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# AGENDA

**PLANNING COMMITTEE**

**WEDNESDAY, 20 JUNE 2018**

**1.00 PM**

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

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

1 To receive apologies for absence.

2 Previous Minutes (Pages 1 - 10)

To confirm and sign the minutes from the previous meeting of 23 May 2018.

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/YR16/1017/O
Site of Former Eastfield Nursery, Eastrea Road, Whittlesey
Erection of 169 x dwellings (max) (Outline with matters committed in respect of access only) (Pages 11 - 32)

To determine the application.

6 F/YR17/0616/F
Site of former Gas Distribution Centre, Gas Road, March
Erection of 19 dwellings comprising 1 single-storey 2-bed; 5 x 2-storey 2-bed; 5 x 3-



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storey 3-bed and 8 flats;comprising of a 3-storey apartment block consisting of 6 x 2-bed flats and 2 x 1-bed flats, cyclestore, binstore and parking area (Pages 33 - 50)

To determine the application.

7 F/YR17/1147/F
March Cold Stores Limited, 20 -24 Marwick Road, March
Erection of a cold storage building including plant rooms, 6no loading docks, 14no vehicle charging points, 2no condensers and new hardstanding area (Pages 51 - 66)

To determine the application.

8 F/YR17/1171/F
Land East and West of Isle of Ely Way, South of River Nene, Gaul Road, March
Change of use of agricultural land to surface water lagoon, and associated drainage works (Pages 67 - 78)

To determine the application.

9 F/YR18/0128/RM
Westhaven Nursery, Peterborough Road, Whittlesey
Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR14/0183/O, Erection of 68 x 2-storey dwellings comprising of 4 x 1-bed, 20 x 2-bed, 42 x 3-bed, 2 x 4-bed with Public Open Spaces and Play Area (Pages 79 - 104)

To determine the application.

10 F/YR18/0321/F
Land South of 31-33 Lake Close, March
Erection of 8 x dwellings comprising of 2 x 3-storey 3-bed, 2 x 2-storey 4-bed, 2 x 2-storey 3-bed and 2 x single-storey 3-bed (Pages 105 - 120)

To determine the application.

11 Statement of Community Involvement (Pages 121 - 142)

To seek comments on the draft Statement of Community Involvement (SCI) prior to it being considered by Cabinet for adoption.

12 Items which the Chairman has under item 3 deemed urgent

Tuesday, 12 June 2018

Members: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor D Connor, Councillor S Court, Councillor M Davis, Councillor A Hay, Councillor D Laws, Councillor P Murphy, Councillor F Newell and Councillor W Sutton,

# PLANNING COMMITTEE

## 23 MAY 2018 - 1.00PM

**PRESENT**: Councillor A Miscandlon(Chairman), Councillor S Clark(Vice-Chairman), Councillor D W Connor, Councillor S R Court, Councillor Mrs M Davis, Councillor Mrs A Hay, Councillor Mrs D Laws, Councillor Mrs F S Newell, Councillor W Sutton. .

**APOLOGIES:** Councillor P Murphy

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

The Chairman stated that Agenda Item 13 (East Wisbech Strategic Allocation - Broad Concept Plan) would be heard as the first item of today's meeting.

**P1/18 APPOINTMENT OF CHAIRMAN FOR THE MUNICIPAL YEAR**

Izzi Hurst requested a nomination for Chairman of the Planning Committee for the Municipal Year. It was proposed by Councillor Mrs Laws, seconded by Councillor Sutton and resolved that Councillor Miscandlon be elected as Chairman of the Planning Committee for the Municipal Year.

**P2/18 APPOINTMENT OF VICE- CHAIRMAN FOR THE MUNICIPAL YEAR**

It was proposed by Councillor Miscandlon, seconded by Councillor Mrs Hay and resolved that Councillor Sam Clark be elected as Vice-Chairman of the Planning Committee for the Municipal Year.

**P3/18 PREVIOUS MINUTES**

The minutes of the meeting of 25 April 2018 were confirmed and signed.

**P4/18 EAST WISBECH STRATEGIC ALLOCATION – BROAD CONCEPT PLAN**

Members considered the East Wisbech Strategic Allocation - Broad Concept Plan report presented by David Rowen. He explained that a full public consultation was undertaken with over two-hundred people attending the consultation event at Walsoken Village Hall. He informed Members that the results of this are summarised in the report along with responses from the consultations with Statutory Bodies.

Members received a presentation, in accordance with the Public Participation Procedure, from John Maxey.

John Maxey made the Committee aware that the report has the endorsement of both Councils and Landowners too. He said the purpose of the East Wisbech Broad Concept Plan (BCP) is to aid delivery and he is working on delivery of the scheme with a Developer and has the support of Landowners on this. He highlighted the importance of the report and explained that approving it will allow a framework to be put in place prior to planning applications being submitted. He explained that delivery of all the areas in the report will be challenging in regards to viability as additional infrastructure will be required, however there is outside funding available for this. He said he fully

endorses the report and reiterated that it is fully supported by the Landowners and asked the Committee to approve the plan today.

Members asked John Maxey the following questions;

- Councillor Sutton agreed with John Maxey's comments and asked if the provisional drawings will be submitted to the Cambridgeshire Quality Charter Group as, even though there is a cost, their comments could be invaluable. John Maxey agreed to pass this request on.
- Councillor Connor asked John Maxey if provisions were in place for additional Doctor and Dentist Surgeries within the plan. John Maxey confirmed that discussions had taken place with the NHS regarding this and confirmed that the NHS had no plans to seek to provide additional Doctor Surgeries in Wisbech. He explained that they had tried to engage with the NHS and made it clear to them that there was scope to provide space for these within the plan however as Doctor Practices are private businesses that need the support and funding of the NHS, we cannot dictate that these are provided. He said that as a resident of Wisbech he is aware of the difficulties in obtaining doctor appointments however the NHS have said they will consider reinforcing services in existing practices as oppose to opening new ones. He reiterated that the provisions and space are available within the plan, if there is demand from the NHS.
- Councillor Laws thanked John Maxey for his comments regarding the NHS practices and said she hoped that the NHS would not suddenly ask for the provisions later on in the development process. She asked if John Maxey could provide assurance that he will continue to engage with the NHS throughout the process to avoid this happening. John Maxey said this would be difficult but when an outline application is submitted for the scheme, the NHS will be a formal consultee and this would be discussed with them again. He explained that if the NHS required this, it would form part of the overall Section 106 requirement for the scheme but highlighted that there will not be sufficient funding for all Section 106 requirements and said decisions will need to be made in regards prioritising these requirements. He said this can be discussed at the outline planning application stage and said viability will be considered at this stage too. He concluded that viability may have to be considered on a phase-by-phase basis as requirements can change during development.

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

- Councillor Sutton said that after over two years, it was brilliant to see the report finalised. He reminded members of another planning application where the NHS had had provisions provided but had no use for them and said Members should remember that we cannot do anything about this.
- Councillor Mrs Laws said that although most of the scheme is located in Flood Zone 1, there are areas in Flood Zones 2 & 3 and asked for assurance that each planning application will consider this. David Rowen confirmed this.
- Councillor Mrs Laws said a great deal of work has gone in to the scheme and thanked officers, agents and landowners for their work on this.
- The Chairman commended the work carried out by officers and agents.
- Councillor Sutton said it was pleasing to see the interaction between Kings Lynn & West Norfolk Council and Fenland District Council and said a common-sense approach had clearly been taken when considering policies within the plan. He hoped it would not be too long until the Committee consider the full planning application.

**Proposed by Councillor Mrs Laws, seconded by Councillor Sutton and decided that the East Wisbech Broad Concept Plan be APPROVED as per the Officer's recommendation.**

**P5/18 F/YR17/1028/F**
**ELDERNELL FARM, ELDERNELL LANE, COATES, CAMBRIDGESHIRE**

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

David Rowen presented the report and update to Members.

Members received a presentation in objection to the application in accordance with the Public Participation Procedure, from Roger Wilkin and Stuart Potts.

Roger Wilkin confirmed that he is joint owner of 140-142 Eldernell Lane which is the approximately 120 years old, the same age as the barns on the proposed development. He made members aware that the original application had received 13 letters of objection and the amended application, 11 letters. He highlighted that Whittlesey Town Council had also objected to the application and raised concern that the supporting documents submitted with the application infers that the proposed dwellings could be used as holiday lets. He explained that any conversion will affect the natural habitat and the area is ecologically sensitive. He highlighted the suggestion of adding a Wildlife Tower to accommodate the Barn Owls on site however indicated there was no evidence to suggest these owls would relocate to the tower once their nests are destroyed. He suggested that construction noise would be a disturbance to the Wildlife Tower, would offer no benefits and be a blot on the landscape. He questioned the Highways suggestion in the report point 5.1 of traffic being accommodated on Eldernell Lane and said the proposed extension linking the barns is contrary to the principle of development. He concluded that the barns are located in an area of special scientific interest and a conservation area.

Stuart Potts explained that Eldernell Lane is a single track lane with no provision for passing vehicles and is already congested with agricultural and industrial traffic. He said the application highlights parking for 6 vehicles however this could be substantially higher depending on the residents of the proposed dwellings. He explained that residents of the lane already suffer from very low water pressure which will only deteriorate further once new residents move in to the proposed site. He said the area was one of natural beauty and the large pond area near the proposed site will be negatively impacted by the development. He does not believe the Wildlife Tower will negate the damage caused by the development and raised concern that there is no waste management plan in place which is required due to the lane not benefitting from mains sewage. He concluded that the impact of the site on Eldernell Lane and its surroundings will be horrific and asked the Committee to refuse the application.

Members had no questions for Roger Wilkin or Stuart Potts.

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

Andrew Middleditch explained that he is acting for the trustees of the estate who also own approximately 1500 acres of farmland within the area. He said the Applicants are aware of the sensitivity of the surrounding area and acknowledges the sites own interest in respect of conservation and are happy for this to be considered. He asked that the Committee take into account previous planning applications on the site which had approved the principle of conversion and although this previous application had regrettably been unviable, the current proposal represents the most viable means of redeveloping the buildings. He said the Applicant and himself have considered consultees comments and have amended proposals in light of these. They have removed proposals of a new build dwelling and instead opted to pursue the conversion of the barns as well as addressing ecological and conservation concerns by commissioning reports that

assessed the impact on the neighbouring wash-land. These proposals concluded that there would be no significant impact however plans are in place to protect the Barn Owl that currently uses the site by building a Wildlife Tower to the Barn Owl Trust's specification. He confirmed that the Applicants are happy to accept a planning condition securing the provision of a passing bay along Eldernell Lane to satisfy any concerns. He highlighted that following consultation, the majority of statutory consultees have now withdrawn their objections and provided assurance to local residents that the Applicants have no intention to use the dwellings as Holiday Lets. He asked members to acknowledge the steps taken to ensure compliance with conservation safeguards and development policies and highlighted that the officers recommendation is to approve the application.

Members asked Andrew Middleditch the following questions;

- Councillor Connor asked for confirmation that the dwellings will not be used for Holiday Lets. Andrew Middleditch said that that was not the intention for the application and explained that his clients are not planning on developing the site themselves and said conditions could be attached to the planning permission in regards to Holiday Lets, as the Applicants intention was to apply just for residential use.

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

- Councillor Mrs Hay asked if the application requires planning permission purely for the small linked area that will be built and not conversion of the barns in general. David Rowen confirmed that the only reason the development requires planning permission is due to the small area being built to link the existing buildings together.
- Councillor Mrs Hay said the current buildings on the site look an eyesore and said as long as the character is retained during conversion, the development would enhance the area. She asked if a condition could be added in regards to the potential drainage issue. David Rowen confirmed that there is a draft condition relating to a treatment plant and management regime for the site.
- Councillor Mrs Laws asked for confirmation on the potential sewage issue and highlighted that there are other developments locally that have had major issues with treatment plants on their development. She added that a condition should be added in relation to Holiday Lets and agreed with the concerns of local residents in relation to this. She explained that she understands residents and Whittlesey Town Councils concerns relating to the impact on the character and appearance of the site but said by restoring the buildings sympathetically, this would be better than new development in the area.
- Councillor Sutton noted Councillor Mrs Laws concerns however Condition 10 of the proposed conditions does cover concerns relating to drainage. He said in his view, the barns are ripe for conversion and should be supported and whilst he takes on board concerns regarding the owls on site, provisions are in place to minimise this and the owls will simply relocate their nests. He stated his support for the application.
- Councillor Connor asked if a condition could be added in relation to Holiday Lets. Nick Harding confirmed that a condition could be added however asked members to consider an appropriate reason why Holiday Lets should be refused on the site. He told members that they must consider the reason for refusing this and have strong enough evidence for this. He asked members to consider if the application was submitted as Holiday Lets, what planning reasons they would have to refuse the application.
- Councillor Mrs Newell noted that the report stated that the 'Newt Survey' had taken place at the wrong time of the year and asked if this had been carried out again. David Rowen said comments had been received from ecological experts, Peterborough City Council, Natural England and RSPB and they were happy with the application subject to the conditions noted in the report.
- Councillor Mrs Laws asked for confirmation that a construction-traffic plan was in place for construction vehicles on the site during development. The Chairman suggested that the

passing bay would need to be constructed prior to development starting on site to allow construction traffic to access the site without creating a danger for existing vehicles. He said the lane would benefit from two passing bays as oppose to the one proposed due to the number of residents already residing in the lane.

- Councillor Mrs Laws said regarding the potential traffic to the site, we must be mindful to the existing residents in Eldernell Lane and highlighted the importance of a construction management plan and asked it to be considered that construction vehicles do not work unreasonable hours. She added that Holiday Lets would add a lot more traffic to the road and said members should be mindful of this.
- Councillor Sutton highlighted that the lane is in a good enough condition presently to accommodate agricultural traffic and added that construction vehicles would only be on site for a short period of time.

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

**Councillor Mrs Laws asked after the vote if conditions could still be added to the planning permission in relation to Holiday Lets. It was confirmed that the proposal did not include the condition discussed and therefore this could not be added.**

*(Councillor Mrs Davis abstained from voting on this item)*

*(Councillor Connor and Mrs Davis declared that they know one of the speakers on this item, Roger Wilkin, but have not taken part in any discussion in relation to this application)*

*(The Chairman and Mrs Laws registered in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that they are members of Whittlesey Town Council but take no part in planning matters)*

*(The Chairman registered in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that he had been lobbied on this application)*

**P6/18 F/YR18/0263/O**
**LAND NORTH OF, 16A - 22 HIGH STREET, MANEA, 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 refers)) during its deliberations.

David Rowen presented the report to Members.

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

- Councillor Mrs Laws said the Highways and Infrastructure report covers all the issues relating to the access and said the site does not have an appropriate access point for development.
- Councillor Connor agreed and said the access is far too narrow to use as an entrance.
- Councillor Sutton said it was a shame as the site could support a nice development however the access is not acceptable. He suggested the applicant should try and approach neighbouring properties to find a solution to the access issue.

**Proposed by Councillor Mrs Laws, seconded by Councillor Connor and decided that the application be: REFUSED as per officer's recommendation.**

**P7/18 F/YR17/1211/F**
**1 LARHAM WAY, CHATTERIS, CAMBRIDGESHIRE, PE16 6PH**

The Chairman confirmed that this item had been withdrawn from Committee.

**P8/18 F/YR18/0078/F**
**LAND EAST OF 13, CLARE 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 refers)) 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, by Matthew Hall (the Applicant's Agent)

Matthew Hall clarified that pre-application advice was sought on this application and showed members a slide showing the original site plan submitted at pre-application and the site plan submitted with the application being considered today. He highlighted that the plans are almost identical to one another. He explained that Highways were in favour of the application and pre-application advice was received from Fenland District Council in October 2017 stating that officers favoured the application subject to consideration of the points raised. Discussions continued between officers and the Applicant and following this, changes were made to the garden areas, the driveway and clarification given regarding windows on the existing dwelling. He added that concerns had been raised regarding the provision for refuse collection and following correspondence, officers suggested indemnity insurance would need to be provided in relation to site entry, which was agreed by the Applicants. He highlighted that the concerns officers had during the pre-application stage had been addressed and all statutory consultees (including Highways) support the application.

Members asked Matthew Hall the following questions;

- Councillor Mrs Laws asked for the date in which pre-application advice was sought. Matthew Hall confirmed this was 19 October 2017 with the full application being submitted in January 2018.

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

- Councillor Mrs Hay highlighted that Clare Street has issues with on-street parking and raised concern that the access is not suitable for entry to the development. She suggested access be considered from Haighs Close, Chatteris instead and suggested the Applicant explore this option.
- Councillor Connor agreed and said he had serious concerns about the access and therefore does not support the application.
- Councillor Mrs Laws highlighted that the pre-application advice indicated there was no concern with the development however this conflicts with the officer's recommendation today. David Rowen said the pre-application advice did mention the issue of the relationship between the access and existing properties and said this still needs to be addressed in order for the application to be supported by officers.
- Councillor Mrs Laws said that the Agent had indicated that nothing had changed between the pre-application advice received and submitting the full application, that would suggest the application be refused. She highlighted that the Agent had made the appropriate changes as per the pre-application advice given.

- The Chairman allowed Matthew Hall to comment. Matthew Hall explained that during the pre-application stage, the issue regarding neighbourhood amenity related to concern over the orientation of Plot 3 which has been amended accordingly. The pre-application advice also stated that the impact from the road on the amenity to 13 Clare Street, Chatteris needed to be addressed and Matthew Hall explained that he had amended the surface of the road to alleviate this and reiterated that the existing dwelling will have no additional windows overlooking the site either.
- Councillor Connor said he had concern over the side entrance to 15 Clare Street, Chatteris and the overall narrowness of the access.
- Councillor Sutton said members need to consider the grounds for refusal in case of an appeal. He said if the original pre-application advice had been negative towards development, the applicant may not have submitted a full application.
- Councillor Mrs Newell stated that Clare Street is very narrow already and further issues would arise with the addition of another access. Whilst she supports the principle of development, the access is not right for the site.
- Nick Harding clarified that no objection had been received from Highways in relation to the design of the access and reiterated that this was not the reason why officers recommend refusal. He said that officers recommend refusal based on the access having a negative impact on the adjacent properties amenities.
- Councillor Mrs Laws said she takes on board Councillor Sutton's comments regarding previous appeals and said she is mindful of this.
- Councillor Mrs Davis thought construction traffic would have a big impact on the neighbouring property and highlighted the proximity to the adjacent property.
- Councillor Mrs Hay agreed and said the neighbouring properties front door opens very close to the access road which will impact the residents of this property greatly.

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

*(Councillor Mrs Newell and Councillor Mrs Hay registered in accordance with Paragraph 14 of the Code of Conduct on Planning matters, that they were members of Chatteris Town Council but take no part in planning matters)*

**P9/18 F/YR17/1115/F**
**LAND NORTH OF THORNBURY HOUSE, HIGH ROAD, GUYHIRN, CAMBRIDGESHIRE**

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

David Rowen presented the report and update to members.

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

Shanna Jackson said the scheme was for four-dwellings located on a built up frontage of High Road, Guyhirn and highlighted that there were existing dwellings to the north of the site and garages that serve these too. She said in relation to concerns about the character of the area, the site is located in a built-up residential area and development would bridge the gap between existing buildings creating continuous development along the road. She explained that Policy LP3 allows infill development in Guyhirn and this application represents this as it is positioned within the existing build form. She said members had previously agreed an application at Mole End, Guyhirn and had noted the sustainability of the village and excellent transport links. She added that there is a continuous footpath across the road from this site which would serve as access to the village centre, local school and public transport. Although the site lies within Flood Zone 3, it is clearly in

the building limits of Guyhirn and no objections have been received from the Environment Agency. She concluded that this is a logical, infill plot between existing dwellings and will support the continuous sustainability of the village and asked members to grant planning permission.

Members had no questions for Shanna Jackson.

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

- Councillor Mrs Laws asked if any comments had been received from North Level Internal Drainage Board. David Rowen confirmed they had and they had no objections to the principle of the scheme.
- Councillor Mrs Laws said she was concerned regarding the flood risk to the site as it is located in Flood Zone 3.
- Councillor Connor said due to the risk of flooding, he agrees with Councillor Mrs Laws and officer's recommendation to refuse the application.
- Councillor Sutton agreed and said if this site was located in Flood Zone 1, he would have a different view and encouraged officer's to consider applications in locations such as this one, in order to fulfil the demand in the district's villages.

**Proposed by Councillor Connor, seconded by Councillor Mrs Laws and decided that the application be: REFUSED as per the officer's recommendation.**

**P10/18 F/YR17/1242/VOC**

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

David Rowen presented the report and informed members that all three dwellings are now built on the site.

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

- Councillor Mrs Laws agreed with the officer's recommendation to approve the application and highlighted that gravel will assist with surface water drainage on the site.
- The Chairman agreed and said gravel also provides additional security for residents as approaching vehicles can be heard.
- Councillor Sutton disagreed with March Town Council's reasoning for recommending refusal of the application and said their point had no relevance to planning consideration.

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

(*Councillor Court abstained from voting on this item)*

*(Councillor Court stated that he is a Member of March Town Council but takes no part in any Planning decisions)*

**P11/18 F/YR16/0194/F**
**LAND SOUTH EAST OF MOLE END, GULL ROAD, GUYHIRN**
**ERECTION OF 4 X 2-STOREY 4-BED DWELLINGS AND THE FORMATION OF 2 NEW ACCESSES**

*(The Chairman explained that this Item had been added to the agenda as an urgent item by Nick Harding. The Chairman stated that he has known the owners of the land in question for many years and left the room for the duration of the item. He took no part in the discussion or voting. In his absence, Vice-Chairman Councillor Sam Clark chaired this item)*

Nick Harding informed the Committee that following the recent approval of planning permission at Land South East of Mole End, Gull Road, Guyhirn (F/YR16/0194/F Minute P/73/17) it was necessary to bring this item back to the Committee for further approval of a condition attached to the planning permission. He made members aware that Cambridgeshire County Council had requested an archaeological trial-trench condition be added to the planning permission as nearby evidence had shown this was an area of archaeological interest. He proposed that members consider this and decide whether that condition can be added.

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

- Councillor Mrs Laws stated that she believed the condition should be added as Cambridgeshire County Council have requested this based on evidence of nearby activity.
- Councillor Sutton reminded members that when the planning permission was granted, it was agreed that himself and Councillor Sam Clark decided the conditions. He considered other applications granted nearby and felt it was unreasonable to add this condition to the planning permission as no other applications had been subject to this. He believed it was unfair to the developer to have this condition attached as the areas of interest were located a distance away from the site and trenching could be costly. He confirmed that no discussions had taken place between himself, the Applicant or Agent.
- Councillor Connor asked officers an estimated cost of the proposed trial-trench work and said if the cost was high it may prevent the site being developed. Nick Harding confirmed that he has no knowledge of this area and therefore cannot estimate the cost.
- Councillor Connor agreed that applying a condition to this site is unfair to the developer as other applications have not had to carry out this work.
- Councillor Mrs Laws disagreed and said the fact that Cambridgeshire County Council had requested this suggests it should be applied to the planning permission and is necessary. As we do not know the costs involved we are unaware if this will affect the development or not.
- Nick Harding highlighted that Cambridgeshire County Council's comments were noted in the report members received when considering the original planning application and a draft set of conditions were proposed based on the consultee's comments.
- Councillor Sutton said from past experience the cost of trenching can be high and highlighted that money may need to be spent rectifying the site after the dig has taken place. Whilst he said the cost is not members concern, he believes the condition should not be added as it has not been applied to other local sites and is not fair to this developer.
- Councillor Mrs Hay said the cost is irrelevant and is not something members should consider. She clarified that if officers had recommended approval in the first instance for this a set of draft conditions would have been proposed by them after taking in to account Cambridgeshire County Council's comments and members would have agreed to this condition being added. She said in regards to other sites, knowledge changes and something may have changed in regards to archaeological interest in the area meaning this site requires trenching. Therefore, she would like the condition to be added.
- Councillor Mrs Davis and Councillor Mrs Newell agreed with Councillor Mrs Hay.

**Proposed by Councillor Sutton, seconded by Councillor Connor that planning permission is granted without an archaeological condition. A vote was taken which resulted in the need for a casting vote by the Chairman for this Item, Councillor Sam Clark, resulting in the application being GRANTED without an archaeological condition; against officer's recommendation.**

2:54 PM Chairman

Agenda Item 5

**F/YR16/1017/O**

**Applicant: Taylor Wimpey (UK) Ltd** **Agent : Ms K Stingley DLP Planning**

**Site Of Former Eastfield Nursery, Eastrea Road, Whittlesey, Cambridgeshire**

**Erection of 169 x dwellings (max) (Outline with matters committed in respect of access only)**

**Reason for Committee**
The proposal fails to provide satisfactory affordable housing or contributions as required by Policy's LP5 and LP13 of the Fenland Local Plan.

## 1 EXECUTIVE SUMMARY

The proposal is in outline form for up to 169 houses. It is an allocated site under Policy LP11 part of a larger site.

The application submitted a revised Transport Assessment which has been assessed by the Local Authority and considered to be satisfactory. The proposed access is considered to be acceptable in terms of highway safety.

The proposal contributes towards the management of the Lattersey LNR. The application is considered to accord with Policy LP11 (site allocation).

The application has been submitted with a viability assessment and has been assessed by the Section 106 officers and is considered to be unviable. Subsequently the proposal is to provide only a total contribution of £230,436. Therefore, the proposal does not comply with Policy LP13. However, it is considered to accord with NPPF and NPG, which enables developers to demonstrate a proposal would be unviable.

The proposal is therefore considered to accord with Policies LP3, LP4, LP11, LP13 (due to compliance with NPPG) LP15, LP16 and LP19 and is recommended for approval subject to prior completion of a Section 106 agreement.

## 2 SITE DESCRIPTION

2.1 The 5.57 hectare site is the former Nursery to the south of Eastfield Road off the existing round-a-bout. The site abuts housing to the south of Eastfield Road and off Bellmans Grove. It also faces the Larkfleet development to the north accessed via Dandelion Drive. The site is predominantly flat although a raised mound near the southern boundary, and a pond/stream to the south-east with willow trees abutting the site. To the south is the Lattersey Local Nature Reserve, a disused quarry and now a local beauty spot with visitor car park. It is managed by the Wildlife Trust. To the west are houses that back-on to the site on the eastern edge of Whittlesey. There is a small area of public open space at the end of Diana Close fenced off from the site but with footpath access towards the Nature Reserve. The site is within Flood Risk Zone 1 an area considered to be at the lowest risk of flooding.

In 1821 that the Site was initially farmland. A building was developed in 1970-73 in the north-west corner of the Site, and in 1979-1992 the Nursery was established. The Nursery was completely demolished by 2014 and the Site is now derelict. The land surrounding the Site has been previously used for clay, chalk and gravel extraction, and has become increasingly developed for residential use over the years. The Gildenburgh Brickworks were present directly south of the site from 1903-1978.

## 3 PROPOSAL

3.1 The proposal is in outline form for up to 169 houses. It includes the detailed access off the A605 and the existing round-a-bout which serves the Larkfleet development via Dandelion Road.

3.2 The application was submitted with the following documents:

Design and Access Statement
Indicative Masterplan
Flood Risk Assessment
Phase 2 Ground Investigation Interprative Report
Draft Heads of Terms
Planning Statement
Arboricultural Impact Assessment
Archaeological Assessment
Ecology Survey
Transport Assessment
Travel Plan

The indicative masterplan includes an area of open space, SUDS, an existing pond and a LAP area.

## 4 SITE PLANNING HISTORY

| Reference | Description | Decision | Date |
|---|---|---|---|
| F/YR15/0505/SC | Screening/Scoping Opinion: Erection of 169 dwellings with associated infrastructure and landscaping<br>Site Of Former Eastfield Nursery Eastrea Road Whittlesey Ca | Further Details Not Required | 07/07/2015 |
| F/YR11/0482/F | Erection of a food store with petrol filling station and car wash recycling centre associated parking landscaping (2 metre high earth bund 4.5 high non climb galvanised fence 2 metre high brick wall extension to existing pond) and highway works<br>Site Of Former Eastfield Nursery Eastrea Road Whittlesey Ca | Refused | 27/02/2013 |
| F/YR03/0632/O | Residential Development (5.87 ha) including formation of access balancing pond and public open space<br>Former Nursery Site Eastrea Road Whittlesey Cambs | Refused | 24/10/2003 |
| F/YR02/0110/O | Residential development (5.87 ha) including formation of access balancing pond and public open space<br>Former Nursery Site Eastrea Road Whittlesey Cambs | Withdrawn | 04/02/2003 |
| F/96/0802/F | Erection of 69 houses comprising 6 x 4-bed detached; 34 x 3-bed semi/terraced; 28 x 2-bed terraced and 1 x 1-bed terraced together with garages estate roads and landscaping<br>Land At Eastfield Nursery And West Of Bellmans Road Whittle | Granted | 23/12/1997 |
| F/95/0865/F | Erection of polytunnels<br>Land South East Of 186 Eastrea Road Whittlesey Peterboroug | Granted | 22/03/1996 |
| F/95/0809/AG1 | Formation of irrigation reservoir<br>Land South East Of 186 Eastrea Road Whittlesey Peterboroug | Further Details Not Required | 15/02/1996 |
| F/0913/84/F | Erection of an administration building comprising of office, rest room & toilet at horticultural premises<br>190 Eastrea Road, Whittlesey, Cambs | Granted | 13/12/1984 |
| F/0825/84/F | Erection of agricultural glasshouses<br>Land adjacent 186 Eastrea Road Whittlesey | Granted | 26/11/1984 |
| F/0697/84/F | Construction of an agricultural vehicular access<br>Land adjacent 186 Eastrea Road Whittlesey | Granted | 10/08/1984 |

## 5 CONSULTATION

### CCC Archaeology

5.1 *The site was previously subject to two evaluations (2003 and 2012) before and after the demolition of the former glass houses that occupied the bulk of the site. This work characterised the archaeological and demonstrated the extent of significant remains that were principally of Roman date, though late prehistoric evidence was also present. Not being of national importance, this office considers that the construction impacts on the archaeological remains can be mitigated by a programme of detailed investigation, analysis and publication secured through an appropriate condition. Proposals for the display of relevant finds should be put forward by the applicant for lasting local benefit. I note that the planning application contains a Written Scheme of Investigation for a phase of evaluation, which should be withdrawn from the planning portal as this has been superseded in discussions held since it was submitted and since when a refreshed investigation brief has been issued. The WSI holds that further evaluation is required at the site, a technique that we do not uphold at this stage of the overall archaeological programme and see it as an unnecessary response to the excavation needs of the*

*site, though we do not discourage the use of low level trenching to refine the limit of the archaeological area for excavation at the SW corner. This technique is commonly used within an overall stripping exercise for excavation programmes and could be usefully used here too.*

The Archaeologist recommends a condition be attached.

**Anglian Water**

5.2 The foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a connection to manhole 6101, if a connection upstream is required, then upgrades will be needed in line with the Pre Planning strategy. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

**Environment Agency**

5.3 The Environment Agency originally objected because there was insufficient information regarding the following:

1. The level of risk posed by this proposal was unacceptable.
2. The application fails to provide assurance that the risks of pollution are Understood

5.4 Following submission of Phase 2 Ground Investigation Report the EA withdrew its objection but had the following comments:

*This site is overlain by the March Gravels Member, a secondary A aquifer in superficial sands and gravels. It is underlain by unproductive Oxford Clay mudstone. The site is located within 50m of Gildenburgh Water and includes a pond and a surface water course on site. Groundwater beneath the site has been determined between 0.46-0.97m. The south western corner of the site situates a historic landfill (New Road, Whittlesey) that previously accepted industrial and household waste. The site is considered sensitive due to numerous potential sources of contamination presenting potential pollutant linkages to controlled waters. The Environment Agency considers that planning permission could be granted to the proposed development as submitted if particular planning conditions are included. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application*. (These conditions are attached)

**Middle Level IDB**

5.5 Contacted the applicant directly but made no comments on the planning application.

**Whittlesey Town Council**

5.6 The Town Council no objection to the proposal.

**FDC Environmental Health**

5.7 The Environmental Health Officer accept the submitted information and have no objections to the principle of the development. However due to the previous use of the land (nursery) and the surrounding land (brick works / pits / landfill) required further information in the form of a robust desk study to show whether the land has the potential to have been affected by ground contamination, any assessment should consider known or suspected
chemicals or fuels that have been stored at the site, the potential for made ground to exist and potential for landfill gas from the former land fill; a conceptual site model detailing all potential sources, pathways and receptors is needed.

**Cambridgeshire Constabulary**

5.8 This appears to be an acceptable layout regarding crime and the fear of crime – there is mention of an early consultation with my predecessor and the DAS talks about principles of secured by design.
This office would be happy to discuss Secured by Design and measures to mitigate against crime and disorder should the application be successful progressing to reserved matters.

**NHS England**

5.9 Due to premises capacity levels in the area, there is not an intention to seek primary healthcare mitigation on this occasion.

**FDC Housing Strategy**

5.10 The following affordable housing requirements have been identified:

- The policy requires the provision of 42 affordable dwellings on site subject to viability.
- the mix of affordable tenures should be informed by and compatible with the latest government guidance and an up to date local Strategic Housing Market Assessment (SHMA). An affordable tenure mix of 70% affordable rented and 30% intermediate tenure is considered appropriate for this development. Therefore for this application, 29 dwellings should be for affordable rent and 13 dwellings for an intermediate tenure.
- Analysis of the Fenland housing register and the Cambridgeshire Strategic Housing Market Assessment indicates significant demand for one and two bedroom dwellings, suggesting the following mix: 8 x 1 bed houses, 14 x 2 bed houses, 6 x 3 bed houses and 1 x 4 bed house for the 29 affordable rented dwellings. For the 13 intermediate tenure dwellings I would propose the following mix: 5 x 2 bed houses and 8 x 3 bed houses.

**FDC Tree Officer**

5.11 The Tree Officer identifies that there is no significant vegetation on the site that would require retention for any aspect of the development proposal. The Arboricultural Impact Assessment provides the necessary detail relating to the off-site trees. The design layout for the site should consider screening to properties in Bellman's Grove and Eastrea Road.

**PCC Ecology**

5.12 The proposed development is located immediately adjacent to Lattersey Nature Reserve County Wildlife Site, and as highlighted by the site's managers, the

Wildlife Trust BCN. This major housing development is likely to result in increased visitor activity and associated pressures to the nature reserve such as increased wear and tear to site infrastructure, anti-social behaviour and disturbance to wildlife. It is an essential requirement that in order for this development to progress, an appropriate financial contribution should be secured specifically to enable the management of the nature reserve to address the increased visitor pressure that can be expected. He also requested that a range of bird nest boxes are installed on the new dwellings that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a condition.

5.13 The Indicative Masterplan appears broadly acceptable; however he highlighted that no landscaping detail has yet been submitted. The ecology report (sections 5.4 & 5.5) makes various recommendations, particularly in relation to mitigating impacts to invertebrates, which are considered to be of District Value, and would be lost as a result of this development. I would therefore request that the following be secured by condition:

- Re-profiling the edges of the existing storage pond, to include marginal wetland planting and wildflower seeding;
- New balancing ponds to also include marginal wetland planting and Swales to be sown with appropriate wildflower seed mix
- Tree, shrub and hedge planting with native species
- Provision of green infrastructure habitat buffer along the southern and south-eastern site boundary adjacent to existing habitats)

This detail may be provided at the detailed/ reserved matters stage.

5.14 The PCC Ecologist has no objection to the granting of outline planning permission subject to an adequate financial contribution being secured towards the management of Lattersey Nature Reserve CWS, plus the use of appropriate conditions as set out above. He advises that subject to his recommendations being fully incorporated into the approved scheme the development will in my opinion result in no net loss to biodiversity.

**Wildlife Trust**

5.15 Seek a contribution of £35,580 & VAT towards the management of Lattersey LNR. This is necessary in order to meet the requirements of planning policy, including policies LP7 and LP11 in the Fenland Local Plan. The trust has the following detailed comments:

*The sum cover upgrades to existing infrastructure, provision of new infrastructure, and a contribution to the additional running costs for a period of 15 years. It will need to be secured through a s106 planning agreement. The Wildlife Trust would prefer that the sum is paid prior to the commencement of the development in order that the infrastructure can be provided in advance of the first new residents moving in. We understand that the payment could be staged with the capital sum upfront and the management contribution provided on completion of a specified number of houses (but we would request before the completion of the 85th dwelling).*

- *New crushed brick path providing a 400 metre circular loop through the northern half of the LNR and connecting directly to a new access from the Taylor Wimpey development*
  ***£7,500***

- *New entrance & interpretation sign at the new access from the Taylor Wimpey development **£1,500***
- *New dog bin at the new access from the Taylor Wimpey development **£180***
- *New post and wire fence, with sheep netting, along boundary with Taylor Wimpey development & kissing gate **£900***
- *Replacement nature reserve boardwalk **£6,000***

*Additional maintenance costs*

- *Increase costs of maintenance and future replacement of new infrastructure;*

*Collection of dog waste every 2 weeks;*

- *Management of boundary vegetation including trees along properties and new fences;*

*Liaison with property owners over issues such as access gates, garden waste;*
*Liaison and communications with neighbours;*

- *Current running costs for the reserve are £17,000 per annum, but we have calculated that with the development these will increase to £18,300 per annum, representing an annual increase of **£1,300**.*

*The WT has calculated the sum of **£19,500** to cover additional future maintenance over a period of 15 years (using Net Present Value and a 0% discount rate)*

*Should Taylor Wimpey choose not to make the proposed contribution, then the Wildlife Trust **objection** to the development remains in place and we request that Fenland District Council refuse this application. If Fenland are minded to approve the development, then the Wildlife Trust requests that the plans are amended to remove the direct access to the LNR and that provision is made for a secure boundary fence (of steel palisade or strong steel wire mesh construction) all the way along the southern and south-western boundaries of the development. Ideally this should be backed up by a thick thorn hedge on the development side of the fence. Future maintenance of this should be at the developers expense.*

**CCC Growth & Development**

5.16 Contributions request the following:

<u>Education</u>

| | | |
|---|---|---|
| • Early Years 51 child yield at £24,694 – | total | £ 642,044 |
| • Primary need 60 child yield at £24,694 – | total | £1,481,640 |
| • Secondary need 43 child yield at ££33,333 | total | £1,433,319 |
| Libraries | total | £17,817 |
| Strategic waste | total | £1,118 |
| Monitoring charge | | £650 |

**CCC Highways**

5.17 Regarding the access off the roundabout. The fourth arm needs to be designed in accordance with the Design manual for Roads and Bridges (DMRB) TD16/907. Footway links will need to be provided from the site along the southern side of the A605 between the proposed site access and the existing footway network into Whittlesey. The applicant clarified that the drawing submitted accorded with the design standard.

**CCC Highways (Transport Assessment)**

5.18 The further details submitted with the Transport Assessment regarding Accident data and the capacity assessment (taking on board the possible development of the Sainsbury site) are now considered to be acceptable subject to the following:

*The consented roundabout for the adjacent mixed use development has been modelled and the results show the roundabout is expected to operate over capacity. This proposed development is expected to generate 14 new vehicular movements at the roundabout in the AM peak and 14 new movements in the PM peak, this is one vehicle every 4.2 minutes. The development will therefore not have a severe impact on the roundabout.*

*The junction assessment work undertaken shows that the roundabout of Eastrea Road with the site access will suffer from capacity issues on the western arm should the mixed used development and this residential development both be fully occupied. The roundabout does not suffer from capacity issues with the traffic from just this residential development added. As the adjacent mixed use site already has planning permission, this residential development needs to provide mitigation at the roundabout should both sites become operational.*

*There are a number of pedestrian and cycle improvements identified in the Cambridgeshire County Council Transport Investment Plan for the centre of Whittlesea where all the local facilities are located, the facilities are within a 2km walking distance from the site as identified in the transport assessment.*

*Conclusion*

*The Transport Assessment Team does not wish to object to the development subject to the following -*

*1. Prior to first occupation of the development, the closest bus stop to the east of the site on the A605 shall be provided with a hardstanding incorporating raised kerbs. Also a set of pram crossing should be provided to cross from the footway on the opposite side of the road onto the new hardstanding, full details to be agreed in writing with the Local Planning Authority.*

*2. Prior to first occupation of the development, the developer shall be responsible for the provision and implementation of a Residential Welcome Packs for sustainable transport, approved by Cambridgeshire County Council, to include 3 months free bus travel with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.*

*3. The roundabout mitigation works as shown on drawing titled "Proposed Mitigation at Site Access Junction" drawing No. 007 dated 11 May 2018 shall be implemented on the ground upon completion of the adjacent roundabout to the east of this site for the consented mixed used development. Full details to be agreed in writing with the Local Planning Authority.*

*4. Prior to commencement of any development, the applicant shall pay the Highway Authority a £40,000 bond to cover the cost of the council having the deliver the above works under condition 3. Should the works be completed by the applicant to the satisfaction of the Highway Authority then the bond shall be returned.*

*5. Prior to occupation of the first dwelling, the applicant shall make a contribution of £20,000 (twenty thousand pounds) towards improvements at*

*Whittlesea railway station, these works shall include but not be limited to cycle parking improvements, lighting improvements and shelter improvements.*

**CCC Local Lead Flood Authority**

5.19 The applicant has demonstrated that surface water can be dealt with on site and runoff rates will be limited to 2 l/s/ ha to the adjacent watercourse. Based on the above The LLFA removes its objection and recommends appropriate conditions.

**Section 106 Officer**

5.20 The Officer has considered the Viability Assessment. All inputs were scrutinised in accordance with FDC's usual approach to viability assessments using the Homes and Communities Agency Development Appraisal Toolkit which allows for a consistent and systematic review of viability submissions.The appraisal demonstrated that there are viability issues preventing the delivery of Affordable Housing and S106 Contributions.

**Objectors**

5.21 An objection was received from a resident of Dandelion Drive objectiing to the following:

- Density/Over development
- With a large Larkfleet development across the road of over 300 houses, and also a large development at Buttercross Park by David Wilson, are 169 more new build houses require in Whittlesey?
- As Larkfleet's development is still ongoing this development would only add to the mess and an increase in construction traffic on Eastrea Road.
- Also, there doesn't seem to be extra provision being supplied of extra services i.e doctors and schools..

**Representations**

5.22 Representation from neighbours who's house backs onto the application site consider this site to be suitable for housing development in principle but raise matters regarding the following:

- any new houses built adjacent to the bungalows at the bottom of Bellmans Grove should also be bungalows and have a good length of garden behind them. This will mean that we have the minimum loss of privacy and overshadowing.
- concerns about the impact on local services including school places, GP surgeries and traffic congestion.
- Concern regarding the possible hazard caused by the burying of glass within the site from when the greenhouses were demolished.

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**

7.1 Paragraph 2: Applications must be determined in accordance with the

development plan unless other material considerations indicate otherwise
Paragraph 14: Presumption in favour of sustainable development.
Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.
Paragraph 32: Development should only be refused on transport grounds where the residual cumulative transport impacts are severe.
Paragraph 47: Supply of housing.
Paragraph 49: Applications for planning permission for housing are determined in accordance with the presumption in favour of sustainable development.
Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
Paragraphs 100-104: Development and flood risk.
Paragraph 109: Minimising impacts on biodiversity.
Paragraph 111: Encourage the effective use of land by re-using brownfield land.
Paragraph 173: 173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
Paragraph 128: Archaeological interests in a site.
Paragraphs 203-206: Planning conditions and obligations.

**National Planning Practice Guidance (NPPG)**

7.2 The National Planning Policy Framework policy on viability applies also to decision-taking. Decision-taking on individual schemes does not normally require an assessment of viability. However viability can be important where planning obligations or other costs are being introduced. In these cases decisions must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth. Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible.

7.3 The National Planning Policy Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
To incentivise the bringing back into use of brownfield sites, local planning authorities should:
•look at the different funding mechanisms available to them to cover potential costs of bringing such sites back into use
•take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

**Fenland Local Plan 2014**

7.4 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 (25% affordable provision).
LP7 – Urban extensions
LP11 - Whittlesey
LP13 – Supporting and Mitigating the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the risk of Flooding in Fenland
LP15 – Facilitating the creation of a More Sustainable Transport Network in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District
LP19 – The Natural Environment
Delivering and Protecting High Quality Environments in Fenland SPD (July 2014)
Developer Contributions SPD (February 2015)
Cambridgeshire Flood and Water SPD

**8 KEY ISSUES**

- **Principle of Development,**
- **Character and Amenity**
- **Risk of flooding and drainage**
- **Contamination**
- **Affordable Housing and infrastructure**
- **Highway Safety**
- **Ecology**

**9 BACKGROUND**

9.1 Planning permission was granted for Sainsbury's Supermarkets (ref F/YR15/0657/F) in October 2015 for the site immediately to the east.

**10 ASSESSMENT**

**Principle of Development**

10.1 Policy LP3 considers that the majority of the district's new housing should take place in the Market Towns. Policy LP7 considers the issue of Urban extensions. This site forms part of a large extension to Whittlesey but is only for up to 169 houses. The Larkfleet development was perhaps more appropriate in scale to the requirements of LP7 (this application is perhaps more in scale to a windfall site). Other maters raised regarding infrastructure/affordable housing, biodiversity are considered against the relevant policy requirements.

10.2 This site is allocated within Policy LP11 being part of the North and South of Eastrea Road. The policy refers to the area to the south could include residential. The site immediately to the east has planning permission for retail and employment activities. The site to the north is currently being developed by Larkfleet. The policy refers to the need to consider the impact on Lattersey Field Local Nature Reserve.

10.4 The proposal is considered to accord with policies LP3 and LP11 and therefore acceptable in principle. The proposal therefore needs to be assessed against the detailed policies.

**Character and Amenity**

10.5 Policy LP16(d) considers the impact of the development upon the character of the area. The site has been cleared for some time. It abuts housing on the eastern

edge of Whittlesey and is situated opposite the Larkfleet development being accessible off the existing roundabout. It abuts the site with planning permission for retail development to the east. To the south is a raised element of ground and a footpath that accesses towards the Lattersey Local Nature Reserve, with woodland to the south-west. It is considered that providing suitable landscaped buffers are included in the layout (particularly to the south and south-west protecting approaches to the nature reserve and the remaining woodland) the development is capable of coming forward without resulting in significant harm to the character of the area.

**Risk of flooding and drainage**

10.6 The site is within Flood Risk Zone 1 an area considered to be at the lowest risk of flooding. The scheme is therefore considered to pass the sequential test and accords with Policy LP14 and the Flood and Water SPD. The drainage has been assessed by the drainage authorities who request appropriate planning conditions (which will require the provision of Suds in the layout).

**Contamination**

10.7 Due to concerns from the Environment Agency and the Council's Environmental Health Officer, the applicant submitted a Phase 2 Ground Investigation Interpretive Report. The Environment Agency has considered this and requested a number of safeguarding planning conditions which are attached. The proposal is therefore considered to comply with Policy LP16(l).

**Housing Need**

10.8 Policy LP5 requires the provision of 25% of the development to be affordable housing (in this instance 42 dwellings). However due to the applicant's viability argument this is not being provided. Cleary this is contrary to Policy LP5, however it accords with advice within the NPPG regarding viability and brownfield sites.

**Highway Safety**

10.9 The applicant will be required via a planning condition, to provide a footway (on highway land) across the front of No 186 Eastrea Road to link to existing pedestrian networks, and improvements to the nearest bust stop to provide hard standing and pram crossings to the highway both sides of the road along with pedestrian crossing to the round-a-bout (as detailed on the latest access plan). The proposed access accords with appropriate highways design requirements.

10.10 The applicant has confirmed agreement to provide the mitigation works to the west of the existing roundabout prior to occupation of the first dwelling. This is required by an attached condition and accords with the LHA request. Contributions for improvements to the railway station cannot be supported due to the development not being viable. Therefore, subject to the above, the application is not considered likely to result in severe impact on the safe use of the highway network and the proposal accords with Policy LP15.

**Ecology**

10.11 The Peterborough City Council Ecologist has assessed the applicant's Ecology Survey. He recommends a number of planning conditions which are appropriately attached including reference to necessary landscaping to provide suitable buffering of the more sensitive areas for wildlife. He also supports the Wildlife Trust in its request for mitigation contribution for the management of Lattersey Nature Reserve. The applicant has agreed to fully meet this request within the reduced Section 106 package. Subject to this provision and the attached planning

conditions, the proposed development is not considered to result in harm to the Local Nature Reserve.

10.12 As the application has taken a considerable time to progress (due initially to the applicant's failure to submit the Viability Assessment) the ecological surveys are somewhat dated. Therefore there will be a further need for survey work as part of the reserved matters stage (a suitable informative is attached). The proposal is considered to accord with Policy LP19 of the Fenland Local Plan.

**Archaeology**

10.13 There is clearly potential for archaeological finds as identified by the County Archaeologist. The required planning condition is attached, and the applicant has programmed for the necessary works. The application therefore accords with policy LP18 in this respect.

**Infrastructure provision**

10.14 The policy requirement from Policy LP13 and Appendix B –Open Space Standards requires the following provision:

| Open space policy requirement , 22 % should be open space – Site area 5.57 hectares. | | |
|---|---|---|
| Project | On site provision | Off site alternative |
| Neighbourhood Park 4% | 0.2228ha | £22,280 |
| Children's Play 4%<br>LEAP indicated in scheme | 0.2228ha | £22,280 |
| Natural green space 5% | 0.2785ha | £27,850 |
| Allotments 1% | 0.0557ha | £5,570 |
| Outdoor sports 8% | 0.4456ha | £44,560 |

10.15 The County Council have detailed the significant education contributions (totalling approximately£ 3.6million.

10.16 The applicant has undertaken a viability assessment which has been submitted to and assessed by the Council's Section 106 Officer.
The assessment includes site abnormal costs which were significant and included the following:

Site remediation works,
Imported Backfill
Archaeology
Foundational works (due to the nature of the site)
Gas protection measures
Retaining walls.

10.17 The viability assessment included an HCA toolkit spreadsheet presented in two formats, the first included provision of affordable housing and full Section 106 costs including the significant education costs, and a second option which excluded affordable housing. Theses forecast significant present-day deficit on both assessments.

10.18 The Section 106 Officer has confirmed that the assessment demonstrated the following:

- The anticipated revenue for the scheme was established utilising comparable new build evidence.
- The adopted Bank interest of 6.25% which is an acceptable assumption.
- Design & Professional Fees of 7% have been adopted, up to 10% is considered within an acceptable range.
- Build Costs are in accordance with published RICS BCIS values. The build costs adopted are appropriate. These assumptions are in accordance with figures published on BCIS TPI webpages for the types of properties proposed rebased for Fenland.
- Evidence was provided supporting the Abnormal Costs and External works with justification of all items by consultants and quotes supplied for the works where appropriate.
- The submission includes 20% profit of the Gross Development Value. 20% profit is considered the minimum amount that a developer would usually require for a site of this nature.

10.19 The appraisal demonstrated that there are viability issues preventing the delivery of Affordable Housing and S106 Contributions. However it is considered prudent to include the option to provide affordable housing should other funding become available, such as via the Combined Authority funded route (or possibly funded by the Council itself). This would not obligate the developer to provide, but would enable the provision of Social Housing should the opportunity arise. The scale and location of the development is likely to be appropriate for affordable housing and the possibility of achieving funding.

10.20 The outcome of this assessment is that the applicant provides only the following contributions:

- £175,000 for Education
- £17,817 for Libraries
- £1,119 for Waste services
- £650 for Council's legal fees
- £35,850 for the Wildlife Trust

These elements will be safeguarded through a section 106 agreement. The site itself can provide a local play area, and an area of public open space (required in detail by planning condition and illustrated on the indicative scheme). Nevertheless, the development cannot meet the substantial education request or provide any affordable housing. It is however considered that the proposal accords with advice within the NPPG regarding viability and the delivery of development of brownfield sites.

## 11 CONCLUSIONS

11.1 This application, which is in outline form, is a major housing development on an allocated brownfield site on the edge of Whittlesey, a Market Town in the Council's Spatial Strategy. The application has been validated since November 2016. It was initially delayed due to the applicant's failure to submit a viability assessment. However, this is now complete and demonstrates, due to significant constraints, that to bring this forward with affordable housing and substantial infrastructure contributions results would not be viable. The Council has recently emerged from a period of failing to demonstrate a 5-year supply of housing. Therefore, the delivery of sites of this nature become significantly important for a plan lead system. It is

considered unreasonable to delay determination due to the highway issue regarding the adjacent site which is considered reasonably resolved.

11.2 Clearly the proposal cannot comply with policies on infrastructure or affordable housing. However, it is considered that the proposal complies with all other policy considerations. It does accord with advice in the NPPG regarding viability and the delivery of brownfield sites. Finally, it has attracted minimal opposition from the community.

11.3 It is therefore for members to consider the benefits of the development set against the harm of the application's inability to provide affordable housing or education contributions. It is officer's opinion that in this instance the benefits outweigh the harm and recommend Approval subject to the signing of a Section 106 agreement based on the terms detailed above.

## 12 RECOMMENDATION

**Grant Subject to the completion of a S106 agreement and the following conditions:**

1 Approval of the details of:

I. the layout of the site
ii. the scale of the building(s);
iii. the external appearance of the building(s);
iv. the landscaping

(hereinafter called "the Reserved Matters" shall be obtained from the Local Planning Authority prior to the commencement of development).

Reason - To enable the Local Planning Authority to control the details of the development hereby permitted.

2 Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason - To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

3 The development hereby permitted shall begin before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

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

The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy prepared by Taylor Wimpey UK Ltd (ref: A091021, Version 3) dated January 2017 and shall also include:
a) Full calculations detailing the existing surface water runoff rates for the QBAR, 33% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
d) Full details of the proposed attenuation and flow control measures
e) Site Investigation and test results to confirm infiltration rates;
f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
g) Full details of the maintenance/adoption of the surface water drainage system;
h) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and PPG. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development and in accordance with Policy LP14 of the Fenland Local Plan. Also to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice.

5 Details for the long-term maintenance arrangements for the surface water drainage system (including all Suds features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, Suds components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.
Reason: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework and in accordance with Policy LP14 of the Fenland Local Plan.

6 Prior to occupation of any dwelling hereby approved details of the provision of a footway link on the southern side of Eastrea Road linking pedestrian access from the site to existing footway on Eastrea Road outside No 184 Eastrea Road shall be submitted to and approved by the Local Planning Authority. The highway works shall be carried out in accordance with the approved details.

Reason: In the interests of pedestrian safety and in accordance with Policy LP15 of the Fenland Local Plans 2014.

7 No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority: 1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site. 2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM. 3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long-term monitoring and maintenance plan as necessary. 4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long-term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason (1) To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

9 Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted and agreed in writing with the Local Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant

parts of the development are first brought into use and thereafter retained in perpetuity.

Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to controlled waters in accordance with Policy LP14 and LP16 of the Fenland Local Plan 2014.

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

o the statement of significance and research objectives;

o the programmed and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

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

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

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

11 The detailed layout required by condition No 1 shall include the provision of a minimum of 0.222hectares of children's play provision including detailed layout, and 0.278 hectares of public open space and shall include details of landscaping and maintenance.

Reason: In the interests of the amenity of the future occupants and to accord with policy LP13 of the Fenland Local Plan (2014) and the requirements of Appendix B -Open Space standards.

12 The submission of a detailed layout and landscaping details as required by Planning condition No 1 shall include the following landscaping measures as detailed in Section 5.4 and 5.5 of the of the Phase 2 Ecology Surveys (submitted in support of the application):
- Re-profiling the edges of the existing storage pond, to include marginal wetland planting and wildflower seeding,
- New balancing ponds to also include marginal wetland planting and Swales to be sown with appropriate wildflower seed mix,
- Tree, shrub and hedge planting with native species,

- Provision of green infrastructure habitat buffer along the southern and south-eastern site boundary adjacent to existing habitats.
Reason: In the interests of biodiversity and in accordance with policy LP19 of the Fenland Local Plan (2014).

13 The submission of details required by condition No 1 shall include a range of bird nest boxes that cater for House Sparrow, Starling & Swift one to be installed on or within the site of a minimum of 30% of all new dwellings. The development shall be completed in accordance with the approved detail.

Reason: In the interests of enhancement of Biodiversity and in accordance with Policy LP18 of the Fenland Local Plan.

14 The development of the site shall take place in accordance with the precautionary working method statement set out in section 5.1 (Mitigation) of the Phase 2 Ecology Surveys (submitted in support of the application) in relation to the southern edge of the site. The site works shall be carried out under supervision of a qualified ecologist.

Reason: In the interests of biodiversity and in accordance with policy LP19 of the Fenland Local Plan (2014).

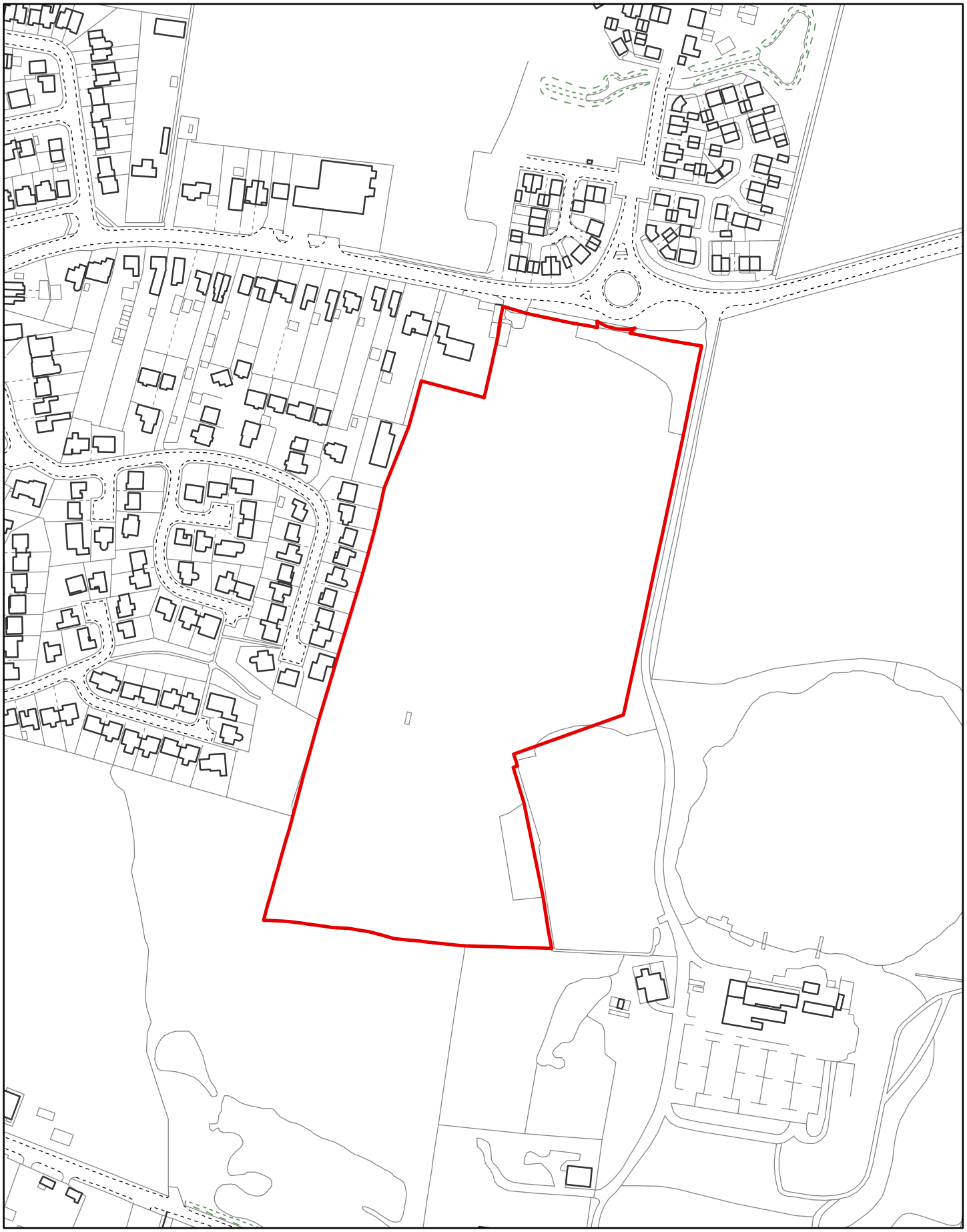
15 Prior to first occupation of the development hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason - To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy LP15 of the Fenland Local Plan, 2014.

16 The detailed layout required by condition No 1 shall include details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

Reason To ensure that the precise height of the development can be considered in relation to adjoining dwellings.

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



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**F/YR16/1017/O**

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Fenland CAMBRIDGESHIRE

Fenland District Council




Project

# Eastrea Road, Whittlesey

Client

## Taylor Wimpey UK Ltd

Drawing Title

## INDICATIVE MASTERPLAN

| Job No | Date | Scale |
|---|---|---|
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| Drwng No. | REV | |
| PL01 | C | |


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Agenda Item 6

**F/YR17/0616/F**

**Applicant: Kewmark Ltd**

**Agent : Mr Robinson**
**E3-Design Planning and Design Consultants**

**Site Of Former Gas Distribution Centre, Gas Road, March, Cambridgeshire**

**Erection of 19 dwellings comprising 1 single-storey 2-bed; 5 x 2-storey 2-bed ; 5 x 3-storey 3-bed and 8 flats; comprising a 3-storey apartment block consisting of 6 x 2-bed flats and 2 x 1-bed flats; and a cycle store, bin store and parking area.**

**Reason for Committee** The recommendation is contrary to the view of the Town Council. There have also been 6 or more letters of objection and the proposal is contrary to policy failing to provide necessary affordable housing and infrastructure provision required by Policy LP13 of the Fenland Local Plan.

## 1 EXECUTIVE SUMMARY

This is a development of the former gas works in March off Gas Road. The site is brownfield and significantly contaminated.

The proposal accord with the Council's Spatial Strategy (Policy LP3) and as a development of a brownfield site is sustainable in accordance with core principles of the NPPF. Access, layout and design are considered acceptable and relationships with neighbouring properties are satisfactory. The application has addressed concerns of the built form in relation to an existing high-pressure gas pipeline and is acceptable to the Health and Safety Executive.

The proposal, which must provide significant decontamination measures, includes a viability assessment which concludes the development is not viable and therefore cannot provide either the necessary affordable housing or infrastructure contributions. This is considered to accord with advice in the NPPF and NPPG. However the applicant agrees to provide a £25,000 contribution for open space provision and off-site affordable housing

The key concern relates to the treatment of the contaminated land as highlighted by objectors. The applicant has demonstrated that appropriate safeguards and monitoring methods will be provided to safeguard existing residents, construction workers and future occupiers of the site. The Council's Environmental Health Officer considers these measures a robust and correct approach to mitigating the contamination. Allied to this are number of planning conditions attached to provide assurance that the public health concerns raised will be appropriately addressed. The outcome will be the development of a contaminated site made safe for public occupation. The application is therefore considered to accord with all aspects of Policy LP16 and is recommended for approval subject to the s

## 2 SITE DESCRIPTION

2.1 Then 0.45 hectare site was formerly a gas works. In 1902 a Gasometer was present on site, and by 1927 a second Gasometer had been constructed. By 1971, the site was labelled as a Gas Distribution Station. The site appeared to have been cleared by 1991. The site has a U-shaped footprint which wraps around a sub-station. It is now fenced off and has what appears a mix of older trees and self-set species. It is a contaminated brownfield site and has a high-pressure gas pipeline crossing the site. It abuts areas of small bungalows, and two storey dwellings (Bradshaw Court), and it has an area of open space with large trees on the site boundary to the south. The site is within Flood Zone 1, an area considered to be at the lowest risk of flooding.

## 3 PROPOSAL

3.1 The application has been amended and now proposes the following:
19 dwellings comprised of;

- 5 x three bed houses,
- 3 x two bed houses,
- 2 x two bed chalet bungalows
- 1 x two bed bungalow,
- 6 x two bed flats
- 2 x one bed flats.

It includes a proposed vehicular access off Kirk Ogden Close near the existing turning head to provide a shard surface access to be adopted. The layout includes some areas of communal amenity space particularly adjacent to Kirk Ogden Close, and proposed parking, 14 serve the houses, 15 spaces to serve the flats and 6 to serve the bungalows and 3 visitor spaces near the entrance. The layout includes proposed replacement tree planting, and cycle stores and a communal bin store for the flats. The layout has been designed to respect the building proximity zone provided by the HSE regarding safeguarding of the gas pipeline.

3.2 The surface water drainage strategy considers the most appropriate method of surface water drainage is sub-surface storage with disposal to a sewer, via a shallow attenuation tank. Surface water run-off from impermeable surfaces (roads, roofs and private drives) will be drained via a piped network to an attenuation tank. Attenuation storage to accommodate the 100 year plus climate change storm event will be provided in below ground tanks and sewers forming part of a private drainage system.

3.3 The applicants engineer has detailed the approach to dealing with contaminated soil. The methods work by breaking the pathway from contamination to human end-users. Therefore, the contaminated soil will only be brought to the surface where levels need to be lowered or where foundation or utilities trenches are excavated. None of the excavated contaminated soil is suitable to remain on site and therefore should be removed. It is the engineer's opinion that the risks, and mitigation procedures, for human health and the environment are adequately dealt with in the contamination report and the risk to construction workers should be dealt with by a contractor's risk assessment. Recommended mitigation procedures for protection of occupants of neighbouring properties are provided below: (It is noted that these procedures will also go some way to protection of construction workers.)

- The primary risks arise from generation of dust and airborne asbestos fibres during excavation of contaminated soil.
- Dust suppression methods should be used during all excavations to minimise the release of dust and asbestos fibres into the air.

- Contaminated soil should be removed off site as soon as it is excavated. Lorries to include covers over the soil during transport.
- If contaminated soil is stockpiled, indeed any stockpiled soil, this should be placed on polythene sheeting, covered and frequently wetted to ensure the surrounding soil is not impacted and dust is not generated.
- Perimeter dust and asbestos fibre monitoring is recommended through the duration of the construction works.

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

https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OQGM6QHE01U00

3.5 The application is accompanied by the following documents:

- Design and Access Statement
- Contamination Report
- Drainage Strategy report & explanatory statement.
- Noise Assessment
- Tree Survey
- Biodiversity checklist

3.6 Despite the viability assessment the applicant has confirmed provision of £15,100 for off-site affordable housing and £9,900 Public Open Space provision towards the enhancement of West End Park(Refurbishment of the Skate park).

## 4 SITE PLANNING HISTORY

| Reference | Description | Decision | Date |
|---|---|---|---|
| F/YR14/0744/F | Erection of an industrial building to house a 20MW electricity generation plant involving the erection of a 2.4m high palisade security boundary fence and gate<br>Site Of Former Gas Distribution Centre Gas Road March Cam | Refused | 27/10/2014 |

## 5 CONSULTATIONS

**5.1 CCC Local Lead Flood Authority** has no objection, requests conditions be attached but also states the following:

*Whilst the use of below ground storage is not our preference, we appreciate that the location of existing gas mains and presence of contamination within the site boundary restricts the location/type of SuDS. We would however recommend that on-plot source control features (e.g. water butts and rain gardens) are used wherever possible to limit the rate of runoff entering the attenuation facility.*

**5.2 CCC Highways** The Highway Authority has negotiated amendments to the layout which includes the following:

- a footway link to the western side of the turning radii to Kirk Ogden Close,
- acceptable visibility and a design of the access drive that enables waste collection vehicles to access,
- appropriate parking provision in accordance with FDC standards

- agreement to provide an uncontrolled pedestrian crossing near the junction with Kirk Ogden Close (included as a condition).

Subject to the above the Highway Authority has no objections.

**5.3** **March Town Council** objects on basis of overdevelopment and land suitability.

**5.4** **Health & Safety Executive** highlights that high pressure pipelines are within the application site. Cadent Gas represented the HSE and objected to the original layout considering it infringed the Building Proximity distance. However following further discussions with the applicant and the submission of amended plans Cadent Gas stated the following:

*The proposals regarding Building Proximity, indicated in plan 15/374/P03 rev C would be acceptable to Cadent. This would assume that the following:-*

*Any protection would need to be designed and installed by the developer at their cost with Cadent agreement through our acceptance process (this can take several months). An integrity check of the pipe before covering with the protection will need to be carried out. We will be in a position to scope this after internal review. This detail will be passed to you but in some circumstances has included excavation at every weld to ensure it conforms to the current standard. This can only be completed during the summer period due to network limitations.*

Cadent Gas has confirmed it has no objection if an appropriate condition is attached. The HSE therefore does not object.

**5.5** **FDC Environmental Health** *Technically the site could be redeveloped, as we have had other similar sites brought back to the same end use as proposed. The site will need further investigation to be fully characterised and so that a robust remediation strategy can be put in place. Our standard contaminated land condition should be suitable, although the desk study element (Part A) has been complied with.*
The Environmental health officer has reviewed the applicants further detailing of the contamination works and considers this acceptable.

**5.6** **Cambridge Constabulary** does not object and would welcome the opportunity to discuss Secured by Design.

**5.7** **FDC Housing Strategy** requests a policy compliant contribution equivalent to 5 affordable dwellings.

**5.8** **Section 106 Officer** has assessed the applicant's Viability Assessment and considers the following :

- Proposed revenue
- Build Costs
- Abnormal costs (Gas pipeline and de-contamination works)
- Land value
- Bank interests rates,
- Services costs
- Professional fees

He considered all these were accordance with FDC's usual approach to viability assessments using the Homes and Communities Agency Development Appraisal Toolkit which allows for a consistent and systematic review of viability submissions. The projected deficit providing no affordable housing but including 20% profit of

Gross development value, will be approximately £550,000. Therefore the development of this site is not viable.

5.9 **FDC Tree Officer** has considered the application and has no objections.

5.10 **FDC Environmental Services** requested the design of the access road accommodate waste collection vehicles. Future residents ought not be required to pull bins more than 30 metres. A shared bin collection point within 10 metres of the highway would be appropriate.

**5.11 Objectors**

Objections received to the original application from 6 households and on the amended scheme a further 4 households. It is noted that some residents are located some distance away from the application site. The objections refer to the following issues:

- Overdevelopment of the site
- Poor location of access, it should be opposite the One Stop shop car park, this entrance would allow cars come and go all hours of day and night without annoying anyone.
- Does not comply with policy
- Drainage
- Concern of disturbance of contaminated ground, with pollution and therefore health risks. Treatment by the National Grid resulted in raised ground levels. Any disturbance will impact on neighbours. Measures inadequate to deal with arsenic and asbestos will require such high levels of capping; also requiring massive amounts of contaminated soil to be removed resulting in nuisance to neighbours being contrary to Policy LP16,(l) It is in contravention of the Local Plan item 5.2 of Our Objectives which is to 'Reduce the risk of pollution to the environment from contaminated land'
- There is a continues hissing noise and sometimes a louder high-pitched noise emanating from the 'Major Accident High Pressure Pipeline' on the adjoining piece of land as well as a gassy smell. Environmental Protection Act under the heading Human Health, Remediation says local authorities should assess the potential risks that remedial work would cause on health and the environment (6.33, 6.34) and minimise the risk (6.36). The remediation that was carried out by National Grid was to allow the site to be used for storage it did not bring it up to housing development standard. The NPFF says that land should be suitable for the proposed purpose before permission is granted, this land is not.
- Better to leave the contaminated land undisturbed posing little risk;
- Flooding risk for neighbours by increasing levels, Middle Level objected previously.
- Noise and dust generation from construction impacting on elderly residents, needs supressing;
- Poor Parking arrangements and increased Traffic
- Loss of Trees in particularly likely to result in subsidence to neighbours and is contrary to LP16 (c),
- Wildlife Concerns increased by loss of trees,
- Whilst housing maybe needed the harm to public health outweighs the benefits;
- 3 storey building will overlook neighbouring bungalows contrary to LP16(e)

**6 STATUTORY DUTY**

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

## 7 POLICY FRAMEWORK

### National Planning Policy Framework (NPPF)

7.1 Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
Paragraph 14: Presumption in favour of sustainable development.
Paragraph 17: Development should contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the NPPF and encourage the effective use of land by reusing land that has been previously developed (brownfield land), Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.
Paragraph 32: Development should only be refused on transport grounds where the residual cumulative transport impacts are severe.
Paragraph 47: Supply of housing.
Paragraph 49: Applications for planning permission for housing are determined in accordance with the presumption in favour of sustainable development.
Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
Paragraphs 100-104: Development and flood risk.
Paragraph 111: Encourage the effective use of land by re-using brownfield land.
Paragraph 173: 173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
Paragraphs 203-206: Planning conditions and obligations

### National Planning Practice Guidance (NPPG)

7.2 The National Planning Policy Framework sets out a core planning principle that in decision-taking local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

To incentivise the bringing back into use of brownfield sites, local planning authorities should:
•look at the different funding mechanisms available to them to cover potential costs of bringing such sites back into use

•take a flexible approach in seeking levels of planning obligations and other contributions to ensure that the combined total impact does not make a site unviable.

**Fenland Local Plan 2014**

7.3 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 (25% affordable provision).
LP13 – Supporting and Mitigating the Impact of a Growing District
LP14 – Responding to Climate Change and Managing the risk of Flooding
P15 – Facilitating the creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments across the District
LP17 – Community Safety
LP19 – The Natural Environment

**March Neighbourhood Plan 2017**

7.4 Section 2 The Vision for March
2.1.2 The type and mix of housing – New housing should meet the needs of the town with the aim of creating mixed and balanced communities. There is a real need for first time buyers.

2.1.3 The Location of future development – There is no need for more housing, other than what is allocated in the Fenland Local Plan, and more clarity is required for windfall sites. The focus of development should be on brownfield land within the town centre.

Policy H2 – Windfall development
Proposals will be supported where they meet the provisions of the Fenland Local Plan and where the following criteria are met:

a) Will not be unacceptable on levels of light privacy and private amenity space for the occupants of the proposed dwellings. This will be assessed against Policy LP16 of the FLP.
b) Will not result in loss of formal open space
c) The site is at a low risk of flooding
d) It has safe vehicle access
e) Provides off site infrastructure
f) High standard of design
g) Not result in the loss of community facilities
Applicants should carry out proportionate pre-application.

Policy H3 Local Housing Need
Should provide 25% affordable housing.

**Other Policies**

7.5 Developer Contributions SPD (February 2015)
Cambridgeshire Flood and Water SPD

**8 KEY ISSUES**

- **Principle of Development**
- **Contamination & Public Health concerns**
- **Amenity, Overlooking and loss of light.**
- **Character of the Area**

- **Highways**
- **Flood Risk**
- **Infrastructure provision and Affordable Housing**

## 9 ASSESSMENT

**Principle of Development**

9.1 Policy LP3 considers March to be a Market Town where the majority of Fenland's growth should be located. The core planning principle in the NPPF (para 17) stresses the preference to develop on brownfield land. The site is considered to be a brownfield site. Therefore, the principle of development on this site accords with both the Council's Spatial Strategy and the Core Principles of the NPPF. Nevertheless, the development falls to be assessed against the detailed policies as considered below.

**Contamination & Public Health concerns**

9.2 Policy LP16(l) requires development to identify, manage and mitigate against any existing or proposed risks from sources of noise, emissions, pollution, contamination, odour and dust, vibration landfill gas and protects from water deterioration.

9.3 The issue of the how development accords with the Health & Safety Executive regarding the high-pressure gas pipeline has been addressed. The applicant consulted with Cadent Gas (the agency representing the HSE) and the amended layout addressed Cadent's concerns who confirm that the layout now considered is acceptable subject to an additional condition (Condition No 8 attached) which includes undertaking a pipeline integrity check. In this respect it is considered that the Health and Safety concerns relating to the pipeline have been appropriately considered.

9.4 The applicant has undertaken a contamination survey based on a detailed survey in 2015. This clearly identifies the scale of contamination within the site. The survey has been considered by the Council's Environmental Health Officer who recommends that the standard planning condition (adapted because the first element has been accomplished). Immediate neighbours have raised significant concerns and highlighted local issues over numbers of years. The measures detailed in the description of the proposal are accepted by the Councils Environmental Health Officer as being a robust and appropriate form of mitigation for the degree of contamination in this site. Furthermore, the Council's Environmental Health Officer recommends construction management conditions which seek to address how noise and dust (including haulage) will be controlled, and should cover use and type of equipment, provision of suppression, and monitoring to show that there is not an issue off site.

**Amenity, Overlooking and loss of light.**

9.5 Policy LP16 (e) requires development to avoid adversely impacting on the amenity of neighbouring users such as noise, light-pollution, loss of privacy and loss of light. The proposal indicates separation distances between two storey (with roof accommodation) properties, to be 21metres. There is also a separation of 23 metres between the front facades of the flats and the proposed bungalow. There are no concerns regarding the relationships of proposed buildings with existing neighbours due to careful orientation of the houses in the developable areas. Fenland does not have detailed separation standards. However, in this instance on this site the separation is considered to be acceptable. In terms of impact on light

in applying the BRE rule of thumb of 25° on the proposed bungalow facing the flats the impact at 23metres to a ground floor window is approximately 13°. Similarly, the relationship of the houses and the flats at 21metres is approximately 15°. Both of these examples are well within the rule of thumb and are therefore acceptable. Therefore it is considered that the impact on access to appropriate levels of sun and daylight is considered to be acceptable. The proposal therefore accords with Policy LP16 (e).

**Character of the Area**

9.6 Policy LP16 (d) considers local distinctiveness and the impact on the character of the area. The proposal seeks to develop what is a brownfield contaminated site which is currently fenced off for safety reasons. The site has a mix of housing and other buildings that are adjacent or nearby. These include predominantly bungalows around Springfield Avenue and Kirk Ogden Close (other than Bradshaw Court, the two-storey flats on the corner) but Gas Street is a mix of commercial and small two storey buildings with a different character. When viewed from The Causeway the two storey houses (plots 6-8) will provide an extension of the built form of Gas Street and the southern gable and corner of the flats maybe visible through the remaining trees abutting the southern boundary. It is considered this is unlikely to significantly harm the character of the wider area.

9.7 The development is a mix of scales with some two-storey, some two-storey with accommodation in the roof-space and flats with some single person flats in the roof-space. However, there are also some bungalows located near existing bungalows in order to protect separation distances. The proposal provides a mix of housing with simple pitched and gable construction, some with chimney features, some with roof lights. Whilst of simple design the proposal is not considered likely to be out of keeping, and given the redevelopment of a contaminated brownfield site, is considered unlikely to harm the distinctiveness or the character of the area. The proposal is therefore considered to accord with Policy LP16 (d).

**Highway safety**

9.8 The proposed access and drive will be of an adoptable standard. The applicant has submitted amended plans clarifying the road will enable refuse collection to take place which has been acknowledged by CCC Highways.

9.9 Some of the proposed parking spaces appear slightly small. However, this layout is relatively generously spaced and therefore a condition is attached requiring spaces be a minimum of 2.5 by 5 metres. The proposed parking complies with Appendix A, Parking Standards in the Fenland Local Plan. CCC Highways has no objection subject to conditions regarding provision of the footway link to Kirk Ogden Close and a pedestrian crossing near the junction of Kirk Ogden Close and Gas Road. The proposal is therefore not considered likely to result in severe impact on the local highway network. It is therefore considered that the proposal accords with policy LP15.

**Flood Risk**

9.10 The site is within Flood Zone 1 areas considered to be at the lowest risk of flooding. It is therefore considered the proposal passes the sequential test. The applicant's drainage strategy and explanatory statement has been considered in detail by the Local Lead Flood Authority who does not object. The use of water-buts is welcomed. No comments were received from Middle Level IDB.

**Affordable Housing and Infrastructure provision**

9.11 Policies LP5 and LP13 requires the provision of 25 % affordable housing and appropriate infrastructure provision to meet the needs of the development. The applicant has submitted a Viability Assessment. The Section 106 Officer confirms that the evidence provided accords with appropriate advice in terms of build costs, land values and property market values, and it demonstrates that the site is not viable albeit that an affordable housing contribution and open space provision is proposed. It is considered that the proposal accords with advice regarding viability and the delivery of developments on brownfield sites. The proposal to provide an off-site contribution of £15,100 towards Affordable Housing and £9,900 towards refurbishment of the West End Park skate park to be provided within a section 106 agreement, is therefore considered to accord with policy LP13.

**Other issues**

9.12 There are no buildings on the site. The applicant has submitted a biodiversity checklist and as such there is no evidence of occupation of the site by protected species. There are a few trees on site but not considered to be significant. Furthermore, these trees are not protected or considered likely to be appropriate for protection and therefore could be removed without permission. There are a number of larger trees abutting the site and a condition seeking their protection during construction is attached. It is considered that there is no requirement for further ecological assessment of the site. Nevertheless, the application seeks to provide a number of trees around the site and as such a condition is attached to require provision of bird and bat boxes in order to enhance biodiversity. It is also incumbent any developer to comply with the Wildlife and Countryside Act and an appropriate informative will be attached. Therefore, the proposal is considered to accord with Policy LP19.

9.13 The application includes a shared bin store that will serve the proposed flats which accords with FDC Environmental Services advice.

9.14 The application appears to accord with the vision contained within the March Neighbourhood Plan in that it seeks to develop brownfield land and provides a good mix of housing. It also seems to accord with all criteria within the Neighbourhood Plan Windfall policy. The Town Council opposition to the proposal appears contrary to the Plan in this respect.

## 10 CONCLUSIONS

10.1 This application accords with the Council's Spatial Strategy and the NPPF's wider aims of sustainability seeking to develop a brownfield site. It is acceptable in design, housing mix, layout, relationship with existing neighbours and highway safety. The minimal provision of off-site affordable housing or open space contributions are due to the high costs of contamination mitigation. The HSE has confirmed that the proposal is acceptable in terms of relationship to the Gas Pipeline.

10.2 Perhaps the critical concern relates to the treatment of the contaminated land and the measures to safeguard future and existing residents both during and after construction. The applicant has sought to demonstrate the comprehensive nature of the mitigation works that will take place, The Council's Environmental Health Officer has assessed the proposals and this will be safeguarded via the suitable planning conditions attached requiring the applicant to undertake the works and seeking to protect existing and future residents. These are considered to be robust

and appropriate measures and as such comply with requirements of Policy's LP16 (l).

## 11 RECOMMENDATION

**Grant subject to completion of section 106 agreement and the following conditions:**

1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.
The scheme shall include:
a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
d) Full details of the proposed attenuation and flow control measures
e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
f) Full details of the maintenance/adoption of the surface water drainage system;
g) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF and the PPG
Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development and to accord with Policy LP14 of the Fenland Local Plan 2014.

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

To ensure the satisfactory maintenance of un-adopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework and in accordance with Policy LP14 of the Fenland Local Plan 2014.

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

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

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

No development approved by this permission shall be occupied prior to the completion of any remedial works and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs c), d) and e).

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

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

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

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

5 Due to the significant level of contamination identified prior to commencement of development a management plan shall be submitted and agreed in writing with the Local Planning Authority regarding mitigation

measures for the construction phase. These details (See informative No 6 for detailed advice) shall include the following:

Proposed dust control measures including monitoring,
Proposed piling methods,
Noise and vibration suppression methods including substitution and modifications to noisy plant/machinery,
A named environmental co-ordinator with 24 hour contact details,
An updated schedule of works (any special alternatives will need to be agreed with Council Environmental Health Officers and advertised to immediate neighbours)
Detailed working hours including delivery times,

The approved plan shall be adhered to at all times during the construction phase.

Reason: To ensure appropriate safeguards are in please to reasonable protect the amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan.

6 Prior to commencement of development above finished floor level full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

b) means of enclosure

c) car parking layout

d) vehicle and pedestrian access and circulation areas

e) hard surfacing, other hard landscape features and materials

f) existing trees, hedges or other soft features to be retained

g) planting plans, including specifications of species, sizes, planting centres number and percentage mix and planting pits.

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.

7 Prior to commencement of development, details of all investigative and protective measures as regards the health and safety of the high pressure gas pipe running through the application site shall be submitted to and approved by the Local Planning Authority in consultation with the Health and Safety Executive. This shall include details and confirmation of carrying out of an integrity check of the pipe before covering. The development shall take place in accordance with the approved details.

Reason; To meet necessary Health and Safety requirements and to accord with Policy LP16(m) of the Fenland Local Plan 2014.

8 Prior to the commencement of construction above finished floor level, full details of the materials to be used for the external walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

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

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

Reason - To ensure that retained trees are adequately protected in accordance with Policy LP16(c) of the Fenland Local Plan 2014.

10 Prior to the first occupation of the development hereby approved, the proposed on-site parking shall be demarcated, levelled, surfaced and drained in accordance with the approved plans but with all spaces being a minimum of 2.5 by 5.0 metres. Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents/occupiers of the approved scheme, and shall not be used for any other purpose.

Reason - In the interests of highway safety and to accord with Policy LP15 of the Fenland Local Plan , 2014.

11 Prior to commencement of development details of existing ground levels (in relation to an existing datum point taken from the existing southern edge of the adjacent sub-station site), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details. (See informative note 7)

Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings in accordance with Policy LP16 of the fenland Local, 2014.

12. Prior to commencement of construction above finished floor levels detailed drawings of highway works including the linked footway from the western side of the proposed access drive to the western side of Kirk Ogden Close, and the detail layout of an uncontrolled pedestrian crossing near the junction of Kirk Ogden Close and Gas Road, shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The development shall be carried out in accordance with the approved details prior to occupation of any dwelling hereby permitted.

Reason: In the interests of pedestrian and highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.

13 Regarding Plots 1-11, 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:

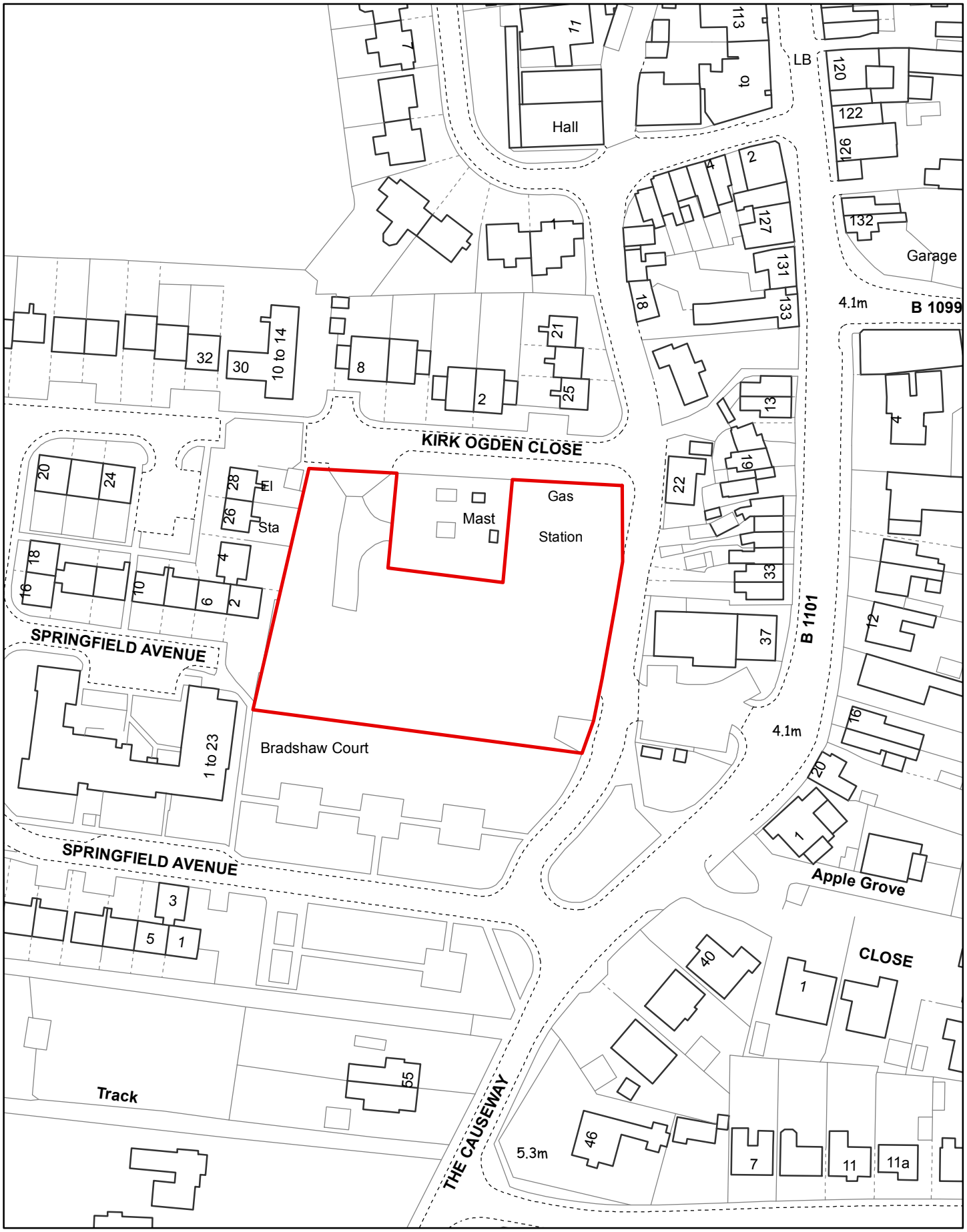
i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);
v) the erection of any walls, fences or other means of enclosure to all boundaries/the # boundary of the site (as detailed in Schedule 2, Part 2, Class A).

Reasons:
1. To ensure that the Local Planning Authority retains control over the future extension and alteration of the development.
2. To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.
3. To ensure that the LPA retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area/conservation area in which it is set.
4. To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings
5. In order to control future development and to prevent the site becoming overdeveloped

14 Prior to commencement of construction above finished floor level, detailed drawings of the shared bin store as located on plan ref 15/374/P23 Rev E, shall be submitted to and approved by the Local Planning Authority. The shared bin store shall be completed in accordance with the approved details prior to occupation of the flats hereby permitted.

Reason: In order to achieve a satisfactory development and in accordance with Policy LP16 of the Fenland Local Plan 2014.

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




Created on: 17/07/2017

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**F/YR17/0616/F**

Scale = 1:1,250

N

Fenland CAMBRIDGESHIRE
Fenland District Council




NOTES
1. All dimensions are to be checked on site prior to the commencement of work and any discrepancy is to be reported to the Architect before construction.
2. All work is to comply with the current Building Regulations and allied legislation.
3. All contractors and sub-contractors must ensure that they have the latest issue of this drawing and related details before the commencement of work on site.
4. All materials are to be used and installed in strict compliance with the relevant manufacturers instructions and recommendations.
5. All works on site, managed and implemented as a result of the designs indicated on this drawing are to be given full consideration for compliance with the Health and Saftey CDM Regulations in respect of Design and Implementatation on site and no works are to be undertaken if it is considered that compliance with the CDM Regulations cannot be achieved.
6. All dimensions shown in millimetres.
7. This drawing is the copyright of Loxton Design Limited and must not be used in conjunction with any other project without Loxton Design Limited written consent.

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scale bar

N W E S

*Site Area*
*4539.20 m² 0.453 ha*
*1.12 ac*

*Schedule of Accommodation*

| | | |
|---|---|---|
| *3 No.* | *TYPE A* | *2 bed house @ 827 sq ft* |
| *4 No.* | *TYPE B* | *3 bed house @ 1209 sq ft* |
| *1 No.* | *TYPE B1* | *3 bed house @ 1116 sq ft* |
| *1 No.* | *TYPE D1* | *2-bed Chalet Bungalow @ 794 sq ft* |
| *1 No.* | *TYPE D2* | *2-bed Chalet Bungalow @ 754 sq ft* |
| *1 No.* | *TYPE E* | *2-bed bungalow @ 619 sq ft* |
| *6 No.* | | *2-bed apartments* |
| *2 No.* | | *1-bed apartments* |

*19 No. TOTAL UNITS*

| Rev. | Date | Revision |
|---|---|---|
| D | 15-05-18 | Access road increased in width to provide greater maneuvering space for refuse vehicle at hammerhead - west side parking areas and service strip adjusted accordingly / footpath extension to N-E corner omitted. |
| C | 12-04-18 | Primarily - garage removed from Plot 3 / re.Plots 1- 8 -cycle stores repositioned, pathways altered & gardens enlarged / parking bay sizes increased & redistributed to south zone. |
| B | 13-03-18 | Overall revision, principally covering shed locations, access pathways, parking provision & roof junctions between terrace houses - ref. LA email directives. |
| A | 24-01-18 | Plot 8 revised. Cycle store relocated. Distance between apartments and Plots 4-8 increased. |

e3 design
planning & design consultants

Project Title
**Land to the South Side of**
**Kirk Ogden Close**
**March**
**Cambridgeshire PE15 9NP**

Drawing Title
**PROPOSED SITE PLAN**

Status **PLANNING ISSUE**
Scale 1 : 200 @ A1
Date January 2018
Drawn Stuart Loxton

ACTUAL DIMENSION=80mm

Drwg. No. **15/374/P23**
Rev. **D**




P A N O R A M A  T O  G A S  R O A D



| Rev. | Date | Revision |
|---|---|---|

e3 design
planning & design consultants

Project Title

**Land to the South Side of**
**Kirk Ogden Close**
**March**
**Cambridgeshire PE15 9NP**

Drawing Title

**GAS ROAD - STREET VIEW**

Status **PLANNING ISSUE**

Scale 1 : 200 @ A3

Date April 2018 | Drawn

0 10 20M

SCALE - 1:200 @ A3 FORMAT / 1:100 @ A1 FORMAT

Drwg. No. **15/374/P30** | Rev.

**F/YR17/1147/F**

| | |
|---|---|
| **Applicant: Mr Martin Savage** | **Agent : Mr I Trundley** |
| **March Cold Stores Limited** | **Trundley Design Services** |

**March Cold Stores Limited, 20 - 24 Marwick Road, March, Cambridgeshire**

**Erection of a cold storage building including plant rooms, 6no loading docks, 14no vehicle charging points, 2no condensers and new hardstanding area**

**Reason for Committee,** More than 6 letters of objection have been received contrary to the officer recommendation.

## 1 EXECUTIVE SUMMARY

The application seeks to expand the March Cold Store on the Marwick Road industrial estate by developing a large new Cold Storage building partly on the existing operation area and partly on rough grassland alongside the rear gardens of dwellings on Elm Road.

The principle of major employment-based development in March accords with the Council's Spatial Strategy. The key issues relates to the impact of this large building on the amenity of neighbouring residents in terms of noise, loss of light, over-dominance, and the impact of the increased operation in terms of additional HGV's particularly on the narrow access from Elm Road into and out of Marwick Road.

Following objections to the original proposal the applicant amended the scheme moving it 15 metres further away from residents and reducing the height of the building.

Assessments have been made regarding loss of light and the likely generation of noise. The applicant will be required to provide an acoustic fence on or near the northern boundary.

The applicant has agreed to contribute towards the alteration of the Traffic Regulation Order to seek to prohibit on street parking at the access of Marwick Road to increase accessibility and agreed to improve the layout of the junction.

It is concluded that the amended proposal is unlikely to result in significantly detrimental impact on the amenity of the occupiers of adjacent dwellings, and the degree of additional vehicular intensification considered along with highway improvements at the junction of Elm Road and Marwick Road will not result in severe harm to the use of the highway network. The application therefore accords with relevant policies LP3, LP6, LP14, LP15 and LP16 and is recommended for Approval subject to conditions and the signing of a Section 106 Agreement regarding contribution towards a Traffic Regulation Order.

## 2 SITE DESCRIPTION

2.1 The application relates to a 2.86 hectare site to the north of Marwick Road and to the rear of houses on the west side of Elm Road. Part of the site is occupied by March Cold Stores Ltd operating a refrigerated haulage business providing both chilled and frozen storage facilities as well as dry goods storage. The existing site is within the Marwick Road industrial estate. It has three large buildings and a lorry parking area. March Cold Stores has an overall capacity of 6200 pallets in three separate buildings. The existing buildings are a maximum of 15m in height but are approximately 200metres to the site boundary with the rear aspects of the residential buildings another 20-25 metres to the east. A large area of the site is undeveloped grass/scrub with a low bund area and existing trees abutting the edge of housing on the west side of Elm Road. At present large HGV's access and exit the site from Elm Road and Marwick Road. To the north is a linear area of grassland attached to the residential property (160 Elm Road). The grassland appears somewhat unused although the eastern end is cultivated garden land.

2.2 The applicant highlights that situated in the heart of the fruit and vegetable production area of East Anglia, March Cold Stores have good access to the M11 motorway serving London and the South.

## 3 PROPOSAL

3.1 At present the current site requires significant refurbishment of the existing buildings due to refrigeration plant efficiencies. This requires new buildings for pallet storage giving the opportunity to refurbish the current buildings. The applicant argues this will then give the potential growth required to deliver a sustainable site. At full capacity the new facility will be able to store around 12,000 pallets. The applicant considers the proposal will both safeguard the future of the existing 70 staff and is likely to result in an additional 15 jobs. The proposal is for a single building for refrigeration plant, two cold stores and increased area of hard standing with enclosed loading bay, with vehicle charging bays.

3.2 The original proposal was located approximately 21 metres from the site boundary (and had 13.95m at eaves level with a ridge height of 16.236m). However the applicant has amended the proposal which has moved approximately a further 15 metres to the west (now 43 metres to the site boundary, between 60-68 metres from the rear aspects of the residential buildings on Elm Road. The proposal retains the existing tree/vegetation belt and existing earth bund but now includes an additional 8 large trees to be planted to the west of the bund, giving further screening from the houses. The building has been reduced to an eaves height of 12.45metres (reduced by 1.5metres) and a ridge height of 13.97metres (reduced by 2.2metres).

3.3 The scheme includes details of lighting attached to the rear (east elevation) but is at 2metre height only.

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

https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OYFS3FHE01U00

3.5 The application is supported by the following:

- Ecology Report

- Flood Risk Assessment
- Drainage Impact Assessment
- Transport Statement
- Noise Impact Assessment
- Proposed Lighting Plan
- Sectional drawing to nearby residential property.

## 4 SITE PLANNING HISTORY

| Reference | Description | Decision | Date |
|---|---|---|---|
| F/YR15/0444/PNS | The installation of 133 kWp solar pv equipment on the flat roof of existing buildings<br>March Cold Stores Limited 20 - 24 Marwick Road March Camb | Further Details Not Required | 17/07/2015 |
| F/YR13/0287/F | Change of use of agricultural land to extend lorry and car park<br>Land East Of 20 To 24 Marwick Road March Cambridgeshire | Withdrawn | 15/07/2013 |
| F/91/0081/F | Extension to existing Cold Store<br>march Coldstores Marwick Road March Cambs | Granted | 07/09/1991 |
| F/1000/85/F | Erection of a general purpose building in association with handling/packing farm produce<br>Marwick Road, March | Granted | 12/10/1985 |
| F/0718/78/F | Erection of a cold store<br>Off Marwick Road March Cambs | Granted | 13/10/1978 |

## 5 CONSULTATIONS

**5.1** **Natural England** has no objection.

**5.2** **CCC Archaeology** has identified the site as having some archaeological potential and requests a planning condition be attached to safeguard appropriate investigations.

**5.3** **CCC Minerals and Waste** has no objection.

**5.4** **CCC Highways** considered the applicant's Transport Statement and assessed the possible level of use against an appropriate database. Whilst accepting the findings the LHA welcomes the contribution towards the measures to seek to provide a change to the Traffic Regulation Orders on part of Marwick Road and identified highway improvements to the Elm Road/Marwick Road junction.

**5.5** **FDC Environmental Health** requested a revised noise assessment which was submitted. The EHO agrees with the overall approach in that the main building will screen noise from the nearest residents to the east of the site fronting Elm Road. However he remains concerned that the proposal may result in noise affecting the use of garden areas to the north of the site. He therefore requests a condition be added to require the submission of details of an acoustic barrier on or near the northern boundary.

**5.6** **FDC Tree Officer** The proposal requires the removal of low value scrub not particularly visible to the public. The layout shows retained vegetation on the east and north boundaries of the site that will provide screening to the adjacent residential properties. As much vegetation should be retained where possible, particularly around the perimeters to provide screening.

**5.7** **Lead Local Flood Authority** originally objected but following re-consultation with an amended drainage strategy the LLFA no longer object.

**5.8** **Anglian Water** has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost. It should be noted that the diversion works should normally be completed before development can commence. Anglian Water considers there is sufficient capacity in the foul drainage system to accommodate the development. Anglian Water considers the surface water drainage strategy to be acceptable.

**5.9** **PCC Ecology** requests conditions be attached but has no objection**.**

**5.10** **March Town Council** supports the application.

**5.11** **Cambridgeshire Constabulary** has no objection but has completed a crime and incident search for this location covering the last 12 months and there has been no recorded crime. There appears to be lighting and CCTV around the existing site with gates and fencing. This Constabulary would be happy to discuss crime prevention measures with the applicant.

**5.12** **Objections** have been received from 6 residential occupiers nearby and one from a commercial property, with concerns regarding the original proposal as follows:

- The proposed building represents a visual eyesore to nearby residents;
- The existing use is already noisy; the proposal will exacerbate the noise nuisance moving much closer to residents, residents must have windows closed overnight.
- A neighbouring employment operator objects to the heavy refrigerated lorries that access this facility cause significant damage to the road surface on Marwick Road, causing a safety issue for our operations (Tradelink Direct Limited). The additional volume of Lorries will only make this issue worse. We suggest that the access to this site moved to the North or East of the site so that access is directly from Elm Road or from a dedicated access road at the northern edge of the property.
- Light pollution. The cold store will be considerably closer to neighbours and will have flood lighting for the darker evenings which will be very visible
- Light blockage during the day. The height of the building so close to the property will block natural light to the rears of property. This will be especially worse during the autumn and winter months when the sun is low in the sky.
- Increase in traffic. The main route to the cold store is Elm Road. This road is already very busy and most drivers, including those driving Lorries, ignore the 30mph speed limit. Neighbours suffer cracks in windows and plaster on the walls caused by Lorries passing which will be increased. This is exacerbated whenever the main road to Guyhirn has road traffic accidents and traffic is redirected to Elm Road.

- The highway network cannot cope with increased vehicles.
- The access to Marwick Road/Elm Road is severely constrained and increased traffic is likely to result in highway safety concerns.
- Increased pollution from vehicle fumes,
- Impact on the Human rights of residents.

5.13 In addition a letter of objection was received from the resident who owns the linear strip of land immediately to the north of the site. His concern differs considerably to other neighbours as a large part of his land immediately abuts the area to be developed having a very different juxtaposition. He refers to the following:

*'The building would greatly affect my property .My main concern is the blocking of the SUN from my property which is already causing an impact. This can be seen by visiting my property when the sun is out and you will see that the already huge building and conifers block the sun out. Noise is another be problem, you can hear it day and night especially when they have visiting delivery vehicles staying over-night not on electric connections. The "Transport Statement", the accident study area, does not show the two damages that cold store lorries have done before the yellow lines were put down, this was caused by the large overhang of the trailer going over the pavement as the lorries turned to go down Marwick Road. Please advise who will be paying for the reduction in the price of my house if the building goes ahead. If the building goes ahead and does cause light problems [sun] we will take the necessary legal advice to get it taken down.'*

5.14 One letter of support was received from an adjoining neighbour.

5.15 Three more letters of objection were received from residents following re-consultation on the amended plans repositioning the building and referred to the following:
Reaffirming the original objections including
- Access
- Agricultural land
- Devaluing property
- Light Pollution
- Loss of view/Outlook
- Noise
- Shadowing/loss of light (a suggestion to pursue legal action if light is lost)
- Trees
- Increased traffic adding to problems caused by Tradelink vehicles parking on street, welcoming the use of yellow lines; likely to result in accidents.

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**

7.1 Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
Paragraph 14: Presumption in favour of sustainable development.
Paragraph 17: Seek to ensure high quality design and a good standard of amenity for all existing and future occupants.
Paragraph 18 Securing a strong competitive economy.
Paragraph 32: Development should only be refused on transport grounds where the residual cumulative transport impacts are severe.
Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
Paragraphs 100-104: Development and flood risk.
Paragraph 109: The planning system should contribute to and enhance the natural and local environment.
Paragraph 118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity
Paragraphs 203-206: Planning conditions and obligations

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

**Fenland Local Plan 2014**

7.3 LP2, LP3, LP6, LP14, LP15, LP16, LP19

**March Neighbourhood Plan 2017**

No specific relevant policies.

## 8 KEY ISSUES

- **Principle of Development**
- **Impact on the Character of the Area**
- **Impact on Amenity**
- **Economic Growth**
- **Highway impacts.**
- **Flooding and Drainage**
- **Other**

## 9 ASSESSMENT

### 9.1 Principle of Development

The proposal is an employment operation in March classed as a Market Town in Policy LP3 of the Fenland Local Plan where the majority of Fenland's growth should be delivered. Policy LP6 provides 9 criteria for employment developments which includes issues regarding access and flood risk and being compatible to adjacent urban land uses. The Refrigerated Haulage business is an existing operation which is seeking to expand capacity. The principle of an expanded use is considered to be acceptable subject to compliance with all other policy considerations. These issues are considered in detail below. Other than these the proposal is considered to accord with Policy LP6.

### 9.2 Impact on the Character of the Area

Policy LP16(d) considers the issue of the impact upon the character of the area. The development is largely sited on an existing industrial estate. However it does project nearer to the backs of houses than at present. Visually the proposal will be a large profile metal clad structure. However it is set some distance back from the

public highways and will include some landscape mitigation when viewed from the rears of houses. Some existing trees will be retained. Inevitably this will have some impact due to the scale proposed. Views from the north will perhaps be the most significantly affected as there will be no separation and no or little landscaped mitigation. However there are few actual dwellings that directly face this aspect, and they already have oblique views of the industrial estate. Given the existence and backdrop of industrial buildings the degree of harm is perhaps partly contained. Whilst it is acknowledged that some visual harm will occur this should be balanced against other benefits in terms of economic development. In this instance it is not considered that the degree of harm should result in the refusal of the application.

**9.3 Impact on Amenity**

Policy LP16(e) and Policy LP6 refers to impact on adjacent land uses. Local residents have raised concerns regarding increased noise, loss of sunlight/daylight and over-dominance. These are considered as follows:

- Noise. The applicant has submitted a noise survey which has been assessed by the Council's Environmental Health Officer. The proposal is considered to be significantly different from the existing operation where open land is utilised by HGV's and there is minimal enclosure to noise generating activities. The building itself will enclose and buffer the noise from nearby neighbours. The EHO considers that the proposed building will act as an effective screen to noise within the building or the activity on the far side. However he is concerned about the potential impact of noise on the norther boundary. He therefore requires the provision of an acoustic fence to be erected between the building and the northern boundary. This should help contain any noise and provide a visual screen from the linear strip of land/garden area immediately to the north. A suitable condition is attached.

- Loss of sunlight/daylight
  The BRE rule of thumb regarding loss of daylight and sunlight refers to an acceptable relationship being an angle of 25° where a window affected by the development is opposite the proposal. The sectional drawing provided illustrates an impact on the rear of No 142 Elm Road which when measured indicates an impact of approximately an angle of 10°. Therefore it is not considered likely to result in unacceptable loss of light according to the BRE rule of thumb. There may be some slight loss of sunlight particularly in winter time as the properties are due east and therefore sun will disappear at the end of the day. However the trees themselves will partly screen the dwellings (as confirmed by an objector), some of which already exist. Furthermore a 2-storey to 2 storey relationship (common in housing estates) with ridge heights of 8-9 metres conventionally separated by 21metres are likely to result in similar impact. Therefore this relationship is typically accepted of modern housing. Therefore the impact on light to properties at the rear is not considered significantly detrimental.

  The occupier of No 160 has a linear strip of land that abuts the proposal to the north. The land which is rough grass land does not appear to be regularly used. It extends onto garden land from No 160. No 160 fronts onto Elm Road as do the neighbouring dwellings, but include cultivated garden land stretching approximately 84 metres to the west of the shared neighbour's rear boundary with the application site and include a variety of

outhouses. The proposed cold store will be approximately 8 metres from the southern boundary of No 160. The building will be 12.4 to the eaves and 13.9 to the ridge for a section of 43metres. It then drops down to 7.5metres high sloping down to approximately 5.8 metres. A building of 12.4-13.9 metres in height will inevitably impact upon sunlight and daylight to the linear form of land and is therefore contrary to Policy LP16(e). A section will impact on a section of the cultivated extension of the garden albeit set 8 metres to the south. Due to the southern orientation will inevitably reduce sunlight to the garden extension. Nevertheless the rear aspect of the dwelling itself remains separated by approximately 60-62 metres. There will be loss of light to the linear strip of land but the impact to the dwelling itself is not considered significantly detrimental. The remaining length of the linear piece of land will not be affected by the tall section of building retained good access to light.

- Over-dominance/visual impact
  The proposed Cold Store building is a large profile metal clad portal frame building. As regards the east elevation which faces towards the rear aspects of houses on Elm Road, the rear façade will be visible above trees or through the trees during winter. It will be around 60 -68 metres from the rear windows of houses. The eaves height of 12.5metres is around the ridge height of a three-storey house. The application indicates a buff coloured cladding. However, it is considered the higher section should be of lighter shading to reduce the impact when viewed above the trees. Given the assessment regarding loss of light, the separation and height is not considered to result in significant over-dominance, particularly once tree planting has established. The building is a modern employment building situated on an industrial estate. It will inevitably alter the views from the rears of nearby dwellings, but on balance is not considered by itself a reason on which to refuse this application.

  The proposal is adjacent to existing buildings (4-14 Marwick Road) which are employment buildings some of which include windows. Some of these buildings will be approximately 6.5metres from the side gable walls of the proposed buildings. It is likely that these will experience a loss of daylight (although being due south will not lose any sunlight). There will also be external low level lighting in this area. These are industrial buildings and the impact will not affect any residential interests and is not considered to represent a reason to refuse the application.

  The 40-50 metre section of land 60 metres top the west of the rear of No 160 will suffer from over dominance from the proposal. Some of this is cultivated garden land and some casual grassland. This is contrary to Policy LP16 (e).

**9.4 Economic Growth**

The proposal will result in a small increase in employment opportunities. However the proposal is also considered of wider economic development in increasing the refrigerating Haulage facility within a major food production area. In principle therefore, the proposal will accord with the aims of economic development in Fenland.

**9.5 Highway Safety.**

CCC Highways (Transport Assessment) considered the transport statement which states that currently the site has 20 trips (arrivals and departures) at peak times (08.00 to 09.00hrs) and a daily total of 122. The application approximately doubles the existing storage capacity. The site seeks to formalise loading and parking facilities. The applicant contends that the increase in storage capacity will not proportionally increase trips to the site (storing goods for a longer period of time than existing is unlikely to lead to significant increase in trips). However, the LHA identified a TRICS (Trip Rate Information Computer System) assessment for a stand-alone storage unit of 4451m² which identifies 16 vehicular movements at the morning peak time. The LHA does not consider such an increase to represent a severe harm. However it is recognised that the access/egress of Elm Road and Marwick Road is narrow and constrained. Visual evidence of vehicles struggling to turn at this point exists. As Elm Road is a residential road at this point it seems clear there is a local traffic issue at this junction. The industrial estate appears to have intensified in terms of traffic and parking (which is not the responsibility of the applicant). Nevertheless a potential increase involving HGV vehicles of an additional 16 vehicles between 08.00- 09.00 hours is considered to be of locally significant concern.

The applicant has identified possible highway improvements to the radii of the junction of Marwick Road onto Elm Road (all contained within highway land). The highway authority considers the possible improvement of this junction would be welcomed. Therefore a planning condition is attached requiring the detailed submission of the improvements and their implementation in advance of occupation of the new Cold Store buildings.

On the northern side of Marwick Road, close to Elm Road, there are frequently parked vehicles which hamper the movement of large vehicles accessing and exiting the junction. After discussions with Officers the applicant has agreed to contribute to the cost (£1,000) of undertaking a change to the Traffic Regulation Orders seeking to prohibit parking in this location which will assist vehicular movements. This has been endorsed by the Cambridgeshire Constabulary and the LHA. The £1,000 contribution will be via a legal agreement considered reasonably related to the development and necessary in order to be the best efforts to address the issue of parking near the exit of Marwick Road. It is acknowledged that the TRO process takes place outside of the Town Planning Acts and the outcome cannot be guaranteed. Nevertheless the applicant's contribution (together with the highway improvements) seeks to do all possible to address the impact of the development at this junction.

Car parking and servicing/loading facilities are considered appropriate. The proposal will increase vehicular movements overall, but given the provisions of the above contribution, and the additional measures proposed the application is not considered to result in severe impact on the highway network and therefore accords with Policy LP15 of the Fenland Local Plan.

**9.6 Flooding and Drainage**

Policy LP14 considers the issues of flood risk and drainage. The site is within Flood Zone 1 considered to be an area at the lowest risk of flooding. The Lead Local Flood Authority does not object to the drainage strategy. Therefore the proposal is considered to accord with Policy LP14.

**9.7 Other Considerations**

The impact of development upon property values is not a material planning consideration.

The impact upon Human Rights is a material consideration as referred to in The Human Rights Act 1998 and in particular Article 8 (Right to respect for private and family life,), and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property). These rights are considered by this report in terms of the impact of the development upon the amenity of residents of properties nearby. A detailed assessment has taken place and therefore has addressed the aims of the relevant sections of the Human Rights Act.

## 10 CONCLUSIONS

10.1 This relates to an existing use within an industrial estate, but is expanding closer to existing residential properties. The critical issues are the impact of what is a large employment building on the nearby residents. The increased separation to between 60-68metres (197-223 feet) to the backs of houses, together with the slight reductions in height is welcomed. The proposal will result in some harm the extended garden and grassland to the rear of No 160, however the developer is required to provide an acoustic fence near this boundary which will reduce any noise impact and provide some visual screening. However, the weight given to harm in terms of light and over-dominance to an extended garden is perhaps less significant than garden areas immediately alongside dwellings. In the context of the economic benefits provided to the wider area on balance this is not considered a substantial reason on which to refuse the application.

The applicant has sought to reasonably address concerns regarding the junction of Elm Road and Marwick Road. It is considered to result in economic development for the wider interests of Fenland and in accordance with the aims of paragraph 18 of the NPPF.

## 11 RECOMMENDATION

**Approve subject to prior completion of a section 106 agreement and the following conditions:**

1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2 On land to the east of the proposed cold store chambers 1 and 2, no materials or equipment shall be stored on the site proposed for tree planting outside the buildings.
Reason - To safeguard the visual amenities of the area.

3 Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

a) car parking surfacing

b) existing trees, hedges or other soft features to be retained

c) planting plans and proposed timetable of planting for the proposed 8 semi mature trees, including specifications of species, sizes, planting centres,

Reason - The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted in accordance with Policy LP16 of the Fenland Local Plan, 2014.

4 Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape management and maintenance plan shall be carried out as approved in accordance with the specified schedule contained therein.

Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policy LP16 of the Fenland Local Plan, 2014.

5 All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting shall be carried out prior to the occupation of the buildings, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

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

6 Prior to commencement above finished floor level details of an acoustic fence on the northern boundary of the development site shall be submitted to and approved by the local planning authority. The approved scheme shall be provided prior to occupation of the new building and shall be retained and maintained thereafter.

Reason: In the interests of protection of the amenity of the occupier of the neighbouring property and in accordance with Policy LP16(l) of the Fenland Local Plan (2014).

7 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding in accordance with Policy LP14 of the Fenland Local Plan 2014

8 Prior to occupation of the development the applicant shall submit details of the provision of 3 bat and 5 bird boxes to the Local Planning Authority for

approval in writing. The development shall be carried out in accordance with the permitted scheme prior to commencement of use of the new cold stores hereby permitted.

Reason: In the interest of Biodiversity enhancement and in accordance with Policy LP19 of the Fenland Local Plan 2014.

9 No demolition/development shall take place until a written scheme of investigation (WSI) for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
a) the statement of significance and research objectives;
b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
c) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.

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

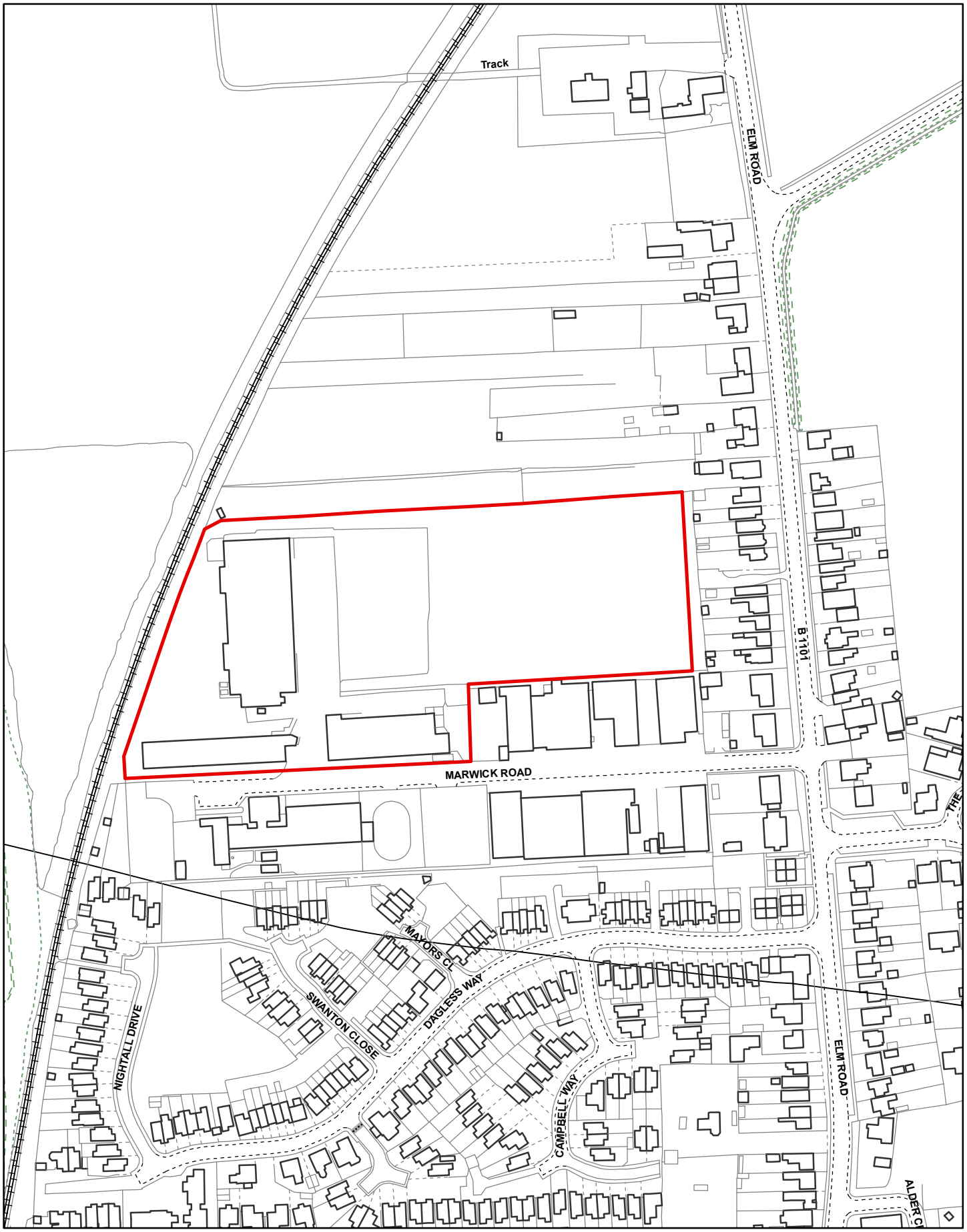
10 Prior to commencement of construction above finished floor levels detailed drawings of highway improvements to the junction of Marwick Road and Elm Road shall be submitted to and approved by the Local Planning Authority. The highway improvements shall be carried out in accordance with the approved details prior to occupation of the new Cold Store buildings.

Reason: In the interest of highway safety and in accordance with Policy LP15 of the Fenland Local Plan (2014).

11. Other than the lighting detailed on the permitted plans no permission is granted for external lighting. Any additional external lighting will therefore require further planning permission.

Reason: In the interest of the protection of the amenity of nearby occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.

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




Created on: 08/12/2017

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**F/YR17/1147/F**

Scale = 1:2,500

N

Fenland CAMBRIDGESHIRE

Fenland District Council

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The works contain no extraordinary hazards or risks that are not present during routine construction operations that would not readily be apparent to a competent contractor.

This information should be included as part or commencement of the Health and safety file for the project.

**1:250 SCALE BAR** (m)

0 2.5 5 7.5 10 12.5 15 17.5 20 22.5 25

N North INDICATIVE

ALL EXISTING TREES TO REMAIN WHERE INDICATED

VEGETATION TO BE CUT BACK TO SUIT NEW LINES AND TO REMAIN

REFRIGERATION PLANT ROOM

COLD STORE CHAMBER (1)

ENCLOSED LOADING BAY

SUNKEN LOADING BAY AREA

EXTERNAL CONCRETE HARDSTANDING

COLD STORE CHAMBER (2)

FINISHED FLOOR LEVEL OF BUILDING 3.20

FINISHED EXTERNAL HARDSTANDING LEVEL

OUTLINE OF BUILDING FOOTPRINT

EXISTINGEARTH BANKING TO REMAIN

GRASSED AREA TO ENABLE EFFECTIVE MAINTENANCE

SITE BOUNDARY

Marwick Road

Facet

March Coldstores

Tradelink

Out Building

## PROJECT INFORMATION:

BUILDING AREAS:
Existing floor areas: 5882m.sq.
Proposed floor areas: 4485m.sq.
TOTAL FLOOR AREA: 10,367m.sq.

SITE AREA ALLOCATION SUMMARY:

Building designation: B8 Storage and Distribution

Service areas:

Required areas: 2,373.00
Actual 9.041m.sq. total external hardstandings

Car Parking:

85no staff employed after extension

60no spaces provided

## EXTERNAL SURFACE KEY:

**Grassed areas**

**Concrete hardstanding** - brushed finish with trowelled margins (100mm)

**Gravel surfacing** (Permeable)

**Tarmac surfacing**

## Drawing Symbols & Abbreviations

AV AIR VALVE
AL ARCH HEAD LEVEL
BH BOREHOLE
BC BOTTOM OF CHANNEL
BO BOLLARD
BS BUS STOP
BM BEAM
BA BOA
CL CEILING LEVEL
COL COLUMN
DC DRAINAGE CHANNEL
DCL DRAINAGE CHANNEL COURSE
DL DOOR LEVEL
DP DRAIN PIPE
DR DRAIN
ECL ELECTRIC COVER LEVEL
EM ELECTRIC METER
ET ELECTRIC TRANSFORMER
EP ELECTRIC POLE
ER EARTH ROD
FB FLOWERBED
FC FLOOR CONCRETE
FL FLOOR LEVEL
FP FLAG POLE
FW FOUL WATER
GG GULLY GRATE
GV GAS VALVE
GCL GAS VALVE COVER LEVEL
IL INVERT LEVEL
KO KERB OUTLET
KD KERB DROP
MHL MANHOLE LEVEL
MP MARKER POST
NB NAME BOARD
OHL OVERHEAD LINE
PC PIPE CLIP
PM PARKING METER
PO POST
RE RODDING EYE
RL RIDGE LEVEL
RG RODDING EYE
RP REFLECTOR POST
SL ARCH SPRING LEVEL
SC STOP COCK
SI SIGN
SW SURFACE WATER
SY STAY
SV SLUICE VALVE
TC TELECOM COVER
TH TELE HOLE
THL THRESHOLD LEVEL
TL TRAFFIC LIGHT
TP TELEGRAPH POLE
TOW TOP OF WALL
TOF TOP OF FENCE
TP TELEGRAPH POLE
TSC TRAFFIC SIGNAL COVER
UC UTILITY COVER
UK UNKNOWN TREE
USB UNDERSIDE OF BEAM
UTL UNABLE TO LIFT
VP VENT PIPE
WA WATER TAP
WCL WIN CILL LEVEL
WHL WIN HEAD LEVEL
WL WATER LEVEL
WM WATER METER
WO WASH OUT

### Fence Types

B/W BARBED WIRE
C/B CLOSE BOARD
C/L CHAIN LINK
C/P CHESTNUT PALLING
I/R IRON RAILING
PAL PALISADE
P/R POST & RAIL
P/W POST & WIRE

### Tree Types

SAPLINGS & BUSHES
CONIFEROUS TREES
DECIDUOUS TREES

### Survey Control

PRIMARY CONTROL STATION

## Drawing Notes

### Topographical Surveys

TREES ARE DRAWN TO SCALE SHOWING AN AVERAGE CANOPY SPREAD. DESCRIPTIONS AND HEIGHTS SHOULD BE USED AS A GUIDE ONLY.

ALL BELOW GROUND DETAILS INCLUDING DRAINAGE, VOIDS AND SERVICES HAVE BEEN IDENTIFIED FROM ABOVE GROUND AND THEREFORE ALL DETAILS RELATING TO THESE FEATURES INCLUDING; SIZE, DEPTH, DIRECTION OF FLOW, CONNECTIONS AND ALL OTHER DIMENSIONS AND CONNECTIONS SHOULD BE CHECKED AND VERIFIED PRIOR TO STARTING WORK.

DETAIL, SERVICES AND FEATURES MAY NOT HAVE BEEN SURVEYED IF OBSTRUCTED OR NOT REASONABLY VISIBLE AT THE TIME OF THE SURVEY.

### Measured Building Surveys

MEASUREMENTS TO INTERNAL WALLS ARE TAKEN TO THE WALL FINISHES AT APPROXIMATE 1M ABOVE THE FLOOR LEVEL AND THE WALL ASSUMED TO BE VERTICAL.

### Additional Notes

THE CLIENT MUST CHECK AND VERIFY ALL SITE AND BUILDING DIMENSIONS, LEVELS, UTILITIES AND DRAINAGE DETAILS PRIOR TO COMMENCING WORK. ANY ERRORS OR DISCREPANCIES MUST BE NOTIFIED TO RIGOUR SURVEY IMMEDIATELY.

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## Control Schedule

| CONTROL ID | EASTINGS | NORTHINGS | ELEVATION | DESCRIPTION |
|---|---|---|---|---|
| GCP01 | 541831.444 | 298526.495 | 3.062 | PEG & NAIL |
| RS01 | 541882.249 | 298475.712 | 3.238 | MAG NAIL |
| RS02 | 541834.304 | 298472.712 | 3.301 | MAG NAIL |
| RS03 | 541768.909 | 298470.047 | 3.375 | MAG NAIL |
| RS04 | 541720.817 | 298474.345 | 3.360 | MAG NAIL |
| RS05 | 541679.129 | 298479.251 | 3.322 | PEG & NAIL |
| RS06 | 541676.820 | 298485.984 | 3.331 | PEG & NAIL |
| RS07 | 541715.269 | 298500.624 | 3.082 | PEG & NAIL |
| RS08 | 541713.336 | 298534.479 | 3.154 | PEG & NAIL |
| RS09 | 541715.000 | 298566.620 | 3.050 | PEG & NAIL |
| RS10 | 541709.841 | 298594.638 | 3.214 | PEG & NAIL |
| RS11 | 541753.648 | 298597.387 | 3.358 | PEG & NAIL |
| RS12 | 541760.009 | 298570.767 | 3.084 | MAG NAIL |
| RS13 | 541798.510 | 298591.823 | 3.538 | MAG NAIL |
| RS14 | 541800.209 | 298531.400 | 3.272 | MAG NAIL |
| RS15 | 541861.797 | 298528.630 | 2.965 | PEG & NAIL |
| RS16 | 541924.787 | 298530.601 | 2.828 | PEG & NAIL |
| RS17 | 541927.884 | 298477.971 | 3.095 | MAG NAIL |

## Survey Grid & Level Datum

ORDNANCE SURVEY NATIONAL GRID COORDINATES & LEVEL HAVE BEEN ESTABLISHED FOR SURVEY CONTROL USING LEICA GPS SMARTNET AND RELATED TO OSTN02(GB) AND OSGM02(GB). THE SURVEY GRID IS ORIENTATED TO GRID NORTH WITH A SCALE FACTOR OF 1.000.

| | | |
|---|---|---|
| C | 27.02.2018 | BUILDING LOCATION AMENDED TO SUIT LAYOUT OF PLANNING DRAWING |
| B | 08.11.2017 | SITE PLAN DRAWING SIZE DECREASED TO A0 SIZE |
| A | 30.10.2017 | SITE PLAN DRAWING SIZE INCREASED TO A0+ TO INCORPORATE ALL SITE AREAS, BUILDING OUTLINE INDICATED, SECTION LINE RETRACED, UPDATED & NOTATION AMENDED |
| no | date | amendment description |

Revisions

Drawing Status: PLANNING

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Email: enquiries@trundley.com

Project Title:

MARCH COLD STORES LIMITED
MARWICK ROAD
MARCH

CAMBS, PE15 8PW

PROPOSED COLD STORAGE FACILITY

Drawing Title:

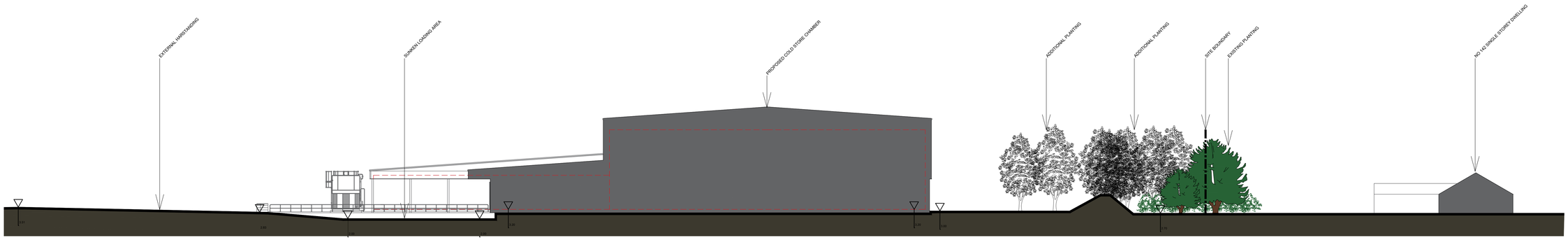
PROPOSED SITE PLAN

Scale: 1:250@ A0
Date: MARCH 2017
Drawn: IPGT

Drawing Number: 17-L13-PL004C
Revision:

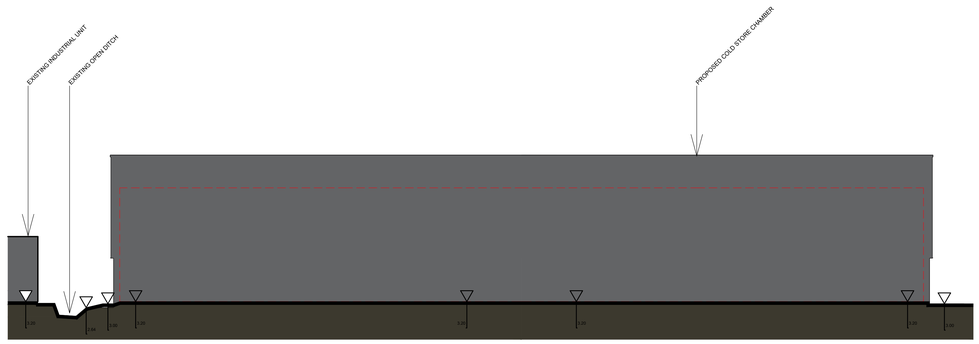
Checked by:
Date:

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## SITE SECTION 1/ PL009

SCALE: 1:200




## SITE SECTION 2/ PL009

SCALE: 1:200



**VISUAL 1 - B1101**



**VISUAL 2 - JUNCTION B1101/ MARWICK ROAD**



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N

North INDICATION

**1:200 SCALE BAR** (m)

0 2 4 6 8 10 12 14 16 18 20

## Drawing Symbols & Abbreviations

| | | | | | |
|---|---|---|---|---|---|
| AV | AIR VALVE | FW | FOUL WATER | BY | BTAY |
| AL | ARCH HEAD LEVEL | GG | GULLY GRATE | SV | SLUICE VALVE |
| BH | BOREHOLE | GL | GAS LINE | SW | SURFACE WATER |
| BL | BED LEVEL | IC | INSPECTION COVER LEVEL | TH | TRIAL HOLE |
| BO | BOLLARD | IL | INVERT LEVEL | THL | THRESHOLD LEVEL |
| BS | BUS STOP | KO | KERB OUTLET | TL | TRAFFIC LIGHT |
| BU | BUSH | LP | LAMP POST | TOB | TOP OF BEAM |
| CL | CLEAR | MH | MANHOLE LEVEL | TOC | TOP OF CHIMNEY |
| CL | CEILING LEVEL | MP | MARKER POST | TOF | TOP OF FENCE |
| COL | COLUMN | NB | NAME BOARD | TP | TELEGRAPH POLE |
| DC | DRAINAGE CHANNEL | OHL | OVERHEAD LINE | TSC | TRAFFIC SIGNAL COVER |
| DPC | DAMP PROOF COURSE | PB | POST BOX | TV | CABLE COVER |
| DP | DOWN PIPE | PM | PARKING METER | UC | UNKNOWN COVER |
| DP | DRAIN PIPE | PO | POST | USB | UNDERSIDE OF BEAM |
| DR | DRAIN | RE | RODDING EYE | UTL | UNABLE TO LIFT |
| EC | ELECTRICAL COVER LEVEL | RL | RIDGE LEVEL | VP | VENT PIPE |
| EL | ELECTRIC(EL) | RS | RAIN WATER SHOE | WB | WATER BUTT |
| ET | ELECTRIC TRANSFORMER | RP | REFLECTOR POST | WCL | WIN CILL LEVEL |
| EP | ELECTRIC POLE | SL | ARCH SPRING LEVEL | WHL | WIN HEAD LEVEL |
| ER | EARTH ROD | SC | STOP COCK | WL | WATER LEVEL |
| FH | FIRE HYDRANT | SI | SIGN | WM | WATER METER |
| FH | FIRE HYDRANT | SW | SURFACE WATER | WO | WASH OUT |
| FL | FLOOR LEVEL | | | | |
| FP | FLAG POLE | | | | |

**Fence Types**

| | |
|---|---|
| BW | BARBED WIRE |
| CBW | CHAIN & BARB |
| CL | CHAIN LINK |
| CP | CHESTNUT PALLING |
| IR | IRON RAILING |
| PW | POST & WIRE |
| PR | POST & RAIL |
| PW | POST & WIRE |

**Tree Types**

SAPLINGS & BUSHES

CONIFEROUS TREES

DECIDUOUS TREES

**Survey Control**

PRIMARY CONTROL STATION

## Drawing Notes

### Topographical Surveys

TREES ARE DRAWN TO SCALE SHOWING AN AVERAGE CANOPY SPREAD. DESCRIPTIONS AND HEIGHTS SHOULD BE USED AS A GUIDE ONLY.

ALL BELOW GROUND DETAILS INCLUDING DRAINAGE, VOIDS AND SERVICES HAVE BEEN IDENTIFIED FROM ABOVE GROUND AND THEREFORE ALL DETAILS RELATING TO THESE FEATURES INCLUDING SIZES, DEPTH, DESCRIPTION WILL BE APPROXIMATE ONLY. ALL CRITICAL DIMENSIONS AND CONNECTIONS SHOULD BE CHECKED AND VERIFIED PRIOR TO STARTING WORK.

DETAIL, SERVICES AND FEATURES MAY NOT HAVE BEEN SURVEYED IF OBSTRUCTED OR NOT REASONABLY VISIBLE AT THE TIME OF THE SURVEY.

### Measured Building Surveys

MEASUREMENTS TO INTERNAL WALLS ARE TAKEN TO THE WALL FINISHES AT APPROXIMATE 1M ABOVE THE FLOOR LEVEL AND THE WALL ASSUMED TO BE VERTICAL.

### Additional Notes

THE CLIENT MUST CHECK AND VERIFY ALL SITE AND BUILDING DIMENSIONS, LEVELS, UTILITIES AND DRAINAGE DETAILS PRIOR TO COMMENCING WORK. ANY ERRORS OR DISCREPANCIES MUST BE NOTIFIED TO RIGOUR SURVEY IMMEDIATELY.

THE ACCURACY OF THE DIGITAL DATA IS THE SAME AS THE PLOTTING SCALE IMPLIES. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED.

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## Control Schedule

| CONTROL ID | EASTINGS | NORTHINGS | ELEVATION | DESCRIPTION |
|---|---|---|---|---|
| GCP01 | 541831.444 | 298526.495 | 3.062 | PEG & NAIL |
| RS01 | 541882.249 | 298475.712 | 3.238 | MAG NAIL |
| RS02 | 541834.304 | 298472.712 | 3.301 | MAG NAIL |
| RS03 | 541768.909 | 298470.047 | 3.375 | MAG NAIL |
| RS04 | 541720.817 | 298474.345 | 3.360 | MAG NAIL |
| RS05 | 541678.129 | 298479.251 | 3.322 | PEG & NAIL |
| RS06 | 541676.820 | 298495.984 | 3.331 | PEG & NAIL |
| RS07 | 541716.269 | 298500.624 | 3.082 | PEG & NAIL |
| RS08 | 541713.336 | 298534.479 | 3.154 | PEG & NAIL |
| RS09 | 541715.000 | 298566.620 | 3.050 | PEG & NAIL |
| RS10 | 541709.841 | 298594.638 | 3.214 | PEG & NAIL |
| RS11 | 541753.648 | 298597.387 | 3.358 | PEG & NAIL |
| RS12 | 541760.009 | 298570.767 | 3.084 | MAG NAIL |
| RS13 | 541798.510 | 298591.823 | 3.538 | MAG NAIL |
| RS14 | 541800.209 | 298531.400 | 3.272 | MAG NAIL |
| RS15 | 541861.797 | 298528.630 | 2.965 | PEG & NAIL |
| RS16 | 541924.787 | 298530.601 | 2.828 | PEG & NAIL |
| RS17 | 541927.884 | 298477.971 | 3.095 | MAG NAIL |

## Survey Grid & Level Datum

ORDNANCE SURVEY NATIONAL GRID COORDINATES & LEVEL HAVE BEEN ESTABLISHED FOR SURVEY CONTROL USING LEICA GPS SMARTNET AND RELATED TO OSTN02(SD) AND OSGM02(SD). THE SURVEY GRID IS ORIENTATED TO GRID NORTH WITH A SCALE FACTOR OF 1.000

SITE BOUNDARY

| no | date | amendment description |
|---|---|---|
| A | 27.02.2018 | MAIN BUILDING RIDGE LINE REDUCED BY 2161mm, EAVES LEVEL REDUCED BY 1500mm, BUILDING ROOF SLOPES REDUCED TO 4 DEGREES FROM 6 DEGREES, BUILDING MOVED 15M FROM REAR BOUNDARY |

Revisions:

Drawing Status: **PLANNING**

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Project Title:

MARCH COLD STORES LIMITED
MARWICK ROAD
MARCH

CAMBS, PE15 8PW

PROPOSED COLD STORAGE FACILITY

Drawing Title:

PROPOSED SITE SECTION
PROJECT VISUALS

| Scale: | Date: | Drawn: |
|---|---|---|
| 1:200@ A0 | MARCH 2017 | IPGT |

Drawing Number: 17-L13-PL009A

Revision:

Checked by: IAN TRUNDLEY Date: 27.02.2018

If this drawing is unsigned in the check box then the drawing is an unauthorised issue and should not be used for any purposes

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**F/YR17/1171/F**

**Applicant: Mr Lott**
**Cannon Kirk (UK) Ltd**

**Agent : Mr A Hodgson**
**Pegasus Group**

**Land East And West Of Isle Of Ely Way South Of River Nene, Gaul Road, March, Cambridgeshire**

**Change of use of agricultural land to surface water lagoon, and associated drainage works**

**Reason for Committee: Called in by Councillor Count given concern re phasing. It is considered that delaying the junction improvements to accommodate this element will not comply with policy and will set a precedent; it will also have implications for local road infrastructure which will not be able to cope.**

**The Town Council also recommend refusal until such time as the previously approved highway improvements are completed.**

## 1 EXECUTIVE SUMMARY

**This application seeks permission for the delivery of a surface water lagoon on the western side of the A141 to serve the consented housing scheme to the east of the A141.**

**There are no visual or highway safety issues arising from the proposal and the technical detail of the proposal has been accepted by the relevant specialists.**

**Whilst concern has been raised that the lagoon works have the potential to delay the previously approved junction works it has been clarified that this is not the case. Indeed it has been confirmed that the appropriate highway agreements are in place and road space booked to implement the junction enhancement scheme.**

**The principle of the development is accepted and there are no planning reasons to withhold consent.**

## 2 SITE DESCRIPTION

2.1 The site lies in open countryside to the west of the market town of March. The site is located approximately 0.82 miles west of March town centre but is surrounded by agricultural fields on all but the northern boundary, where beyond the River Nene and A141 lies the western edge of March.

2.2 The land appears as vacant scrubland which does not appear to be actively cultivated for agriculture.

2.3 To the east of the site, lies a consented residential scheme (ref: F/YR09/0648/F) to which this application relates. This is currently under construction with a number of units occupied.

2.4 The site is within flood zone 3

## 3 PROPOSAL

3.1 Although comprising a number of elements only the drainage attenuation lagoon, it's infill and outfall are considered significant engineering options meriting planning permission, the extension to ditch 1, removal of one culvert and upsizing of a further culvert to the east of the A141 are considered too minor to constitute engineering operations and so do not warrant planning permission; however the agent for the scheme has provided full drawings to illustrate all aspects of the proposal.

3.2 The new lagoon needs to provide 6110 $m^3$ below the 1 in 100-year flood level. The above does not include highways drainage, which will have its own attenuation lagoon.

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

## 4 SITE PLANNING HISTORY

| | | |
|---|---|---|
| F/YR16/0275/F | Formation of a footway cycleway and associated works to facilitate the signal controlled junction | Granted 15/07/2016 |
| F/YR15/0991/O | Erection of 90 dwellings (max) including open space and an attenuation area (Outline application with matters committed in respect of access) | Refused 28/06/2016 |
| F/YR13/0879/F | Variation of Condition 12 of Planning Permission F/YR09/0648/F in relation to a signal controlled junction for the previously approved roundabout scheme | Refused 12.11.2015 |
| F/YR12/0980/F | Variation of Condition 12 of Planning Permission F/YR09/0648/F in relation to construction timetable of roundabout | Withdrawn |
| F/YR11/3027/COND | Details reserved by conditions 2, 3 (phase 1 only), 5, 7, 8, 13, 14, 15 and 16 (finished levels for phases 1 and 2 only) of planning permission F/YR09/0648/F | Approved 23.03.2016 |
| F/YR09/0648/F | Erection of 135 houses comprising of 34 x 2-bed 48 x 3-bed and 53 x 4-bed with associated garages and parking | Granted 26/04/2011 |
| F/YR05/0944/F | Erection of 135 dwellings comprising: 6 x 6 bed | Granted |

| | | |
|---|---|---|
| | houses 29 x 5-bed houses 50 x 4-bed houses 37 x 3-bed houses 6 x 2-bed houses 3 x 2-bed flats and associated garages and parking | 04/04/2008 |
| F/YR04/3814/F | Change of use of agricultural land to Riverside Park incorporating visitors car park, play area and landscaping | Granted 04/04/2008 |

## 5 CONSULTATIONS

5.1 **March Town Council:** *For the avoidance of doubt, still recommend refusal until such time as all previously agreed highway improvements relating to Gaul Road and the Gaul Road/A141 junction are completed to ensure the safety of road users.*

5.2 **Ward Councillor Cllr S Count***:* Object to the planning application on the grounds that it does not comply with policy. Would set a precedent and that the local services would be unable to cope. The primary objection relates to phasing, referring to the delivery of the junction improvements which is clearly behind schedule. Note that there have been a plethora of accidents including a loss of life and *the developer has used the planning system to delay the completion of the junction. There is no reason why the works should be delayed further for the delivery of flooding infrastructure on nearby fields. If the phasing for the delivery of the road improvements and signalised junction are moved to one and two in the phasing, or left out of this application and dealt with immediately as planned I will remove my objection. The proposal seeks to delay earlier identified agreements with policy in earlier approvals. Allowing this sets a clear precedent that developers can continue to dictate to the district how they wish to operate rather than the other way around. Local services, the local road infrastructure affected by the existing development has not yet been delivered. Should this planning approval be granted I believe Cannon Kirk would be able to refer to it to contest any further attempts to speed up delivery of the junction improvements. For example "We have not completed 1 to 12 yet, which FDC accepted as necessary before delivering improvements" also "we cannot continue on 1 to 12 due to weather and ground conditions being unfavourable which has a knock on impact on the timing of the delivery of junction improvements, as agreed by FDC when they approved this application".*

5.3 **Cambridgeshire County Council Highways Authority**: Originally commented that *they would need to see details of the access point into the field. i.e. access geometry, details of a metaled sealed surface that is drained away from the public highway etc;* together with *details of vehicle movements generated by the works both by its construction and day to day use (maintenance use?).* Also clarification as to whether this is *a temporary access or will this remain permanent?*

*I note that the Gaul Road West is single track and is not suitable for two way vehicle movements. I acknowledge that the construction traffic movements broken down into daily movements doesn't exceed more than 10 two way vehicle movements per day and because of this I accept that two way vehicle can be managed on site as the low vehicle movements are unlikely to come into conflict with each other.*

*The proposed access isn't really suitable for two way vehicle flow, however as per the reasons above I would be happy that the movements in and out of the site can be suitable controlled by banksmen. It will not create a severe harm to highways safety for a vehicle to be waiting on Gaul Road (west) should they be waiting for a vehicle to emerge from the access.*

*Please note that the applicant is in the process of sealing a section 278 agreement for the junction Gaul Road with the A141* [now sealed]. *With the above in mind I have no highways objections subject to a condition requiring the submission of a detailed plan showing the access construction to include levels, drainage, kerbing and methods of construction.*

5.4 **CCC (Lead Local Flood Authority)**: *We understand from discussions with the Middle Level Commissioners that they will adopt/maintain the ditches and lagoon following development. If this is the case then as LLFA we do not object to the application.*

*We would advise that the Middle Level Commissioners should be consulted with regard to the flood risk associated with any of their IDB watercourses.*

5.5 **Environment Agency**: *We have reviewed the submitted Flood Risk Statement with regard to tidal and designated main river flood risk sources only. As the site is located approximately 5.5 km from the nearest main river under the jurisdiction of the Environment Agency, we consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Middle Level Commissioners (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.*

5.6 **Middle Level Commissioners**: *Please be advised that neither the Middle Level Commissioners nor our associated Boards are, in planning terms, statutory consultees and, therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so. The main reason for supplying previous responses was to protect our interests and ensure that any consents are sought.*

*With the exception of the simplest matters, we are instructed to advise that we no longer provide bespoke responses to planning applications unless they are the subject of our pre/post-application consultation process. As detailed below the applicant is undertaking detailed Post-app discussion and has given the Commissioners dispensation to, and requested that we, contact your authority in respect of the above development.*

*The proposals form part of a seven stage water level and flood risk management scheme that has been the subject of on-going discussion with the applicant and his consultants since 2005. The scheme was agreed by the Board 'in principle' to facilitate the applicants "Willow Green" development and remove a section of the Boards Drain at the Gaul Road junction that is difficult to maintain and requires specific and costly mitigation to complete safely.*

*The resultant water level and flood risk management scheme includes the provision of a storage lagoon to the west of Isle of Ely Way (A141) primarily to*

*accommodate flows emanating from the development but will also to serve the Boards wider catchment and reduce flood risk within its catchment.*

*Whilst some items remain to be consented, once the Board's prior written consent has been issued, when and where required, and the proposed works completed to the Boards requirements the appropriate works will be adopted and subsequently maintained by the Board in accordance with its maintenance policy and procedures.*

5.7 **Anglian Water**: *We have looked to the supporting documents for the planning application F/YR17/1171/F and the developer is not proposing to connect to Anglian Water network therefore we have no comments on this application*

5.8 **Designing Out Crime Officers***: Officer has no comments, objections or recommendations.*

5.9 **FDC Scientific Officer (Land Contamination)**:*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate.*

5.10 **Senior Archaeologist (CCC)**: *A series of archaeological investigations took place on the large land parcel on the east side of Isle of Ely Way between 2007 and 2010. A report of results was approved in 2012 and advice sent that the archaeological condition for F/YR05/0944/F could be discharged.*

*We advised that no further work was required to this area for planning application F/YR15/0991/O in 2016 (planning consent refused), and confirm that this advice holds for the current application, even though there is a considerable land parcel on the west side of the Isle of Ely Way in this proposal.*

*Our reasons for not extending the archaeological investigation to the west side is owing to the character of archaeology and geomorphology of the area, as seen in the main excavation phase conducted in 2008. The land is extremely low lying to the west of the Isle of Ely Way, at sea level and lower, and our understanding is that former palaeochannels and lagoonal ponds were present here. The drier slopes of March ' fen island' above this level was host to Neolithic encampments and Early Bronze Age occupation, all of which became submerged by peat after ground water conditions rose and stabilised over the next two millennia. Our opinion is that while some prehistoric scatter sites might exist in the lower reaches of the lagoon, it is unlikely that they will provide significantly new information for the archaeological record of this part of March. We have no requirements for and no objection to this application*.

5.11 **Local Residents/Interested Parties:** One letter of objection has been received as follows:

*Before any further works commence with this project the ongoing dangerous situation at the junction of Gaul Road and A141 should surely be addressed. As there is continuous accidents which involve all the emergency services, draining the county funding resources, the obligation of Canon Kirk was, I believe, to address this issue with roundabout/traffic lights, before any future building took place.*

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

7.1 **National Planning Policy Framework (NPPF)**
Paragraph 100 - where development in areas at risk of flooding is necessary it should be made safe without increasing flood risk elsewhere.

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

7.3 **Fenland Local Plan 2014**
Policy LP14 - Responding to Climate Change and Managing the Risk of Flooding in Fenland
Policy LP16 – Delivering and Protecting High Quality Environments across the District

7.4 **March Neighbourhood Plan 2017:** The application site falls within the designated neighbourhood plan area but is not subject to any specific policies or designations

7.5 **Cambridgeshire Flood and Water SPD (2016)**

7.6 **Delivering and Protecting High Quality Environments in Fenland SPD (2014)** - Policy DM8: *Proposals should ensure that they do not result in an adverse impact on the ecological value of the waterway and any adjoining land, and wherever possible ecological value is enhanced, including through re-naturalisation of the river bank as appropriate"*

## 8 KEY ISSUES

- **Background**
- **Principle of Development**
- **Justification**
- **Phasing**
- **Visual impacts**
- **Highway considerations**

## 9 BACKGROUND

9.1 The lagoon is part of the overall drainage strategy originally approved under the applicant's previous planning permission (F/YR09/0648/F) for 135 dwellings to the east of the A141. The lagoon will serve both the 135 dwelling housing development which is currently under construction and the agent has highlighted that it also could potentially provide capacity for a further 90 dwellings in future on the

intervening land to the east of the A141 (subject to the granting of planning permission).

9.2 This current planning application only seeks to deliver planning permission for the lagoon and the infill and outfall structures. Extension and alterations works are also required to one of the ditches in the drainage network which will feed into the proposed lagoon (ditch 1), however these works are considered to be too minor to constitute engineering operations and so they would not normally require planning permission. The remainder of the necessary drainage works are already permitted as part of planning permission F/YR09/0648/F.

9.3 The agent notes that the drainage lagoon was originally located to the east of the A141 as approved under the original planning application for 135 units (ref: F/YR05/0944/F) in 2008. However, subsequent discussion with Middle Level Commissioners required that the lagoon be moved to the west of the A141 in order to better fit into the overall drainage system for the area. This arrangement was set out in the revised application in 2009 for 135 units (ref: F/YR09/0648/F).

## 10 ASSESSMENT

### Principle of Development

10.1 The principle of development and the provision of the lagoon to provide surface water drainage for the Cannon Kirk housing site is long established by virtue of the earlier consent for 135 dwellings. Whilst the initial phase of the housing scheme consented under F/YR09/0648/F was brought forward utilising existing drainage infrastructure (as outlined in the details submitted under F/YR11/3027/COND) later stages of the consented scheme require a bespoke drainage solution and require the implementation of the lagoon.

### Justification

10.2 The agents specialist advisors have provided a comprehensive background note which outlines the rationale behind the drainage lagoon design; this note outlines that not only does the lagoon need to be large enough to take the required volume, there were other factors to consider when developing the size and shape.

- For ecological value, a permanently wet volume must be provided.
- The flow through the ditch Drainage system must not be compromised, and a through flow is required for dry periods. A normal flow level must be retained at all times. This has resulted in a shallow ditch running through the lagoon, with spillway at normal water level that will replenish the pond in periods of rainfall.
- There must be space for an excavator to track round to maintain this wet pond.
- The distance of reach must not exceed 15 metres. A 10 metre wide maintenance platform has been provide and an island has been created in the middle of the two legs of the lagoon to give access to a 360 degree slew excavator to dredge the inside side slopes of the ditches. The layout of the lagoon has been developed after discussions and in conjunction with the Middle Level Commissioners.
- The length of the lagoon provided mitigation for water vole habitat. This has to equal the perimeter lost due to the filling of the ditches.
- The side slopes from the wet area to the dry area must be accommodating for water vole. Banks 750mm high must also be provided for water voles to

burrow. There must also be a 'flat' area for them to retreat to in a flood situation. These features have been incorporated into the design.

**Phasing**

10.3 The proposed programme for the construction of the lagoon is that the works will be concurrent with the A141/Gaul Road Traffic Signal Controlled Junction Improvement Works. Traffic generated for the construction of the lagoon will arrive and depart the site in the main under the proposed temporary traffic management arrangements for the junction improvement works under temporary traffic signal control.

10.4 The revised planning statement which accompanies the application clearly identifies that

*'The southern and eastern edges of the proposed lagoon area of the application site were recently subject of a full planning application by the applicant (ref: F/YR16/0275/F) for the formation of a footway, cycleway and associated works to facilitate the signal controlled junction which was approved in July 2016. That application was submitted as an alternative option to a roundabout arrangement required to be delivered under a condition of the applicant's extant planning permission (ref: F/YR09/0648/F) for 135 dwellings. In terms of delivery and drainage, these upgrade works to the junction are independent of the current proposal and are therefore not reliant on it. The applicant is seeking to complete these works as soon as possible.'* The agent further advises that their client '*is looking for the A141 works to happen between July and November this year'.*

10.5 It has been confirmed by the Cambridgeshire County Council Highways team that the S278 agreement has been signed and that road space has been booked for 2nd July 2018. This is a clear indication of intent and accordingly should addresses the concern of both the Town Council, Ward Member and local resident that there will be no further delays in the delivery of the junction enhancements.

**Visual Impacts**

10.6 The lagoon will be visible from the A141 and the works will involve some remodelling of the existing scrubland; however no detrimental impact will occur as a result of what is essentially a discrete incursion into the open countryside adjacent to a main transport route. Accordingly no issues are anticipated with regard to Policy LP16 of the FLP.

**Highway considerations**

10.7 It is noted that the County Council Highways team (LHA) have raised no objection to the scheme on the basis of highway safety; however they have recommended a pre-commencement condition relating to the vehicular access onto Gaul Road (west) requiring both the submission of constructional details and the delivery of the access prior to commencement of development. The constructional details have been sought from the agent, notwithstanding that these largely relate to issues which are more pertinent to the LHA. It is likely that the suggested condition 2 will be reworded to solely require the delivery of the access and this will be updated to the committee.

## 11 CONCLUSIONS

11.1 The grant of consent for the lagoon will enable the latter phases of the consented 135 house scheme to be delivered as it will address the requirement to ensure that there is an appropriate surface water strategy. The scheme details have been accepted by the relevant specialists and indeed the condition appended to F/YR09/0648/F has been discharged on the basis of the scheme put forward.

11.2 There is no interdependence between the delivery of the junction improvements and the lagoon; albeit for construction purposes there may be some benefits in delivering the two elements in parallel.

11.3 The agent/applicant have clearly evidenced their intent to progress the physical works with regard to junction improvements through the signing of the S278 (highway agreement) and the booking of road space; this clearly addresses local concern and there is no justification to withhold consent.

## 12 RECOMMENDATION: Grant subject to the following conditions

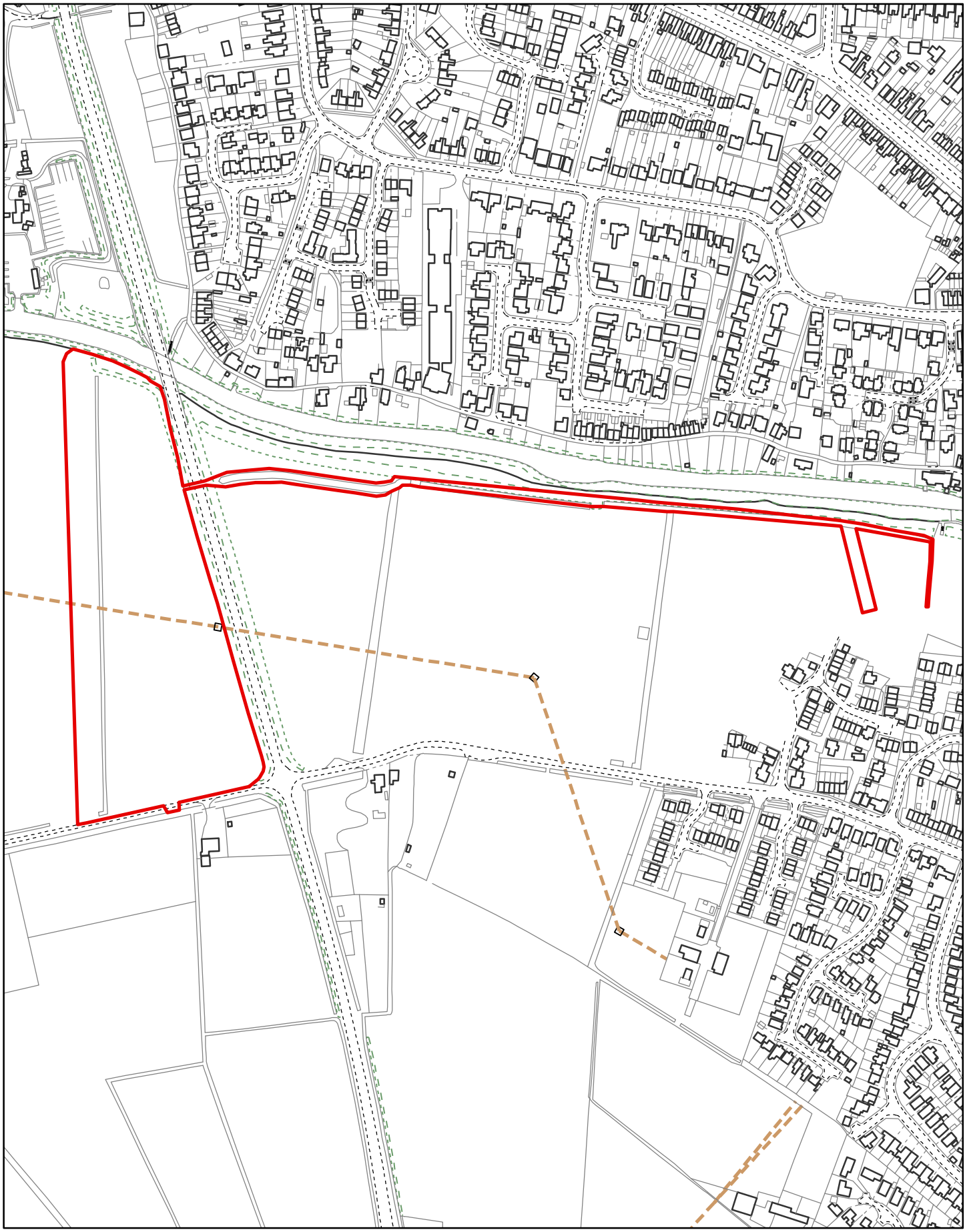
### Conditions

1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2 Notwithstanding the submitted plans and prior to the commencement of the development hereby approved, the vehicular access onto Gaul Road shall be laid out in accordance with Plan No 060053/C/315 Rev A and constructed in accordance with detailed plans to be submitted and approved by the local planning authority. Details should include levels, drainage, kerbing and methods of construction.

Reason: In the interest of satisfactory access.



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**F/YR17/1171/F**

Scale = 1:4,500

N

Fenland CAMBRIDGESHIRE
Fenland District Council

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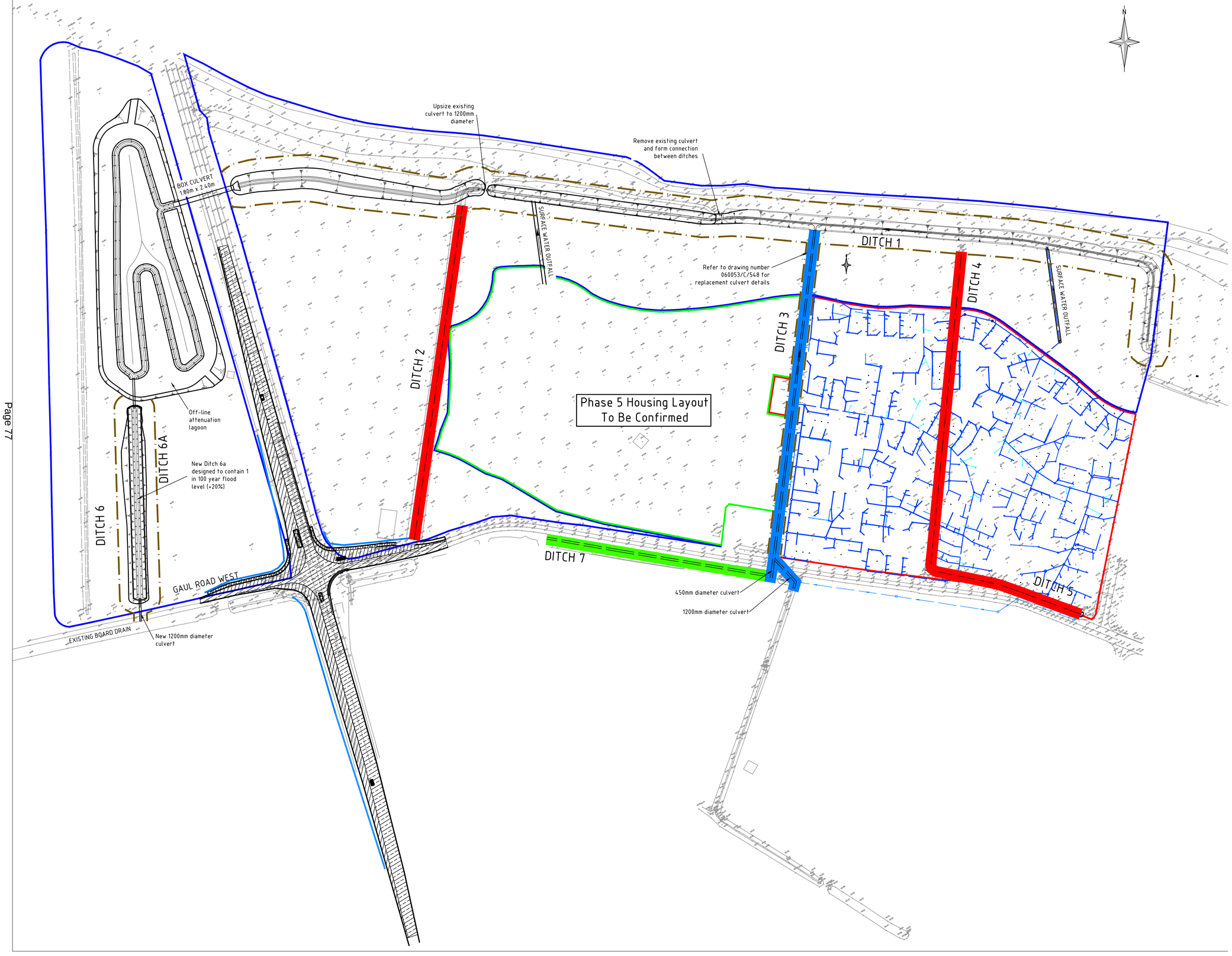
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NOTES

1. Levels shown on survey are existing levels 100m AODN (Above Ordnance Datum Newlyn)
2. Proposed Riverside Park development not shown
3. See Drawing No. 060053/C/259 & 260 for phasing

KEY

- Site Boundary for Housing Phases 1-4
- Site Boundary for Housing Phase 5
- Other land owned by the applicant
- Proposed surface water sewer and manholes (detailed so far)
- Existing drain to be culverted to facilitate development - 1200mm diameter
- Existing drain to be filled to facilitate development - 150mm diameter perforated drain to be installed to pick up any existing land drainage
- Middle Level Commissioners easement strip
- Proposed 450 mm diameter clay pipe, for highway drainage




FOR APPROVAL

| | | | | |
|---|---|---|---|---|
| N | North arrow direction amended | 16.11.17 | JBT | GBA |
| M | Gaul Road culvert amended | 26.04.17 | CDT | GBA |
| L | Private surface water drainage amended | 13.02.15 | NJP | MPC |
| K | Updated following comments from MLC | 29.09.14 | NJP | MPC |
| J | Culvert outfall pipe diameter amended. | 25.09.12 | GBA | GBA |
| I | Ditch 7 details and highway outfall added | 05.09.12 | RAB | MPC |
| H | Offline attenuation lagoon amended | 28.09.11 | NJP | MPC |
| G | Drawing changed to A1, housing, drainage, easement, key and notes added, lagoon updated. Schematic redrawn as phasing drawings. | 26.05.11 | NJP | MPC |
| F | Storage lagoons amended, notes added | 30.06.10 | PNN | MPC |
| E | Points B1 & I to M added | 02.06.10 | KJP | MPC |
| D | Fence Lane Amended | 29.04.10 | JJD | MPC |
| C | Storage Pond Size Amended Notes Added | 04.03.10 | JJD | MPC |
| B | Colour coding added. Western proposed roundabout arm omitted. Plan Orientation changed | 26.02.09 | KJP | MPC |
| A | First Issue | 04.02.09 | RWHN | MPC |
| Revisions | | Date | Drawn | Chk'd |

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Project
Gaul Road North, March

Drawing Title
Proposed Site Plan and Drainage Strategy

Status
FOR APPROVAL

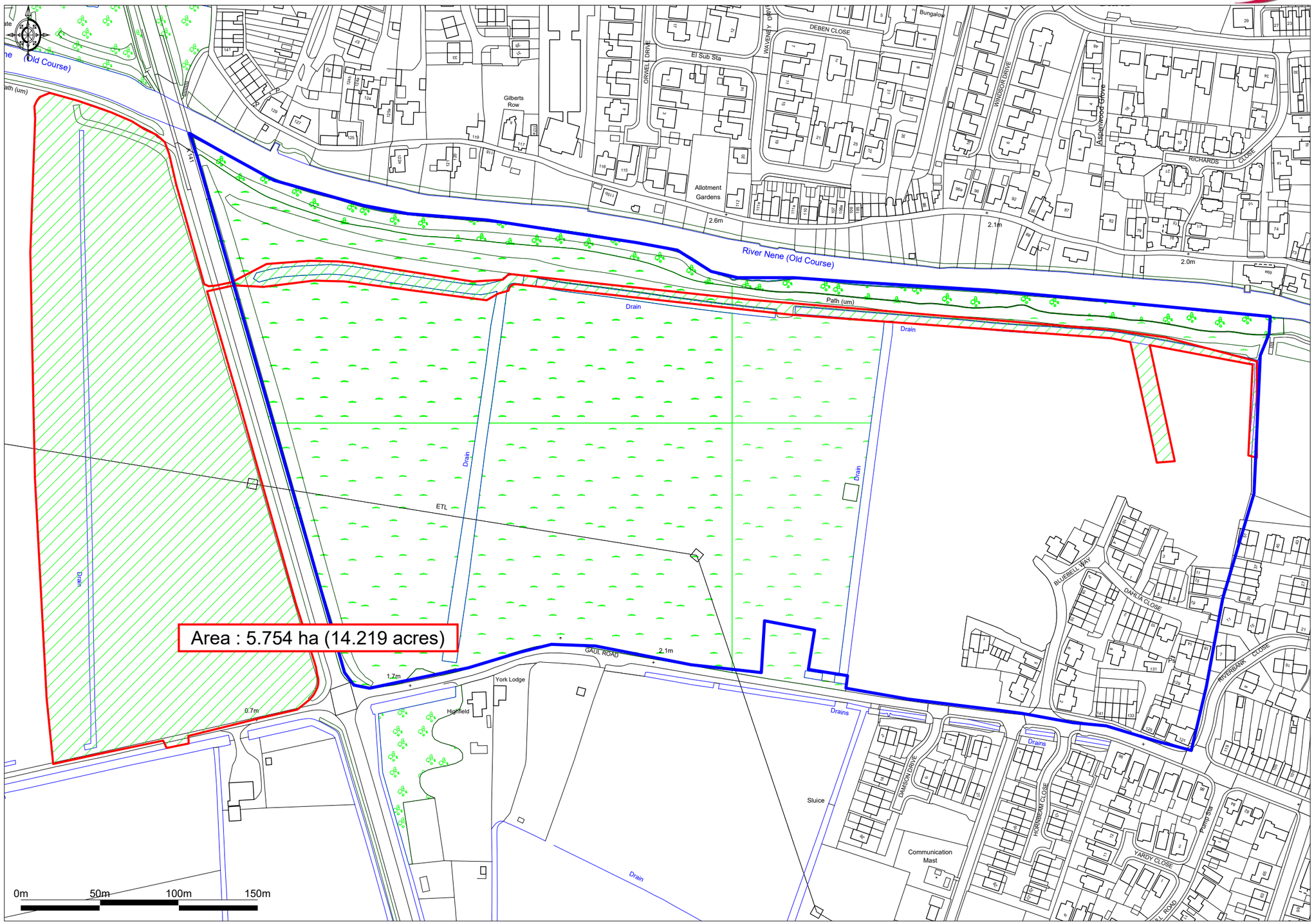
Scale - unless otherwise stated
1:1250 at A1

Drawing Number
**060053/C/530**

Rev
**N**

Site Location Plan
Gaul Road, March
Our Ref: P17-1904PL

Pegasus Group




Promap® LANDMARK INFORMATION GROUP

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**F/YR18/0128/RM**

**Applicant: Mr M Baker**
**Axiom Housing**

**Agent : Mr Robert Jays**
**Lindum Group**

**Westhaven Nursery, Peterborough Road, Whittlesey, Cambridgeshire**

**Reserved Matters application relating to detailed matters of appearance, landscaping, layout and scale pursuant to outline permission F/YR14/0183/O - Erection of 68 x 2-storey dwellings comprising of 4 x 1-bed; 20 x 2-bed; 42 x 3-bed; 2 x 4-bed with Public Open Spaces and Play Area**

**Reason for Committee: More than 6-letters of objection received contrary to Officers recommendation.**

## 1 EXECUTIVE SUMMARY

**The principle of residential development on this sustainably located site has been accepted by virtue of the earlier grant of outline planning permission. This reserved matters submission seeks to agree details of the layout, scale, appearance and landscaping.**

**Subject to outstanding matters relating to landscaping and highway being resolved (currently out to re-consultation) it is considered that the scheme complies with relevant planning policy and may be supported.**

**The granting of reserved matters approval does not dispense with the requirement for the developer to appropriately discharge the conditions imposed on the original outline planning permission. The outline conditions will be subject to a stand-alone submission and fall outside the consideration of the current submission; albeit it is good practice to ensure that the scheme detail does not compromise the proposals ability to meet the requirements of such conditions.**

**Likewise the desire for the developer to deliver additional units on the site and modify the Section 106 Obligation are separate issues outside the consideration of this submission.**

## 2 SITE DESCRIPTION

2.1 The site currently forms a vacant area of land which was formerly used as a nursery site. The site is on Peterborough Road to the western side of Whittlesey. The site adjoins the main settlement core and sits adjacent to some residential development along the frontage of Peterborough Road, a car garage. The Kings Dyke Nature Reserve adjoins the rear boundary of the site (to the north). The front boundary with Peterborough Road is largely screened by existing dwellings although there are two areas of land which are open and may facilitate access.

2.2 The site has been previously accepted as a brownfield site and is situated within a flood zone 1 location.

## 3 PROPOSAL

3.1 The application seeks reserved matters consent for 68 two-storey dwellings, as per the schedule contained within the description above. The dwellings are served by an access that is sited between the car garage and No. 146 Peterborough Road. This access sweeps east west and then returns west-east. There is an area of land to the east of the site that is annotated as 'land for potential future development'. A 10 metre biodiversity buffer is shown along the northern boundary of the site abutting the nature reserve.

Full plans and associated documents for this application can be found at: https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=P3FA61HE01U00

## 4 SITE PLANNING HISTORY

| | | |
|---|---|---|
| F/YR18/0496/PLOBBA | Modification of Planning Obligation attached to planning permission F/YR14/0183/O (entered into on 18/02/2015) relating to affordable housing, tenure mix and schedule and financial contributions relating to Pre-School Education, Secondary Education, Fenland Rail Contribution, Libraries and Lifelong Learning, County Waste and public open space. | Pending |
| F/YR17/3124/COND | Details reserved by conditions 6, 9, 13, 15, 16, 17, 18, 19 and 20 of F/YR14/0183/O | Withdrawn |
| F/YR14/0183/O | Erection of 68no dwellings (max) | Granted 18/02/201 |

## 5 CONSULTATIONS

5.1 **Whittlesey Town Council**: *The Town Council recommend approval but would like to ensure the long-term maintenance of the buffer zone is implemented.*

5.2 **Cambridgeshire County Council Highways Authority**: *The application is a reserve matters application for the erection of 68 dwellings.*

Originally commented that the submitted plans do not correspond with those submitted at pre-application stage and that revisions were required to the scheme details with regard to geometry, details and drainage. Auto-track details were also required. Following the submission of amended details advise that*: I still need to see a plan that details all geometric feature dimensions. e.g. Kerb radii, carriageway widths, footway widths etc. Auto-track details should also be provided for the site detailing an 11.5m long refuse lorry passing a private motor vehicle.*

*Details should also be shown on how the applicant intends to drain the highway. As per my previous comments I am aware that the applicant is looking at*

*infiltration methods on site, however please note that if they don't meet CCC HERCS specification then the road will not be suitable for adoption.*

5.3 **PCC Ecologist**: Originally commented that the final site layout design should *be informed by the results of the most up to date ecological surveys to ensure that adequate undeveloped buffers are provided*. In addition design will need to take account of any specific requirements to adequately cater for the translocation of reptile and great crested newts.

*Noted that the proposed site plan indicated a significant area of land "for potential future development"; this is of concern, given that the outline planning permission was approved on the basis of a maximum of 68 dwellings across the whole site. I would advise that the layout is revised to remove this area and instead allocate this undeveloped area within a wider buffer to the nature reserve. I note Natural England's comments which state that by holding back this land it will impact on the ability of the proposal to deliver sustainable development.* Also noted that *no detailed landscaping scheme appears to have been sub*mitted.

Following submission of an updated Construction Environmental Management Plan makes the following observations:

*Proposed Site Plan: Satisfied that the requirements for protected species protection and mitigation are achievable based on the revised site layout plan. I am satisfied that the submitted Boundary Plan and Boundary Types Plan are adequate to prevent access by people and cats into the adjacent county wildlife site nature reserve, with the cat-proof fencing measures extending along the northern, western and eastern site boundaries.* I am pleased to note that the revised site layout plan includes gates and access to the biodiversity buffer to enable future maintenance of this area.

*Concerns remain regarding the area of land indicated "for potential future development", given that the outline planning permission was approved on the basis of a maximum of 68 dwellings across the whole site.*

*I also note that no detailed landscaping scheme appears to have been submitted.*

*Recommendation: As set out above, I am satisfied with the revised site layout and detailed boundary treatment details, I also understand that this reserved matters application requires the submission of full landscaping and planting plans which do not appear to have been provided to date. I would therefore advise that the landscaping details are submitted for approval prior to determination of this application. Subject to such details being satisfactory, likely have no objection to the RM application, noting the requirement for further ecological information to discharge OPP conditions*

5.4 **Natural England**: *Further to advice provided by Natural England, in our letter dated 5 March 2018 (ref. 239172), we note and welcome that improvements have been made to the proposals in key areas. These include a revision to the boundary plan to include gates to the biodiversity buffer for maintenance access and cat proof fencing extended to 3 sides (north, east and west). We therefore agree in principle with the proposed details set out in the CEMP (Greenwillows Associates Ltd, April 2018).*

*Natural England advises your authority to clarify the situation regarding the adjacent land at the eastern end of the site; ideally this should be included as additional supporting habitat to help ensure no net loss to biodiversity.*

*As we have previously advised, the Council should ensure a financial commitment for long-term, ideally in-perpetuity, management and maintenance of on-site habitat and boundary treatments is secured through an appropriate planning mechanism. Natural England has no further comments to make on this planning application.*

5.5 **The Wildlife Trust**: *The Wildlife Trust has been alerted to this case. While we did not comment on the original outline application in 2014, this was because the amount of housing proposed and proposed planning conditions provided scope to incorporate the necessary ecological mitigation measures into the development design. With good design the necessary mitigation measures to prevent adverse impacts on the adjacent Kings Dyke Nature reserve, a County Wildlife Site, and on local populations of protected species, should be achievable.*

*However, I note that the current reserves matters application showing a detailed site layout and the information previously provided to discharge conditions falls well short of good design and sustainably integrating ecological mitigation measures into the proposed development. This is unacceptable and the following issues need to be addressed before this application should be granted:*

*1. The site layout is completely unacceptable having removing the previously proposed 20-30 metre wide buffer zone along the northern and western boundaries bordering Kings Dyke nature reserve. While there may not be space for a 20-30 metre buffer all the way round as well as the 68 dwellings and other open space, there should be a minimum width of 15 metres. There is clearly scope to reinstate these buffer zones as an area has been left for "future development" contrary to the original planning permission for a maximum of 68 dwellings. The site layout therefore needs to be revised to include a significant buffer to the adjacent County Wildlife Site. This could also be designed as an area of accessible green space and a circular route for dog walking within the development itself.*

*2. I note the correspondence regarding cat / predator proof boundary fencing on the nature reserve boundary and fully support the comments from Philip Parker Associates regarding the design of this.*

*3. I also note the discussions regarding protected species and ensuring all aspects of the ecological mitigation are integrated, but we will leave this to the Fenland ecological advisor, the developer's ecologist and Philip Parker Associates to resolve. I hope these comments can be taken into account and that a revised site layout with all necessary ecological mitigation measures fully integrated into the design can be submitted*

Following the submission of further details comments as follows:

*As I suspected the CEMP document does not address our fundamental objections to the detailed site layout as set out in our previous comments. The developer is clearly trying to fit more than the approved 68 dwellings onto the site, has provided insufficient buffer zone to King's Dyke nature reserve, insufficient habitat mitigation area and insufficient on-site landscaping and open spaces. I*

*would also question the longevity of the proposed wooden garden fencing, which from personal experience is likely to last no more than 10 years, and if the responsibility of the householder will in all likelihood not be replaced to the original design specification, rendering King's Dyke open to cat predation in the future..*

*The proposed buffer zone is frankly pathetic by way of ecological mitigation and enhancement and there is clearly scope within the red line boundary to build the approved 68 dwellings and to design a far better landscape and ecological mitigation offer. We respectively request that Fenland DC instruct the developer to go back to the drawing board on their site layout and to develop proposals that provide a significantly increased and enhanced area of complementary habitat to the adjacent King's Dyke nature reserve. The current proposals cannot be demonstrated to deliver net gain (or at least no net loss) in biodiversity, contrary to national and local planning policies. The area set-aside for future development must be reallocated to ecological and landscape enhan*cements *in perpetuity as part of this application.*

*Additional comments have also been received outlining how the WT objection could be withdrawn through revisions/further information*:

*It appears that the Wildlife Trust's desire for an improvement to the development layout, with better on-site habitat enhancement and / or green infrastructure for the new residents, is unlikely to be delivered by the current Housing Association application.*

*If the current development layout with limited buffer to the north and none to the west is to be approved, the boundary fencing to Kings Dyke nature reserve must be of sufficient strength, durability and design to prevent unauthorised access by people to Kings Dyke nature reserve and limit as far as is possible cat access and predation, while allowing free movement of small animals. This is likely to necessitate a metal palisade and / or mesh fencing (one potential example of which is attached) rather than wooden fencing along the whole boundary between the development site and nature reserve.*

*It would be really helpful to see the details of the proposed landscaping, which must include the details of boundary fencing treatments including detailed specifications with images, prior to determination of the application. We will comment as to their suitability once details have been provided. Until such details have been supplied and agreed, our objection to the layout of this development remains in place.*

*Finally, I must also state that the approach taken by the applicant of "salami slicing" their development is unhelpful and poor practice. It is resulting in the development not being considered as a whole, with the potential need for further costly changes to the development design at a later stage, for example when it comes to discharging ecological and drainage conditions. Such uncertainty or risk of additional costs cannot be in the applicants interest. Their current approach is also wasting far more of the consultees time, Fenland DC planning officer time and the applicants time all of which is inefficient and costing us all more money than should be required. This approach does not show the applicant or their advisors in a good light, and will no doubt lead to closer scrutiny of future schemes they bring forward.*

*5.6* **Managers of Kings Dyke Nature Reserve***: In summary, further details for fundamental ecological mitigation measures are still outstanding including an acceptable buffer specification, an acceptable fence specification, the water pollution monitoring and contingency strategy and the great crested newt and reptile receptor site strategy (which are closely linked to the buffer specification).*

A detailed document has been submitted by KDNR which outlines the continuing concerns and highlights that if the area shown as reserved for future development was included in the site area and the 68 dwellings redistributed a buffer which has been requested by all ecological consultees could be delivered.

**5.7** **Buglife:** *The current scheme intends to use soak away surface drainage, including off roads. Despite this, no plan appears to have been submitted to monitor water quality or potential mitigation measures put in place.*

*Buglife considers a 20m buffer to be more appropriate to minimise the impacts on the adjacent reserve. The planned buffer should also be of a sufficient height to reduce light pollution, The landscaping documents fail to provide any planting scheme, an important consideration as the adjacent nature reserve currently contains regionally significant Open mosaic habitat on previously developed land, a Priority Habitat under Section 41 of the Natural Environment and Rural Communities Act 2006. Such low nutrient and bare ground habitats can be particularly vulnerable to invasion of non-native plant species and tree and shrub species which are able to rapidly establish and seed. Any landscaping scheme should avoid cottoneaster, buddleia and birch species for example.*

5.8 **FDC Scientific Officer (Land Contamination)**: *The Environmental Health Team has viewed the supplied documents and welcomes the detailed site investigation report. We do not object to the principle of this development. The submitted site investigation report details the results of an intrusive investigation that acknowledges the site has a history of commercial usage including former fuel use.*

*A contaminated land condition should be applied as the land has been identified as being contaminated, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how the identified contamination shall be dealt with.*

**5.9** **Housing Strategy (FDC)**: *The Fenland Local Plan indicates that the affordable housing tenure mix should be informed by and compatible with the latest SHMA and on this basis I would expect 30% Intermediate rented properties (such as Shared Ownership) and 70% affordable rented properties. Therefore I would expect to see 5 intermediate tenure homes and 12 affordable rented homes. The planning application indicates that the tenure of the affordable housing will be 10 affordable rented homes and 7 shared ownership homes. Please take these into consideration when discussing the application with the applicant.* The mix proposed within the application is acceptable and the Housing Officer supports the proposal

*In the event that it is proven to not be viable for 25% affordable housing to be provided by the developer, I would still like to secure up to 25% of the homes as affordable housing. Prior to commencement on site I would expect the developer*

*to approach the Council to enquire about the availability of grant funding to facilitate the delivery of up to 25% AH at no financial detriment to the developer*

**5.10 Environment Agency**: *We have reviewed the information provided and have no comment to make on this application.*

**5.11 CCC (Lead Local Flood Authority)**: *Following submission of additional information we remain unable to support the reserved matters application for the following reason:*

*Whilst surface water drainage details submitted for application F/YR17/3124/ COND were supported, the layout submitted in the current reserved matters application has changed and therefore we request that an updated drainage strategy plan is submitted in line with that previously approved. This is particularly important in order to ensure that the location of the private soakaways and permeable paving is fully considered in the layout.*

Following further clarification regarding the background and the withdrawal of the above mentioned conditions discharge application informal correspondence has been entered into with the LLFA; they have agreed in principle that the drainage can be dealt with under the conditions; a formal consultation response is awaited to this effect.

**5.12 Head of Environmental Services**: *In broad principal we have no objection to this development, however, the following issues should be addressed before the application could be agreed from our perspective:-*

- *As per issues raised by County Highways the turning head at the end of the access road needs to be slightly extended to remove the overrun of the refuse vehicle over the footway. Auto Track designs should be provided and areas of widening should be introduced around corners to ensure that a 11.5m long refuse lorry can pass a private motor vehicle.*
- *New residents will be expected to present waste and recycling bins for collection at the curtilage of the property, where it meets the Public Highway on the day of collection. Properties served by shared private driveways will require notification of the shared collection points set out on the proposed site plan.*
- *For the 'type E' 4 x 1 bed properties provision of individual bins for each property with collection point at the curtilage where it meets the public highway would provide the best solution. Plans indicate two separate bin stores for the four properties.*
- *New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*
- *Refuse and recycling bins will be required to be provided as an integral part of the development.*
- *Please refer to the useful supplementary planning guidance for Cambridgeshire and Peterborough available in the RECAP Waste Management Design Guide.*

Following receipt of additional details: *Note changes to the Bin Storage and collection arrangements for 'type E' property. However no Auto Track designs to indicate a dustcart can access and turn within the site as required.*

**5.13 Senior Archaeologist (CCC)**: *We have reviewed the amendments to the above planning application and can confirm that these do not affect our previous advice issued against associated outline application ref F/YR14/0183/O. This site was*

*previously subject to an archaeological evaluation (Cambridgeshire Historic Environment Record reference ECB4198) for which a report of results has been received and approved and no further archaeological mitigation deemed necessary, therefore we have no further objections or requirements for this development.*

**5.14 Designing Out Crime Officers**: *I have reviewed the updated documents and plans. I am happy that some security recommendations have been considered. I have no further objections or recommendations at this stage and also wish comments regarding a Secured by Design application made in my response on 13th February be considered by the Developer. They will be someway compliant already with adherence to Approved Document Q.*

**5.15 Local Residents/Interested Parties**: 107 letters of objection were received in respect of the original scheme proposals; these may be summarised as follows:

- Local concerns are not being considered
- Concerns in villages about unrealistic development applications; when will FDC recognise this problem
- Council has failed to notify adjacent land owners and previous contributors
- Site location is inappropriate for family housing; close proximity to an operating industrial site with heavy machinery and excavation
- Note that a large section of land is to be left vacant under the current plan.
- The area reserved on site for future development would seem to be "land banking" currently frowned upon by both the government and the opposition. The vacant land could well be used to gain unauthorised access to the nature reserve and be used for other detrimental activities
- Since the 2014 planning application on this site was submitted, there have been significant housing developments elsewhere in Whittlesey, with several new estates of 240+ houses being granted permission. With such an ambitious house building programme already underway, in 2018 the demand for extra housing in this area has reduced since 2014. So there is no need for another 68 houses to be built in this unsuitable location.
- Scheme puts little back into community requirements
- Concerns re anti-social behaviour/vandalism/waste/litter/noise
- *Have always felt safe when walking around the Reserve on my own; I do not think I will feel that way knowing that there* could be a lot more people on the *Reserve who have no right to be there*.
- Concerns re drainage, density/over development/ parking arrangements/ proximity to property/ out of character with the area/precedent
- Environmental Concerns, concern re. light pollution, noise, trees, loss of view/outlook
- Concern re. traffic and highways –
- One cost-effective way to improve people's mental health is to allow access to open areas and green spaces filled with nature. Fenland council should be acting to support its residents and not just be ticking boxes to sign off a development which financially benefits the developer, but is detrimental to everyone else and puts children at risk.
- Whittlesey wash development a classic example of developers ignoring local concern
- Whittlesey does not have the infrastructure for further housing, not enough school places. It is almost impossible to get an appointment at the local doctor's surgeries, no dentists are accepting patients and there is a lack of local amenities

- Investment into the town centre and a supermarket should be considered like other Fenland Market towns
- A development so close to the reserve may encourage unaccompanied children to wander into the reserve and this would be dangerous, residents may also use it inappropriately
- Any benefits that the owners of these houses will give will be to the detriment of the nature reserve
- Drainage requires further consideration
- Development should not be approved if developer fails to satisfy conditions imposed on the outline
- A company has put a lot into developing this site so it should be protected; otherwise other companies are going to say why bother doing something to improve the community when it might be impaired or even destroyed by local authorities.
- There is also the historical issue of sulphur odour from the nearby brickworks, which although existing dwellings and residents are tolerant of, new occupiers of this development may not be aware of this issue when it arises**.**
- The councils main interest appears to be income from more houses even if the environment suffers
- The houses are of poor design, have no solar panels

<u>Ecology and Biodiversity Concerns</u>

- Full Environmental Assessment of the impact this development could have on the Reserve should be undertaken
- Wildlife would not cope very well with the construction or occupancy of sixty-eight dwellings within two hundred meters of them.
- When building work is going on the disruption above ground what is going on below ground wild life must get very unsettled
- Can find other land for housing but cannot find another nature reserve
- Allowing more houses to be built in the area can only bring an end to the wonderful array of wildlife on Kings Dyke Nature reserve; which is used by many including schools
- Commends the stewardship of the KDNR; if developers do not take the highest precautions it will be to the detriment of Whittlesey
- Not enough safeguards to preserve flora and fauna
- Concerned re fencing and boundary buffer, consider buffer inadequate – suggest a minimum of 20 metres to northern and western boundaries
- There needs to be an adequate buffer and protective barrier along all boundaries with the reserve, and existing trees need to be maintained, as screening for houses from the hide and protection from the impact of people and pets on the reserve
- The detailed plans fall short of what is required to develop appropriate mitigation measures to protect the significant ecological value of the nature reserve.
- No people/cat proof barrier has been specified
- How will buffers be maintained and funded
- Loss of habitat for protected species should be mitigated through the provision of an equivalent area, or smaller area if significantly enhanced – this is not addressed
- There is also concern of light pollution and noise impacting on wildlife behaviour.

- A European Protected Species licence for the great crested newts is required before the development can commence – it is unlikely that Natural England will grant a licence without an appropriate buffer or translocation zone.
- Hope that Natural England object to the size of the development
- The plans are negligent in their lack of any provision to undertake survey and monitoring even if the Council were minded to approve
- Soakaway drainage for roofs and roads would lead to contamination of ponds on the reserve (these being groundwater fed); no provision for survey and monitoring of water quality
- Nature reserve is a private member facility with no access for dog walkers or cycles
- Housing so close to the reserve will have a detrimental impact on wildlife and habitats, i.e pet cats will prey on wildlife, will generate noise and rubbish (potentially rubbish being dumped over fences), fireworks etc
- To maintain the reserve and its species it needs to be totally cat free
- No details are included in the proposal to deal with the great crested newts on the housing site satisfactorily. There needs to be adequate translocation and mitigation
- Buildings will detract from views from the main hide
- Condition 19 clearly states no ground clearance must take place until an appropriate licence is in force yet some scrub and brambles have already been cleared.
- Tree protection zone appears to be on land owned by Forterra.

Access and highways

- Roads cannot cope with the morning commute to Peterborough.
- This is just going to make the road situation worse, already difficult to get out of drives on the main road. Another 129 cars! This road is no way suitable for the amount of traffic that uses it, there is no break in traffic at peak times unless a train is coming and that will not happen once the rail crossing is sorted.
- Inappropriate radii bends to allow cars to pass parked cars
- Children will be at risk walking to and from school with lorries thundering past
- The slim driveways which propose one car parked behind another just do not work. Cars will be parked on the pavements and road instead, which will be particularly hazardous at the bends on the road.
- Access to the site is to be on a extremely busy road which is affected by traffic jams on almost a daily occurrence

In respect of the revised scheme proposals 19 further letters have been received from previous correspondents; which may be summarised as follows:

- Still very concerned about the buffer zone and protective fencing. I am not convinced that the proposed fencing will serve the purpose of providing adequate resistance to unwanted nuisance, no mention having been made of this in the revised proposals.
- Neither has any further comment been made on the subject of any pollution that might present an ominous threat to the Nature Reserve project.
- Life expectancy of proposed fencing is questioned and it is noted that there are no provisions for long term maintenance and retention
- Still no information regarding great crested newt translocation, LPA has to be satisfied that an EPS licence will be issued
- Accept that these projects have to be accepted but please make them more acceptable

- *It is disappointing that the applicant, no doubt having seen the comments on the initial application, has shown such scant concern for the development's potential ecological impact when submitting the revised application*

One letter stating that they neither object to nor support the application although noting concern regarding the impact of this development upon the Kings Dyke Nature Reserve, and upon wildlife in general and raising similar issues to those raised as objections i.e. buffer zone must be adequate e.g. 20 metres and retained in perpetuity, drainage must be away from the Nature Reserve and not into it, a people and cat proof fence should be maintaining in perpetuity.

A further consultation response has been received which states that the '*application has our full support as a good use of a derelict piece of land.'*

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

### 7.1 National Planning Policy Framework (NPPF)

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.
Paragraph 14: Presumption in favour of sustainable development.
Paragraph 17: Seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and encourage the effective use of land by reusing land that has been previously developed (Brownfield Land) provided that it is not of high environmental value.
Section 6: Delivering a Wide Choice of High Quality Homes.
Section 7: Requiring Good Design.
Section 11: Conserving and enhancing the natural environment.

### 7.2 National Planning Practice Guidance (NPPG)

### 7.3 Fenland Local Plan 2014

LP1: A Presumption in Favour of Sustainable Development.
LP2: Facilitating Health and Wellbeing of Fenland Residents.
LP3: Spatial Strategy, The Settlement Hierarchy and the Countryside.
LP5: Meeting Housing Need.
LP11: Whittlesey
LP13: Supporting and Managing the Impact of a Growing District.
LP15: Facilitating the Creation of a More Sustainable Transport Network in Fenland.
LP16: Delivering and Protecting High Quality Environments across the District.
LP19 – The Natural Environment.

## 8 KEY ISSUES

8.1 The following key issues are identified as being pertinent to the evaluation of this scheme:

- **Principle of Development**
- **Design and layout**
- **Transport and Highways**
- **S106**
- **Biodiversity and mitigation**

## 9 BACKGROUND:

9.1 Outline planning permission was granted in 2015 for residential development on this site up to a maximum of 68 dwellings (density of approximately 26 dwellings per ha). At the time of the outline application no details were committed as although an indicative layout accompanied the submission this did not form part of the application. It should be noted that the layout and numbers specified in the original scheme had not been directed by the Local Planning Authority and were purely dictated by the submission as made; furthermore the form and extent of the ecological buffer, whilst illustrated on the layout, was not prescribed by the illustrative layout, the supporting documents or the subsequent decision.

9.2 The agent for the scheme has provided a summary position statement which highlights that:

- Axiom, a long established housing association, purchased the land in December 2017 with only 3 months to run on the outline planning permission
- Their strategy for the site was to deliver a predominantly affordable housing scheme to meet a wider range of housing needs to the existing outline approval, which had illustrated large detached dwellings with garages
- The decision was taken to submit the reserved matters application based on the existing outline for 68 dwellings to preserve the outline
- Axiom have always been clear that it was their intention to submit a further application to secure additional units to maximise the sites full potential
- Axiom have recently submitted a further application for 16 market sale dwellings; in order to deliver the levels of affordable housing proposed the additional homes need to be outright sale to make the whole scheme viable.
- It is also highlighted that a policy compliant scheme would deliver 25% affordable homes; however the exact on site provision will be 58 affordable units, i.e. 85% of the 68 dwelling and 69% of the total 84 units proposed. The agent for the scheme considers this to *'represent a significant benefit of the scheme and should be given considerable weight in the decision making process'.*

9.3 The agent has also included within their summary position document an overview regarding ecology and S106 contributions, their observations in this regard are considered in the relevant sections of this report.

9.4 The LPA has received the follow on scheme for 16 units however additional information is required in support of this submission prior to the application being deemed valid.

## 10 ASSESSMENT

### Principle of Development

10.1 The principle of residential development on this site has been established through the grant of outline planning permission. Whilst it could be viewed as 'convoluted'

procedurally to keep the original outline 'live' through the submission of a scheme which covers only part of the site, whilst delivering the full 'amount' of units, there are no procedural/planning reasons which preclude such an approach. As such the LPA must consider the scheme proposals against the backdrop of the outline approval; to this end it is the design, layout, residential amenity, access and highway considerations that are paramount for evaluation. Similarly there is some cross over with how the layout will enable the discharge of the conditions imposed on the original outline; specifically ecological mitigation, i.e. the buffer, appropriate landscaping, preventing cat access to the nature reserve etc.

**Design and layout:**

10.2 The design and layout of the proposal is acceptable in the context of the site, the individual units are afforded appropriate levels of separation, private amenity space and parking. Whilst there is a shortfall of 1 parking space per 4-bedroom unit when applying the FDC adopted standards this may be accepted noting the sustainable location of the site.

10.3 Similarly there are no residential amenity issues arising and ample separation exists between the new build proposed and the existing dwellings along the Peterborough Road frontage.

10.4 The original scheme proposed a density of just over 26 dwellings per Ha. and it should be noted that delivering 84 units on the site represents a density of just under 33 per ha. As acknowledged by the agent the original scheme proposed a mix of 2-5 bedroom houses whilst the reserved matters submission has a concentration of 2 and 3-bedroom units, with only 2 four bedroom dwellings being delivered on the site. These smaller dwellings in essence follow the original design principles shown on the original illustrative layout albeit more units would be delivered.

10.5 A detailed materials schedule accompanies the application; this proposes a mix of yellow and red brick properties some with render, some with a projecting band of blue brick and some with a mixture of both the projecting band and render. Roof tiles will be a smooth light grey. This palette of materials will offer variety within the streetscape and will contribute to a sense of place.

10.6 The scheme details are acceptable in the context of policies LP2 and LP16 of the Fenland Local Plan; as a safeguard in respect of the land shown as excluded from the current application proposals it will be necessary to ensure the site is either developed or treated in such a way as not to impact on the visual amenity of the intended residents; landscaping proposals for this area indicate an area of species-rich grassland and this is considered acceptable and its timely delivery may be secured by condition.

**Transport and Highways**

10.7 The principle of development has been accepted in terms of the amount of development and additional units will be fully evaluated in due course; once a valid application is before the LPA.

10.8 The agent has provided drawings to address consultation responses received with regard to the geometry of the internal estate roads and the further comments of CCC Highways are awaited.

10.9 With regard to highway drainage, specifically infiltration, CCC have advised that if the proposals do not meet CCC Housing Estate Roads Construction (CCC HERC) specification then the road will not be suitable for adoption. As a safeguard it is considered that a road management and maintenance condition should be imposed on any decision to address such an eventuality; although achieving a scheme which does comply with the CCC HERC specification would obviously be the desired outcome.

**S106**

10.10 The S016 requirements have previously been established by virtue of the earlier grant of outline planning permission with associated Section 106 obligation dated 18th February 2015. This S106 outlines contributions in respect of pre-school and secondary school education, Fenland Rail improvements, Libraries and Lifelong Learning and County Council waste, In addition it outlines the scope of public open space and maintenance together with the affordable housing requirement for the site at 25%.

10.11 Whilst the applicant has recently submitted an application to modify the scope of the S106 to reflect the tenure and mix of the affordable housing to be provided; and dispense with the other financial contributions given that the over provision of affordable housing cannot be delivered alongside the existing financial contributions included in the S106 agreement this is separate to the consideration of this reserved matters scheme.

**Biodiversity and mitigation**

10.12 It should be noted that although a 'buffer' was identified as a requirement in the original outline proposals the exact extent and form was not specified. Ecological mitigation forms a key part of the outline planning approval as issued and it will be a requirement for the conditions imposed on the original outline to be formally discharged prior to the commencement of works on site.

10.13 There is obviously some overlap between the current layout and the ecological considerations on site; in that the extent of buffer available to address the ecology conditions is dependent on the site layout. In addition the landscaping of the site, which is one of the reserved matters has the potential to offer biodiversity habitat, or as identified by one of the consultees to undermine site biodiversity.

10.14 It is noted that the landscaping scheme has only recently been submitted in support of the application and to this end the consultation responses will be reported to the committee by way of written update; subject to this being favourably received by the relevant consultees.

10.15 It is considered that subject to the landscaping details being accepted as appropriate, and the corresponding conditions being discharged under the outline planning permission, that the scheme is acceptable in terms of ecological mitigation and biodiversity; thereby rendering the scheme compliant with Policy LP18 of the FLP.

## 11 CONCLUSIONS

11.1 This reserved matters submission proposes a policy compliant scheme which raises no issues in terms of visual or residential amenity. Whilst there are outstanding technical details the agents have provided additional information which is currently before the relevant consultees and updates in this regard will be reported to the committee; along with their recommendations.

11.2 Whilst it is clear that the proposal has generated significant concern regarding ensuring that the development of the land does not prejudice the operation, longevity and value of the adjoining nature reserve the LPA is satisfied that the scheme has given due regard to the specific ecological constraints and requirements of the site and takes appropriate steps with regard to safeguarding.

## 12 RECOMMENDATION: Approve

### Conditions

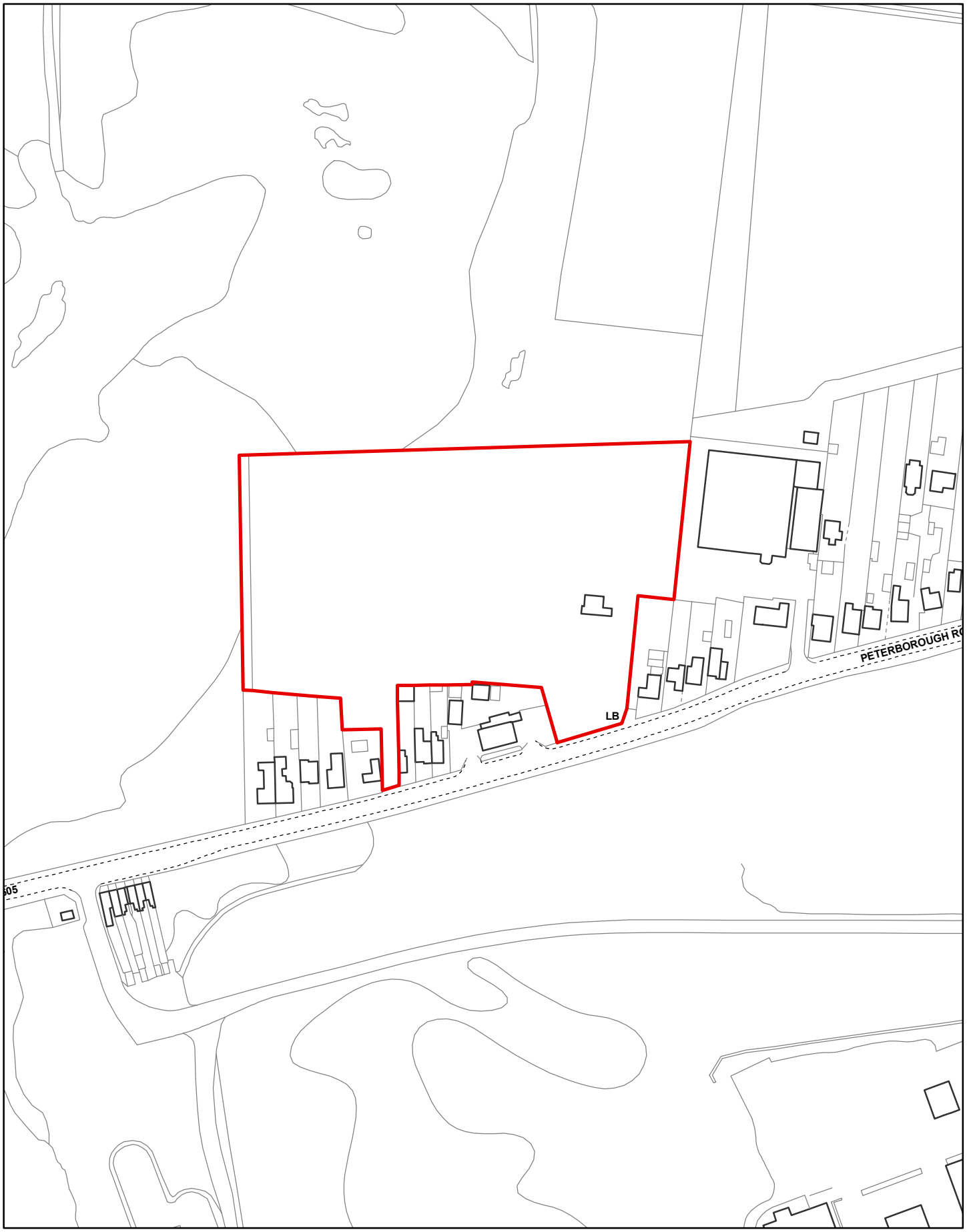
1 The area of grassland shown on drawing number 50209001 Rev A shall be seeded and established prior to the occupation of 50% occupation of the site and thereafter maintained in perpetuity unless a subsequent scheme for the further development of the site is approved.

Reason: To safeguard the visual amenity of the area and the residential amenities of future occupants in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.

2 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate roads and private drives within the development have been submitted to and approved by the local planning authority. The estate roads and private drives shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure a satisfactory means of access in accordance with policies LP15 and LP16 of the Fenland Local Plan.

3 Approved plans




Created on: 12/02/2018

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**F/YR18/0128/RM**

Scale = 1:2,500

N

Fenland CAMBRIDGESHIRE
Fenland District Council




| Revision: | | Date: |
|---|---|---|
| A | Amended as per site plan 001S amendments -<br>Highways updated bend widening, footpath connection corrected to be straight private drives revised after car tracking.<br>Gates added to biodiversity buffer for maintenance access.<br>Mix revised with plots 1-2 D type A (2b4p) swapping to Type D (4b6p), 61-62 Type D swapping to Type C (3b5p), 21-22 swapping from D (4b6p) to A (2b4p) - net result in -2x4b6p and +2x 3b5p.<br>Plots 13-14 swapping from C to C1.<br>East boundary corrected as title ownership | 23.04.2018 |

North

0 10 20 30 40 50

## ACCOMMODATION SCHEDULE

**41083 - Peterborough Road, Whittlesey**

| HOUSE TYPE | Beds | NUMBER | SQM | SQM Total | SQFT | SQFt total | % |
|---|---|---|---|---|---|---|---|
| A | 2b4p | 20 | 64 | 1280 | 688.90 | 13777.92 | 29.4% |
| B | 3b5p | 4 | 83 | 332 | 893.41 | 3573.65 | 5.9% |
| C | 3b5p | 28 | 80 | 2240 | 861.12 | 24111.36 | 41.2% |
| C1 | 3b5p | 10 | 80 | 800 | 861.12 | 8611.20 | 14.7% |
| D | 4b6p | 2 | 110 | 220 | 1184.04 | 2368.08 | 2.9% |
| E | 1b2p | 4 | 48 | 192 | 516.67 | 2066.69 | 5.9% |
| **Total** | | **68** | | **5064** | | **54508.90** | **100.0%** |
| | | | | | | | |
| **Total Site Area:** | | **2.644** | | | **Hectares** | | |
| **Total Site Area:** | | **6.533** | | | **Acres** | | |
| **Site Density:** | | **25.72** | | | **DPH** | | |

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Leicester, LE1 6TR
Tel: 0116 204 5800, Fax: 0116 204 5801
email: design@rg-p.co.uk, www.rg-p.co.uk

Project: A development at Peterborough Road Whittlesea

Client: Longhurst Group

Sheet title: Site Plan Photoshopped

Ref: 41083/ 020A

Scale: 1:500, @ A1

Date: 12 September 2017

Drawn: GW Checked: JR

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| Revision: | Date: |
|---|---|
| A Amended as per site plan amendments | 26.03.2018 |




Street Scene A-A Along Spine Road 1:200 Scale




Street Scene B-B Through Central Public Open Space 1:200 scale

0 1 2 3 4 5 6 7 8 9 10



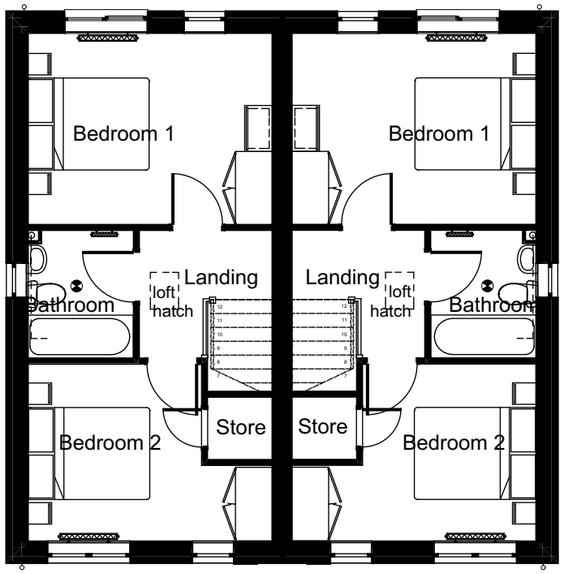

Key Plan 1:1000 scale

0 10 20 30 40 50

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| | |
|---|---|
| Project: | A development at Peterborough Road Whittlesea |
| Client: | Longhurst Group |
| Sheet title: | Street Scenes |
| Ref: | 41083/ 019A |
| Scale: | 1:200 @ A1 |
| Date: | 17.01.2018 |
| Drawn: | GW |
| Checked: | JR |

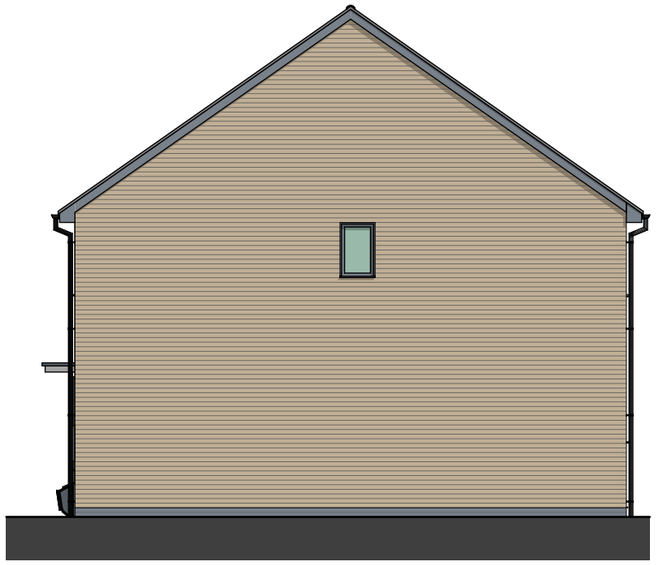
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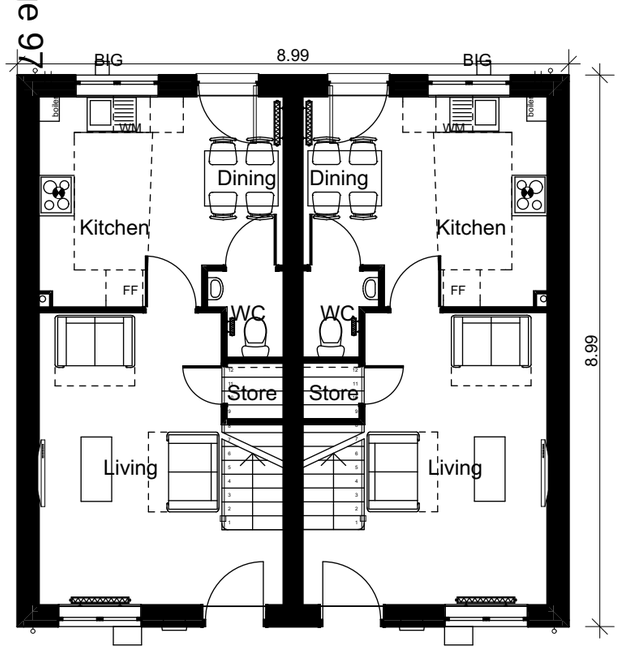

First Floor Plan




Front Elevation



Side Elevation

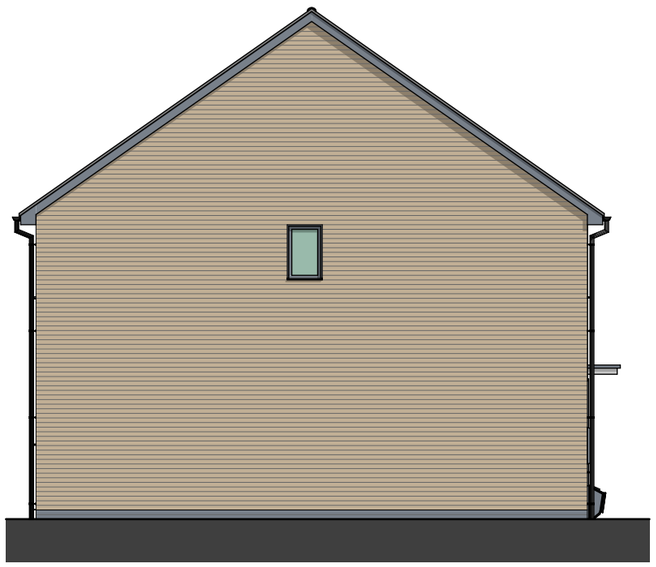



Ground Floor Plan

0 1 2 3 4 5 6 7 8 9 10



Rear Elevation



Side Elevation

| Revision: | | Date: |
|---|---|---|
| A | Plot numbers amended in accordance with site layout 001Q | 11.04.2018 GW |

Plot Numbers:
5,6,11,12,15,16, 21, 22, 35,36,43,44,49,50,63,64

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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type A (Type 1)

Ref: 41083/ 006A

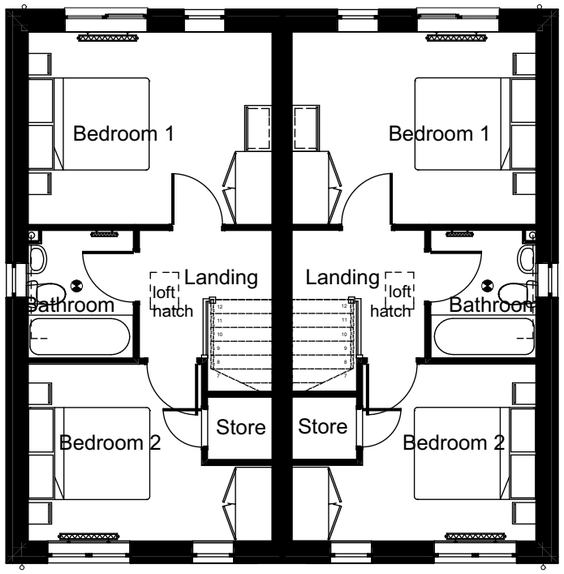
Scale: 1:100 @ A3

Date: 05.01.2018

Drawn: GW Checked: JR

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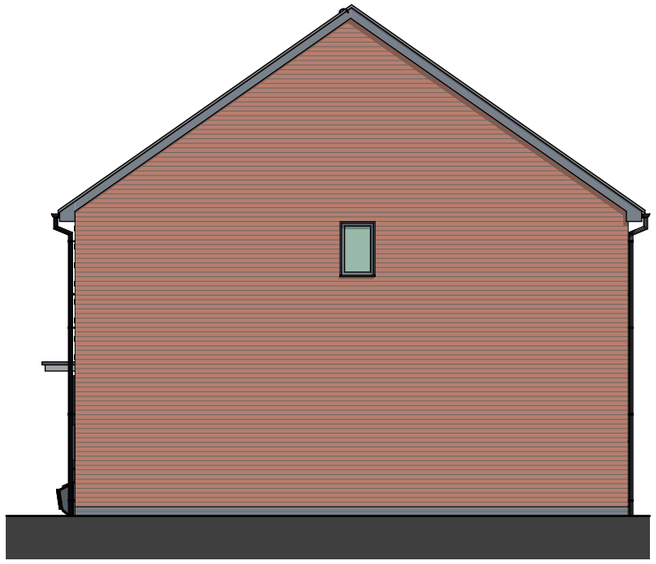
| Revision: | | Date: |
|---|---|---|
| A | Plot numbers amended in accordance with site layout 001Q | 11.04.2018 GW |




First Floor Plan

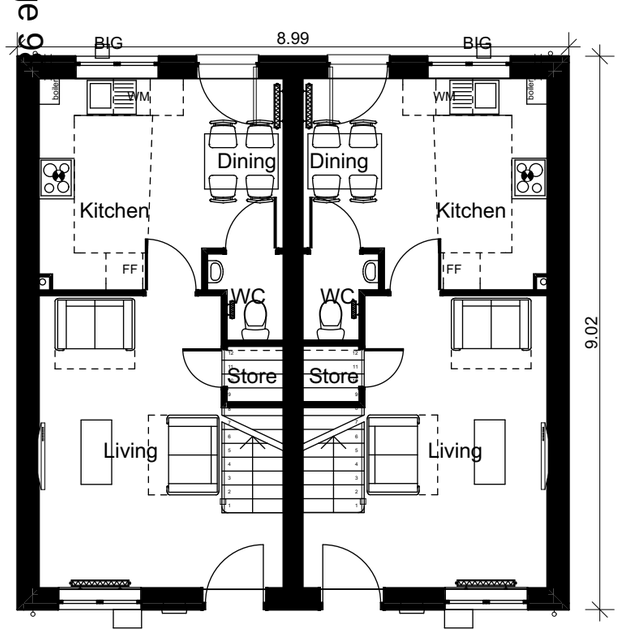



Front Elevation



Side Elevation

Plot Numbers:
31,32,45,46

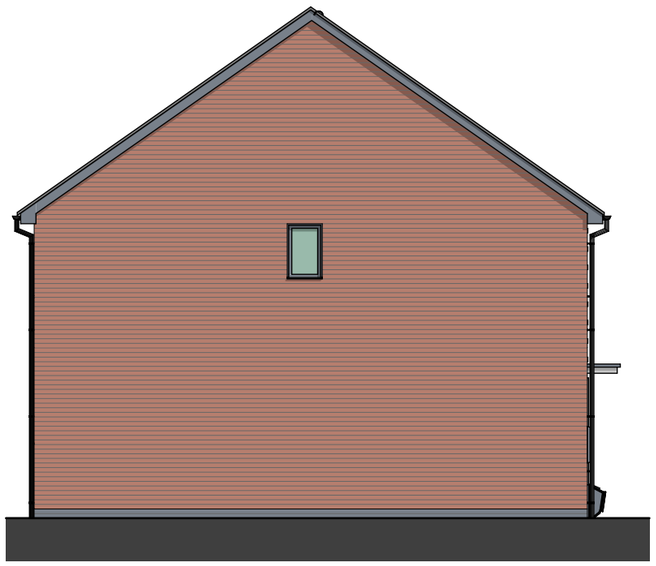



Ground Floor Plan

0 1 2 3 4 5 6 7 8 9 10



Rear Elevation



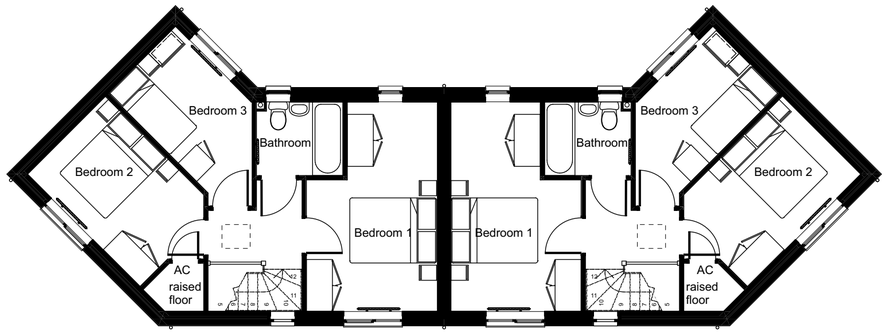
Side Elevation

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| | |
|---|---|
| Project: | A development at Peterborough Road |
| Client: | Longhurst Group |
| Sheet title: | Type A (Type 2) |
| Ref: | 41083/ 007A |
| Scale: | 1:100 @ A3 |
| Date: | 05.01.2018 |
| Drawn: | GW |
| Checked: | JR |

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Revision: Date:



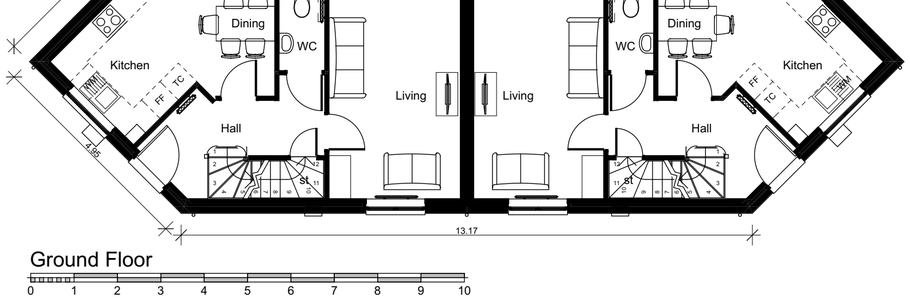

First Floor




Front Elevation 1

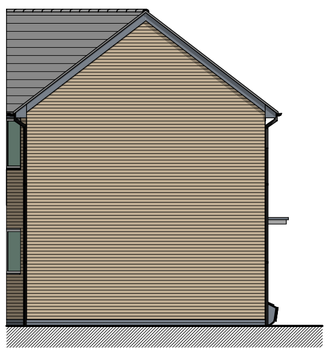


Rear Elevation 1

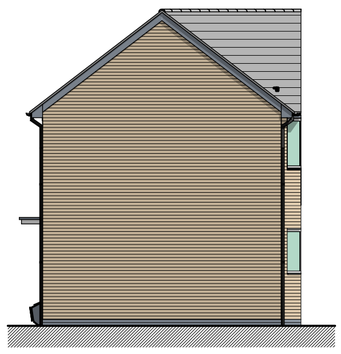



Ground Floor

0 1 2 3 4 5 6 7 8 9 10



Side Elevation 1



Side Elevation 2

Plot Numbers:
57,58,67,68

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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type B

Ref: 41083/ 008

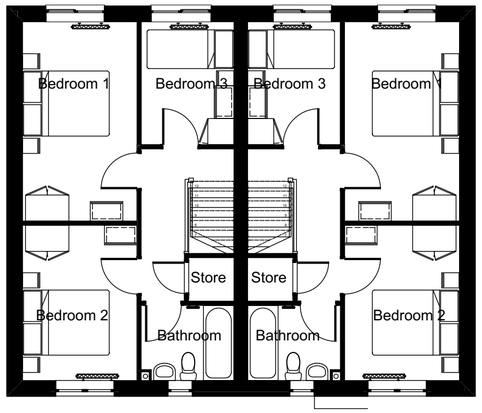
Scale: 1:100 @ A2

Date: 05.01.2018

Drawn: YS Checked: JR

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| Revision: | | Date: |
|---|---|---|
| A | Plot numbers amended in accordance with site layout 001Q | 11.04.2018 GW |



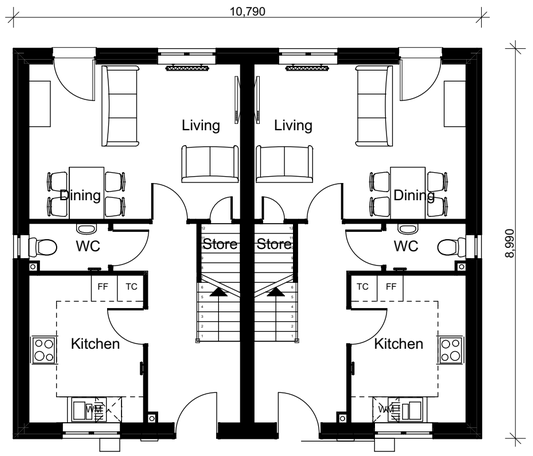

First Floor Plan



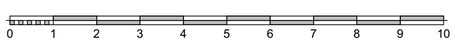

Front Elevation

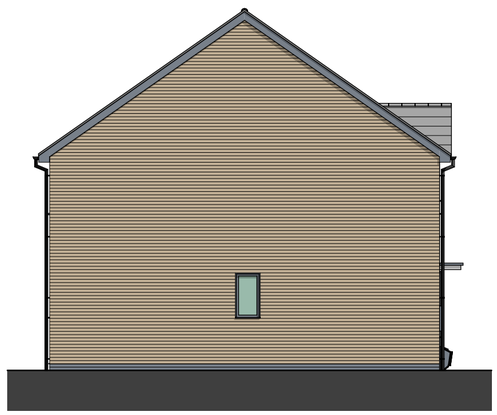


Rear Elevation

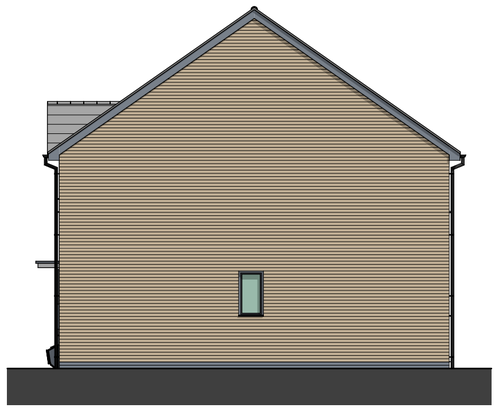



Ground Floor Plan
Type C



Side Elevation



Side Elevation

Plot Numbers:
07,08,13,14,19,20,25,26,39,40

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email: design@rg-p.co.uk, www.rg-p.co.uk

Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type C1

Ref: 41083/ 012A

Scale: 1:100 @ A2

Date: 16.01.2018

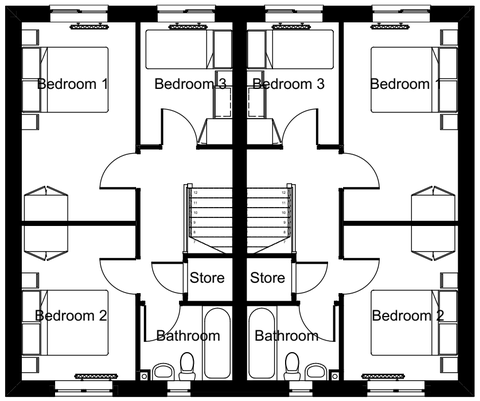
Drawn: GW Checked: JR

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Revision:

Date:

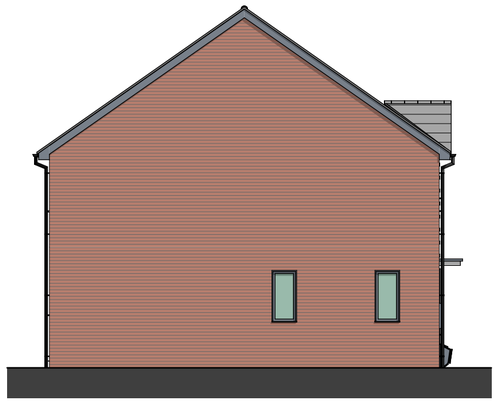
A Plot numbers amended in accordance with site layout 001Q 11.04.2018 GW




First Floor Plan



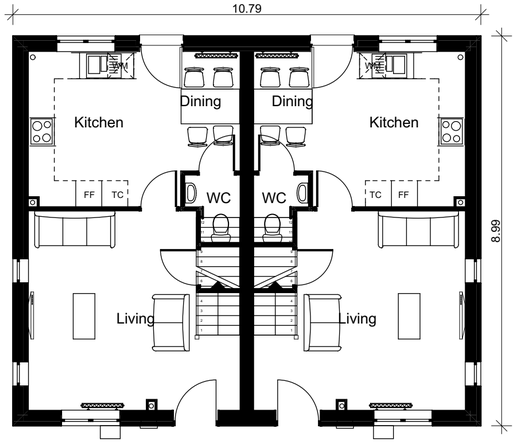

Front Elevation



Side Elevation

Plot Numbers:
3,4,9,10,17,18,23,24,29,30,37,38,41,42,47,48,59,60,65,66

Page 1 of 1 001

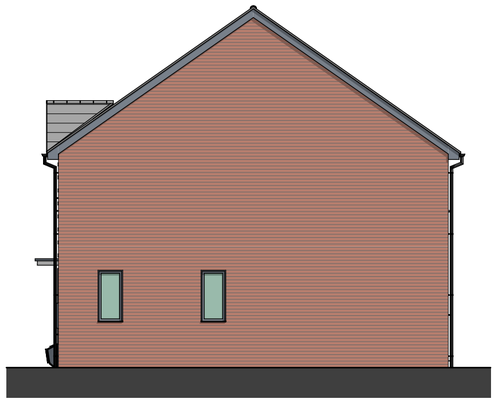



Ground Floor Plan

0 1 2 3 4 5 6 7 8 9 10



Rear Elevation



Side Elevation

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Leicester, LE1 6TR
Tel: 0116 204 5800, Fax: 0116 204 5801
email: design@rg-p.co.uk, www.rg-p.co.uk

Project:
A development at Peterborough Road

Client:
Longhurst Group

Sheet title:
Type C - (Type 2)

Ref:
41083/ 010A

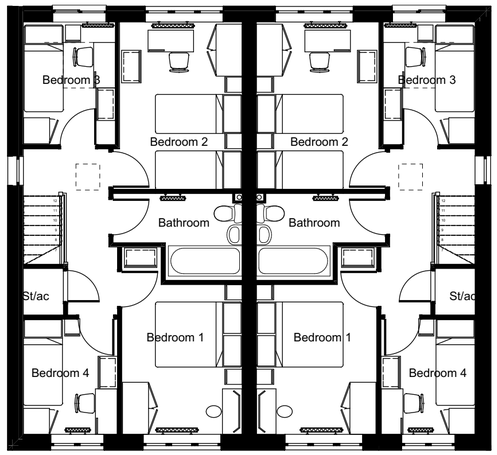
Scale:
1:100 @ A2

Date:
05.01.2018

Drawn: GW Checked: JR

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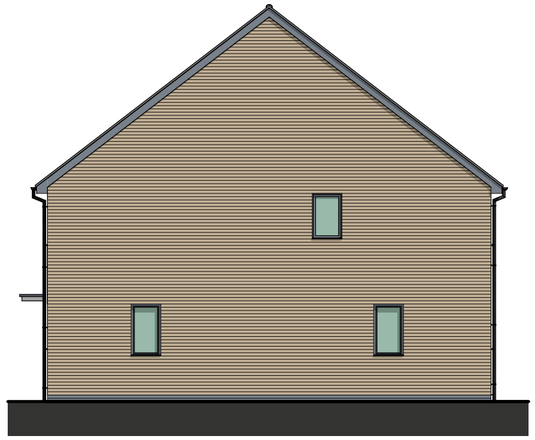
| Revision: | | Date: |
|---|---|---|
| A | Plot numbers amended in accordance with site layout 001Q | 11.04.2018 GW |




First Floor Plan

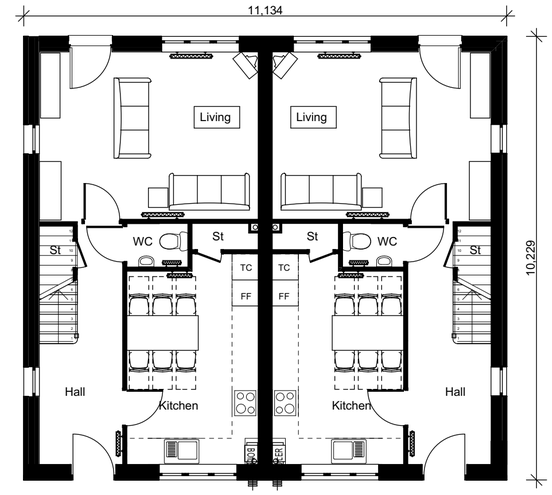



Front Elevation

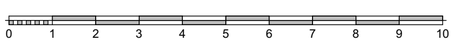


Side Elevation

Plot Numbers:
01,02

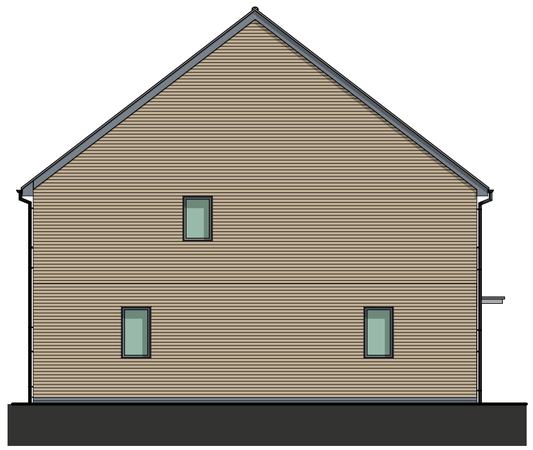



Ground Floor Plan






Rear Elevation



Side Elevation

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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type D

Ref: 41083/ 013A

Scale: 1:100 @ A2

Date: 16.01.2018

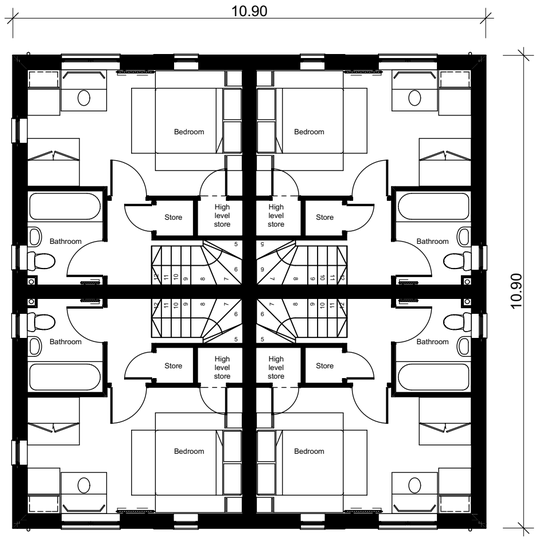
Drawn: GW Checked: JR

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Revision:

Date:

| | | | |
|---|---|---|---|
| A | Elevaton titles amended | 01.02.2018 | YS |
| B | Bins added to east side | 23.04.2018 | GW |




First Floor Plan



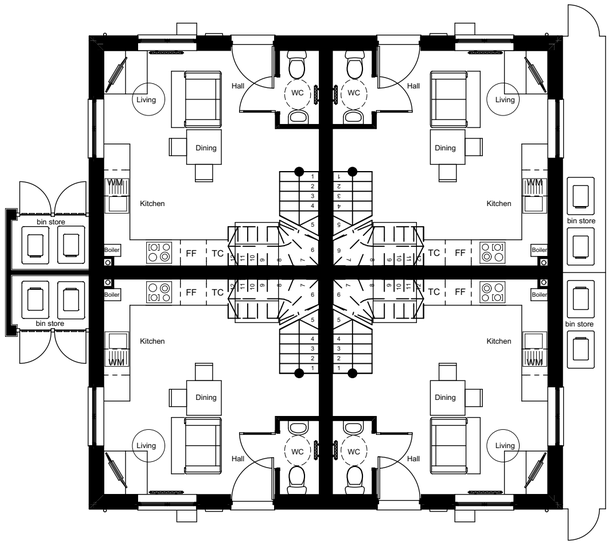
West Elevation



North Elevation

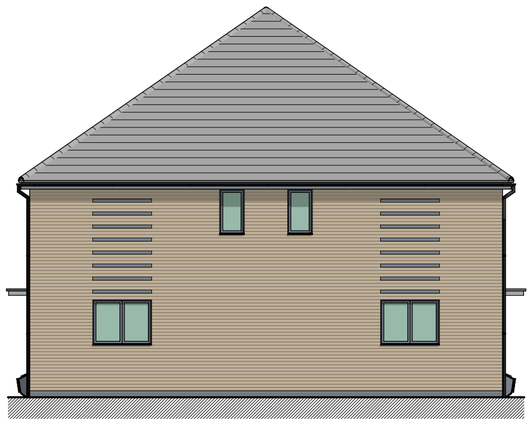
Plot Numbers:
51,52,53,54

Page 103




Ground Floor Plan

0 1 2 3 4 5 6 7 8 9 10



East Elevation




South Elevation

Architects · Project Managers · Quantity Surveyors
Waterloo House, 71 Princess Road West
Leicester, LE1 6TR
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Project:
A development at Peterborough Road

Client:
Longhurst Group

Sheet title:
Type E

Ref:
41083/ 011B

Scale:
1:100 @ A2

Date:
05.01.2018

Drawn: GW Checked: JR

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**F/YR18/0321/F**

**Applicant: Mr B Saxby**
**MJS Construction (March) Ltd**

**Agent :**

**Land South Of 31-33, Lake Close, March, Cambridgeshire**

**Erection of 8 x dwellings comprising of: 2 x 3-storey 3-bed, 2 x 2-storey 4-bed, 2 x 2-storey 3-bed and 2 x single-storey 3-bed**

**Reason for Committee: March Town Council comments contrary to officer recommendation**

## 1 EXECUTIVE SUMMARY

**The application site is a section of land surrounded by existing residential development, part of which benefits from an extant planning permission for the construction of 4 dwellings.**

**Objections have been received from neighbouring and nearby properties and the Town Council.**

**The scheme is considered to be in accordance with the relevant policies of the development plan and acceptable in all other respects.**

## 2 SITE DESCRIPTION

The application site is currently unmaintained open land to the south of Lake Close, a modern development of residential dwellings towards the western edge of March, and surrounds the existing dwelling at 119 West End. It is surrounded on all sides by residential development but presents two separate frontages to West End either side of 119 West End.

There is an existing raised hard surfaced track entering the site at its north boundary providing access to the neighbouring dwelling at 4 Gilbert's Row. The northern boundary of the site to Lake Close is open, except for two small sections of wall to the south and south-west of 31 Lake Close, and a 1.8m closeboard fence that forms the southern boundary of 33 Lake Close. There is no boundary treatment to 119 West End at present. The boundary to West End is formed to the eastern side by a combination of metal railings and brick pillars, whilst to the west is a hedgerow of some considerable size, approximately the height of the two storey dwelling opposite. The site is within flood zone 1.

## 3 PROPOSAL

The proposal is for the construction of 8 new dwellings on the site – 2x 3-storey (2.5 storey) properties to the north west corner of the site adjacent to the existing properties on Lake Close, 2x single storey dwellings to the east of the site adjacent to the existing bungalows on Lake Close and Elliott Lodge with the remaining 4x properties at 2-storeys. One of these 4 dwellings (Plot 6) is best described as a 'cottage-style' dwelling with first floor accommodation within the

roof space and utilising dormer windows to the front, similar to the property on the opposite side of West End.

Full plans and associated documents for this application can be found at: http://fhallapp05:8080/IDOXSoftware/IG_search?app_id=1002&FormParameter1=F%2FYR18%2F0321%2FF

## 4 SITE PLANNING HISTORY

| | | |
|---|---|---|
| F/YR15/1091/F | Erection of 4x 2-storey 4-bed dwellings. 5 garages including garage for 119 West End and 1.3m high (max) wall and railings to front | Granted |
| F/YR14/0563/F | Erection of 4x 2-storey 4-bed dwellings and 5no detached garages including garage for 119 West End | Refused |
| F/YR08/0159/DE1 | Demolition of 1 dwelling | Details required |
| F/YR07/0307/F | Erection of 4x 4-bed two and a half storey terrace houses 3x 3-bed terrace houses block of 3 garages and block of 4 garages involving demolition of existing dwellings | Withdrawn |
| F/0009/75/F | Erection of a dwellinghouse | Granted |

## 5 CONSULTATIONS

**March Town Council:** *Recommend refusal until such time as Lake Close roads have been finished and adopted. Also, due to flooding issues in the area and the fact that Anglian Water Authority have not yet adopted the sewage system re foul and surface water.*

**Environmental Health:** Condition requiring remedial works in relation to an area of localised contamination will be required

**Cambridgeshire County Council Highways Authority:** turning head should be amended is proposed for adoption, demonstration that a fire appliance can turn within the space provided is required, dimensions should be indicated on the drawings and Lake Close is currently a private road. These comments have been addressed by the site layout plan submitted with the application.

**Housing Strategy:** No affordable housing contribution required

**Local Residents/Interested Parties**
5 responses have been received in relation to the proposal noting the following points

Objection
Proposal will cause/exacerbate flooding issues
Over development of the site
Noise problems would be created due to the lack of parking spaces for the 4-bedroomed dwellings.
Cottages on plots 4 and 5 would be more appropriate to the setting.
Reduction of light from plot 6.
Overlooking of nearby properties from plot 6.
Devaluation of property.

Insufficient parking provision and no provision for visitors.
Concern the plots extend into West End.

Other comments
Two overgrown leylandi trees to western boundary will need to be felled prior to installation of fencing.
Provision of access and parking facilities for neighbouring properties during construction.
Need confirmation the lamppost will be staying where it is.

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**
Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise
Paragraph 14: Presumption in favour of sustainable development.
Paragraph 49: Housing to be considered in the context of presumption in favour of sustainable development
Paragraphs 56-57: Good and inclusive design
Paragraph 60: Reinforcing local distinctiveness
Paragraph 100-104: Sequential test & flood risk

**National Planning Practice Guidance (NPPG)**
Determining a planning application

**Fenland Local Plan 2014**
LP1 – A Presumption in Favour of Sustainable Development
LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland
LP16 – Delivering and Protecting High Quality Environments across the District

**March Neighbourhood Plan 2017**
Policy H2 – Windfall Development

## 8 KEY ISSUES

- **Principle of Development**
- **Impact on the street scene**
- **Impact on neighbouring amenity**
- **Flooding, drainage and contamination**
- **Other matters raised**

## 9 BACKGROUND

There are two applications of significance in relation to the proposal from the site history. An application was made for 4 dwellings on the western half of the site in

2014 that was refused, with a subsequent application in 2015 for a similar development granted permission in June 2016. The permission for development of part of the site therefore remains extant.

## 10 ASSESSMENT

### Principle of Development

The application site is located within the town of March, where policy LP3 of the development plan directs the majority of the district's new housing. Part of the application site benefits from an extant planning permission, whilst the remaining portion is located within an area of residential occupation. The proposed development would also be solely residential in nature and therefore of a character appropriate to the residential nature of its surroundings. On that basis therefore, the principle of the residential development of the site is considered to be acceptable.

### Impact on the street scene

The proposal draws on the previous planning permission on the site with regard to the dwellings to the south west corner, with the new proposed house types replicating the existing approval. In this respect therefore the proposal has exactly the same impact on the street scene as the existing permission. The difference to the street scene from West End therefore relates to the additional dwelling, plot 6, proposed to be located between 119 West End and 4 Gilbert's Row. This dwelling is proposed to be set back from both of those properties, between 7.5 and 8.5 metres from the existing front boundary of the site. This will result in the first floor windows of the property being located approximately 8.5-9.5 metres from the boundary due to their set-back from the front elevation of the property as a dormer construction. West End is approximately 3 metres wide at this point.

The design of plot 6 is intended to be reflective of 118 West End directly opposite the site, albeit of a brick construction rather than render, whilst the set-back from the boundary with West End ensures that the property will not be intrusive in views along the road, in particular allowing views of the eastern gable of 119 West End from the east.

To the north of the site, the existing development of Lake Close has also been used as a template for the proposal, ensuring that the proposed dwellings are appropriate to the street scene in each case, in particular the use of bungalows for the properties to the east of the site to the rear of Elliott Lodge. Parking provision for the proposed dwellings is in front of the properties, and again reflects the development approved along Lake Close in this way.

Materials details have been specified in relation to the proposal, these are acceptable in relation to plots 1-3 and 7-8, with discussions ongoing in relation to plots 4-6. Should this be resolved prior to the Planning Committee meeting then the recommendation will be amended accordingly.

Overall the proposal is considered to have taken into account the key characteristics of its surroundings and the development has been designed to be sympathetic to these, and as such represents an enhancement of the street scenes it affects.

### Impact on neighbouring amenity

There are several matters relating to neighbouring amenity that require consideration in relation to the proposal. As with the rest of the consideration of the proposal however, plots 4 and 5 to the south western corner of the site are as already permitted and therefore could be developed, therefore there is no need to further consider the impact of this part of the site.

To the north east of the site, plots 7 and 8 are two bungalows. This part of the site is currently bordered by an existing 1.8 metre high fence to the east, and a boundary wall to the garden of 31 Lake Close to the north, with both of these treatments proposed to be retained. Due to the single storey nature of the proposal and the retention of the existing boundary treatments, there will not be an impact on residential amenity that justifies alteration to the plans or refusal of the scheme.

To the north west corner, an additional dwelling is proposed over and above the previous planning permission. This comprises the creation of a pair of semi-detached 3-storey properties where a single 2-storey dwelling was previously approved. The existing mature trees along the boundary are proposed to be retained as part of the scheme, and whilst these 3-storey (2.5 storey) properties will have rooflights to provide light into the second floor, there will be no additional impact on amenity over and above the existing permission.

To the south west of the site, plot 6 has resulted in objection in relation to its impact on residential amenity of 118 West End. As noted earlier, due to its set-back into the site this will result in the front elevations of the dwelling being 10.5-11.5 metres from each other, and the first floor dormer windows between 12-13 metres distant. West End is a narrow street, and 118 West End is constructed with no set-back from the highway. This situation is not entirely uncommon in relation to development along West End, and in the majority of cases where such development is to be found, it is often the case that there is a corresponding gap in development on the other side of the road. This characteristic has been acknowledged within the layout of the site and plot 6 in particular, with the proposed property having a long front garden for a plot of this size to maximise the separation between it and number 118. Similarly, the dwelling proposed for plot 6 is of a modest scale, with a ridge height of 5.9 metres at a point 11 metres into the site, with an eaves height of 2.7 metres. Windows at the property looking south are shown as being of modest proportions, particularly the dormer windows at first floor, one of which is indicated as being to a bathroom with the second to the master bedroom. Whilst it is accepted that there is the potential for views from this property to the dwelling opposite at 118, the separation distance between the two properties (10.5-11.5m) combined with the nature and scale of the openings is sufficient to ensure that the impact does not justify refusal of the scheme and the distance between the dwellings would ensure that a reduction in the amount of sky visible from 118 would also not be significant enough to justify refusal.

**Flooding, drainage and contamination**

The application site is located within flood zone 1 as categorised by the Environment Agency. Flood zone 1 is the area of least susceptibility to flooding and is therefore land deemed to be of the lowest risk, with the relevant policies of the development plan and national guidance directing development to land within flood zone 1 in preference to areas in flood zones 2 or 3.

The responses received in relation to the application note, and include photographic evidence, of part of the site flooding in 2015 however no further

information is provided on the outcome of any investigation into this matter nor on the cause of the incident. Both Anglian Water Authority and the Middle Level Commissioners have been consulted on the application however neither has raised any objection to the proposal.

The application is accompanied by a Phase II Geo-Environmental Assessment undertaken following a Phase I desk study undertaken prior to the determination of the 2015 application. This assessment identifies that some remedial works are required to be undertaken in relation to the proposal, with such work appropriate to control by planning condition.

**Other matters raised**

Several other matters have been raised as a result of the consultation in relation to the application, which are addressed as follows.

Noise due to the proposed parking provision. This relates in particular to the parking indicated for plot 4, which proposes three spaces in a line astern arrangement, with the comments noting that moving of cars in such an arrangement would create additional noise over a more traditional layout. Such an arrangement may result in additional manoeuvring of vehicles, however the noise generated by this will not result in an unacceptable noise impact on the neighbouring properties, and would largely affect only the dwellings proposed within the site, which are nearest to the spaces in question.

Devaluation of neighbouring properties. This is not a material consideration in relation to a planning application.

Lack of visitor parking. The parking standards are set out in the development plan, and do not require separate provision for visitors to a property.

Plots extending into West End. The case officer has conducted an examination of this matter on site, and it is clear from this visit that the layout indicated on the proposed site plan is an accurate representation of the situation. The granting of planning permission would in any case not permit development to take place on land not within the ownership of the applicant without the consent of the landowner.

Leylandi felling. The layout plan indicates that the trees on the site to the south western corner are to be removed. These were also not retained in relation to the previously approved scheme and are not considered to warrant a tree preservation order.

Access and parking provision for neighbours during construction. This is not a matter relevant to the consideration of the planning application, but is a private matter for negotiation between the applicant and the neighbours in question. The applicant has indicated verbally that such access is to be maintained.

Confirmation that the lamppost is to remain in-situ. The lamppost in question lies beyond the application site and its retention or relocation would be controlled by separate powers. It is not therefore material to the consideration of the current application.

## 11 CONCLUSIONS

An existing permission is in place for residential development of part of the site, and the additional development proposed by this application does not result in any conflict with the relevant policies of the development plan sufficient to justify refusal of the scheme.

## 12 RECOMMENDATION

Grant planning permission, subject to the following conditions.

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. No development approved by this permission shall be occupied prior to the completion of the remedial works identified in the Phase II Geo-Environmental Assessment report by EPS dated 27th September 2016 and a validation report/s being submitted to the LPA and receipt of approval of the document/documents from the LPA. This applies to paragraphs a), b) and c).

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

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

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

   Reason - To control pollution of land or water in the interests of the environment and public safety.

3. Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed in writing with the Local Authority in consultation with the Drainage Authority. The scheme shall subsequently be implemented in accordance with the approved details before the relevant parts of the development are first brought into use and thereafter retained in perpetuity.

   Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding.

4. Prior to the first occupation of the development hereby approved, the proposed on-site parking/turning facilities shall be demarcated, levelled, surfaced and drained in accordance with the approved plan(s). Thereafter, these spaces shall be permanently retained and available for the parking of vehicles of residents/occupiers of the approved scheme, and shall not be used for any other purpose.

   Reason - In the interests of highway safety.

5. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.

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

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 freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
   ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
   iii) alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
   iv) alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);

   Reasons:
   1. To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity and character of this part of the area in which it is set.
   2. To prevent overlooking of neighbouring properties, in the interest of the protection of residential amenity.
   3. To ensure that the LPA retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity and character of the area/conservation area in which it is set.

4. To ensure the open plan design of the development hereby permitted is maintained, in the interests of the character and appearance of the overall development.
In order to control future development and to prevent the site becoming overdeveloped in relation to the standards required by policy LP16 of the Fenland Local Plan (2014).

7. Prior to the undertaking of any above ground works full details of the materials to be used for the external walls and roof of plots 4-6 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved particulars and retained in perpetuity thereafter.

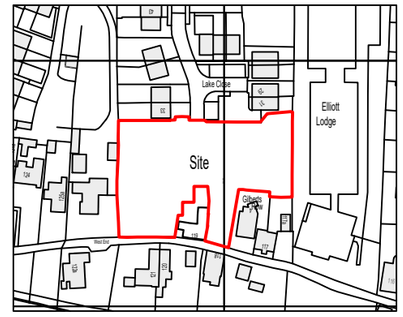
   Reason - To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, 2014.

8. Approved plans and documents.




## Proposed site plan

Scale 1:250



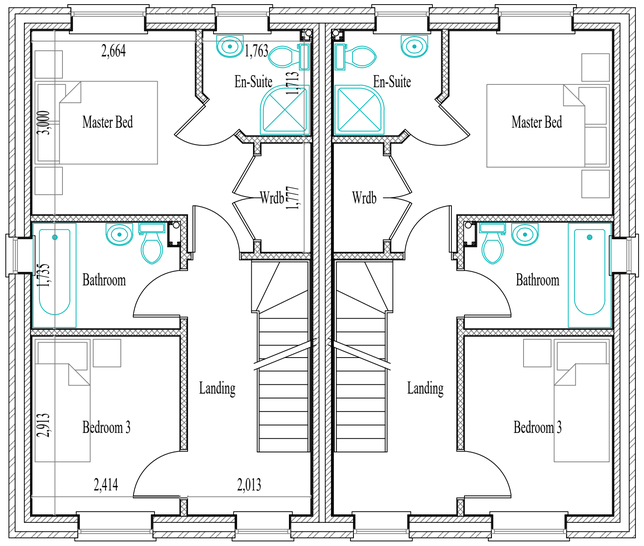

## Location plan

Scale 1:2500

| Revision | Description | Date | Revised By |
|---|---|---|---|
| - | - | - | - |

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| | | | |
|---|---|---|---|
| Project: Proposed residential development | | Drawing Issue: - | Planning Reference: - |
| Drawing Title: Proposed site and location plan | | | |
| Address: Land at end of Lake Close, West End, March | | | |
| Drawn By: A. Sutton | Paper Size: A3 | Date: July 2017 | |
| Project Name: VH-05 | Drawing Number: 001 | Revision: - | |



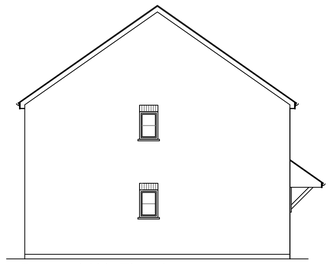

# Proposed First Floor Plan

Scale 1:50



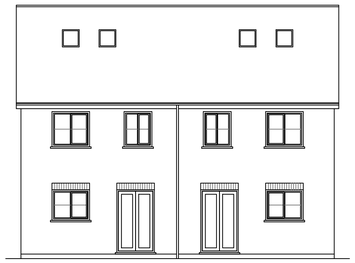

Proposed Front Elevation

Scale 1:100



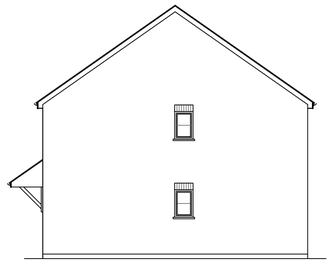
Proposed Side Elevation

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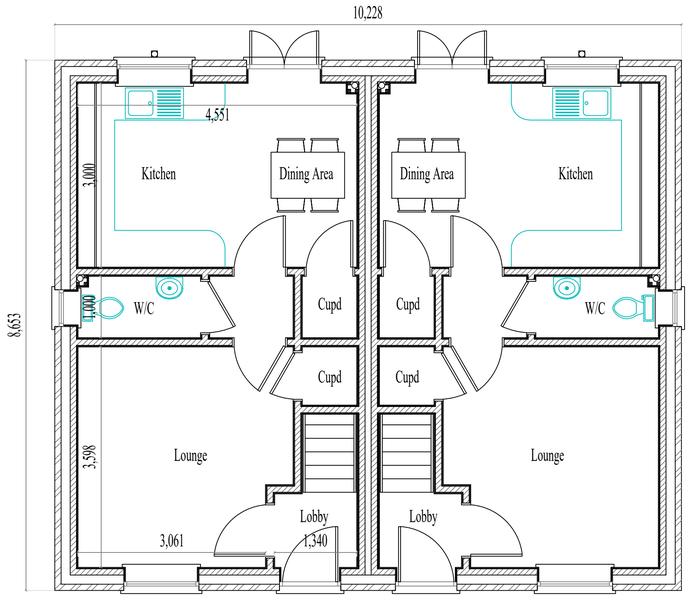
Proposed Rear Elevation

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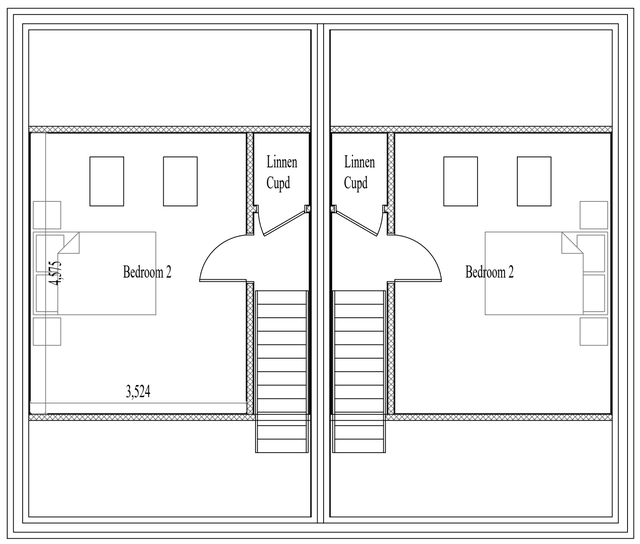
Proposed Side Elevation

Scale 1:100




# Proposed Ground Floor Plan

Scale 1:50




# Proposed Second Floor Plan

Scale 1:50

| Revision | Description | Date | Revised By |
|---|---|---|---|
| - | - | - | - |

MJS CONSTRUCTION

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Project
Proposed residential development

Drawing Title
Type A
Proposed Floor Plans and Elevations - 3-Bed Semi-Det Dwelling

Address
Land at end of Lake Close
West End
March

Drawing Issue: -

Planning Reference: -

Drawn By: A. Sutton

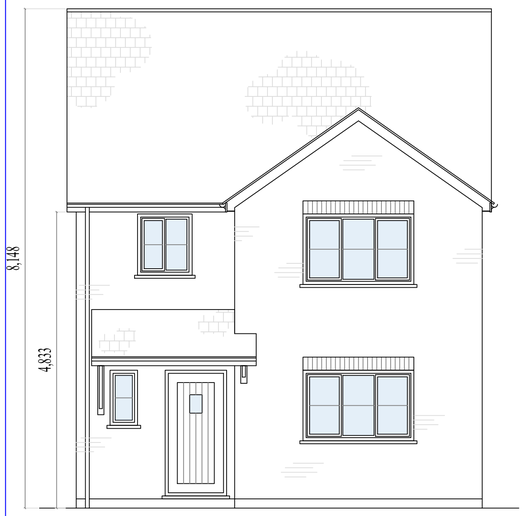
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Date: Jan 2018

Project Name: VH-05

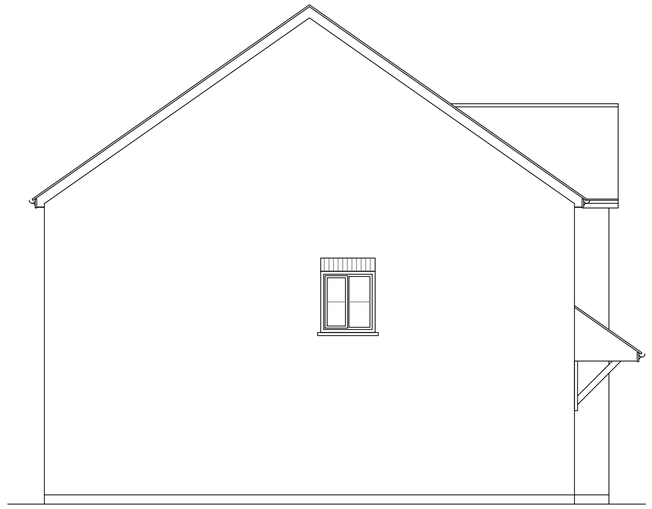
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Revision: -




## Proposed Front Elevation

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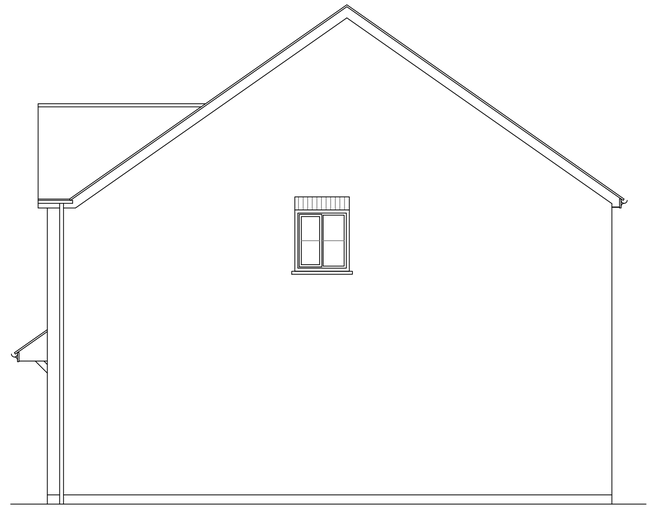
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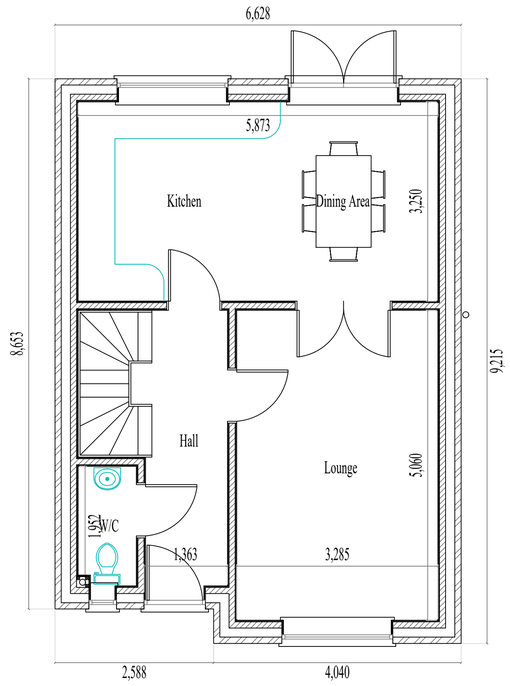
## Proposed Rear Elevation

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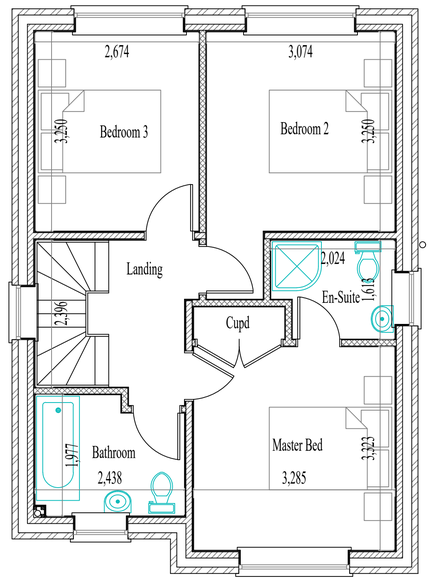
## Proposed Side Elevation

Scale 1:50




## Proposed Ground Floor Plan

Scale 1:50




## Proposed First Floor Plan

Scale 1:50

| Revision | Description | Date | Revised By |
|---|---|---|---|
| | | | |

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MJS House, Wisbech Road, March, Cambs, PE15 0BA

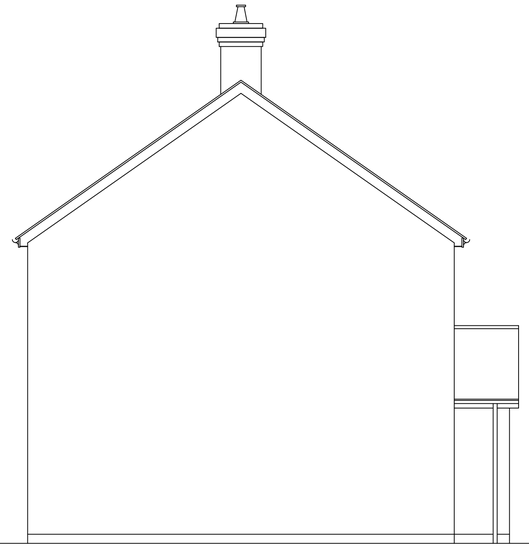
W www.mjsconstruction.co.uk T 01354 660663 E AdamSutton@mjsconstruction.co.uk

| | | | |
|---|---|---|---|
| Project: Proposed residential development | | Drawing Issue: - | Planning Reference: - |
| Drawing Title: Type B Proposed Floor Plans and Elevations - 3-Bed Det Dwelling | | | |
| Address: Land at end of Lake Close West End March | | | |
| Drawn By: A. Sutton | Paper Size: A1 | Date: Jan 2018 | |
| Project Name: VH-05 | Drawing Number: 003 | Revision: - | |




## Proposed Front Elevation

Scale 1:50



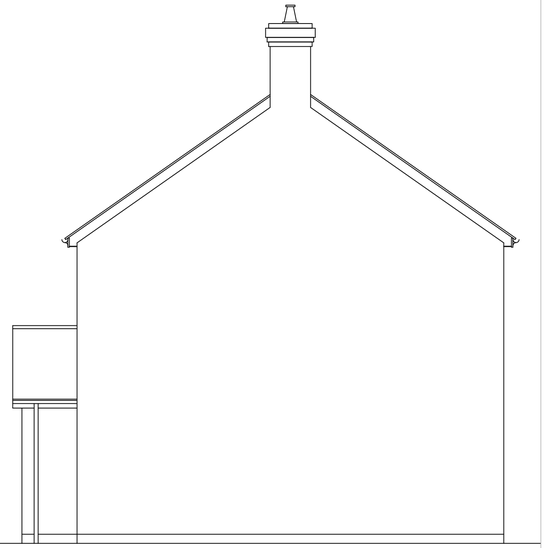
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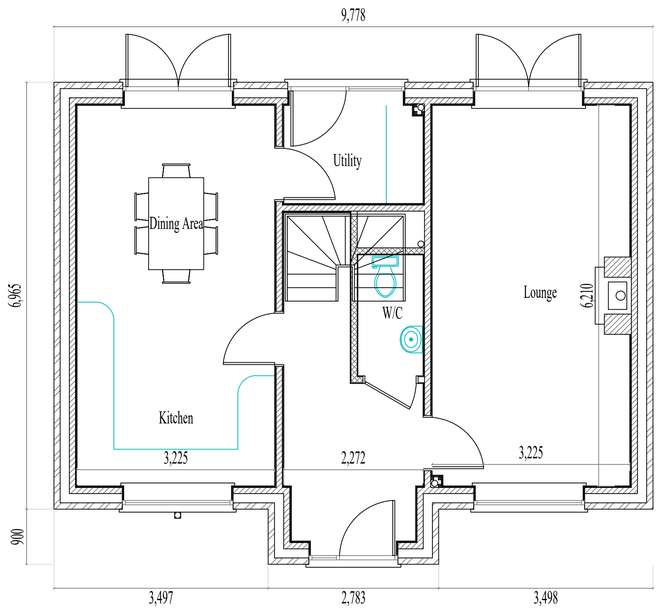
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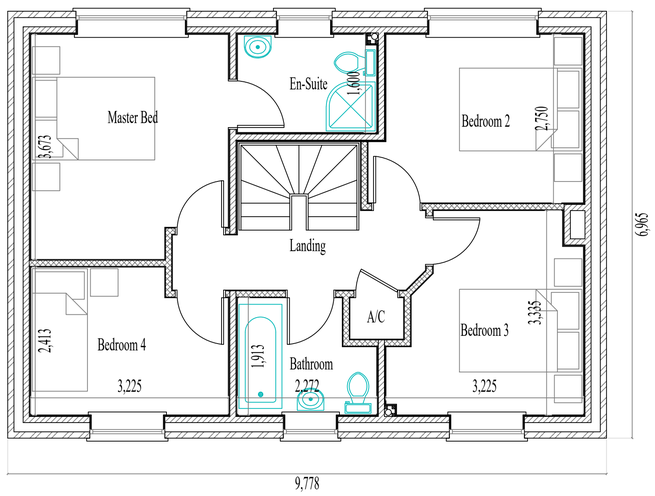
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Scale 1:50




## Proposed Ground Floor Plan

Scale 1:50




## Proposed First Floor Plan

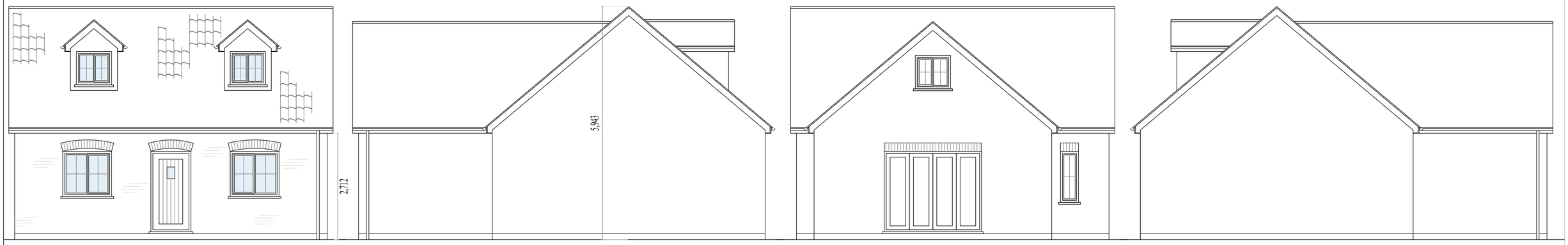
Scale 1:50

| Revision | Description | Date | Revised By |
|---|---|---|---|
| - | - | - | - |

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| | |
|---|---|
| Project | Proposed residential development |
| Drawing Title | Type C<br>Proposed Floor Plans and Elevations - 4-Bed Det Dwelling |
| Address | Land at end of Lake Close<br>West End<br>March |
| Drawing Issue | - |
| Planning Reference | - |
| Drawn By | A. Sutton |
| Paper Size | A1 |
| Date | Jan 2018 |
| Project Name | VH-05 |
| Drawing Number | 004 |
| Revision | - |

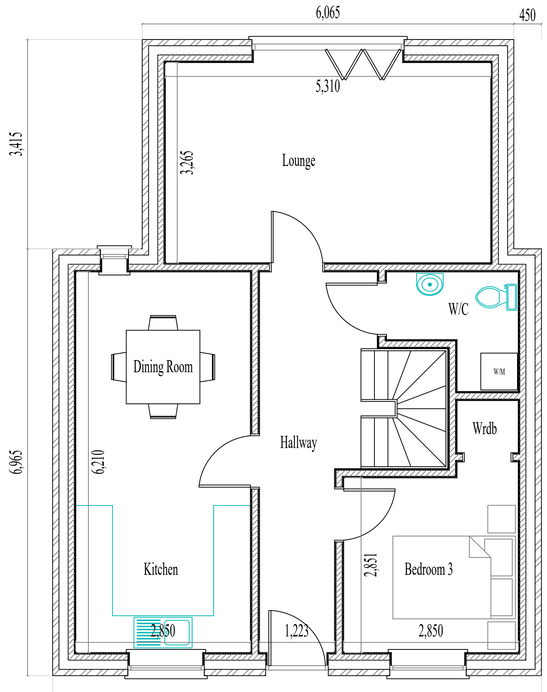



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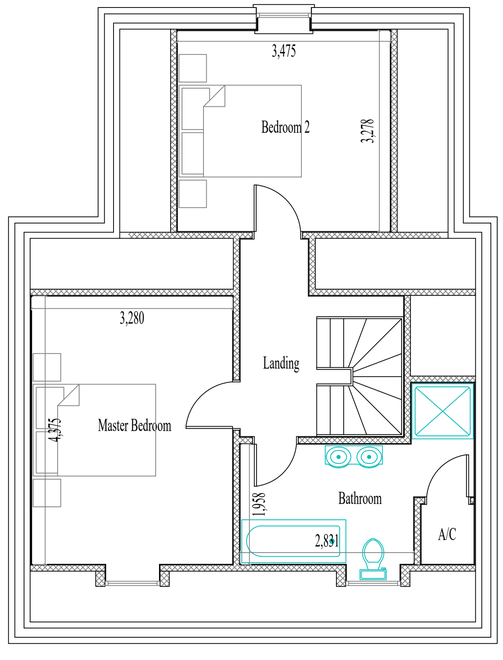
## Proposed Side Elevation
Scale 1:50

## Proposed Rear Elevation
Scale 1:50

## Proposed Side Elevation
Scale 1:50




## Proposed Ground Floor Plan
Scale 1:50




## Proposed First Floor Plan
Scale 1:50

| Revision | Description | Date | Revised By |
|---|---|---|---|
| - | - | - | - |

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Project
Proposed residential development

Drawing Title
Type D
Proposed Floor Plans and Elevations - 3-Bed Chalet Bungalow

Address
Land at end of Lake Close
West End
March

Drawing Issue: -

Planning Reference: -

| Drawn By | Paper Size | Date |
|---|---|---|
| A. Sutton | A1 | Jan 2018 |

| Project Name | Drawing Number | Revision |
|---|---|---|
| VH-05 | 005 | - |



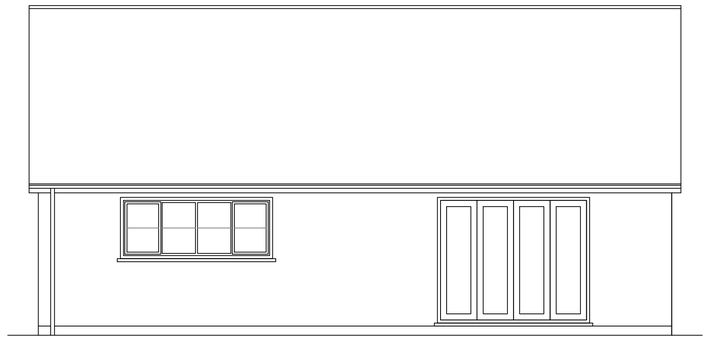

## Proposed Front Elevation

Scale 1:50



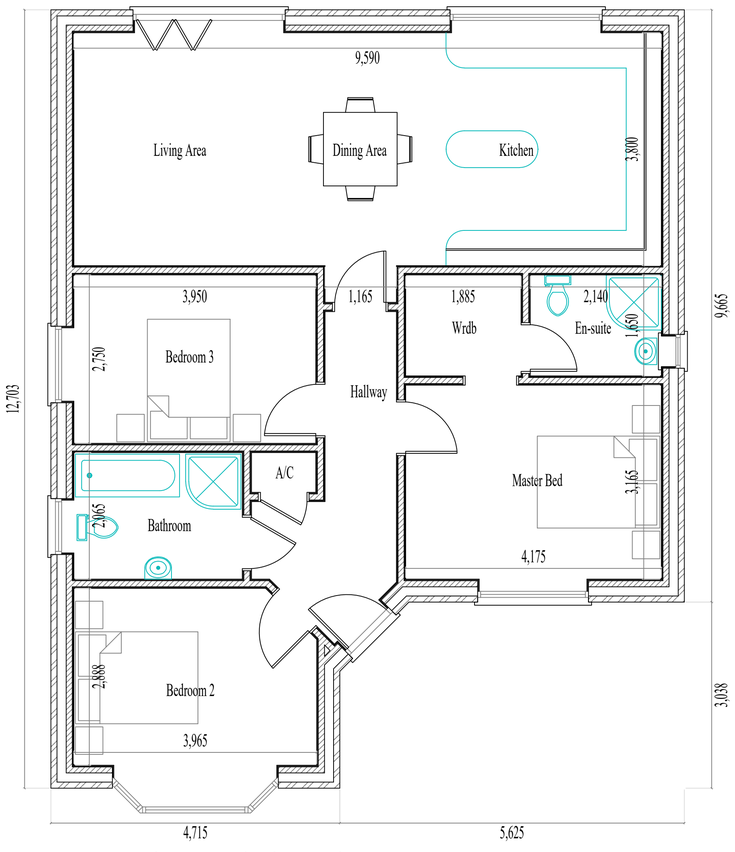
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Scale 1:50



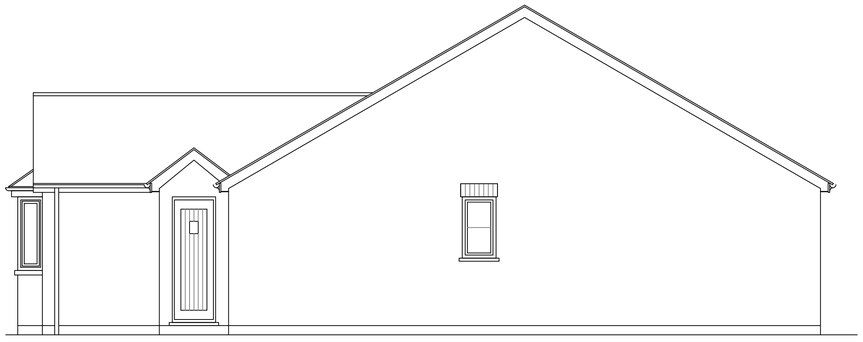
## Proposed Rear Elevation

Scale 1:50




## Proposed Ground Floor Plan

Scale 1:50



## Proposed Side Elevation

Scale 1:50

| Revision | Description | Date | Revised By |
|---|---|---|---|
| - | - | - | - |

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Project
Proposed residential development

Drawing Title
Type E
Proposed Floor Plans and Elevations - 3-Bed Bungalow

Address
Land at end of Lake Close
West End
March

Drawing Issue: -

Planning Reference: -

Drawn By: A. Sutton

Paper Size: A1

Date: Jan 2018

Project Name: VH-05

Drawing Number: 006

Revision: -

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| | | |
|---|---|---|
| Agenda Item No: | **11** | |
| Committee: | **Planning Committee** | |
| Date: | **20 June 2018** | |
| Report Title: | **Statement of Community Involvement** | |

## Cover sheet:

### 1 Purpose / Summary

The purpose of this report is to seek any comments on the attached draft Statement of Community Involvement (SCI) prior to it being considered by Cabinet for adoption.

### 2 Key issues

The current adopted Statement of Community Involvement (SCI) was adopted on 20th June 2013; it is therefore now necessary for the Council to review, and if necessary amend, its SCI.

Two recent legislative changes have also prompted the need for the SCI to be updated and republished.

This report sets out the legislative changes that have taken place, and a summary of the impacts on and amendments made to the SCI in order to bring it up to date.

The SCI is a key document that sets out the Council's approach to consultation on the Local Plan, consideration of planning applications and Neighbourhood Planning.

### 3 Recommendations

- That Planning Committee endorse the Statement of Community Involvement as attached at Appendix A, and recommend that Cabinet adopts it.

| | |
|---|---|
| **Wards Affected** | All |
| **Forward Plan Reference** | |
| **Portfolio Holder(s)** | Cllr Mrs Dee Laws - Cabinet Member for Neighbourhood Planning<br>Cllr Mark Buckton - Cabinet Member for Leisure & Young People |
| **Report Originator(s)** | Richard Kay |
| **Contact Officer(s)** | Richard Kay rkay@fenland.gov.uk<br>Nick Harding nharding@fenland.gov.uk |
| **Background Paper(s)** | |

## 4 Background on the Statement of Community Involvement

4.1 It is a statutory requirement (see section 18 of the Planning and Compulsory Purchase Act 2004 (as amended)) for the Council to set out how it will consult the public on planning matters, in a 'Statement of Community Involvement' (SCI). The current SCI was adopted on 20 June 2013, it, therefore, is now in need of a review and update, especially following two recent legislative updates.

4.2 First, Section 6 of the Neighbourhood Planning Act 2017 amended Section 18 of the Planning and Compulsory Purchase Act 2004 (statement of community involvement) by inserting a subsection (2B), which states that a "statement of community involvement must set out the local planning authority's policies for giving advice or assistance" in relation to Neighbourhood Planning. This requirement comes into force on 31 July 2018, by virtue of the Neighbourhood Planning Act 2017 (Commencement No. 3) Regulations 2018.

4.3 Second, Section 12 of the Neighbourhood Planning Act 2017 also amended section 17 of the Planning and Compulsory Purchase Act 2004 (local development documents) by inserting a subsection (6A), which enables the Secretary of State to require a local planning authority to review a local development document at such times as may be prescribed. If he does prescribe as such, the newly inserted subsection (6B) states that a local planning authority, when reviewing such a prescribed local development document, "must consider whether to revise the document following each review, and if they decide not to do so, they must publish their reasons for considering that no revisions are necessary."

4.4 The above subsection (6B) was followed up by Regulation 4 of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017 which inserted a new Regulation 10A into the Town and Country Planning (Local Planning) (England) Regulations 2012.

4.5 Regulation 10A (which came into force on 6 April 2018) requires, inter alia, a local planning authority to review an SCI "every five years, starting from the date of adoption of the statement of community involvement". As subsection (6B) explains above, whilst such a review does not necessarily mean 'amend and adopt' every five years (it could mean 'review, but decide it remains fit for purpose'), the general government expectation is that the SCI is refreshed and adopted every five years.

## 5 Considerations

5.1 For Fenland, its last SCI was adopted on 20 June 2013. As such, it must 'review' its SCI by 19 June 2018, and determine whether to amend it. That legally required 'review' has been undertaken by officers, and for reasons set out below, a refreshed SCI (as attached) is recommended to be adopted. If Cabinet decide not to revise and adopt the SCI, it must, by virtue of subsection (6B) referred above, publish its reasons for considering no revision is necessary.

5.2 As described above, there is a legal requirement to review the SCI every five years. Officers have undertaken that review, prior to the expiration of the five year period (19 June 2018), and are recommending that a revised SCI be prepared and adopted. The reasoning why a revised SCI is necessary is because:

(a) numerous legislative changes since the last SCI was adopted on 20 June 2013 means the present SCI is somewhat out of date;

(b) upcoming legislative requirement, from 31 July 2018, require an SCI to include neighbourhood planning advice. Whilst the present 2013 SCI includes some advice on neighbourhood planning, it again is dated and in need of a refresh.

2.4 The review of the current SCI has also provided a timely opportunity to reconsider the consultation commitments included within the 2013 version. It is important to remember that once adopted, the local planning authority must follow what it says in the SCI. If it did not do so (whether that be for plan making, determining planning applications or neighbourhood planning matters), it would be open to legal challenge. It is essential, therefore, that we get it right, neither committing ourselves to doing too much (and not being able to meet such commitments) or too little (and not meet Member / public expectations of involvement).

2.5 Subject to any views of Planning Committee, if Cabinet are supportive of the attached SCI, then it is free to adopt it and it will come into force with immediate effect (subject to any call-in). There are no further regulatory stages (such as public consultation or independent examination) required.

## 6 Effect on corporate objectives

6.1 Community participation in the functions of the Council is an important corporate objective. The SCI assists in helping communities understand the planning system and how to get involved.

## 7 Community impact

7.1 The purpose of the SCI is to set out how Fenland Council will involve the community in planning for the future of the district, and how neighbourhood planning will be supported. Overall, the publication of this refreshed document has a positive community impact, as it helps communities shape the environment in which they live.

## 8 Conclusions

8.1 Following a review, and a subsequent refresh to reflect recent legislative changes, the document, as attached, will be recommended to Cabinet for adoption. However, Planning Committee's views are sought first, so as to inform Cabinet's decision. On adoption, the 2013 version of the SCI will be deleted.

Fenland District Council

100% people driven

# Statement of Community Involvement (SCI)

*A guide as to how we will:*

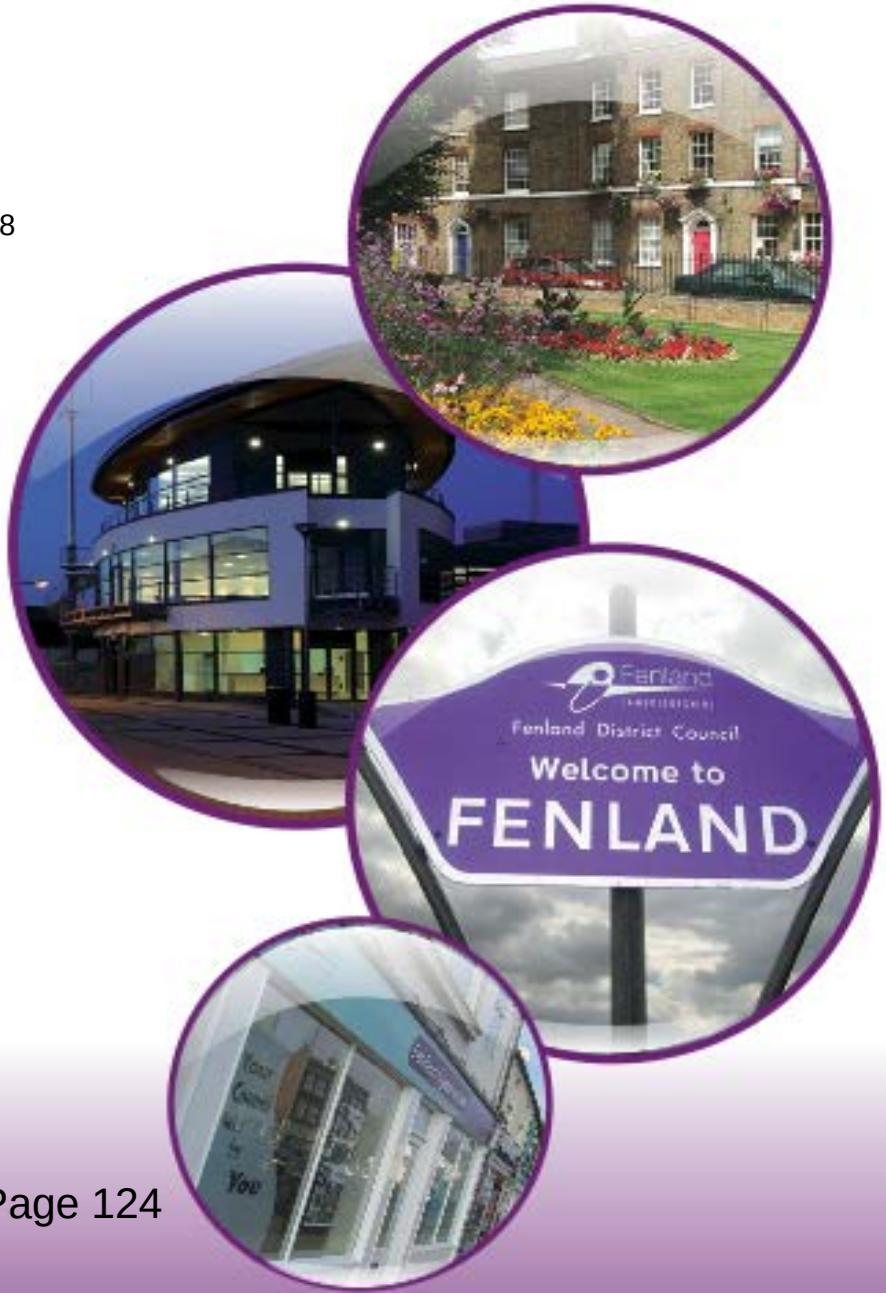
- *consult you on Planning Applications;*
- *consult you on emerging Planning Policy; and*
- *assist you with Neighbourhood Planning*

July 2018

This document was adopted on 19 July 2018

**DRAFT VERSION**

This document is a draft version of the SCI, for consideration by Planning Committee (20 June 2018) and Cabinet (19 July 2018).




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# Contents

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# Part 1: Introduction

## Introduction

This Statement of Community Involvement (SCI) sets out how Fenland District Council ('the Council') will involve and consult with the public and wider stakeholders when planning for the future of the district. Whilst government sets out minimum requirements for public consultation on planning matters, this SCI sets out the Council's additional local commitments to consultation.

This SCI covers:

- Consultation arrangement in respect of Planning Applications;
- Consultation arrangements in respect of planning policy matters (such as a new Local Plan); and
- Arrangements for community involvement in, and the requirements of, the Neighbourhood Planning process, including how the Council will assist in the preparation of neighbourhood planning matters.

The commitments set out in this document are binding on the Council, unless national legislation states otherwise.

## What is planning?

Most new buildings, certain changes to existing buildings (including their use) or significant changes to the local environment need consent – known as planning permission.

Fenland District Council, as your local planning authority, is responsible for deciding whether a development - anything from an extension on a house to a new shopping centre – should go ahead. In determining planning applications, regard must be had to the planning policies which have been adopted for the area (for example, a Local Plan, a Neighbourhood Plan or a Supplementary Planning Document).

## How to get involved

There are a number of ways that you can get involved in the planning decisions affecting you and your community. The main ways that you can get involved are:

- Having your say during public consultation periods for planning policy documents (such as a Local Plan);
- Having your say on planning applications affecting your community;
- Reporting planning control breaches (such as a neighbour building a large extension to their home without planning consent);
- Commenting on appeals relating to applications that have been refused by the Council; and
- Preparing your own plans and policies for your local area under the Neighbourhood Planning rules.

*Please note that this SCI was written based on the Council's understanding of national legislation that existed as at July 2018. Should national legislation change, there may be elements in this SCI which no longer apply. The Council will endeavour to update this SCI as soon as possible after significant national legislation change.*

# Part 2: Consultation Commitments on Planning Applications

## Step 1: The Pre-Application Stage

### What needs planning permission?

Most kinds of development require planning permission; however, there are a number of circumstances where certain types of development are automatically permitted. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) contains a number of 'blanket permissions' for a variety of different works.

If your proposed development falls within what is termed 'permitted development' you will not need to apply for formal planning permission to carry out the works. Permitted development rights are often subject to compliance with standard conditions. It is the owner/developer's responsibility to check and comply with these conditions.

Some developments are subject to a system of 'prior approval' of details. Prior approval means that the proposed development is 'in principle' permitted development. The Council can consider whether prior approval of certain details is required in advance of a formal decision being issued. Following an application, if no information is requested by the Council within fixed timescales, the application is approved. For certain types of prior approval, the Council will notify occupiers of neighbouring properties and allow them to submit comments.

### The Council's pre-application advice service

Pre-application is the phase before a developer formally submits a planning application. Discussions with the Council at this stage are recommended as they can ensure that future development enhances the built and natural environment whilst potentially speeding up the formal planning application process. Further information relating to the pre-application stage is available on the Council's website: http://www.fenland.gov.uk/planningpreapplication.

### Developer pre-application consultation with the community

Section 122 of the Localism Act 2011[1] introduced a duty for developers to consult local communities before submitting planning applications for certain developments. This duty came into force on 17th December 2013[2]. However, it is the Council's understanding that only certain wind turbine developments are, as yet, classed by government as falling under this duty. Government retains the ability to introduce other types of development to fall under the duty, should it decide to do so in the future.

However, even if not compulsory for all other types of development, pre application consultation will enable communities to raise issues with and make suggestions to the developer. This might reduce local opposition, increase the chances of a timely and positive decision from the planning authority and improve the resulting quality of development.

[1] http://www.legislation.gov.uk/ukpga/2011/20/section/122/enacted
[2] http://www.legislation.gov.uk/uksi/2013/2931/made

## Step 2: Planning Application Process

### Community consultation on planning applications

The Planning and Compulsory Purchase Act 2004 requires that at any time before a decision is made on a planning application, stakeholders and the local community should have the opportunity to comment on any aspect of the proposal. The level and extent of consultation will vary depending on the size, scale, location and nature of the proposed development.

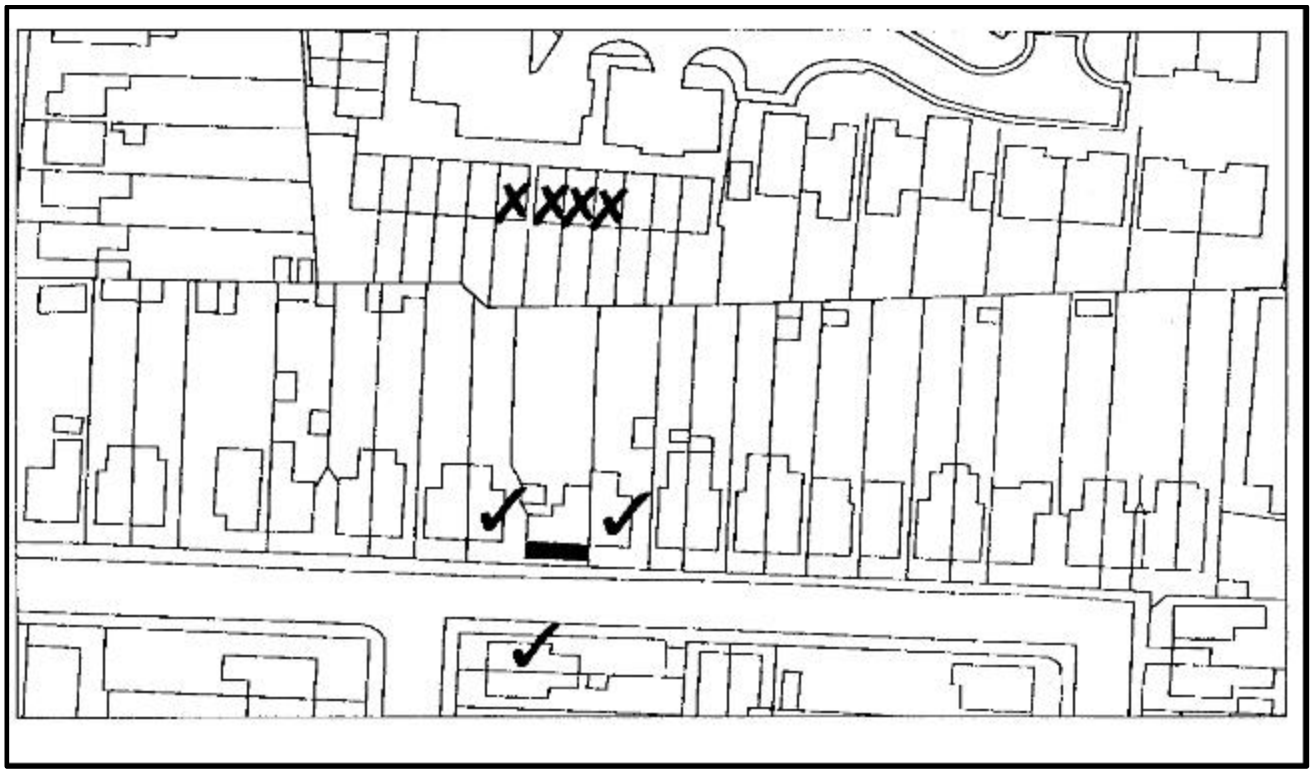
Consultation on planning applications will take place with both statutory and non-statutory consultees. Who is consulted on each individual application will depend on the nature of the proposal and its location. All consultees have 21 days from the issue of the consultation notice to make comments on the application (extended as appropriate where the period extends over public or bank holidays). However, some bodies such as Natural England will be allowed a longer period of time to comment where this is prescribed by legislation. The minimum statutory requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

How the Council consults on planning applications is set out below:

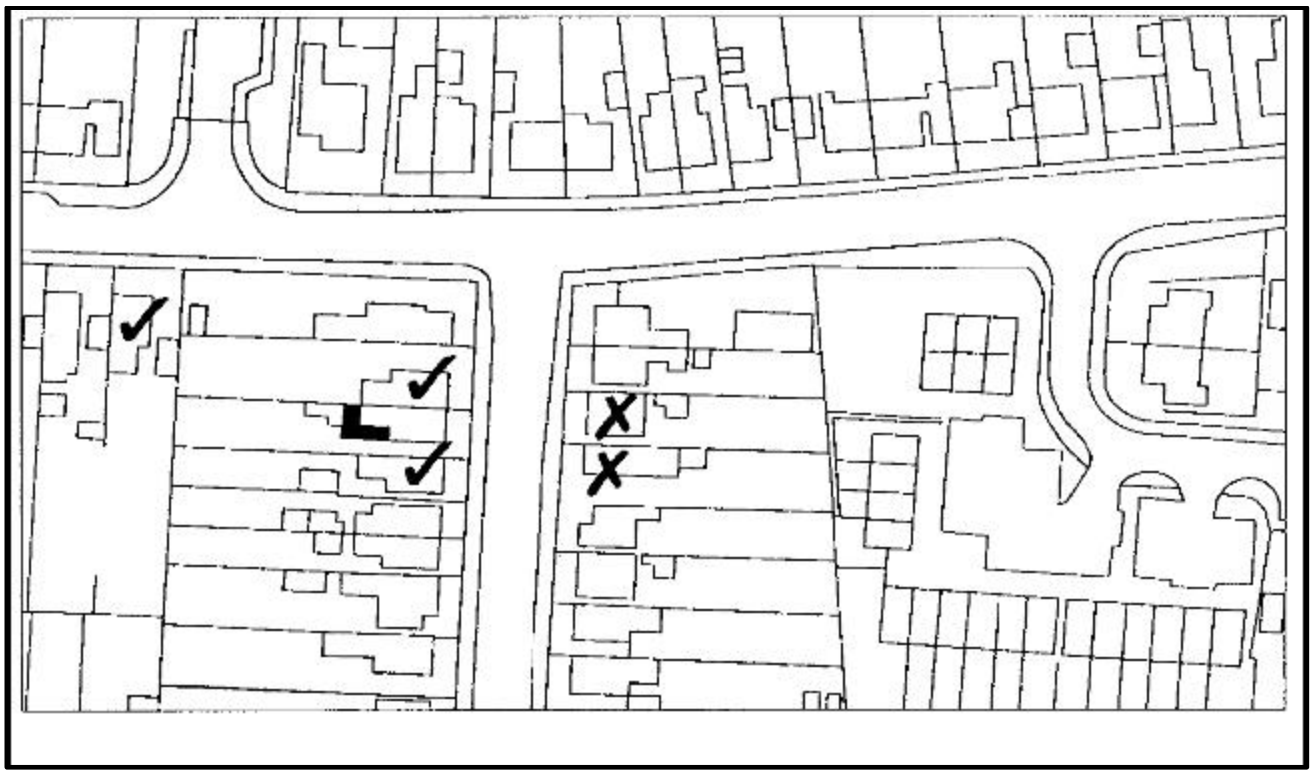
| **Development type/size** | **Fenland District Council consultation commitments** |
|---|---|
| • Major developments (residential sites of either 10 dwellings or more, or 0.5 hectares or more, or commercial developments of 1000 sq. meters or more in floor space or one hectare or more);<br>• Applications subject to Environmental Impact Assessment (EIA);<br>• Work affecting listed buildings or conservation areas;<br>• Applications affecting public rights of way, bridleways or byways. | Newspaper notice, site notice and neighbour letters |
| • All other developments | Neighbour letters and sometimes site notice where neighbours cannot all be identified |

To help illustrate how we will fulfil the ‘neighbour consultation’, please see the two illustrations overleaf. Where a site has a road frontage, occupants of properties immediately opposite will only be consulted and notified when the development entails new building operations which would be visible from the property opposite, changes to the external appearance of buildings visible from the property opposite, changes of use, or the formation of a new vehicular access on to the road between the application site and the property opposite (see diagram ‘Road Frontage Consultation’). Where a site has a common boundary with properties whose occupants would not be able to view the proposals, occupants of those properties will only be notified when the development entails a change of use (see diagram ‘Common Boundary Consultation’).

**Road Frontage Consultation**



**Common Boundary Consultation**



Planning applications can be viewed online using the Council's Public Access system, available on our website. Using the system, it is possible to search for, view and comment on planning applications. It is also possible to track the progress of an application using the system. Customers may also use it to receive automatic notifications of applications in the area that is of interest to them.

Once a valid application has been received, we aim to provide a decision within 13 weeks if it is a major planning application or within 8 weeks if it is an application for minor or other development. Applications for development subject to an Environmental Impact Assessment have a longer time within which we aim to provide a decision at 16 weeks. We will determine planning applications as soon as is possible after the 21 day consultation period has ended.

All comments on planning applications must be submitted in writing (letters, faxes and emails) to the Council within the specified 21 day consultation period. All such communications received are placed on the planning file which is available for public inspection. They cannot be treated as confidential.

**Consultation on amended planning applications**

Sometimes the applicant will make a change to the development proposal to overcome particular issues. We will consult on these changes as set out below:

| Level of change | Re-consultation |
|---|---|
| Where the change is insignificant and would not impact on neighbours | No re-consultation will be undertaken |
| Where the change significantly alters the appearance or layout of the proposal and would be of interest to neighbours/ community groups | Notification letter sent giving a minimum 14 days for comment.<br>A revised site notice and press article will be displayed for significant alterations, or for major/ EIA/ conservation area/ listed building/ right of way applications. |

Occasionally developers may wish to make amendments to a development that has already been granted planning permission. Where the proposed change is minor and classed as a 'non-material amendment', no consultation will be undertaken. Where the amendments are more significant and are classed as a 'material amendment', re-consultation will take place, as set out under consultation commitments above. Applications to delete or vary a condition attached to the permission will also be re-consulted on as set out under the consultation commitments.

**Who makes the decision on planning applications?**

The Council receives approximately 1,200 planning and related applications a year. The decision on the majority of these applications is delegated to Officers in accordance with the details set out in the district councils Scheme of Delegation and its Standing Orders. Generally speaking, the more minor a proposal, the more likely it is delegated to Officers to approve or refuse the application.

The Planning Committee is, at the time of adopting this SCI, made up of 10 councillors. The councillors have the task of deciding planning applications in accordance with planning policy unless material considerations dictate otherwise. Generally speaking the Committee considers only the larger applications, those that are contrary to policy or subject to significant local interest. In addition, the Committee will also consider smaller applications if requested by a parish council or district councillor. There are opportunities for objectors, applicants and others to speak at the Committee meeting before a decision is made.

The planning officer's report, setting out all the planning issues and representations made, is made available a week before the Committee meeting and will make a recommendation to Planning Committee stating whether or not an application should be approved, having been considered against the Local Plan and any material considerations.

**Reporting on decisions**

The results of consultation on planning applications will be taken into account during the decision making process. Progress of planning applications, and the decisions made, can be tracked on the 'Public Access' system on the planning pages on the Council's website.

## Step 3: Appeals

### Planning appeals

If the person who applied for planning permission does not like the decision that the Council has made on their application (e.g. planning permission refused, or onerous condition applied to a planning permission), they may lodge an appeal with the Planning Inspectorate. No one else has the right to appeal the decision (for example, you cannot appeal a decision if your neighbour gets approval for an extension you objected to) other than by way of a judicial review.

When a decision has been appealed against, the Council informs all parties who objected during the application stage that an appeal has been lodged. All copies of letters and comments received during the original application stage are forwarded to the Planning Inspectorate.

If an application is then approved by the Planning Inspectorate, the only recourse available to third parties would be to apply for judicial review of the decision. This is an extremely rare event.

## Step 4: Enforcement

### Community involvement in planning enforcement

Planning Enforcement (also known as Planning Compliance) describes the processes involved in ensuring that people comply with planning law and the requirements of a planning permission. The process involves little public consultation, as many investigations are confidential. The majority of cases come about from referral by members of the public, councillors or planning officers. Whilst there is no public consultation on a compliance case, the Council will ensure that the complainant is informed of the outcome of our investigations.

A complaint can be made in respect of a development or advertisement that is occurring without planning permission; without complying with conditions that have been attached to a permission; or that is not in accordance with an approved plan. There is an electronic form on the district council's website for reporting what you think is a planning breach, alternatively please call the Planning and Compliance Team on 01354 654321.

If, following investigation, it is necessary to serve a formal notice (e.g. Stop Notice, Enforcement Notice or Breach of Condition Notice) it will be placed on the enforcement register of notices. This register can be viewed on request.

# Part 3: Consultation Commitments on Planning Policy

### Introduction to Planning Policy

The National Planning Policy Framework (NPPF) explains that the Local Plan (sometimes referred to as a 'Development Plan Document' or, in the future, it may be referred to as a 'Strategic Plan') is a plan for the future development of the local area, drawn up by the Local Planning Authority in consultation with the local community.

The primary purpose of a Local Plan is to:

- set the vision for how the local area will grow and change;
- set policies for use by developers when preparing their proposals; and
- be the key reference tool by decision makers when determining applications for planning permission.

The Local Plan deals with planning issues across the whole Council area, and makes the big decisions on the location of housing, employment and roads, for example.

At the time of writing, Fenland's latest adopted Local Plan is dated May 2014.

Should any joint plan be undertaken which covers the Fenland District Council area, then the provisions of this Statement of Community Involvement will equally apply to a joint plan as to the district wide Local Plan.

There are other planning policy related documents which the Council produces (or local communities, in the case of Neighbourhood Plans), with the main ones as explained below:

- The **Local Development Scheme (LDS)**, will, when a new Local Plan is to be produced, set out the timetable for its production.
- **Policies Map:** This is a map on an Ordnance Survey base for the whole of a local planning authority's area which shows where policies in the Local Plan and any Neighbourhood Plans apply. The Policies Map includes inset maps for particular areas to show information at a larger scale. The Policies Map is updated each time that a Local Plan (including a Minerals and Waste Plan produced by Cambridgeshire County Council) or Neighbourhood Plan is adopted.
- **Supplementary Planning Documents (SPDs):** These can cover a wide range of issues on which the planning authority wishes to provide guidance to supplement the policies and proposals in its Local Plan. They do not form part of the statutory development plan and are not subject to independent examination. The district council can decide to produce an SPD on any appropriate subject whenever the need arises.
- **Neighbourhood Plans**: Parish and Town Councils can now prepare Neighbourhood Plans (NPs), putting in place policies to guide the future development of the area. Any NP must be in general conformity with 'strategic policies' in the Local Plan and with national policy. It is up to local Parish and Town Councils to decide if it wants to produce a Neighbourhood Plan. Any NP, if adopted, has the same status as a Local Plan.
- **Statement of Community Involvement (SCI),** i.e. this document.
- **Authority's Monitoring Report (AMR):** This is a report which must be produced by the local planning authority (on an annual basis) to explain how the LDS is being implemented and the extent to which policies in the Local Plan are being achieved.

**Who will we consult on an emerging Local Plan?**

When producing a Local Plan there are a number of groups that the Council must consult with. These are identified as 'specific consultation bodies' and include:

- Parish Councils;
- Neighbouring authorities; and
- Relevant government agencies.

In addition, there are also a number of 'general consultation bodies' who the Council may consult with if it is considered relevant to the document that is being prepared. These include:

- Voluntary bodies, some or all of whose activities benefit any part of the district council's area;
- Voluntary bodies which represent the interests of :
    - Different racial, ethnic or national groups in the district council's area
    - Different religious groups in the district council's area
    - Disabled people in the district council's area
    - People carrying on business in the district council's area

There are also people and organisations that the Council considers it important to consult with, for example, residents, land owners, businesses, planning consultants, solicitors etc. Where requests have been made we will also consult directly with these people and organisations.

Although those identified above will be specifically contacted during the preparation of Local Plan documents, any individual, business, organisation or group is welcome to submit comments during consultation periods.

**When we will consult**

There are a number of stages in the plan preparation process where it is possible for the public, businesses and the consultation bodies identified above to become involved and make comments. The main stages of preparation and consultation are set out below.

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| Public participation (Regulation 18) | During the first stage of public involvement the Council will, as a minimum, contact the 'specific' and 'general' consultation bodies as appropriate to inform them of the commencement of the plan preparation process, and invite representations on the scope and content of the plan. There will be a minimum period of 6 weeks for comments to be made. Following this first stage of consultation, the Council may undertake one or more further 6 week consultations on either more detailed options for the content of the plan or on a revised draft of the Plan. This will inform later stages of the plan preparation. |
| Pre-submission publication (Regulation 19) | Following the consideration of all comments received at the above stage, a draft plan will be produced, known as the pre-submission or proposed-submission document. On publication of this document, all of the specific and general consultation bodies and any members of the public, businesses, land owners etc who made comments at the previous stage of consultation will (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) be notified that the pre-submission documents are available for inspection. A statement of representation procedure will be available alongside the notification of pre-submission documents. In addition, any individual, business or organisation can submit comments during the consultation period, even if they did not make comments at the |

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| | earlier stage. All comments must be received within the stated consultation period, which will be a minimum of 6 weeks. |
| Submission (Regulation 22) | The Council submits the Local Plan to the Secretary of State together with the representations received at the Regulation 19 stage. This is not a stage for further public comments to be made. |
| Independent Examination Hearing | The submitted document, and the representations received, will be considered by a Planning Inspector at an independent examination. Those individuals and organisations who have made representations may be invited by the inspector to submit a written statement during the examination. Individuals and organisations who made an objection to the document and have requested to speak at the examination will be contacted by the Inspector to be informed of the procedure for being heard. |
| Inspector's Report | The Council will notify all those who have requested to be notified, as soon as reasonably practicable following the receipt of the Inspector's Report. The report will also be made available on the Council's website. |
| Adoption of the DPD (Local Plan) | Assuming that the Inspector concludes that the document is sound, either with or without modifications, the Council will consider whether to adopt the Local Plan. On adoption, the Council will prepare a statement setting out the date of adoption, the modifications (if any) and where and when the adopted documents can be inspected. The opportunity to apply for judicial review will also be explained.<br><br>The adoption documents will be made available on the Council's website, and also at the locations where the submission documents were made available. The adoption statement will also be sent to any person who has requested to be notified, and (unless we are advised otherwise, and subject to any legal requirements arising from the General Data Protection Regulations) to all those who made representations on the Regulation 19 document. |

**How we will consult**

At the commencement of consultation periods, the identified specific and general consultation bodies that we have to consult with, as well as any individuals, organisations or bodies who have requested to be notified or whom we think might be interested (subject to any legal requirements arising from the General Data Protection Regulations), will be contacted directly either in writing or via email.

All consultation and submission documents will be made available on our website (www.fenland.gov.uk) and paper or electronic copies will be available to view at the main Council office. If appropriate, additional paper copies of some of the documents may be made available to view at other locations. In addition to this, we may, if appropriate and cost effective, use other methods of consultation such as press releases, community events and meetings.

During all consultations it will be possible to make comments in writing, or electronically via email or, if available, an online consultation portal. Verbal comments will not be recorded.

**Consultation Arrangement for Supplementary Planning Documents**

Supplementary Planning Documents (SPDs) can be produced to supplement and add further detail to policies within the Local Plan. They may provide further guidance for development on specific sites or issues such as design.

When preparing an SPD, any individual, business or organisation can take part in the public consultation stage(s). If the Council believes that there are specific individuals, businesses or organisations that will have a particular interest in an SPD, they will be invited to make comments (subject to any legal requirements arising from the General Data Protection Regulations).

We will invite comments on the draft version of any SPD that is produced. The consultation period will be a minimum of 4 weeks.

At the commencement of the consultation period, the draft SPD will be made available on the Council's website and at the Council main office. If appropriate, additional paper copies of documents may be made available to view at other locations.

During all consultations it will be possible to make comments in writing, or electronically via email.

Following its adoption, the SPD will be made available on our website and at the Council main office.

# Part 4: Neighbourhood Planning

## Introduction

Neighbourhood Planning was introduced through the Localism Act in 2011. It enables parish councils and (for those locations where a parish council does not exist) communities to develop a planning strategy for their local area to be used in making decisions on relevant planning applications.

By virtue of Section 18 of the Planning and Compulsory Purchase Act 2004, subsection 2(B), this SCI must set out the Council's policies for giving advice or assistance on Neighbourhood Planning. For the purpose of this SCI, reference is made to a 'neighbourhood plan', though if a parish or town council is interested in preparing a considerably rarer 'neighbourhood development order' then the provisions set out in this SCI for neighbourhood plans equally apply.

A neighbourhood plan can include policies on the development and use of land, however they cannot be used to propose a lower level of growth than that proposed within local authority planning policies.

Importantly neighbourhood plans are required to meet a number of 'basic conditions', which are that the plan must:

- Have appropriate regard to national policy and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area; and
- Not breach, and be otherwise compatible with, EU and Human Rights obligations.

This Part 4 of the SCI has been produced to set out the key stages in undertaking a neighbourhood plan and to clarify what can be expected from the Council at each stage. More detailed independent advice on neighbourhood planning is available via the internet, such as https://neighbourhoodplanning.org/.

## Formal stages of neighbourhood planning

When preparing a neighbourhood plan there are a number of formal stages that are required by legislation to be undertaken. These stages are set out below and indicate what you should do and what you can expect from the Council at each stage.

### Stage 1: Neighbourhood Area Designation

In order to produce a neighbourhood plan, the applicable area must be formally designated as a 'Neighbourhood Area'. A Neighbourhood Area is the geographic area that your plan will cover.

A Neighbourhood Area normally matches the boundary of the applicable parish area. However, it could be just part of a parish area or it could cover more than one parish area, but, if it does so, it should be supported by all parish councils. If more than one parish council is proposing a joint plan we would suggest making a joint application with one parish taking the lead as the 'qualifying body'.

An application for designation as a Neighbourhood Area will need to confirm that the organisation making the application is the parish or town council, stating why the proposed area is appropriate, and must be accompanied by a map clearly showing the area being applied for (FDC can provide a PDF map if needed). An application form is available on the website http://www.fenland.gov.uk/neighbourhood-planning.

When submitted, the Council will validate the application by checking that all of the necessary information is provided. If the application is not valid you will be contacted by a planning officer to discuss the reasons and offer advice on the next steps.

Once validated, if the application is made by a Town or Parish Council for the whole of their area, no consultation is required and the Council must designate the area.

If the application is not for the whole of a Town or Parish Council's area, or is for more than one parish area, the Council will publicise notice of the application, and consult on the application for a period of 6 weeks.

Representations will be considered by the Council and a decision will be made on whether to approve the Neighbourhood Area.

With all applications, the Council will also decide whether to also designate the area as a Business Area: this will only be the case where the area is wholly or predominantly business in nature.

**What you can expect from the District Council in Stage 1**
We will aim to validate your application or notify you of any problems within 10 working days.

Where an application is by a Town or Parish Council for the whole of their area the Council must designate the area. The Council will aim to do this within 5 working days of the application being validated.

If consultation is required, we will publish your application on the District Council's website and advertise as necessary in at least one of the following (provided one of these exist): local library; community centre; parish/town council building and/or local notice board, for the consultation period with details of how long the consultation will run and how to make representations.

We will make a decision on whether the area should be designated:-

- Where an area falls within the areas of two or more local planning authorities – 20 weeks from first being publicised;
- For all other areas – 13 weeks from first being publicised.

If these timescales are missed, the default decision is that the area applied for is designated.

We will publicise the decision on whether or not to designate the neighbourhood area on our website.

**Stage 2: Produce your neighbourhood plan**

There is no 'one size fits all' approach to producing a neighbourhood plan. Each plan will be produced according to the intended content and the nature of the area. It is important to be realistic about the amount of resources and time you can put into the plan.

Effective consultation and engagement is particularly important as it is the community who will ultimately vote on whether the plan should be adopted by Fenland District Council (see Stage 6).

The Council sets out below how it will assist at this stage, as a minimum.
This list is not exhaustive, however assistance will be limited to resources available at a given time, and so it is recommended that you should develop a clear project plan to plan for when you

anticipate needing assistance from the Council. It is important to note that the District Council's duty to support does not extend to financial assistance i.e the Council does not have any funds available to pass to the Parish Council in order for the Parish Council to do any of the work.

When you are reasonably certain about the policies your plan will contain, the District Council will screen your plan for any environmental impacts. If your plan changes significantly between the screening and the formal submission, it may need to be screened again.

**What you can expect from the District Council in Stage 2**
Advice on matters relating to the neighbourhood plan will be given upon request, but may be capped at four officer working days in total for this stage (unless we agree to extend the number of days). Such advice may include:

- an initial meeting (requests for meetings may be limited to one)
- Advising on potential topics for your plan
- Making data available or advising where to find useful data to provide evidence for your plan;
- Providing advice on the legal requirements for your plan;
- Assisting with preparing any necessary reports;
- Advising on organisations that may be able to help with the production of your plan;
- Advising on ways to engage your community;
- Reviewing a draft of your plan and feeding back comments; and
- Providing up to 5 copies of Ordnance Survey base maps of the neighbourhood area, and printing of up to 20 copies of a draft Neighbourhood Plan

Timescales for a response to any request will vary depending on the nature of the request, but every effort will be made to respond at the earliest opportunity.

We will aim to provide an informal view of whether the plan is likely to meet the basic conditions within 20 working days of receiving a request. This will require a mature draft of the plan being provided prior to the pre-submission consultation.

**Stage 3: Pre-submission Consultation**

Regulations require that your proposed plan undergoes a 6 week consultation prior to submitting it (see Stage 4) to the District Council. This requirement, which is the Parish or Town Council's responsibility to undertake, includes:

- Publicising the plan so that it is brought to the attention of people who live, work, or own a business in the neighbourhood area;
- Notifying a number of bodies such as the Highways Agency, Natural England, English Heritage and the Environment Agency;
- Notifying service providers that operate in the area such as utility providers, a Primary Care Trust, and Network Rail;
- Notifying local organisations that represent racial, religious, national, business, and disability groups;
- Notifying voluntary bodies that operate in your neighbourhood area;
- Notifying parish councils within the neighbourhood area; and
- Sending your plan to the District Council.

Prior to publicising your plan, it is recommended that you contact the Council who will advise on who (subject to any legal requirements arising from the General Data Protection Regulations) you should be notifying and can advise on how to publicise your plan in your neighbourhood area.

You will need to plan the consultation and make sure that your plan can be viewed by the community and other organisations, both in electronic format and in hard copy. You will also need to consider how you will bring the proposed plan to the attention of the community using means such as mail drops, posters, press adverts, etc.

Once the 6 week consultation period is complete you will need to review the comments and collate them into a consultation statement, including a response to the key issues being raised. This will demonstrate what changes, if any, will be made to the plan. You will then need to amend the plan to be ready to submit to the Council. If significant changes are made, it is recommended that you repeat this Stage 3 six week consultation.

**What you can expect from the District Council in Stage 3**

Assist with identifying the organisations that should be contacted as part of the pre-submission consultation and advise on how to publicise the proposed plan to the community. We will aim to provide this within 10 working days of a request in the run up to the consultation.

If asked by you to do so, publish a notice of your plan on the District Council's website and place copies of the proposed plan at the Council office and other relevant locations such as libraries for the public to view for the consultation period.

Provide a response to the proposed neighbourhood plan, including a view on whether it is considered to meet the basic conditions.

**Stage 4: Submission and publication of the plan**

First you will need to take account of the comments made to the pre-submission consultation (and make any amendments to your plan as you think necessary). Next, you will need to formally submit your plan to the Council. At this point you cannot make any further changes to the plan and you hand over control of the plan to the Council.

Your plan must be accompanied by a number of other documents, specifically:

- A map or statement clearly identifying the area to which the plan relates;
- A consultation statement which clearly documents the pre-submission consultation, including who was consulted on the plan and how they were consulted, a summary of the main issues raised, and information on how the representations have informed the content of the plan. The consultation statement may also demonstrate what previous consultation has been undertaken throughout the production of the plan.
- A basic conditions statement to demonstrate how the plan meets the basic conditions and how the plan has been produced in line with legislative requirements.
- An environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004; or where it is considered that the plan proposal will not have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for determination.

When your plan is submitted, the Strategic Planning Team will check your submission to ensure that it contains all of the necessary information to be published and will notify you of whether or not it is valid.

If the submission is valid, your plan and the accompanying documents will be published as soon as possible for 6 weeks (i.e this is a second 6 week consultation, in addition to the 6 week consultation at Stage 3) on the Council's website and in hard copy at an appropriate Council location. The Council will also publicise the consultation as necessary, including information about where to view the plan, how to make comments on it and when comments must be received by.

Following the consultation, the Council will gather the representations made on the plan and send them, along with the neighbourhood plan and accompanying documents, for examination.

**What you can expect from the District Council in Stage 4**
We will help you, capped at four officer working days in total (unless we agree to extend the number of days), to consider any representations received at Stage 3, and help you determine what appropriate action should be undertaken with them (eg amend policy wording) prior to you submitting the plan.

Once submitted, we will aim to confirm whether your submitted plan is valid within 10 working days of submission.

If valid, we will arrange for publication of the plan on the District Council's website, have hard copies placed at an appropriate District and Parish Council location, publicise the consultation as necessary and notify the consultation bodies as required, including those who submitted comments at pre-submission stage (subject to any legal requirements arising from the General Data Protection Regulations).

We will provide a formal response to the submitted plan, including a view on whether it is considered to meet the basic conditions.

We will cover all costs associated with meeting minimum requirements for the publication of the plan. We will consider helping with any additional minor costs, such as printing posters or leaflets, if the parish or town council asks us to.

**Stage 5: Independent examination**

During the publication stage the Council will commence appointment of a suitably qualified individual to undertake the independent examination. This appointment will be made in conjunction with the Parish Council submitting the plan.

After the publication, the neighbourhood plan, accompanying documents and representations made on the published plan will be sent to the examiner. Examinations are normally conducted by written representations, but the examiner may decide to hold a public hearing to discuss any points as needed. The examiner will only consider whether the plan meets the basic conditions.

Following the examination, the examiner will provide a report that sets out a recommendation on the plan. The possible recommendations are:

- The plan meets the basic conditions and should proceed to referendum;
- Modifications are needed for the plan to meet the basic conditions before the plan should proceed to referendum; or
- The plan does not meet the basic conditions and no modifications can be made so that it will – as such it should not proceed.

The examiner can also make recommendations as to any changes to the referendum area, though this will be an unusual recommendation.

The Council will make a decision on whether the plan should proceed to referendum based on the examiner's report and publish the Council's decision statement and the examiner's report.

**What you can expect from the District Council in Stage 5**
We will appoint the examiner in consultation with the Parish Council.

We will manage and fund the process of the examination and act as key contact for the examiner.

We will publish the examiner's report and the Council's decision on whether the plan will proceed to referendum.

We will print and pay for up to 20 copies of the final Plan, in colour, including maps.

**Stage 6: Referendum and Adoption**

Upon receiving the examiner's report approving the plan to proceed to referendum and the Council's formal decision to proceed (only in exceptional circumstances would the Council not agree to proceed), the Council will arrange for a referendum to take place in the neighbourhood area.

The referendum will allow for the residents of the neighbourhood area to decide on whether or not the plan should be used in making planning decisions in the neighbourhood area, with a simple 'yes' or 'no' vote. The Council will arrange and pay for the referendum to be held.

If the plan gains more than 50% of votes for 'yes' then the Council will adopt the plan at the earliest possible opportunity, making the neighbourhood plan part of the development plan for the area. It will then be used in conjunction with the Local Plan (and any other material considerations) in making decisions on planning applications.

**What you can expect from the District Council in Stage 6**
We will arrange and pay for the referendum.

We will publish the results of the referendum.

We will adopt the plan at the next suitable Full Council meeting

We will use the plan in making decisions on relevant planning applications in the neighbourhood area.