

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 29 JANUARY 2020

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 14)

To confirm and sign the minutes from the previous meeting of 4 December 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/YR18/0165/F - Erection of a single-storey retirement complex block comprising of 13 x 1-bed units with communal facilities, and a 1.1m high (max height) railings to front boundary involving demolition of existing dwelling - Land North And West Of Elliott Lodge, Elliott Road, March, Cambridgeshire. (Pages 15 - 38)

To determine the application.
- 6 F/YR18/0984/RM - Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR14/1020/O, for the erection of 28 x dwellings consisting of 4 x 3-storey 6-bed with integral garage, 5 x 2-storey 4-bed with detached garage and 19 x 2-storey 3-

bed with detached garage -Land South Of Berryfield, March, Cambridgeshire. (Pages 39 - 52)

To determine the application.

- 7 F/YR18/1021/PLANOB - Modification of Planning Obligation attached to planning permission F/YR14/1020/) (entered into on 16/12/15) relating to viability - Land South Of Berryfield, March, Cambridgeshire. (Pages 53 - 58)

To determine the application.

- 8 F/YR19/0467/RM - Reserved Matters application relating to detailed matters of appearance, landscaping and scale pursuant to outline permission (F/YR13/0804/O) for the Erection of 6no dwellings (1 x single-storey 4-bed, 2 x 2-storey 3-bed, 2 x 2-storey 4-bed and 1 x 2-storey 5-bed) - Land South Of, Jones Lane, Eastrea, Cambridgeshire. (Pages 59 - 78)

To determine the application.

- 9 F/YR19/0822/O - Erect up to 2 x dwellings (2-storey, 3-bed) (outline application with matters committed in respect of appearance and scale) involving the demolition of existing building - Rear Of, 76 High Street, Chatteris, Cambridgeshire. (Pages 79 - 96)

To determine the application.

- 10 F/YR19/0840/F - Erect a 2-storey 4-bed dwelling involving the demolition of existing fire damaged dwelling - 15 Church Street, March, Cambridgeshire, PE15 9PY. (Pages 97 - 108)

To determine the application.

- 11 F/YR19/0931/O - Erect up to 9no dwellings (outline application with all matters reserved) - Land South Of 137, Upwell Road, March, Cambridgeshire. (Pages 109 - 118)

To determine the application.

- 12 F/YR19/0972/FDC - Erect 1no dwelling (outline application with all matters reserved) - Land East Of, 80 Upwell Road, March, Cambridgeshire. (Pages 119 - 126)

To determine the application.

- 13 F/YR19/1031/O - Erect up to 3no dwellings (outline application with matters committed in respect of access) - Land North West of 24 Willey Terrace, Doddington Road, Chatteris, Cambridgeshire (Pages 127 - 134)

To determine the application.

14 Planning Appeals. (Pages 135 - 144)

To consider the appeals report.

15 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,

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PLANNING COMMITTEE



WEDNESDAY, 4 DECEMBER 2019 - 1.00 PM

PRESENT: Councillor D Connor (Chairman), Councillor A Hay (Vice-Chairman), Councillor I Benney, Councillor A Lynn, Councillor Mrs K Mayor, Councillor N Meekins, Councillor P Murphy and Councillor W Sutton, Councillor Mrs J French (Substitute)

APOLOGIES: Councillor S Clark and Councillor C Marks,

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning) and David Rowen (Development Manager)

P52/19 PREVIOUS MINUTES

The minutes of the meeting of 6 November were confirmed and signed.

P53/19 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

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 Maureen Davis, the Chairman of Wimblington Parish Council.

Councillor Mrs Davis advised Members that she is speaking in support of the application and added that the Parish Council supported the application when it had been brought before the Committee previously. She explained that there are a number of residents who were against the removal of the hedge, and also a number who were in favour of a footpath. She added that the tree officer had stated that they would like to see the hedge line retained.

She commented that the residents of Eastwood End do not class themselves as being in a separate settlement and are part of Wimblington.

Councillor Mrs Davis drew members' attention to the fact the Highways Authority have no objection to the introduction of the footpath as the applicant has dealt with all the issues previously raised, when the application came before committee in 2018.

Members had no questions for Councillor Mrs Davis.

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr David Green, a local resident in support of the application.

Mr Green commented that he lives in Hook, which is the other end of Eastwood End and stated

that there has never been a connecting footpath to link it to Wimblington. He added that it a safety hazard to walk in the road and a footpath would ensure safety for pedestrians. He stated that if a footpath was introduced he would support the development.

Members had no questions for Mr Green

Members received a presentation in support of the application, in accordance with the public Participation Procedure from Mr Peter Humphreys, the Agent.

Mr Humphreys stated that whilst the technicalities in the officers report are correct, when the application was last before the planning committee it was stated that the application could be approved if certain aspects were resolved.

He added that if the three dwellings are approved then the residents will have the introduction of the footpath.

The Highways Authority is in agreement with the proposal as is the Environment and Wildlife Officer who has stated that as long as there is no harm on the biodiversity he has no objection.

Mr Humphreys added that this scheme provides what both the residents and the Parish Council want and in his opinion the positive aspects of the introduction of the footpath outweigh the negative points and he asked Members to approve the application.

Members had no questions for Mr Humphreys.

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

- Councillor Mrs French asked that if the application is approved, will the footpath be to Cambridgeshire County Council standards?
- Mr Humphrey responded from the audience that he would ensure the footpath would be brought up to an adoptable standard.
- Councillor Mrs French added that she listened to Councillor Mrs Davis and is also aware that the County Council will only install a footpath under a Local Highway Improvement Bid which would mean a cost implication to the Parish Council and in her opinion the development should be supported.
- Councillor Mrs Mayor stated that she was not a member of the planning committee last year when this application had been deferred due to issues surrounding the footpath and now that these issues have been addressed, she cannot understand why officers are recommending refusal.
- Councillor Sutton expressed the view that in his opinion, the three speakers are correct and the only issue at the time the application had been previously discussed was whether the footpath was deliverable.
- Councillor Sutton added that the key issue is connectivity for the residents of Eastwood End and whether this benefit of a footpath outweighs all the other concerns. In his opinion he believes that the connectivity is a positive step for residents and it outweighs all the other reasons. Whilst he appreciates the concerns surrounding the removal of the hedge, it can be replaced and he will be supporting this application.
- Councillor Mrs French stated that if the application is approved then the fabric of the footpath must be of an adoptable standard and in place before any dwellings are occupied.
- Councillor Hay agreed with Councillor Mrs French but added that she would like to see the path in place before the development commences. She expressed the view that there is a Local Plan in place for a reason and this application goes against policy LP3 and LP12 of the local plan and there must be consistency when determining applications and for that reason she will be following the officer's recommendation.
- Councillor Sutton stated that he will only support the application with the caveat added that

the pavement must be in place before any development takes place.

- David Rowen clarified that if members are minded to go against the officer's recommendation and approve the application, a condition to show that the footpath is delivered at an early stage and before the development takes place is a sensible way to proceed.

Proposed by Councillor Mrs French, seconded by Councillor Lynn and decided that the application be APPROVED against officers recommendation, with officer's being given delegated powers to apply appropriate conditions.

(Councillors Connor and Murphy registered in accordance with paragraph 2 of the Code of Conduct on planning matters that they had been lobbied on this item)

**P54/19 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**

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 Mr Gareth Edwards, the Agent.

Mr Edwards thanked members for the opportunity to speak at today's meeting. He explained that the officer's report states the background to the application was to amend the wording of some of the conditions to allow the plots to be developed individually. He added that his team have worked closely with officers and he would ask the Committee to support the application.

Members had no questions for Mr Edwards.

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

- Councillor Sutton stated that he has no issue with the application. He added that highways are in agreement with the floating path and officers are not.
- Councillor Hay stated that she sees no reason why three houses need to have a path, when there is a perfectly adequate path across the road.

Proposed by Councillor Hay, seconded by Councillor Sutton and decided that the application be APPROVED, as per the officers recommendation.

**P55/19 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)**

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 asked questions, made comments and received responses as follows:

- Councillor Meekins asked for clarification with regard that originally it was the whole track to be tarmacked and now it is only the top 10 metres and why this has changed from completely tarmacked to gravel. David Rowen confirmed that it was likely to be down to the cost implications to tarmac the additional 90 metres and the impact it would have on the viability of the development.
- Councillor Hay commented that it is her understanding that the original reason for the whole driveway to be tarmacked was in order for the local authority to be able to carry out refuse and recycling collections at the properties, but now they have indicated it will be a private company that will be servicing those properties. David Rowen confirmed that the condition was one that the committee had imposed previously in order to secure better bin collection arrangements and better amenity in terms of noise being generated from vehicular movements over the gravel.
- Councillor Lynn asked for clarification that the refuse collection vehicle will drive down the private gravel driveway to collect the refuse. David Rowen stated that there is a condition proposed requiring a refuse collection strategy to be submitted. A private refuse collection is likely to be used because it is a private road not up to an adoptable standard unless the road owner indemnifies Fenland District Council. Fenland District Council would not collect bins from there due to potential liabilities, whereas a private bin collection would service those properties.

Mr Gareth Edwards, the Agent, withdrew his request to speak on this agenda item but answered questions from Members.

- Councillor Sutton asked for clarification as to whether there were any dwellings further down and Mr Edwards highlighted that there isn't.

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

- Councillor Lynn stated that on the site visit, when it looked at the distance residents would have to pull the bins out for collections, he was not in favour, but now he has an understanding of how the refuse collection will operate he is in agreement with the application.

Proposed by Councillor Connor, seconded by Councillor Mrs French and decided that the application be APPROVED; as per the Officers recommendation.

P56/19

F/YR19/0859/FDC

ERECT UP TO 3 X DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED);FORMER GARAGE SITE, CRESCENT ROAD, WHITTLESEY, CAMBRIDGESHIRE

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

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

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

- Councillor Sutton expressed concern over the quality of the Fenland District Council application.
- Councillor Lynn stated that he agrees with some of Councillor Suttons comments and added that there is the opportunity for more than 3 dwellings on the site.

Councillor Sutton proposed that the application be deferred for further professional advice to be given to the application. There was no seconder to the proposal.

Nick Harding commented that members need to separate their role as a planning committee member from their concerns as to how the Council is operating as a business. He added that the application is for up to three dwellings and the decision has to be made as to whether three dwellings on that site could be reasonably accommodated.

The issue of whether the Council is or is not getting best value as a landowner is not a matter for the Committee.

He stated there are no particular sensitivities in terms of the site so there is no need to insist on a full application or indicative layout and given the scale of the site officers are comfortable that up to 3 dwellings can be accommodated.

Nick Harding highlighted to members on the screen a piece of land which needs to be left for access for vehicles and the narrowness of the remaining land here, rendering it incapable of development. He pointed out to members the larger area of land and stated that the space needs to be able to fit the proposed dwellings and garden spaces and whilst there may be the space for 4 properties, officers are comfortable that three dwellings can be accommodated and do not see the reason why the application should be refused.

- Councillor Sutton expressed the view that there is the need for an indicative plan, so the proposal of how the dwellings will fit can be seen.

Nick Harding commented that if there is the view from the committee that the 3 properties could not be accommodated then the application could be deferred giving the applicant the opportunity to submit an indicative layout to show the layout could be achieved and would not be detrimental to the amenity of the adjacent properties.

- Councillor Hay expressed the view that the committee need to be mindful that had the application been submitted by a developer and not by Fenland District Council, would members be considering going against the officer's recommendation. She added that if members look at the plans, the area that the two latest bungalows encompass, equates to about two thirds of the area of the land where the proposal is planned for. She added that in her opinion to consider three properties on that site is only correct and he added that it would not be correct to encourage more building on the site, which would affect the amenity space for the residents.

The Chairman reminded members that there is a current proposal from Councillor Sutton to DEFER the application. Councillor Lynn seconded the proposal.

- Councillor Lynn stated that he has listened to Councillor Hay and added that he is totally against over development, but in his opinion this application is under developed.

Nick Harding asked members to clarify the reasons for deferment as it was not clear if members had a concern over the site being able to accommodate 3 units and others that the site was undeveloped. If it was the latter then the application should be proposed for refusal.

The Chairman asked Councillor Sutton to reiterate and clarify his proposal.

Councillor Sutton proposed that the application be deferred to receive an indicative layout, so it is clear where the three properties will be built.

- Councillor Lynn asked if the application is deferred to allow an indicative plan to be submitted and if it is then evident that the site is underdeveloped, can the application then be determined.

Nick Harding stated that there needs to be a reason why the application is being deferred, so the applicant is aware that the committee are not satisfied that three dwellings can be accommodated on the site without impacting on the amenity of the existing properties, so that the applicant can design an indicative layout. With regard to underdevelopment, there were no policies in the plan that required minimum densities.

- Councillor Hay commented that planning committee members are in place to determine planning applications and in her opinion if this was any other applicant rather than Fenland District Council, it would be approved. In her opinion there are other applications which have been approved where the proposal could be deemed as under developed.

Councillor Lynn withdrew his agreement to second the proposal.

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

(Councillor Mrs Mayor declared an interest by virtue of the fact that she is a member of Whittlesey Town Council and had been involved in the decision making in relation to this proposal and left the meeting for the entirety of this item.)

(Councillors Mrs Jan French, Councillors Murphy and Benney declared an interest by virtue of the fact that they are members of Cabinet and have been involved in the decision making in relation to this proposal and left the meeting for the entirety of this item.)

**P57/19 F/YR19/0860/FDC
ERECT A DWELLING (OUTLINE APPLICATION WITH ALL MATTERS
RESERVED);LAND NORTH OF, 7 GLEBE CLOSE, 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 and drew their attention to the update report which had been circulated.

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

- Councillor Hay asked for clarification as to what the response was from Chatteris Town Council. David Rowen advised that the response was to recommend refusal, due to the loss of a long established car parking area.
- Councillor Mrs Mayor expressed the view that she is concerned about some of these areas. The planning officer has just stated in his presentation that this area should have been a garage development and the residents in that area will have nowhere to park and she questioned how many other areas there are in Fenland which have never been developed on which should have been.
- Councillor Sutton stated that on the site visit, he was surprised that the land has been suggested for development. He expressed the opinion that the area is too small to be built on and he cannot agree with the officer's recommendation. He also commented on the quality of the application.
- Councillor Hay expressed the view, that currently the area is an eyesore and in her opinion the area can support one dwelling and she will be supporting the officer's recommendation.
- The Chairman stated he agrees with Councillor Hay and he will be supporting the officer's recommendation.
- Councillor Mayor commented that the area was and is an eyesore and it needs to be developed. She added that it will accommodate a property and there have been other areas which are smaller than the proposal and she will be supporting the application.
- Councillor Lynn asked for clarification that the proposal will be for a one storey dwelling, and it was confirmed by other members, that it would be.

Proposed by Councillor Hay, seconded by Councillor Connor and decided that the application be APPROVED, as per the officer's recommendation.

(Councillors Mrs Jan French, Councillors Murphy and Benney declared an interest by virtue of the fact that they are members of Cabinet and have been involved in the decision making in relation to this proposal and left the meeting for the entirety of this item.)

(Councillors Benney, Hay and Murphy stated that they are members of Chatteris Town Council, but take no part in planning matters)

P58/19

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

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 Mr Gareth Edwards, the Agent.

Mr Edwards explained that the application has been revised since it was last before the committee in June 2019. He stated that the dwelling type has been revised and there has been an

introduction of 2, two bedroomed semi- detached dwellings, which follows previous comments made by Councillor Meekins with regard to the inclusion of diverse housing needs.

Mr Edwards stated that with regard to the dwellings opposite, they form a mixture of dwelling types including houses, bungalows and chalet bungalows and are newly and historically constructed properties. The site is within the village boundary and in his opinion the search area for the sequential exception test is only for Gorefield and if this is the case then in his opinion the test is satisfied.

Mr Edwards referred members to an application in Gorefield which was within all three flood zones which was recommended for approval. He added that the proposal before members today is within flood zone 2 as are the dwellings currently under construction opposite the application site.

If approved, one of the plots will be for the applicant and will allow him to live adjacent to his parents and family business. There will also be 2 self-build plots and a pair of semi-detached properties for local developers.

There have been letters of support received from local residents, businesses and both the preschool and primary school. Both the schools have capacity and are not oversubscribed.

Mr Edwards stated that in the officer's report the proposed development would not be in an isolated location in the context of paragraph 79 of the National Planning Policy Framework (NPPF). The occupiers will be able to sustainably access all local services. The report also states that the aims of LP3 in terms of the detached location of the site as set out in LP12, and this policy is superseded by paragraph 78 of the NPPF and the principles of development can be supported.

Mr Edwards added that the proposal comes with the support of the Parish Council, who have highlighted that building on both sides of the road, could act as a deterrent to speeding vehicles in a 30mph zone. The proposal also fills a gap between the applicants dwelling and the Internal Drainage Board drain.

Members asked Mr Edwards the following questions;

- Councillor Meekins asked for clarification with regard to the indicative plan with regard to confirming garages would also be built. Mr Edwards confirmed there would be.

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

- Councillor Hay commented that Mr Edwards had stated that the proposal would fill a gap between the house on one side and the drain on the other. She continued that policy LP3 of the Local Plan states that Gorefield is a small village where normally building applications will be limited in scale to residential infilling and the planning portal defines this as a development of a relatively small gap between existing buildings, it does not say anything about between a building and a drain and for that reason in her opinion the proposal goes against this policy as it is not a small gap and does not have building on either side.
- Councillor Sutton stated that the key issues in this application are whether members believe that the proposal is part of the village or in an elsewhere location. He added that there is full support of the Parish Council. He expressed the view that he thinks that the proposal is part of Gorefield.
- Councillor Murphy stated that the proposal is a ribbon development; it is in a flood risk area and is also unsympathetic due to its scale. He added that under 11.2 of the officer's report it states there are no material planning reasons that have come to light since June 2019 when the previous application was refused and there must be consistency and for that reason he will be refusing the application again today.
- Councillor Benney expressed the view that in his opinion, the proposal is in Gorefield.

He feels that the proposal will benefit the local area and supports the local village and helps the village grow and thrive and for that reason he will be voting against the officer's recommendation.

- Councillor Sutton expressed the view that the material consideration here is that the committee has overturned other applications in other villages in the past on the same basis as the proposal before members today. There will be differences in opinion between officer's and members at times and on this occasion he will be voting against the officer's recommendation.
- Councillor Meekins expressed the view that he is pleased to see that more affordable housing has been included in the plans which was a previous concern. The only issue he has now is the increase in height to the surrounding buildings, which is just over a minute.
- Councillor Benney stated that he has looked into the increase in height and there are different dwellings in the street all at differing heights and a metre of height will not make a difference. In his opinion, it forms part of Gorefield and the smaller villages need to grow.
- David Rowen referred members back to the recent training session, where the starting point, when determining any planning application is by consulting the Local Plan. He provided members with a verbal precis of Policy LP12 and stated that in his opinion the application site being discussed today falls under the part of policy LP12 (c) agricultural buildings and associated land on the edge of a settlement and therefore excluded in the definition of the footprint of the village.
- David Rowen continued by referring to the officer's report at 10.1 where it states the Planning Portals definition of infilling "*the development of a relatively small gap between existing buildings.*" He added with regard to relatively small infilling it could be one and potentially two, however with regard to this application, the small gap in question is 110 metres, but there are no existing buildings on both sides, only on the west side and in his opinion that would mean that the application does not fall into the definition of infilling as set out on the Planning Portal. He added that nothing has changed in his opinion, with regard to this application from when members considered it in June.
- Councillor Hay added that Gorefield is a small village and as a small village it would normally be limited in scale to residential infilling as the definition on the planning portal states. This proposal is not between existing dwellings, it is on agricultural land. Nothing has changed since the application was discussed and refused in June and the reasons for refusal are still the same, the only difference is there is now an additional reason for refusal.
- Councillor Sutton stated that the issue of small villages is contradicted in the Local Plan, as the villages all have a 10% growth, which was agreed in the Local Plan and in his opinion, he does not feel that the village of Gorefield has reached that additional growth. He added that this is adjacent to the build form and it is an extension to the village and that is what is detailed in the Local Plan.
- Councillor Benney stated that it states 'normally' in LP3, however that is not a fixed definition and as a committee we have the right to debate and make our own decisions.
- David Rowen commented that the use of the term 'normally' would infer there should be some abnormal circumstances to justify going against the policy.

A proposal was made to approve the application by Councillor Hay, which was seconded by Councillor Murphy. A vote was taken by the committee but the proposal failed.

Proposed by Councillor Benney, seconded by Councillor Lynn and decided that the application be APPROVED against officer's recommendation with officer's being given delegated power to apply appropriate conditions.

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

2.53 pm

Chairman

F/YR18/0165/F

**Applicant: Mr B Skoulding
Snowmountain Enterprises Ltd**

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

Land North And West Of Elliott Lodge, Elliott Road, March, Cambridgeshire

Erection of a single-storey retirement complex block comprising of 13 x 1-bed units with communal facilities, and a 1.1m high (max height) railings to front boundary involving demolition of existing dwelling

Officer recommendation: Grant

Reason for Committee: To present a new resolution following receipt of a Viability Assessment

1 BACKGROUND

- 1.1 On 10th October 2018, planning application F/YR18/0165/F for the erection of a single-storey retirement complex block comprising of 13 x 1-bed units with communal facilities, and a 1.1 metre high (max height) railing to the front boundary involving demolition of existing dwelling was presented to committee members. Members resolved to grant the application subject to securing a financial contribution (£112,500) for affordable housing via a Section 106 agreement.
- 1.2 Following the resolution to grant, subject to the completion of the Section 106 agreement, the applicant undertook a viability assessment to demonstrate that the provision of an affordable housing contribution would jeopardise delivery of the development. This report therefore provides an update to Members in respect of the viability assessment.
- 1.3 The Committee report originally presented at the aforementioned Committee meeting is appended to this report.

2 CONSULTATION WITH SECTION 106 OFFICER (PCC)

A consultation has been carried out with the Council's Section 106 Officer to review the viability assessment submitted and following a detailed examination the Officer has concluded:

“Based on the inputs and having reviewed additional supporting information I accept that on this occasion the proposal has adequately demonstrated that it is not able to provide any S106 Planning Obligations including an Affordable Housing Commuted Sum or on-site affordable dwellings due to economic viability”.

3 CONCLUSION

3.1 Paragraph 57 of the NPPF states (excerpt);

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”

3.2 As such, it is for the LPA to determine the weight to be given to the outputs of the viability appraisal and the impacts this would have on the sustainability of the development overall.

3.3 As identified within the committee report (appendix 1), the principle of the development is supported and the proposed development is not considered to cause adverse harm in respect to the character of the local area, residential amenity, highways, drainage, natural environment, historic environment and community safety. In addition, the proposed scheme will provide a positive contribution to Fenland’s economy and housing stock.

3.4 Applying the planning balance, Officers consider that the benefits of the scheme outweigh the harm in not providing a financial contribution for affordable housing. The proposal would still amount to a sustainable development accruing economic, social and environmental benefits without resulting in serve harm. As such, Officers consider that a recommendation to grant the development without the requirement for an affordable housing provision is supported.

4 RECOMMENDATION

Grant, subject to the conditions agreed by Members on 10 October 2018 as set out on the appended report.

Appendix 1 – Committee Report

F/YR18/0165/F

**Applicant: Mr B Skoulding
Snowmountain Enterprises Lt**

**Agent : Mr Lee Bevens
L Bevens Associates Ltd**

Land North And West Of Elliott Lodge, Elliott Road, March, Cambridgeshire

Erection of a single-storey retirement complex block comprising of 13 x 1-bed units with communal facilities, and a 1.1m high (max height) railings to front boundary involving demolition of existing dwelling

Reason for Committee: Officer recommendation is contrary to comments of March Town Council.

3 EXECUTIVE SUMMARY

This application seeks full planning permission for the erection of a single-storey independent living retirement complex comprising of 13 x 1-bed units with communal facilities, and a 1.1 metre high (max height) railing to the front boundary. The proposal also includes demolition of the existing dwelling (Radclyffe).

The proposed retirement complex will roughly span the length and width of the application site and have a hipped roof with solar panels and velux windows. The residential units will have their own amenity area with privacy fencing segregating the amenity space. Access, parking and bin storage will be shared with Elliott Lodge.

The site is situated within the settlement of March and is located to the south of Elliott Road. Currently, the site comprises of an overgrown vacant plot and a single-storey dwelling known as Radclyffe. The application site also includes the car park area of Elliott Lodge which is in the ownership of the Applicant.

The principle of development is supported by Policy LP3 and the proposed development is not considered to have an adverse impact on the character of the local area. Therefore, the proposed development complies with Policy LP16 (d) and Paragraph 127 of the NPPF. In regards to residential amenity, the proposed development is considered to not cause adverse harm to the neighbouring properties. The private amenity of the future occupants is also not considered to be adversely impacted except for the outlook for one of the proposed units. However, given the onsite communal facilities and garden area together with the overall sustainability benefits and off-site affordable housing provision, it is not considered that the outlook harm outweighs the benefits. Therefore, the proposed development complies with Policies LP2 and LP16 (e) as well as Paragraphs 91 and 127 of the NPPF. Furthermore, the proposed development is not considered to result in adverse harm in respect to highways, drainage, natural and historic environment, refuse collection and community safety. Therefore, adhering to Policies LP14, LP15, LP16, LP18 and LP19 as well as Paragraphs 91, 102, 127, 155, 170 and 184 of the NPPF.

In addition, the proposal will provide a positive contribution to Fenland's economy and housing stock. Adhering to Policies LP5 and LP6 and Paragraphs 59 and 80 of the NPPF.

Consequently, the proposed development complies with Local and National Policies and is therefore recommended that planning permission is granted subject to S106 and suggested conditions.

4 SITE DESCRIPTION

- 2.1 The site measures 0.39 hectares and is situated within the settlement of March, to the south of Elliott Road. The site comprises of an overgrown vacant plot and a single-storey dwelling known as Radclyffe. The application site also includes the car park area of Elliott Lodge which is in the ownership of the Applicant. Elliott Lodge is sited to the east of the application site and provides independent living accommodation for people over the age of 55. Residential dwellings are sited to the north, south and west of the application site.
- 2.2 The site is accessed off Elliott Road and lies within Flood Zone 1 (low risk).

5 PROPOSAL

- 3.1 This application seeks full planning permission for the erection of a single-storey independent living retirement complex comprising of 13 x 1-bed units with communal facilities, and a 1.1 metre high (max height) railing to the front boundary. The proposal also includes demolition of the existing dwelling (Radclyffe).
- 3.2 The proposed building will be sited close to Elliott Road and parallel with Elliott Lodge and Lake Close. It will roughly span the length and width of the application site and have a hipped roof at various heights with solar panels and velux windows. The proposed building will be segregated into three sections. The front section (close to Elliott Road) will comprise of 8 residential units. The middle section will consist of 5 residential units as well as 2no electric scooter stores, kitchen, 3no store rooms, 2no disable toilets and plant room. The rear section will consist of a multipurpose room / community room which incorporates an outside landscaped garden. The residential units will have their own amenity area with privacy fencing segregating the amenity space.
- 3.3 The perimeter of the building will have a footpath amongst landscaped passageways and gardens.
- 3.4 The application form states materials to be agreed with the Local Planning Authority and therefore the material can be agreed via a condition should planning permission be granted.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

6 SITE PLANNING HISTORY

Pertinent planning history identified in the table below:

Planning Reference	Description	Decision	Date
F/YR15/0793/O	Erection of 4 x dwellings involving the demolition of existing outbuildings (Outline application with matters committed in respect of access and layout).	Granted	04/01/2016
F/YR14/1012/O	Erection of 6 no dwellings involving demolition of existing dwelling.	Refused	02/11/2015
F/YR09/0465/F	Erection of 3 x 2-bed detached bungalows with associated parking.	Granted	22/12/2009
F/YR06/0574/O	Erection of a bungalow.	Granted	07/04/2006

7 CONSULTATIONS

March Town Council

5.1 Recommend refusal due to overdevelopment, drainage and removal of trees.

Cambridgeshire Country Highways

5.2 *The application is for the erection of a new 13 room care home accessed off of Elliott Lodge. The parking area appears to be utilised by the existing care home. With the addition of the proposed 13 additional rooms, to allow me to make an assessment of the parking levels I need to see a statement that details the following:*

- *number of existing vehicle spaces*
- *total number of proposed vehicle spaces*
- *number of total habitable rooms for occupation from both buildings*
- *Is there any permanent living in staff*

5.3 *Defer for additional information.*

5.4 Following further information, County Highways commented:

5.5 *The existing 56 bedroom care home didn't comply with FDC's parking standards and had a shortfall of 6 parking spaces. With the proposed additional 13 rooms the total number of parking spaces will be 31, still a short fall overall of 4 parking spaces. Whilst this is still an overall shortfall to the parking and doesn't accord with FDC's parking policy it is an improvement to the parking compared to the existing situation.*

5.6 *With the above in mind I have no highways objections subject to the following conditions:*

Prior to the first occupation of the development the proposed onsite parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

Environmental Health Service

- 5.7 *The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate.*
- 5.8 *However, given the sites former industrial transport use as a minimum, a desk study with a conceptual site model will be required to assess the site for potential ground contamination.*
- 5.9 *The responsibility for safe development and secure occupancy of the site rests with the developer. Particular care should be taken with any made ground encountered or any material that is likely to contain asbestos.*

Design Out Crime Officer

- 5.10 *Thank you for the opportunity to comment on the above Full Application with any concerns regarding community safety and vulnerability to crime. I have read all relevant documents and am happy to support the Application but would welcome a discussion with the Applicant to discuss security measures including Access Control, security of doors and windows and planned lighting scheme should planning be approved. I would also ask that consideration be given to the placing of a Condition on external lighting. Other than the above I have no further comments, objections or recommendations.*

Anglian Water

Wastewater Services

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

Foul Sewerage Network

- 5.12 *Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We [have no objection to the proposed development subject to] a condition requiring the drainage strategy covering the issue(s) to be agreed.*

Surface Water Disposal

- 5.13 *The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.*
- 5.14 *The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We [have no objection to the proposed development subject to] a condition requiring a drainage strategy covering the issue(s) to be agreed.*

Operations Manager (FDC)

5.15 *In broad principal we have no objection to this development, however, the following issues should be addressed before the application could be agreed from our perspective:*

- *The extension of the existing bin store/collection point would need to be sufficient accommodate an additional 4 x 1100 four wheeled bins (2 x 1100 litre general waste and 2 x 1100 recycling).*
- *Residents should not be expected to transfer waste more than 30m to the bin store/collection point.*
- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- *Refuse and recycling bins will be required to be provided as an integral part of the development.*

5.16 Following further information, the Operations Manager commented:

5.17 *Staff at the site currently takes the rubbish to the bins for some residents. If this was to continue and form part of the development's waste management arrangements we would have no objections to this.*

5.18 *The bin store would need to accommodate a further 4 1100 litre bins (2 general waste & 2 recycling) with the additional units.*

Housing Strategy Officer (FDC)

5.19 *On this application, I would expect the affordable housing requirement to be in accordance with Policy LP5, and the changes made by the appeal (APP/D0515/W/17/3171513).*

5.20 *Accordingly on this site, affordable housing will be sought as follows:*

<i>On sites of</i>	<i>Level of affordable housing</i>
<i>5-10 dwellings</i>	<i>Nil</i>
<i>11 or more dwellings</i>	<i>25% affordable housing (rounded to the nearest whole dwelling)</i>
<i>Tenure Mix</i>	<i>70% affordable rented, 30% intermediate tenure</i>
<i>Housing mix</i>	<i>To be agreed</i>

Lead Local Flood Authority

- 5.21 *We have reviewed the submitted documents and can confirm as Lead Local Flood Authority (LLFA) we **have no objection in principle** to the proposed development.*
- 5.22 *The applicant has demonstrated that surface water can be dealt with on site by using permeable paving and attenuation tanks, restricting surface water discharge to 5l/s into an Anglian Water surface water sewer.*
- 5.23 *The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment. We would suggest that groundwater levels are considered especially where they may affect the below ground attenuation features.*
- 5.24 *We request that the following condition is imposed:*

Condition

- 5.25 *Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.*
- 5.26 *The scheme shall be based upon the principles within the agreed surface water drainage strategy prepared by MTC Engineering (ref: 2063-DS) dated January 2018 and shall also include:*
- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;*
 - b) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;*
 - c) Full details of the maintenance/adoption of the surface water drainage system;*
 - d) Measures taken to prevent pollution of the receiving groundwater and/or surface water.*
- 5.27 *The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG*

NHS Property Services

- 5.28 *No consultation comments received.*

Cambridgeshire County Growth and Infrastructure

- 5.29 *I confirm that the County Council does not require developer contributions in relation to education, strategic waste and libraries and lifelong learning to mitigate the impact of the development.*

Development Manager Transport

- 5.30 *No consultation comments received.*

Arboricultural Officer (FDC)

- 5.31 *The current design layout, as shown on drawing CH17/LBA/426/FP-1-201 requires the removal of several trees, including a number recommended for removal on arboricultural grounds.*
- 5.32 *It is noted from the supplied arboricultural report/survey that trees have already been removed from the site; an aerial image suggest much of this would have been scrub/small trees.*
- 5.33 *Whilst I have no objection to the development We require a robust landscape proposal that includes the provision of replacement planting to the boundaries to provide screening to and from the site. The use of fastigate forms of trees can be utilised to provide the screening whilst maintaining narrow crowns.*
- 5.34 *A tree protection plan will be required for the benefit of the construction contractor to ensure they do not damage retained trees.*

Middle Level Commissioners

- 5.35 No consultation comments received.

Open Space and Landscape Manager (FDC)

- 5.36 No consultation comments received.

Wildlife Officer (PCC)

Protected Species:

- 5.37 ***Bats:*** *I am aware that when part of this application site was subject to an ecological assessment in 2015, it did not include a bat survey of the existing bungalow 'Redcliffe' as it had originally been proposed for retention. However this structure (now proposed for demolition) is considered to have an increased likelihood of supporting roosting bats due to its age (pre 1960's), condition (detached with roof void and unoccupied) and proximity to water (within 200m of the River Nene). I therefore consider that the application site has not been adequately assessed for the presence of protected species.*
- 5.38 *I would advise that a Protected Species Bat Survey is carried out. Such a survey should establish whether further survey work is required; any further survey work which is recommended should be carried out and a report provided (including details of measures to mitigate any impacts on biodiversity). The survey should be carried out in accordance with BS 42020:2013 (Biodiversity Code of Practice for Planning & Development). The survey should be carried out and a report provided in advance of determination of this application.*
- 5.39 *Please note the presence of a protected species is a material consideration when a planning authority is considering a development proposal (para 98, ODPM circular 06/2005). It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development is established **before** the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 5.40 ***Nesting Birds:*** *I understand that the majority of the application site has already been cleared of vegetation in advance of determination. Given the potential loss of nesting sites, I would request that as mitigation, a range of bird nest boxes are installed that cater for a number of different species such as House Sparrow,*

Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

Landscaping/ Site layout:

- 5.41 *With regard to any additional planting I would recommend the use of a range of native tree, shrub and plant species, the detail of which may be provided via a suitably worded condition.*

Recommendation:

- 5.42 *I would advise that prior to determination the LPA requests that a Bat Survey of the building proposed to be demolished is carried out as set out above. I therefore **object** to the granting of planning permission at this moment in time with regard to this application.*
- 5.43 *The LPA has a duty under s.40 of the Natural Environment & Rural Communities (NERC) Act 2006 to have regard to biodiversity, including the above species as listed under s.41 of the NERC Act and as stated in the Council's Core Strategy (Policy CS19 The Natural Environment) and I consider that the Council is not currently in a position to be confident that this duty has been adequately discharged.*

- 5.44 Following submission of the bat survey, the Wildlife Officer commented:

- 5.45 *I'm satisfied that no evidence of bats was found in the bungalow proposed for demolition, and I therefore have no objection, subject to securing a condition to provide bat boxes to be installed on the new building prior to first occupation. Please also continue to refer to my previous comments re provision of bird nest boxes and landscaping details to be secured by condition.*

Cambridgeshire County Archaeology

- 5.46 *Our records indicate that the site is located in an area of high archaeological potential on the western edge of March Island. Fen-edge locations such as these were frequently the focus of Prehistoric activity, and this is evident from the significant finds of Mesolithic and Neolithic flints in the vicinity (Historic Environment Record reference 05210, 08455, 10913). Medieval activity is indicated by the current course of the River Nene, which was diverted across March Island in the Medieval period.*
- 5.47 *We have commented on this in recent years. We would recommend that the same archaeological standard condition is placed on the development as was for prior application (F/YR09/0465/F, F/YR14/1012/O, F/YR15/0793/O) within the same bounds, that is:*
- 5.48 *We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.*

Local Residents/Interested Parties

- 5.49 One objection letter has been received from a local resident expressing the following concerns:

- Out of character – *the development comes right up to the public footpath with no frontage allowed which is out of character with the rest of Elliott Road.*
- Parking – *insufficient car parking within only nine extra places for 13 flats.*
- Tree – *The present trees down for retention are already overgrown, hanging over the pavements. Blocking street lighting. The leaves that fall create a safety hazard.*

8 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).

9 POLICY FRAMEWORK

National Planning Policy Framework 2018 (NPPF)

Para 11 – Presumption in favour of sustainable development

Para 47 – Decisions should accord with the development plan

Para 54 – Use of conditions and planning obligations

Para 55 – Conditions test

Para 59 – Delivering a sufficient supply of homes

Para 80 – Building a strong, competitive economy

Para 91 – Promoting health and safe communities

Para 102 – Promoting sustainable transport

Para 117 – Making effective use of land

Para 127 – Good design

Para 148 – Meeting challenge of climate change

Para 155 – Flood risk

Para 170 – Conserving and enhancing the natural environment

Para 184 – Conserving and enhancing the historic environment

Fenland Local Plan 2014 (FLP)

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Housing

LP14 – responding to Climate Change and Managing Flood Risk

LP15 – Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP17 – Community Safety

LP18 – Historic Environment

LP19 – Natural Environment

March Neighbourhood Plan 2017 (MNP)

H2 – Windfall Development

H3 – Local Housing Need

10 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential and Private Amenity**

- **Highways**
- **Drainage**
- **Natural Environment**
- **Historic Environment**
- **Refuse Collection**
- **Community Safety**
- **Section 106 Provision**
- **Other Considerations**

11 BACKGROUND

9.1 Pre-application discussions were undertaken in September 2017. The following points were raised as concerns with the pre-application proposal:

- Window to window distance of the proposed complex and residential dwellings to the west of the application site.
- Implementation of a landscaping scheme along the boundary of the site to provide screening and biodiversity.
- Adequate parking provisions for the proposed complex and Elliott Lodge as well as highway safety.
- Suitable position of bin storage.
- Pre-community consultation under Policy H2 of the March Neighbourhood Plan.

9.2 A number of on-going pre-application discussions were undertaken with the proposal which has resulted in the submission of the current scheme.

9.3 In addition Councillor Rob Skoulding has declared that the site is owned by his family company.

12 ASSESSMENT

Principle of Development

10.1 The proposed development will be located in a primary market town (March) as established by Policy LP3, where the majority of the District's new housing and employment growth is supported. The proposal will provide accommodation for over 55's which is supported by Policy LP2 as well as Paragraph 59 of the NPPF as they encourage proposals to create a mixture of homes that meet people's needs within the right location and create environments where communities and elderly residents can flourish. The proposal will also positively contribute to the economy of Fenland through the continuous employment of local residents and the potential employment of future residents due to the maintenance of the proposed development and carer staff. This is supported by Policy LP6 and paragraph 80 of the NPPF.

10.2 Notwithstanding the above, Policy LP2 and LP16 as well as Paragraphs 91 and 127 of the NPPF seek proposals to achieve high quality environments by ensuring developments do not adversely impact the character of the local area, the amenity of neighbours or the environment in general. Policy LP15 and

Paragraph 102 of the NPPF seek to ensure developments provides a well-designed, safe and convenient access as well as parking provisions.

- 10.3 As such, the principle of development is acceptable subject to the policy considerations set out below.

Character and Appearance

- 10.4 Elliott Road consists of a mixed character with residential dwellings of various architecture, scale and age. The supporting Design and Access Statement (DAS) states that the proposed development has been designed to maximise the space available whilst offering a traditional appearance in terms of materials, window style and roof forms but with some modern materials.
- 10.5 The proposed building will be positioned forward of Elliott Lodge, however, the proposed landscaping of the site incorporates the area of Elliott Lodge which together with the proposed hipped roof (reflecting that of Elliott Lodge), is considered to result in a harmonious relationship between the two developments.
- 10.6 Concerns of the proposed development impacting the built line have been expressed. Whilst, the proposed development will be forward than the built line of the adjacent buildings, it will have no more of an impact on the built line than the recently approved dwelling (F/YR17/0621/VOC) which is positioned forward of the dwellings along Elliott Road and closer to the public footpath than the proposed building.
- 10.7 The traditional appearance of the proposed building is considered to reflect the residential dwellings to the west of the application site (Lake Close). It is noted that the proposed building, given its siting, is visually more prominent from Elliott Road than the residential development to the west. Nonetheless, given that it will be sited away from the public footpath with a landscaped frontage, its visual appearance within the streetscene is considered to add to the overall quality of the area rather than significantly harm the character given the area's mixed character. However, relevant materials will need to be agreed to ensure the character of the area is maintained.
- 10.8 The proposed building will be sited between 2no two-storey buildings, with Elliott Lodge having a ridge height of 8.8 metres and No.1 Elliott Road (No.1) having a ridge height of 8.4 metres. The proposed building will be single-storey with an eaves height of 2.8 metres and a ridge height of 9.8 metres (maximum). Therefore, whilst an element of the proposed roof height will be slightly higher than the ridge height of Elliott Lodge and No.1, its eaves height will be considerably lower than the adjacent buildings. Due to this and the design of roof being hipped, which visually reduces the mass of the building and softens the appearance of building, it is not considered to appear visually dominant within the street scene.

The proposed development has been carefully designed so its layout functions well within the constraints of the site without overdeveloping it. Footpaths have been sympathetically incorporated within the landscaping of the site and private amenity areas have been clearly designated and incorporated within the design.

- 10.9 As such, the proposed development adheres with Policy LP16 (d) of the FLP and Paragraph 117 and 127 of the NPPF.

Residential and Private Amenity

- 10.10 The proposed building will be circa 4 metres from the adjoining boundary to the residential dwellings to the west of the application site. Individually, the proposed building will be 5.6 metres from the side elevation of No.1 Elliott Road (No.1), 10.2 metres from the rear elevation of No.5 Lake Close (No.5), 16.4 metres from the rear elevation of No.7 Lake Close (No.7), 17.6 metres from the rear elevation of No.9 Lake Close (No.9), 18.4 metres from the rear elevation of No.11 Lake Close (No.11), 18.4 metres from the rear elevation of No.13 Lake Close (No.13), 13.2 metres from the rear elevation of No.15 Lake Close (No.15), 13.6 metres from the rear elevation of No.17 Lake Close (No.17), 4.1 metres from the side elevation of 23 Lake Close (No.23) and 5.3 metres from the side elevation of No.25 Lake Close (No.25). The aforementioned dwellings are two-storey in height except for No.25 which is single-storey.
- 10.11 The outlook of the residential dwellings (mentioned above) will change with the introduction of the proposed building. Although, with the distance of the proposed building to Nos.5 – 17 together with the depths of the rear gardens as well as the height of the proposed building and the roof of the proposed building sloping away, it is considered that the outlook of the aforementioned properties would not be severely harmed.
- 10.12 Nos.1, 23 and 25 face away from the proposed building with their side elevations facing onto the proposed development. Therefore, given that the proposed building would only be viewable from an oblique angle, it is considered that their outlook will not be adversely impacted.
- 10.13 Likewise, it is considered that the proposed outlook of the future occupants will be acceptable given the proposed units are reasonably setback from the aforementioned dwellings, except for the proposed unit opposite the side elevation of No.1 which will look onto a 2-storey flank wall. Whilst, this is considered to demonstrably diminish the outlook and sense of enjoyment of the future occupant, the proposed scheme provides a multipurpose room / communal room as well as a landscaped garden which the future occupant can utilise. Notwithstanding this, in the context of the overall scheme, it is not considered that this single harm could sustain a reason for refusal.
- 10.14 The proposed bedroom window of the units to the west will face the above aforementioned dwellings. Although, these will be on the ground-floor and screened by the 1.8 metre high close boarded fence and therefore the proposed development will not result in adverse harm in respect to privacy.
- 10.15 The rear first-floor windows of Nos.5 – 13 will face onto the proposed units to the west and given that the aforementioned dwellings are two-storey high, they will have a greater depth of visibility. However, the distances denoted on the proposed floor plan (ref: CH17/LBA/426/FP-1-201 rev E) are considered to be sufficient enough to not cause adverse harm in respect to privacy.
- 10.16 The orientation of the built form means that the proposed development will not have an adverse impact in terms of overshadowing and loss of light.
- 10.17 Consequently, it is considered that the proposed development will not cause adverse harm to the residential amenity of neighbouring properties or result in inadequate private amenity for future occupants. As such, the proposed

development complies with Policy LP2 and LP16 (e) of the FLP and Paragraph 127 of the NPPF.

Highways

- 10.18 The proposed development will share the vehicular access and parking arrangement with Elliott Lodge. Currently, Elliott Lodge has a shortfall of 6 car parking spaces and with an additional of 9 parking spaces proposed, there will be a shortfall of 4 spaces. Fenland's Parking Standards expresses where a site has good public transport links a reduction in car parking provisions maybe considered acceptable. Given that the site is situated within close proximity to public transport (400 metres on Wisbech Road), the number of proposed parking provisions is considered to be acceptable. Furthermore, whilst Highways notes the shortfall in parking spaces, it considers the proposed parking provision will be an improvement compared to the existing situation. Therefore, Highways has no objections to the proposed scheme subject to the proposed onsite parking being carried out in accordance with the approved plans. This condition can be imposed should planning permission be granted.
- 10.19 As such, it is considered that the proposed development provides sufficient parking spaces and will not cause adverse harm to highway users. Therefore, the proposed development complies with Policy LP15 of the FLP and Paragraph 102 of the NPPF.

Drainage

- 10.20 The application form states that the proposed development will connect into the existing foul and surface water drainage. It is noted from Anglian Water's (AW) comments that the March Water Recycling Centre has available capacity for the foul drainage flows but the proposed development will lead to an unacceptable risk of flooding downstream. AW has requested for a condition to mitigate this matter through the submission of a foul water strategy.
- 10.21 The accompanying Sustainable Drainage Strategy which details discharge of the surface water to the mains is considered to be unacceptable by AW. Therefore, AW has requested for a condition to mitigate this matter through the submission of a surface water management strategy.
- 10.22 The Lead Local Flood Authority (LLFA) have no objection to the principle of the proposed scheme and agree with the use of the proposed permeable paving and attenuation tank as these methods restrict the surface water discharge to 5 litres per second into AW surface water sewer. However, the LLFA have requested for a condition to be imposed for a surface water drainage scheme that takes into account ground water levels.
- 10.23 Paragraph 54 of the NPPF states local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. Given that this matter is technical which can be resolved with the arrangements of AW and LLFA, the proposed development is considered to comply with Policy LP14 of the FLP and Paragraph 155 of the NPPF, subject to satisfactory compliance with the suggested conditions.

Natural Environment

- 10.24 The proposed floor plan (ref: CH17/LBA/426/FP-1-201 rev E) denotes several trees onsite to be removed to enable the proposed development. At the time of the site visit the trees on the site had been removed except for the trees at the front of the application site. The Tree Officer has no objection to the proposed scheme but states that a robust landscape proposal is required that includes the provision of replacement planting to the boundaries to provide screening to and from the site. Also, a tree protection plan will be required to ensure no damage occurs to the retaining trees. This can be conditioned should planning permission be granted.
- 10.25 The Wildlife Officer initially considered the existing bungalow onsite (Ratclyffe) to have a likelihood of supporting roosting bats and requested a bat survey to be carried out prior to the determination of this application. Following the submission of a bat survey the Wildlife Officer was happy with the findings of the report in that there was no evidence of roosting bats, however requested a condition for bat boxes to be installed on the proposed building. This can be conditioned should planning permission be granted.
- 10.26 The Wildlife Officer also notes the potential loss of the application site being a bird nesting site following the clearance of vegetation. As means of mitigation the Wildlife Officer has requested for a condition requiring a range of bird nest boxes and the planting of a range of native tree, shrub and plant species. This can be conditioned should planning permission be granted.
- 10.27 As such, the Tree Officer and the Wildlife Officer considers the proposed scheme will not cause adverse harm to biodiversity and therefore have no objections to the proposed development subject to conditions. Therefore, the proposed development complies with Policy LP19 of the FLP and Paragraph 170 of the NPPF.

Historic Environment

- 10.28 County Archaeology has indicated that the site is located within an area of high archaeological interest. County Archaeology has no objections to the proposed scheme subject to imposing an archaeological condition. This condition can be imposed should planning permission be granted.
- 10.29 As such, the proposed development complies with Policy LP18 of the FLP and Paragraph 184 of the NPPF.

Refuse Collection

- 10.30 The DAS states an additional 4no 1100 litre bins will be provided. The bins will be located within the area of the existing refuse collection facility. The proposed floor plan (ref: CH17/LBA/426/FP-1-201 rev E) illustrates that the existing refuse collection area will be increased to accommodate for the additional bins and a new 1.8 metre high close boarded fence and hardstanding will be erected. Fenland's Operations Manager has no objection to the proposed scheme.
- 10.31 As such, the proposed development complies with Policy LP16 (f) of the FLP and Paragraph 127 of the NPPF.

Community Safety

10.32 The Design Out Crime Officer has reviewed the application in respect to community safety and vulnerability to crime and has no objection to the proposed scheme. However, it is noted that the Crime Officer has suggested a condition to be imposed for details of external lighting. This can be conditioned should planning permission be granted.

10.33 As such, the proposed development complies with Policy LP17 of the FLP and Paragraph 91 of the NPPF.

Section 106 Provision

10.34 Policy LP5 sets out that developments of 10 or more dwellings would require 25% of housing within that development to comprise of affordable housing. Therefore, in respect to this proposed development 3 units out of the 13 dwellings would be required for affordable housing. It is noted from the comments of the Housing Strategy Officer that schemes of less than 10 affordable units onsite are unlikely to attract registered providers. As such, a commuted sum of £112,500 will be sought based on the calculations detailed under Policy LP5. The Applicant has agreed to this commuted sum for affordable housing provisions.

10.35 County Council has stated that they do not require financial contribution in relation to education, strategic waste and libraries. Therefore, no contribution has been sought.

10.36 Therefore, subject to a Section 106 for the affordable housing sum, the application complies with Policy LP5 of the FLP and Paragraph 54 of the NPPF.

Other Considerations

10.37 The Environmental Health Team considers the proposed development is unlikely to have a detrimental effect on local air quality or the noise climate. Although, given the sites former industrial transport use, Environment Health have requested for a desktop contamination study. This can be conditioned should planning permission be granted. The proposed development therefore complies with Policy LP2 and LP16 (I) of the FLP and Paragraph 91 of the NPPF.

10.38 The proposed development incorporates sustainable measures within the design by proposing to install several solar panels around the proposed roof which the DAS states will produce a minimum of 10% onsite renewable energy. The DAS also states that Sustainable Urban Drainage Systems (SUDS) will be adopted where appropriate and during the construction phase waste materials will be collected and recycled within the development. As such, the proposed development will aid in tackling climate change. The proposed development therefore complies with Policy LP14 of the FLP and Paragraph 148 of the NPPF.

10.39 The proposed development will also provide a positive contribution to Fenland's economy through the continuation of employment of local residents and contractors as well as through potential future employment and via the construction phase. Therefore, the proposed development complies with Policy LP6 and Paragraph 80 of the NPPF.

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

in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).

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

13 CONCLUSIONS

11.1 The principle of development is supported by Policy LP3 and the proposed development is not considered to have an adverse impact on the character of the local area. Therefore the proposed development complies with Policy LP16 (d) and Paragraph 127 of the NPPF. In regards to residential amenity, the proposed development is considered to not cause adverse harm to the neighbouring properties. The private amenity of the future occupants is also not considered to be adversely impacted except for the outlook for one of the proposed units. However, given the onsite communal facilities and garden area together with the overall sustainability benefits and off-site affordable housing provision, it is not considered that the outlook harm outweighs the benefits. Therefore, the proposed development complies with Policies LP2 and LP16 (e) as well as Paragraphs 91 and 127 of the NPPF. Furthermore, the proposed development is not considered to result in adverse harm in respect to highways, drainage, natural and historic environment, refuse collection and community safety. Therefore, adhering to Policies LP14, LP15, LP16, LP18 and LP19 as well as Paragraphs 91, 102, 127, 155, 170 and 184 of the NPPF.

11.2 In addition, the proposal will provide a positive contribution to Fenland's economy and housing stock. Adhering to Policies LP5 and LP6 and Paragraphs 59 and 80 of the NPPF.

11.3 Consequently, the proposed development complies with Local and National Policies and is therefore recommended that planning permission is granted for this proposed scheme subject to S106 and suggested conditions.

14 RECOMMENDATION

Grant, subject to S106 and the following conditions:

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The residential units hereby permitted shall only be occupied as part of, and in conjunction with, Elliott Lodge and for no other purposes.

Reason - The determination of this application is on the basis of the development being for a retirement complex for 55's and over; any other purposes would require further consideration of residential and private amenity, highway safety, parking provision and other considerations in accordance with Policies within the Fenland Local Plan 2014 and The National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to

and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

Reason - To minimise interference with the free flow and safety of traffic on the adjoining public highway in accordance with Policy LP15 of the Fenland Local Plan.

4. Prior to the first occupation of the development the proposed on-site parking /turning shall be laid out in accordance with the approved plan (ref: CH17/LBA/426/FP-1-201 rev E) and thereafter retained for that specific use.

Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

5. Prior to the commencement of above ground works, full details of the materials to be used for all external features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars.

Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan 2014.

6. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c). This is an iterative process and the results of each stage will help decide if the following stage is necessary.

(a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses, the proposed site usage, and include a conceptual model. The site investigation strategy will be based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

(b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitable qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

(c) A site investigation report detailing all investigative works and sampling on site, together with the results of the analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters.

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted

to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs d), e) and f).

(d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

(e) If, during the works, contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

(f) Upon completion of the works, this condition shall not be discharged until a validation/closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from site, and what has been brought on to site.

Reason - To control pollution of land or water in the interests of the environment and public safety in accordance with Policy LP2 and LP16 of the Fenland Local Plan 2014.

7. Prior to the first occupation of the development hereby approved, a scheme for 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 commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to ensure that the site meets the crime prevention guidelines and in accordance with Policy LP17 of the Fenland Local Plan 2014.

8. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.

9. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed surface water drainage strategy prepared by MTC Engineering (ref: 2063-DS) dated January 2018 and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- b) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- c) Full details of the maintenance/adoption of the surface water drainage system;
- d) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.

10. Prior to commencement of above ground works, full details of both hard and soft landscape works 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) means of enclosure
- b) hard surfacing, other hard landscape features and materials
- c) existing trees, hedges or other soft features to be retained
- d) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features
- g) location of service runs
- h) management and maintenance details

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 in accordance with Policy LP16 of the Fenland Local Plan 2014

11. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard shall be implemented and shall be maintained to the Local Planning Authority's reasonable satisfaction until the completion of the development for Building Regulations purposes.

Reason - To ensure that retained trees are adequately protected in accordance with Policy LP19 of the Fenland Local Plan 2014.

12. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - In the interest of visual amenity and in accordance with Policy LP16 and LP19 of the Fenland Local Plan 2014.

13. Prior to the first occupation of the development hereby approved, full details of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the numbers of bat and bird boxes, design and location. The development shall thereafter be carried out in accordance with the approved full details and retained thereafter.

Reason - To minimise disturbance to bats and birds and ensure compliance with national and international legislation which protects them as well as in accordance with Policy LP19 of the Fenland Local Plan 2014.

14. No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:

A. the statement of significance and research objectives;

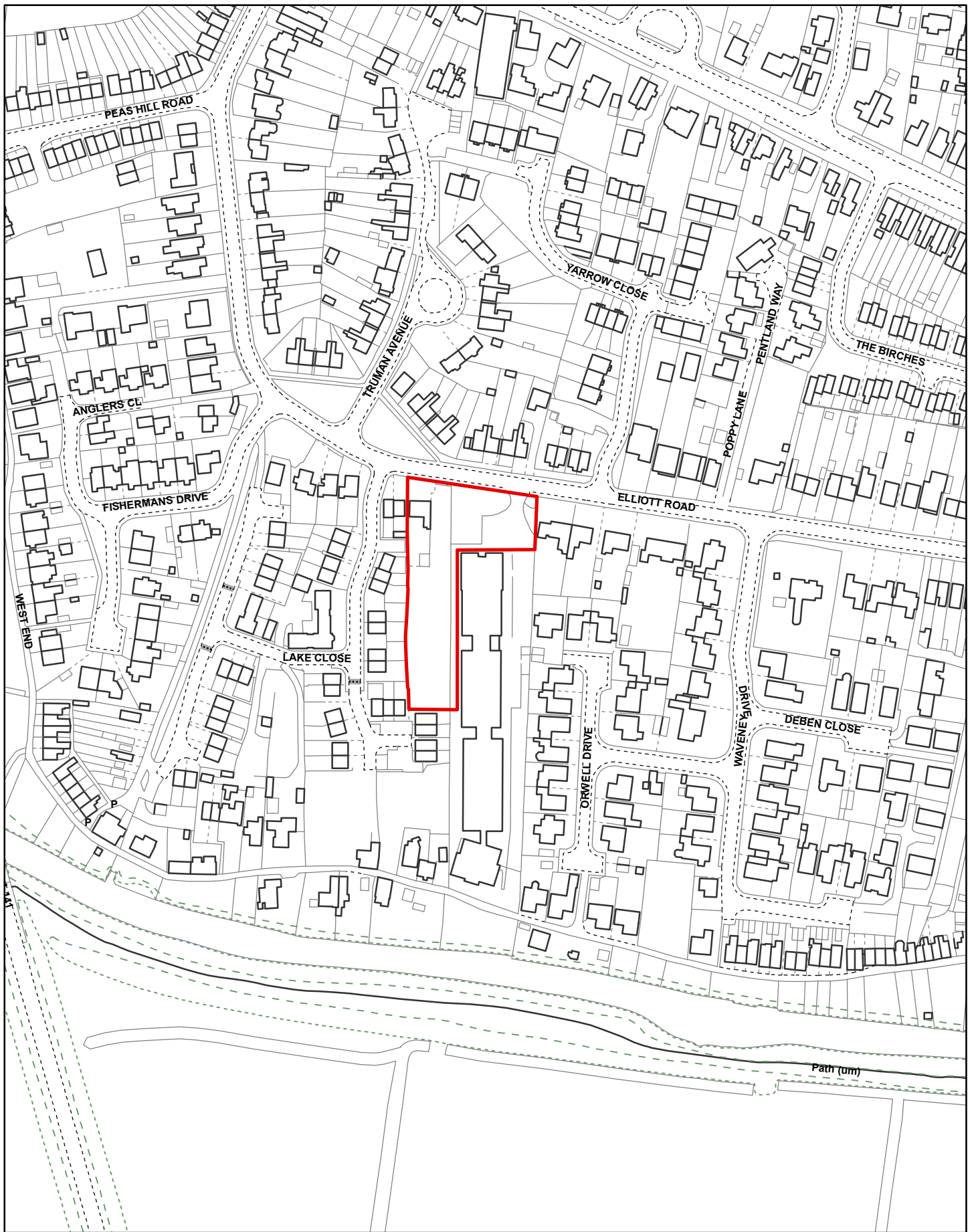
B. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

C. The programme for post-excavation assessment and subsequent analysis, reporting, publication & dissemination, and deposition of resulting archive. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

Reason - To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy 18 of the Fenland Local Plan 2014.

15. The development hereby permitted shall be carried out in accordance with the following approved plans and documents



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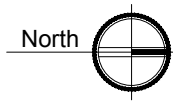
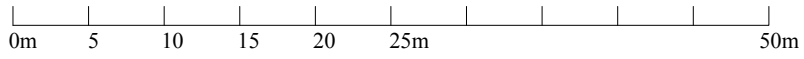
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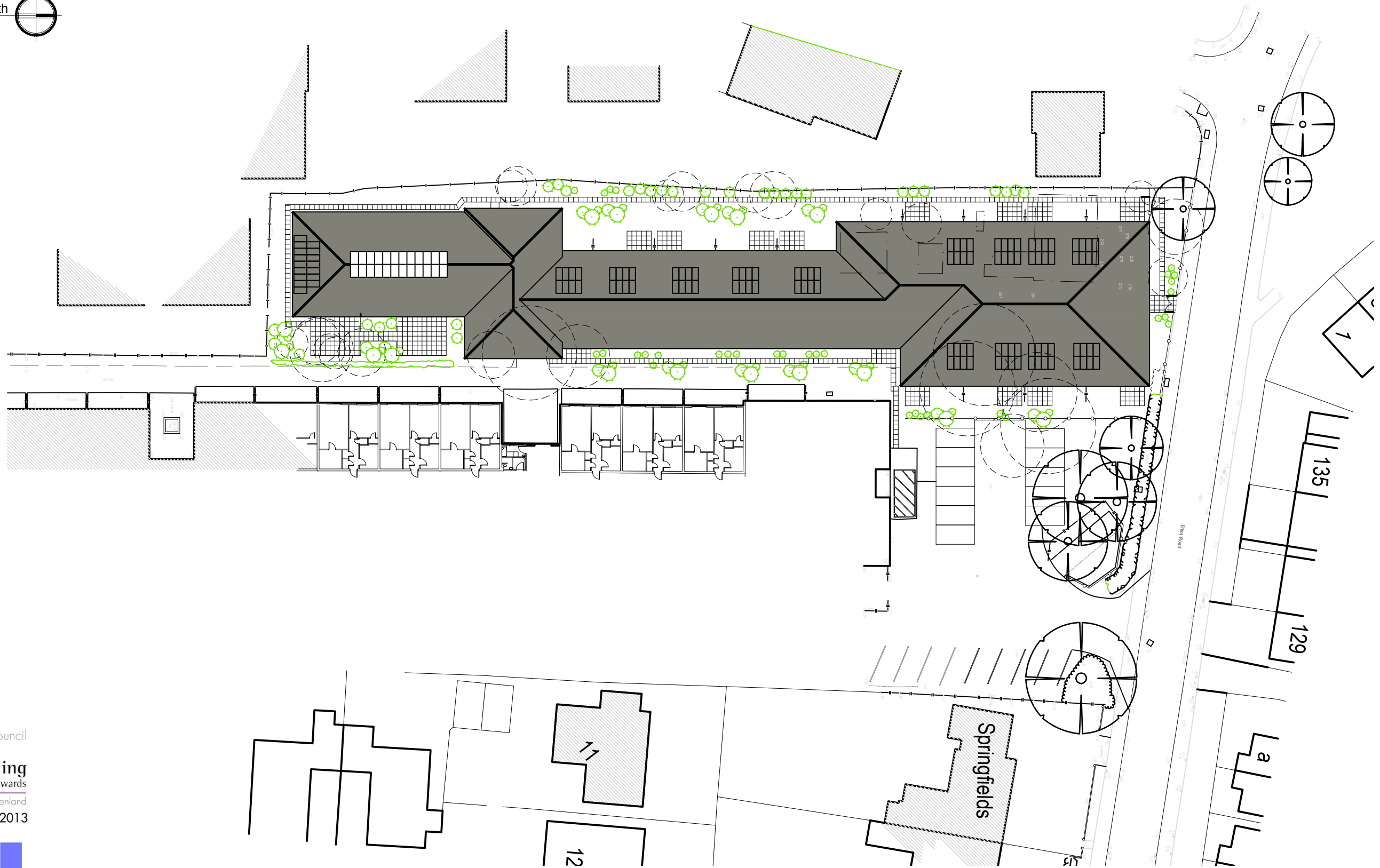
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The Doghouse, 10 Cricketers Way, Chatteris, Cambridgeshire. PE16 6UR

Tel: 01354 693969



Mob: 07739 562818

Elliott Park, Elliott Road, March, Cambridgeshire

Snowmountain Enterprises Ltd

Project

Block Plan

Title

Scale 1:500 @ A3	Date Dec 2017	Drawn L B	Checked
Drawing Number CH17/LBA/426/FP-1-101			Revision

F/YR18/0984/RM

Applicant: Mr S Harwin

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

Land South Of Berryfield, March, Cambridgeshire

Reserved Matters application relating to detailed matters of access, appearance, landscaping, layout and scale pursuant to outline permission F/YR14/1020/O, for the erection of 28 x dwellings consisting of 4 x 3-storey 6-bed with integral garage, 5 x 2-storey 4-bed with detached garage and 19 x 2-storey 3-bed with detached garage.

**Reason for Committee: Recommendation contrary to Town Council comments.
Number of objections received contrary to recommendation.**

1. EXECUTIVE SUMMARY

The proposal is for the construction of 28 dwellings, and follows a previous outline permission that granted consent for up to 30 dwellings on the site.

The application site is located adjacent to Berryfield, an existing residential development on the north side of the town of March.

The dwellings proposed are a mix of 2 and 3-storey properties, ranging from 3-bedrooms to 6-bedrooms.

The principle of the development has been accepted through the previous approval of outline planning permission on the site for up to 30 dwellings.

The proposed dwellings are appropriate in size, design and scale to their surroundings, and the impacts on existing neighbouring dwellings are not sufficient to justify the refusal of the application.

2. SITE DESCRIPTION

- 2.1. The application site is located on land designated as Flood Zone 1, the area at lowest risk of flooding.
- 2.2. The site is located on land to the east of the existing Berryfield residential development, and is currently in agricultural use. The boundary between the site and the existing residential properties to the west is mixed, formed from a combination of hedging and fencing.

3. PROPOSAL

- 3.1. The proposal is for the construction of 28 dwellings, garages and the associated estate roads and landscaping on land formerly granted outline planning permission for up to 30 dwellings.
- 3.2. The scheme comprises a mix of properties combining 2 storey (24 dwellings) and 3 storeys (4 dwellings) and from 3 bedrooms to 5 bedroom units (19 x 3-bed, 5 x 4-bed and 4 x 5-bed). The three-storey properties accommodate the second floor accommodation within the roofspace through the use of rooflights rather than through provision of a 'full' third storey.

4. SITE PLANNING HISTORY

F/YR14/1020/O	Erection of 30 dwellings (max)	Granted 17/12/15
F/1163/88/O	Residential development – 33.77 acres	Withdrawn 17/8/88
F/0799/85/F	Erection of 49 houses 11 bungalows and garages	Granted 8/10/86
F/0281/81/F	Residential development	Granted 16/7/81

5. CONSULTATIONS

5.1. **March Town Council**

Recommend refusal. This is a contentious application opposed by local residents and is a major development, contrary to policies within the March Neighbourhood Plan. If approval is granted the Town Council requests a contribution of £10,000 per property towards the provision of sporting facilities on Estover Playing Field.

5.2. **Middle Level Commissioners (Internal Drainage Board)**

5.3. Objection. Previous concerns highlighted on the outline planning application remain relevant. Reference is made to a private sewer that crosses the land, that would need to be the subject of build over agreements or require repositioning of some buildings. Unlikely that infiltration devices would meet current design standards. Layout of the site does not provide adequate space for SuDS and the layout must therefore be reviewed.

5.4. **Cambridgeshire Fire and Rescue Service**

Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision is made for fire hydrants.

5.5. **Cambridgeshire County Council Highways Authority**

The scheme already has outline planning consent and therefore the impact on the surrounding highway network has been considered and deemed acceptable. Geometric details should be provided on the site plan regarding footway and carriageway widths, kerb radii and horizontal curvature. Visibility splays should also be detailed and parking spaces should be annotated and dimensioned. The kink in the road alongside plot 28 should be replaced with a longer horizontal curvature.

5.6. **Cambridgeshire Constabulary**

This is an area of low vulnerability to crime. The layout appears appropriate in relation to crime prevention. Would like to see details of proposed lighting and boundary treatments when this is available.

5.7. **Wildlife Officer**

The site layout differs significantly from the previously submitted indicative layout and no longer shows an extension to the area of open space previously indicated. Would prefer this area is incorporated within the plans. Require a scheme to install a range of bird nesting and bat roosting features to the proposal (subsequently confirmed the plan showing these features is acceptable), and amphibian fencing given the discovery of a smooth newt within the boundary hedge on the site adjacent to the existing open space.

5.8. **Lead Local Flood Authority**

Confirm the LLFA has no objection to the proposals, but notes disappointment at the lack of space for open SuDS features.

5.9. **NHS England (east)**

Due to the low number of dwellings no objection or request for mitigation.

5.10. **FDC Housing Strategy**

No comments due to viability assessment provided.

5.11. **FDC Environmental Services**

No objection in principal, new residents will be expected to present waste and recycling bins for collection adjacent to the public highway, a swept path plan should be provided to demonstrate that a refuse collection vehicle can access the site and turn on the public highway, and bins will need to be provided as part of the development with notification of the details of collection and storage by the developer before new residents move in.

5.12. **Local Residents/Interested Parties**

Objectors

32 letters of objection have been received from 19 separate sources in the area, raising the following matters in opposition to the scheme.

- The application should not even be considered following the recent refusal of the Estover Road application.
- Traffic congestion on Berryfield, Elm Road and Station Road
- The majority of facilities (schools, doctors, shops etc) are all located on the opposite side of the railway crossing.
- Existing roads on Berryfield would need to be widened.
- Development is not in keeping with the surrounding residential properties.
- Additional strain on the drainage system could result in issues in relation to the existing dwellings.
- The topsoil removed from the site for the archaeological survey was never reinstated.
- The ecological survey is out of date, and the biodiversity report submitted with the application is incorrect.
- The path access in Berryfield to the site.
- Development will impact on light received by dwellings in Burnet Gardens.
- Archaeological impact of the proposal.
- Impact on adjacent farming land.
- Adverse impact on wildlife on the site.
- If the 5 year land supply situation is resolved why allow this application.
- Flood risk/drainage is a concern, and soakaways do not appear to be the answer.
- The site is good farmland and should not be built upon.
- Development will destroy the peaceful nature of the area.
- Development on this land will increase reliance on the private car.
- These properties will be used as justification for further residential development.
- The existing power substation will not have capacity to serve the development.
- Windows from the proposed properties overlook neighbouring dwellings and gardens.
- Site is in a floodplain.
- Disagree with the comments of the Cambridgeshire Constabulary that the area is a low crime area. Many residents have had property stolen from homes, outbuildings and cars.

- Electricity cables cross the site, the application does not detail how these will be moved nor to where.
- Development of the site is contrary to the strategic plan, which identified South and West March as the locations for growth.
- If MTC are serious about killing this development why not impose a Section 106 levy of £100,000 per dwelling.
- The developer is acting as though the decision has already been made in their favour.
- The development indicates the use of land not within the ownership of the applicant.
- A transport strategy should be put in place covering the entire period of construction should consent be granted.
- Vehicles should be washed down before leaving the site if construction goes ahead.
- The proposal does not include the extension of the open space previously indicated on the outline planning application.
- What provisions are made for control of noise during the construction period?
- Trees noted to be removed belong to the adjacent residential properties, not the site owner.

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 Design Guide 2019

Context

Identity

Built Form

Movement

Nature

Public Spaces

Homes and Buildings

Lifespan

7.2. National Planning Policy Framework (NPPF)

Para 117 - Promote effective use of land.

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.

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

Para 175 - Harm to habitats and biodiversity.

7.3. National Planning Practice Guidance (NPPG)

Determining a planning application

7.4. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP4 – Housing

LP9 – March

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

7.5. March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

OS1 – Open Space

8. KEY ISSUES

F/YR18/0984/RM

- **Access**
- **Appearance**
- **Landscaping**
- **Layout**
- **Scale**
- **Other matters**

9. BACKGROUND

- 9.1. The application follows the previous grant of outline planning permission for the construction of up to 30 dwellings on the site. All matters were reserved for later approval by applications such as the current scheme. Conditions were placed on the outline planning permission requiring submission via condition discharge of the foul and surface water drainage proposals, and the undertaking of a programme of archaeological work. The outline planning permission previously granted consent included an illustrative layout plan showing an extension of the existing open space between Berryfield and Burnet Gardens, however this layout plan was not submitted for approval at that stage and does not therefore form part of the previous permission granted.

10. ASSESSMENT

Access

- 10.1. The means of access to the site is via the existing highway known as Berryfield. This is a typical estate road off which are located a further 4 cul-de-sacs, Burnet Gardens, The Hollies, Bramble Walk and The Laurels. These roads give access to 61 dwellings at present.
- 10.2. The proposed access to the site would be located at the southern end of the site, and would in effect continue the Berryfield vehicular carriageway to provide access to the proposed new dwellings. One response in particular that has been received in relation to the proposal indicates that the land on which the proposed pedestrian footway flanking this road is to be provided does not lie within the ownership of the applicant, however matters of land ownership are not material to the planning consideration of the proposal and therefore should not prejudice the decision taken.
- 10.3. The implication of the point identified at 10.2 is that were the land not to be purchased or allowed to be developed in the manner indicated, then there would be a break in the pedestrian footpath for a distance of approximately 5 metres at

the entrance to the site. Whilst not ideal, such a break could be accounted for in the specific design of the site layout and would not justify withholding consent. The matter could be resolved by the purchase of the land by the applicant from the current owner.

- 10.4. The comments of the Local Highways Authority are noted regarding geometric details of the footways and carriageways etc, however the specific dimensioned details requested are the subject of an existing condition on the outline permission granted in December of 2015 and are not therefore necessary to allow for consideration of the reserved matters but would be required to be met before the road would be considered for adoption. The scaled plans provided at this stage are sufficient to demonstrate the layout proposed.

Appearance

- 10.5. The existing residential development on Berryfield is of a modern estate character, typical of a wide variety of housing projects nationwide, with little distinct character specific to the Fenland area. The house types proposed for the site are of a similar style, although they do exhibit a more distinctive character than the adjacent development, particularly through the use of consistent design elements such as window styles and proportions, and entrance porticos to the dwellings. The larger properties proposed benefit from chimneys, and although these are false in terms of them not leading to internal fireplaces within the dwellings, they do provide a beneficial visual effect to the dwellings. Overall, the external design of the dwellings is appropriate to the location, and demonstrates a blend between the historic traditional appearance of development in the town, particularly along Station Road, and more modern styles of property that tend to utilise fewer decorative elements.
- 10.6. The materials proposed for use on the site are not specified within the application and therefore would need to be required to be detailed through the imposition of an appropriate planning condition, however the indications on the plans are that render would be a feature of the development. Render and painted brick are fairly common within the more historic parts of the town, however where that is the case it is more normal for the whole property to be so treated rather than its selective use to highlight particular features of the property. It would therefore be appropriate to require specific details of materials and how they are proposed to be used on the individual plots by means of a condition.

Landscaping

- 10.7. The scheme submitted includes details with regard to the proposed landscaping of the site, noting on the site plan locations of tree planting but with only limited detail regarding which species are to be located on the site and no specific distribution of species across the site. Limited indication is provided of the ground cover/shrub planted areas and boundary treatments and new hedge planting. Such detailed information should have been provided as part of the current submission in line with the conditions on the outline planning permission however in their absence and given the landscaping would ordinarily take place at the end of the construction period it would not be unreasonable to require the additional detail by condition.
- 10.8. Notwithstanding the above there is scope within the site to provide an appropriate landscaping scheme that will complement the proposed dwellings

and the wider surroundings, and such a scheme could reasonably include reinforcement of the biodiversity enhancement of the site through native species hedgerows to property boundaries, particularly where those boundaries are shared with agricultural land rather than domestic properties. The latest version of the site plan provided also details biodiversity enhancement through the installation of a range of bird nesting and bat roosting boxes to be located across the development.

Layout

- 10.9. The layout proposed for the scheme is typical of a development of this nature, and includes a single access point to the south west corner of the site. The accompanying application addresses the viability of the site and the provision of open space, which explains why the previously indicated extension of the open space between Berryfield and Burnet Gardens is not replicated on the proposed plans.
- 10.10. The layout has a central spine running north/south across the site, and the proposed development is accessed directly from the spine, with turning heads to the north and south ends of the site, and additional properties clustered around those turning heads. This is the most efficient layout for the site in terms of providing space for the proposed dwellings, but does mean that some of the proposed properties have rear elevations that face west towards the existing dwellings. These properties are however located at least 11 metres from the shared western boundary and as a result, are separated from the development to an acceptable level. The properties that are proposed parallel to the neighbouring dwellings are located closer than this, but do not result in the same potential overlooking issues.
- 10.11. The four 3-storey dwellings have been sensitively positioned within the street scene to ensure that they are not a dominant feature from outside the site – two are positioned to the south of the main access where the line of development steps away from view, whilst the remaining two are located along the central spine, set back from the line of development of the smaller properties. Conversely, from within the site, the two properties to the south of the access act as a visual end stop to the scheme when travelling south along the central spine road, which has a positive effect of containing the development in this regard from a visual point of view.

Scale

- 10.12. As noted above, the proposed development is for a mix of 2 and 3-storey development, accessed from the Berryfield development, which is a mixed 1 and 2-storey development. In practical terms however the majority of both developments are 2-storey and the limited nature of the 3-storey proposals, combined with the location of these units as noted above in the section on layout, ensures that the scale of the proposal is not of character with its surroundings. In terms of development density, the scheme is comparable with the adjacent developments and is therefore appropriate to its setting.

Other matters

- 10.13. A range of other matters have been raised as part of the consultation and publicity undertaken in relation to the application, and these points are addressed as follows.

- 10.14. The application under consideration is a reserved matters application. The principle of the residential development of the site has therefore already been approved and has the benefit of planning permission. The current scheme only provides detail as to how the site is to be developed, and the consideration of the proposal cannot revisit the decision already taken to oppose the principle of residential development regardless of any decisions that may have been made on other sites in the intervening period. Consequently any matters relating to the principle of development, such as traffic impacts to and from the site, impacts on archaeology and agricultural land quality are not relevant to the current application.
- 10.15. Similarly, the permission already granted was for development of up to 30 dwellings on the site, and consideration of that application involved an assessment of the impacts of traffic, access to services etc for the development. No limit was imposed by means of a condition on the planning permission, however the current scheme proposes a lower level of development for 28 dwellings.
- 10.16. Several comments relate to the effects of the construction period on surrounding residents, however these are not within the control of the planning application, with in particular matters such as noise and dust generation within the control of separate legislation.
- 10.17. Drainage on the site is subject to existing conditions on the outline planning permission previously granted. The comments from the Internal Drainage Board in this respect are noted, however given the permission previously granted, the condition requiring details of foul and surface water drainage imposed as part of that permission and the lack of objection from the Lead Local Flood Authority it is not appropriate to revisit the matter at this stage.
- 10.18. The impacts of the proposal on the ecology and biodiversity merits of the site are noted, however the proposal has been assessed by the Wildlife Officer, and their requirements incorporated into the proposed site layout. Further comments with regard to the provision of amphibian fencing during the construction stage are appropriate for inclusion as a condition.

11. CONCLUSIONS

- 11.1. The principle of the development of the site has been accepted by the granting of outline planning permission. No matters were submitted for approval at that time, although an indicative plan was submitted showing 30 dwellings located on the site with an area of public open space. This indicative plan did not form part of the approval of outline consent.
- 11.2. The access into the proposed site in terms of the scale of traffic impact was considered at the outline stage of the application, and as such there is no justification for refusal on those grounds, particularly in light of the reduction in number of proposed properties.
- 11.3. The proposed properties are typical of this type of development and subject to detailed agreement regarding the specific materials of construction, would be appropriate to the wider setting of the development and would not appear out of place, nor harm the character of the area.

- 11.4. The proposed landscaping details are acceptable in principle, although a more detailed plan specifying planting sizes, species and densities should be required by condition. Such as scheme would also require a condition regarding implementation of the landscaping at an appropriate time during the construction phase of the development.
- 11.5. The layout of the proposal is broadly in line with the indicative plan previously submitted alongside the outline planning permission, albeit with the removal of the area of open space originally indicated. Although it would have been preferable to include this area of land within the site for its public amenity and ecological/biodiversity benefits, there is no justification for refusal of the application on the basis of its absence. The applicant has agreed to pay a sum towards the enhancement of nearby public open space to partially mitigate the absence of this feature
- 11.6. The proposed development is a mix of 2 and 3-storey properties comprising 3, 4 and 6-bed homes. The adjacent developments contain a mix of dwellings, mainly 2-storey with some single-storey properties. The proposal will not appear out of scale with its surroundings, and will provide a range of accommodation to complement the existing offer in this section of the Town.

12. RECOMMENDATION

F/YR18/0984/RM

Grant subject to additional conditions required due to the detail of the proposals.

1. No development other than groundworks and foundations shall take place until full details of the materials to be used in the development hereby approved for the walls and roof are submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.

2. No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been 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:-

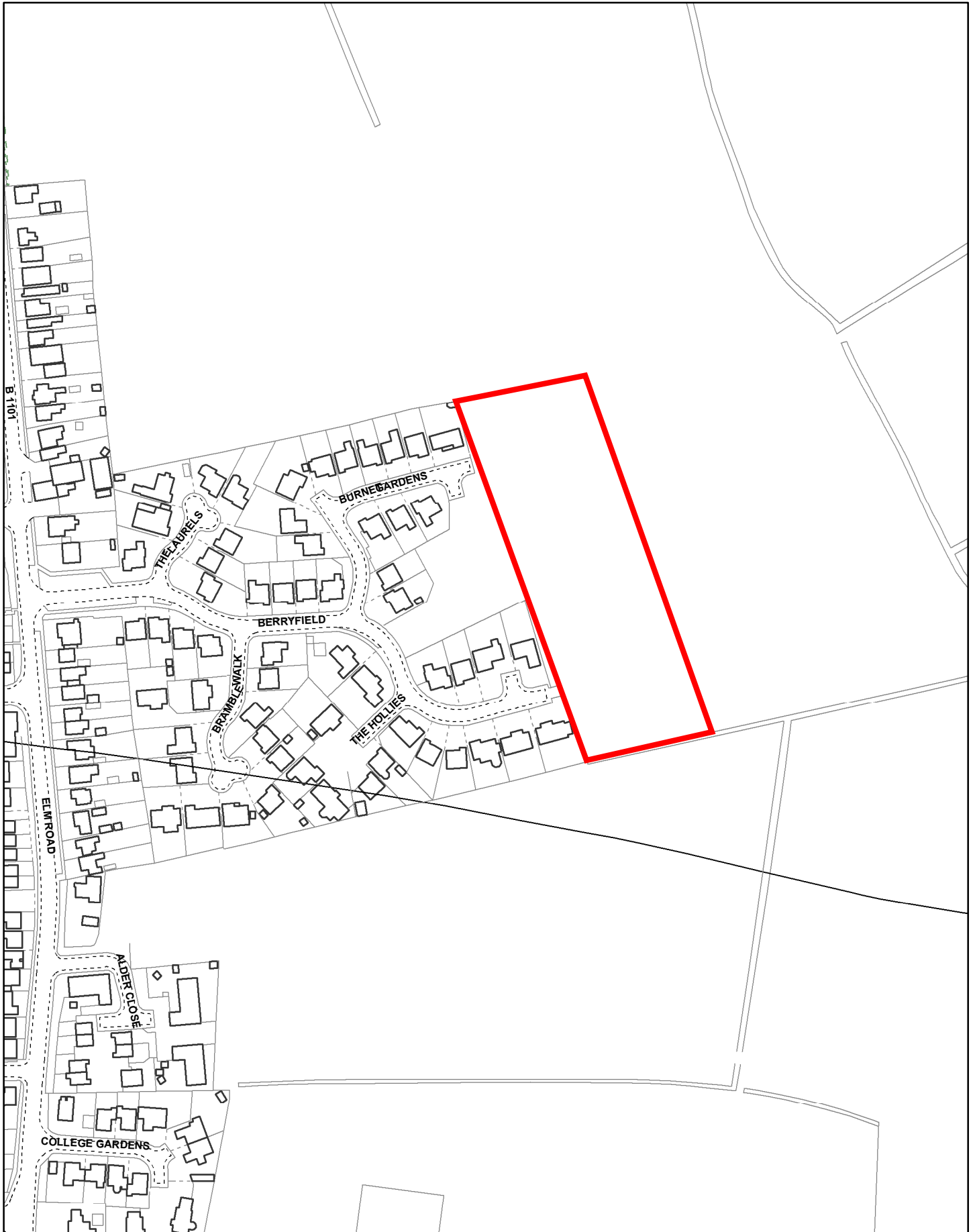
- a) means of enclosure
- b) hard surfacing, other hard landscape features and materials
- c) existing trees, hedges or other soft features to be retained
- d) detailed planting plans, including specifications of species, sizes, planting centres number and percentage mix
- e) details of planting or features to be provided to protect and enhance the value of the development for biodiversity and wildlife
- f) management and maintenance details

The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

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 in accordance with Policy LP16 of the Fenland Local Plan 2014.

3. 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 (except those contained in enclosed rear gardens to individual dwellings) 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.

Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.



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F/YR18/0984/RM

Scale = 1:2,500

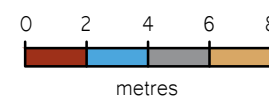


General Notes
 1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in "mm" unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be read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

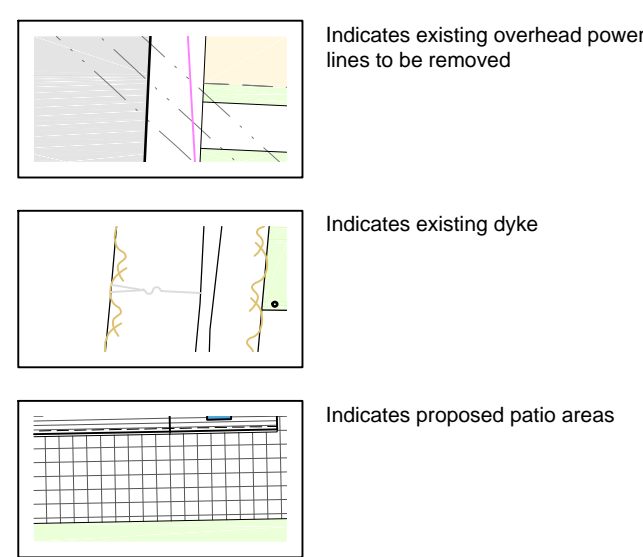
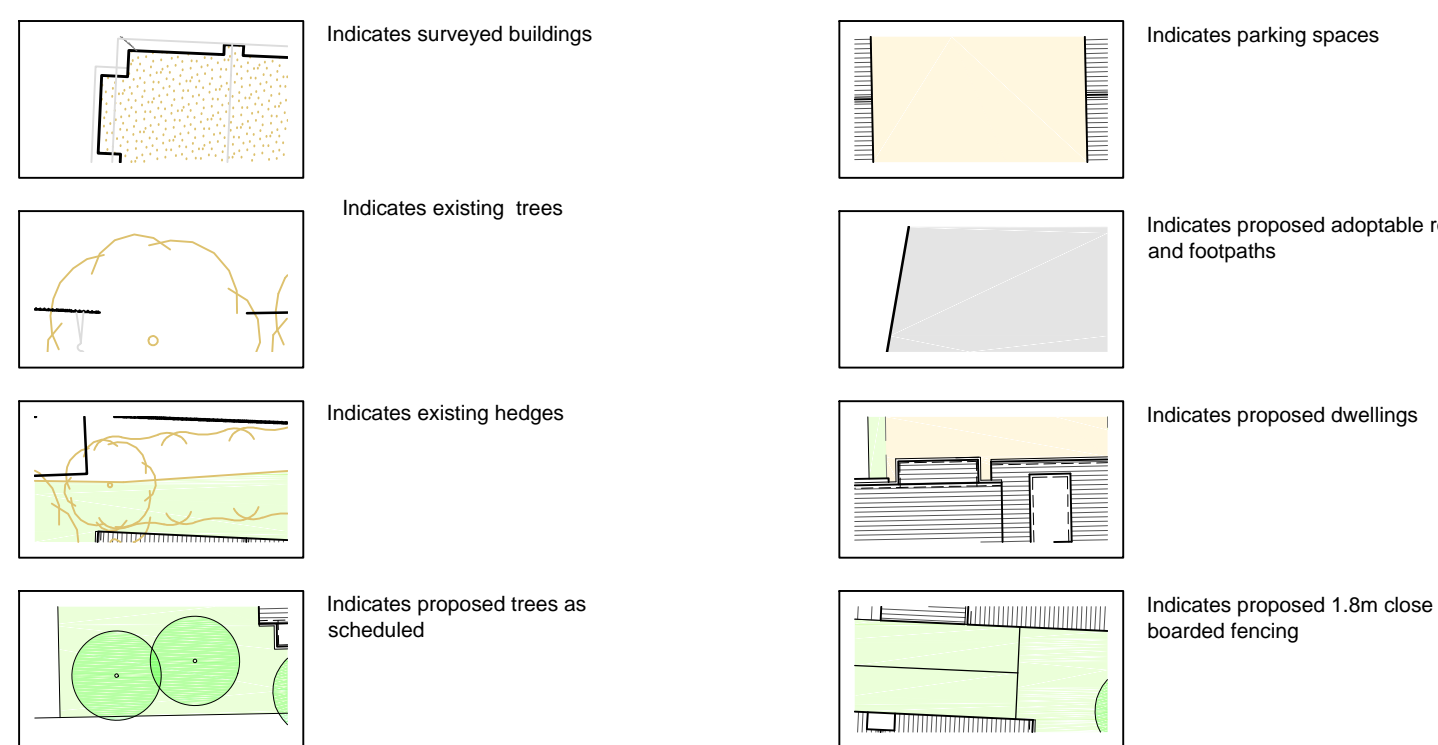


Site Plan

Scale: 1:250



SITE PLAN KEY



Landscaping Description	
T - Trees to include Prunus (Flowering Cherry) 'Accolade' Field Maple (Acer campestre) Mountain Ash (Sorbus aucuparia) Whitebeam (Sorbus aria majestica) Size 10-12cm planted.	GC - Ground Cover Plants Cotoneaster Horizontalis, Hedera Helix, Lavendula Spica 6 plants per sq m, 15cm planting size
SP - Shrub Planting to include: Lonicera Pileatea, Spiraea Godt Flame, Sarcocolla Greyii, Rosa Rugosa, Prunus Laurocerasus, Syringa Vulgaris C3 pot size, planting size 40-60cm, planted at 750mm ctrs	
Landscaping Notes - All planting, seeding or turfing as shown on the above landscaping plan are to be carried out in the first planting and seeding seasons following the occupation of the dwelling of the completion of the development, whichever is sooner; and any trees or plants which within a period of 5 years from the completion die, are to be removed and replaced with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.	

Method statement for protection of trees on site during construction

- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with above table and BS 5837 unless otherwise agreed in writing with the local Planning Authority. Please see protected areas marked on proposed site plan.
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.

Method statement for nature conservation

- The existing remaining tree on site is to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.

1 Nesting boxes for House Sparrow, location on trees & garages as per drawings



2 Nesting box for Starling, location on trees as per drawings



3 Nesting box for Bats, location on trees as per drawings



Note: Images shown for presentation purposes, design to be similar approved.

Revisions		Ecology Enhancement Added
B	Jan 2020	

Status
FOR APPROVAL

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

Job Title Proposed Residential Development Land East of Berryfield March, Cambs for: A & K Fink	Date March 2018	Scale Various Sheet Size A1
Drawing Title Planning Drawing Site Plan	Job No. SE-893 Revision 14	Drawn by G.E. Revision B

APPLICATION NO: F/YR18/0984/RM

SITE LOCATION: Land South Of Berryfield, March, Cambridgeshire.

UPDATE

CONSULTATIONS

Local Residents/Interested Parties

One further response has been received in relation to the application, noting the following points:

- The proposed development is unwanted by most of the residents of the adjacent estate.
- Rules regarding councillors representing their constituents have been ignored.
- The County Council are opposed to the development and an 800 signature petition against any development in North East March has been ignored.
- Development will exacerbate existing problems in North East March.
- Roads are inadequate for the extra traffic volume and emergency vehicles would find it difficult to navigate the parked cars along Berryfield.
- The Rail Authority is conducting traffic surveys and therefore must be concerned about the volume of cars and trains using the level crossing. Waiting times will only get worse in the future.
- March sewage works cannot cope today and the proposal will increase pressure on the system.
- Ecology survey is out of date.

The majority of the above issues are addressed in the main committee report, however it is worth noting that the application under consideration is for the reserved matters associated with an existing outline planning permission for residential development of the site, and as such matters of the principle of the development of the land for residential use are not to be considered at this stage.

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F/YR18/1021/PLANOB

Applicant: Mr S Harwin

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

Land South Of Berryfield, March, Cambridgeshire

F/YR18/1021/PLANOB: Modification of Planning Obligation attached to planning permission F/YR14/1020/ (entered into on 16/12/15) relating to viability.

Reason for Committee: Committee resolution required for variation to Section 106 agreement.

1. EXECUTIVE SUMMARY

- | |
|---|
| <p>1.1. The proposal is for the variation of an existing legal agreement entered into as part of the previous outline planning permission on the site.</p> <p>1.2. The application is accompanied by a viability assessment that has been considered by the Senior Planning Obligations Officer.</p> <p>1.3. The viability assessment demonstrates that the contributions agreed result in viability issues relating to the delivery of the scheme.</p> <p>1.4. The applicant has offered a reduced contribution towards public open space improvements, and the Head of Leisure Services at Fenland District Council has identified an appropriate project near to the application site towards which the contributions can be made.</p> |
|---|

2. SITE DESCRIPTION

- 2.1. The application site is located on land designated as Flood Zone 1, the area at lowest risk of flooding.
- 2.2. The site is located on land to the east of the existing Berryfield residential development, and is currently in agricultural use. The boundary between the site and the existing residential properties to the west is mixed, formed from a combination of hedging and fencing.

3. PROPOSAL

- 3.1. The proposal is for the variation of an existing legal agreement concerning developer contributions entered into at the outline planning permission stage of the development of the site.
- 3.2. The existing agreement is for contributions towards Education, Libraries and Lifelong Learning, Public Open Space, Railways Improvement and Affordable Housing.
- 3.3. The applicant has provided a viability assessment of the site in relation to the proposal, and has offered a reduced contribution.

4. SITE PLANNING HISTORY

F/YR14/1020/O	Erection of 30 dwellings (max)	Granted 17/12/15
F/1163/88/O	Residential development – 33.77 acres	Withdrawn 17/8/88
F/0799/85/F	Erection of 49 houses 11 bungalows and garages	Granted 8/10/86
F/0281/81/F	Residential development	Granted 16/7/81

5. CONSULTATIONS

Senior Planning Obligations Officer

5.1. A consultation has been carried out with the Council's Section 106 Officer to review the viability assessment submitted and following a detailed examination the Officer has concluded:

5.2. *“Based on the evidence submitted I accept that there are viability issues preventing the delivery of Affordable Housing and S106 contributions.”*

5.3. Local Residents/Interested Parties

Three responses have been received in relation to the application. Various matters were listed for objection relevant to the reserved matters planning application, which have been recorded separately on that report. A single comment related to the variation proposed to the legal agreement, stating that the proposed amendment was a flagrant misuse of planning procedure

6. POLICY FRAMEWORK

National Planning Policy Framework 2018 (NPPF)

Para 56: Planning obligations tests.

Para 57: Viability Assessments should be publicly available

Fenland Local Plan 2014 (FLP)

LP4 – Housing

LP5 – Meeting Housing Need

March Neighbourhood Plan 2017 (MNP)

H3 – Local Housing Need

7. KEY ISSUES

- **Development Viability**

8. BACKGROUND

8.1. The application follows the previous grant of outline planning permission for the construction of up to 30 dwellings on the site. A Section 106 agreement was completed in relation to the proposal detailing the following contributions.

- Education contribution calculated on the basis of the housing distribution on the site.

- Public Open Space contribution of £25,960.
- Libraries and Lifelong Learning contribution of £3,032.364.
- Railway Improvement Contribution of £21,428.40.
- Affordable housing scheme comprising 25% of the total number of dwellings.

9. ASSESSMENT

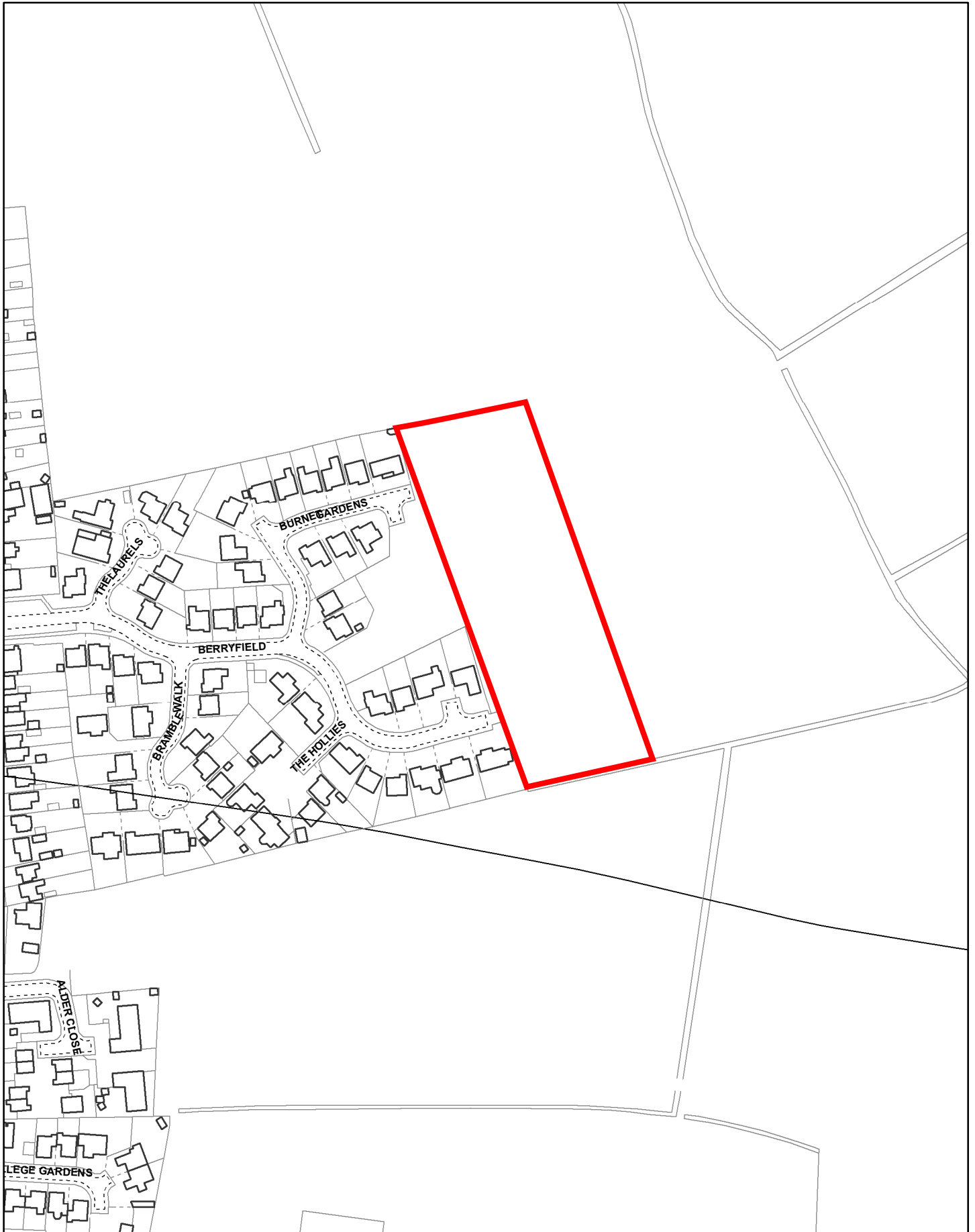
- 9.1. The applicant's viability appraisal has been assessed by the FDC Senior Planning Obligations Officer.
- 9.2. It is considered that the figures used in the viability calculations are within the typical range to be expected for a development of this type, with expected build costs adopted at a lower than typical values.
- 9.3. Evidence has been provided to support the external works figures adopted within the appraisal, and a quote has been provided for the required archaeological work.
- 9.4. On the basis of the evidence submitted there are viability issues that prevent the delivery of Affordable Housing, a Commuted Sum or other Section 106 contributions.
- 9.5. The applicant has however agreed to pay a sum of £10,000 towards public open space as part of the proposal, as figure which reduces the profit margin of the development. The Head of Leisure Services has confirmed that the sum would be put towards the ongoing development of the Estover Playing Fields to the south of the site.

10. CONCLUSIONS

- 10.1. The viability appraisal in respect of the proposal demonstrates that the development is not sufficiently viable to provide the previously agreed contributions. The applicant has made an offer to contribute part of the previously agreed sum in order to go some way to mitigate the impacts of the development on its surroundings.

11. RECOMMENDATION

Approve the amendment of the planning obligation.



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F/YR18/1021/PLAN0B

Scale = 1:2,500



PLANNING COMMITTEE DATE: 29th January 2020

Agenda Item No.7

APPLICATION NO: F/YR18/1021/PLANOB

SITE LOCATION: Land South Of Berryfield, March, Cambridgeshire.

UPDATE

BACKGROUND

The Libraries and Lifelong Learning contribution at paragraph 8.1 of the main report should read £3,032.64

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F/YR19/0467/RM

Applicant: Mr D Lutkin

**Agent : Mr C Bartram
PDG Architects**

Land South Of, Jones Lane, Eastrea, Cambridgeshire

Reserved Matters application relating to detailed matters of appearance, landscaping and scale pursuant to outline permission (F/YR13/0804/O) for the Erection of 6no dwellings (1 x single-storey 4-bed, 2 x 2-storey 3-bed, 2 x 2-storey 4-bed and 1 x 2-storey 5-bed)

Officer recommendation: Approve

Reason for Committee: Town Council comments and number of representations contrary to officer recommendation and Ward Councillor call in.

1 EXECUTIVE SUMMARY

- 1.0 The application seeks approval of reserved matters relating to Scale, Appearance and Landscaping and comprises 6 dwellings ranging from single-storey, chalet style 2-storey and full 2 storey dwellings, each with garages.
- 1.1 The principle of development has been firmly established through the granting of outline planning approval and the layout of the development is dictated by the earlier consent which agreed the number of dwellings, the footprint of these and the access. Hence only issues in relation to the scale, appearance and landscaping can now be considered.
- 1.2 Revisions have been made since the application was submitted resulting more traditional detailing, design and materials and a reduction in scale to respect the size of the plots and the character of the area providing a transition between the larger frontage properties on Eastrea Road and the bungalows on Bryony Close.
- 1.3 It is acknowledged that the development will result in the loss of existing trees and vegetation, however the development of the site has already been established by virtue of the outline planning permission; a proposed landscaping scheme has been provided and details of biodiversity mitigation measures can be secured via condition.
- 1.4 The access to the site via Jones Lane was committed at outline stage and considered acceptable; condition 8 of the outline planning permission requires a detailed engineering scheme in relation to the roads and footways to be submitted, approved and implemented prior to the first occupation of any dwelling to ensure a satisfactory scheme is provided.
- 1.5 Initial concerns in relation to the matters which can be considered (scale, appearance and landscaping) have been overcome and as such the development is considered policy compliant with a favourable recommendation forthcoming.

2 SITE DESCRIPTION

The application site is located off Eastrea Road, Eastrea, via Jones Lane a narrow, unmade gravel track and byway which runs alongside the Nags Head Public House. The site consists of overgrown land with a number of trees and vegetation and garden land presently serving 18 Bryony Close, Eastrea which is surrounded by a tree belt. Due to the open nature of the area the site is visible for some distance from the fields and public footpaths to the west. The site is located in Flood Zone 1.

3 PROPOSAL

The application seeks approval of reserved matters relating to Scale, Appearance and Landscaping (with Layout and Access previously approved at outline stage, F/YR13/0804/O) and comprises 6 dwellings ranging from single-storey, chalet style 2-storey and full 2 storey dwellings, each with garages.

- 3.1 Plot 1 measures 14.6m x 12.7m and 5.5m in height, forming a single-storey, 4-bed dwelling.
- 3.2 Plots 2 and 6 measure 11.6m x 11.4m and 6m in height and form 3-bed, 2-storey (rooms in roof) dwellings.
- 3.3 Plots 3 and 4 measure 8.6m x 10.7m and 7.9m in height and form 4-bed, 2-storey dwellings
- 3.4 Plot 5 measures 11.6m x 10.8m and 8.1m in height forming a 2-storey, 5-bed dwelling
- 3.5 Single garages measure 7.4m x 3.4m and 4.2m in height.
Double garage measures 6.6m x 7.4m and 5.2m in height

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PSKF6LHE0D800>

4 SITE PLANNING HISTORY

F/YR13/0804/O	Erection of 6no dwellings	Granted 01/06/2016
F/YR12/0013/O	Erection of 9 x dwellings	Refused 05/03/2012 Dismissed on appeal 3/4/2013 in relation to design and living environment only (access was considered acceptable)
F/YR10/0808/O	Erection of 9 dwellings	Refused 18/01/2011

F/96/0948/O	Erection of 2 dwellings	Refused 14/05/1997
F/94/0929/F	Erection of single-storey detached garage	Granted 20/04/1995
F/91/0416/F	Formation of a swimming pool enclosure	Granted 28/11/1991

5 CONSULTATIONS

During the course of the application a number of consultations and re-consultations were carried out in relation to alterations to the design, heights, materials and garages/parking. Along with the following additional plans and documents: swept path site plan, photomontages, ecology report and topographical site plan provided, hence there a number of comments received from the same consultee as follows:

5.1 Mr James Fisher - Wildlife Officer (5/12/2019 – revised plans)

Thank you for the opportunity to comment on the further information submitted in relation to this Reserved Matters application. I am disappointed to note that the Proposed Site Plan Drawing has not been amended as previously advised.

Further comments as per below:

5.2 Mr James Fisher - Wildlife Officer (30/9/2019 – ecology report)

Thank you for the opportunity to comment on the further information submitted in relation to this Reserved Matters application. I have the following observations to make.

Protected Species:

I note that an Extended Phase 1 Survey Report (dated Sept 2019) has now been submitted. I accept the findings of the report which found that the site is considered likely to support breeding birds and hedgehogs as well as foraging bats.

Section 8 of the report makes a number of recommendations including the installation of 6 bat boxes, 15 bird nest boxes plus 3 hedgehog homes and hedgehog-friendly fencing.

I would therefore advise that the Proposed Site Plan Drawing is amended to include full details of the above measures, including locations and specifications.

In addition to the above measures, it is advised that all site clearance works takes place outside the main bird nesting season which runs from 1st March to 31st August.

Recommendation:

I would advise that full details of the bird, bat and hedgehog enhancement measures are submitted for approval prior to determination of the application, or alternatively that this information be secured by condition if appropriate.

5.3 Mr James Fisher – Wildlife Officer (1/7/2019 original submission)

Landscaping:

Landscaping details as well as provision of bird nest boxes as detailed in the Proposed Site Plan Drawing appear acceptable and the scheme may therefore be implemented in accordance with this detail.

Protected Species:

Having not previously been consulted on the original outline application, I understand the site contains shrubs and other vegetation however it does not appear to have ever been subject to a detailed ecological assessment.

I would therefore strongly advise that any site clearance works is carried out with care and that such clearance is carried out to avoid the bird nesting season. It is recommended that the applicant is reminded of their legal duties under the Wildlife & Countryside Act (as amended) in relation to nesting birds.

Recommendation:

I would have no objection to the detailed scheme, however it is recommended that the applicant is reminded of their legal duties in relation to nesting birds.

5.4 Conservation Officer FDC (9/1/2020 – revised materials)

I am now happy with the products suggested. Glad that the application can now move forward.

5.5 Conservation Officer FDC (8/1/2020 – revised materials)

It seems to me that the proposed Mockbond Richmond 10 Slate (<https://redland.co.uk/products/slate-range/mockbond-richmond-10-slate>) is a reduction in quality and aesthetics to the previously approved Redland Richmond 10 Slate Smooth- Slate Grey (<https://www.roofingsuperstore.co.uk/product/redland-richmond-10-slate-smooth-slate-grey.html>) I do not understand why this change has been made for plots 1-4 and the previously approved slate should be used.

Similarly, I think the proposed brick (new red multi gilt stock brick) is too harsh a colour and texture within the context of the historic surroundings. The Wienerberger Autumn Russet or Bamburgh Red Stock Brick for example, provides that uniformity of tone and texture which would lend the development a quality aesthetic and would better complement the brick proposed for plots 5 and 6. To achieve the highest quality aesthetic possible would ensure the preservation of the setting of the listed building. I therefore do not recommend approval for the proposed Wienerberger New Red Multi Gilt Stock Brick.

I do however recommend approval for the proposed materials for plots 5 and 6, namely the wienerberger heritage blend brick and the Redland, Fenland pantile.

5.6 Conservation Officer FDC (11/12/2019 – revised plans and materials)

The photomontages are not great, but give enough of an indication to illustrate the impact the proposals may have on the setting of the listed building. Given the distance and screening between the development site and the listed property, and its setting which is its west facing garden (subdivided to allow for development of modern homes in close proximity), this new development will have a negligible additional impact.

Roof tiles and bricks should be submitted for approval as a condition of the application, to ensure good quality materials which will preserve or enhance the setting of the listed building.

Further comments:

The Redland Richmond 10 Slate, smooth, grey is acceptable.

The Redland Fenland Pantile, Smooth Tudor Brown is not acceptable - especially on plots 5 and 6 as those nearest to the listed building. A farmhouse red, black, or slate

would be preferable. If a red tile is used, an alternative brick may be required to give a distinction in colour between the walls and the roof.

The colour and overall texture of Weinerberger Mardale Antique brick is acceptable, however, it would be preferable to find a brick with less creasing. The cumulative impact of a vast number of bricks with creases, can sometimes give a building a detrimental appearance, as though the walls were sagging.

Weinerberger Abbeydale red multi brick is not acceptable. A plain colour or mix would be preferable, without the black sooty dots.

I do not think the details of the windows, doors, cills, or rainwater goods etc will have an overall impact on the development scheme in this instance. The predominant impact will be from the houses themselves e.g. the walls and roof, rather than their details.

5.7 Conservation Officer (FDC) (11/7/2019 – original submission)

This is a reserved matters application relating to detail matters of appearance, landscaping and scale, pursuant to outline permission (F/YR13/0804/O) for the erection of 6 dwellings (two 3-storey 5 bed properties, one single storey 4-bed property and three 2-storey 5-bed properties). The site lies to the rear of 398 – 400 Eastrea Road, listed grade II, and so comments are made in respect of the impact on the setting of the listed building.

Due regard is given to the relevant planning history which saw two proposals for 9 dwellings on this site under F/YR10/0808/O (refused) and F/YR12/0012/O (refused and dismissed at appeal). The current scheme is for 6 dwelling and Outline permission has been approved. Comments are only in relation to appearance, landscaping and scale and how this may impact on the setting of the listed building.

Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal put forward is acceptable subject to amendments. The following comments are made:

i. No. 398- 400 Eastrea Road is a thatched cottage that is of 1 ½ storey form. The thatched cottage is dated in the list description to the late 18th century and is considered to be a modest sized property. It is orientated gable end to the road and its front elevation is west facing and faces onto its front garden which provides the immediate setting to this defining elevation. The front (west) elevation incorporates all but one of the openings serving the building and includes the principal entrance door accessing the hall, the kitchen entrance and windows to the main rooms. The property turns its back on the site behind, to the east, and the rear elevation is devoid of openings and accesses with the exception of a utility window. The listed cottage is evidently intentionally designed as west facing and the only land/garden accompanying the property is also all to the west. It is a matter of fact that the land to the front (west) is in the same ownership as the cottage, serves the cottage and has a functional relationship with the cottage. Map evidence along with information contained within the planning history indicate the property had a larger garden curtilage from at least 1887 to circa 1988, before part of the garden was divided to contribute to a plot for a new dwelling. The property is located alongside the A605 which is the principal road running east out of Whittlesey and connecting with Eastrea and Coates and on to March and is clearly visible from this road. While the cottage is

located within the former historic focal point of Eastrea on the principal route through the settlement it is acknowledged that it stands today with late 20th century housing to its west and north east. It is with this understanding of the listed cottages interests and setting that this proposal is considered.

ii. It is not easy to determine from the plans submitted, exactly to what degree the side and front elevations of plots no.s 5 and 6 will be visible from within the setting of the listed building. The blank walls of the garages may screen views of the larger development site, but will also offer an unattractive façade within the setting of the listed building. A street scene view would be helpful to determine just what level of impact there will be on the setting of the listed building.

iii. However, the overall design of the buildings is poor, with limited detailing, awkward dormers and asymmetrical facades. The choice of materials and finishes will be paramount in ensuring the quality of the design and the lack of window lintels, profiled rainwater goods and poorly designed front doors will all dilute the quality of the scheme.

iv. Furthermore, the erection of a close boarded 1.8m fence will impact negatively on the setting of the listed building which currently enjoys the benefits of views to the open fields and the amenity of trees and hedges to the rear. A street scene view would help to illustrate just how much of this will be lost or screened and therefore determine the impact on the setting of the listed building.

5. CONDITIONS

i. Notwithstanding the approved plans and prior to the commencement of development, samples of all materials to be used in the construction of external surfaces of the houses and new boundary walls and fences, and garages shall be required to be submitted to and approved in writing by the LPA. Precise details of brick bonding and render work (including surface finish colour) will also be required to be agreed via sample and confirmed in writing by the LPA.

ii. Notwithstanding the approved plans, prior to the commencement of the development precise details of all new windows, doors, and rainwater goods will be required to be submitted to and approved in writing by the LPA.

6. These comments are made in respect of S.66 of the Planning Act 1990 and in respect of Local Policy LP16 a) which stipulates that new developments shall protect and enhance any affected heritage assets and their setting to an extent commensurate with policy in the NPPF and in accordance with LP18 and; LP16 d) which stipulates that new development shall provide a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the surrounding area and; NPPF 192 c) the desirability of new development making a positive contribution to local character and distinctiveness. The proposal does not comply with these policies.

RECOMMENDATION: Refuse. Amendments and further information required

5.8 Environment & Health Services (FDC) (3/12/2019 – revised plans)

The Environmental Health Team note and accept the submitted information in respect of the above reserved matters, and have 'No Objections' to the proposals.

5.9 Environment & Health Services (FDC) (19/6/2019 – original submission)

I visited yesterday afternoon and ascertained from speaking with a staff member that the area to the east is used by a vehicle recovery company.

Although there is potential for 24hr access, this is extremely rare and the premises is essentially used as the office, with recovery vehicles being stationed at another site or at the employees' homes. If a call comes in overnight (via phone to remote on-call employee), then there isn't any need to access the premises to then go out in a company vehicle, and any recovered are generally taken back to the customer's home, or kept on the vehicle until the morning, before being taken to a garage elsewhere. The only vehicles brought back to site are write-offs, and these are quickly removed to a store elsewhere, and again this doesn't happen overnight.

The commercial vehicles on the premises at present were confirmed to be all old redundant company ones, so of no concern.

With this in mind, I am satisfied that the current commercial premises shouldn't have any noticeable adverse effect on amenity of the proposed residential development.

5.10 Cambridgeshire County Council Highways Authority

This is a private development. The impact of the development on the highway network has already been considered at outline application stage and deemed acceptable.

I have no highways objections

5.11 Arboricultural Officer (FDC) (2/12/2019 – revised plans)

My comments relate to the proposed landscape plan.

The submitted proposal is acceptable and I have no objection to the choice of species and planting size.

5.12 Arboricultural Officer (FDC) (24/6/2019 – original submission)

My objection to the proposal relates to choice of species and lack of screening on the south boundary.

*One of the species selected for planting (*Robinia pseudoacacia* 'Bessoniana'), whilst an attractive species when young does become untidy with age and is known for its brittle limbs being prone to breakage when mature. The cultivar is also budded onto *Robinia pseudoacacia* rootstock that can sucker and the suckers are often covered in large thorns.*

*The use of *Acer campestre* 'Louisa Redshine' may be a better alternative.*

Plot 2 on the south boundary is close to 18 Bryony Close and some form of screening should be planted. This could be a maintained high hedge or by the use of fastigiate tree species used to break up the outline of the building.

*Both *Acer campestre* 'Lienco' and *Crataegus monogyna* 'Stricta' are narrow upright forms of native trees that are good for wildlife and ideal for small spaces.*

5.13 Definitive Map Team

Thank you for consulting us on the planning application above.

Please note Byway Open to All Traffic 42 Whittlesey would form part of the site access. To view the location of the Footpath please view our interactive mapping

online which can be found at
<http://my.cambridgeshire.gov.uk/myCambridgeshire.aspx>.

Public rights of way are recorded on the Definitive Map & Statement, the legal record of public rights of way for Cambridgeshire.

The proposed site would be accessed off Jones Lane, part of which is recorded as Byway Open to All Traffic 42 Whittlesey. As a Public Byway, the public have the right to pass and repass along the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles.

The byway is only maintained to the standard of a soft surface suitable for the majority of users.

The County Council does not own the byway. The highway rights over the byway are simply vested in the County Council as the Highway Authority. The County Council may not know who the owner of the subsoil is. The developer will need to satisfy themselves as to this.

There is no legally defined and recorded width for this byway, and we are not able to advise what it would be.

As the dimensions are not known, we cannot guarantee that the developer would be able to improve the byway to secure a road and footway to an adoptable standard that may be required by the Local Planning Authority (LPA). An applicant therefore would proceed with any development that might affect the highway at their own risk.

It may be necessary to undertake minor works just to improve the surface of the track of the byway, but it would remain a byway. They would need to discuss this further with the Highway Authority if the developer wishes to proceed.

If the developer requires a copy of the Definitive Map & Statement, this can be viewed at the County Council's offices in person or requested online for a fee at www.cambridgeshire.gov.uk/highwaysearches.

If you were minded to allow the developer to proceed with the development, the County Council's usual caveats would apply:

- Byway Open to All Traffic 42 Whittlesey must remain open and unobstructed at all times*
- Should you need to temporarily close it for safe works, you should apply to the Streetworks Team online at <https://www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/roads-and-pathways/highway-licences-and-permits/cambridgeshire-permit-scheme-for-street-works/>*
- Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).*
- Landowners and developers are reminded that it is their responsibility to maintain boundaries, including trees, hedges, drains and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).*
- Developers should follow the County Council's guidance on boundary treatment to ensure it does not result in obstruction and maintenance problems, available online at*

<https://www.cambridgeshire.gov.uk/residents/libraries-leisure-&-culture/arts-green-spaces-&-activities/definitive-map-and-statement/> (please scroll down to the section entitled 'Town & Country Planning Act 1990')

- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

No alteration to the Footpath's surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).

- The Highways Authority has a duty to maintain Public Rights of Way in such a state as to be suitable for its intended use. (S41 Highways Act 1980). If the surface of the Footpath is damaged as a result of increased motorised vehicle usage, the Highways Authority is only liable to maintain it to a Footpath standard. Those with private vehicular rights will therefore be liable for making good the surface of the Public Right of Way.

5.14 Parish/Town Council (20/12/2019 – revised plans)

The Town Council recommend refusal of this application on the following grounds, highways and access via Jones Lane onto the A605.

5.15 Parish/Town Council (18/6/2019 – original submission)

The Town Council recommend refusal of this application due to over intensification of site, access onto the A605 and the increased volume of traffic, WTC request that highways revisit this application. We also request that the Bio Diversity report from the original application can be clarified as it doesn't reflect what is on site and we believe it to be inaccurate, it states there no effect on the birds, however there are large established trees which will be felled, and finally the proposed will have a dominant effect on the existing bungalows, thus effecting the health and wellbeing of their residents.

5.16 Senior Archaeologist (CCC)

Our records indicate that this site lies in an area of archaeological potential. Located on the western side of Eastrea village, which, together with Coates to the east and Whittlesey further to the west, is located on the former greater Whittlesey island, rising to between 5m and 10m above sea level. This island was formed of March Gravels, which were laid down at the end of the last Ice Age over the undulating thick Jurassic Oxford Clays that underlie this region. The gravel islands formed essential areas of drier land in the later prehistoric period, from when human activity is most evident. Prehistoric settlements and ceremonial sites are well known from these islands, which were inevitably resource-rich and free-draining settlement loci. Settlement expansion in Roman and Saxon periods is evident in the numerous cropmarked sites that occur around the village envelope and through the work of numerous development-led excavations (eg. Cambridgeshire Historic Environment Record references 09393, 04205, MCB19585, MCB26953). To the north-east of the proposed development area are the scheduled remains of a Roman and Saxon site, to the north of Coates Road (National Heritage List for England reference 1006853) and development led investigations between this site and Coates Road have revealed evidence of Bronze Age settlement activity continuing into the Iron Age, including two partially preserved clay-lined ovens or kilns and a large assemblage of Late Bronze Age to Early Iron Age pottery (MCB23117).

We have commented on this site previously. The extant archaeological condition (Condition 7) attached to outline application F/YR13/0804/O remains outstanding, with no archaeological investigation having yet been commissioned, and we therefore

recommend that the condition be carried over to this application for Reserved Matters, in order to secure the archaeological interest of the site.

We recommend that you include the following worded condition on any permission you may be minded to grant for this scheme:

Archaeology

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

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

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

Reason

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

A brief for the recommended archaeological works is available from this office upon request.

5.17 Environmental Services Operations Manager (7/1/2020 – revised plans)

The vehicle used in the swept path plan appears smaller than a standard refuse vehicle so would require one to demonstrate an 11.5m vehicle could access and turn,

5.18 Environmental Services Operations Manager (17/7/2019 – original submission)

I have concerns regarding access to this new development.

From the plans it would appear that we would be unable drive into Jones Lane up to the bin collection point, turn and drive out. We currently reverse into Jones Lane to the corner of Half Acre Drove walk and collect the bin from 2 Jones Lane.

For this development to be agreed plans would need to demonstrate how our vehicle could get to the bin collection point being proposed. Also the drag distances for residents to the bin store appear to be above the 30m recommendation.

5.19 Councillor Miscandlon

I would like to call the above application in, Due the size of the proposed properties will have a detrimental effect on the residents of the bungalows which are the main builds in the area and as such will effect the health and well being. Also the mature trees on the site and the site itself is home to a number of wild life species and as such this will be lost for ever.

5.20 Local Residents/Interested Parties

Eleven objections have been received in relation to the following:

- Access/Highway Safety – single width gravel track and designated byway also used by pedestrians, cyclist, horses and agricultural/commercial vehicles
- Character/Visual Impact
- Loss of natural/agricultural land/trees
- Loss of privacy/overlooking
- Loss of views
- Devaluation of house
- Overdevelopment
- Design/appearance
- Noise
- Parking
- Wildlife Concerns
- Overshadowing/loss of light
- Light pollution
- Proximity to property
- Local Services/schools unable to cope
- Anti-social behaviour
- Smell
- Waste/litter
- Set a precedent/link of Eastrea to Whittlesey
- Drainage/Flooding due to loss of fields

Loss of views and devaluation of property are not material planning considerations and as such would not form part of the determination of the application.

Light pollution, anti-social behaviour, smell, noise and waste/litter have been raised as issues however these have not been elaborated upon and there has been no reason to consider that these are concerns from a residential development such as this; Environmental Health comments concur.

All other matters will be considered in the sections below.

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).

- 6.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context – C1, C2

Identity – I1, I2, I3

Built Form – B1, B2

Nature – N3

Homes and Buildings – H2

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

LP5 – Meeting Housing Need

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

LP19 – The Natural Environment

7.5 Delivering and Protecting High Quality Environments in Fenland 2014

DM2 – Natural Features and Landscaping Schemes

DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the area

DM4 – Waste and Recycling Facilities

8 KEY ISSUES

- **Principle of Development**
- **Scale & Appearance**
- **Impact on setting of Listed Building**
- **Landscaping and Biodiversity**
- **Residential Amenity**
- **Highways & Parking**
- **Flood Risk/Drainage**
- **Other matters**

9 ASSESSMENT

9.1 Principle of Development

The principle of development has been firmly established through the granting of outline planning approval and the development is dictated by the earlier consent which agreed the number of dwellings, the layout/footprint of these and the access. Hence only issues in relation to the scale, appearance and landscaping can be considered.

9.2 Scale & Appearance

The application site is located on the rural fringe at the edge of the village and visible for some distance from the site due to the presence of public footpaths and from Eastrea Road as a backdrop to the frontage properties including the listed cottage of 398-400 Eastrea Road. The properties on Bryony Close to the south are single-storey leading to 2 and 3 storey properties on Eastrea Road.

9.3 The design, overall scale and height, in addition to materials for the development have been amended during the course of the application as these were originally considered unacceptable and at odds with the character and visual amenity of the area in addition to the impact on the setting of the nearby Grade II Listed Building of 398-400 Eastrea Road. The revised scheme proposes more traditional detailing, design and materials and of a scale to respect the size of the plots and provides a transition between the frontage properties and those on Bryony Close.

9.4 The materials proposed are:

Plots 1-4
Bricks - Weinerberger Autumn Russet
Tiles - Redland Richmond 10, 30 slate grey.

Plots 5 & 6
Bricks - Wienberger Heritage Blend -
Tiles - Redland Fenland Pantile, 30 Slate Grey, Smooth -

9.5 These are considered to be appropriate in relation to the materials surrounding and also long range views given this edge of village location. As such the development is considered to comply with Policy LP2, LP16 and LP18 of the Fenland Local Plan, DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014, Chapter 12 and para 192 of the NPPF 2019 C1, C2, I1, I2, B1, B2 and H2 of the NDG 2019.

9.6 Impact on setting of Listed Building

398- 400 Eastrea Road is a grade II listed thatched cottage that is of 1 ½ storey form. The thatched cottage is dated in the list description to the late 18th century and is considered to be a modest sized property, orientated gable end to the Eastrea Road and its front elevation is west facing and faces onto its front garden.

Given the distance and screening between the development site and the listed property, and its setting which is its west facing garden (subdivided to allow for development of modern homes in close proximity), this new development will have a negligible additional impact on the setting of the listed building. However, to achieve the highest quality aesthetic possible would ensure the preservation of the setting of the listed building, hence negotiations have been undertaken regarding the materials proposed and a suitable external finish secured. As such the development is considered to comply with LP16 and LP18 of the Fenland Local Plan, para 192 of the NPPF 2019 and Chapter C2 of the NDG 2019.

9.7 Landscaping and Biodiversity

The development will result in the loss of a number of trees and substantial vegetation on site; whilst landscaping was not a matter considered under the previous outline application the layout which was committed is such that these would be required to be removed to facilitate the proposed development. The Council's Arboricultural Officer has been consulted on the application and had no concerns regarding the removal of the trees and vegetation.

9.8 An ecology report was submitted with the application which found that the site is considered likely to support breeding birds and hedgehogs as well as foraging bats, the report also makes a number of recommendations to mitigate the loss of habitat. The Wildlife Officer has been consulted on the application and requires full details of mitigation measures to be provided, however these can be achieved by way of a condition.

9.9 In relation to the proposed landscaping, the Arboricultural Officer has been consulted on the soft landscaping and following a revision to this on the basis of his original comments is satisfied that this is acceptable. The hard landscaping includes a shared tarmac access road, block paved drives and concrete paving footpaths and patios, 1.8m high close boarded fencing/walls separating plots to the rear and 1.2m high post and rail fencing to the boundary of the site with hedging, these are considered to be acceptable and form a soft edge to the development when viewed from outside.

9.10 As such the development is considered to comply with Policy LP16 and LP19 of the Fenland Local Plan, DM2 of the Delivering and Protecting High Quality Environments in Fenland 2014, para 170 of the NPPF 2019 and Chapters N3 of the NDG 2019.

9.11 Residential Amenity

The development does result in the loss of garden land serving 18 Bryony Close, however this plot is much larger than those surrounding and the resultant garden is reflective of others on the estate, in any event the loss of this land for residential amenity serving No.18 has been considered acceptable under the outline permission given this is required for the proposed development.

9.12 To the east of the site access is 1 Jones Lane, the impact in terms of potential disturbance of the additional use of the access road for 6 dwellings was considered at outline stage and the development will upgrade the surfacing reducing noise. The nearest plot to 1 Jones Lane is plot 6, which is two storey and will have oblique views of the garden, however the 2-storey element is approximately 20m distant and as such this relationship is considered to be acceptable.

9.13 To the rear of 1 Jones Lane is a commercial site used as a vehicle recovery business, whilst the physical development is not considered to impact this site there is potential for the reverse sensitivity of introducing residential development in such close proximity. Environmental Health have been consulted in relation to this and consider that the current premises should not have any noticeable adverse impact on residential amenity of future occupiers.

9.14 To the south of the site are the single-storey dwellings of 16 and 18 Bryony Close.

Plot 1, a single-storey dwelling is in close proximity to the boundary with No.16, however overlooking is not considered to be an issue. Similarly overshadowing is not a concern given the Plot 1 is located to the north, outlook from the rear most part of the garden is likely to be affected however given this is area is set away from the main amenity area and dwelling this is not considered to be significantly detrimental.

Plot 2, is a 2-storey chalet style dwelling, the garage serving this is located close to the boundary with No.16, however this is sited behind the existing garage serving No.16, the outlook from this existing property would be affected and there is potential for overlooking due to the 2-storey nature, however the development has been amended in light of this and the closest windows would be rooflights serving a bedroom and bathroom which would not enable direct views and even so any view is likely to be restricted by the existing and proposed garages.

Similarly, Plot 2 is also in close proximity to the boundary with No.18, however this is located approximately 15.5m away from No.18 itself, the proposed dwelling is only 6m high and will appear lower when viewed from Bryony Close due to the difference in ground levels, there are also no first-floor windows in the side elevation which will create direct overlooking, as such the impact on No's 16 and 18 from Plot 2 is not considered to be significantly detrimental.

9.15 To the west of the site are open fields which would not be affected by the development.

9.16 To the north of the site is the Nags Head, public house, 2-storey cottages of 2 Jones Lane and 398-400 Eastrea Road, 2-storey detached dwelling of 394 Eastrea Road and the 3-storey dwelling of 392 Eastrea Road. The development is separated from the pub itself by a substantial car park and not considered to be detrimentally affected by the development. Plots 5 and 6 are located between approximately 10.5m and 12m away from 2 Jones Lane and 394 Eastrea Road, 398-400 and 392 Eastrea Road are further distant, there is no direct overlooking as there are no first-floor windows in the side elevations facing towards these dwellings and suitable boundary treatments at ground floor level. It is acknowledged that there will be additional overlooking as a result of the development, however this would be oblique and of a sufficient distance

away that the relationships are considered to be acceptable. The outlook from the existing properties would be altered as a result of the development given that the site is currently open, and some additional overshadowing is likely given the development is orientated to the south, however the overall impact is not considered to be significantly adverse.

9.17 To ensure continued protection of neighbours existing amenity it is considered necessary to impose a condition to remove permitted development rights in relation to roof alterations, to ensure the LPA retain control over this element to prevent unacceptable overlooking of existing dwellings and adverse impact on the character of the area by the additional massing.

9.18 It is acknowledged that there is no external lighting proposed and no condition on the outline permission requesting a scheme, given the location of the site away from the main road and the private drive it is considered necessary to impose a condition in this regard in the interests of safety and residential amenity, in accordance with Policy LP2 and LP17 of the Fenland Local Plan 2014.

9.19 As such the development is considered compliant with Policy LP2, LP16 of the Fenland Local Plan, DM3 of the Delivering and Protecting High Quality Environments in Fenland 2014, Chapter 12 of the NPPF 2019 and Chapter H2 of the NDG 2019.

9.20 Highways & Parking

The access to the site was committed at outline stage and considered acceptable. Condition 8 of the outline planning permission requires a detailed engineering scheme in relation to the roads and footways to be submitted, approved and implemented prior to the first occupation of any dwelling to ensure a satisfactory scheme is provided.

9.21 Due to the limited scope for on street parking it is felt necessary to condition the retention of the parking spaces and garages for that purpose.

9.22 The development has been considered in relation to Policy LP15 and Appendix A of the Fenland Local Plan 2014 and sufficient on-site parking has been provided for each dwelling in addition to 2 visitor spaces which are provided in the centre of the site.

9.23 Flood Risk/Drainage

The application site falls within Flood Zone 1 (low risk) and as such the development is considered to be appropriate development and does not require the submission of a flood risk assessment or inclusion of mitigation measures.

9.24 In relation to surface water and foul drainage, the development would need to accord with the latest Building Regulations - Part H, which would require the development to follow a sustainable drainage hierarchy achieving the most sustainable method of drainage based on the ground conditions of the site. In this regard it is considered that the development is satisfactory in principle but ultimately to be determined through Building Regulations. As such it is considered that the development accords with LP14 and LP16 of the Fenland Local Plan 2014 and paras 155-163 of the NPPF 2019.

9.25 Other matters

Archaeology

Condition 7 of the outline planning permission secured a programme of archaeological work and this condition remains relevant and requires discharging.

9.26 Refuse

Condition 10 of the outline permission requires a refuse collection strategy to be submitted and approved. Negotiations are ongoing with the applicant's agent

regarding this matter, a separate application to discharge this condition will be required.

- 9.27 *Setting precedent and potential for future developments linking Eastrea to Whittlesey*
The principle of development on this site has already been established by the outline planning permission; all applications are dealt with on their own merits and assessed against the development framework. Current planning policy, specifically LP12(b) of the Fenland Local Plan 2014 seeks to ensure that development does not result in the coalescence with adjoining settlements.

10 CONCLUSIONS

The principle of development has been established through the granting of outline planning approval and the development is dictated by the earlier consent which agreed the number of dwellings, the layout/footprint of these and the access.

- 10.1 The application has been revised following initial concerns in relation the scale, design, appearance and landscaping, in addition to further information being provided in relation to ecology to enable necessary mitigation measures to be put forward.
- 10.2 It is acknowledged that the development would result in the loss of existing trees and vegetation, however the development of the site has already been established by virtue of the outline planning permission and a proposed landscaping scheme has been submitted to soften the development and assimilate into its surroundings.
- 10.3 The impact on the residential amenity of surrounding dwellings, setting of the listed building and the character of the area has been fully considered and whilst it is acknowledged that there is some impact this is not considered to be significantly detrimental and as such a favourable recommendation may be forthcoming.

11 RECOMMENDATION

Approve

The proposed conditions are as follows;

- 1 Prior to commencement of development above slab level, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan 2014.

- 2 Prior to commencement of development above slab level, a scheme of biodiversity mitigation measures in accordance with Section 8 of the Extended Phase 1 Survey of Land at Jones Lane, Eastrea dated September 2019 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any dwellings and retained thereafter in perpetuity.

Reason - In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan 2014.

- 3 Prior to the first occupation of the development, the garages, parking and turning areas as detailed on plan SK103B shall be provided and thereafter retained for that use (for the avoidance of doubt in relation to the garages, these must remain capable of stationing a vehicle in association with their respective dwelling).

Reason - To ensure a satisfactory means of access and parking in accordance with policy LP15 of the Fenland Local Plan, 2014.

- 4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for alterations or extensions to the roof of the dwellinghouses (as detailed in Schedule 2, Part 1, Class B and C);

Reason - To ensure that the Local Planning Authority retains control over the future development, in the interests of the character of the area and to prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity in accordance with Policies LP2, LP16 and LP18 of the Fenland Local Plan 2014.

5. For the avoidance of doubt, the development hereby approved shall be finished externally in the following materials:

Plots 1-4

Bricks - Weinerberger Autumn Russet

Tiles - Redland Richmond 10, 30 slate grey.

Plots 5 & 6

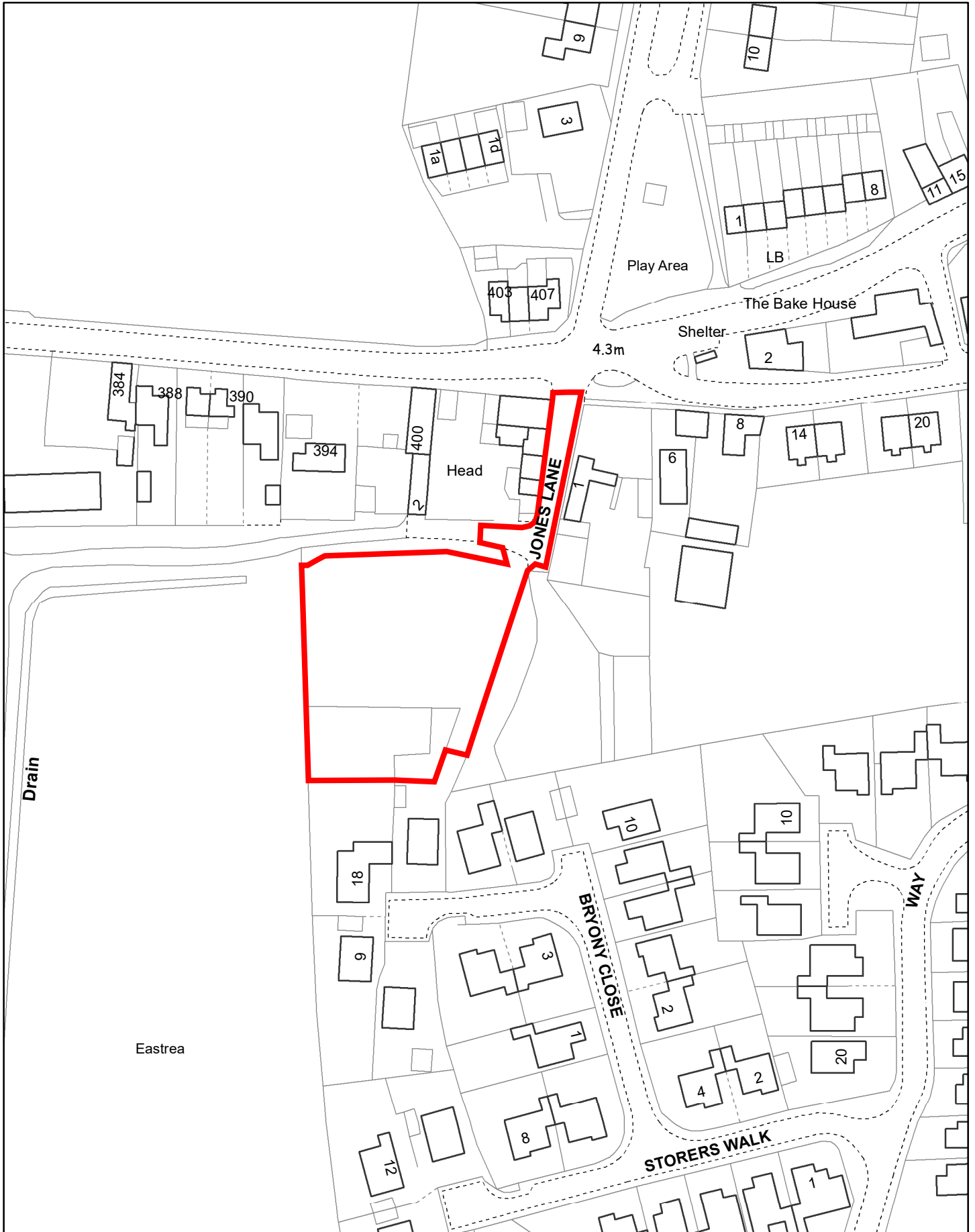
Bricks - Wienberger Heritage Blend -

Tiles - Redland Fenland Pantile, 30 Slate Grey, Smooth -

Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 and LP18 of the Fenland Local Plan, 2014.

- 6 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

To be finalised on the decision notice.



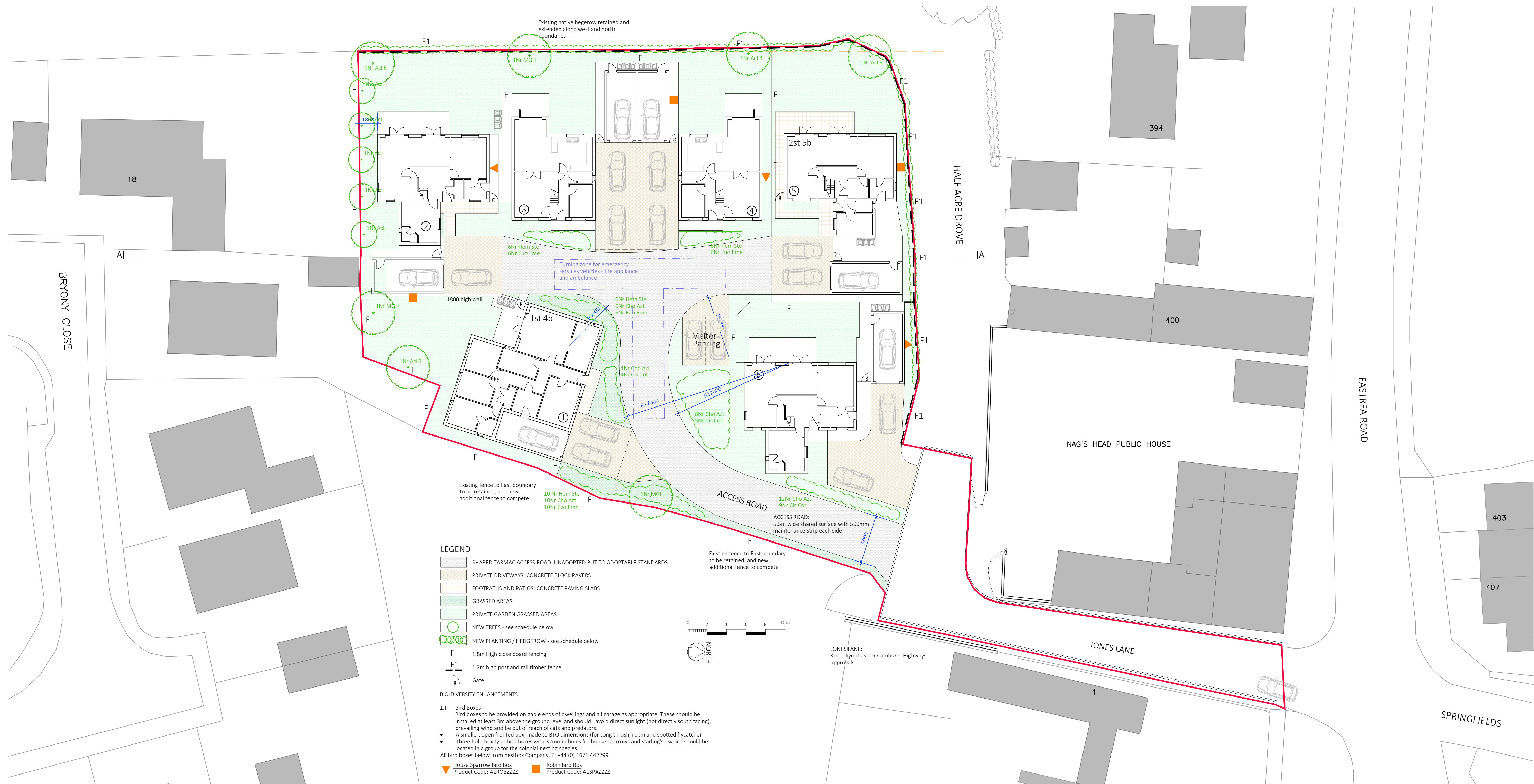
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LEGEND

- SHARED TARMAC ACCESS ROAD: UNADOPTED BUT TO ADOPTABLE STANDARDS
- PRIVATE DRIVEWAYS: CONCRETE BLOCK PAVERS
- FOOTPATHS AND PATIOS: CONCRETE PAVING SLABS
- GRASSED AREAS
- PRIVATE GARDEN GRASSED AREAS
- NEW TREES - see schedule below
- NEW PLANTING / HEDGEROW - see schedule below
- F 1.8m High close board fencing
- F1 1.2m high post and rail timber fence
- Gate

BIO-DIVERSITY ENHANCEMENTS

- 1.) Bird Boxes
Bird boxes to be provided on gable ends of dwellings and all garage as appropriate. These should be installed at least 3m above the ground level and should avoid direct sunlight (not directly south facing), prevailing wind and be out of reach of cats and predators.
 - A smaller, open fronted box, made to B70 dimensions for song thrush, robin and spotted flycatcher
 - Three hole-box type bird boxes with 32mm holes for house sparrows and starlings - which should be located in a group for the colonial nesting species.
- All bird boxes below from nestbox Company, T: +44 (0) 1675 442299
- House Sparrow Bird Box Product Code: A1ROBZZZZ
 - Robin Bird Box Product Code: A1SPAZZZZ

Plant Schedule

Nr	Abbreviated Text	Class	Plant Name	Height/Spread/Grade	Girth	Container	Root	Density	Density Type
22	Hem Ste	Herbaceous	Hermerocallis 'Stella D'Oro'			1.5-2L	C	4.00	/m2
30	Cho Azt	Shrub	Choisya 'Aztec Pearl'	30-40		3L	C	2.50	/m2
18	Cis Cor	Shrub	Cistus x corbariensis	30-40		3L	C	2.00	/m2
28	Euo Eme	Shrub	Euonymus Fortunei 'Emerald Galety'	20-30		3L	C	3.00	/m2
3	MGH	Tree	Malus 'Golden Hornet'	300-350	10-12	25L	C		
4	ACLR	Tree	Acer Campestre Louisa Redshine		10-12	45L	C		
5	Acl	Tree	Acer Campestre Lienco		10-12	45L	C		

OUTLINE SPECIFICATION NOTES

Implementation
Soft landscaping to be timetabled and implemented during the first planting season (Mid-November to Mid-March) after substantial completion of the hardworks

Topsoil Preparation
Shrubs beds and hedgerows shall be topsoiled to depth of 300mm. Grass areas shall be topsoiled to a depth of 150mm.
Tree pits within soft landscape areas shall be excavated to a minimum size of 600 x 600 deep and backfilled with approved topsoil and 100mm depth of peat free compost. All tree pits to be thoroughly decompacted across ase and side prior to back filling.
All planting beds and hedgerows shall be covered with 50mm depth of peat free compost across all beds prior to final cultivation

Proposed Trees
Trees shall be supplied to the sizes and stock shown on the plant schedule and planted in the locations shown. Each specimen tree shall have a single leader with a well developed, balanced crown and clear, straight stem
Trees 10-12 cm girth and above shall have a double stake located to each side of the rootball within the pit.
Proposed Native shrub, Ornamental shrub and Hedgerow areas.
The topsoil in areas planted with shrubs and hedgerow plants shall be 300mm deep. All beds shall be cultivated to a depth of 250mm.
Hedgerow plants shall be planted in the centre of the prepare trench a minimum of 750mm wide and 300mm deep in a single row at 3/m located at the centre of the trench

Turf Area
Rear gardens shall be cultivated and turfed by the developer.
A circle of 1m diameter shall be cut around base of all trees located within grass areas to allow for bark mulch

Maintenance
To comply with planning conditions the site shall be maintained for a period of 5 years by the contractor, resident or client as applicable.

REVISION B
REVISION A

CLIENT/PLANNING : Update to suit house type alterations
CLIENT: Update to suit garage and house type alterations

RESIDENTIAL DEVELOPMENT AT SITE TO THE SOUTH OF NAGS HEAD, EASTREA PROPOSED SITE PLAN

Scale: 1:200 @ A1 Date: AUG 2019 Drawn: CRB Dwg No: 19009/SK103B

PDG ARCHITECTS LTD
Toll Bar House,
Shrewsbury Avenue,
Peterborough, PE2 7BX
T: 01733 371000
E: design@pdgarchitects.co.uk
W: www.pdgarchitects.co.uk

EAL 24/10/19
EAL 27/08/19

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F/YR19/0822/O

Applicant: Mr D Brooks

**Agent : Mr Adam Sutton
A L S Design Services**

Rear Of, 76 High Street, Chatteris, Cambridgeshire

Erect up to 2 x dwellings (2-storey, 3-bed) (outline application with matters committed in respect of appearance and scale) involving the demolition of existing building

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 The proposal would result in the demolition of a non-designated heritage asset which positively contributes the character and appearance of the adjacent Conservation Area and the setting of the grade II listed building, 74 High Street.
- 1.2 The development would result in the introduction of 2 dwellings which could yield some public benefits through the short-term construction and the long term occupation of the development, with occupiers utilising services and facilities within the town and the wider district.
- 1.3 However, these benefits are only modest - amounting to a net increase of just 1 dwelling on the site having regard to a previous planning permission. This modest benefit is countered with the total loss of significance to a heritage asset without sufficient justification that its removal is warranted and that the conversion to 1 dwelling previously permitted is not viable.
- 1.4 Having regard to chapter 16 of the NPPF, in particular paragraphs 197 and 198 it is concluded that the application fails to demonstrate that the benefits of the proposal would outweigh the harm which would accrue to the total loss of the non-designated heritage asset or indeed that its loss is justified and necessary. Furthermore, the loss of the asset would harm the character of the conservation area and the setting of the listed building which is not considered to be outweighed by the public benefits of the scheme. Consequently, the proposal fails to protect and enhance the non-designated heritage asset the adjacent historic environment contrary to policies LP16 (a) and LP18 of the FLP.
- 1.5 The application is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site is located close to the junction of High Street and Ash Grove, Chatteris and consists of a distinctive, single-storey, detached building which is a former Quaker house, currently vacant and with its last known use as a storage building.

- 2.2 The building fronts Ash Grove. The site is mainly bounded by brick walls to the front, side and rear. The building is of simple form with varying roof heights and is situated in an area predominantly residential in nature.
- 2.3 The building is a non-designated heritage asset and of local interest due to its historic use as a Quaker Meeting House. It lies immediately adjacent to Chatteris Conservation Area and within the setting of a grade II listed building at No. 74 High Street where it shares a boundary wall.

3 PROPOSAL

- 3.1 The application seeks outline planning permission for the demolition of the existing building and the erection of 2 x 2-storey dwellings. The application is in outline with matters of appearance and scale committed. Matters of access, layout and landscaping are reserved for future submission, however, the application is accompanied by an indicative access and layout plan.

Appearance & Scale

- 3.2 The dwellings are 2-storey with a ridge height of 6.4m, incorporating the first floor within the roof-space. Each dwelling also incorporates a single storey wing which accommodates a W.C and rear door. The dwellings are simple in appearance proposed to be finished externally in cream render

Indicative layout & access

- 3.3 The dwellings are located on the footprint of the existing building, fronting Ash Grove with rear gardens extending south and abutting the curtilage of No.3 The Grove. The dwellings are served by individual accesses – Plot 1 utilising the existing access on Ash Grove and a new access formed off The Grove serving Plot 2. The layout indicates parking for 2 cars per dwelling.
- 3.4 The application is supported by the following documents;
- Application Form
 - Planning & Heritage Statement
 - Elevations & Floor plans 002 Rev A
 - Location Plan and Indicative Layout plan 001 rev A

- 3.5 Full plans, associated documents and comments for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR16/0694/F	Conversion of building from storage (B8) to a 2-storey 2-bed dwelling (C3) involving raising of roofs by 450mm insertion of 2 roof lights on rear and 1 roof light on front; refurbishment of existing windows and insertion of new openings to rear and side and external rendering to the building Rear Of 76 High Street Chatteris Cambridgeshire PE16 6NN	Granted	20/01/2017
F/0292/79/F	Erection of 10 bungalows Rear of Grove House High Street Chatteris (access of Ash Grove) Rear Of Grove House High Street Chatteris (Access Of Ash Gr	Deemed Consent	21/06/1979
F/0200/75/O	The erection of 4 bungalows Site of Bargain Waehouse Ash Grove Chatteris	Refused	13/05/1975

5 CONSULTATIONS (summarised responses)

Chatteris Town Council

- 5.1 Supports the proposal

CCC Highways

- 5.2 Raises no highway objections in principle. Considers that both accesses appear workable subject to further details provided at reserved matters stage.

FDC Environmental Protection

- 5.3 Raises no objections to the proposal as it is unlikely to have any detrimental effect on air quality or the noise climate.
- 5.4 Due to the site use history and this proposal now involving demolition of the existing structure rather than its conversion to residential use for which there is already planning consent, would expect the applicant to provide a desk study / phase 1 contaminated land risk assessment, so as to determine to what extent previous activities may have impacted on the ground condition.

PCC Wildlife Officer

- 5.6 Notes that no ecology report has been submitted in relation to this application, but refers to a Protected Species Survey Report (dated Oct 2016) carried out in support of the previous planning application ref. F/YR16/0694/F. Therefore provides latest comments based on the previous findings.
- 5.7 *Bats*: Advises that, as a precaution, building works are carried out as carefully as possible, in particular the removal of the barge boards and any other external timbers as well as the lifting of roof slates - may be secured via a suitably worded condition and informative.
- 5.8 *Nesting Birds*: The 2016 Report identified habitats and features within the site which are likely to support nesting birds. Recommends avoiding any site clearance/ demolition works during nesting/ breeding season (1st March to 31st August) or where not possible that a suitably qualified ecologist first carries out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.

- 5.9 Also requests that a range of bird nest boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. Measures to be secured via condition
- 5.10 *Landscaping*: Recommends the use of a range of native tree, shrub and plant species
- 5.11 Recommends that should no development [demolition] take place within 12 months of the date of granting of any planning permission, that an updated ecology survey is carried out which is important given that no survey has been carried out since 2016.

FDC Conservation

- 5.12 Objects to the proposal on the following basis (summarised);
- 5.13 The Meeting House is recorded on the 1st edition Ordnance Survey mapping dating to 1885, with documentary evidence of a Quaker presence in the community from the 1850s. The Meeting House fell out of use in the second quarter of the 20th century, but was used as a station for feeding WW2 evacuees. There is also an associated cemetery with the Meeting House and due to the social and religious history which is reflected in its architecture, the building is therefore of some interest locally.
- 5.14 The building makes a positive contribution to the setting of the listed building No. 74 High Street, being highly visible from within its garden and shared boundary wall. It is also forms a key building within the view towards to the rear of No. 74 and towards the Conservation Area. It's simplicity of style, in direct contrast to the Gothic revival era churches of the same period, reflects the Quaker ethos of simplicity and belief in individual communion directly with God.
- 5.15 The impact here would be substantial harm to the asset itself, and less than substantial harm to the setting of the listed building and the conservation area. The total demolition and loss of an historic building from a similar period in history would harm the setting of both as the Meeting House currently helps preserve and enhance the historic context in which they sit. Its replacement with modern residential dwellings would further negatively impact on that setting. There is no evidence to support the claim that conversion is not viable for the existing building. Indeed, an earlier scheme of more sensitive conversion has previously been granted permission. There is therefore not sufficient justification or public benefit of the proposal which would outweigh the harm caused.
- 5.16 Contrary to paragraph 199 of the NPPF and LP18, The Planning and Heritage Statement submitted in support of the application fails to adequately address the significance of the asset, and so does not provide sufficient justification for its loss. Furthermore, the loss of one building which has been granted permission for conversion, and replacement with two, fails to take into account the loss of the embodied energy of the existing building, and therefore does not support the ethos of sustainable development promoted by the NPPF and the Local Plan

CCC Archaeology

- 5.17 Recommends refusal of this application on the basis of the information submitted to-date.
- 5.18 Does not object in principle to the proposal for demolition if a viable use for the existing building cannot be secured, its loss should be appropriately mitigated by the undertaking of a programme of historic building recording commensurate with its

significance, and this could reasonably be secured by an appropriately worded condition included on any permission Fenland District Council may be minded to grant for demolition.

- 5.19 The 'Planning & Heritage Statement' document submitted in support of this application not only fails to adequately address the loss of this non-designated heritage asset (referring to it throughout as a 'storage building'), but also does not address the significance of a former Quaker cemetery associated with the building which occupies the small plot immediately adjacent to the west gable-end of the building and therefore substantially overlapping Plot 2 of the proposed scheme. If burials are indeed present in this location then the cost of excavation could be prohibitive and sufficient to render a small development such as this unviable. The 1857 Burials Act (and clauses since) at Section 25 prohibits the disturbance of human remains without first obtaining an appropriate licence from the Ministry of Justice. It remains illegal to disinter or otherwise disturb human remains without such a licence.
- 5.20 If the applicant still chooses to pursue options for development in this location then they should first avail themselves of further information regarding the nature and usage of the building and burial ground.

Chatteris – Past, Present & Future

- 5.21 Advises that the society reluctantly, but pragmatically, supported the previous proposals for changes to the building, which they considered was a reasonable way to bring it back into use in an economical manner. Do not agree that demolition of this important historic building is an appropriate way forward.
- 5.22 Would like Fenland District Council to consider adding the building to a local list of buildings of historic interest. Disappointed that the council has not done this.
- 5.23 Draws attention to points made in other submissions by: CCC Archaeology and objectors Edward Waller (Georgian group) and Rosie McTavish (74 High Street, Chatteris).
- 5.24 Notes that the Archaeological Officer has raised concerns about the Quaker Burial site. Considers it would be particularly regrettable if the council's decision on this application caused the town to lose the heritage asset (as a result of permission for demolition being granted), only to find that the proposed new dwellings fail to materialise due to the prohibited cost of re-siting any remains from any existing burial site. This would be a devastating outcome for the site, and would fail to deliver the redevelopment that various neighbours are hoping for when lending their support to this application.
- 5.25 Advises they have approached Historic England to ask for advice upon whether or not this building should be spot-listed or not in view of a number of Quaker Meeting Houses that were recently listed, or had their listings upgraded. Considers that many share the look and characteristics of the building.

Residents/Interested Parties

- 5.26 10 letters of support received raising the following points;
- Would make way for much needed housing
 - Would utilise dead space in the town
 - Would convert an object of dilapidation and potential vandalism to multiple useful dwellings

- The design is appropriate reflects the plot's heritage
- Would benefit the community
- Would enhance the area/ currently detracts from the area
- The current building does not lend itself for sustainable conversion
- No historic or conservation reasons to retain the existing building
- Would not harm residential amenity

5.27 4 letters of objection received raising the following points;

- Supportive of development to bring the building back into use but not the demolition
- Disagrees with the heritage statement that it is not a building of local interest having regard to the age and history of the building.
- Considers its heritage and provides an excerpt from books and a link to the Chatteris walking tour brochure where the building is referenced
- Considers the building is still of local historical value – refers to NPPF section 16, 184.
- Would only add one small house
- The existing building should be renovated/ converted
- Empathises that conversion may not be economically viable but considers that if a medium-term view is taken the economics of a restoration project will invariably work out, as old and characterful buildings will often sell at a premium to their smaller and less interesting modern counterparts. There are also grants available for the restoration of historic projects available – contact details provided.
- The 2 dwellings are notably different in appearance than the existing building and not 'similar' as set out in the planning and heritage statement.
- The existing building has architectural and cultural significance
- Additional rooflights will interfere with residential amenity
- The wall shared with Grove House should not be altered
- Out of character and harmful to the area
- Loss of view/ outlook
- Loss of heritage asset/ harm to its significance
- The area is not designated for development in the Local Plan

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise

Paragraph 10: Presumption in favour of sustainable development.

Paragraph 189: Need to describe the significant of affected heritage assets

Paragraph 192: LPA should consider sustaining and enhancing heritage assets (HA) and putting them to viable uses, the positive contribution HA can make to sustainability communities including economic viability

Paragraph 193: Weight should be given to the significance of the heritage asset, the more important the asset the greater the weight

Paragraph 196: Where a development proposal causes less than substantial harm to a heritage asset this harm should be weighed against the public benefits, including securing its optimum viable use.

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide 2019

Context

Identity

Built Form

Uses

Homes and Buildings

Resources

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

LP14: Responding to Climate Change and Managing the Risk of Flooding in Fenland

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

LP16: Delivering and Protecting High Quality Environments across the District

LP18: The Historic Environment

LP19: The Natural Environment

8 KEY ISSUES

- Principle of Development
- Impact on the historic environment
- Scale and Appearance
- Access and Layout
- Residential Amenity
- Biodiversity and ecology
- Other matters

9 BACKGROUND

9.1 This application follows a previous planning permission to convert the existing building into a single dwellinghouse under F/YR16/0694/F. This permission was not implemented and expired on 20th January 2020. However, and without prejudice to the determination of any future application whilst this permission is now lapsed, Officers are not aware of any material considerations which would lead to a different recommendation if a fresh planning application for the same development was submitted.

10 ASSESSMENT

Principle of Development

- 10.1 Policy LP3 sets out the spatial strategy for the district, identifying Chatteris and the 3 other market towns a main focus for growth. The site lies within the settlement of Chatteris and therefore benefits from good links to the town's services and facilities. In this regard therefore, residential use of the site is supported in principle.

Impact on the historic environment

- 10.2 The site is identified as a non-designated heritage asset due to its historical connection to the town dating back over 200 years. Its significance is drawn from its architectural, social and cultural context being a simple structure, representative of the Quaker movement and ethos and formerly used as a meeting house and subsequently for WW2 evacuees. It lies adjacent to the Conservation area and adjacent to the boundary of No.74 High Street, a grade II listed building. It is considered therefore that the building makes a positive contribution to the character and appearance of the CA and the setting of the listed building but is an asset in its own right.
- 10.3 Policy LP16 seeks to protect and enhance affected heritage assets and their settings commensurate to policy LP18 and the NPPF.
- 10.4 Policy LP18 of the FLP sets out that proposals affecting designated or non-designated heritage assets will be required to;
- a) *Describe and assess the significance of the asset and/ or setting to determine its architectural, archaeological or historic interest;*
 - b) *Identify the impact of the proposed works on the special character of the asset; and*
 - c) *Provide clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.*
- 10.5 Chapter 16 of the NPPF concerns the conservation and enhancement of the historic environment. In this regard, paragraph 189 follows the above approach of LP18.
- 10.6 The application is accompanied by a planning and heritage statement. The heritage section (section 6) states;
- “The site lies adjacent to but not in the conservation area for Chatteris, it is also adjacent to a listed building. Only conservation velux windows have been shown at first floor level to the rear of the property due to the proximity of the listed building.*
- We have taken the character of the existing building into the design of the proposed dwellings, due to the proximity of the conservation area.*

It is important to remember that this building is neither listed, nor is it a building of local interest. It was used from 1953 by a firm of local builders, and subsequently from 1982 as a storage building (B8). It already has approval to be converted to residential and this application whilst being sympathetic to the current building appearance, aims to better use the site.

We believe that the benefits of two family dwellings in the Chatteris area far out way the loss of an unlisted storage building. Due to the current state of the building which has suffered from various cases of vandalism, and the required work to the structure of the building, conversion is not a viable scheme for this site.”

- 10.7 Whilst the heritage statement refers to the listed building adjacent and design considerations, it fails to assess the significance of the application site being a non-designated heritage asset and therefore the impacts which would accrue from its total loss through the demolition. Furthermore, whilst it states that conversion is not a viable option, the application is not supported by any evidence that to justify this e.g. structural survey, costs analysis, nor is there any evidence that any alternative uses have been explored in an attempt to enable its conservation (NPPF para. 192).
- 10.8 It is considered that insufficient information has been provided in respect of the assessment of the heritage asset and surroundings contrary to the requirements of Policy LP18 of the FLP and para. 189 of the NPPF. More importantly perhaps, the proposal fails to provide clear and convincing justification as to why the total loss of the asset is necessary having regard to LP18 and paras 196 and 197 of the NPPF.
- 10.9 Notwithstanding the harm which would arise to the physical building itself due to its total removal, this loss would also cause harm to the character and appearance of the Conservation area and to the setting of the listed building as the building is considered to make a positive contribution to these areas as assessed under section 10.2 above. The harm is considered to be less than substantial harm having regard to the NPPF – but nonetheless it would amount to harm to designated heritage assets. As noted above Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on the LPA to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 10.10 NPPF Paragraph 193 sets out that;

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 10.11 It is considered that the loss of the building would amount to less than substantial harm to the Conservation area and the setting of the listed building, however paragraph 193 is engaged. Furthermore, paragraph 194 of the NPPF sets out that;

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Furthermore NPPF paragraph 196 states;

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.12 It is acknowledged that the proposal would result in some public benefits through the introduction of the dwellings, although it is noted that this would only yield a net increase of 1 dwelling above the previously permitted scheme.
- 10.13 Furthermore, comments from residents are noted in respect of the current visual condition of the building which shows signs of deterioration in places and an opinion that redevelopment of this site would improve the visual appearance and character of the area. In this regard, a recent external inspection of the building indicates that little has been done to prevent water ingress through the roof or through broken windows which appears to have remained relatively unchanged since the granting of permission for its conversion back in 2017 and with vegetation being allowed to re-grow around the building.
- 10.14 Paragraph 191 of the NPPF also sets out that where there is evidence of deliberate neglect, or damage to a heritage asset, this should not be taken into account in any decision.
- 10.15 As such, whilst the current visual appearance of the building is less than satisfactory, as noted above Paragraph 191 sets out that where this is due to deliberate neglect, this should not be taken into account in any decision. As such, limited weight is given to the current condition of the building and it would be for the applicant to justify why the building could not be improved through its re-use.
- 10.16 In view of the limited information available, it is concluded, having regard to the NPPF that it is not possible to accurately determine whether there are benefits in the scheme which would outweigh the significant harm to the heritage asset through its demolition and the less than substantial harm to the character of an appearance of the Conservation Area and the setting of the grade II listed building. To grant permission based on the level of information submitted with this application would result in the unjustified loss of a non-designated heritage asset and would be wholly contrary to policies LP16 and LP18 of the FLP and paragraphs 192, 194, 195, 196 and 197 of the NPPF.

Scale and Appearance

- 10.17 The scale of the dwellings are commensurate that previously approved which proposed a slight uplift in roof height and the use of the roof space for accommodation reduces the need to increase scale. Whilst the proposal is now for 2 dwellings which will increase the overall massing of built form on the site, the proposal would not be visually dominant, notwithstanding the aforementioned harm to the CA and setting of the listed building.
- 10.18 Likewise the overall appearance of the dwellings would result in a visually modest form of development with elements drawing on the current building's details e.g. timber fenestration and slate roof. As with the current building, the dwellings would appear different in the street scene.

- 10.19 Whilst the development is, on principle heritage grounds, not supported the overall scale and appearance of the dwellings are considered acceptable in their own right having regard to the character of the area and history of the site.

Access and Layout

- 10.20 The local Highways authority has raised no objection to the proposed access arrangement and there is nothing to indicate that safe and suitable access could not be achieved for each dwelling. The general layout provides an acceptable amount of private amenity space and the orientation of the dwellings accords with the frontage nature of dwellings in the locality.
- 10.21 In this regard, no concerns are raised over the indicative layout and access arrangements and it is considered that an appropriate reserved matters submission of these details and including landscaping, with particular attention to boundary walls and planting could achieve compliance with LP15 and LP16 of the FLP.

Residential Amenity

- 10.22 As noted above, the scale is commensurate to that previously approved and relies on rooflights on the northern and southern roof planes to provide natural light and outlook to bedroom windows. Having regard to the section plan submitted, the rooflights are positioned high enough up the roof so as to avoid any potential overlooking into the rear garden of No.3 The Grove with LP16 of the FLP. Whilst the specific layout is not committed, the indicative layout indicates that the dwellings could be located sufficiently far enough away from the boundary with No.3 The Grove to as not to cause visual dominance.
- 10.23 In summary, it is concluded that the development would not result in any severe harm to residential amenity through overlooking, overshadowing or through overbearing impacts in accordance with LP16 of the FLP.

Biodiversity and ecology

- 10.24 The Council's Wildlife Officer has expressed concerns over the lack of ecology survey accompanying the application – particularly given the potential for bird and bat habitat. Notwithstanding this, he has acknowledged that one was undertaken in 2016 and could be used to support the current application – recommending conditions securing biodiversity enhancements through the scheme and ensuring that the demolition is carried out carefully to avoid harm to protected species. It is considered that these matters could be reasonably secured through planning conditions in accordance with LP16(b) and LP19 of the FLP.

Other matters

Cambridgeshire County Council Archaeology – burial ground

- 10.25 Cambs Archaeology has raised the matter of the western side of the site possibly being an area of former burials, highlighting that disturbing graves without a licence would be illegal. It is acknowledged from anecdotal evidence provided by contributors that the land adjacent to the original building indicates it was a burial ground. This is contested by the applicant who notes that no objections were raised by CCC Archaeology on the former application and that the Council holds no records of any burials in this location.
- 10.26 Whilst the Council holds no recorded evidence of the land being used for burials, the evidence provided by Mrs McTavish (12 October 2019) does indicate the possibility of unregistered burials immediately adjacent to the building. Furthermore, the

Ordnance Survey map (England and Wales map for Cambridgeshire (Isle of Ely) sheet XX.12) surveyed in 1886 then revised 1900, published 1902 does show the land as being burial ground. As such, this is a material consideration and concerns have been raised by the County Council over the potential cost implications to the project should bodies be found and subsequently have to be exhumed and re-interred during works. Such costs could prohibit the viability and therefore the completion of the works. Plot 2 is sited directly over the indicative burial ground. The original application was for the conversion of the existing building only and as such, intrusive groundworks in the area of the suspected burial ground would not have been necessary. This may account for the lack of objection raised by CCC on the previous application.

10.27 Paragraph 198 of the NPPF states that

“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

10.28 With regards to potential viability concerns should bodies be found during excavation works, it is considered that in accordance with paragraph 198 of the NPPF, a scheme of investigation would be required to be undertaken in advance of any demolition works to the existing building. This would ensure that before demolition proceeds, the existence (or not) of bodies is fully understood and can be factored into the viability of the scheme with subsequent demonstration that the findings can be mitigated before agreeing that demolition may proceed.

11 CONCLUSIONS

11.1 The proposal would result in the demolition of a non-designated heritage asset which positively contributes the character and appearance of the adjacent Conservation Area and the setting of the grade II listed building, 74 High Street. In accordance with NPPF paragraph 197, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset.

11.2 The development would result in the introduction of 2 dwellings within a sustainable settlement identified for substantial residential growth. Modest economic benefits would accrue through the short-term construction and the long term occupation of the development, with occupiers utilising services and facilities within the town and the wider district.

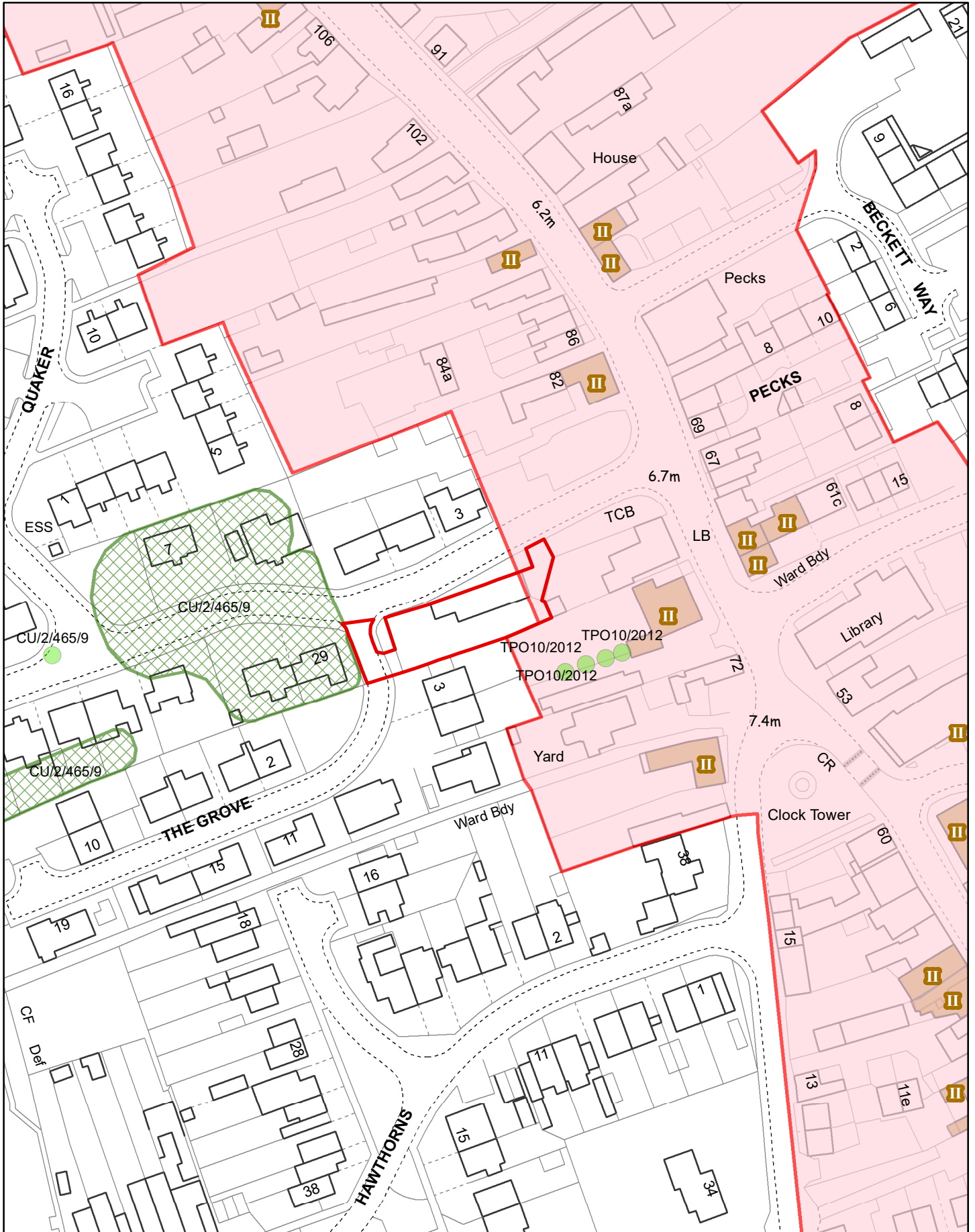
11.3 However, these benefits are only modest - amounting to a net increase of just 1 dwelling on the site having regard to the previous planning permission. This modest benefit is countered with the total loss of significance to a heritage asset without sufficient justification that its removal is warranted and that the conversion to 1 dwelling previously permitted is not viable. This loss would subsequently cause harm to the Conservation area and the setting of a grade II listed building.

11.4 Having regard to NPPF paragraphs 192, 194, 195, 196 197 and 198 it is concluded that the application fails to demonstrate that the benefits of the proposal would outweigh the harm which would accrue as a result of the total loss of the non-designated heritage asset or indeed that its loss is justified and necessary. Furthermore, the loss of the asset would harm the character of the conservation area and the setting of the listed building which is not outweighed by the public benefits of the scheme. Consequently, the proposal fails to protect and enhance the

non-designated heritage asset the adjacent historic environment contrary to policies LP16 (a) and LP18 of the FLP.

12 RECOMMENDATION
Refuse for the following reason;

1.	<p>The application proposes the total demolition of a non-designated heritage asset to enable the erection of 2 dwellings. The application fails to adequately assess the significance of the heritage asset or understand the impact of the development on the asset and the adjacent historic environment. Furthermore, the application fails to demonstrate that it has explored all optimum viable uses for the asset.</p> <p>As such, the application would result in the unjustified loss of a non-designated heritage asset which would consequently harm the character and appearance of the conservation area and the setting of the grade II listed building, no.74 High Street contrary to policies LP16 and LP18 of the FLP and the aims of Chapter 16 of the NPPF with particular reference to paragraphs 192, 194, 195, 196 197 and 198.</p>
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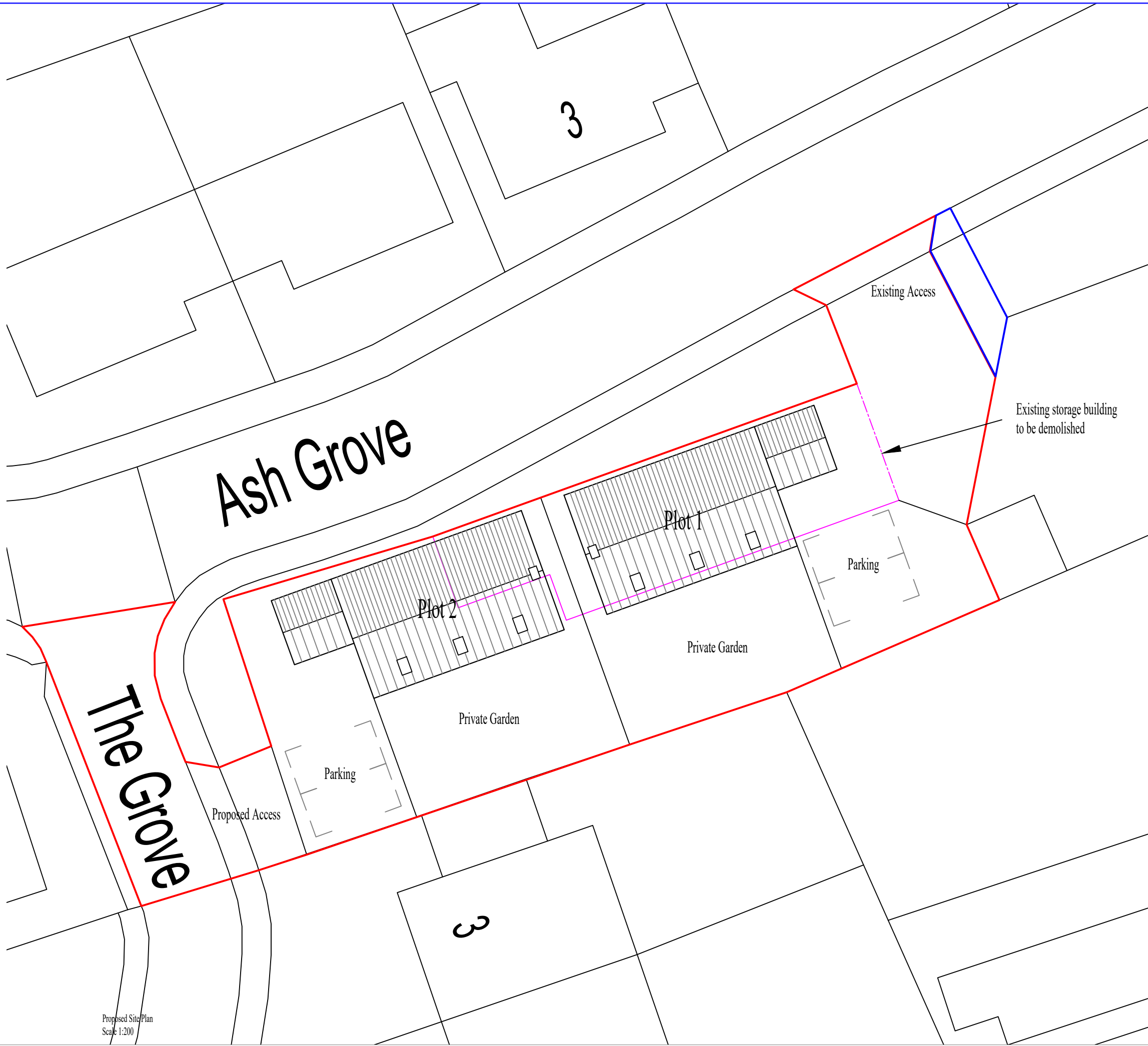
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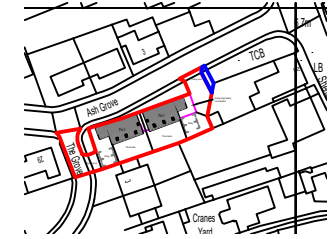
F/YR19/0822/O

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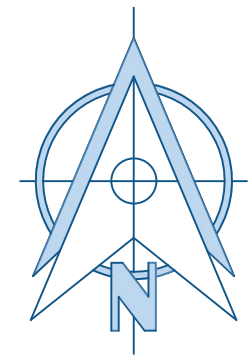




Proposed Site Plan
Scale 1:200



Location Plan
Scale 1:2500

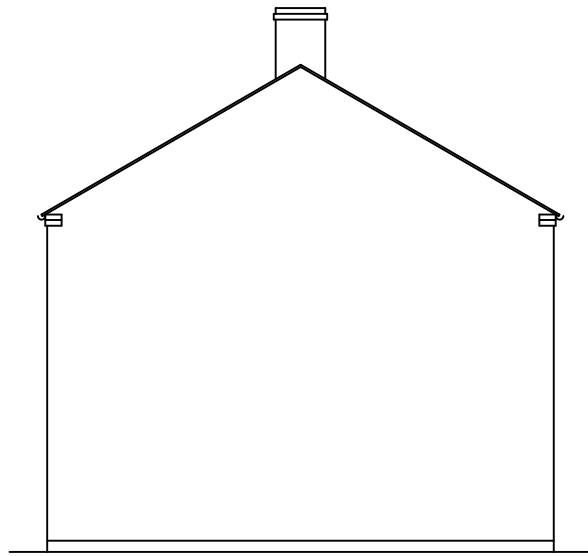


Revision	Description	Date	Revised By

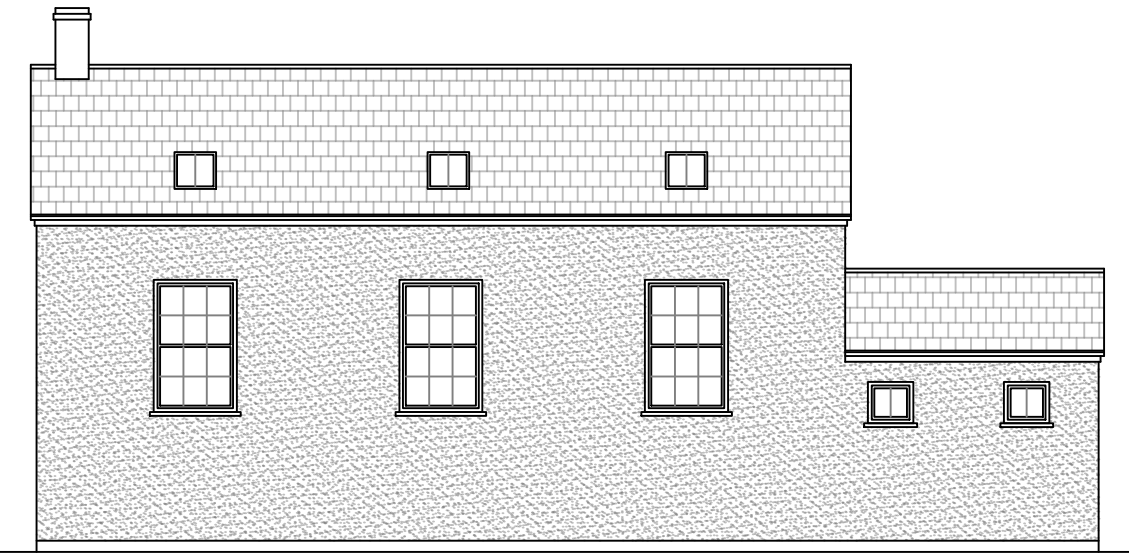
A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

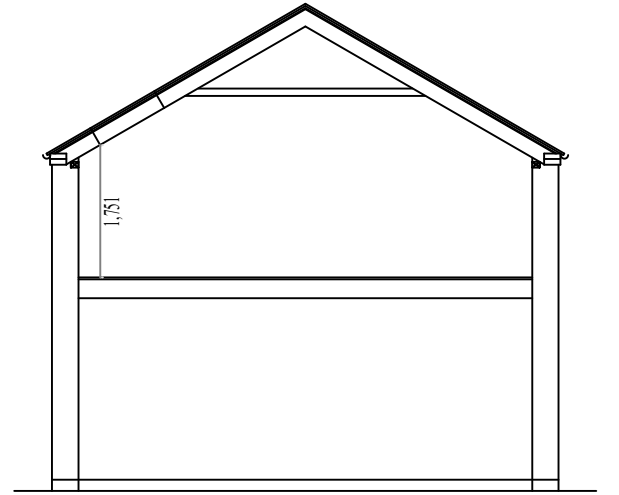
Project Proposed Replacement Dwellings		
Drawing Title Proposed Site and Location Plan		
Address Ash Grove, Chatteris		
Drawn By A. L. Sutton	Paper Size A3	Date August 2019
Project Name 008	Drawing Number 001	Revision A



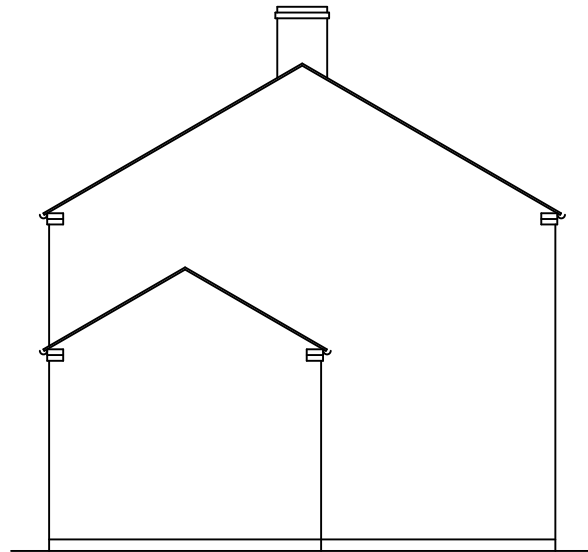
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Scale 1:100



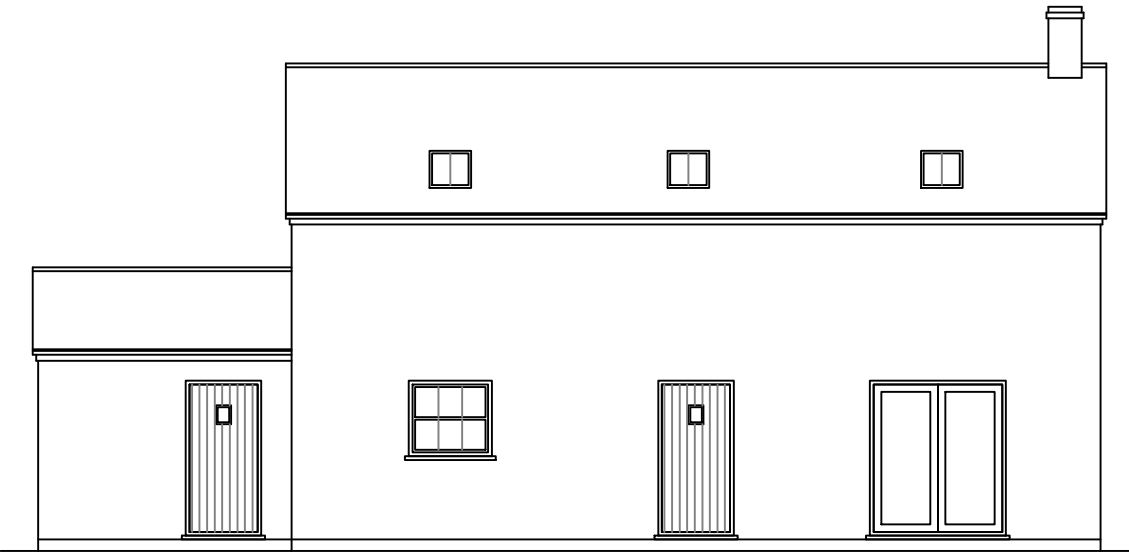
Proposed Front Elevation
Scale 1:100



Proposed Section
Scale 1:100

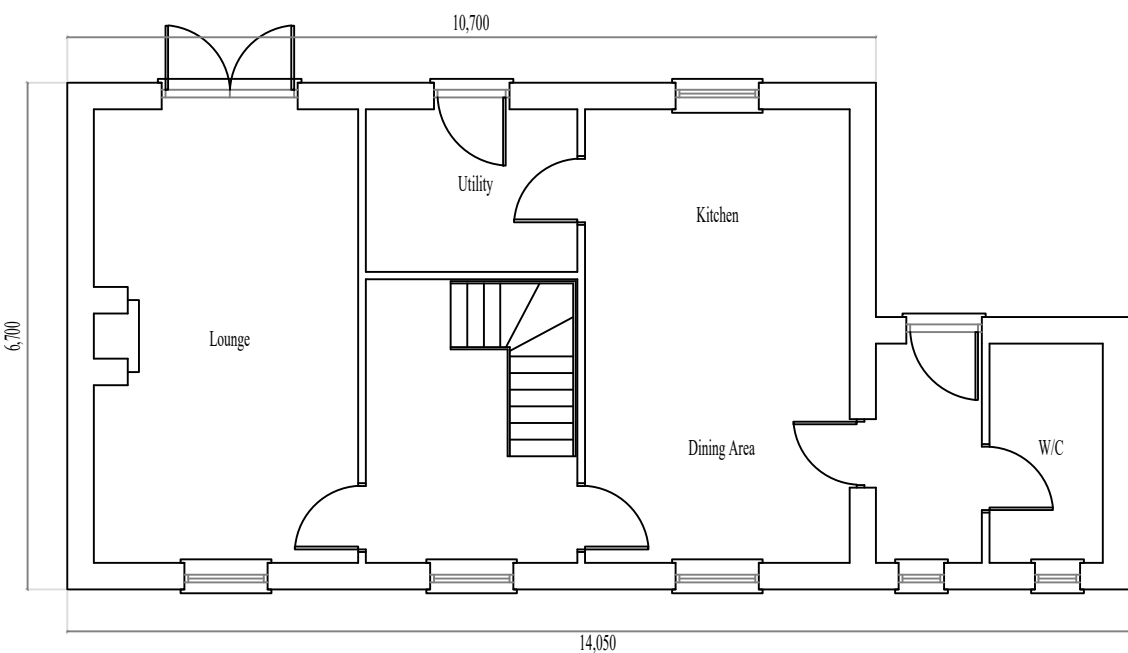


Proposed Side Elevation
Scale 1:100

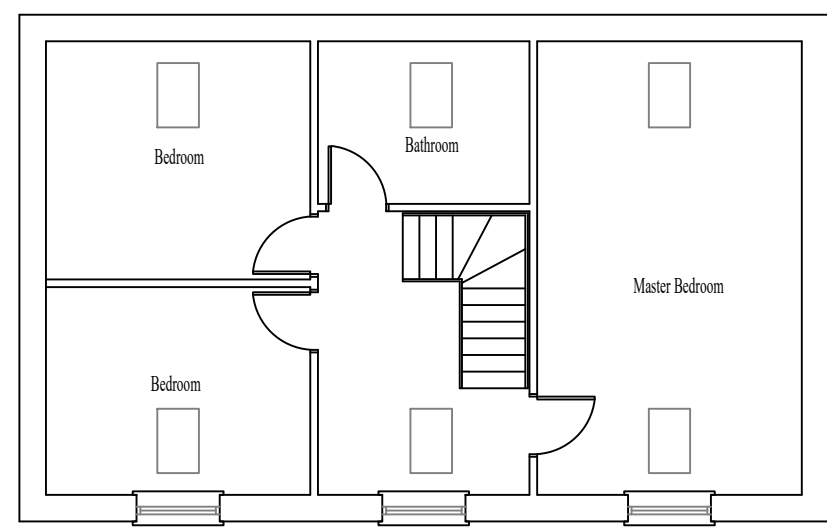


Proposed Rear Elevation
Scale 1:100

Revision	Description	Date	Revised By



Proposed Ground Floor Plan
Scale 1:100



Proposed First Floor Plan
Scale 1:100

A.L.S Design Services

E-Mail : alsdesignservices@outlook.com Phone : 07707921632

Project Proposed Replacement Dwellings		
Drawing Title Proposed Floor Plans and Elevations Plot 2 Plot 1 Handed		
Address Ash Grove, Chatteris		
Drawn By A. L. Sutton	Paper Size A3	Date August 2019
Project Name 008	Drawing Number 002	Revision -

PLANNING COMMITTEE DATE: 29 January 2020

Agenda Item No.9

APPLICATION NO: F/YR19/0822/O

SITE LOCATION: Rear of 76 High Street, Chatteris

UPDATES

An objection has been received from The Georgian Group and they would like to see the building placed on the Buildings of Local Importance list. The wholesale demolition of this undesignated heritage asset is detrimental to the significant of the building and harmful to the local area, through the loss of this building.

RESOLUTION: Refuse

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F/YR19/0840/F

Applicant: Mr K Harpham

Agent : Morton & Hall Consulting Ltd

15 Church Street, March, Cambridgeshire, PE15 9PY

Officer recommendation: Refuse

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

1 EXECUTIVE SUMMARY

- 1.1 This application seeks full planning permission for the erection of a 2-storey 4-bed dwelling involving the demolition of the existing dwelling. The proposal is effectively a replacement dwelling following a fire in April 2019.
- 1.2 The site is located within the main settlement of March and is within a sustainable location; therefore the principle of a replacement dwelling is considered acceptable.
- 1.3 The proposed scheme, in its current form is considered unacceptable. The proposed replacement dwelling, in appearance, nearly doubles the scale and mass of the original dwelling. Without a single-storey element, its scale and massing will be overbearing, out of keeping with the character and scale of neighbouring properties and visually prominent in views of the grade I Listed Church of St Wedredas. Its scale and design, which is of a large town house, will be in contrast to the small village character and scale of the street. This alteration in character will negatively impact on the setting of the grade II listed building at No.13 Church Street and in particular of the Church (grade I) and will consequently have a harmful impact which is not outweighed by any public benefits.
- 1.4 It is on this basis the application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site currently occupies a partially demolished dwelling following a fire in April 2019. The site is almost rectangular in shape and is situated within the historic core of Town End in March along Church Street with the Church of St Wendreda's (Grade I Listed) located less than 50 metres to the north-east with residential properties surrounding the site. Whilst the site it not located within the March Conservation Area, the neighbouring properties of 11 and 13 Church Street to the north are Grade II Listed, as are several grave-markers in the churchyard (to the north-east). The site is located within Flood Zone 1 (low risk).

3 PROPOSAL

3.1 The proposal seeks full planning permission for the demolition of an existing 3-bed fire-damaged property and the erection of a 4/5-bed 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=PYP81KHE06P00>

4 SITE PLANNING HISTORY

4.1 No planning history since 1974.

5 CONSULTATIONS

5.1 **March Town Council:** Recommend approval.

5.2 **Conservation Officer (FDC):** Objects. The original and revised proposals put forward are not considered acceptable. The proposed replacement dwelling, in appearance, nearly doubles the scale and massing of the previous dwelling. Without a single storey element, its huge scale and massing will be overbearing, out of keeping with the character and scale of neighbouring properties and visually prominent in views of the Church. Its scale and design, which is of a large town house, will be in contrast to the small village scale and character of the street. This alteration in character will negatively impact on the setting of No. 13 (grade II) and of the Church (grade I) in particular. This alteration in setting will result in less than substantial harm and there is no perceived public benefit in the increased scale of the proposed dwelling (over and above that which the original dwelling provided) which outweighs this harm.

5.3 **County Historic Environment Team (Archaeology):** No objection, however consider the site should be subject to a programme of archaeological investigation secured through the inclusion of a planning condition.

5.4 **Environment & Health Services (FDC):** No objections to the proposed development. It is unlikely to have a detrimental effect on local air quality or the noise climate. As the proposal involves the demolition of an existing structure, the unsuspected contamination condition should be imposed in the event that planning permission is granted.

5.5 **Middle Level IDB:** No comments received.

5.6 **Local Residents/Interested Parties:** 24 letters/emails have been received confirming their support for the proposed development.

6 STATUTORY DUTY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

- 6.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting.

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. 55 – Planning conditions

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

Paras 193 – 199 – Historic Environment -considering potential impacts

National Planning Practice Guidance (NPPG)

National Design Guide 2019

Context

Identity

Built Form

Movement

Uses

Homes and Buildings

Resources

Lifespan

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

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

March Neighbourhood Plan 2017

8 KEY ISSUES

- **Principle of Development**
- **Impact on the setting of nearby Listed Buildings including St Wendreda's Church**
- **Residential Amenity**
- **Access and parking**
- **Other considerations**

9 BACKGROUND

- 9.1 A meeting has been held between the applicant, agent and planning and conservation officers to attempt to produce a design which would provide the same amount of dwelling space and achieve the applicant's aims of maximising area for solar energy gains, indeed several suggestions were offered which could achieve this and which was less harmful to the setting of one of the District's most highly graded heritage assets. Unfortunately and regrettably the revised drawings (submitted on the same day as the meeting) have ignored these suggestions and do not address the concerns set out below.

10 ASSESSMENT

10.1 Principle of Development

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.

- 10.2 In terms of the FLP the principle of a replacement dwelling in this location is supported through Policy LP3. 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 and LP18, as well as 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. In addition, it is also necessary to consider heritage impacts as discussed below.

10.3 Impact on the setting of nearby Listed Buildings including the Grade I Listed Church of St Wendreda's

The proposal relates to the demolition of an existing 3-bed fire-damaged dwelling and the erection of a 4/5-bed dwelling. The existing property is unlisted and does not fall within the March Conservation Area.

- 10.4 The neighbouring properties of 11 and 13 Church Street (to the north of the site) are listed at Grade II, as are several grave-markers in the churchyard (to the north-east). The Church of St Wendreda's is listed as Grade I (the highest possible listing) and is located less than 50 metres to the north-east. The site and the section of Church Street is considered to be within the setting of a highly significant heritage asset, therefore this application is considered under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires Local Planning Authorities to have special regard to the desirability of preserving the listed building and its setting as well as the relevant policies in the Local Plan and to chapter 16 of the NPPF.

- 10.5 The NPPF (Chapter 16) paragraph 193 states the more significant the heritage asset the greater the weight should be to its conservation and any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraphs 194 to 196 set out the levels of harm relative to the heritage asset. For example, substantial harm to or loss of a grade I listed building should be wholly exceptional. Given in this case that the setting of the listed building would be affected it is considered that the level of harm is less than substantial. In respect of this paragraph 196 of the NPPF sets out that;

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.6 The location of the site is in the foreground of views from the south porch of the Church and is prominent in views of the Church when approached from the south. The current situation on site is far from ideal, the ruinous state of the site detracts from the setting of the surrounding heritage assets, therefore proposals to sympathetically redevelop it are to be welcomed.
- 10.7 The proposed replacement dwelling, in appearance, nearly doubles the scale and mass of the original dwelling. Without a single-storey element, its scale and massing will be overbearing, out of keeping with the character and scale of neighbouring properties and visually prominent in views of the listed Church. Its scale and design, which is of a large town house, will be in contrast to the small village scale and character of the street. This alteration in character will negatively impact on the setting of the grade II listed building at No.13 Church Street and in particular of the Church (grade I).
- 10.8 The street-facing gables are not a feature within this section of Church Street and do not feature on any other property within the immediate area. It is considered that they significantly increase the street-facing scale and massing of the proposed dwelling without contributing to the internal usable space. A design which retained the eaves-level of the original dwelling, with a hipped roof of approximately the same height would be of a more appropriate scale for this setting.
- 10.9 The original dwelling was double-fronted with bay windows framing the front door and a single-storey building extending to the south. An updated design of similar profile to the original dwelling would be more in keeping with the scale and grain of the neighbouring properties and therefore be more appropriate for the setting of the listed buildings.
- 10.10 External materials will be important to avoid negatively impacting the view from the Church, due consideration will be required to the choice of bricks and their bond, mortar, roofing materials, style and materials of windows etc, however these details have been agreed with the applicant to be secured through planning conditions.
- 10.11 Overall it is not considered that the re-designed proposal resolves the original concerns of the Council's Conservation Officer in relation to the increased scale and street-presence of the new dwelling as discussed above. This alteration in setting will result in less than substantial harm. The NPPF (paragraph 196)

requires that the harm to the setting be weighed against the public benefit of the proposal. Whilst there is a public benefit to reinstate a building on the site, the increased scale and massing of the proposal put forward alters the character of the street and thus the setting of the listed Church. Therefore the proposal is not considered to accord with Policy LP16 (a) and LP18 of the Local Plan, nor to the advice in chapter 16 of the NPPF and to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.12 **Residential Amenity**

The proposed scheme, given its position and window layout in relation to the surrounding neighbouring dwellings is not considered to have any undue impact in terms of overlooking or overshadowing. Therefore on this basis the scheme accords with Policy LP16 in this regard.

10.13 **Access and Parking**

The existing access is proposed to be maintained and utilised as part of this proposal. The proposal shows an area for three cars to park clear of the highway which would accord with the car parking standards set out in the FLP. There are no concerns in relation to highway safety in respect of the proposal.

10.14 **Other Considerations**

Cambridgeshire County Council (CCC) Historic Environment Team have confirmed that the site lies in an area of strong archaeological potential, situated within the historic core of Town End and less than 50m south-west of the Church. Due to the high archaeological sensitivity of the development area it is considered that, despite the relatively small scale of the development, all groundworks and landscaping for the proposals should be subject to archaeological oversight. Therefore, whilst CCC does not object to development from proceeding in this location they consider that the site should be subject to a programme of archaeological investigation secured by planning condition. The applicant has been made aware of this requirement and has agreed to the imposition of the condition.

10.15 Whilst the Council's Environmental Health Team does not object to the proposed development however as the proposal involves the demolition of an existing structure, they have recommended a unsuspected contamination condition in the event that planning permission is granted.

10.16 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 Local Plan.

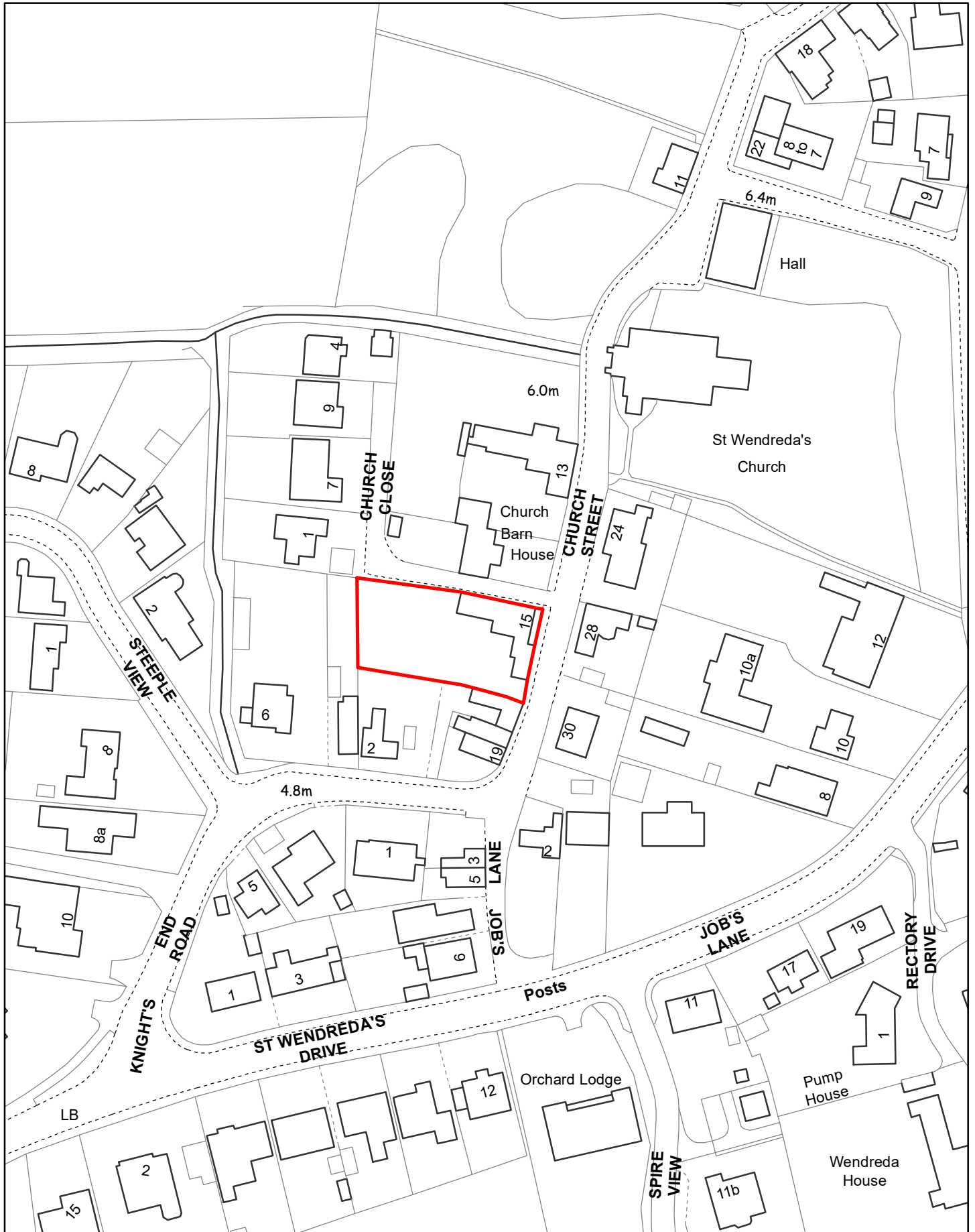
11 **CONCLUSIONS**

11.1 The proposed scheme for the replacement dwelling is considered unacceptable. It is regrettable that the applicant has not sought to work with the Council and adopt some of the recommendations with regard to the Council's legal duties expressed above. These suggestions included retaining a hipped roof to the street elevation whilst adding gables to the rear, extending the dwelling further back into the plot to reduce the dominant street-facing impact, recessing one bay of the façade to mitigate the increased width of the proposal, extending the bay windows to the first floor under hipped projections and/or setting the building further back in the site.

- 11.2 Unfortunately the revised scheme does not resolve the concerns detailed within this report and therefore a recommendation has to be made with regard to the submission as revised. For the reasons given above it is recommended that the proposed development is refused.

12 RECOMMENDATION: Refuse

1.	The proposed dwelling by reason of its appearance and massing will be overbearing, out of keeping with the character and scale of neighbouring properties and visually prominent in views of the Grade I Listed Church of St Wendreda's. Its scale and design will be in contrast to the small village scale and character of the area and this in turn will negatively impact on the setting of No. 13 Church Street (Grade II) and of the Church (Grade I) in particular. This alteration in setting will result in less than substantial harm and there is no perceived public benefit which outweighs this harm. The proposal is therefore considered to be contrary to chapter 16 of NPPF (2019) in particular paragraph 196, Policies LP16(a) and LP18 of the Fenland Local Plan 2014 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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F/YR19/0840/F

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 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work.
 Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
 The contractor is to arrange inspections of the works by the BCO (or NIBCO) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer



LEGEND

	HOUSEHOLDER BIN LOCATIONS
	GRAVEL (PERMEABLE COVERING)
	TARMAC
	GRASS
	BLOCK PAVING
	PATHS/PATIO AREA
	APPLICATION SITE

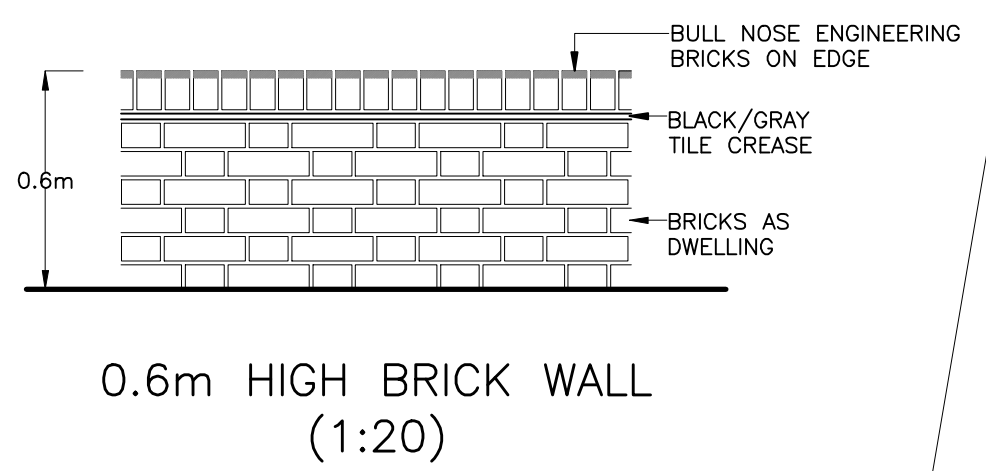
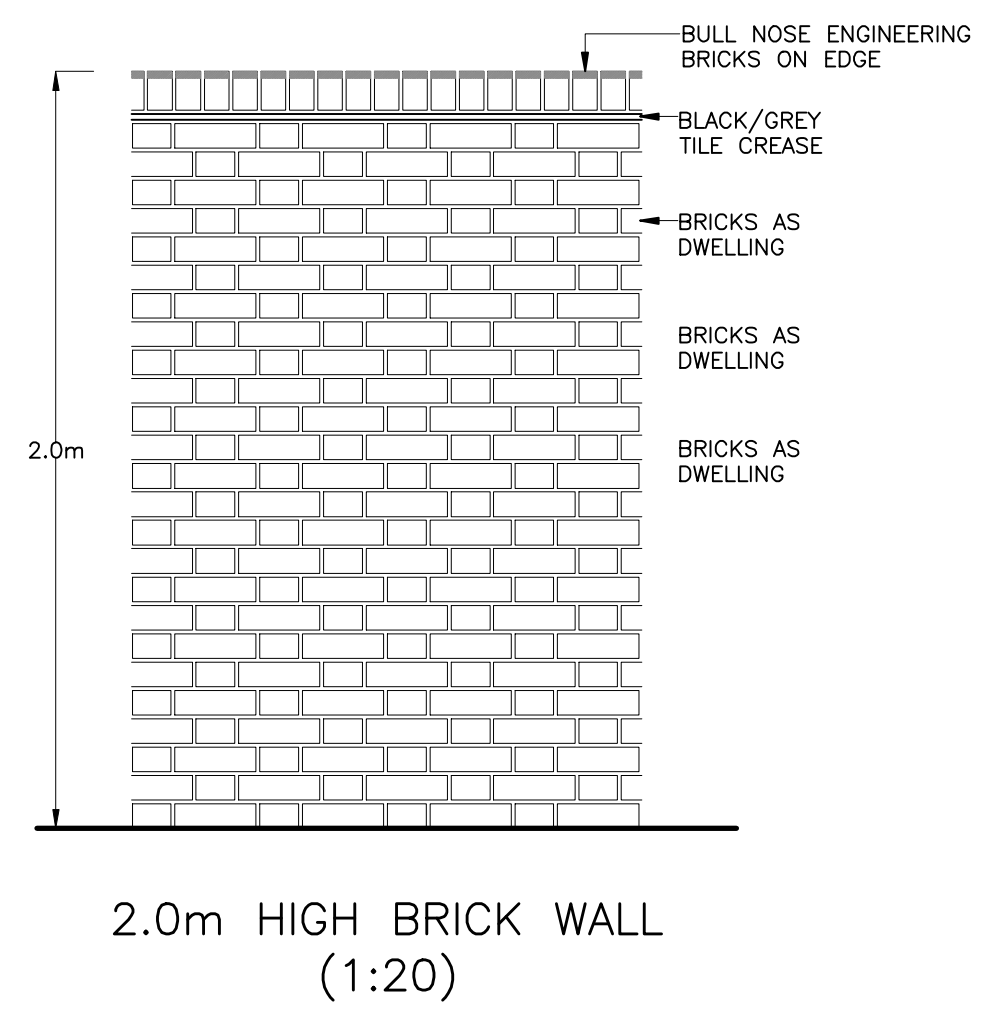
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G	NOV 19
F	SEPT 19
E	SEPT 19
D	SEPT 19
C	SEPT 19
B	SEPT 19
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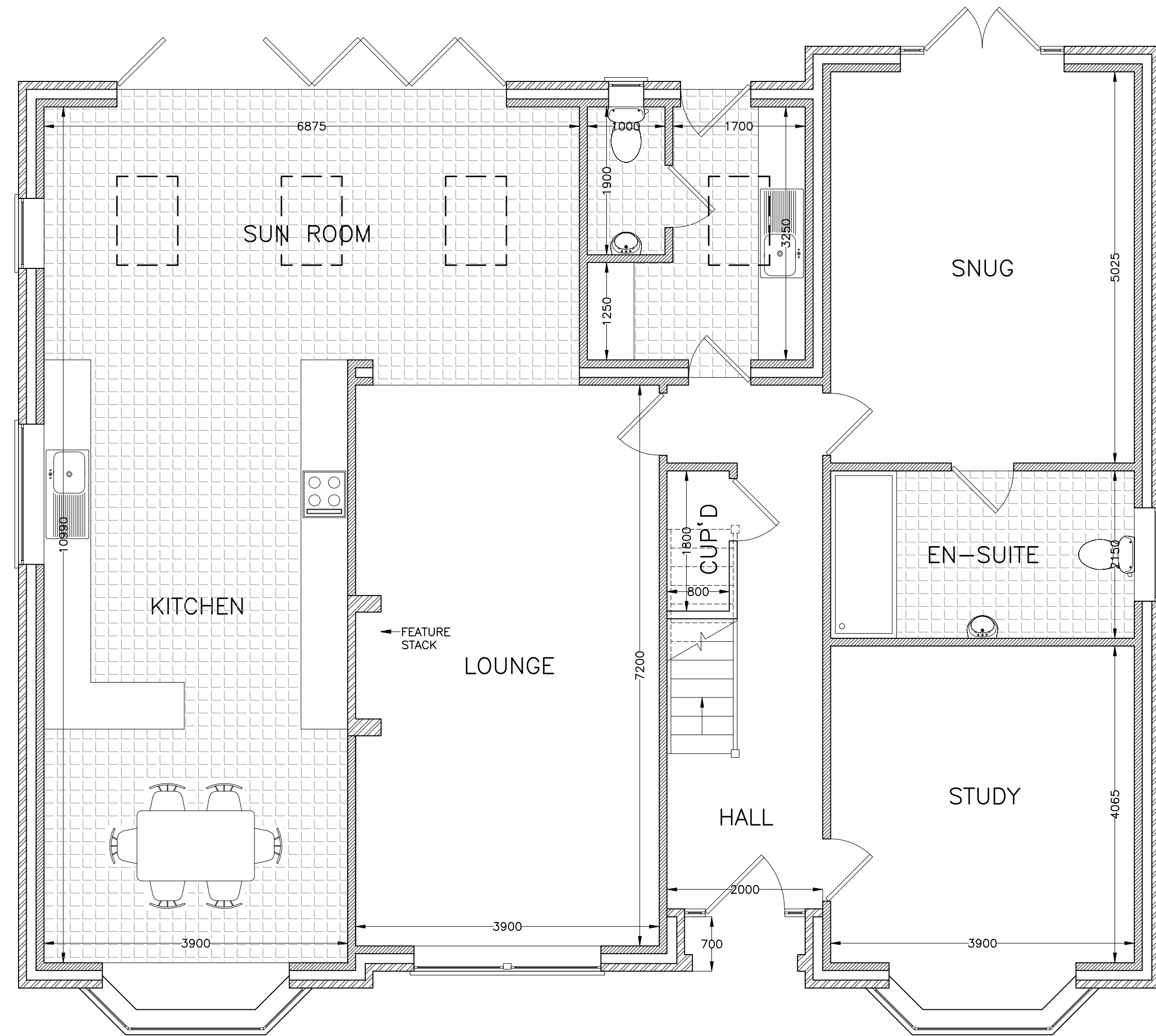
MORTON & HALL CONSULTING LIMITED
 CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue, March, Cambridgeshire, PE15 8AJ
 Tel: 01354 655454
 E-mail: info@mortonandhall.co.uk
 Website: www.mortonandhall.co.uk

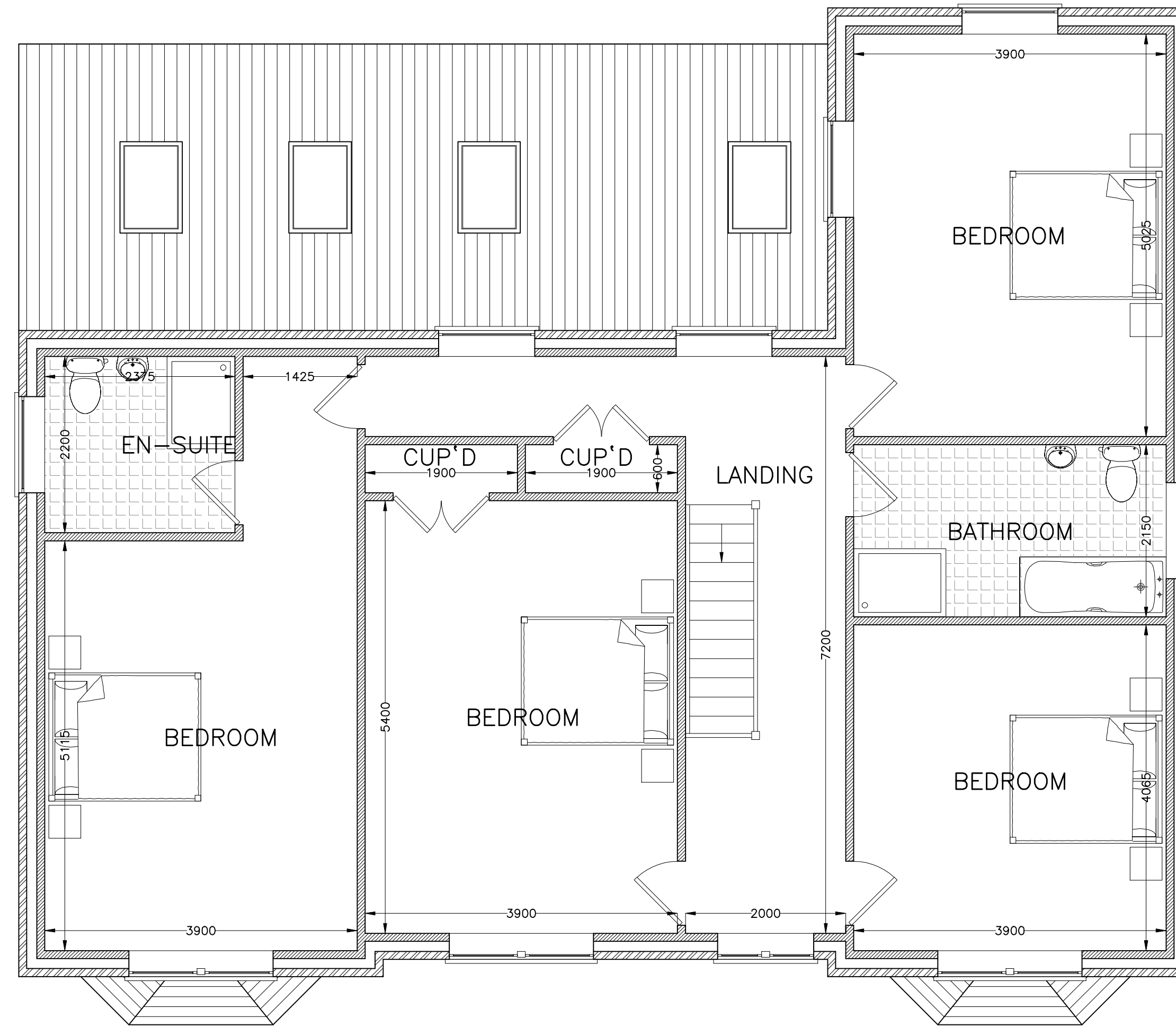
Fenland District Council
 Building Design Awards
 Winner

CLIENT	Mr & Mrs Harpham
PROJECT	15 Church Street March Cambs PE15 9PY
TITLE	Proposed Site Plan
DRAWN	M. Halmshaw
CHECKED	
DATE	July 2019
SCALE	1:100
DATE OF ISSUE	
DRAWING NUMBER	H6395/03H





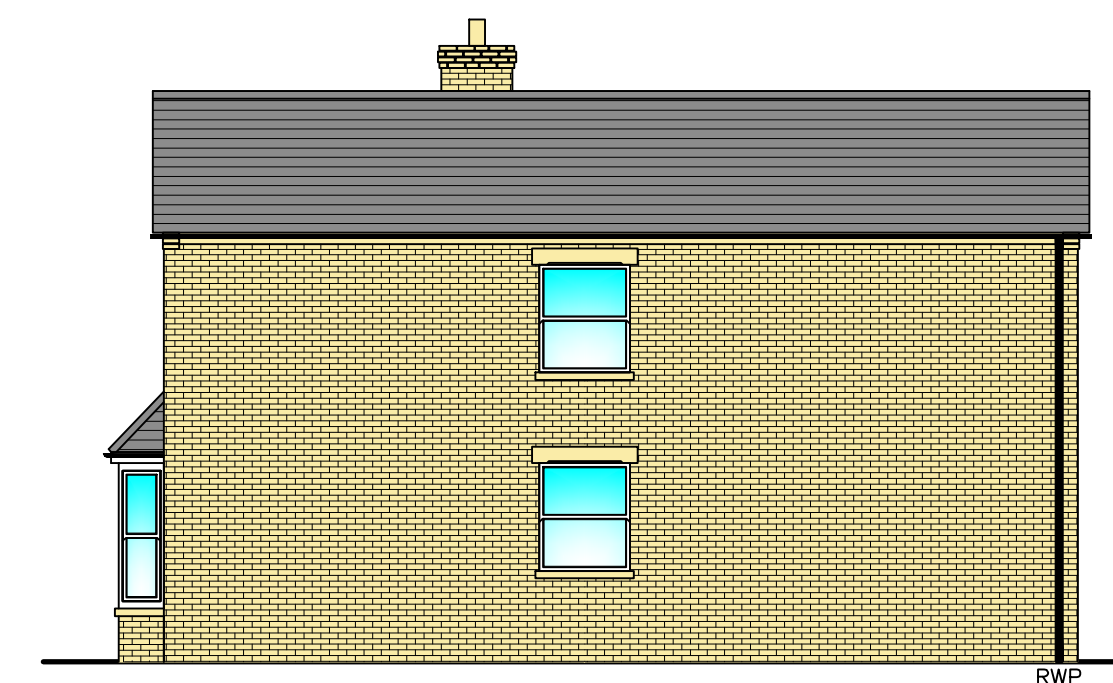
PROPOSED GROUND FLOOR PLAN
(1:50)



PROPOSED FIRST FLOOR PLAN
(1:50)



PROPOSED FRONT ELEVATION
(1:50)



PROPOSED RHS ELEVATION
(1:100)

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Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

MATERIALS

- ROOF : SLATE TILES
- WALLS : BUFF BRICKS
- WINDOWS/DOORS : WHITE UPVC
- GUTTERS/DOWNPIPES : BLACK UPVC

J	DRAWING UPDATED	DEC 19
H	PLANNERS COMMENTS	DEC 19
G	PLANNERS COMMENTS	NOV 19
F	PLANNERS COMMENTS	SEPT 19
E	CLIENTS COMMENTS	SEPT 19
D	CLIENTS COMMENTS	SEPT 19
C	CLIENTS COMMENTS	SEPT 19
B	CLIENTS COMMENTS	SEPT 19
A	CLIENTS COMMENTS	AUG 19
REVISIONS		DATE

MORTON & HALL CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue,
March,
Cambridgeshire,
PE15 8AJ

Tel: 01354 655454
E-mail: info@mortonandhall.co.uk
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CLIENT	Mr & Mrs Harpham	
PROJECT	15 Church Steet March Cambs PE15 9PY	
TITLE	Proposed Ground Floor Plan & Elevations	
DRAWN	R.Papworth	DATE OF ISSUE
CHECKED		
DATE	Aug 2019	DRAWING NUMBER
SCALE	1:50	H6395/02

APPLICATION NO: F/YR19/0840/F

DESCRIPTION: Erect a 2-storey 4-bed dwelling involving the demolition of existing fire damaged dwelling

SITE LOCATION: 15 Church Street, March

UPDATE

The agent has provided a series of 7 3D visuals of the proposed dwelling in the context of the site. These visuals have been shared with the Council's Conservation Officer for further consideration. It has been confirmed that these illustrations do not change the view that the design, scale and massing of the proposed dwelling causes harm to the setting of the Listed Church and therefore an objection is maintained.

A further 5 letters/emails have been received from local residents confirming their support for the proposed development.

Resolution: Remains as refusal as detailed at Agenda Item 10, page 97.

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F/YR19/0931/O

Applicant: Mr & Mrs Gray And Mr & Mrs Rankin **Agent :** Mr G Edwards
Swann Edwards Architecture Limited

Land South Of 137, Upwell Road, March, Cambridgeshire

Erect up to 9no dwellings (outline application with all matters reserved)

Officer recommendation: Refuse

Reason for Committee: March Town Council's comments are contrary to the Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission with all matters reserved for residential development of the site for up to 9 dwellings.
- 1.2 The site is considered to lie on the edge of March and comprises garden land serving no's 137 and 135 Upwell Road. The character of the area is of frontage development forming a ribbon of dwellings along Upwell Road. The proposal for in-depth development would therefore conflict with this distinct character contrary to policy LP16 of the Fenland Local Plan.
- 1.3 In addition, the development would result in the demolition of several buildings which yield potential for bird and bat habitat. However, the application is not supported by an adequate biodiversity survey and it is therefore not possible to establish what impact the development may have on protected species or what mitigation may be required contrary to LP16(B) and LP19 of the Fenland Local Plan.
- 1.4 Whilst the site offers no technical issues e.g. in respect of highways, flood risk or contamination, the visual harm and potential harm to biodiversity resulting from the development is considered to substantially outweigh the modest benefits that the development could achieve.
- 1.5 The recommendation is to refuse the application.

2 SITE DESCRIPTION

- 2.1 The site is located to the rear of 2 existing dwellings and hosts several ancillary buildings related to the properties although not residential in nature themselves. It is located on the very eastern edge of the town of March where there is an underlying pattern of ribbon development extending eastwards for about 500 metres beyond what is otherwise the clearly defined edge of the built up extent of the settlement.
- 2.2 The character of this area is one of frontage development, and is transitional in nature, as it moves from agricultural, open countryside to the east, towards the more urban, built up form to the west.

2.3 The site lies in Flood Zone 1.

3 PROPOSAL

3.1 The application seeks Outline planning permission for the residential development of the site for up to 9 dwellings. All matters (access, layout, scale, appearance and landscaping) are reserved for future consideration but the applicant has provided an indicative scheme to show how the dwellings might be arranged within the site.

3.2 The plan denotes a central point of access using the existing access from Upwell Road with a turning head midway along the private drive serving all 9 dwellings.

3.3 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision
19/0066/PREAPP	Erection of 5 dwellings	Proposal not considered favourable

5 CONSULTATIONS

Parish/Town Council

5.1 Recommend approval

Cambridgeshire Fire & Rescue Service

5.2 Requires provision of fire hydrants - to be secured via s106 agreement or planning condition.

Environment & Health Services (FDC)

5.3 Raises no objection. Considers the development would be unlikely to have a detrimental effect on local air quality or the noise climate. Notes that given the proposal is to demolish existing buildings, it is recommended to include a condition addressing unsuspected contamination.

Middle Level Commissioners

5.4 No comment received

Cambridgeshire County Council Highways Authority

5.5 Raises no objections. Would expect to see at reserved matters stage a more detailed access arrangement. Notes that the current plans suggest the existing access will be utilised but considers it's clear the existing access is inadequate in terms of its width/geometry and construction.

Anglian Water Services Ltd

5.6 The scheme is below the 10 dwelling threshold and therefore Anglian water do not wish to comment.

Local Residents/Interested Parties

5.7 5 letters of support received with the following comments;

- More homes are needed

- Back land development (including larger homes) already exist in the Upwell road area with no issues

6 STATUTORY DUTY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

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

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

Paragraphs 170, 175-177: Conserving and enhancing the natural environment

Paragraphs 34, 54-57: Planning conditions and obligations.

7.2 National Planning Practice Guidance (NPPG)

7.3 National Design Guide, 2019 (NDG)

- Context

- Identity

7.4 Fenland Local Plan, 2014 (FLP)

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP15: Facilitating the creation of a More Sustainable Transport Network in Fenland

LP16: Delivering and Protecting High Quality Environments across the District

LP19: The Natural Environment

7.5 March Neighbourhood Plan, 2017 (MNP)

H2: Windfall Development

H3: Local Housing need

7.6 Supplementary Planning Documents/ Guidance:

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

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

8 KEY ISSUES

- Principle of Development
- Impact on the character and appearance of the area
- Access & Highways
- Residential amenity
- Biodiversity & Ecology

9 BACKGROUND

- 9.1 The applicant undertook pre-application advice prior to the submission of the application. The pre-application enquiry was for the erection of 5 dwellings but captured the same extent of land as with this application.
- 9.2 In summary, Officers considered that the proposal was not in keeping with the character and distinctiveness of the area with linear frontage development forming the distinctive pattern of development in this location, contrary to the in-depth development proposed. Consequently the proposal was contrary to Policy LP16 of the Local Plan.

10 ASSESSMENT

Principle of Development

- 10.1 Local Plan Policy LP3 defines March as a Market Town where (along with the other market towns) the majority of the district's new housing growth should take place. The site sits within the garden land of residential properties on the edge of March. Policy LP4 of the FLP accepts small-scale housing development such as this on the edge of market towns – subject to considerations under policy LP16. LP16 seeks to secure high quality environments having regard to impacts on matters such as visual amenity, local identity and character and residential amenity. These are considered separately below.
- 10.2 The March Neighbourhood Plan policy H2 allows for windfall development subject to meeting the provisions of the FLP as well as criteria summarised as;
- a) *Not resulting in unacceptable residential amenity impacts*
 - b) *No net loss of open space*
 - c) *The site being at low risk of flooding*
 - d) *Safe vehicular access*
 - e) *It delivers off-site infrastructure required to make it acceptable*
 - f) *It is of a high standard of design; and*
 - g) *No loss of community facilities unless justified as per requirements of FLP policy LP6.*
- 10.3 In respect of H2; Matters relating to amenity harm, safe access and design would be considered at reserved matters stage. It is considered that the development in all other respects complies with the aims of MNP policy H2.
- 10.4 Having regard to the above, it is concluded that the development is acceptable in principle.

Impact on the character and appearance of the area

- 10.5 The site comprises garden land associated with the frontage dwellings (No's 135 and 137). The gardens incorporate various ancillary structures including a chicken coop, a quonset-style structure believed to have been formally used as a piggery and a larger garage/ stores building as well as small sheds and some domestic paraphernalia. The site is highly visible when approaching along Upwell Road from the east with an open boundary along the eastern and southern perimeter. As such, whilst the site does incorporate some structures, it is generally open with small scale buildings scattered around the site. The surrounding land east and south is agricultural land. Directly opposite the site, behind No.150 is a grouping of agricultural barns which emphasises the more rural character of this end of March when compared to the the more urban, built up form to the west of the town.
- 10.6 The residential form along the southern side of Upwell Road is a distinctive linear pattern of development. The proposal is considered in the context and identity of this settlement pattern.
- 10.7 Regard is had to a recent appeal decision 300m west of the site at 85-89 Upwell Road (F/YR17/0563/O – appeal: APP/D0515/W/18/3200338). This development proposed 4 dwellings in a back land position. The application was refused at Planning Committee and subsequently dismissed at appeal whereby the Inspector concurred with the Council's conclusions that that the development would cause harm to the character of the area, the open character of the countryside and did not accord with the settlement pattern. During the appeal, consideration was given to the existence of Upwell Park. Here, the Inspector concluded that was an isolated development which did not follow the predominant settlement pattern and did not justify similar development.
- 10.8 Notwithstanding this, it is concluded that residential development of the application site would significantly alter the character of the area from small scale, sporadic structures to a denser, more formalised massing of built form. This would be particularly notable given its clear views when approaching March from the east.
- 10.9 The development would substantially alter the openness and rural character of the area thereby failing to reinforce the distinctive linear character of built form in this area. Consequently the development would fail to respond positively to the context of the area contrary to the aims policy LP16 of the FLP and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.

Access & Highways

- 10.10 Whilst access is not committed, the indicative access position appears to be logical, relying on the existing access serving No.137. The Local highways Authority has raised no objection subject to securing a satisfactory access scheme as part of future reserved matters application.
- 10.11 It is concluded that it is likely that a satisfactory means of access to serve the development could be secured which could accord with policy LP15 of the FLP.

Residential amenity

- 10.12 Whilst no detail of the specific arrangement of dwellings, their orientation or window positions are committed at this time, due to their in-depth position, it is

likely that a scheme could come forward which would not result in any severe overlooking, overshadowing or with overbearing impacts on neighbouring properties, albeit that the impact of the development on the amenity of the host dwellings; 135 and 137 would require careful consideration at reserved matters stage given that the access runs immediately between them.

- 10.13 Due to the low number of units, it is unlikely that the LHA would adopt the access road and indeed the indicative plan denotes the shared driveway being a private road. In this regard, future occupiers would be expected to present their wheeled bins for collection at the edge of the public highway unless an agreement is secured to construct the road to accommodate the Council's refuse vehicles - with an indemnity agreement against any damage caused to the road by the Council's refuse lorries.
- 10.14 The indicative layout denotes that occupiers could be required to wheel their bins as far as 110m (Plot 8) which far exceeds the recommended 30m carrying distance as set out in the RECAP guidance and supported by LP16(f) and Policy DM4 of the associated design SPD. This has implications in respect of securing 'lifetime' homes that reflect changing lifestyles or circumstances (see LP2 (bullet 3), LP5 (Part C) and LP16(k), with some future occupants finding themselves being unable to present their bins for collection over time due to personal circumstances and unreasonable carrying distances.
- 10.15 Therefore, in order for the scheme to be acceptable in this regard, the aforementioned construction and indemnity agreement would be required. This could be reasonably secured through planning conditions and through the submission of satisfactory reserved matters detail relating to access and layout.

Biodiversity & Ecology

- 10.16 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. This duty is demonstrated through the requirement of development to satisfy of policies LP16(b) and LP19 of the FLP.
- 10.17 Paragraph: 018 of the NPPG (Reference ID: 8-018-20190721) sets out that;
- “Information on biodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.*
- Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.”*
- 10.18 The proposal would result in the demolition of several brick-built and timber-constructed barns and structures and potential the removal of some trees. The site lies approximately 270m north east of an area of woodland and 250m east of Horsemoor drain. A small pond is located south of Upwell Park c.130m south west.

- 10.19 Having regard to Biodiversity Checklist provided by the applicant, the site has potential for Bat and Barn Owl habitat given the construction and condition of the buildings and their locations near to woodland and open water. The applicant's agent has submitted an 'Initial biodiversity report' whereby they explain that they have undertaken a number of site walkovers and found no evidence of Bats, Owls or nesting birds. This is also the case for Newts, Badgers, Dormice and other reptiles and that the applicant is not aware of the presence of these on site.
- 10.20 The survey does not identify the times at which the walkovers were carried out or the extent of investigations, nor does it provide details of any qualifications by those having undertaken the assessment. It is considered that expecting such details would be proportionate in the context of the application. As such, it is considered that the biodiversity survey evidence submitted does not adequately assess the potential for protected species and it is therefore not possible to determine the impact of the development or what mitigation may be necessary to make the development acceptable.
- 10.21 The proposal therefore fails to satisfy policies LP16(b) and LP19 of the FLP in that it fails to adequately establish the harm that may arise to protected species and the necessary mitigation measures that may be required.

11 CONCLUSIONS

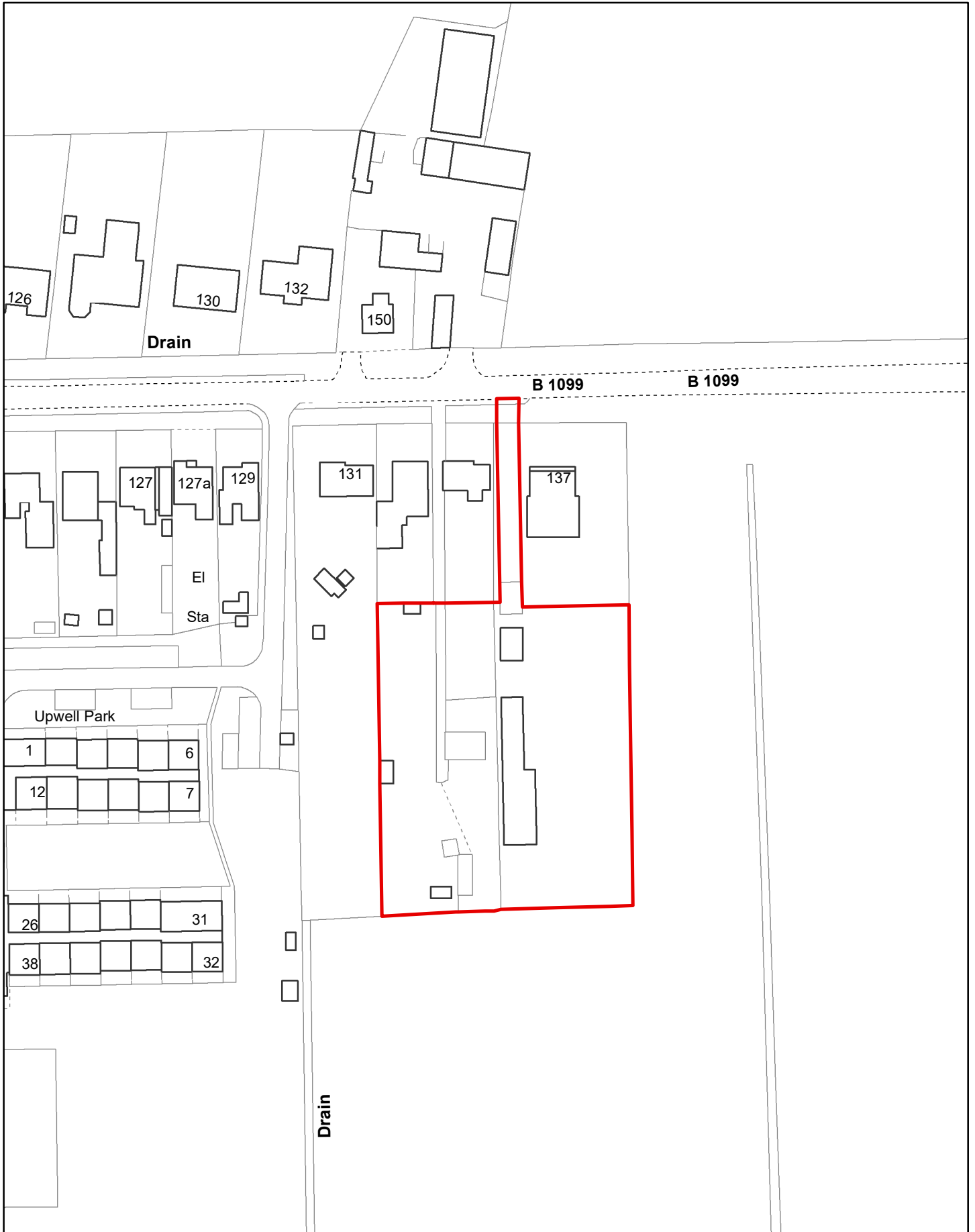
- 11.1 It is acknowledged that the proposal would make a modest contribution towards economic growth, both during the construction phase and in the longer term through assisting the local economy e.g. local services/facilities, thereby helping to sustain the village of Doddington and the wider district and would make a modest contribution towards the district's housing stock. This also has social benefits.
- 11.2 Weighing against the proposal however is the introduction of development which would not be in-keeping with the pattern of the settlement, resulting in a visually disrupting form of development which would have a significant, adverse impact on the spacious rural character and openness of the area.
- 11.3 In addition, the existing structures form potential habitat for Bats and Birds but the application fails to provide enough detail for the LPA to adequately assess the potential impact of the development on protected species and/ or consider what mitigation may be necessary. Consequently the council are unable to satisfy their legal requirement under the NERC Act, 2006.
- 11.4 It is considered that the harm substantially outweighs the benefits of the development.
- 11.5 The Council can demonstrate a 5 year supply of housing and therefore the 'tilted balance' under paragraph 11 of the NPPF is not engaged. In this regard therefore, the policies within the development plan are considered up to date and robust enough to determine this proposal.
- 11.6 The proposal fails to accord with relevant policies of the development plan and is considered to comprise unsustainable development. The Local Planning Authority is required in law to determine planning applications in accordance with the Development Plan unless material planning considerations indicate

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

12 RECOMMENDATION

12.1 Refuse for the following reason

1.	<p>Policy LP16 of the Fenland Local Plan, 2014 requires that proposals for new development should deliver and protect high quality environments which respond to and improve the character of the local built form and respond to the street scene and existing settlement patterns. The proposed development is shown to occupy a secondary position within the street scene which does not respond to the existing linear settlement pattern and therefore represents urban sprawl into the open countryside contrary to Policy LP16 of the Fenland Local Plan, adopted May 2014 and Policy DM3 of the Fenland District Council Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014.</p>
2.	<p>Policy LP16(b) and LP19 seek to ensure that development protects and enhances biodiversity with LP19 requiring the Council to refuse permission for development that would cause demonstrable harm to a protected species or habitat.</p> <p>The development would result in the complete demolition of a number of buildings which could comprise habitat for bats and birds. However, no adequate survey work has been undertaken to enable the Local Planning Authority to appropriately assess the impact of the development on protected species or understand what mitigation measures may be required. Therefore, in the absence of any such evidence and taking a precautionary approach, the application fails to satisfy the requirements of LP16(b) and LP19 of the Fenland Local Plan, 2014.</p>



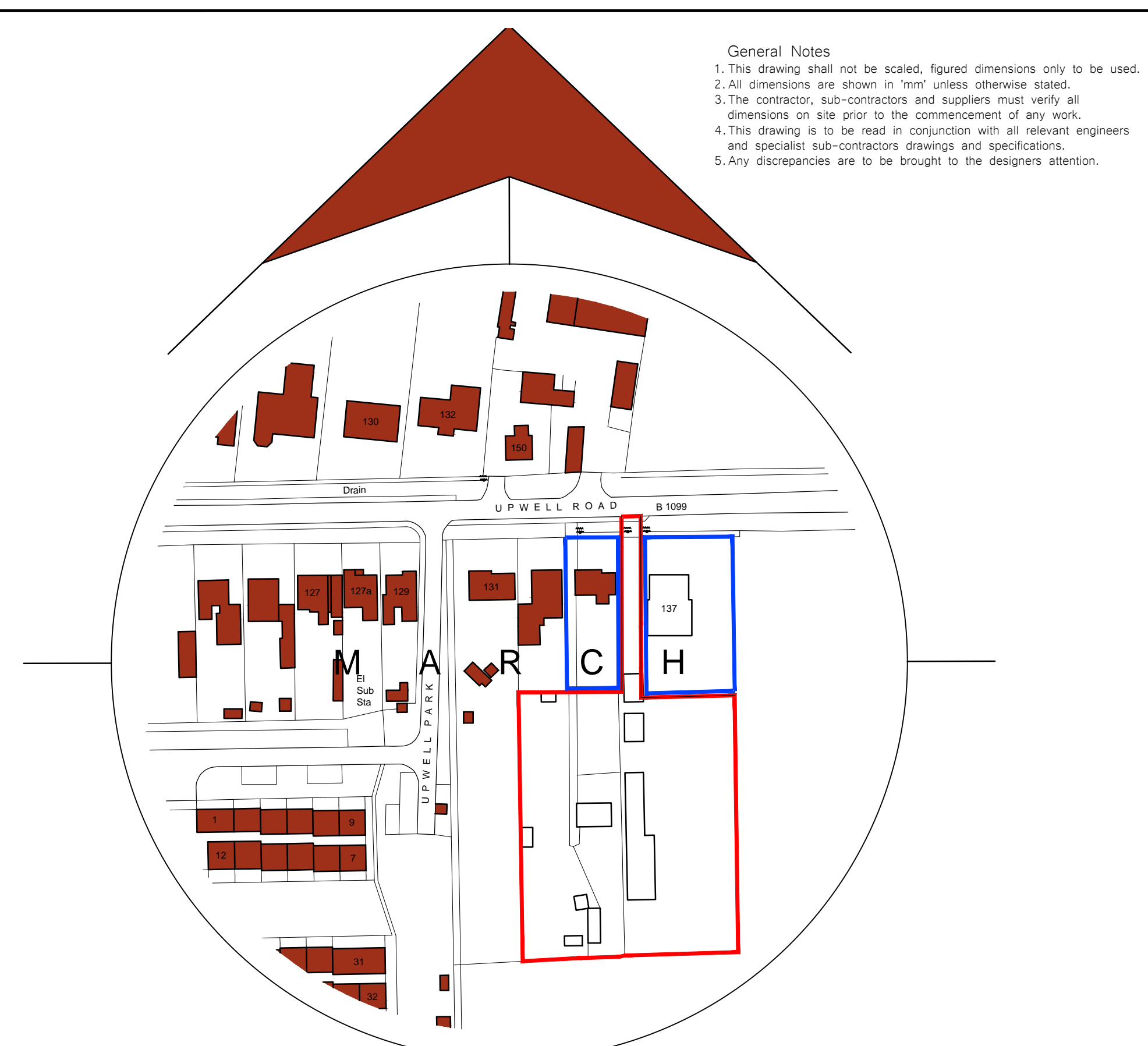
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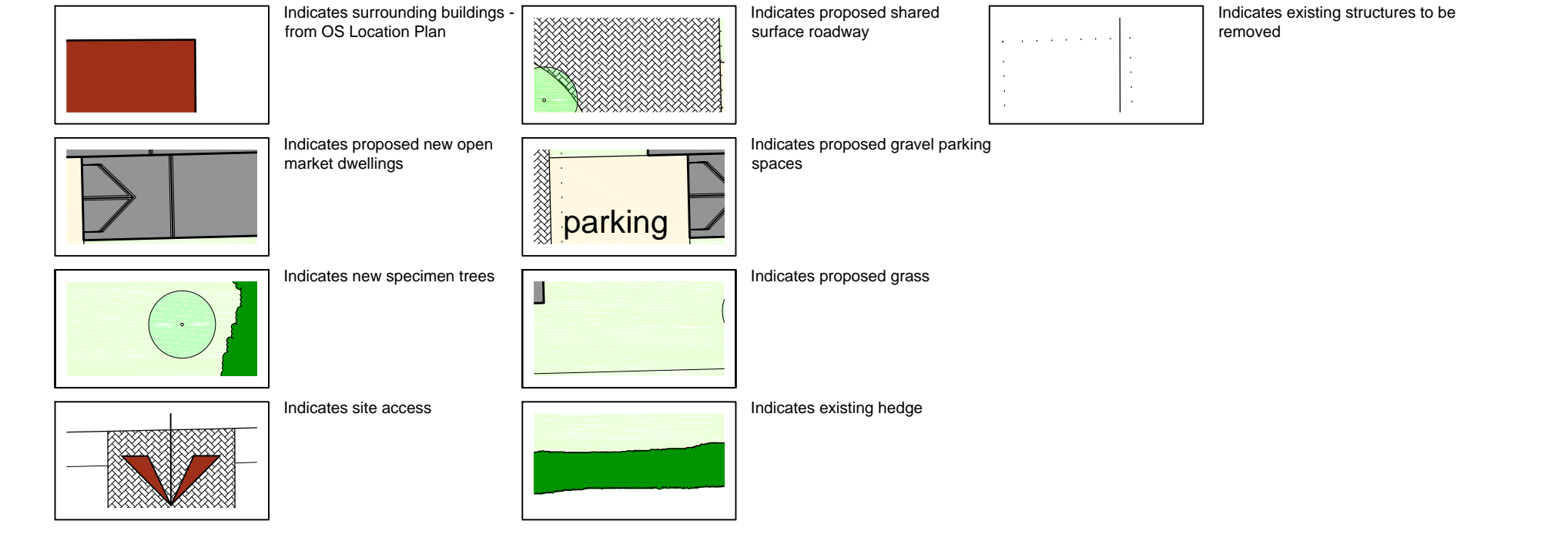


General Notes

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.

Location Plan
Scale: 1:1250

SITE PLAN KEY



Indicative Front Elevation
Scale: 1:100

Indicative Site Plan
Scale: 1:250

Revisions		
B	Oct 2019	Elevation revised

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Fen Road, Guyhirn, Wisbech, Cambs, PE13 4AA
t 01945 450894 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed Residential Development		Job Title		Date		Scale	
137 Upwell Road, March		Outline Planning Drawing Site, Location Plans and Front Elevation		September 2019		Various Sheet Size A1	
For: Mr & Mrs Gray and Mr & Mrs Rankin		Drawing Title		Job No. SE-1215		Dwg No. PP1001	
		Drawn by G.E.		Revision B			

F/YR19/0972/FDC

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

Agent :

Land East Of, 80 Upwell Road, March, Cambridgeshire

Erect 1no dwelling (outline application with all matters reserved)

Officer recommendation: Approve

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

1 EXECUTIVE SUMMARY

- 1.1 The application seeks outline planning permission for a single dwelling with all matters reserved.
- 1.2 This site is within the built up settlement of March and is within a sustainable location.
- 1.3 It is considered that there are no site constraints which would render the development of the site for one dwelling unacceptable; subject to detailed design and appropriate safeguarding conditions.
- 1.4 Whilst the site has been used by the adjacent Dental Surgery as informal car parking there are no planning conditions limiting this area for use as parking and the land is in separate ownership meaning that the use for parking could cease at any time, hence there is no planning justification for its retention.
- 1.5 The scheme complies with both national and local planning policy and may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site is almost rectangular in shape and is situated between the Dental Centre and a bungalow (No.80) fronting Upwell Road. To the rear is an electricity sub-station and further housing within Smith's Drive. The front part of the site is laid to lawn and the rear part of the site is an informal parking area used by the Dental Centre. A footpath runs along the eastern boundary of the site which provides pedestrian access from Smith's Drive to Upwell Road.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission (with all matters reserved) for the erection of 1 dwelling. An illustrative site plan has been submitted which shows

how the site could be developed with one dwelling located along the building line of Upwell Road together with garden/amenity space to the rear and a parking and turning arrangement to the front with vehicular access taken from Upwell Road. The site plan also indicates that the footpath to the east (currently within the applicant's ownership) as being retained.

- 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=Q0LJO3HE0D800>

4 SITE PLANNING HISTORY

F/YR02/1353/FDC	Residential Development (0.071 ha)	Withdrawn 07.01.2003
F/0997/84/O	Erection of a dental surgery North side of Upwell Road March (on dismantled railway line)	Granted 17.01.1985
F/0520/84/O	Erection of a dwelling Adj. 80 Upwell Road March	Deemed Consent 15.11.1984

5 CONSULTATIONS

- 5.1 **March Town Council:** Recommend approval.
- 5.2 **Environment & Health Services (FDC):** No objection. Note and accept the submitted information, it is unlikely to have a detrimental effect on local air quality or the noise climate. There are no concerns with regard to the proximity of the electricity sub-station at the rear of the site - it would be no closer to the proposed dwelling when compared with the existing residential properties in the area. Due to the proposed development site known to be used for car parking, it would be prudent to include the unsuspected contamination condition.
- 5.3 **Highway Authority:** The application site appears to displace a number of parking spaces. FDC should consider the impact of the loss of parking. Despite this being an all matters reserve application; it would be useful for some indicative site access arrangement to be detailed to demonstrate that an acceptable vehicular access arrangement can be provided for the site. Visibility splays should be detailed for the proposed access.
- 5.4 **Middle Level IDB:** No comments received.
- 5.5 **Local Residents/Interested Parties:** 1 objection received relating to the loss of the parking area used by the adjacent Dental Centre. Concerns relate to there not being sufficient parking for staff and patients as a result of the proposal and request consideration is made for at least 3 parking spaces to be reinstated as part of the proposal.

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 2019

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

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

LP13 – Supporting and Managing the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

March Neighbourhood Plan 2017

H2 – Windfall Development

H3 – Local Housing Need

8 KEY ISSUES

- **Principle of Development**
- **Character, Layout, Design and Residential Amenity**
- **Highway and access considerations**
- **Other considerations**

9 ASSESSMENT

9.1 Principle of Development

The main policy documents which are relevant to the consideration of this application are Fenland Local Plan (FLP) 2014, the March Neighbourhood Plan (MNP) 2017 and the National Planning Policy Framework 2019. The weight that should be attributed to these policies and documents are considered below.

- 9.2 In terms of the FLP the scheme would in principle accord with Policy LP3 given that March 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 Policy 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.

9.3 Character, Layout, Design and Residential amenity

This is an outline application with all matters reserved. It is clear from the illustrative site plan that there is sufficient land available on which to deliver a dwelling with associated amenity, parking and turning space.

- 9.4 Upwell Road is characterised by frontage development and this proposal would allow for this character to be continued by providing a dwelling fronting the road with garden space located to the rear and parking and turning to the front. Accordingly the proposed dwelling in this location would not be detrimental to the character and appearance of the area and therefore a detailed scheme has the potential to accord with Policy LP16 of the FLP, subject to other policy considerations.

- 9.5 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. Accordingly the proposal has the potential to accord with Policy LP16 and Policy H2 (a) of the MNP in respect of impact on neighbouring dwellings.

9.6 Highways and access considerations

This is an outline planning application with all matters, including access reserved, however it is clear that there is an access available from Upwell Road. The Highway Authority, whilst not objecting, have requested further details in respect of the access arrangement, however officers are confident that an acceptable access arrangement together with visibility splays can be achieved.

- 9.7 There is sufficient site area available to provide parking and turning in accordance with the parking standards, it is anticipated that a modest sized dwelling is likely to be delivered and this typically would require 2 car parking spaces.

9.8 Part of the site has been used by the adjacent Dental Surgery on an informal basis for additional parking dating back to 2008. The Dental Surgery has its own parking to the front of its site and also to the rear on other land (not part of this application). The applicant has confirmed that this informal arrangement was terminated with effect on 9 October 2019 and as such any ongoing parking is unauthorised. There are no planning requirements under any previous permissions or planning conditions which restricts the area for parking. Indeed the land is in separate ownership of the Dental Surgery meaning that the use of parking could cease at any time, hence there is no planning justification to refuse the application on this basis.

9.9 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 of the FLP and Policy H2 (d) of the MNP in so far as they related to access, servicing and highway safety.

9.10 Other considerations

The site is located within flood zone 1 (low risk) and as such it is sequentially preferable in terms of development and represents no issues with regard to Policy LP14 of the FLP and Policy H2 (c) of the MNP.

9.11 The Environmental Health team have no objections to the proposal, however given the previous use as a car park it is considered necessary to impose a condition in respect of unsuspected contamination. The electricity sub-station located at the rear of the site has also been assessed and given the proximity to existing neighbouring dwellings in comparison to the distance to the application site it is not considered to raise any concerns.

10 CONCLUSIONS

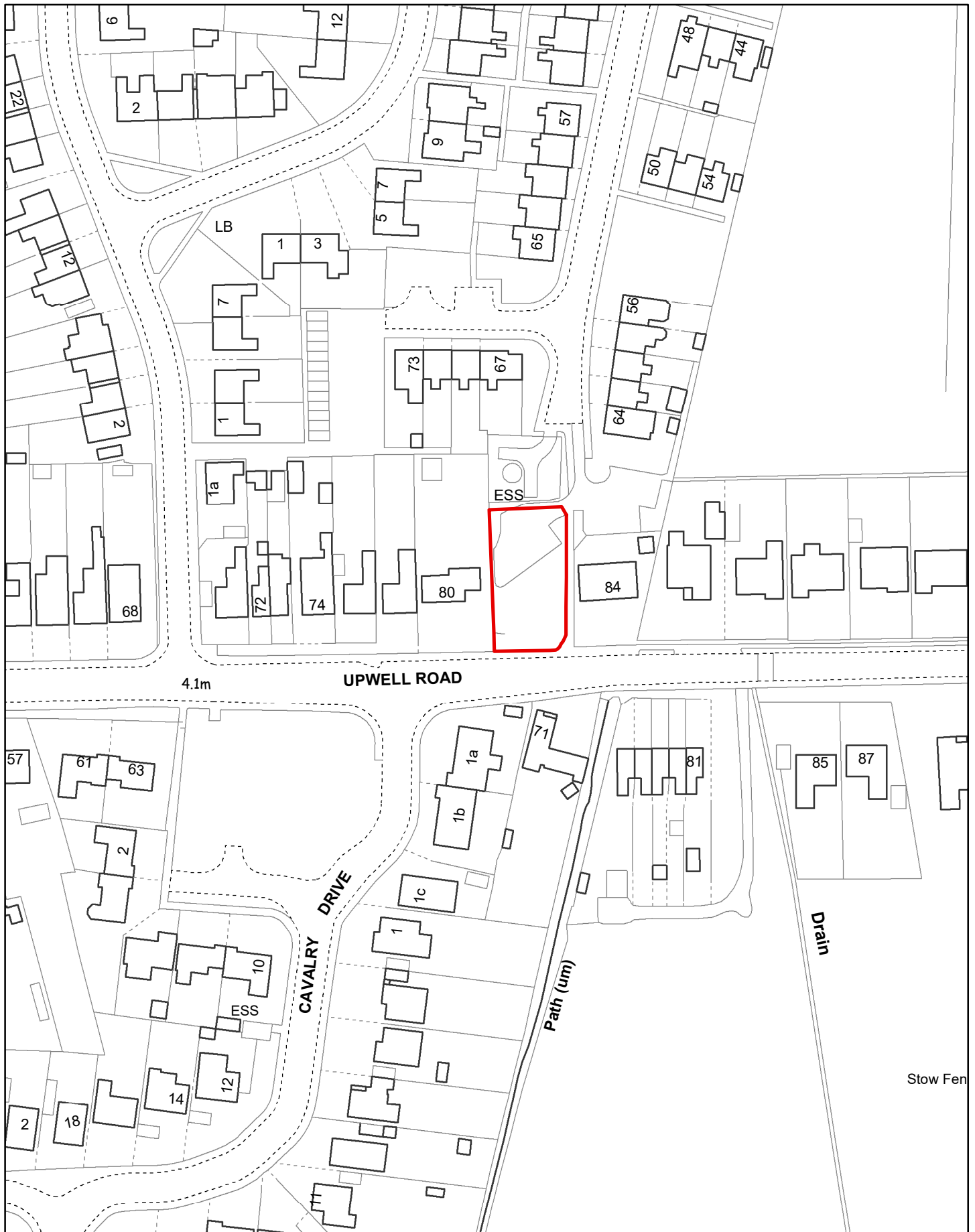
10.1 It is considered that the erection of one dwelling on the site identified is acceptable and accords with the relevant policy framework, subject to safeguarding conditions regarding contamination as required. The area of land and illustrative layout provided demonstrates that the site may accommodate 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. Accordingly approval is recommended.

11 RECOMMENDATION: Grant subject to 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 (hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).
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	<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 1 dwelling (Use Class C3).</p> <p>Reason - For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5	<p>If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the 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>
7	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents</p>



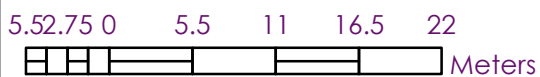
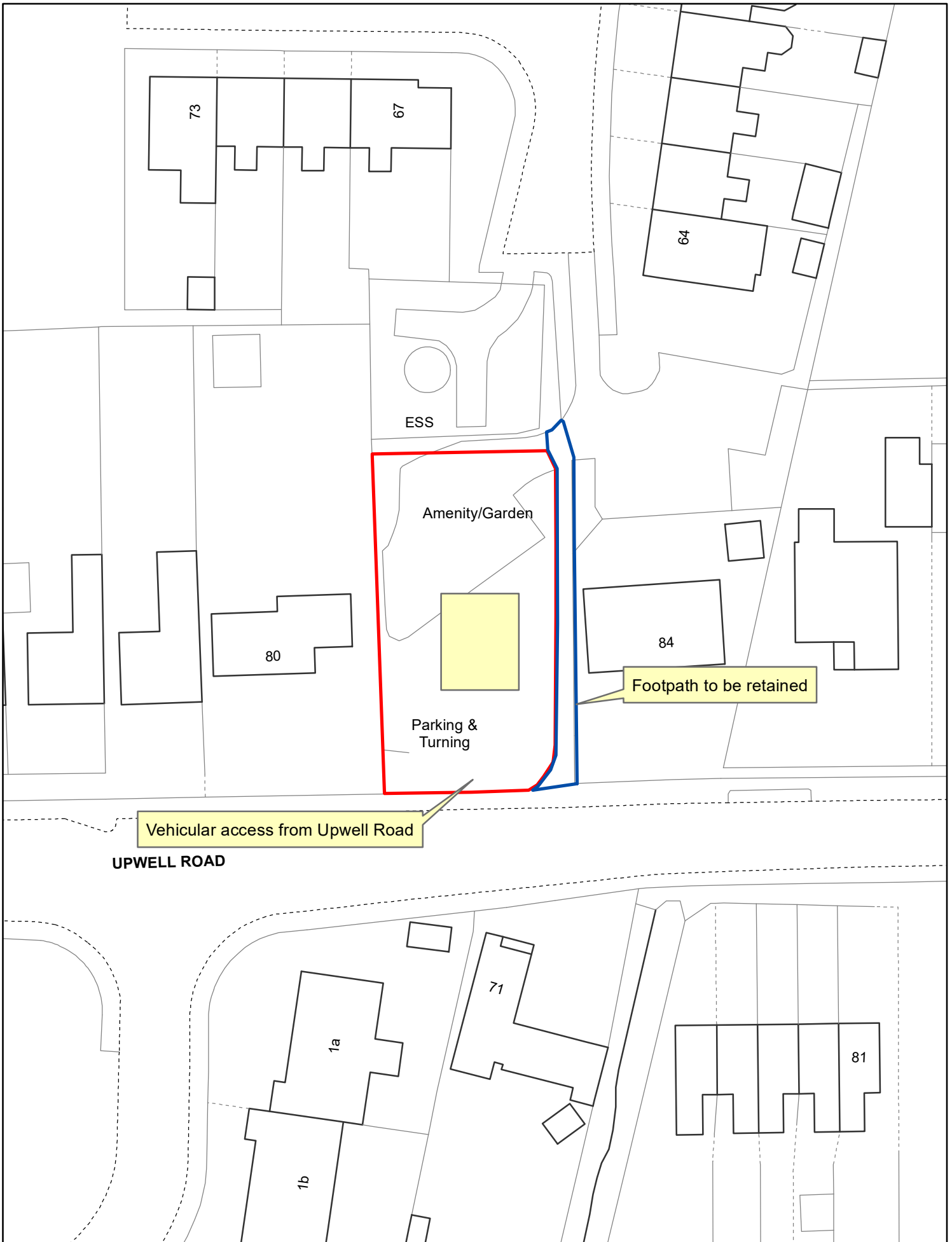
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F/YR19/0972/FDC

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Land East of 80 Upwell Road, March

Indicative Layout



F/YR19/1031/O

Applicant: Mr & Mrs P Guy

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

**Land North West of 24 Willey Terrace, Doddington Road, Chatteris,
Cambridgeshire**

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

Officer recommendation: Refuse

**Reason for Committee: Proposal is for more than two dwellings and the town
council recommendation differs from the officer recommendation.**

1. EXECUTIVE SUMMARY

- | |
|--|
| <p>1.1. The application site is located adjacent to the built up part of the Town of Chatteris, within Flood Zone 1.</p> <p>1.2. The proposal is made in outline for the construction of three dwellings.</p> <p>1.3. The application is a countryside location and the town has a well-defined built up edge in this location. The proposal would therefore result in harm to the character and appearance of the area contrary to the relevant policies of the development plan.</p> |
|--|

2. SITE DESCRIPTION

- 2.1. The application site is part of an agricultural field located beyond the existing built up edge of the town of Chatteris, and comprises approximately one third of the frontage of the field along Doddington Road in this location, with the remainder of the field also being within the applicant's ownership. There are currently no boundaries separating the land that forms the application site from the remainder of the field within which it is located.
- 2.2. There is a ditch and a native species hedge running along the frontage of the site, with occasional trees located within the hedgerow, and a field access. The field hedge also runs along the southern boundary of the site adjacent to an existing track leading to the fields beyond. This track currently strongly defines the edge of the settlement as it is flanked on both sides by native hedgerows, with continuous built-up development to one side and open agricultural land to the other.
- 2.3. The land is located within flood zone 1, which is defined as being of low flood risk.

3. PROPOSAL

- 3.1. The proposal is made in outline, and is for the erection of up to three dwellings on the land. Access is the only matter committed for consideration at this time, with three separate accesses being identified on the submitted plans, one to each of

the proposed dwellings. One of these accesses would utilise the existing field access.

- 3.2. Indicative elevations and layout plans have been provided at this stage showing three properties with detached double garages, each of which would be typical of a 3-4 bedroomed detached dwelling. The indicative plan also shows some tree planting within the front gardens of the dwellings, with extensive gravelled parking areas and block paved turning space. Some additional tree planting is also indicated within the rear gardens, which are extensive and project beyond the rear boundaries of the adjacent gardens along Willey Terrace.
- 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=Q1OCBJHE0D800>

4. SITE PLANNING HISTORY

F/YR14/0818/O	Erection of a dwelling, garage and stables involving the formation of a ménage	Refused 8.12.14
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5. CONSULTATIONS

5.1. **Environment & Health Services (FDC)**

No objection

5.2. **Chatteris Town Council**

Support. Request that a condition is imposed regarding footpath provision to the new homes and that consideration is given to speed reduction measures.

5.3. **Cambridgeshire County Council Highways Authority**

Defer for amended plans – the existing footway should be extended along Doddington Road, which is likely to require infilling/culverting of the ditch and therefore consent from the IDB. The farm access adjacent to the site will also be required to be surfaced as part of the footway works (in order to connect the footpath along the front of the application site to that along Doddington Road).

5.4. **Local Residents/Interested Parties**

No comments received

6. STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

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 12: Conflict with an up-to-date plan should not usually be granted

Para 155: Development should be directed away from areas at highest risk of flooding.

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

Determining a planning application

7.3. **National Design Guide 2019**

Context

Identity

Built Form

Nature

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

LP10 – Chatteris

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

8. **KEY ISSUES**

- **Principle of Development**
- **Character and Amenity Impact**
- **Flood Risk**
- **Highway implications**

9. **BACKGROUND**

- 9.1. The application site has been the subject of a single previous planning application, for the erection of a single dwelling, garage and stables. That application was refused on the grounds of its impact on the design and character of the surrounding area based on its position beyond the built-up extent of the settlement, and the conflict that it created with policy LP16 of the Fenland Local Plan (2014).
- 9.2. Pre-application advice was sought in respect of the current proposal by the current applicant and agent. The application form gives no details of the pre-application advice given, however Local Authority records indicate that the advice given was that the proposal would not be supported due to the location of the application site in policy terms.

10. **ASSESSMENT**

Principle of Development

- 10.1. The application site is located adjacent to the existing built-up edge of the town of Chatteris, which is one of the four main locations set out in policy LP3 of the Fenland Local Plan as the focus for new development, in particular new housing. Notwithstanding that however, as noted above, the farm access track adjacent to the site establishes a clearly defined boundary to the edge of the settlement in

this location and the application site lies beyond that edge. Policy LP4 of the FLP accepts small-scale housing development such as this on the edge of market towns – subject to considerations under policy LP16. LP16 seeks to secure high quality environments having regard to impacts on matters such as visual amenity, local identity and character and residential amenity.

- 10.2. On that basis the principle of the development as a site on the edge of one of the Market Towns is not opposed by the development plan, however detailed consideration of the proposal and its impact on the environment as set out in policy LP16 is the determining factor in relation to the acceptability of the scheme.

Character and Amenity Impact

- 10.3. LP16 seeks to secure high quality environments having regard to impacts on matters such as visual amenity, local identity and character and residential amenity.
- 10.4. The application site is unusual in its context given how strongly the edge of the settlement is defined by the edge of the existing residential development and the track adjacent to the application site. The other development along the Doddington Road is also more than commonly distinctive in its character, comprising semi-detached dwellings with hipped roofs, parking provision in between the properties and with layby parking to either side of the road along its length that gives a sense of openness to the area, but with a regularity of design of the properties and their materials of construction that make it one of the more distinctive developments within the district.
- 10.5. The application site itself as noted above is typically agricultural in its appearance with no significant structures on the land associated with that use, and that also serves to reinforce the already strongly defined countryside character of the site.
- 10.6. Whilst the proposal is made in outline with no matters committed in relation to the detailed design of the dwelling or their layout, the scale of the site in question combined with the number of dwellings proposed would, particularly if laid out in the style shown on the indicative plans, result in three executive style properties considerably at odds with the other dwellings in the area due to the overall size of the plots on which they are situated.
- 10.7. Furthermore, as a distinctively countryside location beyond the existing built up part of the settlement, development of this site would have a significant detrimental impact on the character and openness of the countryside location.
- 10.8. With regard to the impacts of the proposal on residential amenity, the outline nature of the application precludes detailed consideration of such impacts at this stage, however given the location of the site and the relationship with the surrounding development and the likely separation between any development on this site and the nearby dwellings, there is no justification at this point for concern regarding residential amenity impacts.

Flood Risk

- 10.9. The application site is located within flood zone 1, which is the zone of lowest flood risk and sequential testing would ordinarily direct development to sites located within such a flood risk zone. The application site is notably surrounded on two sides by existing drains, and the proposal involves three vehicular crossings over the drain at the front of the site to provide separate accesses for each of the properties. This would likely require some form of culverting or

potential infilling of the ditches in order to provide the vehicular accesses, which in turn would have the potential to affect the operation of the drains themselves. Such a matter would however require the agreement of the Internal Drainage Board responsible for the drains in question and therefore given they have made no objection to the application at this stage it is considered that they would retain the authority to refuse such works and for an alternative solution to be found. Such a matter is not therefore sufficient to require that the planning application is refused, particularly in the light of their lack of comments at this time.

Highway Implications

- 10.10. The application proposes three new dwellings on the land, and matters of access are committed for approval at this time.
- 10.11. The comments of the Highways Authority indicate that the current proposed plans are insufficient with regard to the provision of footway at the front of the site and the detailed designs for crossing of the ditch on the highway boundary. Given the issues of principle relating to the development of the site identified above, it is not considered necessary to delay the determination of the application until these matter have been resolved, as such discussions would incur expenditure by the applicant and would not be likely to affect the recommendation made in respect of the application given those matters of principle.
- 10.12. Should Members consider that the application should be approved, it would be appropriate to require the resolution of this matter to the satisfaction of the Highways Authority prior to the issuing of any permission in respect of the proposal. Consideration should also be given to the Highway Authority's request for re-surfacing to facilitate a footpath link across the adjacent farm track.

11. CONCLUSIONS

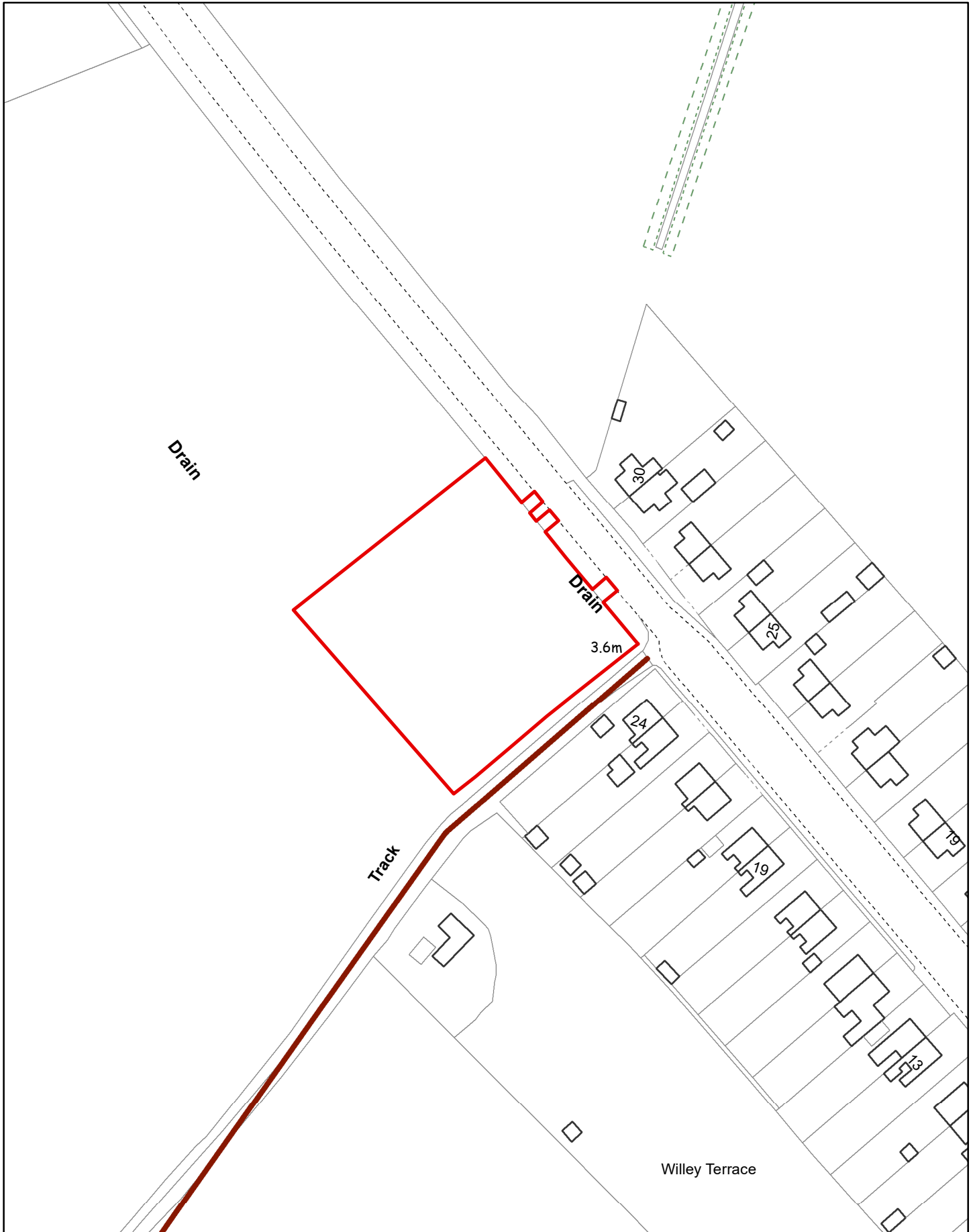
- 11.1. The application site lies within a countryside location, beyond the built-up part of the town of Chatteris, where the existing edge of the settlement is clear and well-defined by existing features within the landscape. The development of this section of the agricultural field would detract from the distinctive character and appearance of the area, and the number of dwellings proposed on the land would exacerbate this. There would therefore be harm arising from the development to the character and appearance of the area contrary to the relevant policies of the development plan and there are no material considerations that would justify the approval of the scheme contrary to those policies.

12. RECOMMENDATION

Refuse, for the following reasons.

1. Policy LP16 of the Fenland Local Plan (2014) states that high quality environments will be delivered and protected throughout the district, and requires proposals to demonstrate how they meet a range of criteria in that regard. The proposal would constitute the development of new dwellings on an area of land beyond the existing well-defined edge of the settlement. The scheme would necessitate the removal of sections of the existing hedgerow to provide vehicular access to the new dwellings, and associated engineering works to cross the drain that runs between the site and the highway. The current open field makes a significant contribution in this location to the character and appearance of the edge of the settlement, and the housing

development leading to the site from the south east, which is of unusually distinctive character. The proposal, by developing the site for housing, would extend the existing linear feature of Doddington Road into an area of countryside, destroying the existing defined edge of the settlement, and would therefore have a harmful impact on both the open character of the countryside in this location and the setting of the settlement itself, contrary to the requirements of policy LP16 of the Fenland Local Plan (2014)



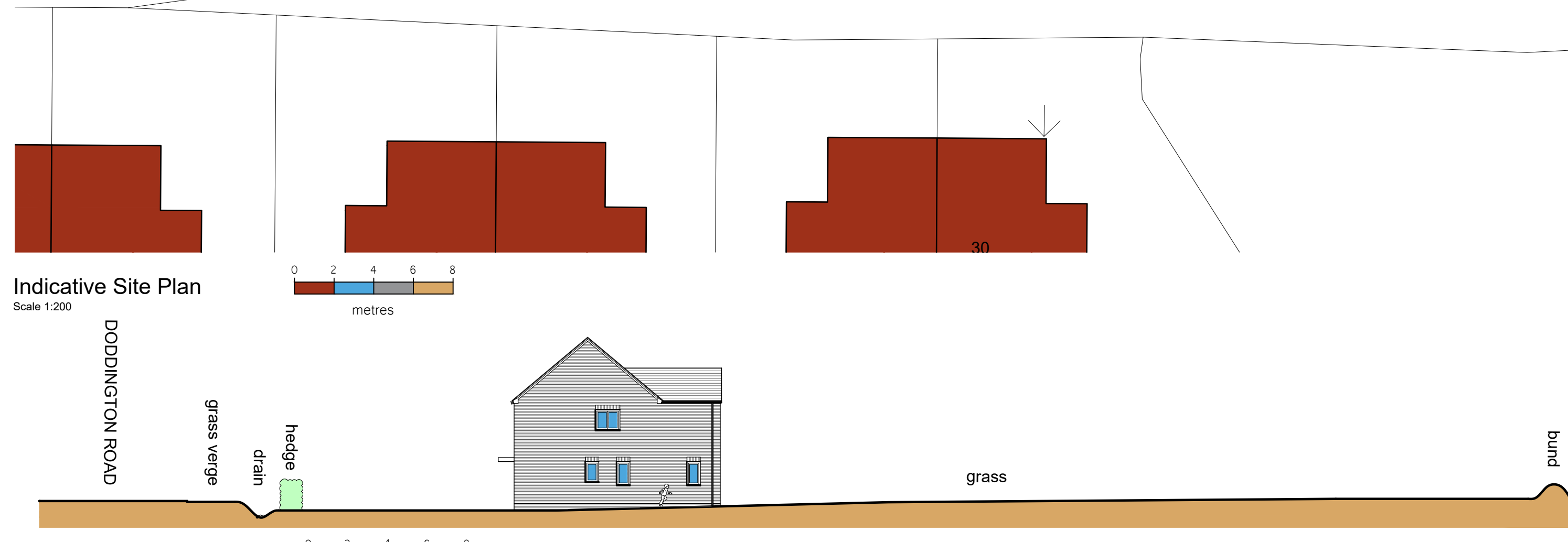
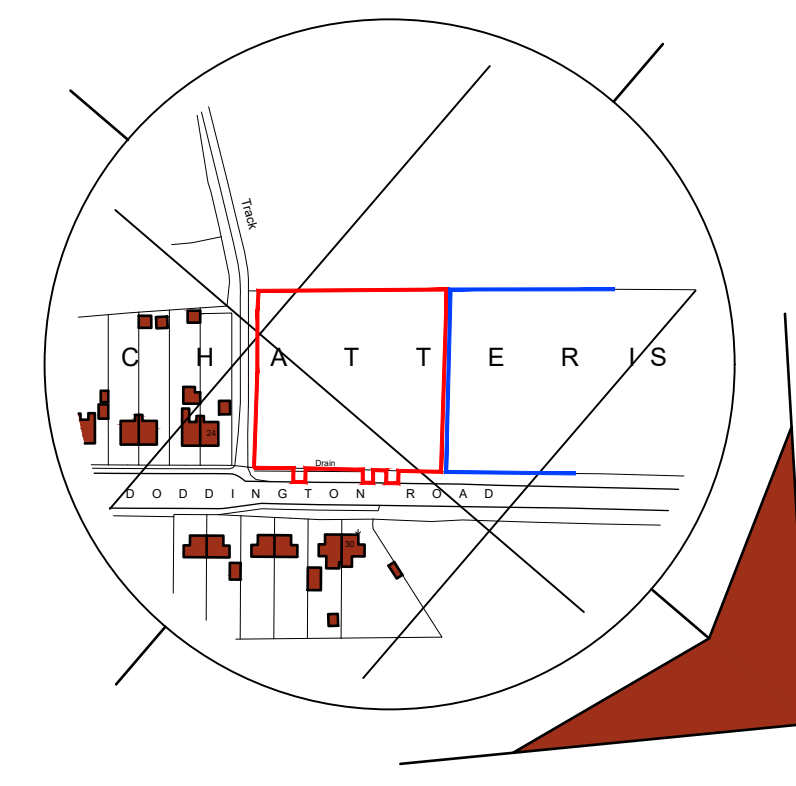
Created on: 06/12/2019

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F/YR19/1031/O

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.

CONSTRUCTION DESIGN & MANAGEMENT REGULATIONS 2015
 The following information must be read in conjunction with the project Risk register. This drawing highlights significant design related Health & Safety Risks present during Construction phase, and Residual Risks which remain post completion. Other Health & Safety Risks associated with Construction Activities may be present, and must be identified by the Principal Contractor prior to works commencing. Design Risks relating to specialist design items must be identified by the relevant specialist designers/ consultants ad issued to the Principal Designer.

SITE PLAN KEY

- Un-surveyed OS buildings
- Existing hedges
- Existing & proposed site access with sealed and drained entrance to CambsCC specification
- Existing site levels
- Existing trees
- Proposed trees
- Proposed grass
- Proposed gravel
- Proposed block paving

Revisions

A	Nov 2019	Road name added to location plan
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FOR APPROVAL



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

Proposed Residential Development Land NW of 24 Willey Terrace Doddington Road, Chatteris PE16 6UD for Mr and Mrs Guy	Job Title Date October 2019	Drawn by G.E. Checked by R.S.
Outline Drawing Indicative Site Plan, Section Front Elevation & Location Plan	Job No. SE1262 Dwg No. PP1000	Sheet Size A1 Revision A

PLANNING APPEAL DECISIONS

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

PA Ref	Site/Proposal	Officer Recommendation	Decision Level	Appeal Decision	Main issues
F/YR18/0888/O	Erection of up to 4 x dwellings involving the formation of 3 x accesses (outline application with matters committed in respect of access) Land North Of Tewinbury House , Mill Lane, Newton-In-the-Isle	Refuse	Committee	Dismissed	<ul style="list-style-type: none"> • Main issues were: <ul style="list-style-type: none"> - The effect of the proposal on the character and appearance of the area; - Whether the proposed development would be safe from flooding; and - Whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities. • Inspector considered that the area was rural in character and site had a prominent location on the approach to the village. Concluding that the scheme would introduce significant residential built form eroding the rural appearance of the lane and causing material harm. Appellant contends in respect of flood risk that 'the EA's Flood Risk Map for Planning is used in applying the Sequential Test unless EA "hazard maps" are available'. Inspector notes zone categorisation is extremely limited. Furthermore, these submissions are not verified by, for example, confirmation from the EA that it considers that the site's flood zone category should be altered' Inspector also goes on to note that the EA consider the Sequential test should be applied and gives this significant weight.

					<ul style="list-style-type: none">• Inspector 'conclude[s] that the appeal site is in Flood Zone 3 for the purposes of this appeal. Accordingly, I concur with the view of the EA and of the Council, namely that it is necessary to consider whether the Sequential Test has been satisfied.' <p>Notes that Draft Approach to the Sequential Test for Housing (DAST) allows for the ST area of search to be agreed as Newton, where the proposal demonstrates a clear objective to sustain particular settlements i.e. an identified need is demonstrated. As the LPA provided evidence that Newton had exceeded its development threshold and that housing targets in 'other locations' - rural area and villages had also been exceeded the Inspector did not consider there was need for the development and as such the provisions of DAST should not be used in determining an area of search and considered the search area should be wider. As such did not consider that the appeal had demonstrated that there are no other reasonable available sites.</p> <ul style="list-style-type: none">• In terms of the sites location there is a 'lack of a footway and street lighting between the site and the village would preclude safe pedestrian access along this section of Mill Lane for the occupants of the development' and 'occupants of the proposed development would need to travel elsewhere in order to meet the majority of their day-to-day needs'. Lack of footpaths also 'likely to discourage occupants of the proposed development from using the bus
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					<p>service’.</p> <ul style="list-style-type: none"> • Inspector concludes ‘that occupiers of the proposed development would be likely to rely on use of the private car for access to almost all of the day-to-day services and facilities they would require’. • Additionally the inspector also noted that this was not an infill site, as it was a large gap and one of the dwellings adjacent was subject of an agricultural occupancy restriction • Noted some representations of local support given other development in the vicinity but attached only minimal weight to the relevance of this. • Finally the Inspector considered that even if the Council could not demonstrate a 5-year housing land supply the tilted balance of Para 11 of the NPPF would not be engaged.
F/YR19/0607/F	Erect a 2-storey rear extension, a single-storey garage to side and the insertion of a roof light to side roof slope of existing dwelling, 21 Willey Terrace, Doddington Road, Chatteris	Refuse	Delegated	Dismissed	<ul style="list-style-type: none"> • Main issues were: <ul style="list-style-type: none"> - The effect of the two-storey extension on the living conditions of the existing occupants of the adjoining property, with particular regard to outlook, shadowing and light. • The Inspector agreed that the development would result in a poor outlook from the first floor window and would therefore be harmful to the living conditions of the existing occupants of the adjoining dwelling.
F/YR19/1085/F	Change of use of land to paddock; formation of manège for private use, Ivy	Granted with conditions	Delegated	Dismissed	<ul style="list-style-type: none"> • Appeal submitted in respect of condition 2 relating to archaeological investigation prior to development; main issue is

	House Farm, Upwell Road, Christchurch				<p>whether the condition is necessary and reasonable.</p> <ul style="list-style-type: none"> • FDC guided by Historic Environment team at CCC • Appellant considered works unnecessary and unjustified given the depth and type of work proposed and that where digs have taken place nearby nothing has been found • Inspector considered the agricultural cultivations which had taken place at similar levels to the proposed manège, inspector highlighted that it wasn't clear as to the extent of drainage and that the condition was not restrictive as it allowed for differing responses • Inspector concluded that the condition was necessary and reasonable.
F/YR18/0573/O	Erection of 35 x dwellings involving the formation of a new access (outline application with matters committed in respect of access and layout), Land east of 10-32 Church Road, Leverington	Refused	Delegated	Dismissed	<p>The main issue in this case is the effect of the proposed development upon the character and appearance of the area, including any effect upon the setting of designated heritage assets.</p> <ul style="list-style-type: none"> • The application was submitted in outline with access and layout for approval and appearance and landscaping reserved. Elements of the submitted plans are therefore indicative. I have dealt with the appeal in the same manner. A revised highways plan was submitted as part of the appeal and given that there are no substantial differences between the plans appeal considered on this basis. • Inspector gave a detailed appraisal of the existing context noting that the <i>'development of the site would mark a significant change to the pattern of</i>

development in the village, pushing the built form of the southern half of the village east of Church Road towards the northern part of the settlement. In doing so the proposal would alter the character of the southern part of the village, which remains primarily linear on the east side of Church Road and on Dowgate Road to a more nucleated form, aping the more modern development to the west of Church Road. This would be noticeable visually from the remaining open section of Church Road to the south of Leverington Hall and from views on Dowgate Road to the south and would adversely affect the character and appearance of the village, failing to respect the existing development pattern maintaining the two sections of the village, thereby also having an adverse effect on the setting of the LCA.'

- Scheme also considered to have a significant effect upon the setting of Roman Bank. It was also acknowledged that harm would be caused, albeit less significantly, to the setting and significance of Reed and Thatched Cottages and Cherry Tree Hill scheduled monument.
- The Inspector did not consider however that the proposal would be harmful to the setting of Leverington Hall and Lancewood due to the space remaining between the Hall and the proposal and the development already present around Lancewood.
- It was also considered that the proposal would constitute a significant change to

the character of the village and would remove many views between the northern and southern halves of the village. Although landscaping buffers to its boundaries this could have the effect of drawing attention to the edges of the scheme in such a flat landscape and where views may remain between Dowgate Road/Little Dowgate towards the north these would be diminished significantly.

- Inspector considered scheme would not be in keeping with the core shape and form of the settlement and would adversely affect its character and appearance.
- Consideration was given to the public benefits of the proposal however do not consider these outweigh the harm to heritage assets in the vicinity.
- Inspector concluded: the proposed development would have an adverse effect upon the character and appearance of the area, including upon the setting of designated heritage assets, and would be contrary to policies LP1, LP3, LP12, LP16 and LP18 of the Local Plan, as well as to the Framework.
- Other matters the appellant also submitted a viability assessment with the appeal however as the appeal was being dismissed on other grounds the inspector noted that he had not considered this matter further; similarly the issue of housing land supply was raised by the appellant, although the appeal did not include a full study; notwithstanding this the Inspector had

					considered the scheme in a positive manner but considered there is clear reason for refusing the development.
F/YR19/0351/PNC04	Change of use from agricultural building to 3 x 2-bed and 2 x 3-bed two-storey dwellings (Class Q (a) and (b)), Farm Building, Bank Farm, Whittlesey Road, Benwick	Delegated	Prior Approval Refused	Dismissed	<ul style="list-style-type: none"> • Main issue is whether the proposal would be development permitted by Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and if so whether the prior approval should be granted for the relevant matters • To facilitate the conversion of the building to 5 dwellings it was intended to remove and replace all the existing cladding from the walls and roof and demolish part of the 1.7m high exterior wall, to create openings for doors and windows at ground floor level. Additionally, a first floor would be added which would be supported off the concrete base. New external cladding would be attached to the existing steel frame and openings for doors and windows would be created in the cladding. This would almost completely cover the existing 1.7m high • external brick wall, where this is retained • The Inspector considered that 'as a matter of fact and degree, that the building works required go well beyond what is reasonably necessary to convert the building to a dwelling house. Therefore, the appeal fails as the proposed development is outside the relevant class i.e. not a conversion of an existing building to a dwelling house, but

					<p>a rebuild.’</p> <ul style="list-style-type: none"> • Inspector also considered that the that the proposed cladding would extend beyond the building envelope and as such would also fail to comply with Class Q1 (h); accordingly even had the Inspector considered that the existing building was capable of functioning as a dwelling the appeal would have failed on this ground. • Although the Inspector acknowledged that a prior approval for the same building had previously been refused on highway grounds alone in 2015 and that this may have raised an expectation that the application should be approved as the highway issue had been resolved he noted that he had determined the appeal on the basis of current guidance and case law.
F/YR18/0778/F	Land south of 58 Back Road, Gorefield	Delegated	Refused	Dismissed	<ul style="list-style-type: none"> • The main issue in this case is the effect on the character and appearance of the countryside. • Inspector provided an overview of the site context and outlined the scope of Policy LP3 • It was identified that there was no agricultural justification for the scheme • The Inspector considered that whilst there was no objection to the detailed design of the proposal, which would be in a traditional form, the scale of the building was considered to represent a prominent intrusion into the countryside, and it was highlighted that the appellant had not submitted any specific justification for the size of the building or

					<p>its proposed location</p> <ul style="list-style-type: none"> • With regard to the access track whilst the Inspector acknowledged that it could be finished in a material to blend it would still increase the perception of the development intruding into the countryside • Concluded that the proposal would harm the character and appearance of the area and conflict with the relevant policies of the plan.
F/YR18/0070/F F/YR19/0164/F F/YR19/0516/F	20 Deerfield Road, March Erection of 4 new dwellings following demolition of existing bungalow	Refuse (all)	F/YR18/0070/F Committee F/YR19/0164/F Committee F/YR19/0516/F Delegated	F/YR18/0070/F Allowed F/YR19/0164/F Dismissed F/YR19/0516/F Dismissed	<ul style="list-style-type: none"> • Main issues were the impact of the proposed dwellings on the amenities of the neighbouring dwellings, and their impact on the character of the area. • The second and third applications were also refused on the basis of poor amenity standards associated with the properties themselves. • The second application was also refused on the basis of a sub-standard vehicular access. • The Inspector found that none of the applications adversely affected the living conditions of neighbouring properties. • They found that the first appeal would result in acceptable living conditions, but the second and third appeals would not. • The second appeal was found to have a harmful effect on highway safety. • None of the appeals were found to have a harmful effect on the character of the area.

All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

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