

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 26 FEBRUARY 2020**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 18)  
  
To confirm and sign the minutes from the previous meeting of 29 January 2020.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR19/1070/F  
Erect a dwelling (2-storey 4-bed), detached garage, and front boundary treatments (fence, gates and piers) at a max height of 2.1m high (approx), Land South Of 72 Fieldside Accessed From, Lake Drove, Coates, Cambridgeshire (Pages 19 - 34)  
  
To determine the application.
- 6 F/YR19/1085/F  
Erect a dwelling (2-storey 5/6-bed) with an integral garage involving the demolition of existing garage, Land South Of, 72 Fieldside, Coates, Cambridgeshire (Pages 35 -

50)

To determine the application.

7 Planning Appeals. (Pages 51 - 56)

To consider the appeals report.

8 Items which the Chairman has under item 3 deemed urgent

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

## PLANNING COMMITTEE



**WEDNESDAY, 29 JANUARY 2020 - 1.00 PM**

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

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

**OBSERVING:** Councillor J Clark, Councillor M Cornwell, Councillor Mrs J French, Councillor Mrs D Laws, Councillor A Miscandlon

### **P60/19      PREVIOUS MINUTES**

The minutes of the meeting of 4 December 2019 were confirmed and signed.

### **P61/19      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.**

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

Sheila Black presented the report to members.

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

1. Councillor Lynn said whilst he had no issues with the principle of development, he was disappointed to see that there would be no Section 106 (S106) contribution.
2. Councillor Benney agreed but highlighted that issues surrounding viability assessments are out of local authorities control and unless Central Government change the formula used, this will continue to be a problem.
3. Councillor Mrs Mayor agreed but highlighted that this application is for a retirement complex and its benefits will be felt across the wider community. She supported the application.
4. Councillor Connor agreed and supported the application.
5. Councillor Sutton concurred but highlighted that the assessments are carried out by experts and the Council cannot argue with these. He added that on many occasions outline planning permission is granted subject to S106 contributions only for viability assessments to be carried out and the scheme deemed unviable. He said officers spend a lot of time processing S106 viability assessments and suggested that their time may be better spent elsewhere as the majority of assessments deem schemes unviable.

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

**P62/19 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.**

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

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

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Mark Frost.

Mark Frost thanked members for the opportunity to speak at today's meeting and explained that he has been a resident of Berryfield for fifteen years. He stated that residents had been given an undertaking that the development would be in-keeping with the current estate and would include an extension to the open space. He stated that this proposal is not in-keeping with existing properties in Berryfield and there is no provision for open space.

He stated that the lack of open space will cause issues for residents of the new development as their children will have nowhere to play safely and stated that children living on the estate would have to walk quite a distance to get to open space. He added that there will be further danger as the proposed development will not benefit from a pavement extension of the existing footpath. Pedestrians will be required to walk in the road to access the site and the road is unlikely to be adopted which can cause a number of issues with street lighting and refuse collection as well as access for the farmer to his adjacent field.

He informed members that the applicants had provided false information in their original planning application as they do benefit from full access to the site from Berryfield and urged members and officers to look into this further.

Mark Frost stated that residents are extremely concerned at the flooding risk to the development and highlighted that there had already been incidents of sewage coming out of drain covers on-site. He stated that should a flood or incident occur once the development is complete; the Council will be held accountable by residents. He stated that current residents on the estate should be protected from disruption during the construction period and asked that if planning permission is granted, a traffic management plan must be implemented to allow residents to enter and exit their homes safely. He stated that the road is already heavily congested with parked vehicles and will only worsen once construction vehicles are on-site.

He disputed the applicant's claims that the site currently has no wildlife inhabiting it and diseased ash trees and said this is completely untrue. He said subsoil on the development has been exposed for almost a year and this has led to many species of wildlife on-site which will need further investigation. He stated that the site was due to be fenced off however this has still not been done and as a result is often victim of trespassers.

He concluded that the development does not provide anything to the community and asked members to refuse the application today.

Members had no questions for Mark Frost.



Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Graham Moore (Middle Level Commissioners).

Graham Moore thanked members for the opportunity to speak at today's meeting on behalf of March Middle Level Commissioners (the Board). He said whilst the Board are not opposed to the principle of development; they are concerned about the water level and flood risk aspect and want to ensure a suitable scheme is in place to minimise flood risk. He stated that drainage is a key element that ultimately will determine the layout of a site and unfortunately is often an afterthought. Whilst he noted that the Lead Local Flood Authority (LLFA) has no objections to the proposal, they may not be totally aware of the issues that remain in silence. The ownership, extent and capacity of the proposed sewer system are not known and it is understood that only Highway water is allowed to discharge into it. He asked where the water from the proposed development will go if this is the case.

Graham Moore stated that the surface water drainage solution is to be offered to Anglian Water for adoption which usually requires the discharge to be into a system that is the responsibility of a suitable authority. In the longer term the tanks may be subject to infiltration due to the high-ground water table which in turn, may reduce its storage capacity. He stated that members should also note that the actual discharge from the site may still be many times that received currently, which in turn will increase the costs much of which is paid by special levies. It is proposed that the road will be used to store surface water during extreme events and he questioned if this was the best solution. He said it is in the interest of all, especially rate-payers, to resolve this issue now rather than later in the process.

He said that the Board concludes that there are many unresolved issues which may affect the proposed layout and suggest that this application be deferred until these matters are resolved. He urged the applicant to discuss these matters with the Board before proceeding any further.

Members had no questions for Graham Moore.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Councillor Cornwell.

Councillor Cornwell explained that he had not objected to the outline planning application for the site as it had been promised that the layout would be appropriate with a suitable provision for drainage, infrastructure and dwelling quality however unfortunately, these have disappeared. He explained that the development extends an original 'Allison' estate which is known for its dwelling size, space and quality however he does not believe the proposal delivers this.

He stated that whilst the site is located within Flood Zone 1 it is immediately adjacent to a narrow strip of Flood Zone 2 which is followed by a larger expanse of Flood Zone 3, both of which are drained by the March Fifth Drainage Commissioners existing infrastructure. He highlighted that the site is considerably lower than Berryfield which is confirmed by the proposal to use a foul sewer pump to lift it to the level of the existing sewer.

He reiterated that the current site already suffers from very wet conditions and the current farmer is only able to grow crops that can be harvested before autumn and winter wetter seasons begins. He stated that increased and quicker run-off from the development will further add to this problem and lead to an increase in costs to the Commissioners as well as increased system demand and maintenance. He asked members to note that whilst the developer will initially make a substantial contribution towards this, if they are not managed correctly the Council and ultimately the tax payer will have to fund the additional costs.

Councillor Cornwell stated that members are being asked to approve a development which simply cannot be approved by the drainage authority and is therefore undeliverable. He stated that these

issues need addressing however pre-drainage advice has been offered to the applicant since 2015 but never taken up. He added that the plan does not show the access to a private drain from Elm Road, March which crosses the site and will need to be relocated as a result of the proposed layout. He stated that there are limits on the capability of the existing system to take increased flow and using the road as an open sustainable drainage system (SuDS) feature is not acceptable and will not comply with LP2 (Health & Wellbeing) of the Local Plan. He highlighted to members that the LLFA have stated their disappointment at the lack of space for open SuDS features too.

Councillor Cornwell stated that the report fails to mention the proven presence of Radon Gas and associated monitoring equipment situated on the site. He stated that they are not included on the plan but provisions must be made to either relocate them or accommodate them within the proposal.

Referencing 10.3 of the report, he asked if the break in footpath would hinder adoption of the road by Highways and whether a revised layout can produce safer access to the site. He also questioned 10.5 of the report which refers to the design relationship with Station Road, March and asked why this is relevant as Station Road is located approximately a mile away from the site.

He concluded by reiterating that the site suffers from a number and mixture of issues, some of which can be resolved and some that are more difficult. He said there was little point members approving the application for a site that currently cannot be delivered. He stated that refusing this application will afford time for everyone involved to work together to produce a safe, quality, enjoyable and appropriate development for the town.

Members had no questions for Councillor Cornwell.

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

Gareth Edwards thanked members for the opportunity to speak in support of this application. He explained that outline planning permission had been granted for 30 dwellings however this has now been reduced to 28 and following discussions, officers recommend approval of the application.

He explained that the original application had included the allocation of S106 funding for open space however following a viability assessment this is no longer possible. Instead, the applicant is willing to contribute £10,000 to an off-site open space provision. He stated that the application is for traditional 3, 4 and 5 bedroom dwellings and the development will not appear out of scale to the existing development. He assured members that drainage proposals are underway and will form part of the application to discharge conditions following approval of this application.

He informed members that a viability assessment had shown a deficit of £105,000 following archaeological investigations however this concluded no further works are required. He asked members to support the officer's recommendation and the associated conditions.

Members asked Gareth Edwards the following questions;

1. Councillor Meekins asked for clarification regarding the contribution to an off-site play provision and stated that £10,000 is a low figure for a development of this scale. Gareth Edwards explained that the original application required no provision for an on-site open space but following a viability assessment, the applicant has made a token contribution of £10,000 to an off-site play area.

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

1. Councillor Hay referenced the update report circulated and asked for confirmation that Cambridgeshire County Council (CCC) are in support of the application. David Rowen confirmed that no objections had been received from CCC.
2. Councillor Benney raised concern in relation to the drainage issues and asked what can be done to ensure that the development benefits from the correct drainage system. David Rowen confirmed that there is a condition attached to the outline planning permission which requires a detailed surface water drainage scheme to be submitted and approved.
3. David Rowen reminded members that the Reserved Matters approval sits under the original Outline Planning Permission and any controls in place under the Outline Planning Permission are still in existence. He added that it is not uncommon for planning permission to be granted where there are other outstanding statutory or legal approvals required. He stated that if Middle Level are not happy with the proposal, this can be dealt with separately under their regulations. He stated that officers are satisfied that the controls in respect of drainage are in place and it would be down to the applicant and consultants to design an appropriate scheme.
4. Councillor Murphy referenced that in 5.1 of the report, it states that if the application is approved, March Town Council request a contribution of £10,000 per property towards the provision of Estover Playing Field. He asked officers if there is a legal requirement for this. David Rowen explained that Item 7 of the agenda will cover this further but confirmed that S106 requirements must be policy-based and he is not aware of a policy that would support this level of contribution.
5. Councillor Mrs Mayor stated that she is not comfortable with the drainage issues on site and is further concerned that the off-site open space provision is not viable as open space is required closer to the development.
6. Councillor Sutton agreed that the application is controversial however reiterated that the Outline Planning Permission has the appropriate conditions attached to it which either will or won't satisfy the relevant bodies. The application today is to decide if the layout is appropriate. In relation to open spaces, he highlighted that the site is located within close proximity of Estover Playing Field and supported officer's recommendation.
7. Councillor Benney asked if it was possible to add a condition in relation to a Traffic Management Plan being implemented on site. David Rowen explained that unfortunately this condition is not included in the Outline Planning Permission and cannot be added although there is other legislation in place to ensure safety arrangements are in place on building sites.
8. Councillor Lynn asked for further information on the lack of pathway in to the development. David Rowen explained a path is shown on the plans, and if there is a lack of path this would be down to land ownership issues however there is a condition attached to the Outline Planning Permission which requires full details of road and footpath layout to be submitted and approved.
9. Councillor Hay stated that all planning permissions should include a condition relating to Traffic Management Plans. David Rowen explained that the Outline Planning Permission was granted in 2014/15 and was not common practise at that time. He reiterated that there is separate legislation in place for the management of building sites.
10. Councillor Meekins stated that he has concerns in relation to drainage on the site and asked what the implications would be for refusing planning permission based on this. Nick Harding reminded members that drainage is not a matter for consideration as part of this planning application and conditions are already in place in the Outline Planning Permission to resolve this.

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

*(Councillor Mrs Mayor abstained from voting)*

**TO PLANNING PERMISSION F/YR14/1020/) (ENTERED INTO ON 16/12/15)  
RELATING TO VIABILITY - LAND SOUTH OF BERRYFIELD, MARCH,  
CAMBRIDGESHIRE.**

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

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

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Mark Frost.

Mark Frost explained that a viability assessment drawn up on behalf of the developers had deemed the scheme unviable and predicts the developers could lose up to £1million based on current market values. He stated that the Outline Planning Permission had been granted subject to a S106 legal agreement however the developers are now stating that complying with this would reduce their profit margin significantly.

He stated that the residents of Berryfield believe the Council have an obligation to uphold such an agreement as it is not the Council's responsibility to ensure the developer makes a certain level of profit. He argued that the S106 agreement must remain and if a reduction is given to the figure requested, the Council are not acting in the best interest of local residents.

He urged members to ensure that the applicants uphold their end of the agreement by either providing affordable housing or a S106 contribution instead. He highlighted that the contributions had been allocated to a number of schemes including; the expansion of Westwood Primary School, improvements to March Library, Estover Playing Fields and March Railway Station.

Mark Frost stated that the applicants have provided the Council with evidence that the site is not viable if they are required to make a S106 contribution and the residents wish them to make this contribution or walk away from the development. He said residents are not happy with the offer of £10,000 and full payment is required to support the community. He added that the development is purely being built out of 'greed not need'

He said as elected members, it is the Council's responsibility to look after the interest of residents and not developers and asked that they make the right decision for those they represent.

Members had no questions for Mark Frost.

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

1. Councillor Benney stated that whilst he sympathises with residents, there is little members can do in relation to viability assessments. He stated that if the case was to be appealed and costs awarded this would cost the Council and ultimately residents. He highlighted that the Planning Committee must not make bad decisions against policy.
2. Councillor Connor agreed with these comments.

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

**P64/19 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.**

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

Sheila Black presented the report to members.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, from Councillor Miscandlon.

Councillor Miscandlon thanked members for the opportunity to speak and explained that both local residents and Whittlesey Town Council believe that this application is not compliant with policy as development will be detrimental to local residents. He stated that the development will overshadow neighbouring gardens which can have a detrimental impact on the health and wellbeing of those that reside there.

He explained that the access to the site is via a very dangerous junction which is currently used by farm vehicles, cyclists and horse riders. Increased traffic will make the junction unacceptable. He disagreed with the comments provided by Highways and stated that an in depth study into this is required. He asked members to refuse the application due to the detrimental impact the development will have on local residents.

Members had no questions for Councillor Miscandlon.

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

1. Councillor Mrs Mayor stated that the applicant does not own the access into the development and asked what impact this would have. David Rowen explained that land ownership is not a planning issue and should not form part of member's consideration.
2. Nick Harding reminded members that this is a Reserved Matters Application and access does not form part of this application. He highlighted that the lane is a public highway and irrespective of ownership, benefits from a right of way.
3. Councillor Mrs Mayor stated that she does not support the application due to the varying size of proposed dwellings and the impact this will have on neighbouring properties. She added that she has further concerns about the impact of increased traffic from the site and disagreed with Highways comments.
4. Councillor Sutton supported the proposed layout. He said during the Committee's Site Visits he had been concerned about the width of the access into the site but had since revisited the site and was now satisfied that there is space for vehicles to pass one another.
5. Councillor Meekins stated that members must accept that Highways are happy with the application and planning permission cannot be refused on this basis.

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

*(Councillor Mrs Mayor abstained from voting)*

*(Councillor Mrs Mayor declared an interest by virtue of the fact that she is a member of Whittlesey Town Council)*

**P65/19 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.**

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

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

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Councillor Haggata (Chatteris Town Council).

Councillor Haggata stated that he is attending today's meeting as Chairman of Chatteris Town Council's Planning Committee. He stated that he strongly supports the application based on comments received from local residents. Local residents have highlighted that the building has been derelict for a number of years and they are keen to see development due to ongoing issues with anti-social behaviour and vandalism on the site. He read out to members several letters of support from residents and asked that their comments are considered during deliberations.

Members had no questions for Councillor Haggata.

Members received a presentation in objection to the application, in accordance with the Public Participation Procedure, Ian Mason (Chatteris Past, Present and Future).

Ian Mason thanked members for the opportunity to speak and explained that the property dates back to 1757 and is still standing today. He highlighted that previous applications submitted had been for the conversion of the existing building and said it was disappointing that the Planning & Heritage statement submitted neglected to include information about the building's heritage.

He informed members that the building has had many uses over the years including being used as a Quaker House until the 1920's. He said based on this, the property should be considered a heritage asset and The National Planning Policy Framework (NPPF) states that neglect of an asset should not be a reason for demolition. He highlighted to members that the building is included as part of the 'Chatteris Town Walking Trail' which visits historical sites in the town.

Ian Mason informed members that he has significant concerns in relation to a potential burial site within close proximity of the development as there is no documentation that confirms it has ever been relocated. He highlighted that if the application is approved and it is determined that the burial site is still in-situ this will be both detrimental to the development and costly. He asked members to take this into consideration during their decision making.

He concluded by informing members that a visit to Chatteris from Historic England is scheduled to take place in the near future and he had hoped that this building would receive the recognition it deserves as an important heritage building.

Members had no questions for Ian Mason.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from David Brooks (Applicant).

David Brooks thanked members for the opportunity to speak and explained that he had lived and worked in Chatteris for 30 years. He stated that he intends to use the proposed dwellings as homes for both himself and his sister, who is a care worker. He said the development will rejuvenate part of the town and will provide sympathetic, energy efficient and sustainable homes.

He explained to members that the site has suffered from anti-social behaviour and vandalism and the proposed works will put a stop to this. He confirmed that he had evidence to show the changes to the building over the years proving that many of the original features have been lost. As a result

of this, the property has very little original woodwork or brick remaining.

In relation to the alleged burial site, he understands that there was a burial ground between 1892 - 1914 but it is located outside of the site boundary. He confirmed that Chatteris Town Walking Trail references this. He reiterated the support the application has received from residents and asked members to grant planning permission today.

David Brooks showed members a document he had which stated that the property had suffered from severe fire damage in 1878.

Members asked David Brooks the following questions;

1. Councillor Meekins asked for clarification that the existing burial ground has been built over. David Brooks stated that the burial ground is located under the entrance of the adjacent road.

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

1. Councillor Marks asked for confirmation that the building is not a listed building. Officers confirmed this.
2. Councillor Benney stated that as a local resident he has been aware of this site for a number of years. He reiterated that the building has few original features and has changed over time. He highlighted to members the varying types of brickwork and roofing they witnessed during the site visit. He said the current building is not fit for purpose and as the application is for a sympathetic design it would enhance the town.
3. Councillor Lynn agreed that during the site visit he saw very little evidence of the original building. In his opinion, even with extensive renovation work, very little of the original building will be salvageable.
4. Nick Harding stated that whilst members may not agree that the property is a heritage asset, it is included on the town's historical walking trail and this should be considered. He suggested that if members are minded to grant planning permission, conditions should be added requiring the building to be recorded and preventing the demolition of the building prior to a suitable contract being in place.
5. Councillor Murphy stated that the address is incorrect as the property is clearly fronting Ash Grove and The Grove, Chatteris.
6. Councillor Murphy disagreed that the site contributes to the character of the area as it is an eye-sore located in an otherwise presentable street. He explained that a development had taken place recently on the opposite side of the road which had vastly improved the appearance of the locality and this development had had no concerns raised in relation to its heritage or proximity to the town's conservation area.
7. Councillor Murphy echoed member's comments in relation to the fire damage and subsequent repair works to the building and stating that the property is only of single-skin construction which would not be suitable for modern day conversion. He highlighted that the new development would offer off-street parking for two vehicles per dwelling which is rare and sought after in the town-centre location.
8. Councillor Murphy stated that Chatteris Town Council and CCC have no objections to the application as well as many residents of the town. He stated that whilst he supports protection of heritage sites, he believes applications should be considered on their own merits and he sees no planning reason as to why planning permission should not be granted due to the enhancement the development would bring to the area.
9. David Rowen reminded members that a previous application had been submitted which proposed the conversion of the existing building. Unfortunately no supporting or structural information has been provided with this application to show that this is no longer a viable option and warrant going against planning policy.
10. Nick Harding requested that if members are minded to approve planning permission

delegation is given to officers in regards to the associated conditions relating to materials, archaeological investigation, heritage registration and permitted development rights in line with the NPPF.

11. Councillor Benney stated that he does not wish limiting conditions to be placed on the application if it is to make the scheme unviable for the applicant and would like officers to consult with members in relation to this.
12. Councillor Murphy agreed with this request.
13. Councillor Hay agreed but highlighted that a condition regarding archaeological investigation is required in light of the potential burial ground.
14. Councillor Mrs Mayor asked if the earlier planning application on the site had conditions imposed regarding archaeological investigations. Nick Harding confirmed that the previous planning application did not include this condition.
15. Councillor Sutton agreed that members should be involved in the decision surrounding attached conditions, if planning permission is approved.

**Proposed by Councillor Murphy, seconded by Councillor Mrs Mayor and decided that the application be APPROVED; against officer's recommendation.**

**Members approved the application against officer's recommendation for the following reasons; the property is not a listed building and development would enhance the area.**

**It was decided that the conditions imposed on the planning permission be agreed in conjunction with Councillor Connor, Councillor Murphy, Councillor Mrs Mayor and Councillor Benney.**

*(Councillor Lynn left the meeting at 3.15 PM)*

*(Councillors Benney, Hay and Murphy declared an interest by virtue of the fact that they are members of Chatteris Town Council but take no part in planning matters)*

*(Councillor Sutton declared a non-pecuniary interest by virtue of the fact that the agent is his nephew)*

**P66/19 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.**

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

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

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Councillor John Clark.

Councillor J Clark thanked members for the opportunity to speak and stated that whilst he knows the applicant he has no pecuniary or non-pecuniary interest in the property. He explained that he had grown up in this area and is familiar with both the site and applicant. As a former member of St. Wendreda's church choir, he is keen to ensure development does not cause detrimental harm to however in his opinion; the proposal will only enhance the area.

He highlighted that the replacement dwelling will be a similar size to the previous site as there was previously a large wooden shed which was in poor condition. He reminded members of the 29 letters of support the application had received, including a letter of support from the minister of St.



Wendreda's and a Planning Officer who lives in the locality.

Councillor J Clark disagreed that the development will have a visual impact on the church and argued that the nearby eco-house built by Tommy Walsh has far greater a visual impact than this proposal. He reiterated that the application will be an improvement to the locality and asked members to support the application.

Members had no questions for Councillor J Clark.

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

Matthew Hall thanked members for the opportunity to speak and explained that the applicant had resided in the property for 62 years before it was destroyed by fire in April 2019. He highlighted that the application proposes that the property be set further back into the site and on all boundaries to prevent obstruction of views to the church.

Matthew Hall highlighted to members the differing property styles located in Church Street. He explained that the proposal had been developed over a number of months and confirmed that the applicant would be happy to agree to conditions in relation to external materials. He reiterated that the property will cause no overlooking or overshadowing to neighbouring dwellings and has received a lot of support from both local residents and the minister of St. Wendreda. He asked members to approve planning permission.

Members had no questions for Matthew Hall.

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

1. Councillor Sutton said whilst he has taken into consideration the officer's recommendation, most of the comments received from local residents and the minister have been in support of the application. He agreed that there is a vast array of property types in the locality and the proposal will not have a detrimental visual impact on the church.
2. Councillor Murphy agreed and stated that he cannot understand why planning permission should not be granted due to the mixture of existing property types in the road.

**Proposed by Councillor Sutton, seconded by Councillor Murphy and decided that the application be APPROVED; against officer's recommendation.**

**Members approved the application against officer's recommendation for the following reasons; the development will enhance the area and benefit the local community.**

**Members agreed to delegate authority to officers to formulate conditions.**

**P67/19 F/YR19/0931/O - ERECT UP TO 9NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) - LAND SOUTH OF 137, UPWELL ROAD, MARCH, CAMBRIDGESHIRE.**

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

David Rowen presented the report to members.

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

Gareth Edwards thanked members for the opportunity to speak. He explained that the site extends into two neighbouring gardens and benefits from a number of existing outbuildings. He highlighted that the development will be located behind the adjacent Upwell Park site and therefore be a continuation of the built form of Upwell Road.

Gareth Edwards stated that the site benefits from established boundaries which the applicant was advised would encourage wildlife. Whilst no requests for biodiversity reports have been made, the applicant is happy to comply with this if necessary. He highlighted the support from all statutory consultees as well as March Town Council and neighbouring residents. He stated that the site will appeal to both self-build and small local developers and is very similar to other developments located throughout the district.

Gareth Edwards reiterated the established boundary on the site and reminded members of the existing outbuildings in-situ already. He asked members to approve the application which will provide completed development on a prime route into March.

Members asked Gareth Edwards the following questions;

1. Councillor Sutton asked if there had been any discussions with owners of the plot immediately adjacent to Upwell Park. Gareth Edwards confirmed there had but the owners were not interested in including their site in this development.

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

1. Councillor Murphy agreed with officer's recommendation to refuse planning permission.
2. Councillor Hay agreed and highlighted the appeal which was dismissed by the Planning Inspector on another similar site in Upwell Road and added that granting planning permission will set a precedent for others.
3. Councillor Sutton stated that he regularly drives past the site and has no issue with the visual impact the development may have. He stated that as members have refused a similar scheme in Upwell Road he has reservations about approving this application as the Planning Committee must be consistent in its decision making.
4. Councillor Benney supported the application and said the application would provide 9 properties for local residents set within a nice development.
5. Councillor Mrs Mayor asked when the other site in Upwell Road was considered by the Planning Inspector as part of the appeals process. David Rowen confirmed that the appeal took place in October 2019.

**Proposed by Councillor Meekins, seconded by Councillor Murphy that the application be refused as per officer's recommendation.**

**A vote was taken and the proposal failed.**

6. David Rowen reminded members of an appeal decision at another site located on Upwell Road and stated that members must consider the Planning Inspector's comments in relation to the prevailing pattern of frontline development and his statement that Upwell Park is an anomaly. He urged members to consider these comments when making their decision.
7. Councillor Marks highlighted the existing buildings on this site and asked if there were outbuildings located on the appeal site. David Rowen confirmed there were no outbuildings located on the appeal site. However the application would not be classified as previously developed land.
8. Councillor Benney highlighted the support received by March Town Council for this application and urged members to consider this.
9. Councillor Sutton stated that whilst the Inspector's decision should influence members, this

site differs to the appeal site. He added that whilst the Inspector views Upwell Park as an anomaly, it does exist and adds to the built form of Upwell Road. He highlighted that the appeal site is not located within as close proximity to Upwell Park as this proposed development either.

10. Councillor Mrs Mayor highlighted 10.4 of the report and said she supported the application.

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

**Members approved the application against officer's recommendation for the following reasons; the development will not be detrimental to the local area and will enhance the town.**

**Members agreed to delegate authority to officers to formulate conditions.**

**P68/19 F/YR19/0972/FDC - ERECT 1NO DWELLING (OUTLINE APPLICATION WITH ALL MATTERS RESERVED) - LAND EAST OF, 80 UPWELL ROAD, MARCH, CAMBRIDGESHIRE.**

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

David Rowen presented the report to members.

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

1. Councillor Connor stated that he can see no issues with the site and supported the application.

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

*(Councillors Benney, Clark, Hay and Murphy declared an interest by virtue of the fact that they were members of Cabinet and have been involved in the decision making in relation to this proposal. They took no part in the discussion or voting for this item)*

**P69/19 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**

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 Gareth Edwards (Agent).

Gareth Edwards thanked members for the opportunity to speak and stated that development of the site will match the dwellings opposite to complete the built form of the area. He reminded members that under the Local Plan, Chatteris is considered an important area of development for the district.

He stated that the three plots will appeal to local self-build developers as there is currently a shortage of suitable building plots in Chatteris. He confirmed that the applicant has agreed to install hedging to the boundary to prevent future spread of development and the application has

received no objections from statutory consultees. He added that the site is not currently used for agricultural purposes and will provide a diverse housing mix to the town. He asked members to approve the application.

Members asked Gareth Edwards the following questions;

1. Councillor Hay asked why the applicant has only applied for planning permission on a small portion of the site. Gareth Edwards confirmed that this was to ensure development matches the built form of the properties opposite. He reiterated that the applicant proposes boundary hedging to stop further spread of development.

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

1. Councillor Benney agreed that this would complete the built form of the road and will improve the appearance of the surrounding area. He welcomed quality development in Chatteris and said the town needs developments like this.
2. Councillor Meekins disagreed and highlighted that the drawings show that the site will extend the built form of the properties opposite.
3. Councillor Murphy stated that the road currently has a 'stop line' of development and this should be adhered to. He stated that if planning permission is granted for three dwellings, this will no doubt spread over time. He agreed with officer's recommendation to refuse planning permission.
4. Councillor Sutton agreed that the site would complete the built form and questioned why an application had not been submitted to develop the whole site as this would have been appropriate.
5. Nick Harding informed members that he would need them to provide planning reasons if they are minded to approve planning permission. He reminded members that Highways do not approve the proposed access and footway and recommended that if members grant planning permission, it is subject to a satisfactory plans being submitted by the applicant.
6. Councillor Marks asked if a condition could be added to planning permission in respect of street lighting. Nick Harding confirmed that this would be the decision of CCC.
7. Councillor Sutton asked why the development would require a footpath as there is one the opposite side of the road. David Rowen explained that there is a footpath that serves the adjacent plots and this should be extended to serve the new dwellings.
8. Councillor Mrs Mayor highlighted that if the footpath is to be extended this would need to be agreed with the relevant Internal Drainage Board as there is a ditch to the front of the plot.

**Proposed by Councillor Hay and seconded by Councillor Meekins that the application be refused as per officer's recommendation.**

**A vote was taken and the proposal failed.**

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

**Members approved the application against officer's recommendation for the following reasons; the development will complete the built form of the dwellings opposite and the detriment of the development is outweighed by the benefit it will bring.**

**Members agreed to delegate authority to officers to formulate conditions and dependent upon an acceptable revised plan being submitted illustrating footpath provision along site frontage.**

*(Councillors Benney, Hay and Murphy declared an interest by virtue of the fact that they are members of Chatteris Town Council but take no part in planning matters)*

**P70/19      PLANNING APPEALS.**

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

4.50 pm

Chairman

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**F/YR19/1070/F**

**Applicant: Mr John Mawby**

**Agent : Mr Andy Brand  
The Abbey Group**

**Land South Of 72 Fieldside Accessed From, Lake Drove, Coates, Cambridgeshire**

**Erect a dwelling (2-storey 4-bed), detached garage, and front boundary treatments (fence, gates and piers) at a max height of 2.1m high (approx)**

**Officer recommendation: Grant**

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

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## **1 EXECUTIVE SUMMARY**

- 1.1 The site benefits from an extant planning permission for residential development granted at appeal where it was found that whilst some harm to the character of the area would arise, it would not be so significant so as to refuse permission.
- 1.2 Furthermore, development for a modern 4 dwelling scheme has been approved on the adjacent site which would markedly change the open character of the area
- 1.3 The proposal would result in the introduction of a custom/ self-build dwelling.
- 1.4 The layout and general massing and scale of the development would not severely harm the character of the area in design or scale terms and would provide adequate amenity to future occupiers whilst protecting neighbouring amenity. Finally, through the use of planning conditions, the site could incorporate biodiversity features to mitigate its impact and provide opportunities to enhance biodiversity in and around the site.
- 1.5 Having regard to the development plan and the aims of the NPPF when read as a whole, the proposal would constitute sustainable development for which there is a presumption in favour of.
- 1.6 The recommendation is for approval

## **2 SITE DESCRIPTION**

- 2.1 The site lies to the south-west of Coates on the western side of Fieldside and is accessed via Lake Drove. The site is bounded to the east by a sporadic hedgerow and along the western boundary by a mixture of hedgerow and fence. The northern and southern boundaries are currently open.

- 2.2 The land immediately north of the site is also in the applicant's ownership and leads to Fieldside (track) which also currently serves 2 dwellings.
- 2.3 The character of the immediate area between Fieldside (track) and Lake Drove is of countryside with only sporadic housing generally dominated by undeveloped spaces, trees and hedgerow and with open farmland extending north and southwards from the site. The area is considered to be rural in character when compared to the more built up area of Coates to the north east of Fieldside with a reversal of open space versus housing ratio.
- 2.4 The site lies in Flood Zone 1

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for the erection of a 2-storey dwelling with detached garage. The dwelling is stated to be a custom/ self-build dwelling which draws on traditional design features including Georgian sash-style windows, a central gable with dormer roof windows and chimneys. It is proposed to be finished externally in slate grey roof tiles, Clipsham Stone facing walls and timber doors (window material yet to be confirmed). The dwelling measures 9.6m in height to the main ridge with a drop in the side extension element to 8.7m and 7.2m height for the rear projection.
- 3.2 The garage is 6m in height and provides sufficient space for up to 3 cars. It incorporates an attic area indicated to be for storage. It is proposed to be finished in the same materials as the dwelling.
- 3.3 The dwelling is accessed via Lake Drove along the south of the site and is proposed to be enclosed along the southern boundary by a 1.2m high estate rail fence incorporating a pair of wide timber gates hung from 2.1m high stone built piers.
- 3.4 The dwelling occupies a footprint of c.310m<sup>2</sup> with c.418m<sup>2</sup> of rear garden. Fencing is proposed along the remaining boundaries to secure this area of private amenity space.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>



## 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR19/1085/F	Erect a dwelling (2-storey 5/6-bed) with an integral garage involving the demolition of existing garage	Pending
F/YR19/0500/F	Erect 2 dwellings (1 x 3-storey 6-bed with detached 2-storey triple garage and 1 x 3- storey 5/6-bed with garage) with 1.5 (2.2 max) metre high brick front boundary walls - Land South of 72 Fieldside	Withdrawn 01.08.2019
F/YR17/0085/O	Erection of up to 2 x dwellings (Outline application with all matters reserved) - Land South Of 72 Fieldside	Allowed at Appeal (APP/D0515/W/17/3190527)
F/YR15/0090/O	Erect 3 dwellings - Land South Of 72 Fieldside	Dismissed at Appeal (APP/D0515/W/15/3131297)
F/YR08/0773/F	Erect 1 dwelling and a garage and 2 dwellings - Land South Of 72 Fieldside	Refused 14.10.2008
F/YR05/0942/O	Erect 1 dwelling and garage and demolition of existing dwelling and shed - 72 Fieldside, Coates	Granted 07.10.2005

### Other Relevant Planning History

Reference	Description	Decision
F/YR17/1062/F	Erect 4 dwellings with garages - Land South East Of 70 Fieldside	Granted 15.03.2018
F/YR16/0593/F	Erect 4 dwellings with garages - Land South East Of 70 Fieldside	Granted 31.08.2016
F/YR15/0450/F	Erect 4 dwellings with garages - Land South East Of 70 Fieldside	Dismissed at Appeal (APP/D0515/W/16/3143188)

## 5 CONSULTATIONS

### 5.1 Whittlesey Town Council

No objection

### 5.2 Middle Level Commissioners

No comments received

### 5.3 Cambridgeshire County Council Highways Authority

No objection subject to conditions securing the provision of the access and parking and turning area prior to the first occupation of the development.

### 5.4 Environment & Health Services (FDC)

Raises no objections. Considers it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.

### 5.5 Local Residents/Interested Parties

12 letters of objection received from 9 households raising the following matters;

- Access
- Anti Social behaviour
- Density/Over development
- Design/Appearance

- Devaluing property
- Environmental Concerns
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Parking arrangements
- Proximity to property
- Shadowing/loss of light
- Traffic or Highways
- Trees
- Visual Impact
- Wildlife Concerns/ loss of natural habitat
- Would set a precedent
- Creates a new building line off Fieldside
- Removal of trees including one with a TPO
- Drainage (foul)
- Local Schools unable to cope
- Too big
- Coates has large properties for sale – need for more?
- Lack of affordable homes
- Development previously refused
- Clarification on the number of bedrooms – drawings and design and access statement conflict
- Only a small reduction in size from the previous application
- Does not comply with policy
- Waste/ litter
- No footpath
- Larger than that approved at Outline permission
- The planning agent is a relative of a council employees including one from the Planning dept.

7No. letters of support received from 7 households raising the following matters;

- The dwelling is well-thought out
- Would benefit the village and provide a family home
- Supports the Council's progressive approach of quality and interesting housing
- Access, parking and open space incorporated
- Outline permission has been granted for development of this site
- Complies with policy
- Compliments the new housing built in the village
- The site is positioned between a house and a new housing development of varying styles
- A high tree line defines the site and therefore does not impede existing views
- Would improve the road line
- Respects the amenity of neighbours
- Makes use of the land
- Will support local business
- Has been significantly amended form the previous application

## **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)**

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

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

Context

Identity

Built Form

Nature

Homes and Buildings

Resources

### **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

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

LP19 – The Natural Environment

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

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

## **8 KEY ISSUES**

- **Principle of Development**
- **Scale, Appearance and Layout**
- **Residential Amenity**
- **Access & Highways**
- **Biodiversity & Landscaping**
- **Resident Comments**

## **9 BACKGROUND**

- 9.1 The site forms the southern half of a wider site which benefits from outline planning permission for 2 dwellings (F/YR17/0085/O). The outline permission indicated one dwelling in the northern half and one in the southern half. Only access was committed at outline stage and therefore scale, layout, appearance and landscaping were reserved for future consideration. Under the appeal, the

Inspector found that whilst some harm to the character of the area would arise through development of the site, it would not be so significant so as to refuse permission having regard to the NPPF 'tilted balance' that applied at that time.

- 9.2 An application for development of 2 dwellings at the site was withdrawn last year, to enable further discussion over the scale, layout and appearance of the dwellings (F/YR19/0500/F).
- 9.3 The wider site has now been split into 2 separate application submissions. This application has been submitted alongside a separate application (F/YR19/1085/F) for the development of the northern half of the site.
- 9.4 The land adjacent to the east also benefits from extant planning permission for the erection of 4 dwellings (F/YR17/1062/F) which front onto Fieldside. Whilst this scheme has not yet been implemented, Officers are not aware of any reason why this site would not eventually come forward for development and therefore consider that the scheme is material to the consideration of this application.
- 9.5 The planning agent has declared within the application submission that they are related to Officers of the Council.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The site benefits from outline planning permission for residential development (F/YR17/0085/O) which remains extant. As such, the principle of development is accepted.

### **Scale, Appearance and Layout**

- 10.2 As noted above, the current character of the area is relatively open and rural, particularly when compared to the eastern side of Fieldside which has a denser arrangement of dwellings. However, regard is had to the principle of developing the site following the granting of permission at appeal in 2018. Furthermore, it is also acknowledged that permission exists for 4 dwellings on land immediately east of the site. Cumulatively, this would notably change the density and scale of development in this location and therefore the open character of the area. It is with this in mind that the proposal is considered.
- 10.3 Policy LP16 of the FLP seeks to achieve high quality environments. Criteria (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, responding to and improving the character of local built environments and avoiding adverse impacts in design or scale terms on settlement patterns and landscape character. Chapter 12 of the NPPF sets out that to achieve well-designed places, development should be visually attractive as a result of good architecture, should be sympathetic while not discouraging appropriate innovation or change.
- 10.4 The overall scale, width and layout of the dwelling has been substantially changed from the previous submission. The initial submission indicated a dwelling with a ridge height of c.10.8m with an overall width of 18m and was considered by officers to result in significant visual harm. The overall massing has been reduced with a narrowing of the dwelling by c1.2m and the dwelling has been moved to the western boundary with the garage now alongside the eastern side. This now brings it away from the eastern boundary primarily to improve

separation between the 4 approved dwellings along Fieldside. The western boundary abuts the access road leading to no.74.

- 10.5 The dwelling is 2-storey (plus attic space) which accords with the general scales of dwellings in this location, having regard to No.74 Lake Drove (west) which is c.7.5m in height and the extant permission for 4 dwellings to the west of the site (F/YR17/1062/F) which are c.8.2m in height. Whilst it is noted that the dwelling is higher than those adjacent, given the range of scales in the immediate vicinity of both existing and approved developments and the set-back positioning of the proposed dwelling, it is considered that the scale of the dwelling would not result in substantial visual harm to the area.
- 10.6 The dwelling is unique in design in comparison to those in the immediate area and in this regard, the development will contrast with the simpler and at times uniform appearance of dwellings in the locality – notably along the eastern side of Fieldside. The design and access statement submitted notes that the building will be constructed using natural materials – stone facing walls and timber doors. It is noted that similar stone facing has been incorporated into the ‘Minuet Village’ at the western side of Coates.
- 10.7 Given its set back positioning and taking into account existing and proposed developments adjacent, it is considered that the dwelling whilst notable would not result in visual dominance, subject to securing suitable landscaping.
- 10.8 The layout gives consideration to neighbouring properties, providing adequate separation from these properties to avoid overshadowing or overbearing impacts. In addition, the development would secure appropriate levels of on-site turning and parking in accordance with the parking standards as set out under Appendix A of the FLP and would provide adequate and proportionate private amenity space - exceeding that set out under LP16(h) of the FLP.
- 10.9 Some concerns have been raised over whether the roof space is intended to support further bedrooms, whereas the plans denote this is intended for storage space. In this regard, there may be potential for the attic space to support additional bedrooms. If this was the case, given the size of the plot supporting the dwelling, it is not considered that a 6-bedroom property in this location would lead to unacceptable living standards or highways harm.
- 10.10 In summary, the proposal would result in the introduction of a distinct form of development which incorporates high quality materials. Furthermore, the layout and general massing and scale of the development would not severely harm the character of the area in design or scale terms and would provide adequate amenity to future occupiers.

### **Residential Amenity**

- 10.11 As noted above, the dwelling has been amended to address initial concerns over its scale and massing with regard to impacts on adjacent properties. It is considered that the development would not now result in overshadowing, loss of light or have overbearing impacts. Furthermore, the locations of windows, particularly upper floor windows are arranged so as not to result in overlooking to the east, west or southern boundaries. Where windows do face onto these boundaries, they are proposed to serve non-habitable rooms and can therefore be reasonably controlled via condition to incorporated obscure glazing. The one exception to this is the window serving bedroom 4 which would face onto the front

driveway space of no.74 (west). It is considered that views from this window would not compromise the amenity of occupiers of this property notwithstanding the trees that lie along this boundary.

### **Access & Highways**

- 10.12 As noted above, the principle of development of the site was accepted by the Planning Inspectorate in 2018 whereby matters of access were considered and found to raise no concerns. Whilst several residents have raised concerns over the impact of the development on traffic and general access problems, no evidence exists to indicate that the conclusions drawn by the Planning Inspector should be any different now. Notwithstanding this, the LHA has raised no objection to the scheme subject to standard conditions securing parking and turning. As such, it is concluded that the proposal would not result in any unacceptable transport impacts and complies with the aims of policy LP15 of the FLP.
- 10.13 Some residents have raised concerns over the lack of footpath in this location. Again, this was not an issue identified by the planning Inspector at the previous appeal and was therefore not secured. In this regard, it would not be proportionate or reasonable to require such infrastructure.

### **Biodiversity & Landscaping**

- 10.14 It is noted that some clearance work has been undertaken across the site resulting in the removal of some trees and hedgerow. Notwithstanding this, the planning application submitted originally which secured permission for development of the site was accompanied by an ecological survey. At that time the Council's Wildlife Officer concluded that some site clearance was acceptable subject to standard controls – avoiding such works during breeding and nesting seasons and that mitigation by way of bird and bat boxes, hedgehog fencing and native planting could be reasonably secured via planning condition.
- 10.15 Whilst the site incorporates no protected trees, it is noted that an Ash tree formerly at the south west corner of the site has been removed. Its loss therefore results in a net loss to biodiversity, particularly when combined with the partial removal of hedgerow along the boundaries. In order to comply with national and local policy therefore, the development would need to demonstrate that a mitigation package would be delivered which would result in (as a minimum) a neutral impact on biodiversity.
- 10.16 It is considered that there are no material changes to the site conditions since this time (other than the clearance works) to indicate that the imposition of conditions securing appropriate tree and hedge replacement along with bird, bat and hedgehog measures would not satisfactorily mitigate the impacts of the development and provide some biodiversity enhancement to the site.
- 10.17 As such, it is concluded that subject to conditions securing the aforementioned landscape and habitat enhancement features, the development would not result in severe harm to biodiversity and would provide enhancement opportunities in accordance with Policy LP16(b) and LP19 of the FLP.

### **Resident Comments**

- 10.18 Whilst it is considered that most comments and concerns raised have been addressed in this report the following matters require consideration;

*Anti-Social behaviour (ASB)*

- 10.19 It is not anticipated that the design and location of the development would in itself result or encourage any ASB issues.

*Devaluing property*

- 10.20 The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.

*Loss of view/Outlook*

- 10.21 Whilst it is noted that outlook for some existing residents will change as a result of the development given that the site is undeveloped at this time, the changes are not considered to unacceptably compromise residential amenity. In respect of loss of views - the planning system operates in the public interest and there is no right to a private view within planning legislation.

*Noise*

- 10.22 The residential use of the site for 1 dwelling is unlikely to yield significant adverse impacts through noise. Notwithstanding this, the Council's Environmental Protection team have legislative powers to control statutory noise nuisance where this arises.

*Would set a precedent*

- 10.23 All applications are to be considered against the development plan as required by law (unless material considerations indicate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

*Drainage*

- 10.24 The application form indicates that foul and waste water disposal methods are yet to be finalised and that surface water would be managed through sustainable drainage systems (not specified). Given the scale of the development, no concerns are raised on this basis, particularly given the presence of dwellings immediately adjacent and particularly that no such concerns were raised, or further details required under the Outline permission. Notwithstanding this, Building Regulations would require demonstration that drainage is adequately managed and follows the drainage hierarchy as laid out under Approved Document H of The Building Regulations 2010.

*Local Schools unable to cope*

- 10.25 The principle of a dwelling at this location was accepted under the aforementioned outline permission where no such issues were raised. There is no evidence to suggest that this position has altered and therefore does not warrant refusal on this basis.

*Coates has large properties for sale – need for more?*

- 10.26 The development plan identifies that a range of dwellings are required to meet all accommodation needs across the district. Furthermore, the FLP supports the principle of custom/ self-build properties. Notwithstanding this a recent review of local property listings indicates a range of property sizes are available for sale and rent at present.

*Lack of affordable homes*

- 10.27 The proposal is for one dwelling whereby the Council's planning policies do not enable them to secure affordable housing against schemes of this size.

*Waste/ litter*

- 10.28 Whilst no specific concerns have been provided, it is not considered that the day to day running of a single dwelling would result in any significant issues in respect of waste or litter.

## **11 CONCLUSIONS**

- 11.1 The site benefits from an extant planning permission for residential development granted at appeal where it was found that whilst some harm to the character of the area would arise, it would not be so significant so as to refuse permission. Furthermore, development for a modern 4 dwelling scheme has been approved on the adjacent site which would markedly change the open character of the area.
- 11.2 The proposal would result in the introduction of a large home which would incorporate materials used elsewhere within the settlement and would add interest to the streetscene. Furthermore, the layout and general massing and scale of the development would not severely harm the character of the area in design or scale terms and would provide adequate amenity to future occupiers whilst protecting neighbouring amenity. Finally, through the use of planning conditions, the site could incorporate biodiversity features to mitigate its impact and provide opportunities to enhance biodiversity in and around the site.
- 11.3 Having regard to the development plan and the aims of the NPPF when read as a whole, the proposal would constitute sustainable development for which there is a presumption in favour of.

## **12 RECOMMENDATION**

### **Subject to the following conditions**

The proposed conditions are as follows;

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.
2	No works shall proceed above ground level until a scheme of biodiversity mitigation and enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as a minimum;  i) Details including specification and locations of bat boxes ii) Details including specification and locations of bird boxes for a range of birds including Sparrow, Starling and Swift; iii) Details including materials, sizes and locations of all hard boundary treatments (with the exception of the northern boundary wall) and demonstration that they enable access for hedgehogs; iv) A planting schedule detailing trees and hedgerow to be retained and the provision of new tree, native hedgerow and shrubs to be planted.



	The development shall be carried out in accordance with the details approved.
3	No works shall proceed above ground level until details of the fenestration for the dwelling and garage have been submitted to and approved in writing by the Local Planning Authority.  The development shall be carried out in accordance with the approved details.
4	The first floor windows serving the Bathroom abutting bedroom 1 as detailed on plan reference: 181201 P03 Revision E shall be obscure glazed and retained as such in perpetuity.
5	The access, parking and turning area as shown on plan reference 181201 P04 Revision A shall be provided as detailed on the plan prior to the first occupation of the development and thereafter retained in perpetuity.
6	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 with or without modification), planning permission shall be required for the following developments or alterations:  i) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D); ii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B); iii) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);
7	Approved Plans: <i>Location and site Plan 181201 P05A</i> <i>Elevations and Floor Plans 181201 P03E</i>



Created on: 16/12/2019

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**F/YR19/1070/F**  
Scale = 1:1,250





SITE BLOCK PLAN (AS EXISTING)  
0 10 20m  
1:500



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SITE LOCATION PLAN  
0 25 50m  
1:1250



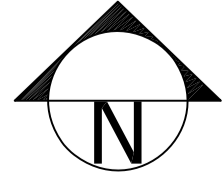
SITE BLOCK PLAN (AS PROPOSED)  
0 10 20m  
1:500

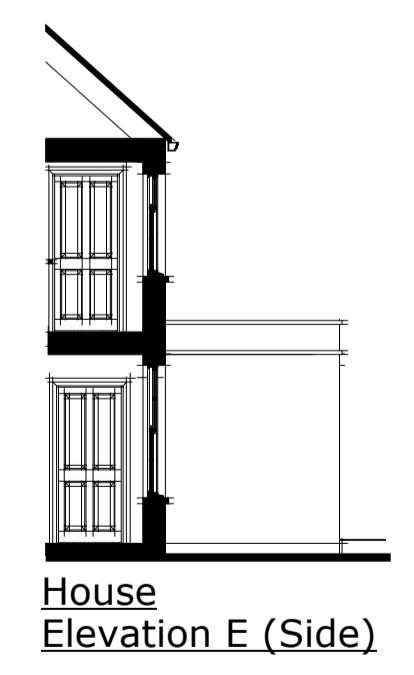
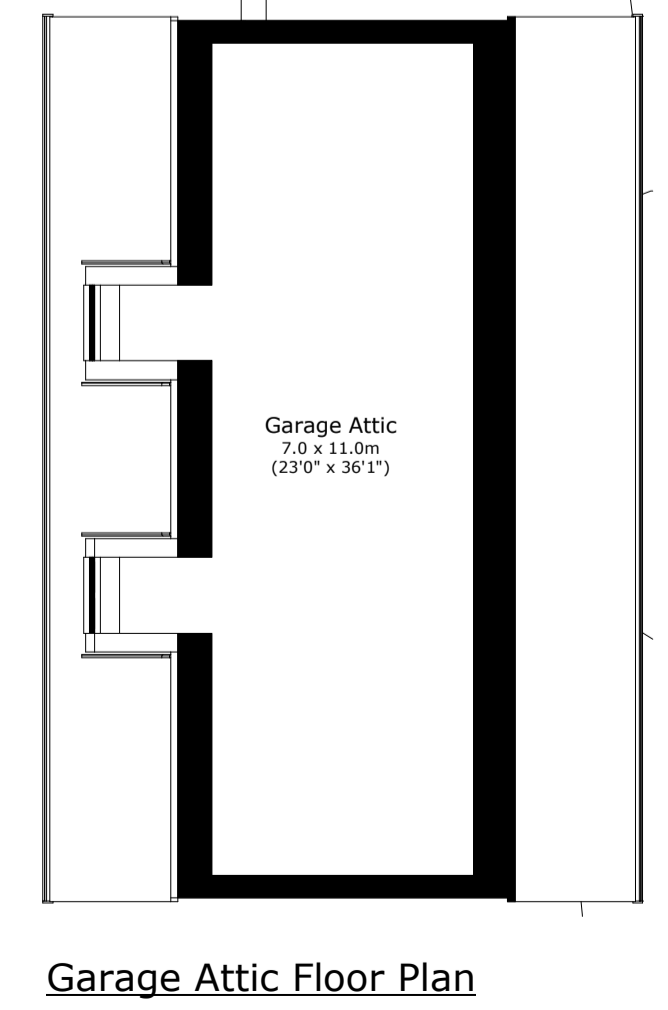
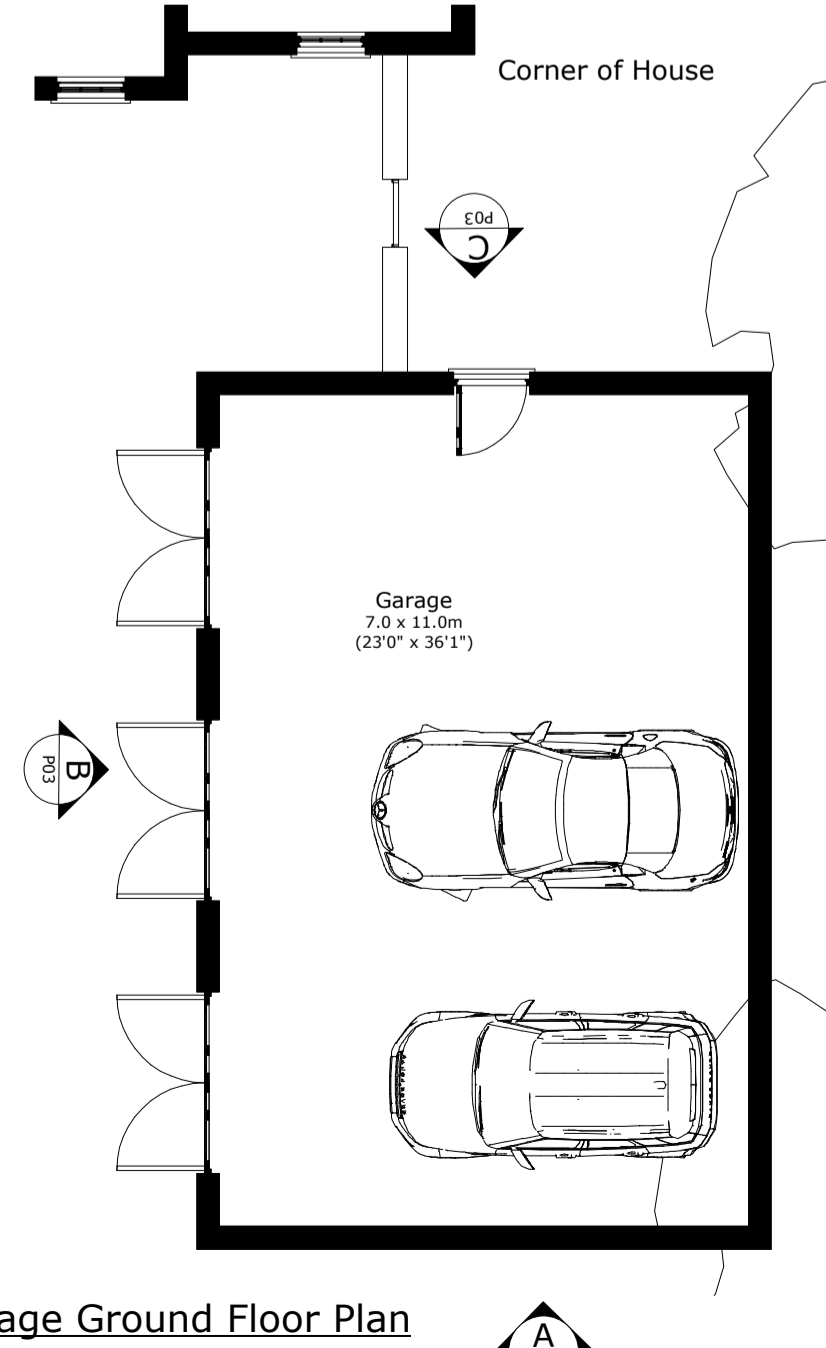
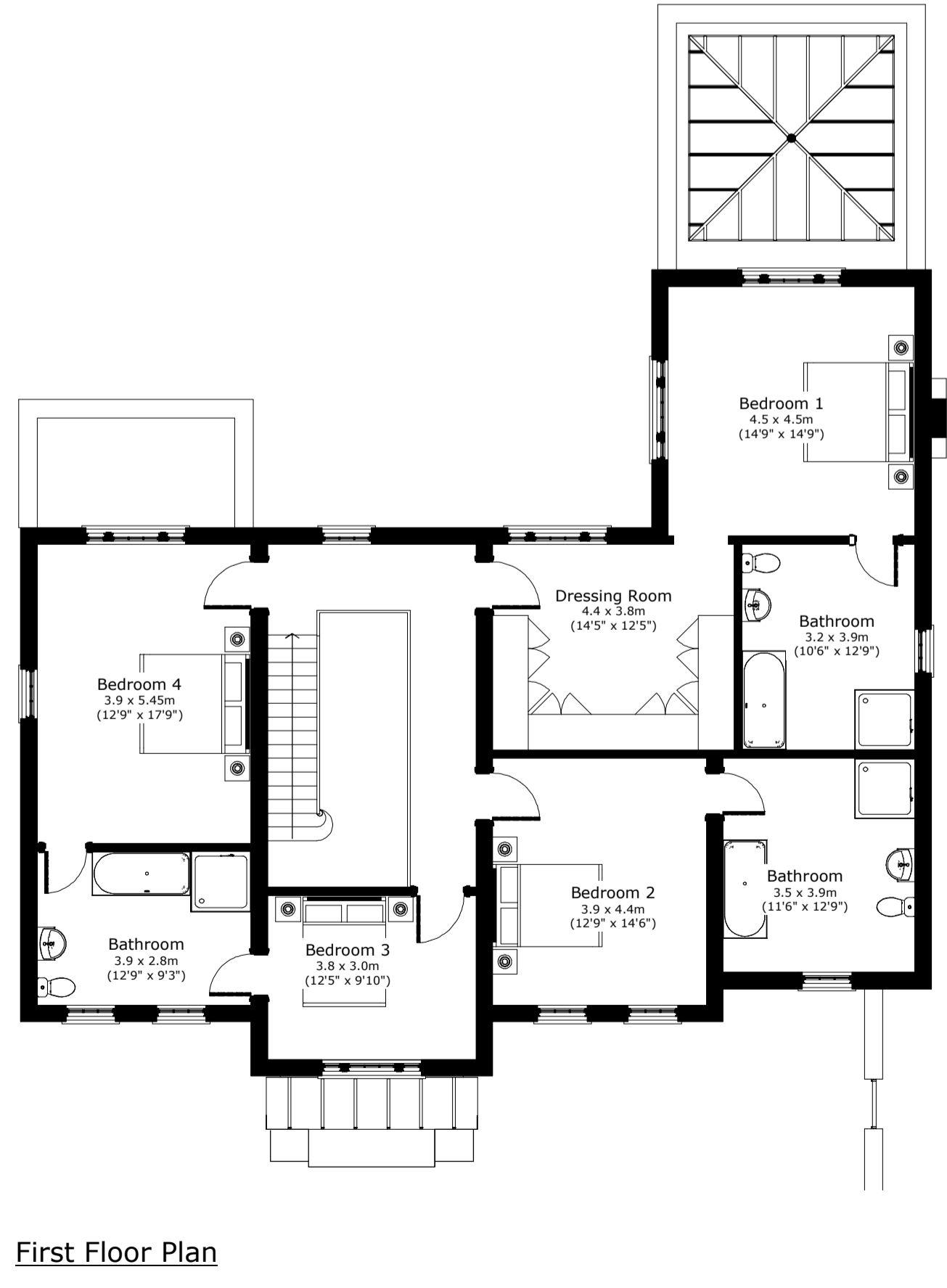
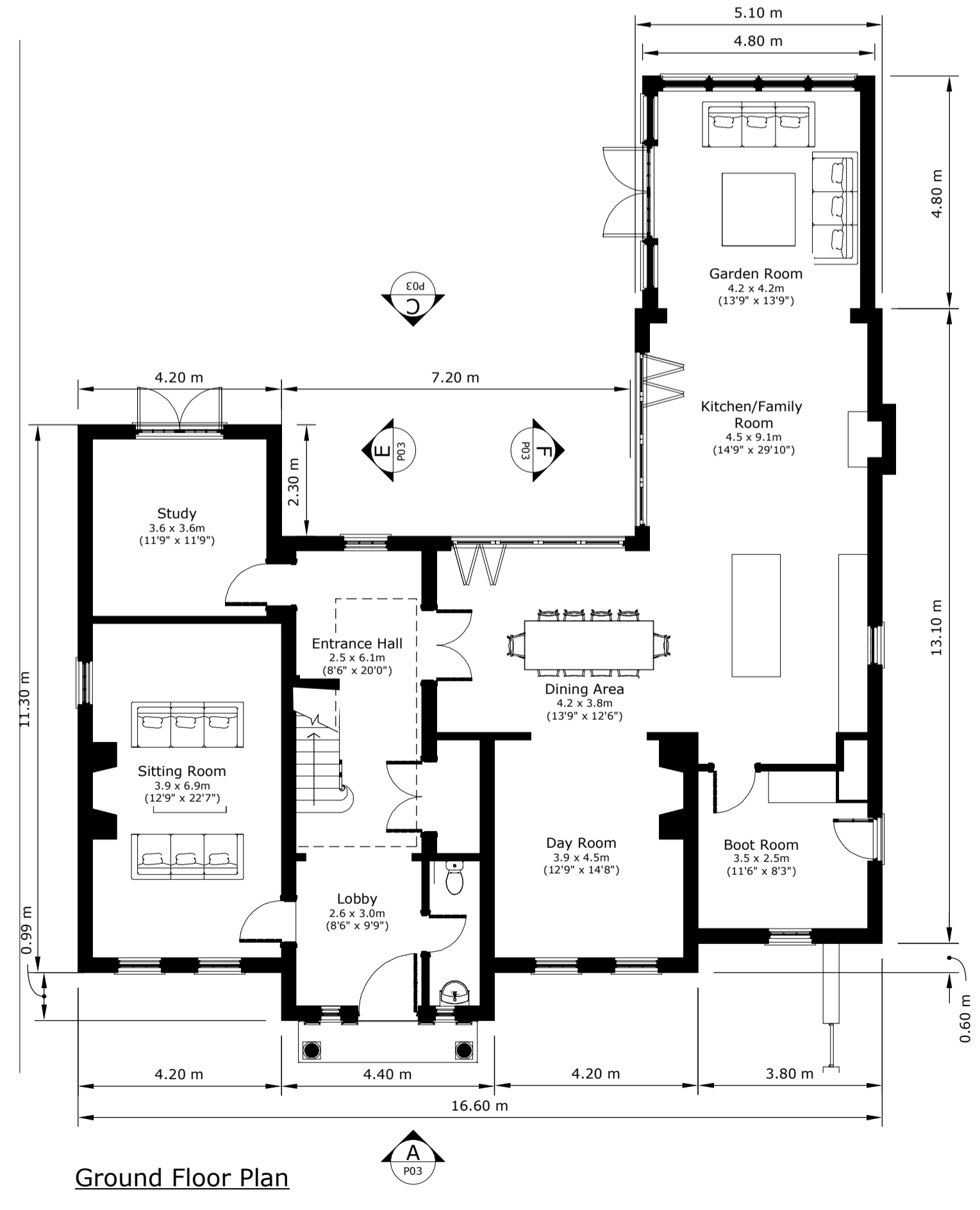
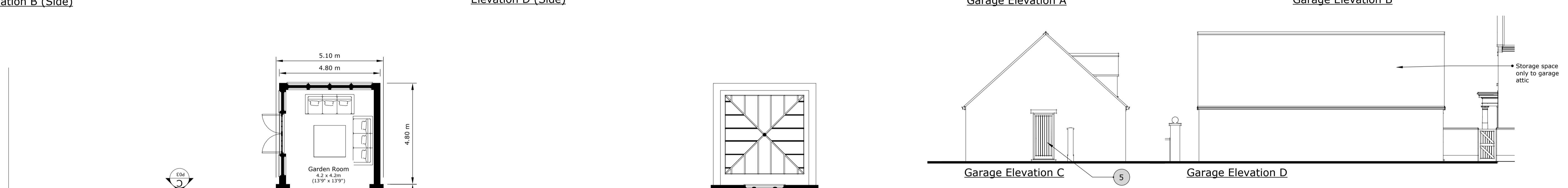
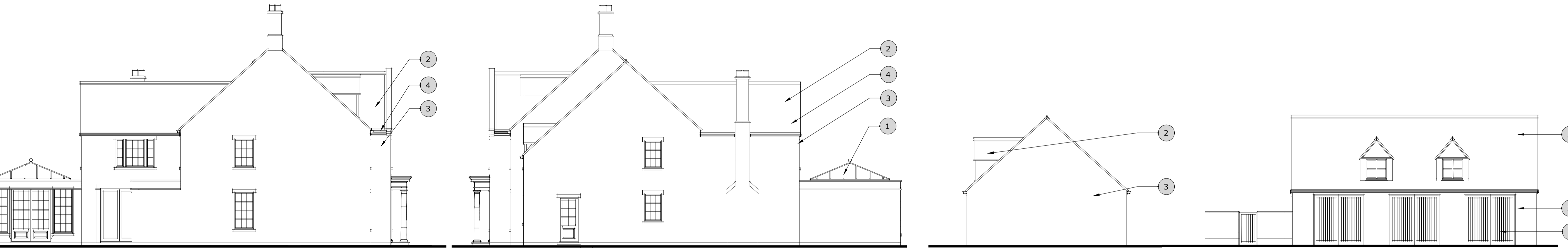
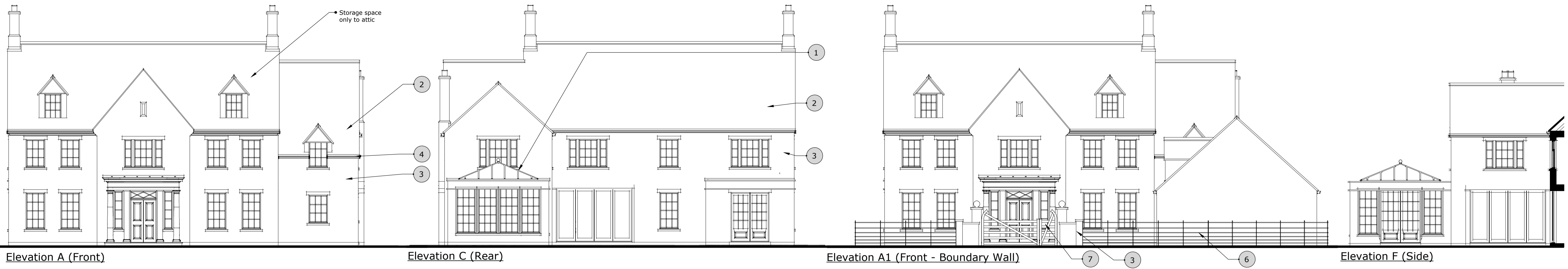
- New 1.8m timber boarded fence
- 4no. Proposed houses as described in the granted planning application F/YR17/1062
- Existing high fence
- Existing trees
- New 1m high painted metal post and rail 'estate fencing'
- New site entrance to Plot 2 (existing agricultural entrance). Stone gate piers and timber gate
- New tarmac access (5m wide bound material for minimum 5m from boundary)
- New 1m high painted metal post and rail 'estate fencing'
- New 1.8m timber boarded fence

Project:	New House (Plot 2)	Date:	November 2019
Location:	Fieldside, Coates	Scale@A3:	1:1250 / 1:500
Client:	Mr & Mrs Mawby	Drawn:	UNO
Job No.:	181201 P05 A	Dwg. No.:	
		Rev.:	
		Dwg. Title:	Site Location & Block Plans

General Notes:  
All dimensions and heights to be checked on site prior to setting out or manufacture. Any discrepancies between site, drawing or specification to be reported to the architect immediately.  
OUTLINE OF LAND IN THE CLIENT'S OWNERSHIP  
OUTLINE OF SITE

Revision Notes:  
Rev.A - Red line amended to include access





General Notes:  
 1 - All dimensions and heights to be checked on site prior to setting out or manufacture. Any discrepancies between site, drawing or specification to be reported to the architect immediately.

Notes:  
 1 - Reared Roof  
 2 - Three Roofs (Sandtoft; Amdale Slate Grey Tile)  
 3 - Clipham stone  
 4 - Painted Aluminium Rainwater goods  
 5 - Painted Timber Doors  
 6 - Metal Gates/Railings  
 7 - Timber Gate

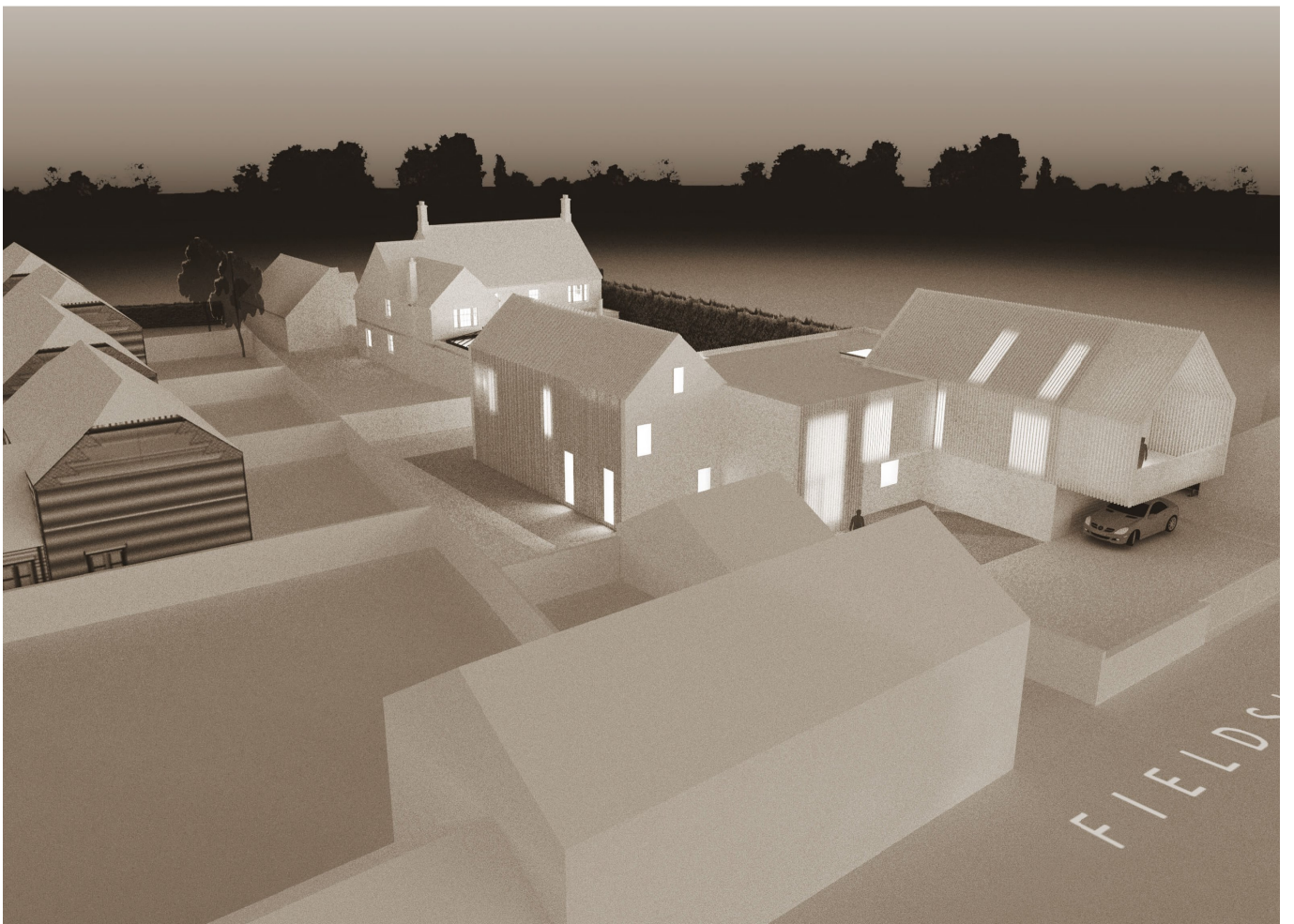
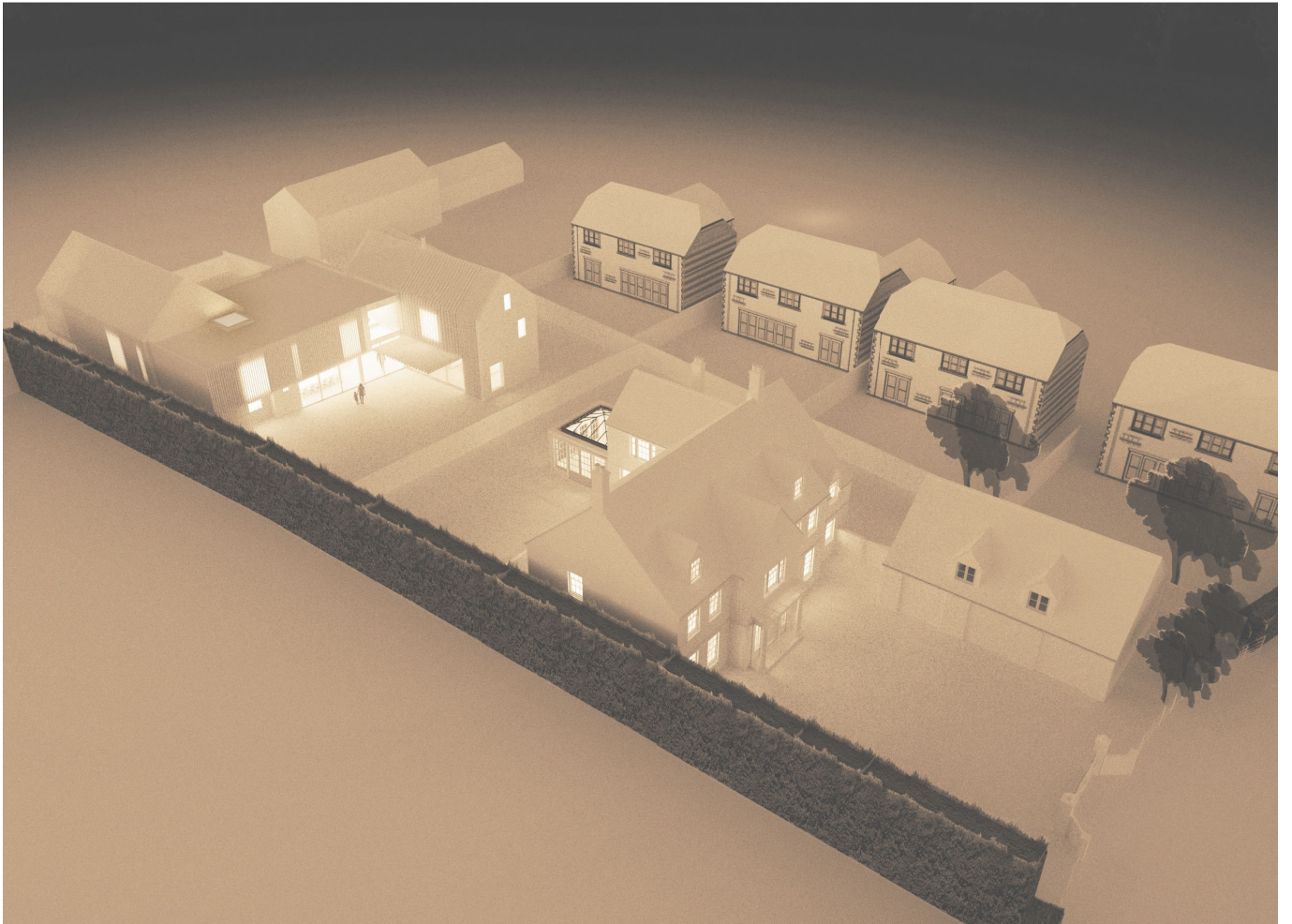
Revision Notes:  
 Rev.A - 06/06/19 - Elevation A1 added  
 Rev.B - 20/08/19 - Size of house reduced  
 Rev.C - 01/10/19 - East side of house reduced further; Garage height reduced.  
 Rev.D - 11/11/19 - House height reduced further; Garage moved to east side of site

Rev.D - 11/11/19 - Garage Attic plan added

Project:	Plot 2 House	Date:	April 2019
Location:	Fieldside, Coates	Scale@A1:	1:100
Client:	Mr & Mrs Mawby	Drawn:	UNO
Job No:	181201	Dwg. Title:	Plans & Elevations As Proposed







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F/YR19/1085/F

**Applicant: Mr Lee Mawby**

**Agent : Mr Andy Brand  
The Abbey Group**

**Land South Of, 72 Fieldside, Coates, Cambridgeshire**

**Erect a dwelling (2-storey 5/6-bed) with an integral garage involving the demolition of existing garage**

**Officer recommendation: Grant**

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

---

## 1 EXECUTIVE SUMMARY

- 1.1 The site benefits from an extant planning permission for residential development granted at appeal where it was found that whilst some harm to the character of the area would arise, it would not be so significant so as to refuse permission.
- 1.2 Furthermore, development for a modern 4 dwelling scheme has been approved on the adjacent site which would markedly change the open character of the area
- 1.3 The proposal would result in the introduction of a distinct form of custom/ self-build development which would raise design standards incorporating sustainable materials and design and which would add interest to the streetscene through the partial views gained from vantage points along Fieldside and Lake Drove.
- 1.4 Furthermore, the layout and general massing and scale of the development would not severely harm the character of the area in design or scale terms and would provide adequate amenity to future occupiers whilst protecting neighbouring amenity. Finally, through the use of planning conditions, the site could incorporate biodiversity features to mitigate its impact and provide opportunities to enhance biodiversity in and around the site.
- 1.5 Having regard to the development plan and the aims of the NPPF when read as a whole, the proposal would constitute sustainable development for which there is a presumption in favour of.
- 1.6 The recommendation is for approval

## 2 SITE DESCRIPTION

- 2.1 The site lies to the south-west of Coates on the western side of Fieldside. It is accessed via Fieldside (track) which also serves No's 70 and 72 Fieldside – the latter being within the applicant's ownership. The site is bounded to the west by hedgerow and along the eastern boundary by a mixture of hedgerow and fence.

The northern and southern boundaries are currently open. An outbuilding is located at the north west of the site.

- 2.2 The land immediately south of the site is also in the applicant's ownership and leads to Lake Drove. The north western corner of the site abuts 74 Fieldside which is served by its own access off Lake Drove.
- 2.3 The character of the immediate area between Fieldside (track) and Lake Drove is of countryside with only sporadic housing generally dominated by undeveloped spaces, trees and hedgerow and with open farmland extend north and southwards from the site. The area is considered to be rural in character when compared to the more built up area of Coates to the north east of Fieldside with a reversal of open space versus housing ratio.
- 2.4 The site lies in Flood Zone 1

### **3 PROPOSAL**

- 3.1 The application seeks full planning permission for the erection of a 2-storey dwelling. The dwelling essentially comprises 3 main sections; a front section incorporating the garage with bedroom and office/ gym over and designed with a gable roof with a ridge height of c.8.9m; a mid-section with the main entrance and kitchen/ dining area with bedroom over constructed with a flat roof at a height of 5.7m; and a rear section serving a sitting room and study with bedrooms over incorporating a gable roof with a ridge height of c.8.2m.
- 3.2 The dwelling is a custom-build dwelling which is contemporary in design, modular in appearance and finished externally in a mixture of vertical timber cladding for a majority of the walls and roof (precise details to be confirmed) and Clipsham coursed rubble stone for the gable ends and flat-roofed mid-section. Aluminium windows and timber doors are proposed.
- 3.3 The dwelling is accessed via Fieldside (track) along the north of the site and is proposed to be enclosed along the northern boundary by a 1.5m high wall finished in the same Clipsham stone and incorporating a pair of wide gates. The dwelling incorporates an integral garage suitable for 2 cars with parking for at least 2 to 3 more cars within the northern section of the site.
- 3.4 The dwelling occupies a footprint of c.290m<sup>2</sup> with c.418m<sup>2</sup> of rear garden. Fencing is proposed along the remaining boundaries to secure this area of private amenity space.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>



#### 4 SITE PLANNING HISTORY

Reference	Description	Decision
F/YR19/1070/F	Erect a dwelling (2-storey 4-bed), detached garage, and front boundary treatments (fence, gates and piers) at a max height of 2.1m high (approx)	Pending
F/YR19/0500/F	Erect 2 dwellings (1 x 3-storey 6-bed with detached 2-storey triple garage and 1 x 3- storey 5/6-bed with garage) with 1.5 (2.2 max) metre high brick front boundary walls - Land South of 72 Fieldside	Withdrawn 01.08.2019
F/YR17/0085/O	Erection of up to 2 x dwellings (Outline application with all matters reserved) - Land South Of 72 Fieldside	Allowed at Appeal (APP/D0515/W/17/31905 27)
F/YR15/0090/O	Erect 3 dwellings - Land South Of 72 Fieldside	Dismissed at Appeal (APP/D0515/W/15/3131297)
F/YR08/0773/F	Erect 1 dwelling and a garage and 2 dwellings - Land South Of 72 Fieldside	Refused 14.10.2008
F/YR05/0942/O	Erect 1 dwelling and garage and demolition of existing dwelling and shed - 72 Fieldside, Coates	Granted 07.10.2005

#### Other Relevant Planning History

Reference	Description	Decision
F/YR17/1062/F	Erect 4 dwellings with garages - Land South East Of 70 Fieldside	Granted 15.03.2018
F/YR16/0593/F	Erect 4 dwellings with garages - Land South East Of 70 Fieldside	Granted 31.08.2016
F/YR15/0450/F	Erect 4 dwellings with garages - Land South East Of 70 Fieldside	Dismissed at Appeal (APP/D0515/W/16/3143188)

#### 5 CONSULTATIONS

##### 5.1 Whittlesey Town Council

No comment received

##### 5.2 The Ramblers Association

No comment received

##### 5.3 CCC Definitive Map Team (Public Rights of Way)

Advises that part of the proposed access to the site runs along the legal line of Public Byway No.26, Whittlesey for approximately 78 metres from the end of the public road at Turf Fen Lane. Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public byway, its legal alignment and width which may differ from what is available on the ground.

##### 5.4 Middle Level Commissioners

No comment received

**5.5 Cambridgeshire County Council Highways Authority (LHA)**

The development is accessed via a private access road. The proposal will result in no material harm to the highway network. I therefore have no highway objections.

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

Raises no objections. Considers it is unlikely to have a detrimental effect on local air quality and the noise climate, or be affected by ground contamination.

**Local Residents/Interested Parties**

**5.7 14 letters of objection received from 9 households raising the following matters;**

- Access
- Anti Social behaviour
- Density/Over development
- Design/Appearance
- Devaluing property
- Environmental Concerns
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Overlooking/loss of privacy
- Parking arrangements
- Proximity to property
- Shadowing/loss of light
- Traffic or Highways
- Trees
- Visual Impact
- Wildlife Concerns/ loss of natural habitat
- Would set a precedent
- Creates a new building line off Fieldside
- Removal of trees including one with a TPO
- Drainage (foul)
- Local Schools unable to cope
- Too big
- Coates has large properties for sale – need for more?
- Lack of affordable homes
- development previously refused

**5.8 4 letters of support received from 4 households raising the following matters;**

- The dwelling is well-thought out
- Uses a variety of approaches to minimise its impacts
- Would benefit the village and provide a family home
- Supports the Council's progressive approach of quality and interesting housing
- Access, parking and open space incorporated
- Outline permission has been granted for development of this site
- Complies with policy
- The site backs onto a new development
- A high tree line defines the site and therefore does not impede existing views
- Respects the amenity of neighbours
- Makes use of the land
- Will help businesses to survive

- Individual style

## **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)**

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

### **7.3 National Design Guide, 2019 (NDG)**

Context

Identity

Built Form

Nature

Homes and Buildings

Resources

### **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

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

LP18 – The Historic Environment

LP19 – The Natural Environment

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

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- Cambridgeshire Flood & Water SPD (2016)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

## **8 KEY ISSUES**

- **Principle of Development**
- **Scale, Appearance and Layout**
- **Residential Amenity**
- **Access & Highways**
- **Biodiversity & Landscaping**
- **Resident Comments**

## **9 BACKGROUND**

- 9.1 The site forms the northern half of a wider site which benefits from outline planning permission for 2 dwellings (F/YR17/0085/O). The outline permission indicated one dwelling in the northern half and one in the southern half. Only access was committed at outline stage and therefore scale, layout, appearance and landscaping were reserved for future consideration. Under the appeal, the Inspector found that whilst some harm to the character of the area would arise through development of the site, it would not be so significant so as to refuse permission having regard to the NPPF 'tilted balance' that applied at that time.
- 9.2 An application for development of 2 dwellings at the site was withdrawn last year, to enable further discussion over the scale, layout and appearance of the dwellings (F/YR19/0500/F).
- 9.3 The wider site has now been split into 2 separate application submissions. This application has been submitted alongside a separate application (F/YR19/1070/F) for the development of the southern half of the site.
- 9.4 The land adjacent to the east also benefits from extant planning permission for the erection of 4 dwellings (F/YR17/1062/F) which front onto Fieldside. Whilst this scheme has not yet been implemented, Officers are not aware of any reason why this site would not eventually come forward for development and therefore consider that the scheme is material to the consideration of this application.
- 9.5 The planning agent has declared within the application submission that they are related to Officers of the Council.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The site benefits from outline planning permission for residential development (F/YR17/0085/O) which remains extant. As such, the principle of development is accepted.

### **Scale, appearance and layout**

- 10.2 As noted above, the current character of the area is relatively open and rural, particularly when compared to the eastern side of Fieldside which has a denser arrangement of dwellings. However, regard is had to the principle of developing the site following the granting of permission at appeal in 2018. Furthermore, it is also acknowledged that permission exists for 4 dwellings on land immediately east of the site. Cumulatively, this would notably change the scale and density of development in this location and therefore the open character of the area. It is with this in mind that the proposal is considered.
- 10.3 Policy LP16 of the FLP seeks to achieve high quality environments. Criteria (d) seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area, responding to and improving the character of local built environments and avoiding adverse impacts in design or scale terms on settlement patterns and landscape character. Chapter 12 of the NPPF sets out that to achieve well-designed places, development should be visually attractive as a result of good architecture, should be sympathetic while not discouraging appropriate innovation or change. Paragraph 131 sets out that great weight should be given to outstanding or innovative designs which promote

high levels of sustainability or help raise the standard of design, so long as they fit in with the overall form and layout of their surroundings.

- 10.4 The scale of the dwelling has been substantially reduced from the previous submission whereby a ridge height of 9.9m was initially proposed and was considered by officers to result in significant visual harm. Its overall massing has also been reduced to essentially narrow the dwelling to bring it away from the eastern boundary primarily to improve separation between the 4 approved dwellings along Fieldside.
- 10.5 The dwelling is 2-storey (plus attic space) which accords with the general scales of dwellings in this location, having regard to No.74 Lake Drove (west) which is c.7.5m in height and the extant permission for 4 dwellings to the west of the site (F/YR17/1062/F) which are c.8.2m in height. It is noted that the heights of no's 70 to 72 at Fieldside (track) are notably lower in scale than that proposed (around 6m). However, given the range of scales in the immediate vicinity of both existing and approved developments and the set-back positioning of the proposed dwelling, it is considered that the scale of the dwelling would not result in substantial visual harm to the area.
- 10.6 The dwelling is unique in design in comparison to those in the immediate area and in this regard, the development will contrast with the simpler and at times uniform appearance of dwellings in the locality – notably along the eastern side of Fieldside. The design and access statement submitted notes that the building will be constructed using natural materials – stone and timber and has been designed to enable large south facing windows to maximise solar gain for natural light and heat. In this regard, the development is capable of achieving sustainability benefits that a more traditional design may not otherwise be able to.
- 10.7 Notwithstanding this, the dwelling is set back from the build line of the 2 dwellings along Fieldside (track) and would be partially obscured by the row of approved dwellings along Fieldside to the south east. In this regard, the dwelling would not be dominant but would add interest to the street scene with an innovative and high quality design which would raise design standards in this area. Therefore, whilst the design and appearance of the dwelling would be different to the form and character of dwellings in the area, it would introduce an innovative and distinct form of development which incorporates sustainable design and materials which the NPPF supports.
- 10.8 The layout gives consideration to neighbouring properties, providing adequate separation from these properties to avoid overshadowing or overbearing impacts. In addition, the development would secure appropriate levels of on-site turning and parking in accordance with the parking standards as set out under Appendix A of the FLP and would provide adequate and proportionate private amenity space - exceeding that set out under LP16(h) of the FLP.
- 10.9 In summary, the proposal would result in the introduction of a distinct form of development which would raise design standards incorporating sustainable materials and design to which substantial weight can be given. Furthermore, the layout and general massing and scale of the development would not severely harm the character of the area in design or scale terms and would provide adequate amenity to future occupiers.

### **Residential amenity**

- 10.10 As noted above, the dwelling has been amended to address initial concerns over its scale and massing with regard to impacts on adjacent properties. It is considered that the development would now not result in overshadowing, loss of light or have overbearing impacts. Furthermore, the locations of windows, particularly upper floor windows are arranged so as not to result in overlooking to the east, west or southern boundaries. Where windows do face onto these boundaries, they are proposed to serve non-habitable rooms and can therefore be reasonably controlled via condition to incorporated obscure glazing. The one exception to this is the window serving bedroom 4 which would face onto the front driveway space of no.74 (west). It is considered that views from this window would not compromise the amenity of occupiers of this property notwithstanding the trees that lie along this boundary.

### **Access & Highways**

- 10.11 As noted above, the principle of development of the site was accepted by the Planning Inspectorate in 2018 whereby matters of access were considered and found to raise no concerns. Whilst several residents have raised concerns over the impact of the development on traffic and general access problems, no evidence exists to indicate that the conclusions drawn by the Planning Inspector should be any different now. Notwithstanding this, the LHA has raised no objection to the scheme subject to standard conditions securing parking and turning. As such, it is concluded that the proposal would not result in any unacceptable transport impacts and complies with the aims of policy LP15 of the FLP.

### **Biodiversity & Landscaping**

- 10.12 It is noted that some clearance work has been undertaken across the site resulting in the removal of some trees and hedgerow. Notwithstanding this, the planning application submitted originally which secured permission for development of the site was accompanied by an ecological survey. At that time the Council's Wildlife Officer concluded that some site clearance was acceptable subject to standard controls – avoiding such works during breeding and nesting seasons and that mitigation by way of bird and bat boxes, hedgehog fencing and native planting could be reasonably secured via planning condition.
- 10.13 Whilst the site incorporates no protected trees, it is noted that the apple tree which was located at the north-west corner of the site has been removed. This was identified in the ecology survey as “an ecologically valued feature” with recommendation that it should be retained is compatible with the development. Its loss therefore results in a net loss to biodiversity, particularly when combined with the partial removal of hedgerow along the boundaries. In order to comply with national and local policy therefore, the development would need to demonstrate that a mitigation package would be delivered which would result in (as a minimum) a neutral impact on biodiversity.
- 10.14 It is considered that there are no material changes to the site conditions since this time (other than the clearance works) to indicate that the imposition of conditions securing appropriate tree and hedge replacement along with bird, bat and hedgehog measures would not satisfactorily mitigate the impacts of the development and provide some biodiversity enhancement to the site.
- 10.15 As such, it is concluded that subject to conditions securing the aforementioned landscape and habitat enhancement features, the development would not result

in severe harm to biodiversity and would provide enhancement opportunities in accordance with Policy LP16(b) and LP19 of the FLP.

### **Resident Comments**

10.16 Whilst it is considered that most comments and concerns raised have been addressed in this report the following matters require consideration;

#### *Anti-Social behaviour (ASB)*

10.17 It is not anticipated that the design and location of the development would in itself result or encourage any ASB issues.

#### *Devaluing property*

10.18 The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.

#### *Loss of view/Outlook*

10.19 Whilst it is noted that outlook for some existing residents will change as a result of the development given that the site is undeveloped at this time, the changes are not considered to unacceptably compromise residential amenity. In respect of loss of views - the planning system operates in the public interest and there is no right to a private view within planning legislation.

#### *Noise*

10.20 The residential use of the site for 1 dwelling is unlikely to yield significant adverse impacts through noise. Notwithstanding this, the Council's Environmental Protection team have legislative powers to control statutory noise nuisance where this arises.

#### *Would set a precedent*

10.21 All applications are to be considered against the development plan as required by law (unless material considerations indicate otherwise). As such, should any future development proposals come forward, these would be dealt with on a case by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

#### *Drainage*

10.22 The application form indicates that foul and waste water disposal methods are yet to be finalised and that surface water would be managed through sustainable drainage systems (not specified). Given the scale of the development, no concerns are raised on this basis, particularly given the presence of dwellings immediately adjacent and particularly that no such concerns were raised, or further details required under the Outline permission. Notwithstanding this, Building Regulations would require demonstration that drainage is adequately managed and follows the drainage hierarchy as laid out under Approved Document H of The Building Regulations 2010.

#### *Local Schools unable to cope*

10.23 The principle of a dwelling at this location was accepted under the aforementioned outline permission where no such issues were raised. There is no evidence to suggest that this position has altered and therefore does not warrant refusal on this basis.

*Coates has large properties for sale – need for more?*

- 10.24 The development plan identifies that a range of dwellings are required to meet all accommodation needs across the district. Furthermore, the FLP supports the principle of custom/ self-build properties. Notwithstanding this a recent review of local property listings indicates a range of property sizes are available for sale and rent at present.

*Lack of affordable homes*

- 10.25 The proposal is for one dwelling whereby the Council's planning policies do not enable them to secure affordable housing against schemes of this size.

## 11 CONCLUSIONS

- 11.1 The site benefits from an extant planning permission for residential development granted at appeal where it was found that whilst some harm to the character of the area would arise, it would not be so significant so as to refuse permission. Furthermore, development for a modern 4 dwelling scheme has been approved on the adjacent site which would markedly change the open character of the area
- 11.2 The proposal would result in the introduction of a distinct form of custom/ self-build development which would raise design standards incorporating sustainable materials and design and which would add interest to the streetscene through the partial views gained from vantage points along Fieldside and Lake Drove. Furthermore, the layout and general massing and scale of the development would not severely harm the character of the area in design or scale terms and would provide adequate amenity to future occupiers whilst protecting neighbouring amenity. Finally, through the use of planning conditions, the site could incorporate biodiversity features to mitigate its impact and provide opportunities to enhance biodiversity in and around the site.
- 11.3 Having regard to the development plan and the aims of the NPPF when read as a whole, the proposal would constitute sustainable development for which there is a presumption in favour of.

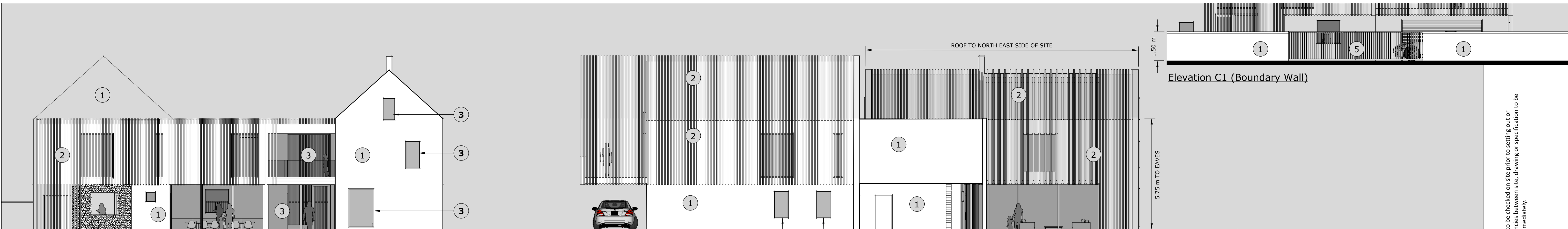
## 12 RECOMMENDATION

**Grant subject to the follow conditions;**

1	The development permitted shall be begun before the expiration of 3 years from the date of this permission.
2	No works shall proceed above ground level until a sample of the timber cladding proposed for the roof and walls has been submitted to and approved in writing by the Local Planning Authority.  The development shall be carried out in accordance with the details approved.
3	No works shall proceed above ground level until a scheme of biodiversity mitigation and enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as a minimum;



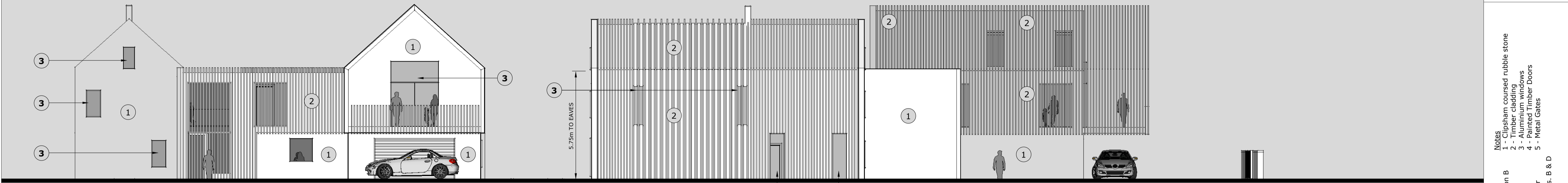
	<p>i) Details including specification and locations of bat boxes</p> <p>ii) Details including specification and locations of bird boxes for a range of birds including Sparrow, Starling and Swift;</p> <p>iii) Details including materials, sizes and locations of all hard boundary treatments (with the exception of the northern boundary wall) and demonstration that they enable access for hedgehogs;</p> <p>iv) A planting schedule detailing trees and hedgerow to be retained and the provision of new tree, native hedgerow and shrubs to be planted.</p> <p>The development shall be carried out in accordance with the details approved.</p>
4	The first floor windows serving the Bathroom and Dressing Room adjacent to Bedroom 1 as detailed on plan reference: 181201 P02 Revision E shall be obscure glazed and retained as such in perpetuity.
5	The parking and turning area as shown on plan reference 181201 P04 Revision A shall be provided prior to the first occupation of the development and thereafter retained in perpetuity.
6	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>i) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);</p> <p>ii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);</p> <p>iii) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);</p>
7	Approved Plans



Elevation A

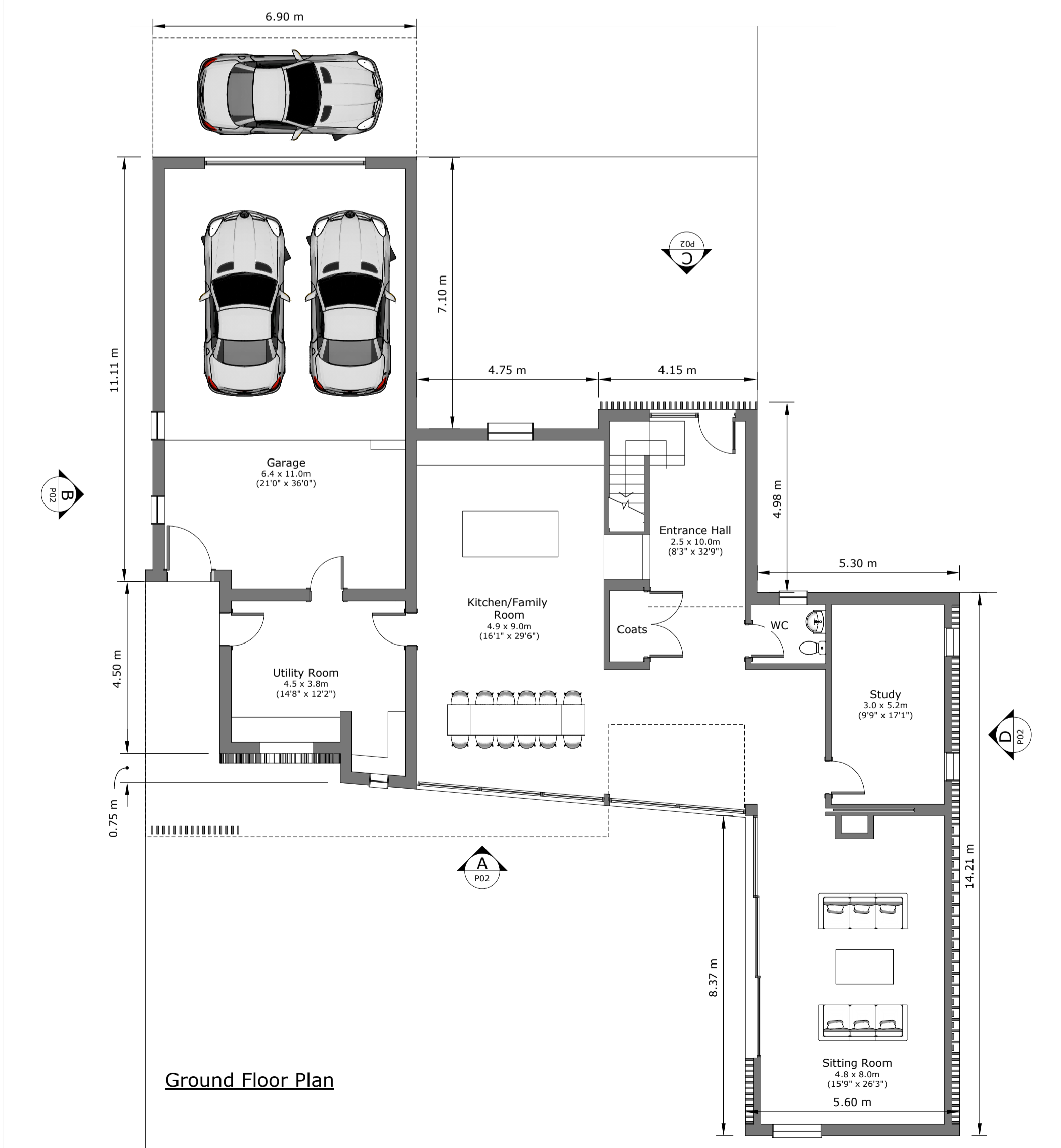
Elevation B

Elevation C1 (Boundary Wall)



Elevation C

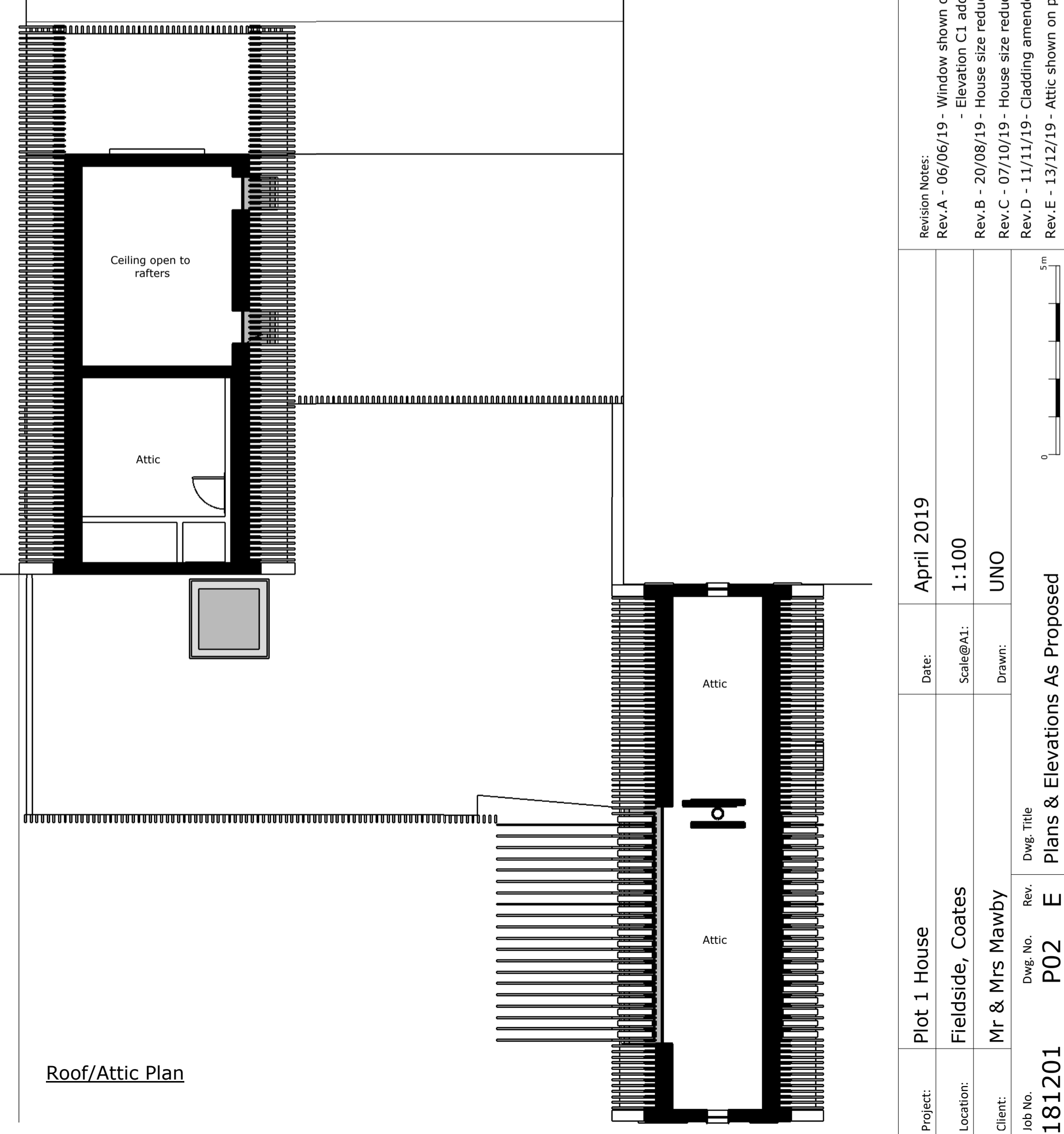
Elevation D



Ground Floor Plan



First Floor Plan



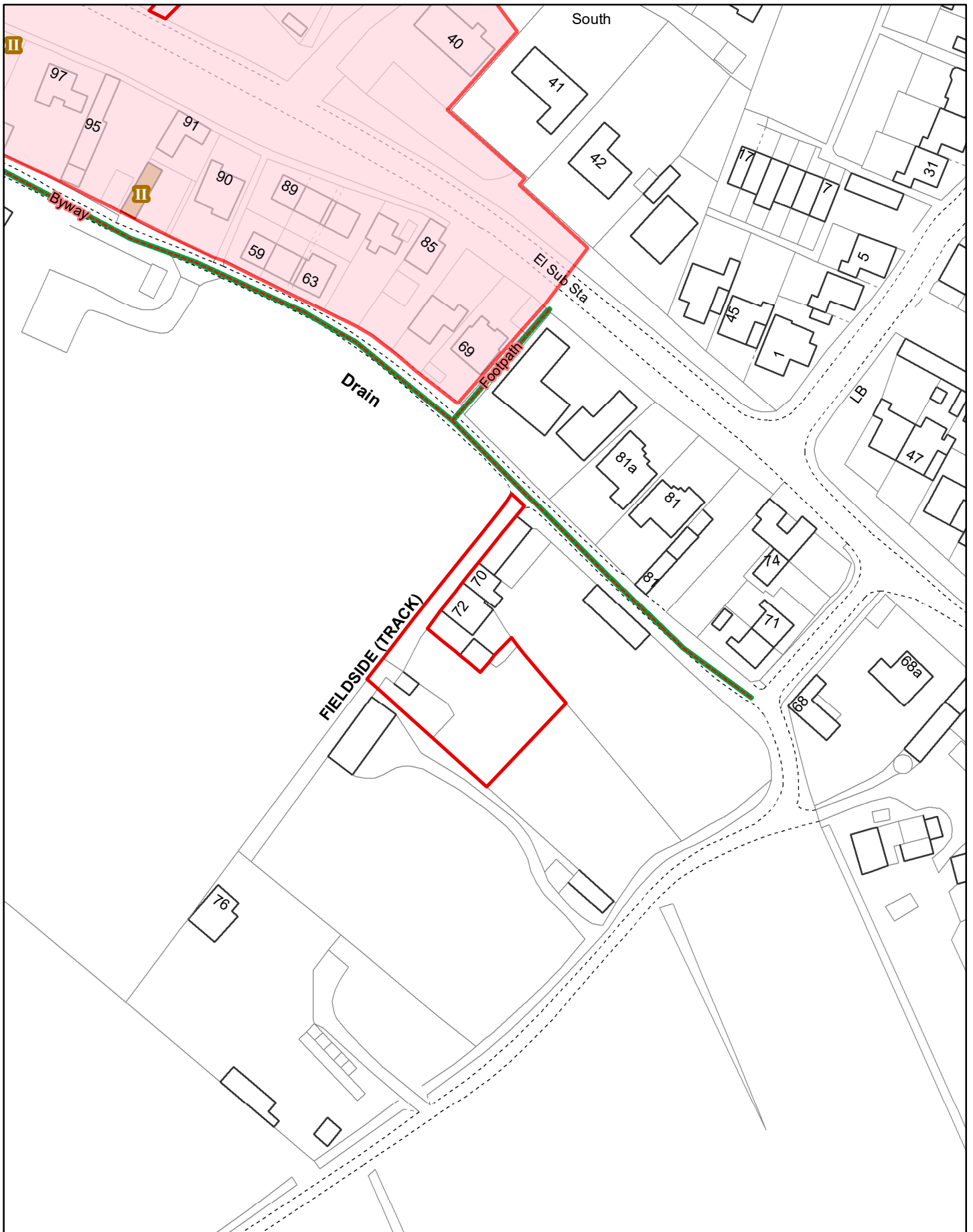
Roof/Attic Plan

General Notes:  
 All dimensions and heights to be checked on site prior to setting out or manufacture. Any discrepancies between site, drawing or specification to be reported to the architect immediately.

Notes:  
 1 - Clingham coursed rubble stone  
 2 - Timber cladding  
 3 - Aluminium windows  
 4 - Painted Timber Doors  
 5 - Metal Gates

Revision Notes:  
 Rev.A - 06/06/19 - Window shown on Elevation B - Elevation C1 added  
 Rev.B - 20/08/19 - House size reduced  
 Rev.C - 07/10/19 - House size reduced further  
 Rev.D - 11/11/19 - Cladding amended to Elevs. B & D  
 Rev.E - 13/12/19 - Attic shown on plan

Project:	Plot 1 House	Date:	April 2019
Location:	Fieldside, Coates	Scale@A1:	1:100
Client:	Mr & Mrs Mawby	Drawn:	UNO
Job No:	181201	Dwg. Title:	Plans & Elevations As Proposed
	P02	Rev.:	E



Created on: 19/12/2019

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**F/YR19/1085/F**  
Scale = 1:1,250







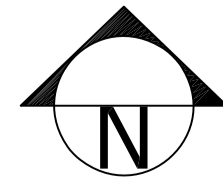
SITE BLOCK PLAN (AS EXISTING)  
0 10 20m  
1:500



SITE BLOCK PLAN (AS PROPOSED)  
0 10 20m  
1:500



Ordnance Survey, (c) Crown Copyright 2018. All rights reserved. Licence number 100022432  
SITE LOCATION PLAN  
0 25 50m  
1:1250

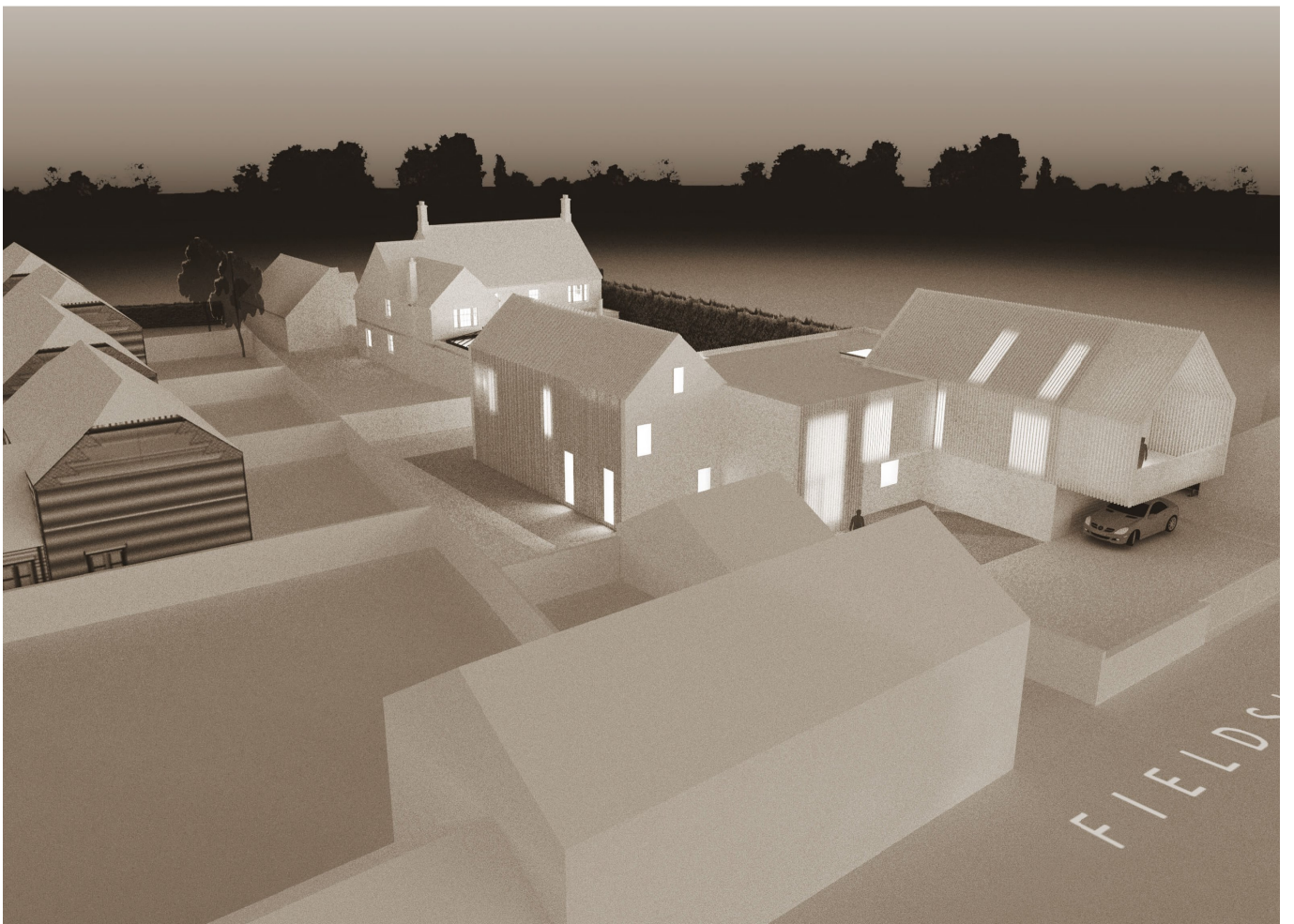
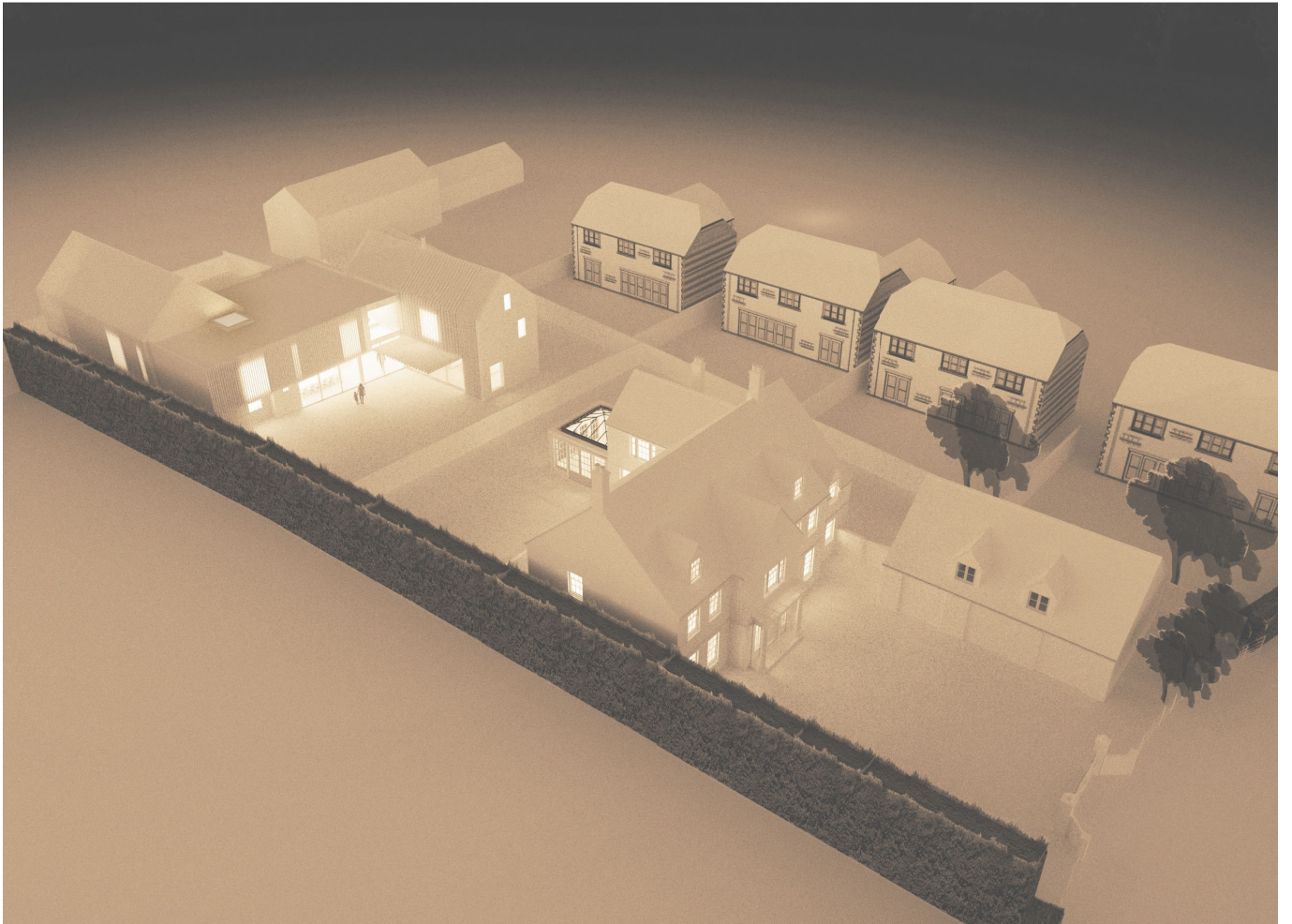


General Notes:  
All dimensions and heights to be checked on site prior to setting out or manufacture. Any discrepancies between site, drawing or specification to be reported to the architect immediately.  
OUTLINE OF LAND IN THE CLIENT'S OWNERSHIP  
OUTLINE OF SITE  
TO BE DEMOLISHED

Revision Notes:  
Rev.A - Red line amended to include access road

Project:	New House (Plot 1)	Date:	November 2019
Location:	Fieldside, Coates	Scale@A3:	1:1250 / 1:500
Client:	Mr & Mrs Mawby	Drawn:	UNO
Job No.:	181201	Dwg. No.:	P04 A
		Rev.:	
		Dwg. Title:	Site Location & Block Plans





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## PLANNING APPEAL DECISIONS

The Council has received the following appeal decisions in the last month. All decisions can be viewed in full at <https://www.fenland.gov.uk/publicaccess/> using the relevant reference number quoted.

<b>Planning Application Reference:</b> F/YR17/1180/O					
<b>Site/Proposal:</b> Erection of a dwelling (outline application with matters committed in respect of access), Land East Of 2 Overstone Road, Coldham					
<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
<b>Main Issues:</b>					
<ul style="list-style-type: none"> <li>• Effect of the development on the safe operation of the highway network</li> </ul>					
<b>Summary of Decision:</b>					
<ul style="list-style-type: none"> <li>- Inspector noted speed limit was 40 mph and that the required visibility could not be achieved within land within the applicants control thereby increasing the likelihood of collisions.</li> <li>- Speed survey and stopping distances do not alter conclusions and whilst existing occupiers may well reverse onto the highway this is not a justification to allow a development that the Inspector has found to be harmful.</li> <li>- Concluded development would be contrary to policy LP15</li> </ul>					

<b>Planning Application Reference:</b> F/YR18/1073/PNC07					
<b>Site/Proposal:</b> Prior Approval for change of use from light industrial (B1(c) to 4-bed dwelling (C3) Workshop, Stackwell Forge, Cloughs Cross Bridge, The Bank, Parson Drove					
<b>Officer Recommendation:</b>	Refuse Prior Approval	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
<b>Main Issues:</b>					
<ul style="list-style-type: none"> <li>• Whether the proposed change of use benefits from permitted development rights.</li> </ul>					
<b>Summary of Decision:</b>					
<ul style="list-style-type: none"> <li>- Prior approval was refused on grounds that the activities carried out within the building amounted to B2 general industrial use and that the building was within the curtilage of a listed building; should either of these scenarios be correct the dwelling would require planning permission as it would not benefit from PD rights</li> <li>- Planning Inspector considered that the nature of the business, one that involves industrial processes which could give rise to adverse effects and therefore not suitable to be carried out in any residential area (i.e. a B2 use)</li> <li>- With regard to whether the building is within the curtilage of a listed building the Planning Inspector also found the building to fall within the curtilage of the Listed Building</li> <li>- In light of the above the Planning Inspector concluded that the proposals were not Permitted development and the appeal was dismissed.</li> </ul>					



**Planning Application Reference:** F/YR19/0101/O

**Site/Proposal:** Erection of 1no dwelling (outline application with all matters reserved)  
Land East Of 24 Pound Road, Chatteris

<b>Officer Recommendation:</b>	Refused	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Allowed
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**Main Issues:**

- Effect of the proposal on the character and appearance of the area, and
- Effect of the proposal on the living conditions of the occupiers of the adjacent property

**Summary of Decision:**

- Having considered the existing character of the area and the site dimensions concluded that the site was capable of accommodating a single dwelling without adversely affecting the street scene
- Inspector considered impact of development on a flank window at the adjacent dwelling and also noise and disturbance. Concluded that
  - (i) Window already covered by a boundary fence and was not located in a principal elevation; the main elevations of the property were unaffected.
  - (ii) neighbouring dwelling was already affected by traffic movements and the addition of a parking space next to its eastern elevation would not unacceptably harm living conditions
- Inspector considered that the site was capable of accommodating a dwelling which would make a positive contribution to the character of the area and not adversely affect the street scene; also concluded that a dwelling could be accommodated on the site within detriment to the living conditions of existing occupants.

**Planning Application Reference:** F/YR19/0331/F

**Site/Proposal:** Erection of 1 x 2-storey 3-bed dwelling, Land South Of Seafeld Farm, Gorefield Road, Leverington

<b>Officer Recommendation:</b>	Refuse	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **Character**
- **Flood risk**

**Summary of Decision:**

- Appeal proposal would interrupt views of the barn conversions, when viewed from Gorefield Road however noted barns were not listed nor in a conservation area so attached limited weight to this
- Inspector considered dwelling would integrate well with its location
- Inspector considered Environment Agency mapping is the most up to date assessment of flood risk and that the sequential test applicable and there is no justification for setting aside national and local planning policy in respect of demonstrating that the scheme passes the sequential test

**Planning Application Reference:** F/YR19/0272/F

**Site/Proposal:** Erection of a single storey 2-bed dwelling. Land North East Of 159 Wisbech Road, March

<b>Officer Recommendation:</b>	Refused	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **Character**
- **Private amenity space**
- **Highway safety**

**Summary of Decision:**

**Character:** The appeal proposal is in conflict with Policy LP 16 of the FLP as it would not make a positive contribution to the local distinctiveness and character of the area by introducing a dwelling which would appear as an incongruous and discordant feature located in the rear garden of No 159, behind the built frontage,, when approaching the town from the A141. This would not respect the existing settlement pattern of the area.

**Residential Amenity:** The amount of private amenity space provided with the appeal proposal to be adequate for this type of dwelling, as it would allow reasonable use to be made of this space by the occupiers. In this respect, as the third of a plot size is described 'as a guide' in the Policy, the appeal proposal is not in conflict with Policy LP16 (h) of the FLP, with regard to the size, location and orientation of the private amenity space proposed.

**Highway Safety:** Policy LP2 and LP15 of the FLP seek to ensure safe access to new developments. The appeal proposal would result in the material increase in use of Meadowlands which is not wide enough for two cars to pass. This would lead to the increased possibility of cars having to wait on the public highway to turn right into Meadowlands, increasing the risk of accidents at this junction. This would be in conflict with Policies LP2 and LP15 of the FLP as the appeal proposal does not demonstrate that it is capable of providing safe access to the site.

**Planning Application Reference:** F/YR18/1120/O

**Site/Proposal:** Erection of 34no sheltered retirement apartments with retail unit (outline application with matters committed in respect of access and layout). Site Of Former Colvile County Primary School, Church Lane, Newton-In-The-Isle

<b>Officer Recommendation:</b>	Refused	<b>Decision Level:</b>	Delegated	<b>Appeal Decision:</b>	Dismissed
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**Main Issues:**

- **Effect on character and appearance of the area**
- **Impact on the Listed church**
- **Overall Sustainability**
- **Parking standards**
- **Flood risk**
- **Contamination**

**Summary of Decision:**

**Character and appearance, listed building and trees:** Inspector concluded that the dense massing of the development would erode the spacious, rural open character of the area. It would also block views of the grade II listed church. Furthermore, the development would likely have a direct effect on mature trees along the boundary – contrary to LP12 and LP16.

**Location:** Inspector noted limited services in Newton in the Isle and therefore a reliance on private motor car use to meet day to day needs. Whilst the proposal includes the provision of a small shop and post office service there was minimal information on the viability of the proposal. Inspector concluded the appeal site would not provide a suitable location for the proposed development, having regard to the accessibility of services and facilities; conflicts with Policy LP3 of the FLP, which steers development to places that offer the best access to services and facilities.

**Flood Risk:** Site lies in FZ3. No sequential test undertaken. Inspector concluded that suitable alternative sites in lower FZ would likely be available. Notwithstanding, insufficient drainage details provided to demonstrate the development would be suitable and not result in flooding issues. Contrary to LP12 and LP14

**Car Parking:** Parking spaces of 2.4m wide x 4.2m long. No larger spaces to cater for mobility issues proposed. Inadequate the proposal consequently fails to make adequate provision for car parking. Conflicts with LP 15 (c) and LP16 of which requires development to enable flexible use and adaptation to reflect changing lifestyles.

**Contamination:** Refused on grounds that insufficient information provided to understand risks from contaminants given brownfield site. Inspector concluded that contamination was unlikely to be made the site unsuitable for the proposed development.