have also been considered as it is clear that a requirement for householders to push full refuse containers along a gravelled roadway circa 140 metre (discounting the formalised 10 metres of access and based on the closest point of the most westerly plot to Station Road) would be less than ideal in residential amenity terms. However it is clear that there is insufficient space at which to present bins for roadside collection and as such the only option would be a private refuse collection scheme directly from the individual plot boundaries, as has been indicated by the agent.

1.5 It is therefore considered that the access upgrading required by virtue of original conditions 08 & 09 would NOT meet the tests outlined in the NPPF for the reasons outlined above; accordingly a favourable recommendation to the proposal to remove the condition must be forthcoming.

## 2 SITE DESCRIPTION

- 2.1 The site is located to the east of Station Road in Wisbech St Mary and comprises land associated with the former Sunset Rooms which following a period of vacancy and an intervening alternative use is now operated as a sports hall. Immediately to the east of the site is an area of car park associated with the leisure use; this area has been cleared and gravelled and a fence erected between it and the application site under consideration
- 2.2 The site itself is vacant and overgrown in parts. Access to the site is via a track leading from Station Road. There are dwellings to the south (Blundell Terrace and Beechings Close) and the east (Station Road). To the north there are some dwellings positioned sporadically surrounded by agricultural land.
- 2.3 The existing community centre and sports field are positioned to the west, accessed from Beechings Close. The site is within flood zone 1.

## 3 PROPOSAL

- 3.1 Seeks to remove condition 08 which requires a bound surface along the entire access to the proposed dwellings, up to and including the access point of the most westerly plot. As a consequence of this it would also be necessary to amend the plan schedule to detail the extent of access upgrade now proposed.

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/YR18/0386/O	Erection of up to 3 x dwellings (Outline with matters committed in respect of access)	Granted 11/10/2018
F/YR17/0259/F	Erection of a single-storey 4-bed dwelling And detached garage with playroom above	Granted 15/05/2017
F/YR16/0922/F	Erection of 4 x 3-storey dwellings comprising of 2 x 5/6 bed with detached double garage with playroom above; 1 x 5-bed with detached double garage with playroom above and 1 x 5-bed with attached hovel	Refused 12/02/2016

## 5 CONSULTATIONS

- 5.1 **Parish Council:** Recommend Refusal
- 5.2 **Local Residents/Interested Parties:** Two letters of objection/representation have been received which may be summarised as follows:



- Density, overdevelopment
- Drainage
- Environmental Concerns
- Loss of view/Outlook, Overlooking/loss of privacy, Proximity to property
- Traffic or Highways
- Visual Impact
- Still strongly oppose to this development especially in regards to our loss of view, although this has I believe been passed nothing has changed for myself.
- Compaction of the gravel access leading up to Sunset Rooms has caused damage to the electricity junction situated at the entrance. National Grid have advised that this was caused by the traffic using this access and therefore any additional trips are likely to have a detrimental consequence on this issue. It is therefore important that the applicant provides adequate surface material to further prevent compaction. This advice was given to us after the original application was submitted so was not raised for the earlier application.
- The width of the access is small for two-way traffic. We have witnessed several vehicles access/egress the site at speed and we are concerned that with the additional trips could cause safety issues.
- We have been advised that a tarmaced highway improves stopping distances compared to gravel, especially in icy conditions.
- We are aware that there are currently two accesses for the site and at the very least we would recommend implementing a one-way system to alleviate these concerns.
- Further to the formalisation of the access, we have concerns over the visibility splays for car exiting the site as the hedgerow to the north can hinder the view. Whilst we appreciate that this application considers the surfacing of the proposed access we would like to raise this for consideration.
- We believe that a formalised access is required to mitigate the issues related to the compaction of material.
- It isn't just vehicles accessing the lane going to the Sunset Rooms, it is parents going to and from the community centre and the football pitches. In addition, the staff at the community centre also use it and when there is a football tournament there is more than average usage of the lane.

## **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 - 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 12 - Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Paragraphs 55-56 - Outline the tests to be applied with regard to conditions

## 7.2 National Planning Practice Guidance (NPPG)

## 7.3 Fenland Local Plan 2014

LP1 - Presumption in favour of sustainable development

LP15 - Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 - Delivering and protecting high quality environments across the district

## 8 KEY ISSUES

- Principle of Development
- Highway considerations
- Residential amenity considerations, including refuse arrangements

## 9 BACKGROUND

9.1 Planning permission was granted for 3 dwellings on this site in October 2018, a condition was imposed on the decision notice which required that the full extent of the access road serving these plots *'be surfaced with an appropriate bonded surface material and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA'* prior to occupation of any part of the development permitted.

9.2 Within the submitted documents the agent has highlighted the following issues as pertinent to the consideration of the submission to remove the condition:

*The existing former Sunset Rooms is now being used as a sports hall as part of the Community Centre, the traffic movements from the venue are at unsociable hours whereas the proposed dwellings would be accessing and leaving at times consistent with neighbouring properties.*

*The traffic using the access in association with the sports hall is much greater than the proposed dwellings will generate. There are 22 parking spaces allocated for the sports hall which, on the basis of how the hall is currently used, are likely to be used to their capacity. In view of the amount of vehicular movements going to and from the sports hall car park, the trips generated by the proposed dwellings will be easily absorbed into the sports hall traffic. Therefore no additional harm caused by noise and disturbance will be caused by vehicles associated with the proposal as a result of the retention of the existing access surface material.*

*The site of the dwellings is the former extended car park to the sunset rooms and due to its size would be capable of having space for an additional 70 parking spaces. Should the proposal not go ahead the land can be used for the additional 70 parking spaces and any upgrade works to the existing access or driveway could not be sought. Therefore to request an upgrade of the drive for 3No. dwellings is unreasonable and unjustified.*

*The Sunset Rooms has no restriction on opening times, how many individuals use it and how often it is used, so to carry out any extensive works to the drive*

would be impossible to do as the users have un restricted access at all times. To carry out the works to the access as requested by condition 08 would restrict the users to the sports hall which could ultimately threaten the vitality of this community facility.

## 10 ASSESSMENT

### Principle of Development

- 10.1 The principle of this development has been established by virtue of outline planning approval F/YR18/0386/O, given that this consent remains extant the scheme proposals do not require revisiting in terms of the settlement hierarchy, character, flood risk or residential amenity in so far as it relates to the general principles of the development. That said it is necessary to consider the ramifications of the change of surfacing materials and in this regard it is considered that residential amenity, of both the existing and intended residents and highway safety are material considerations which warrant revisiting.

### Highway considerations

- 10.2 The highway safety aspects of the scheme were fully considered under the earlier planning approval in respect of viability, access width and the need to hard surface the first 10 metres of the junction with Station Road. The conditions recommended by the Local Highway Authority (LHA) sought to secure a vehicular access from Station Road which was hard surfaced, sealed and drained away from the highway for a minimum width 5m and a minimum length of 10m from the back edge of the existing carriageway; it should be noted that the LHA did not require the remainder of the access to be upgraded.
- 10.3 It is further noted that the Planning Committee in their consideration of the scheme supported a condition requiring a bound surface to be provided *'up to the access to the most westerly plot [...] surfaced with an appropriate material and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA*. This would be circa 175 metres in length when based on the original illustrative layout.
- 10.4 In highway safety terms the surfacing of the access is not necessary as the 'critical' safety upgrade would be the first 10 metres of the access, accordingly it is considered that the scheme now presented, which does not include an upgrade of the remainder of the access, meets the requirements of Policies LP15 and LP16 with regard to highway safety.

### Residential amenity considerations, including refuse arrangements:

- 10.5 Comments of neighbours have been noted regarding overlooking, loss of view and overdevelopment etc; however these aspects have been fully evaluated as integral to the earlier consideration of the outline planning approval. It is solely the impact that a change in surfacing would have on the residential amenity of existing and proposed residents that may be revisited.
- 10.6 With regard to the residential amenity of the existing residents it is noted that the first 10 metres of the access will be hard surfaced which will reduce noise and disturbance at the access point from all vehicles accessing the Sports Hall car park and the 3 proposed plots. The access up to the Sports Hall car park is currently gravelled and should the plots not be delivered the residential amenity

impacts in terms of noise and disturbance would remain as per the existing situation as there is no mechanism to secure a upgraded access surface to serve the sports hall, this having been fully considered under the earlier report.

- 10.7 Securing an access upgrade along the whole length of the access may be seen as a planning benefit, however on revisiting this matter Officers are not convinced that it is proportionate in the context of the scheme proposals or indeed reasonable. The NPPF clearly indicates that conditions may only be imposed where they are
- (a) Necessary
  - (b) Relevant to planning
  - (c) Relevant to the development to be permitted
  - (d) Enforceable
  - (e) Precise
  - (f) Reasonable in all other respects
- 10.8 It is clear that the additional impact of 3 households using the existing access in its current form against the backdrop of the existing use will be negligible. Accordingly it is considered that there would be a strong likelihood, if the condition were tested at appeal, for it to fail to meet the tests identified above under (a) necessary and (f) reasonable in all other respects.
- 10.9 The agent has once again confirmed that the dwellings would be served by a private refuse collection service; which would be secured and maintained in perpetuity by condition. Such a scenario would alleviate the need for residents to wheel refuse bins along the full extent of the gravelled access which is always a primary concern when considering ongoing residential amenity and servicing of such sites without a highway frontage.
- 10.10 In this instance a kerbside collection scheme would also prove problematical given the constraints of the footpath at the junction with Station Road as the lack of private land associated with the development from which to accommodate a bin collection point. Informal advice has been sought from the FDC Refuse team with regard to any future desire from residents for assisted collection and it is noted that the Council would be entirely justified in declining to provide such a service on the grounds of health and safety of their operatives.

## **Other matters**

- 10.11 It is noted that a householder has raised concerns regarding the likely interruption of their electricity service resulting from compaction at the access point damaging the electricity junction point; however it is clearly identified in their submission that this infrastructure is situated at the access point to the site which is proposed to be upgraded. Notwithstanding this it should be noted that this would be a civil matter between householders.

## **11 CONCLUSIONS**

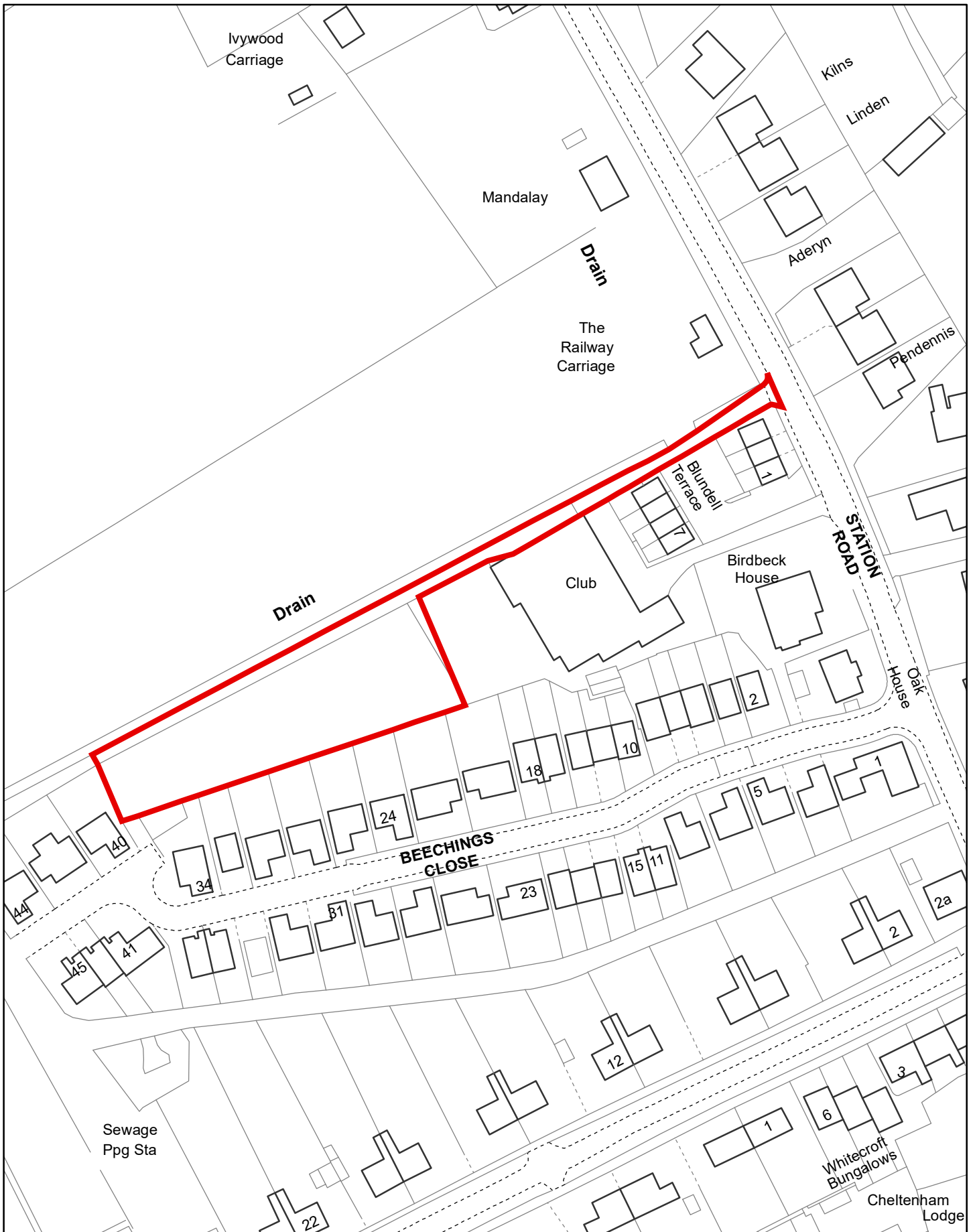
- 11.1 Whilst it may be 'desirable' to retain enhancements in respect of the access way upgrades it is not considered 'reasonable' when applying the tests outlined under Paras 55-56 of the NPPF as such it is recommended that the condition be removed/varied as per the application submission.

## **12 RECOMMENDATION**

## Grant

1	<p>Approval of the details of:</p> <ul style="list-style-type: none"> <li>(i) the layout of the site</li> <li>(ii) the scale of the building(s);</li> <li>(iii) the external appearance of the building(s);</li> <li>(iv) the landscaping</li> </ul> <p>(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development). Reason - To enable the Local Planning 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 prior to 15<sup>th</sup> October 2021.</p> <p>Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.</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>Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/ timescales of development etc. The CEMP shall be adhered to at all times during all phases.</p> <p>Reason - To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
5	<p>Prior to occupation of the first dwelling hereby approved a refuse collection strategy for the quantum of development 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 unless otherwise agreed in writing.</p> <p>Reason - To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014</p>

6	<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 LP16 of the Fenland Local Plan.</p>
7	<p>Prior to occupation of the first dwelling hereby approved hereby the vehicular access from Station Road shall be hard surfaced, sealed and drained away from the highway for a minimum width 5m and a minimum length of 10m from the back edge of the existing carriageway, in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.</p> <p>Reason - In the interests of highway safety in line with Policy LP15 of the Fenland Local Plan (May 2014).</p>
8	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



Created on: 07/10/2019

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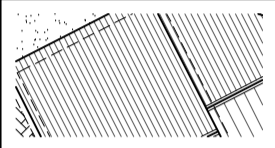
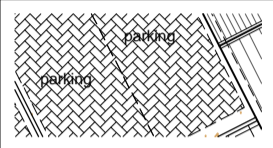
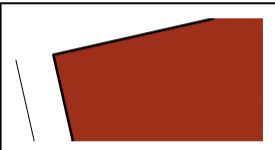
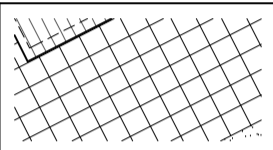
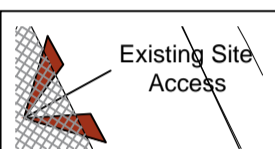
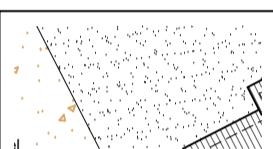
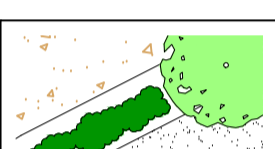
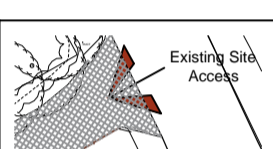
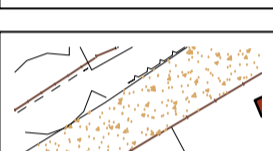
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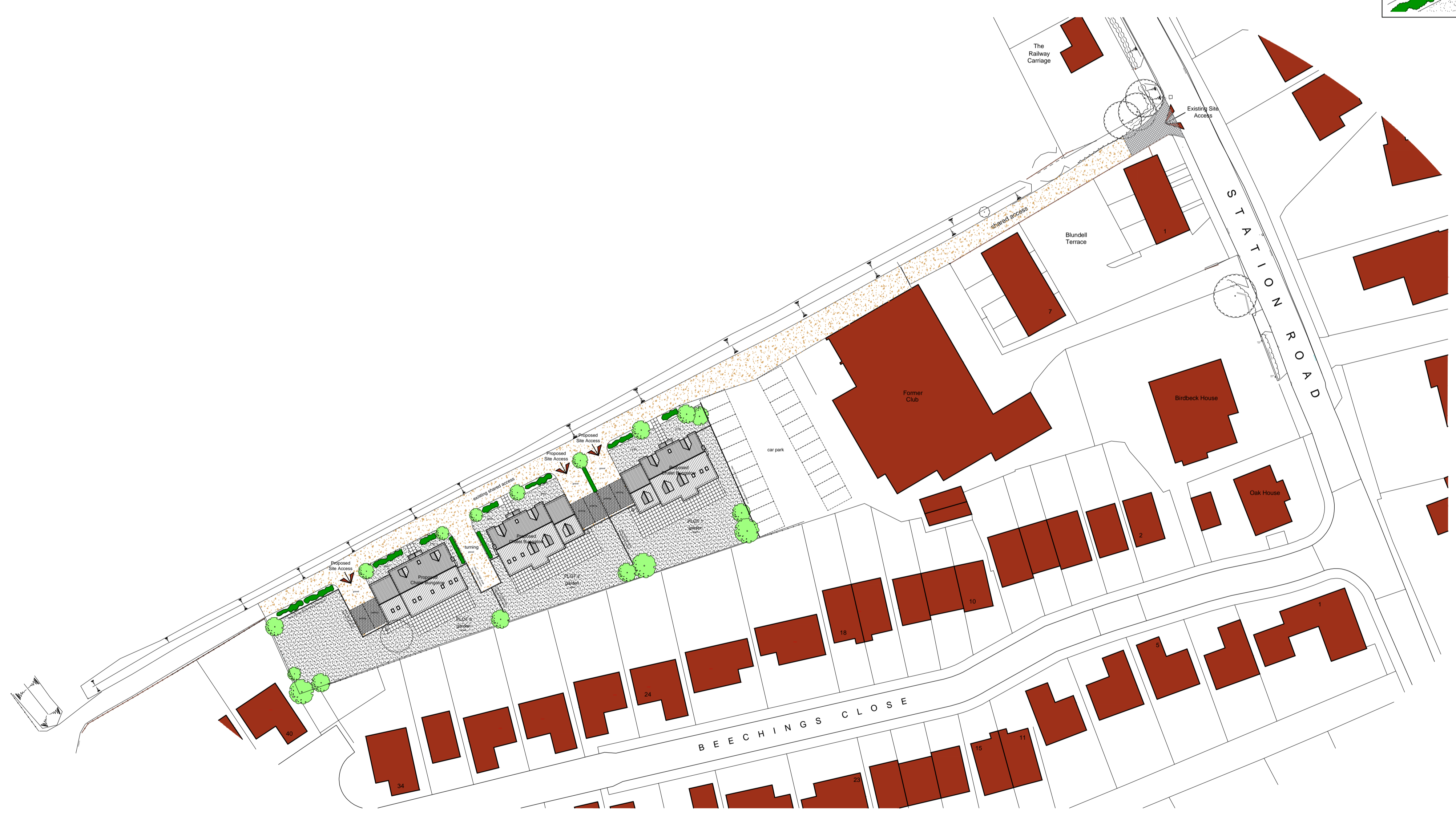
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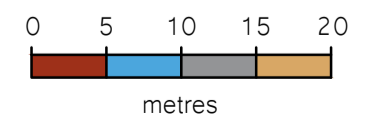
- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
  2. All dimensions are shown in 'mm' unless otherwise stated.
  3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  4. This drawing is to 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.

SITE PLAN KEY

	Indicates proposed dwellings		Indicates block paving parking spaces
	Indicates existing structures taken from O.S. map		Indicates patio slabs
	Indicates site access points		Indicates areas to be grassed
	Indicates tress and shrubs		Indicates 10.0m sealed and drained access constructed to CCC Construction Specification
			Indicates existing drive to be re-graveled to match existing



Indicative Site Plan  
Scale: 1:500



Revisions

A	August 2018	Access Revised for Highways
B	Oct 2018	Car parking spaces shown
C	Sept 2019	Drive finish shown

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450094 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Three Dwellings Wisbech St Mary For: Symonds, Plumb & Goodger	Date April 2018	Scale 1:500 Sheet Size A1
Drawing Title Planning Drawing Complete Site Plan	Job No. SE-874 Dwg No. 03	Drawn by G.E. Revision C



**F/YR19/0859/FDC**

**Applicant: Ms Becky Francis  
Fenland District Council**

**Agent :**

**Former Garage Site, Crescent Road, Whittlesey, Cambridgeshire**

**Erect up to 3 x dwellings (outline application with all matters reserved)**

**Officer recommendation: Approve**

**Reason for Committee: Fenland District Council are land owner and applicant**

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## **1 EXECUTIVE SUMMARY**

- 1.1 This site is within the built up settlement of Whittlesey and is within a sustainable location.
- 1.2 It is considered that there are no site constraints which would render the development of the site for three residential units unacceptable; subject to detailed design and appropriate safeguarding conditions.
- 1.3 In its current state the site as a former garage site has the characteristics of a potential area for anti-social behaviour and miscreants, with a poor level of passive surveillance as such the development of this site is likely to have a positive impact on the locality.
- 1.4 The scheme complies with both national and local planning policy and may be favourably recommended.

## **2 SITE DESCRIPTION**

- 2.1 The site comprises a former garage site associated with Crescent Road/Victory Avenue in Whittlesey which is part of a residential housing estate constructed around the mid-1960s, it was apparent at the time of the site inspection that the area is not actively used and all garages have been removed.
- 2.2 The site is bounded on all sides by residential development and accessed via a single track situated between B2 and No.2 off the existing estate road. The site is largely laid to concrete and tarmac; it is enclosed by a mix of close boarded fencing excepting along the access to Crescent Road which is an established hedge.
- 2.3 It was evident from the site inspection that the area provides vehicular access to two bungalows (known as The Bungalow A2 and Westons Den 3 The Close) and the site is not accessed by any other properties.

### 3 PROPOSAL

- 3.1 The proposal seeks outline planning permission (with all matters reserved) for the erection of up to 3 dwellings on a former garage site at Crescent Road, Whittlesey.
- 3.2 There is no illustrative site plan, however the application form indicates that the proposed development to comprise 3 detached bungalows with parking and turning on site. Whilst access has not been committed as part of the application the red line shows access in-between properties at B2 and 2 Crescent Road.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PYUGDRHE06P00>

### 4 SITE PLANNING HISTORY

No planning history for the site.		
<b>For the dwelling known as The Bungalow A2</b>		
F/93/0305/F	Erection of a 3-bed bungalow	Granted 12/10/1993
F/91/0704/F	Use of land for the stationing of 2 mobile	Refused on 20/05/1992
<b>For the dwelling known as Westons Den 3 The Close</b>		
F/YR15/0124/F	Erection of a single-storey 2-bed dwelling	Granted 28/05/2015
F/YR07/0632/RM	Erection of a 3-bed detached bungalow and detached single garage	Approved 21/09/2007
F/YR06/0724/O	Erection of a dwelling	Granted 21/08/2006

### 5 CONSULTATIONS

- 5.1 **Whittlesey Town Council:** No objection and therefore recommendation approval.
- 5.2 **Cambridgeshire County Council Highways Authority:** Raise no objections in terms of the suitability of the access due to the access already providing access to several garages. FDC need to consider the impact of any parking displacement that will occur as result of the garages being demolished. No highways objections subject to the standard outline condition securing reserve matters.
- 5.3 **Environment & Health Services (FDC):** 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 and the noise climate. However, as the proposal involves development on what was historically a garage site, the applicant must submit a desk study / phase 1 contaminated land risk assessment to determine whether previous activities have impacted on the ground condition.
- 5.4 **Local Residents/Interested Parties:** 3 letters of objection have been received which may be summarised as follows:

- Lack of information and details submitted with the application;
- No surveys have been carried out, i.e. flood risk, contamination, tree or ecology surveys;
- Access, traffic, highways, and parking arrangements;
- Backfill;
- Density/Overdevelopment;
- Design/Appearance and Visual Impact;
- Drainage;
- Environmental Concerns;
- Flooding;
- Noise;
- Residential Amenity
- Overlooking/loss of privacy;
- Shadowing/loss of light;
- Proximity to property – where will the dwellings be located?;
- Loss of view/Outlook – would like to know what type of building are being proposed and the location

## **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. 2 - Applications should be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making

Paras. 24-27 Maintaining effective cooperation

Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

Para. 91 - Decisions should aim to achieve healthy, inclusive and safe places

Para. 98 - Decisions should protect and enhance public rights of way and access

Para. 118(d) promote the development of under-utilised land and buildings especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively

Para. 127(f) - create places that are safe, inclusive and accessible and which promoted health and well-being and a high standard of amenity for existing and future users.

Paras. 178 - 189 - Ground conditions and pollution

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

### **National Design Guide**

### **Fenland Local Plan 2014**

Policy LP1 – A Presumption in Favour of Sustainable Development  
Policy LP2 - Facilitating health and wellbeing of Fenland Residents  
Policy LP3 – Spatial strategy, the settlement hierarchy and the countryside  
Policy LP14 – Responding to climate change and managing the risk of flooding in Fenland  
Policy LP15 – Facilitating the creation of a more sustainable transport network in Fenland  
Policy LP16 - Delivering and Protecting High Quality Environments across the District

## **8 KEY ISSUES**

- **Principle of Development**
- **Character, Layout, Design & Residential amenity**
- **Highway and access considerations**
- **Flood risk**
- **Contaminated land**
- **Other matters**

## **9 ASSESSMENT**

### **9.1 Principle of Development**

9.2 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan (FLP) 2014, and the National Planning Policy Framework 2019. The weight that should be attributed to these policies and documents are considered below.

9.3 In terms of the FLP the scheme would in principle accord with Policy LP3 given that Whittlesey is identified as one of the market towns where the majority of the district's new housing should be focussed. It is however necessary to demonstrate that there would be no harm arising to the visual amenity of the area or residential amenity with regard to Policies LP16. In addition it is necessary to demonstrate that there is a safe access to the site (Policy LP15) and that the scheme is acceptable in flood risk (Policy LP14) and that there are no other site constraints, including contamination etc which would render the scheme unacceptable.

### **9.4 Character, Layout, Design and Residential amenity**

9.5 This is an outline application with all matters reserved. It is clear from the submitted site plan that there is sufficient land available on which to deliver a scheme of three dwellings.

9.6 Whilst Crescent Road is characterised by frontage development there are two existing properties immediately adjacent the site. It is considered that three further dwellings in this location would not detrimentally impact on the character of the locality and that a detailed scheme has the potential to accord with Policy LP16 subject to other policy considerations.

9.7 Concerns regarding the relationship of the proposed dwellings overlooking and overshadowing properties are noted, however it is considered that there is sufficient distance from the neighbouring gardens to be able to accommodate three

dwellings in this location without compromising residential amenity and these issues will be considered further at design stage.

- 9.8 As this is an outline application the window positions are unknown at this stage; however there is scope at the detailed design stage to minimise overlooking; and whilst there is likely to be an element of overlooking (which is not uncommon in urban areas) such overlooking subject to careful design is unlikely to have a significant detrimental impact on the private amenity of adjoining occupiers.
- 9.9 The application form indicates a proposal for three 3-bed detached bungalows and it is likely given the existence of the two bungalows adjacent to the site that single-storey development would be the most appropriate form of development for the site and in turn is less likely to have issues with regard to overlooking and overshadowing of the adjacent properties.
- 9.10 There is currently one street light available within the site along a small section of footpath which has been created within the site serving the two existing bungalows. It is considered necessary to impose a condition requiring a lighting scheme for the proposed development.
- 9.11 Based on the above evaluation it is considered that the scheme has the potential to accord with Policy LP16 of the FLP and as such may be favourably recommended.
- 9.12 **Highway and access considerations**
- 9.13 This is an outline planning application with all matters, including access reserved, however it is clear that there is an access available from Crescent Road. It is acknowledged that the access width is restrictive and there is potential pedestrian conflict, however the likely traffic generation arising from this proposal will be significantly less than the authorised use of the site as a former Council garage site. Indeed the Highway Authority raises no objection to the proposal.
- 9.14 In its current state the site has the characteristics of a potential area for anti-social behaviour and miscreants, with a poor level of passive surveillance as such the development of this site is likely to have a positive impact on the locality.
- 9.15 There is sufficient site area available to provide parking in accordance with the parking standards, it is anticipated that three modest sized dwellings are likely to be delivered and this typically would require 2 car parking spaces for each dwelling.
- 9.16 Bin collection arrangements will need to be undertaken where the access meets Crescent Road. Full details will need to be secured and can be dealt with by a planning condition requiring a Refuse Collection Strategy.
- 9.17 Based on the above there are no matters arising that would indicate that planning permission should be withheld for this development on the grounds of LP15 or LP16 in so far as they related to access, servicing and highway safety.
- 9.18 **Flood risk**
- 9.19 This is a flood zone 1 location and as such it is sequentially preferable in terms of development and represents no issues with regard to Policy LP14 of the FLP.

## 9.20 Contaminated land

- 9.21 The consultation process has generated concern regarding the potential for the site to be contaminated. The case officer has requested a desk study /walk over in relation to this issue and a report is expected and will be updated to Members at Planning Committee. The Environmental Health team do not hold any specific data for historic land use, pollution incidents or any remediation for the site.
- 9.22 Notwithstanding this, garages are associated with storing chemicals such as hydrocarbons (petrol/diesel/oils) and undertaking of vehicle maintenance. These activities have a risk of pollution incidents impacting on the land. In this case contamination is suspected so a planning condition is required to secure further assessments to be carried out with an associated remedial strategy being submitted and agreed prior to any development taking place.

## 9.23 Other matters

- 9.24 The comments received from local residents have been carefully considered in respect of the absence of detailed planning submission which appears to be essentially the main concern, however an outline planning application does allow for a decision on the general principles of how a site can be developed. In this case the applicant has chosen not to submit details of such matters for example of 'layout', 'scale' and 'appearance' at this stage (i.e. they can be 'reserved' for later determination in a subsequent application known as a 'Reserved Matters' application.
- 9.25 There are no trees or buildings within the site and the area is not identified as being within or close to any protected wildlife sites as such an ecological survey would not be required as there are little or no potential impacts on biodiversity. Accordingly the proposal would satisfy Policy LP19 of the FLP.

## 10 CONCLUSIONS

- 10.1 It is considered that the erection of three dwellings on the site identified is acceptable and accords with the relevant policy framework, subject to safeguarding conditions regarding contamination and a refuse strategy as required. The area of land identified demonstrates that the site may accommodate the amount of development proposed and that subject to detailed design it is considered that the development could be delivered without detriment to existing residential amenity.

## 11 RECOMMENDATION: Grant

### Conditions

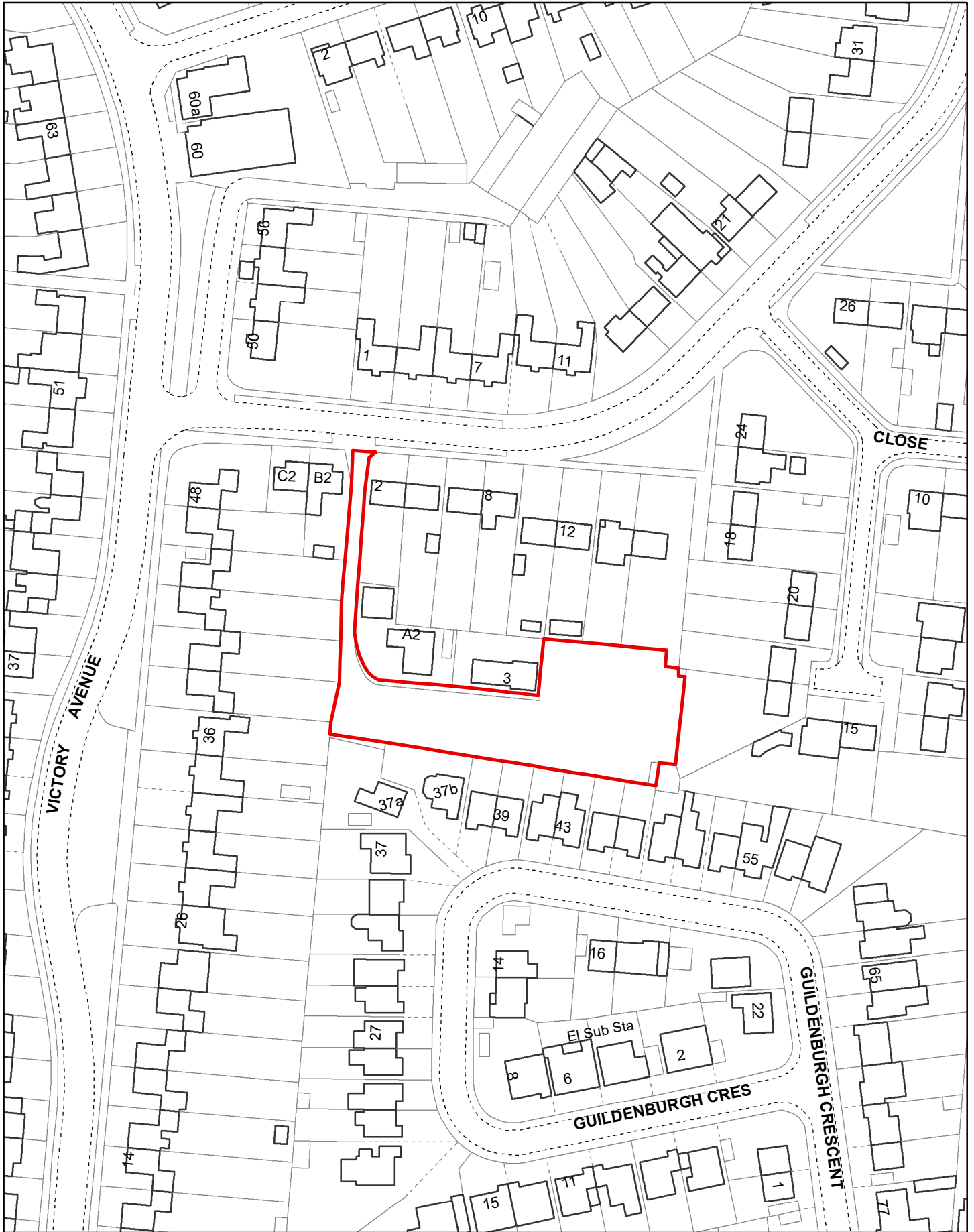
The proposed conditions are as follows;

1	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
---	--

	<p>(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 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 92 of the Town and Country Planning Act 1990.</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 residential elements of the development shall not exceed 3 dwellings (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>IF during development any previously unsuspected contamination is discovered then the LPA must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the LPA:</p> <p>2. A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p>

	<p>(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.</p> <p>(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and</p> <p>(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>3. A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.</p> <p>Reason - To control pollution of land or water in the interests of the environment and public safety.</p>
6	<p>Prior to commencement of development a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse collection strategy shall be implemented in accordance with the agreed details in full and thereafter be retained in perpetuity unless otherwise agreed in writing.</p> <p>Reason: To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.</p>
7	<p>Prior to commencement of development a scheme detailing the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to any occupation of any dwellings and retained and maintained thereafter in perpetuity.</p> <p>Reason - In order to ensure that the development creates a safe environment and to prevent crime in accordance with Policy LP17 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>





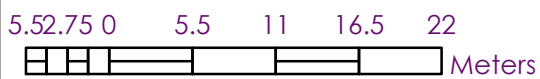
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**F/YR19/0859/FDC**

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### Land at Crescent Road, Whittlesey



F/YR19/0860/FDC

**Applicant: Ms Becky Francis  
Fenland District Council**

**Agent :**

**Land North Of, 7 Glebe Close, Chatteris, Cambridgeshire**

**Erect a dwelling (outline application with all matters reserved)**

**Officer recommendation:** Grant

**Reason for Committee:** Fenland District Council are the applicants and own the application site

## 1 EXECUTIVE SUMMARY

The application seeks Outline planning permission with all matters reserved for a single dwelling.

This is an outline application with all matters reserved, hence details of the proposed design, appearance, landscaping, access and scale have not been submitted. It is considered that on the basis of the proposed dwelling being single-storey, suitable siting and boundary treatments the site is capable of providing a policy compliant proposal.

It is acknowledged that there is limited parking available for the existing properties on Glebe Close and the site is used for informal parking, however there are no planning conditions limiting this area for use as parking serving the existing dwellings and the land is in separate ownership meaning that the use for parking could cease at any time, hence there is no planning justification to refuse the application on this basis.

The principle of developing this site is supported by Policy LP3. There are no issues to address with regard to flood risk and the plot is reflective of the character of the area, subject to detailed design, which requires careful consideration to achieve acceptable levels of residential amenity with onsite parking and turning; the site has the potential to accommodate a policy compliant development and a favourable recommendation is therefore forthcoming.

## 2 SITE DESCRIPTION

The application site is located at the north eastern corner of Glebe Close, Chatteris. The site provides informal parking and consists of unmade land and broken tarmac, there is a narrow, kerbed access leading from the site to meet Glebe Close. There is close boarded fence to the east and west of the site and green metal fencing to the north alongside the TPO'd tree belt. To the south part of the boundary treatment appears to have been removed to allow for access from the site to park at 7 Glebe Close (site photographs for the previous application show a fence along the entire boundary with the site).

### 3 PROPOSAL

- 3.1 The application seeks Outline planning permission with all matters reserved for a single dwelling.
- 3.2 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PYQVN2HE06P00>

### 4 SITE PLANNING HISTORY

F/YR06/0753/FDC	Residential Development (0.034 ha)	Refused 17/08/2006
CU/66/2/D	The erection of 14 old persons bungalows	Granted 14/2/1966

### 5 CONSULTATIONS

#### 5.1 Environment & Health Services (FDC)

*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 and the noise climate.*

*Not knowing the complete history of land use, and acknowledging that it has certainly been used to park vehicles in recent times, it would be prudent to impose the following condition in the event that planning consent is granted.*

#### **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.*

#### 5.2 Cambridgeshire County Council Highways Authority

*I am unable to raise any objections in terms of the suitability of the access due to the access already providing access to gravelled parking area.*

*FDC need to consider the impact of any parking displacement that will occur as result of the parking area being developed.*

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

### **5.3 Arboricultural Officer (FDC)**

*The site is currently utilised for parking and has little vegetation present.*

*However, there is a belt of protected trees to the north of the site adjacent to the boundary fence and within Glebelands Primary School.*

*The belt of vegetation forms essential screening to and from the school and must be protected from damage during construction.*

*Whilst it is unlikely that the construction of the building will impact on the belt of trees, the developer must ensure that any plant operating on site and the storage of materials is kept outside the root protection areas (RPA) of the trees. This is best achieved by installing protective fencing as per BS5837:2012 prior to any works on site. If there is insufficient space to install the fencing so as to fully protect the RPA, then ground protection must be installed to cover those parts of the RPA that are not protected by the fencing. Ground protection must be fit for purpose and capable of supporting the anticipated loadings without leading to compacted soil.*

### **5.4 Town Council**

Recommend Refusal, will result in the loss of a long established car parking area.

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

One representation has been received advising that the resident would appreciate access being maintained to their property to enable parking in the garden.

## **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)**

**National Design Guide 2019**

**Fenland Local Plan 2014; LP1, LP2, LP3, LP4, LP10, LP14, LP15, LP16**

## **8 KEY ISSUES**

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking and Highways**
- **Flood Risk**

## **9 BACKGROUND**

- 9.1 The original planning permission for the site (CU/66/2/D) for the erection of 14 bungalows indicated that this area was intended to provide a garage area for the residents. However the garages were never provided and there was no condition attached to retain the area for parking in perpetuity.

- 9.2 Application F/YR06/0753/FDC was refused on the grounds of harm to the residential amenities of adjoining properties by virtue of increased vehicular activity and increased pressure on the existing parking situation.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application site is located within the settlement of Chatteris which is identified within the Settlement Hierarchy as a Market Town; Market Towns are identified within Policy LP3 as the focus for housing growth, accordingly there is a presumption in favour of development within this location. This is however on the basis that the development is in keeping with and reflects the character of the area and that there are no significant issues in respect of residential or visual amenity, design, parking, highways or flood risk.

### **Design considerations and visual amenity of area**

- 10.2 This is an outline application with all matters reserved, hence details of the proposed design, appearance, landscaping and scale have not been submitted and will be dealt with as reserved matters where these issues will be considered.
- 10.3 The size of the plot is sufficient to accommodate a dwelling reflective of the area. The surrounding dwellings on Glebe Close are single-storey on modest plots and it is considered that only a single-storey dwelling would be acceptable in this location due to the impact on visual amenity and the overlooking of adjoining properties.
- 10.4 The trees to the north of the site are protected by virtue of Tree Preservation Order 1/1997 and whilst these are not located within the site they do adjoin and there is potential for any development of this site to have a detrimental impact, hence it is felt necessary to impose a condition to ensure that the trees are sufficiently protected.

### **Residential Amenity/Health and wellbeing**

- 10.5 This is an outline application with all matters reserved, hence details of the proposed design, appearance, landscaping and scale have not been submitted. It is considered that on the basis of the proposed dwelling being single-storey, suitable siting and boundary treatments the site is capable of providing a policy compliant proposal.
- 10.6 The site is overlooked by the 2-storey dwelling of 4 Saddlers Way to the east of the site, this would not create direct overlooking due to the siting of No.4 and is it considered that there is scope for any proposal to be designed in such a way to minimise the harm created in this respect.
- 10.7 The existing dwellings of 4 and 6 Glebe Close are located in close proximity to the access, however the area is used as informal parking currently and the vehicle movements associated with a single dwelling are not considered to create a significant detrimental impact in relation to noise and disturbance.

### **Parking and Highways**

- 10.8 Whilst access to the site has not been committed the existing access is incorporated within the application site and there do not appear to be any alternative access points. The existing access is not ideal, being narrow and situated between two existing dwellings, there is also a pedestrian dropped kerb near 6 Glebe Close in close proximity to the entrance of the site. There is

reduced visibility due to existing boundary treatments, due to this and the narrow length of the existing access it is considered necessary to ensure that turning is achievable on site; parking provision in accordance with Policy LP15 and Appendix A will also be required.

- 10.9 It is acknowledged that there is limited parking available for the existing properties on Glebe Close and that the application site appears to be used for informal parking, however there are no planning conditions limiting this area for use as parking serving the existing dwellings and the land is in separate ownership meaning that the use for parking could cease at any time, hence there is no planning justification to refuse the application on this basis.

**Flood Risk**

- 10.10 The application site falls within Flood Zone 1 (low risk) and as such the proposal is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures. Issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14.

**11 CONCLUSIONS**

The principle of developing this site is supported by Policy LP3. There are no issues to address with regard to flood risk and the plot is reflective of the character of the area, subject to detailed design, which requires careful consideration to achieve acceptable levels of residential amenity with onsite parking and turning; the site has the potential to accommodate a policy compliant development and a favourable recommendation is therefore forthcoming.

**12 RECOMMENDATION**

**Grant subject to conditions:**

1.	<p>Approval of the details of:</p> <ul style="list-style-type: none"> <li>i. the layout of the site</li> <li>ii. the scale of the building(s);</li> <li>iii. the external appearance of the building(s);</li> <li>iv. the means of access thereto;</li> <li>v. the landscaping</li> </ul> <p>(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 92 of the Town and Country Planning Act 1990.</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</p>

	<p>approved.</p> <p>Reason – To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4.	<p>The residential elements of the development shall not exceed 1 dwelling (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5.	<p>Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part A, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason - To ensure the permanent availability of the parking in the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
6.	<p>The details submitted in accordance with Condition 01 of this permission shall include:</p> <p>An Arboricultural Method Statement (AMS) which shall include justification and mitigation for any tree removal/works proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.</p> <p>Reason - To ensure that the trees adjoining the site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies LP16 of the Fenland Local Plan, adopted May 2014.</p>
7.	<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</p>



	interests of the environment and public safety.
8.	The development hereby permitted shall be carried out in accordance with the following approved plans and documents.



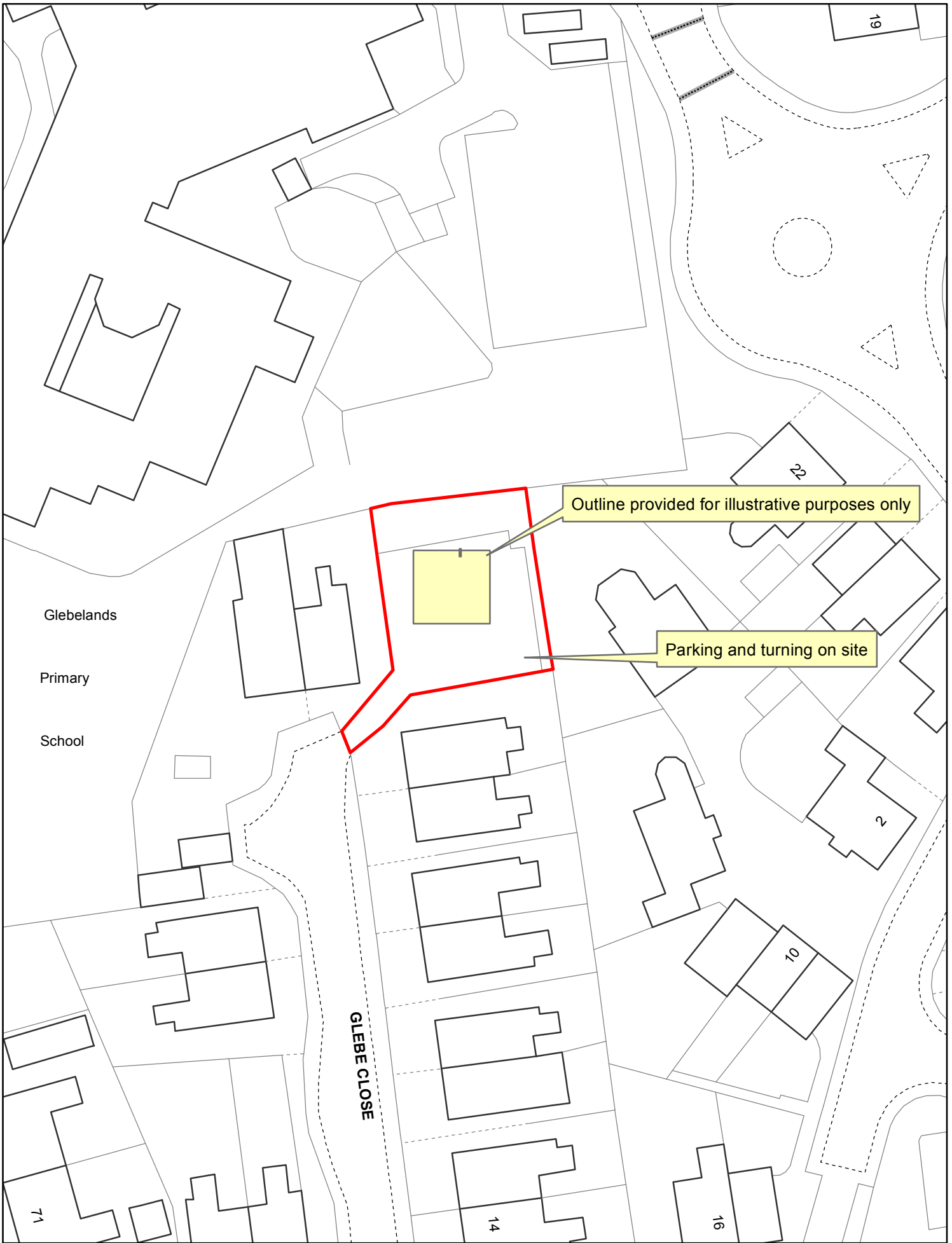
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**F/YR19/0860/FDC**

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F/YR19/0889/O

**Applicant: Mr Fennelow**

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

**Land North Of 3A-15, High Road, Gorefield, Cambridgeshire**

**Erect up to 5no 2-storey dwellings (outline application with matters committed in respect of access and scale)**

**Officer recommendation: Refuse**

**Reason for Committee: The Officer's recommendation is contrary to the Parish Council's and the 9 letters of support received for the scheme**

## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks outline planning permission (with access and scale committed) for residential development of the site for up to 5 dwellings.
- 1.2 The site considered to fall outside the developed footprint of Gorefield – defined as a ‘Small Village’ under policy LP3 of the Fenland Local Plan. LP3 states that development in Small Villages will be considered on its merits but will normally be limited in scale to residential infilling. This proposal is for up to 5 dwellings in an area of open countryside (having regard to the definition of developed footprint under LP12) and is not considered to be infill development or that of limited scale. The principle of development of this site is therefore considered contrary to Policy LP3.
- 1.3 Furthermore, the development would erode the rural, open character of the countryside, instead introducing a ribbon development resulting in an urbanising impact and failing to respect the core settlement form of Gorefield and by reason of its incongruous 2-storey scale would fail to respect the prevailing scale of built form in the locality contrary to Policy LP12(c d and e) and LP16(d).
- 1.4 Finally, the site lies in Flood Zone 2 (medium risk). Whilst the applicant has submitted a sequential test it is considered that the scope of the test is too restricted and the application therefore fails to demonstrate that the development could not be secured on an alternative site at a lower risk of flooding contrary to Policy LP14 of the Fenland Local Plan and the Chapter 4 of the Cambridgeshire Flood and Water SPD and para 100 of the NPPF.
- 1.5 Whilst the site offers no technical issues e.g. in respect of highways, contamination or biodiversity, the significant harm resulting from the development is considered to substantially outweigh the modest benefits that the development could achieve.
- 1.6 The recommendation is to refuse the application.

## 2 SITE DESCRIPTION

- 2.1 The site comprises 0.48Ha of high grade agricultural land located to the east of Gorefield. The site fronts onto High Road and directly opposite a line of primarily single-storey dwellings which continue along the south of High Road into the settlement of Gorefield. Open countryside extends beyond the site to the north and east. Immediately west is the garden land of 40 High Road. Further west are 3 more dwellings separated by garden land and agricultural accesses. A farm yard stretches across the rear of these properties and extends to the planned estate of Churchill Road to the east.
- 2.2 The site lies in Flood Zone 2 (medium probability of flooding).

## 3 PROPOSAL

- 3.1 The application seeks outline planning permission for the residential development of the site for up to 5 dwellings.
- 3.2 The application is in outline with only matters of access and scale committed. Matters of layout, 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 5 dwellings extending along the frontage with individual accesses onto High Road. The elevational plans denote 2-storey dwellings at a maximum height of 7.7m.
- 3.4 The application includes the following supporting documents:
- Flood Risk Assessment
  - Existing site plan (Survey Drawing) ref: SE-1093 100
  - Location plan, Indicative Site and Street view plan ref: SE-1093 PP 1000 E
  - Indicative Elevations drawing ref: SE-1093 PP1001A
  - Design and Access Statement
  - Initial biodiversity checklist
  - Flood Risk Sequential Test statement
- 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
F/YR19/0294/O	Erection of up to 5no dwellings (outline application with matters committed in respect of access)	Refused 20 June 2019
18/0143/PREAPP	Erection of 9 dwellings at Land North of 1 - 11 High Road, Gorefield.	Planning application not encouraged by Officers

## 5 CONSULTATIONS

### **Parish/Town Council**

- 5.1 Supports the application. Considers that building on both sides of High Road could be a deterrent for speeding vehicles in a 30 mph zone.

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

- 5.2 Raises no objection – considers it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.

### **Environment Agency**

- 5.3 Raises no objection and advises following the standing advice for development in flood Zone 2 in respect of;
- surface water management
  - access and evacuation
  - floor levels
  - flood resilience measures

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

- 5.4 Raises no objection – advises the access arrangements and visibility splays are acceptable. Advises that FDC will need to consider the merits of the applicant providing a footway along the site frontage.

Requests conditions securing;

1. Standard outline condition securing reserve matters
2. Condition securing details of 1.8m footway along the site frontage (linking all proposed accesses). Delivered prior to occupation.
3. Access to be constructed including visibility splays prior to occupation.

### **PCC Wildlife Officer**

- 5.5 Notes that the "Initial Biodiversity Report" has not been completed by a suitably qualified ecologist or produced to any recognised environmental standard, and therefore holds little or no weight. Notwithstanding this, given the lack of suitable habitats within the application site, considers that the proposal is unlikely to result in any adverse impacts to protected species or habitats. Advises that a number of bird nesting and/ or bat roosting features and details of any fencing to allow access for small mammals is secured via condition to enhance the development for biodiversity.

### **5.6 North Level Internal Drainage Board**

Raises an objection due to the layout denoting the dwelling of Plot 5 set within 9 metres of the brink of the adjacent drain. Requires a clear 9m corridor adjacent to the drain.

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

- 5.7 9 letters of support raising the following matters;
- Gorefield Primary School confirms there is capacity at the local primary school
  - Would enhance the entrance to the village

- The village school and pre-school are undersubscribed – new housing would support the village
- The site is well-suited to the proposal
- There are no easement rights
- No archaeological interest
- Small development – would contribute to local housing needs
- Would provide affordable housing through the semi-detached dwellings
- Will add to the community
- A logical extension to the village with a mixture of housing
- The site is within the 30mph speed limit
- There are a lot of retired people moving into the village – the development would encourage young families
- Relies on the growth of the village to support local business and services

5.8 2 letters of objection raising the following matters;

- Previously refused on location, character harm and flood risk grounds (quotes excerpts from previous committee report)
- Dangerous road
- Access
- Agricultural land
- Density/Over development
- Design/Appearance
- Does not comply with policy
- Drainage
- Environmental Concerns
- Flooding
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Parking arrangements
- Proximity to property
- Residential Amenity
- Traffic or Highways
- Visual Impact
- Waste/Litter
- Wildlife Concerns
- Would set a precedent
- Unhappy with the amount of people included in neighbour notifications as
- The majority who supported the last planning do not live anywhere near the site

## **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)**

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development



Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

## 7.2 National Planning Practice Guidance (NPPG)

National Design Guide

(Ministry of Housing, Communities and Local Government, 2019):

- Context
- Identity

## 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

LP12: Rural Development

LP14: Climate Change and Flood Risk

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)
- Cambridgeshire Flood & Water SPD (2016)
- 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 A similar application seeking outline permission for 5 dwellings (with access only committed) was refused by Planning Committee in June 2019 for the following reasons;

1.	<i>The site is located within Flood Zone 2 where there is a medium probability of flooding. The Sequential test has not been adequately applied. Consequently, the application fails to demonstrate that there are no alternative sites in the area reasonably available with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood &amp; Water Supplementary Planning Document (2016) and Chapter 10 of the NPPF.</i>
2.	<i>The application site constitutes an area of open countryside located outside the developed footprint of the settlement. The development proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the loss of the open character of the site and the</i>

*urbanisation of the area. 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.*

- 9.2 A copy of the previous committee reports and minutes is [available here](#).
- 9.3 This application seeks permission for the same quantum of development in the same location but this time commits scale in addition to access. This previous application and decision is a material consideration.

## **10 ASSESSMENT**

- 10.1 Policy LP3 of the Fenland Local Plan, 2014 ('the FLP') identifies Gorefield as a 'small village' where a development will be considered on its merits but will normally be limited in scale to residential infilling or a small business opportunity. The FLP under its glossary defines residential infilling as "Development of a site between existing buildings". The [Planning Portal defines this](#) as "*The development of a relatively small gap between existing buildings.*"
- 10.2 The development site abuts garden land to the east and extends to open countryside to the west. As such, the development is not considered to meet the definition of 'residential infilling', contrary to LP3. Furthermore, having regard to the criteria based approach to determining the locations of sites relative to the settlement under LP12 Part A, the site is considered to fall outside of Gorefield as follows;
- 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, which is set with an agricultural field adjacent to an area of garden land does not fall within or 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 southern side of High Road 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

Gorefield 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 Gorefield's services.

- 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.

### **Flood Risk**

- 10.7 The site lies in Flood Zone 2 and therefore at medium risk of flooding. National and local planning policies set out strict tests to the approach to flood risk, aiming to locate development in the first instance to areas at lowest risk of flooding (Flood Zone 1). Policy LP14 requires applicants to demonstrate this through the application of the sequential test. In order to justify the development in Flood Zone 2, the sequential test would be expected to demonstrate that there are no reasonably available sites in Flood Zones 1 which could accommodate the development - be that one whole site or several sites cumulatively capable to accommodating the 5 units.
- 10.8 Section 4.4 of the adopted Cambridgeshire Flood and Water SPD sets out that the initial approach to carrying out a sequential test should be to agree the scope of the test with the LPA i.e. agree the geographical area for the search which should be justified in the sequential test report.
- 10.9 Given that the site does not lie within or adjacent to the village (having regard to the definition under LP12 Part A (a)) and relates more to the open countryside, the applicant was advised that the scope for the sequential test would need to be the whole of the rural area (villages and open countryside), which follows the approach concurred with by the Inspector at recent planning appeals in the district (see previous Officer report).
- 10.10 The applicant has instead restricted the scope of the sequential test to the settlement of Gorefield only as they consider that the application site lies within Gorefield. Whilst the sequential test confirms that there are no other reasonably available sites in lower areas of flood risk in Gorefield, Officers do not consider that the sequential test has been adequately met due to the scope being too restrictive.
- 10.11 As such and as previously concluded, it is considered that the application has failed to satisfy the sequential test and therefore the proposal would be in conflict with policy LP14 of the FLP and the aims of the NPPF in steering development to lowest areas of flood risk to avoid placing people and property at an unjustified risk of flooding.

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

- 10.12 The site comprises agricultural land with views extending northwards across the countryside and farmland. Whilst it is noted that linear development exists along the south of High Road opposite the application site, the site itself has a completely different character comprising agricultural land with wide open views extending north through to east across the countryside and farmland.

- 10.13 Consequently, the development would result in a linear form of development extending away from the settlement of Gorefield and having regard to the linear development south of the site, the proposal would result in ribbon development.
- 10.14 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.
- 10.15 Whilst the streetscene elevations provided are only indicative, it is noted that the design, particularly of 7.7m high 2-storey dwellings would not relate to the scale of the single-storey, more modest dwellings opposite on the south side of High Road. As such, it is considered that a proposal for dwellings of a height up to 7.7m would fail to respect the modest scale and character of the area which forms the gateway into Gorefield.
- 10.16 It is considered that development of this site would fail to respect the core shape and form of the settlement instead introducing ribbon development; extending and reinforcing the linear feature of the settlement and would introduce an inappropriate scale of development. 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. This adverse impact would be compounded by an inappropriate scale of development when compared with the prevailing scale of built form in this part of Gorefield.
- 10.17 As such and as previously concluded under F/YR19/0294/O, the development is contrary to the aims of policy LP12-Part A (c, d and e) and fails to make a positive contribution to the settlement pattern and character of the area contrary to policy LP16 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014 and Chapter 12 of the NPPF.

### **Access & Highways**

- 10.18 The applicant has provided an amended plan (SE-1093 1000 B) denoting each of the dwelling accesses following comments from the LHA in respect of demonstrating visibility. The LHA has concluded that they are satisfied that safe and effective access can be achieved with the development based on the access positions shown on the site plan in compliance with LP15.
- 10.19 The LHA has also requested that the LPA considers securing a footpath along the sites frontage with an uncontrolled pedestrian crossing point to link up with the existing footpath along the south side of High Road and has requested a condition to this effect.
- 10.20 The LHA has however advised that they would not be able to sustain an objection were this infrastructure not secured thereby inferring that it would not necessarily make the development unsafe if not provided. Furthermore, to secure the infrastructure would only seek to further urbanise the area, compounding the character harm already identified. Given that each dwelling is served by its own access, the adequate visibility achieved and the existence of a footpath opposite the site, 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 secure the infrastructure would not be reasonable.

- 10.21 One resident has raised concerns that the development may lead to people parking on the highway and causing traffic obstruction/ dangers. The LHA has raised no concerns on this basis and therefore the LPA could not reasonably sustain an objection on these grounds.
- 10.22 In summary, given that only access and scale 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.

### **Biodiversity & Ecology**

- 10.23 The Council's Wildlife Officer has reviewed the application and raises no objection to the development 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 suitably worded planning conditions secured under this outline application and could meet the aims of policies LP16(b) and LP19 in this regard.

### **Resident Comments**

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

#### *Drainage*

- 10.25 The application form indicates that foul and waste water would be discharged into the mains sewer and that surface water would be managed through soakaway. Given the scale of the development, no concerns are raised on this basis and such matters could be reasonably secured through planning condition to be finalised at reserved matters stage – notwithstanding that Building Regulations would require demonstration that drainage is adequately managed and follows the drainage hierarchy as laid out under Approved Document H of The Building Regulations 2010.

#### *Agricultural land*

- 10.26 Development of the site would lead to a loss of high grade agricultural land. However given the overall size of the site, this is not considered to be a significant loss of productive land and therefore is not a matter that could be sustained if refused on this basis.

#### *Would set a precedent*

- 10.27 All applications are to be considered against the development plan as required by law (unless material considerations indicate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.
- 10.28 Notwithstanding this, consistency of decision making is a material consideration and as noted in section 9 above, a recent proposal for the same quantum of development in the same location was considered inappropriate based on flood risk, meeting the settlement hierarchy aims and character harm - the same issues identified with this proposal, notwithstanding the concerns over the proposed scale.

*Noise*

- 10.29 The residential use of the site for 5 dwellings is unlikely to yield significant adverse impacts through noise. Notwithstanding this, the Council's Environmental Protection team have legislative powers to control statutory noise nuisance where this arises.

*Proximity to property/ Residential amenity/ Shadowing/loss of light/ Light Pollution*

- 10.30 The indicative layout plan, which includes committed access, indicates that up to 5 dwellings can be adequately accommodated on the site without adversely affecting the amenity of existing occupiers. Notwithstanding this, such matters would be considered at design stage under reserved matters.

*Waste/Litter*

- 10.31 Waste produced and removed off-site during the construction of the development would be controlled under license through the Environment Agency. Furthermore, the District Council has a statutory duty to collect household waste and already operates in the area. The future layout reserved matters detail would be expected to provide details of adequate household waste collection arrangements.

*Unhappy with the amount of people included in neighbour notifications as the majority who supported the last planning application do not live anywhere near the site*

- 10.32 The assessment of this application follows a round of consultations with statutory consultees, neighbours and residents and those who contributed to the last application. In respect of the latter, the LPA will often consult with those previous contributors who made comment on a previous application if it is submitted within 1 year of the current application – as in this case.

*Could result in reduced traffic speeds*

- 10.33 No evidence has been provided to indicate that the development would have a negative or positive effect on current traffic speeds. The LHA raises no specific objection or support to the development on this point.

*The village school and pre-school are undersubscribed – new housing would support the village*

- 10.34 Both the Pre-school Manager and head of Gorefield Primary School have indicated their support for the development and have raised no concerns over capacity. As such, it would appear that the impacts of the development on local education could be accommodated through current provision, noting however a recently approved scheme in Gorefield for 14 dwellings which, according to Cambridgeshire County Council's education multipliers would have an anticipated child yield of 3 pre-school aged children and 8 primary school places

*There are no easement rights*

- 10.35 The comments from North Level IDB are noted and indicate that development, including garden land should not occur within 9m of the adjacent drain. Whilst their objection is acknowledged, the layout plan are indicative only at the 9m easement strip could be appropriately designed at reserved matters (layout) stage – without seriously affecting the ability to accommodate 5 dwellings in the site.

*Would provide affordable housing through the semi-detached dwellings*

- 10.36 The application form submitted does not indicate the provision of affordable housing, nor does the Council's policies require this based on the quantum of

housing proposed. The application seeks planning permission for market housing.

*There are a lot of retired people moving into the village – the development would encourage young families*

- 10.37 There is no evidence advanced to indicate that this is correct. The development also does not commit any particular design style to accommodate any particular group of people.

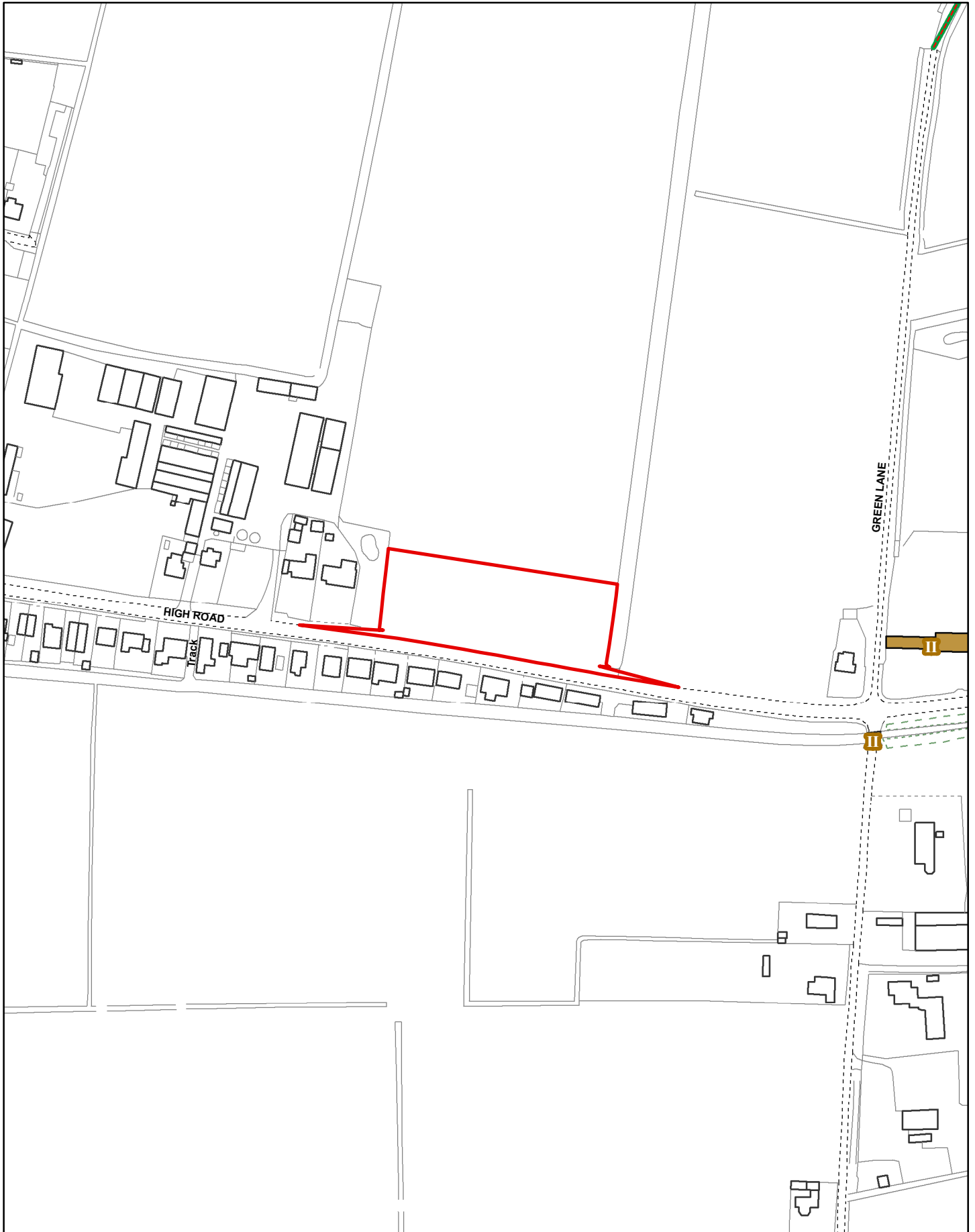
## **11 CONCLUSIONS**

- 11.1 This application has been considered against the previous application which was refused by the Council's Planning Committee on grounds of flood risk and character harm, acknowledging that the development is located outside of the settlement relating more to open countryside than to the built environment. This latest application has made changes only in respect of committing scale.
- 11.2 Officers consider that there are no material planning reasons that have come to light since June 2019 (when the previous application was refused) which would indicate a different conclusion should be drawn with this latest application. In addition, the committed scale is considered to be unsympathetic to the prevailing scale of development in the locality and reinforces the visual harm previously found.
- 11.3 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 Gorefield and the wider district. This also has social benefits.
- 11.4 However, weighing against the proposal however is the introduction of development in a flood risk area without adequate demonstration that placing people and property at an increased risk of flooding is necessary in this instance. Furthermore, the development would not be in-keeping with the pattern of the settlement, resulting in ribbon development and would have a significant, adverse impact on the spacious rural character of this area. Additionally, the scale of the development is inconsistent with the scale of built form in this location and would exacerbate the visual harm of the resultant development.
- 11.5 It is considered that the harm far outweighs the benefits of the development.
- 11.6 The Council can demonstrate a 7.18 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.
- 11.7 Therefore and as per the conclusions of the previous decision, the proposal fails to accord with the policies of the Development Plan and those of the NPPF and is considered to amount to unsustainable development. In law, the LPA is required 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 on this occasion.

**12 RECOMMENDATION – refuse for the following reasons;**

1.	The site is located within Flood Zone 2 where there is a medium probability of flooding. The sequential test has not been adequately applied. Consequently, the application fails to demonstrate that there are no alternative sites in the area reasonably available with a lower probability of flooding. The proposal would therefore place people and property at an increased risk of flooding without justification contrary to Policy LP14 of the Fenland Local Plan (2014), Section 4 of the Cambridgeshire Flood & Water Supplementary Planning Document (2016) and Chapter 10 of the NPPF.
2.	The application site constitutes an area of open countryside located outside the developed footprint of the settlement. The development proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the loss of the open character of the site and the urbanisation of the area. 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.
3.	Notwithstanding refusal reason 2 - the scale of the development which proposes 2-storey dwellings of heights of up to 7.7m would be at odds with the scale of residential properties immediately opposite and adjacent to the site which are predominantly modest, single storey bungalows and would therefore cause harm to the prevailing character of this area contrary to policy LP16(d) of the 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/YR19/0889/O**

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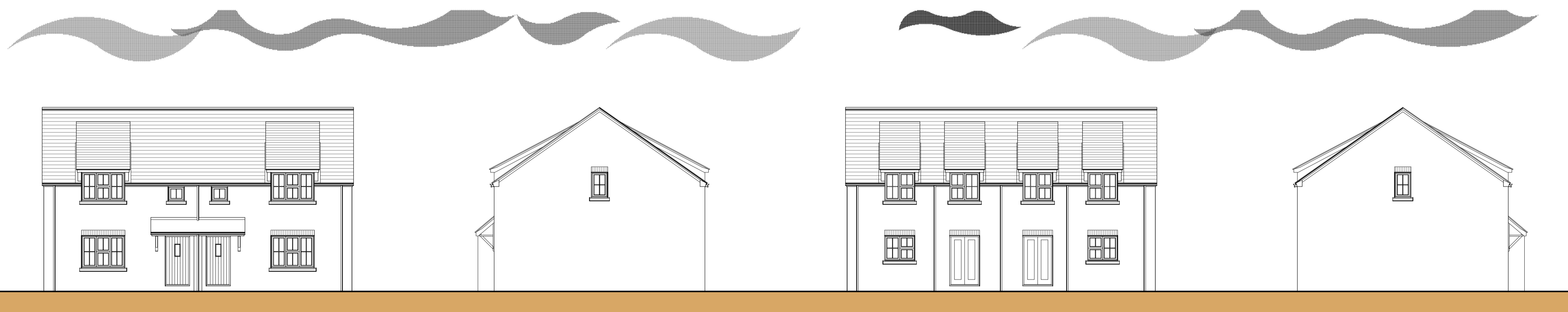
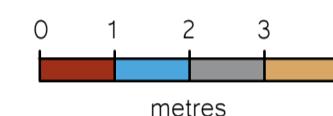


- General Notes
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  4. Any discrepancies are to be brought to the designers attention.



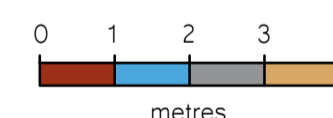
Indicative Elevations -  
Plots 1, 2 & 5

Scale: 1:100



Indicative Elevations -  
Plots 3 & 4

Scale: 1:100



Revisions		
A	Nov 2019	Chimneys Removed

Status  
**FOR APPROVAL**

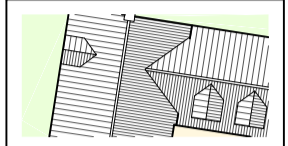

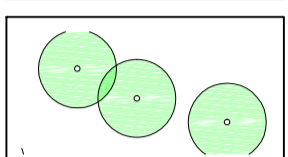
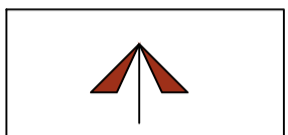
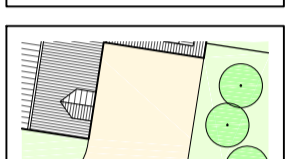
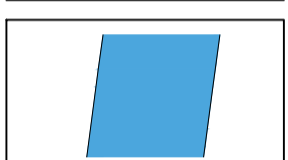
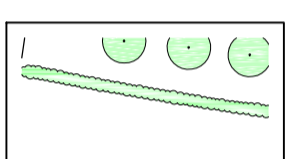
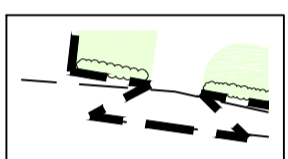
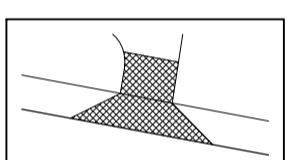
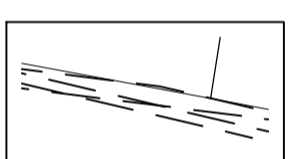
**SWANN EDWARDS**  
ARCHITECTURE

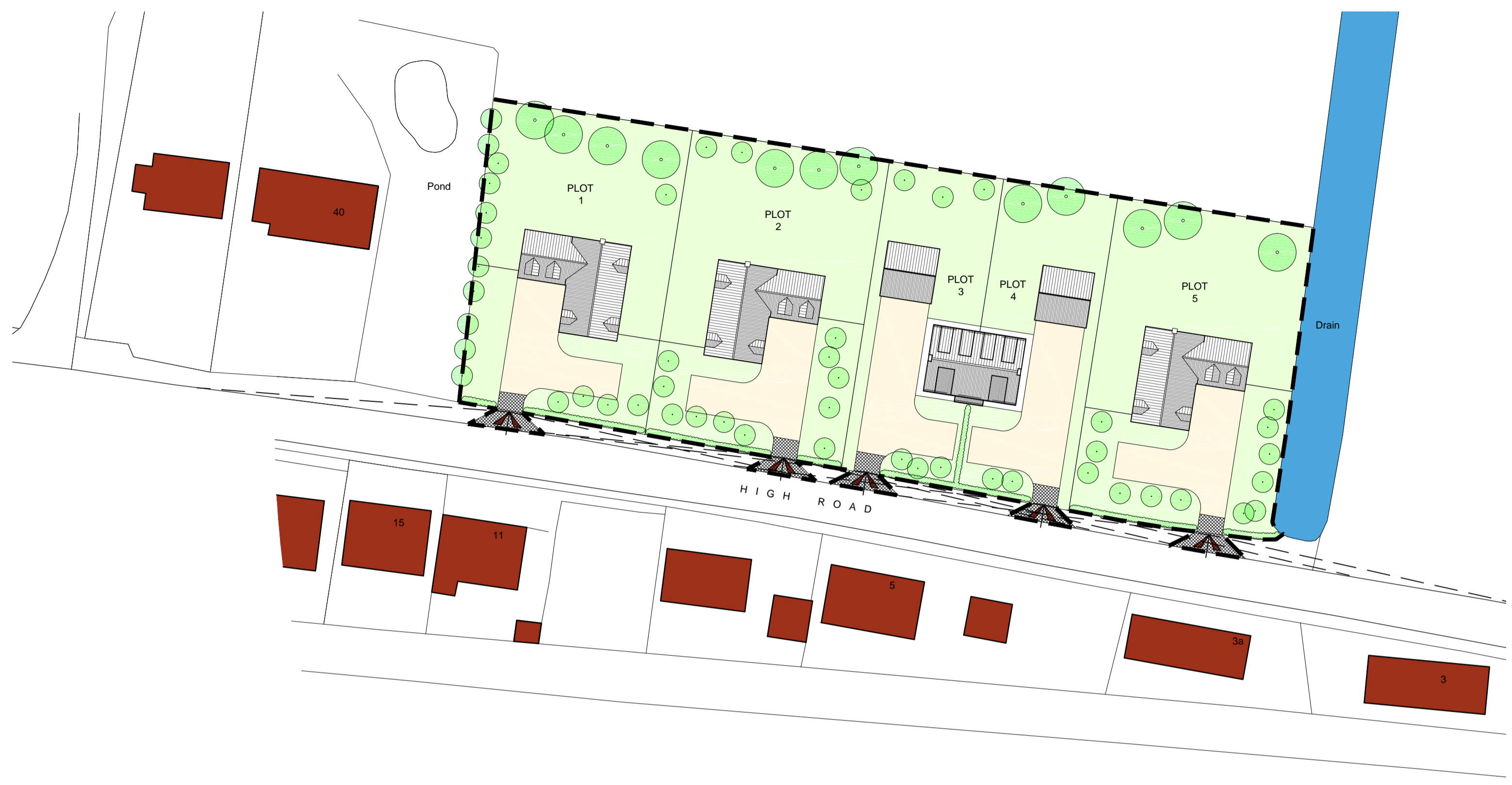
Swann Edwards Architecture Limited, Swann Edwards Architecture,  
Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed SNo. of Plots High Road, Gorefield Wisbech, Cambs For: Mr Fennelov	Job Title Date October 2019	Scale As Shown Sheet Size A1
Drawing Title Informal Planning Drawing Indicative Elevations	Job No. SE-1093	Drawn by G.E.
Dwg No. PP1001	Revision A	

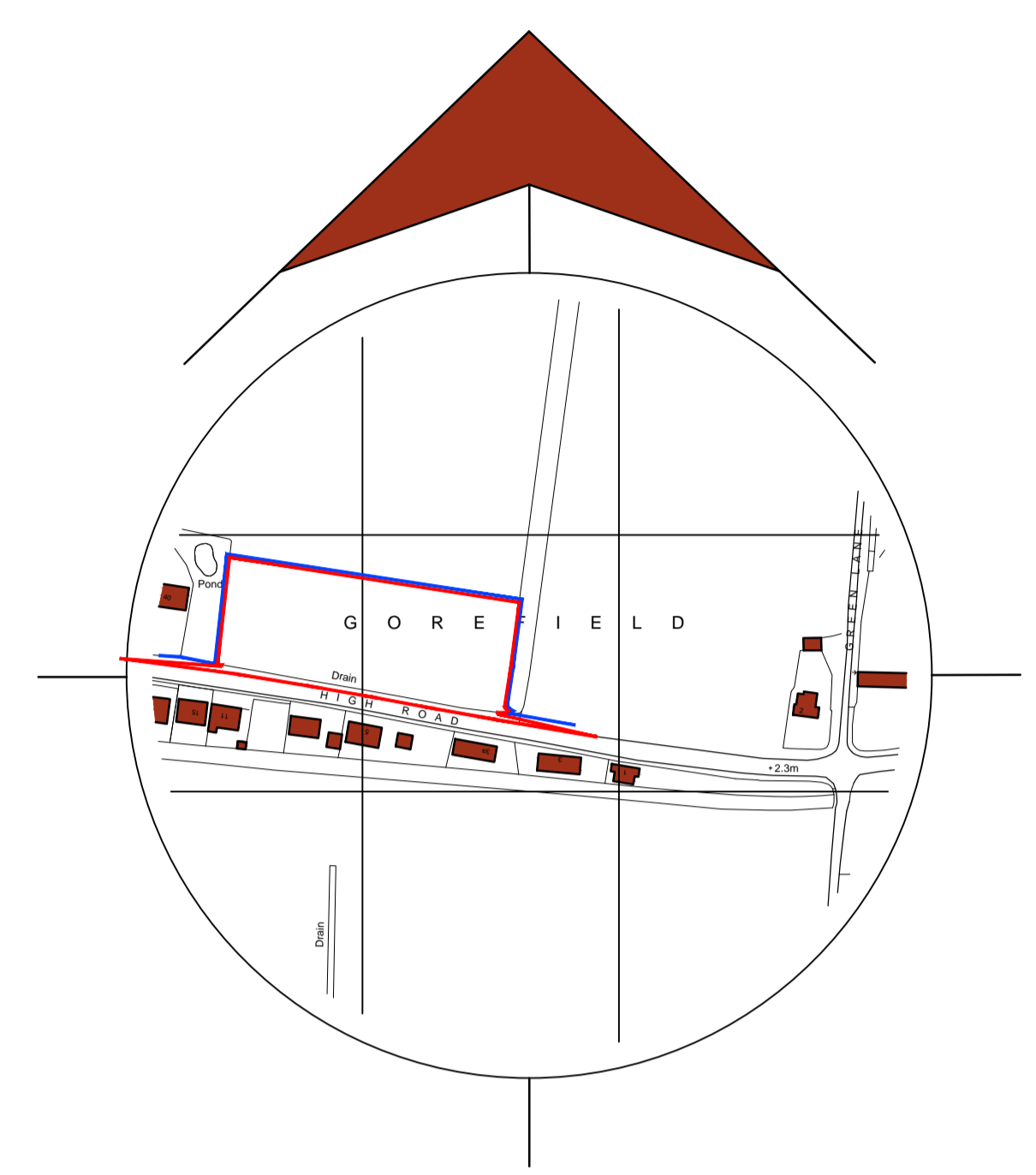
**General Notes**  
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**SITE PLAN KEY**

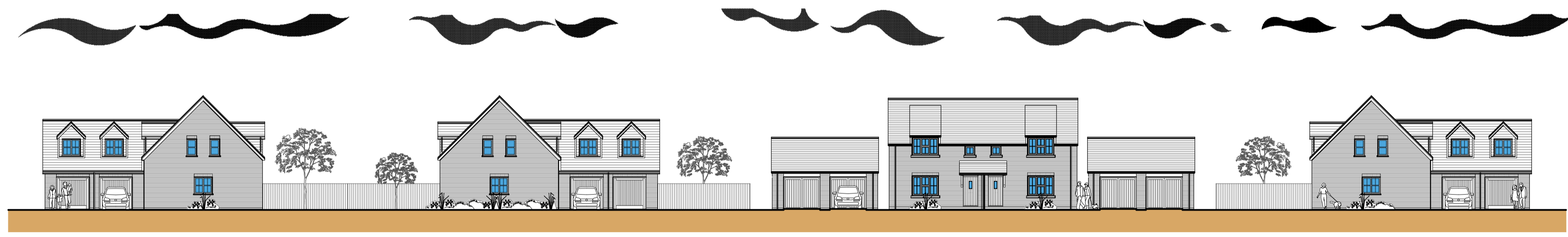
-  Indicates proposed buildings
-  Indicates neighbouring buildings taken from OS map
-  Indicates proposed trees
-  Indicates site access point
-  Indicates parking spaces
-  Indicates existing open drain
-  Indicates proposed native hedging planted inside of post and rail fence
-  Indicates proposed site boundary
-  Indicates proposed sealed for 5.0m and drained access, drainage to go into site to Cambs CC Highways specification
-  Indicates proposed 2.0x43.0m vision splays



Indicative Site Plan  
 Scale: 1:500



Location Plan  
 Scale: 1:2500



Indicative Street View  
 Scale: 1:200

Revisions

A	May 2019	Highways Revisions
B	May 2019	Highways Revisions
C	Sep 2019	Planning Revisions Layout
D	Oct 2019	Planning Revisions Layout
E	Nov 2019	Chimneys Removed

Status  
**FOR APPROVAL**

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

Job Title Proposed 5No. Plots High Road, Gorefield Wisbech, Cambs For: Mr Fennelov	Date February 2019	Scale As Shown Sheet Size A1
Drawing Title Informal Planning Drawing Site Plan, Location Plan & Indicative Street View	Job No. SE-1093	Drawn by G.E.
	Dwg No. PP1000	Revision E

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## 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/YR17/1116/F	218 Main Road, Church End, Parson Drove	Refuse	Committee	Dismissed	<p>NB PINS made decision on 11.02.2019 however decision letter received by LPA on 13.11.2019</p> <ul style="list-style-type: none"> <li>• Main issue - whether the proposed development would provide a suitable location for housing, considering spatial strategy and accessibility of services and facilities</li> <li>• At the time of refusal no 5-yr land supply however Appeal determined on the basis of the current position - 5-yr supply available</li> <li>• Inspector attached substantial weight to Policy LP3 in determining the appeal.</li> <li>• Inspector provided a general definition of infill and did not agree with the appellants assertion that in 'normally' restricting development to single dwelling infill sites within an otherwise built up frontage Policy LP3 implies that proposals which do not harm the area's character and appearance may be excepted from the restriction. Inspector highlighted that LP3 sought to direct development to the more sustainable locations and did not give 'explicit exception for proposals that are found not to harm the character and appearance of the area'; going on to note that 'the policy is not supportive of this scale of development'.</li> </ul>

					<ul style="list-style-type: none"> <li>• Highlights that there is 'little in the way of day to day services and facilities within Church End' and that Parson Drove also 'has only very limited services and facilities' noting that 'Occupants of the proposed development would therefore be likely to rely on use of the private car for access to services and facilities. The lack of accessibility by means of transport other than the private car weighs significantly against the proposal'.</li> <li>• Based on the above the Inspector concluded that the <i>'appeal proposal would not provide a suitable location for housing, having regard to the spatial strategy for the area and the accessibility of services and facilities. It therefore conflicts with Policy LP3 of the FLP.'</i></li> <li>• Appellant cited that the land was 'previously developed' but Inspector concurred with LPA in that agricultural land/buildings are excluded from this definition</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.