

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 18 JULY 2018

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 1 - 10)

To confirm and sign the minutes from the previous meeting of 20 June 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/YR17/0548/F - Land West of 338 and Land South East of 344 Main Road, Church End, Parson Drove - Change of Use of Barn to tea room and agricultural land to Tip-pee camping site and Erection of 2x2 storey 5 bed dwellings with integral garage (plot 1) and detached double garage (plot 2). (Pages 11 - 30)

To determine the application.
- 6 F/YR18/0233/F - Land Nort of Allendale, Mill Hill Lane, March - Erection of 2x2 storey 4 bed dwellings with attached garages involving demolition of outbuildings. (Pages 31 - 46)

To determine the application.

- 7 F/YR18/0466/F - Land South of 92 Elliott Road, March - Erection of 2 x single storey 3 bed dwellings involving demolition of garage and outbuildings. (Pages 47 - 58)

To determine the application.

- 8 F/YR18/0489/F - 1 Exchange Square, Wisbech - Retention of 7no first-floor windows (retrospective); replacement of 2no first floor windows to uPVC and installation of guard railings to ground and first floor windows. (Pages 59 - 72)

To determine the application.

- 9 Planning Enforcement Update - New Bridge Lane, Wisbech. (Pages 73 - 74)

To update the Committee with regard to the enforcement action being taken to control against the change of use of land.

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

Tuesday, 10 July 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



WEDNESDAY, 20 JUNE 2018 - 1.00 PM

PRESENT: 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,

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

P1/18 PREVIOUS MINUTES

The minutes of the previous meeting of 23 May 2018 were agreed and signed as a true and accurate record.

P2/18 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)

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.

Graham Smith presented the application to Members and explained as it is an outline planning application, the applicant only has to provide an indicative layout and this demonstrates that they can accommodate up to 169 houses and includes provision for play areas and SUDS features. The proposed access into the site complies with engineering requirements as sought by the local highway authority. Mr Smith presented the overhead slides to Members and outlined details including the footpath from the existing housing which goes around the site. The site is a brownfield site on the edge of Whittlesey and is considered a sustainable location. The proposal cannot provide policy compliant levels of signing for affordable housing and the applicant has provided a viability assessment which has been assessed by the Section 106 Officer who has agreed its findings and therefore the significant education request from County Council. The application is recommended for approval subject to conditions attached and signing of the Section 106 Agreement.

Members received a presentation in accordance with the public participation procedure from Mr Struan Power, from Taylor Wimpey. The application has been submitted in line with the allocation for residential development under Policy LP11 of the Local Plan. The application will deliver new homes on the brownfield site and provides a range of family housing comprising of 169 homes. The homes will provide spacious gardens and surrounding open space and there will also be a children's play area on the site. The subsequent reserved matters application will be submitted without delay.

Councillor Mrs Laws asked Mr Power whether he was present when Taylor Wimpey presented to Whittlesey Town Council in 2016. Mr Power confirmed he was present at that meeting. Councillor Mrs Laws commented that although Whittlesey Town Council are not objecting to this application because they would like to see the site come forward, several things were mentioned at the

meeting in 2016, which she does not think that Taylor Wimpey have taken into consideration. One of these items is over intensification and at the time Councillor Mrs Laws recalls the proposal was for 160 houses as opposed to 169. The Town Council thought that 120 homes would be adequate. At the south of the site there are bungalows and it was requested at the time from local residents that bungalows would be built at that location. The third item was that a pedestrian footway would be constructed from Diana Close and this would not be opened up for vehicles. Councillor Mrs Laws asked what has happened to those three points.

Mr Power responded to Councillor Mrs Laws that as far as he has been involved with the project the scheme has always been for 169 units and the layout before Members today is the same layout that was presented to Whittlesey Town Council in 2016. Mr Power takes on board the comments regarding density but the calculations show it to be 14 houses per acre and 35 per hectare and they do not feel it is over intensification, it is making best use of land that is available it is an allocated site and is capable of delivering up to 169 homes. With regard to the footpath and Diana Close, Wimpey do not control the land that is outside and they are providing connections to the nature reserve and upgrading the 400 metre loop that runs through there. With regard to the bungalows, there are bungalows at the northern edge at Bellmans Grove and also at the north eastern end of the site, however, at the reserved matters stage the layout will be determined.

At this point in the meeting the Chairman advised Members that there would now be a fifteen minute recess to allow them time to review the confidential papers that were being tabled.

Members debated several points in relation to the information in the confidential papers.

Proposed by Councillor Connor, seconded by Councillor Sutton and decided that the application be:

APPROVED as per the Officer's recommendation.

(Members resolved to exclude the public from the meeting for this item of business in so far as it related to confidential papers tabled at the meeting on the grounds that it involved the disclosure of exempt information as defined in Paragraph 3 of part 1 of Schedule 12A of the Local Government Act 1972)

(Councillor Mrs Laws and Councillor Miscandlon 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)

P3/18

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-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**

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

Graham Smith presented the application to Members and informed them that in addition to the update they had received a further representation of objection had been received from a resident in Upwell Road, relating to the prevention of pollution to the surrounding area. Graham advised Members that the Health and Safety Executive have been communicated with throughout the application process and have no objection to the proposal. The Council's Environmental Health Team have also reviewed the concerns raised by the objector with regard to partial completion of

the site and have concluded that planning condition 4 which is attached to the application gives the Council the authority to address the issues of partial completion and therefore the ability to deal with any contamination throughout the development and therefore the Officers recommendation is unaffected by this further representation. Graham Smith highlighted to Members that the site is contaminated and has a high pressure gas pipe which crosses the site. The application has addressed health and safety requirements and the area that must not be developed due to an exclusion zone. The Health and Safety Executive are happy with the proposal and additional conditions that are attached provide further protective measures for the pipeline. With regard to contamination it is a highly contaminated site and the contaminated land survey which has been carried out has been assessed by the Council's Environmental Health Officer and has highlighted two planning conditions, one of which is the requirement for decontamination works and the second one is the requirement for a construction management plan, which will give the Council the ability to monitor the construction phase as it takes place. With regard to the viability assessment that the developer has submitted that the site would not be viable to provide policy compliant levels of affordable housing, however the applicant has agreed to provide a contribution towards affordable housing and works to play areas or other local amenities in West End Park.

Members received a presentation in accordance with the public participation procedure from Mr Caruso the acting agent on behalf of the Applicant. Mr Caruso explained that the proposed site was purchased in a portfolio of five sites from National Grid in 2015. The layout of the site has been designed with the help of the Health and Safety Executive and the Gas Company over many months who are both in support of the scheme. Each of the homes will have parking spaces and gardens and Gas Road will have a footpath in front of the site for the first time providing safe access for pedestrians. The Council has proposed a range of conditions to ensure the construction activity on the site is controlled to protect the local residents and workers. A contribution will be made towards local open space facilities by a legal agreement.

Councillor Connor asked for clarification on the number of homes and it was clarified as 19. Councillor Connor commented that Gas Road is a busy area and also a cycle route, nearby to a school and asked whether the developer would avoid these busy times when deliveries were made to the site. The Developer confirmed he is happy to work with the planning team to come to an agreement concerning hours of works.

Graham Smith clarified that contained within the construction management plan there would be a condition where it stipulates working hours and delivery times to be adhered to.

Councillor Mrs Laws stated that when considering traffic management it is not only just the hours that need to be considered which should include no Sunday working and no bank holiday working.

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

- Councillor Murphy asked for clarification as to whether the decontamination works would be supervised throughout the whole process as it is a very expensive project to carry out and he would not like to see any cost cutting or cut corners taking place. Graham Smith clarified that the significant issue of this application is that of the contamination and that is why the planning conditions are so detailed. There is a four page informative which sets out the management plan should be implemented and details the recommendations and advice from the Environmental Health Officer. Councillor Murphy asked whether alongside the informatives, will there be an Officer monitoring the works as they are carried out. Graham Smith stated that in planning terms there are Enforcement Officers and it will down to them to monitor the planning conditions and works alongside our Environmental Health Officers, HSE and the Environment Agency. David Rowen stated that in condition 4, part c of that condition requires the works to be carried out in full under a quality assurance scheme to demonstrate the compliance and therefore if the compliance of the agreed methodology does not occur then in fact that condition does not comply and is not discharged and will therefore cause the

developer issues when the site needs to be signed off. Mr Harding added that at the end of the decontamination process the site has to be inspected and tested again and reported on to make sure it is fit for purpose.

- Councillor Mrs Laws added she has a concern regarding electric cabling and asked whether there is cabling on site. Graham Smith stated that he is not aware of any cabling but there is a sub-station.
- Councillor Connor stated that he is familiar with the site and he is aware that there are no cables there and he is reassured to hear that the decontamination will be handled in the correct manner.
- Councillor Mrs Davis referred to comments made by a resident where they have observed a continuous hissing noise coming from the major accident high pressure pipe line on the adjoining piece of land as well as a smell of gas and Councillor Mrs Davis asked whether the gas company have been spoken to. Graham Smith stated that they have responded with regard to the application details but they haven't referred specifically to that issue and that will be followed up with the gas company.
- Councillor Sutton stated that he thinks the bill for the decontamination will be huge. He stated he is pleased to see that the Agent and Developer have been working well with the planning department and he welcomes the application.
- The Chairman commented that according to the drawing there is a yellow hatching non construction area and he is concerned that the adjacent properties to that hatched area there appear to be no garages and wonders whether it would be possible to add a note to the planning approval where it stipulates that no garages could be constructed in this area in the future. Graham Smith commented that condition 13 removes the permitted development rights. The Chairman stated that on occasions people go ahead and build garages without planning permission and would like an informative added highlighting that point. Graham Smith agreed that this would be added.
- Mr Harding commented that during the Members deliberations there was a discussion concerning delivery and timings of materials being delivered to the site and feels that an informative can be added to say that any construction management plan that is submitted for discharge of condition should state that any delivery to the site should avoid the school drop off and collection times and also Members had mentioned to avoid Town Centre events, however, Mr Harding said this would be more difficult to do as we are unsure when the development will commence and therefore we are unsure going forward when events will be scheduled for therefore this will be unrealistic to include this into any condition or informative or construction management plan.
- The Chairman stated that the Developer needs to be mindful of any road signs which detail road closures.
- Councillor Mrs Laws asked for bank holidays and no Sunday working to also be included.
- Councillor Connor stated that this could be delegated to Officers.
- Mr Harding clarified that the construction management plan as a rule states that the hours of construction exclude Sundays, Saturday afternoons and bank holidays, however the addition to the informative will remind the case officer dealing with the discharge of planning condition and also the applicant that when they prepare the Construction Management Plan it should state that deliveries should avoid those specific hours.
- Councillor Sutton asked Officers of the need to put the informative on for Middle Level and the relevant Internal Drainage Board.

Proposed by Councillor Murphy, seconded by Councillor Hay and decided that the application be:

APPROVED as per the Officer's recommendation and that informatives be added to cover the following points:

- 1) To note that on the grounds of health and safety some permitted development rights have been removed for some plots.**

2) The Construction Management Plan should make provision so that deliveries are not made during school drop off and collection times.

P4/18

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**

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

Graham Smith presented the application to Members and explained it had been brought before Members to determine due to the fact that there had been more than 6 letters of objection received. Mr Smith highlighted to members the linear strip of land which is land attached to the garden area of 160 Elm Road. Graham Smith highlighted to members the proximity of the residential properties to the eastern edge of the site. The proposed additional planting was pointed out and highlighted the elevations of the building. The original application had been submitted and was only 28 metres from the proposed end elevation to the site boundary and a request was submitted to the applicant and an amended scheme was submitted and there is now a separation distance of between 60 and 68 metres to the rear windows of the residential properties. The lighting plan was pointed out to members and the proposed lighting at the rear of the premises which will be at a height of 2 metres and they will be down lighters. This lighting is considered to have little impact on nearby neighbours. In terms of loss of light, the Council does not have its own design standards in terms of separation distances so the BRE guidance which suggests that facing buildings can go up to an angle of 25 degrees which is considered to be acceptable. This proposal demonstrates would be approximately 10 degrees and would be compliant with BRE standards.

Graham Smith highlighted to Members the indicative junction improvement which shows the junction of Marwick Road and Elm Road and the proposed widening of the highway, and as it is only indicative currently it has planning conditions attached requiring the provision of this and the details to be submitted. The Environmental Health Officer has considered the applicants noise assessment and has requested an acoustic barrier to be provided on the northern boundary and this has been included in the planning conditions. The applicants have also offered to provide a contribution towards the existing TRO in terms of prohibiting parking near the junction with Elm Road and Marwick Road and this is proposed to be part of a Section 106 contribution and the highways improvements to the junction are considered to alleviate the exiting difficulties of large vehicles coming out of the junction.

Members made comments and asked questions as follows:

- Councillor Mrs Laws commented that when Members attended the site visit it was noted that the area where the HGV come in is very dusty and asked whether there will be a water bowser or whether the applicant will be considering tarmacking the area.
- Councillor Connor stated that he was happy with what he observed on the site visit and what he has heard today and industry is needed in March.
- Councillor Murphy stated he was also concerned with the amount of dust and asked which area is going to be tarmacked. Graham Smith clarified that it is his understanding that it will be the HGV dock that will be hard surfaced. Mr Harding clarified that in the yard area on the site plan there is a horizontal area which will be hard surfaced.
- Councillor Murphy commented that in his opinion he thinks the application conforms with LP3, LP6, LP14, LP15 and LP16 and he can see no planning reason for this application to be refused.
- Councillor Connor commented whether a consideration of a dust separation unit could be installed.

- David Rowen commented that in condition 3 it refers to hard and soft landscaping which could include the hard surfacing area around the site.
- Councillor Mrs Newell asked for clarification that there is a condition included with regard to archaeology and Graham Smith confirmed that yes that is condition 9.
- Councillor Mrs Hay stated that we need to be encouraging businesses in Fenland to keep and retain in Fenland and to make them grow and the applicant in this case has listened to the Planning department and although some of the neighbours comments have been with regard to the noise, the proposal will be an improvement as the building will shield the noise and the electricity points that are being installed will now mean that the lorries with refrigeration units will not need to keep their engines on overnight.
- Councillor Mrs Laws stated we have to encourage businesses and they have worked very hard with our Planning Officers and the site visit demonstrated that they are responsible owners.
- Councillor Sutton commented that this is a good established company who want to expand.
- Councillor Miscandlon stated that with regard to the dust comments. On the site visit, the site foreman explained that it is one of the first priorities to reduce the dust level of vehicles entering and exiting the site, not only for the surrounding area but also for their employees.

Proposed by Councillor Murphy and seconded by Councillor Mrs Laws and decided that the application be:

APPROVED as per the Officer's recommendation.

**P5/18 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**

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

David Rowen presented the application to Members which is for change of use of agricultural land to a surface water lagoon with associated drainage works. At the present time the site is 5.75 hectares in size and is uncultivated land and the proposal is to take surface water from Willow Green residential development and utilise an existing ditch with some improvement works and a culvert under the A141. There is a proposal of a vehicle access to the site from Gaul Road with an outfall ditch. Mr Rowen advised Members that as part of the Willow Green planning permission in 2009 this drainage arrangement was indicated as part of that. The lagoon has also been designed to accommodate any additional flows which would arise from further future development on Gaul Road as well as being intended to accommodate flows from the existing Middle Level drainage network. Mr Rowen indicated to Members on the overhead presentation the lagoon configuration which is a series of ditches which would be allowed to flood in the middle in times of high water. The scheme has been designed in conjunction with Middle Level Internal Drainage Board and once constructed this will be adopted by them.

Members received a presentation in accordance with the public participation procedure from Mr Hodson, the applicants agent who explained he has been dealing with the three outstanding elements one of which is the drainage scheme. The highway works will commence on the 2 July and the Countryside Park which is part of the Section 106 Agreement which will be with the Planning Department in due course.

Councillor Mrs Laws asked for clarification with regard to the consultation on the design of the lagoon whether it will be sloped or stepped as she has concerns with regard to it being an area where children may be drawn to. Mr Hodson stated that he was not the engineer who designed it but for most of the year it is anticipated it will remain dry, however this will be looked at.

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

- Councillor Sutton declared that he is a Member representative who sits on the Middle Level Internal Drainage Board but has taken no part in any of the discussions surrounding this application.
- Councillor Mrs Hay commented that the traffic lights were approved in July 2016 and she cannot see the point of constructing the lagoon at the same time as the Gaul Road traffic lights as this will cause more traffic problems and she would feel happier if there was a condition that the construction of the lagoon should not start until after the traffic lights are in place.
- Mr Harding stated that he does not believe that it would be an appropriate condition to place on any consent that is granted due to the fact that there has to be a request from the highway authority so we always have to have a reason for condition and if there has not been a recommendation from the highway authority that the works need to be staggered then it would not be an option to put on a condition.
- Mr Harding stated that he thought it was highly unlikely that the commencement on the works to the lagoons would begin at the start of July and Mr Hodson confirmed that it would not begin at this time.
- Councillor Mrs Hay asked that why under section 10.3 in the Officers report does it state that the works will be 'concurrent' with the A141 Gaul Road Traffic Signal junction improvement works.

The Chairman invited Mr Hodson to return to the public participation table to answer the question raised.

- Mr Hodson stated that it is a major piece of work and they will not be starting at the start of July as the road space has to be booked in with the Highways Authority in advance.
- Mr Harding commented that if the Committee are minded to approve the application but are concerned about the timing of the works in relation to the separate junction improvements then the County Council Highways Authority and if they also share the concern and want a condition on, then the consent could be issued with that condition.
- The Chairman asked whether the Committee are happy with the proposal for County Council Highways to be consulted with regard to the two pieces of work and wait for their comments and delegate that to Officers to deal with.
- Councillor Mrs Davis asked whether it can be a requirement for the junction to be dealt with first.
- Mr Harding stated that as he understood, Councillor Mrs Hay had concerns over the two sets of works taking place at the same time and that the junction works will be starting at the beginning of July
- The Chairman asked the Committee to clarify that they are happy for the Officers to correspond with the Highway Authority and come to a satisfactory resolve and delegate the powers on behalf of the Committee in consultation with the Vice Chairman and Chairman of the Planning Committee.
- Councillor Mrs Newell commented that the Ward Councillor was very concerned of the danger of that junction and would agree with the Highways Authority being consulted.
- Mr Nick Harding stated that the main concern that Councillor Count had was that this scheme would delay the implementation of the junction improvements.

The Chairman asked the Committee to confirm whether they are happy for Officers to consult with Highways and in consultation with the Chairman of Planning Committee and Councillor Mrs Hay, as she was the Committee Member who raised the issue.

Councillor Murphy commented that the application before them today has no objections from any of the relevant agencies and he can see no planning reason why this application should not be approved.

Proposed by Councillor Murphy, seconded by Councillor Mrs Laws and decided that the application be:

APPROVED as per the Officer's recommendation with an informative recommending that the development does not take place at the same time as the Gaul Road junction works.

P6/18 **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

The Chairman reported that this item had been withdrawn from today's Planning Committee.

P7/18 **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

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 application to Members which is for the erection of 8 dwellings and referred Members attention to the update report. The application proposes the extension of Lake Close and this was highlighted to Members on the power point presentation. David Rowen highlighted to Members that the western half of the site already has planning permission for the erection of four dwellings. The proposal is for a range of house type proposed, predominately 2 storey but also with some 1.5 storey and also a couple of bungalows. Mr Rowen drew Members attention to the relationship between the development and the property 4 Gilbert Row which fronts onto West End. No objections have been received from that property in respect of the relationship which is to the side of unit 6. A number of the objections that have been received to this application including the Town Council who have raised the issue of flooding and drainage, however the previous granted planning permission on the western half of the site contained a condition requiring details of surface water drainage to be submitted and if Members are minded to grant planning approval today a similar condition could be added as an acceptable solution can be achieved subject to a detailed surface water strategy being presented. David Rowen stated that if the application is approved then an addition to the planning condition would be required to state the materials to be used and one requiring the details of the management and maintenance to the roads to be submitted and agreed.

Members received a presentation in accordance with the public participation procedure from Mr Adam Sutton, the applicants' agent. Mr Sutton explained that the Planning Officer has assessed the application and half of the site has approval albeit with a condition concerning surface water drainage. Mr Sutton commented that applications have been made in terms of getting the road adopted. The site forms a natural progression from Lake Close and finishes the development off and this has been discussed with Planning Officers from the outset with the pre application meeting.

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

- Councillor Court asked whether there is an issue with flooding at this site. David Rowen stated that the site is within flood zone 1 which is the lowest risk of flooding. Some of the objections that have been received refer to an incident on the site in 2014/15 where there was a

particularly intense rainfall event. If there are surface water issues these can be adequately addressed through a detailed engineering scheme and that is why a condition to that effect is recommended.

- Councillor Mrs Laws commented that normally a developer will complete a development and then there is normally a period of grace, however she cannot understand why the developer has now applied for an application for this to be adopted.
- Mr Harding commented that neither the District Council or the County Council can force a developer to have their roads adopted, they can keep them as private if they wish and if a developer has not made arrangements when they sold the plots to individual purchasers for those purchases to contribute into a management fund then the developer will find that they will have issues in terms of long term maintenance. This application may therefore have focussed the applicants mind in terms of if they have applied for a Section 38 Adoption Agreement then that will be following a process. The issue that is often found with retrospective applications for road adoptions is that as the road is constructed without the supervision of County Council then core samples have to be taken to ensure it has been constructed in accordance with County Council specifications.
- Councillor Connor stated that it will complete the site.

Proposed by Councillor Connor, seconded by Councillor Hay and decided that the application be:

APPROVED as per the Officer's recommendation.

(Councillor Sutton declared a non pecuniary interest by virtue of the fact that his Nephew, Adam Sutton was the Agent who would be speaking with regard to this application)

P8/18 STATEMENT OF COMMUNITY INVOLVEMENT

Mr Harding presented the Statement of Community Involvement to Members which sets out the District Council's approach to community engagement in respect of dealing with planning applications, the local plan and other planning policy documents that we may send out for consultation and the production of neighbourhood plans. Under new government legislation the Local Authority is required to periodically review our Statement of Community Involvement and our current version was adopted in 2013, it is now due for review. Mr Harding advised Members that the document has not changed significantly since the 2013 version was produced and he highlighted the approach in terms of consultation on planning applications it remains the same as it is at present in terms of how far we circulate neighbourhood notification letters, in what circumstances we advertise site notices and in what circumstances we advertise in the local newspaper. There is an area where there is a change in respect of neighbourhood plans and that is to ensure we are compliant with what is set out in the new legislation in connection with neighbourhood plans. Mr Harding asked Committee Members to consider the document and if there are any suggested revisions to it then these will be passed on to Cabinet for its consideration before the matter goes out to public consultation.

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

- Councillor Sutton commented that the one complaint he is often contacted about is to do with boundary issues and he wonders whether this can be considered within the document.
- Councillor Mrs Davis agrees as she also receives the same queries and complaints.
- The Chairman agreed and wonders whether it will prudent for Officers to consider a circle within a specific radius around the property is notified. County Council operate this scheme with a 250 yard radius.
- Mr Harding commented that County Council do not deal with many planning applications and those that they do deal with are often waste applications and school applications. Mr Harding commented that the printing and post cost implications need to be considered if the radius is

extended, in terms of the number of properties, road, frontage and common boundary consultations and he suggested that it may be worth considering consulting the one that abuts the property and then the next property.

- Councillor Mrs Laws commented that maybe affixing notices to street lights could be considered.
- David Rowen commented that it is worth noting that the Development Management Procedure Order states what the Local Authority statutorily has to do in terms of neighbourhood notifications which is properties that immediately join the application site.
- Mr Harding stated that the issue with notices on street lights is that the letters are sent out first they will be dated which stipulate 21 days to respond and the site notice may not be displayed at the same time and will have a different date on it, which can cause confusion.
- Councillor Mrs Davis commented that at the bottom of page 126 there is an anomaly with regard to the statement which mentions the planning applications that the Committee determines and requires a slight alteration. Mr Harding noted the comments and agreed to amend the document.
- Mr Harding confirmed with Members that as a result of their discussions surrounding the Statement of Community Involvement, he has ascertained that the section within the document concerning the Member call in arrangement needs to be made clearer.

Members agreed to approve the Statement of Community Involvement subject to the agreed amendment for submission to Cabinet.

3.41 pm

Chairman

F/YR17/0548/F

Applicant: Mr A Dixon

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

Land West Of 338 And Land South East Of 344, Main Road, Church End, Parson Drove

Change of use of barn to tea room (A3) and agricultural land to Ti-pee camping site and erection of 2 x 2-storey 5-bed dwellings with integral garage (Plot 1) and detached double garage (Plot 2)

Reason for Committee: Six representations received contrary to officer recommendation, and contrary to Parish Council recommendation.

1 EXECUTIVE SUMMARY

The residential element of the scheme would not constitute infill development and would result in the erosion of an important area of open frontage within the settlement. For these reasons the proposal could be considered harmful to the character and appearance of the surrounding area, and the core shape and form of the settlement and would not therefore accord with the provisions of Policy LP3, Policy LP12 and LP16 of the Fenland Local Plan.

Having said this, the scheme has sustainability credentials in terms of contributing to the wealth of the district through the delivery of rural enterprise and diversification, and provision of visitor facilities which accord with the requirements of Policy LP6 of the Fenland Local Plan and paragraph 28 of the NPPF which support tourism.

On balance, it is considered that the economic benefits accruing from the proposed development would finely outweigh the visual harm caused by the residential element to an important area of open frontage and due to the specific justification in this instance the proposal is considered to be acceptable.

2 SITE DESCRIPTION

2.1 Parson Drove and Church End are distinct and separate settlements which have developed in a predominantly linear form along Main Road. The open frontages between and within Parson Drove and Church End have formed important visual features.

2.2 The application site is located towards the east of Church End, on the southern side of Main Road and can be described as consisting of two parcels of land connected by a joint central access off Main Road between two detached dwellings, Nos 340 and 344 Main Road.

- 2.3 The smaller parcel of land, measuring approximately 40m by 40m is located some 80m to the west of the joint central access and fronts onto Main Road. This part of the site forms the eastern part of a larger open frontage (approximately 90m) on the southern side of Main Road which has remained undeveloped as it has historically been considered to be outside the settlement boundary. The site frontage is screened by mature planting and contributes to an important unbuilt vista along this part of the settlement. Two detached dwellings with an access each off Main Road (B Classified) are proposed for this parcel.
- 2.4 Camping use is proposed on the larger parcel of land measuring approximately 42m by 150m to the east of the joint central access. This parcel of land is set back from Main Road by about 50m and incorporates a further area measuring approximately 50m by 30m to its west and which contains a large hangar style building which is proposed to be used as a Tea Room. The proposed camping site is screened from the eastern approaches into the village by mature planting.
- 2.5 The site is located within Flood Zone 3 of the Environment Agency's flood maps.
- 2.6 The applicant has created a wildlife habitat across the wider site and community activities take place around this.

3 PROPOSAL

- 3.1 The application is for full planning permission for the following elements:
- 1)Erection of two detached dwellings, one with an integral single garage another with a detached double garage, on the smaller parcel of land to the west of the joint central access.
 - 2) Convert a large hangar style building to the west of the larger parcel of land to a tea room for use by campers and the general public. The submitted drawings indicate a layout of 22 tables each seating six diners.
 - 3) An area of car parking (33 car parking spaces) is indicated immediately to the east of the Tea Room.
 - 4) The Ti-Pee site is on the larger parcel of land, a total of 13 Ti-Pees are indicated on the submitted drawings. A Ti-Pee is a coned shaped tent with a diameter of about 5.5m. A rectangular timber structure with a zinc pitched roof measuring about 3.5m by 4m providing shower and kitchen facilities will be attached to each Ti-Pee.
 - 5) The accompanying Design and Access Statement states that the proposed Ti-Pee and Tea Room enterprise is reliant upon funding achieved through residential uplift. To this end a Business Costings Plan (confidential) has been submitted supporting this position and indicating how development can be phased.

4 SITE PLANNING HISTORY

F/YR16/0635/F- Change of use of barn to tea room (A3) and agricultural land to Ti-pee camping site- Withdrawn 28.04.2017.

F/YR15/0454/F- Erection of 2 x 2-storey 5-bed dwellings with integral garage (Plot 1) and detached double garage (Plot 2) - Withdrawn 28.04.2017.

F/YR05/1140/F- Erection of a 5-bed detached house including 1-bed annexe- Granted - 09.11.2005.

5 CONSULTATIONS

- 5.1 **County Archaeologist:** States that the site lies in an area of high archaeological potential and recommends a condition which requires a written scheme of investigation to be submitted and approved.
- 5.2 **Environment Agency:** Has withdrawn its earlier objection, and recommends conditions requiring the mitigation identified in the FRA and restrictions on when the camping can take place and an informative requiring Flood-line warnings to be received.

The Environment Agency has also expressed concerns about the use of non-mains foul drainage.

- 5.3 **Environmental Health Officer:** Has no objections but recommends an informative drawing attention to the Tea Room to be registered as a food premises.
- 5.4 **Highway Authority:** No objections, recommends conditions.
- 5.5 **Internal Drainage Board:** Has no comment to make.
- 5.6 **Parish Council:** Objects on the following grounds:
- that 2 dwellings constitute overdevelopment
 - the access to the camping site should be at the other end of the field
 - insufficient noise abatement measures
 - and responses to the public consultation exercise are anonymous.

5.7 Representations:

Six objections received from local residents, which may be summarised as follows:

- The proposed houses are outside the built up area.
- The permitted limit for residential development has been exceeded.
- Two houses on a small piece of land constitutes overdevelopment.
- The need for houses to subsidise a project should not be considered.
- Housing development will lead to the loss of open frontage.
Highway safety problems arising from the access to the Ti-pee site.
- Noise and disturbance arising from the Ti-pee operations.
- Future expansion of the Ti-pee operations to the detriment of the area.
- Ti-pee operations will have a detrimental effect on the safety of crops and machinery on adjacent land making it difficult to rent the land to a tenant,

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)

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 28- Promoting business and enterprise in rural areas and promoting rural diversification and provision of visitor facilities.

Paragraph 47: Supply of housing

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

Paragraphs 203-206: Planning conditions and obligations.

National Planning Practice Guidance (NPPG)

Design;

Flood Risk and Coastal Change;

Health and Wellbeing;

Rural Housing.

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

LP6 – Employment, Tourism, Community facilities and retail.

LP12- Rural Areas Development

LP14 – Managing the risk of Flooding in Fenland

LP15 – Facilitating a more Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

SPD: Delivering and Protecting High Quality Environments in Fenland (July 2014)

Cambridgeshire Flood and Water Supplementary Planning Document (December 2016).

Fenland District Council Sequential Test Informal Guidance (Adopted Full Council 17 May 2018).

8 KEY ISSUES

- Principle of Development (Residential, Camping and Tea Room)
- Village Thresholds
- Character and Appearance
- Residential Amenity
- Risk of flooding and drainage
- Highway Safety
- Other Matters

9 BACKGROUND

9.1 Two separate applications for the conversion of a barn to a Tea Room and a Ti-pee camping site, and the erection of two dwellings (F/YR16/0635 & F/YR15/0454) were withdrawn last year. The proposal currently under consideration is essentially for the same proposal but all three elements have now been grouped under a single application. A Business Costings Plan has been submitted, this seeks to demonstrate a requirement for financial uplift from the proposed dwellings to support the tea room/camping enterprise.

10 ASSESSMENT

Principle of Development

Residential

- 10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014 (FLP), and the National Planning Policy Framework (NPPF). Policies LP3, LP12 and LP16 would be applicable in this instance.
- 10.2 The weight that should be attributed to these policies and documents are considered below. In terms of the FLP the scheme would not accord with Policy LP3 given that Church End is an 'other village' where development would be considered on its merits but would normally be limited in scale to single dwelling infill sites situated within an otherwise built up frontage; whilst this scheme will provide two dwellings on an undeveloped site which forms part of a break between development.
- 10.3 Policy LP12 only permits the development of infill sites where the character and appearance of the countryside is not affected and the core shape and form of the settlement is not harmed. The proposed residential element is not considered to accord with LP12 as it is not an infill site, and development would lead to the erosion of an important open frontage which could set an unwelcome precedent for future development. Policy LP16 would be contravened as the dwellings would not make a positive contribution to the local distinctiveness of the area.
- 10.4 The NPPF position would be that the locational disadvantages of the site in terms of the lack of facilities within Church End are such that the site could not be deemed a sustainable location.

Tea Room & Camping

- 10.5 Criteria based policies LP6, LP12 and LP16 are all applicable to these elements of the application. It is considered that the conversion of an existing building and a

low-key camping use would accord with the broad objective to support tourism, which would not adversely affect the setting and character of the settlement or the surrounding countryside.

- 10.6 In this instance, the criteria based requirements of Policy LP6 is predicated on an employment proposal complying with the Council's spatial strategy, sustainability and impact on the character and setting of the settlement and area.
- 10.7 The proposal would also meet the requirements of paragraph 28 of the NPPF in that it would support rural enterprise through the conversion of existing buildings, and promote rural development and diversification.
- 10.8 In planning principle terms there is a dichotomy between the residential and tourism related activities proposed on the site. Policy LP 6 welcomes new tourist related attractions subject to compliance with a number of criteria which in the main is complied with in this instance. Policy LP3 on the other hand restricts development in the open countryside and the proposal cannot be argued to comply with the requirements of Policy LP12 and LP16 or with broad locations in terms of growth or accessibility to public transport.
- 10.9 However, the economic benefits of tourism related activities must be balanced accordingly. The applicant has actively created and manages a natural wildlife habitat, and promotes walks through the land. The development of a camping site has a synergism with these operations. The Business Costings Plan is accompanied by an email of general support from Fenland Tourism which refers to the importance of tourism as an important economic driver for regenerating and improving communities.
- 10.10 It is accepted from the information submitted that the development of the dwellings would be necessary to bring forward the tourism development.
- 10.11 The erection of the dwellings will be contrary to policy. Some harm to the undeveloped frontage to the west could be said to be limited to some extent as no further development should be permitted to preserve the open frontage and is considered to be outweighed by the economic advantages of the tourism related activities.

Village Thresholds

- 10.12 Policy LP3 provides that the majority of housing growth will be in and around the market towns. Paragraph 3.3.10 of the Local Plan states this is to steer most new development to those larger places that offer the best access to services and facilities. This can help reduce the need to travel, as well as making best use of existing infrastructure.
- 10.13 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a small village by 10% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the relevant Parish Council.
- 10.14 The threshold for Church End has been breached with the current figures, as of 15 June 2018, allowing for 23 new dwellings and the number of dwellings built

or committed being at 24, as such any application requires demonstrable community support in accordance with the Policy.

- 10.15 This application has been the subject of pre-application community consultation and therefore accords with Policy LP12. The community consultation exercise demonstrates support for the proposal (69%) with 11 letters out of 16 in favour of the application.

Character and Appearance

- 10.16 Policy LP3 restricts development in Church End to single dwelling infill sites within an otherwise built up frontage. Policy LP12 seeks to protect the character and appearance of the surrounding countryside and farmland, and prevent harm to the core shape and form of the settlement. The policy seeks to prevent the extension of existing linear features or development which would result in ribbon development.
- 10.17 Church End is an attractive village, where undeveloped gaps are one of its important and defining features. The residential element of the proposal relates to an area of land which forms the eastern part (approximately between a quarter and a third) of the largest and arguably most important undeveloped frontage in the village. It is considered that development of the land would lead to the erosion of this frontage to the detriment of the character and appearance of the area, and could set an unwelcome precedent for future development. The residential element would therefore not accord with the requirements of Policy LP3 and LP12.
- 10.18 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area (part (d)). Furthermore, parts (e) and (h) of Policy LP16 require new development to not adversely impact on the amenity of neighbouring users, through noise, light pollution, loss of privacy and loss of light, and provide sufficient private amenity space.
- 10.19 In design terms, this part of Main Road is characterised by a variety of dwelling designs and scales with little uniformity and juxtaposition of the traditional with modern. The submitted details show a standard modern design, it is unlikely that the design and layout will have any adverse impacts in visual or residential amenity terms

Residential Amenity

- 10.20 The proposed dwellings have sufficient spacing between them, and with existing neighbouring dwellings for residential amenity not to be adversely affected.
- 10.21 Adverse impact on residential amenity arising through noise and disturbance from the Ti-Pee proposal has been raised as an issue through the neighbour consultation process. Camping in itself is not a noisy activity, additionally it should be noted that the Ti-Pee use is well distanced from existing

neighbouring dwellings. The Environmental Health Officer has no concerns regarding noise.

- 10.22 Additional traffic movements will ensue as a result of the Tea Room, and Ti-Pee site. Consideration has been given to relocating the access further east through open agricultural land under the applicants ownership. Although feasible in construction terms this may not be economic, or visually or environmentally acceptable. To minimise impact on the occupiers of the dwelling to the west of the access (No 340 Main House(The Forge)) the access has been moved further eastwards and away from The Forge and towards the applicant's dwelling at No 344 Main Road. A 4m buffer strip is now provided along the boundary with The Forge, substantial mitigation can be provided along this strip of land in the form of planting/fencing to minimise the impact of noise and disturbance. In any case, given the scale of the proposed development vast number of traffic movements are not anticipated.
- 10.23 Concern has also been expressed about future expansion. Any application will have to be assessed on its merits and due impacts taken into consideration.

Risk of Flooding and Drainage

- 10.24 The site is within Flood Zone 3. A revised Flood Risk Assessment (FRA) (June 2017) has been submitted. The FRA recommends mitigation by raising Finished Floor Levels (FFLs) of the proposed dwellings 300mm above Main Road carriageway level, FFLs of the Tea Room to be set no lower than 300mm below existing ground level and flood resilient measures to be incorporated into the proposed development.
- 10.25 The Environment Agency (EA) has stressed that it is for the local planning authority to apply the sequential Test. The EA has no objections but recommends that the mitigation measures detailed in the revised FRA are implemented and Ti-Pees are not occupied between 1 November and 14 March.

In assessing the Sequential Test the Flood and Water SPD advises the following:

"the area of search is usually over the entire LPA area and may only be reduced in discussion with the LPA because of functional requirements and objectives of the proposed development and because there is an identified need for that type of development. The relevant Local Plan should be the starting point".

- 10.26 Fenland District Council's informal guidance on sequential tests for housing (adopted by Council in May 2018) states the following:

"Area of Search

This is determined by considering the proposal's objectives, linked to the spatial policies of the Local Plan. For proposals that demonstrate a clear objective to sustain particular settlements or the countryside, the area of search will be:

- A) Developments in the countryside – The whole of the rural area
- B) Developments in towns & villages – The town/villages that the proposal would sustain."

- 10.27 For the purposes of flood risk the site is considered to be within the settlement of Church End and therefore the area of search would be limited to Church End

as opposed to the district as a whole.

- 10.28 As set out in paragraph 101 of the Framework, development in areas known to be at risk of flooding should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Given the relatively small scale of the site it would be reasonable to conclude that there will be other reasonably available sites within the settlement in Flood Zones 1 and 2 to accommodate two dwellings.
- 10.29 However, in the event the justification for the dwellings as financial support necessary for the implementation of the tourism activities is accepted, the site is the only suitable land available for residential use in the applicant's control, and the Exception Test is considered to be passed given the sustainability benefits of the proposed development in economic terms, and the flood mitigation and resilience measures incorporated into the development. Similarly, the proposed tourism element has sustainability credentials in economic terms, the land is in the applicant's control and permission can be conditioned to ensure that the Tipees will not be occupied during the wettest period of any given year. For these reasons the proposal is considered to be acceptable in flood risk terms.
- 10.30 To address the Environment Agency's concerns regarding foul drainage a condition requiring a detailed scheme in relation to this would be recommended.

Highway Safety

- 10.31 The comments of local residents regarding highway safety are noted however the LHA have clearly indicated that the scheme is acceptable in highway safety terms subject to conditions. As such the development is considered capable of implementation in accordance with adopted Policy LP15 of the Fenland Local Plan.

Other Matters

- 10.32 The accompanying Design and Access Statement refers to the conversion and use of a former railway carriageway located some 35m to the North West of the proposed Tea Room as holiday accommodation. This element of the proposal has not been included in this assessment as the proposal does not form part of the planning application form, nor have details of the conversion been supplied.

11 CONCLUSIONS:

- 11.1 The proposed development of two dwellings would have an adverse impact on the character and appearance of the area through the erosion of a substantial undeveloped frontage. This would be contrary to national and local plan policy. However, the proposed tourism related activities are policy compliant. The impacts in terms of flood risk, residential amenity and highways safety have been assessed and are considered to be acceptable.
- 11.2 On balance it is considered that the economic benefits to the district arising from the tourism related activities would outweigh the harm associated with the erosion of the frontage as a result of the residential development. Allowing the development will not set an unwelcome precedent for further erosion of open frontages, future proposals will have to be assessed on merit.

- 11.3 Given the justification for allowing the dwellings would be the facilitation of the tourism development, It is recommended that should planning permission be granted this should be subject to a condition to ensure that development of the dwellings is not commenced before the establishment of the tourism related activities.

RECOMMENDATION: Grant 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 in relation to either of the dwellings hereby permitted shall be commenced until such time as the Ti-pee units and the tea room have been established to the satisfaction of the Local Planning Authority and the Local Planning Authority have advised of this in writing.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority in the interests of proper planning.

3. Prior to the commencement of the development 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.

4. 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:-

- a) means of enclosure
- b) car parking layout
- c) vehicle and pedestrian access and circulation areas
- d) hard surfacing, other hard landscape features and materials
- e) existing trees, hedges or other soft features to be retained
- f) 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.

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. Prior to the commencement of any works or storage of materials on the site all trees (those on or near the northern boundary with main Road and the eastern boundary adjacent to the Ti-PEE site 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.

7. 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 to accord with Policy LP14 of the Fenland Local Plan (2014).

8. The development shall not be occupied until the means of vehicular access serving that part of the development has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to ensure satisfactory access into the site to accord with Policy LP15 of the Fenland Local Plan (2014).

9. The vehicle turning and parking spaces shown on the approved plans shall be provided before the part of the development to which they relate is first brought into use and shall be retained thereafter.

Reason: In the interests of highway safety to accord with Policy LP15 of the Fenland Local Plan (2014).

10. The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with

a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: In the interests of highway safety to accord with Policy LP15 of the Fenland Local Plan (2014).

11. No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

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).

12. The conditions set out in paragraph 1.4 of the Revised Flood Risk Assessment (Revised Final Report) dated June 2017 by Geoff Beel Consultancy will be implemented in full before the development is first brought into use.

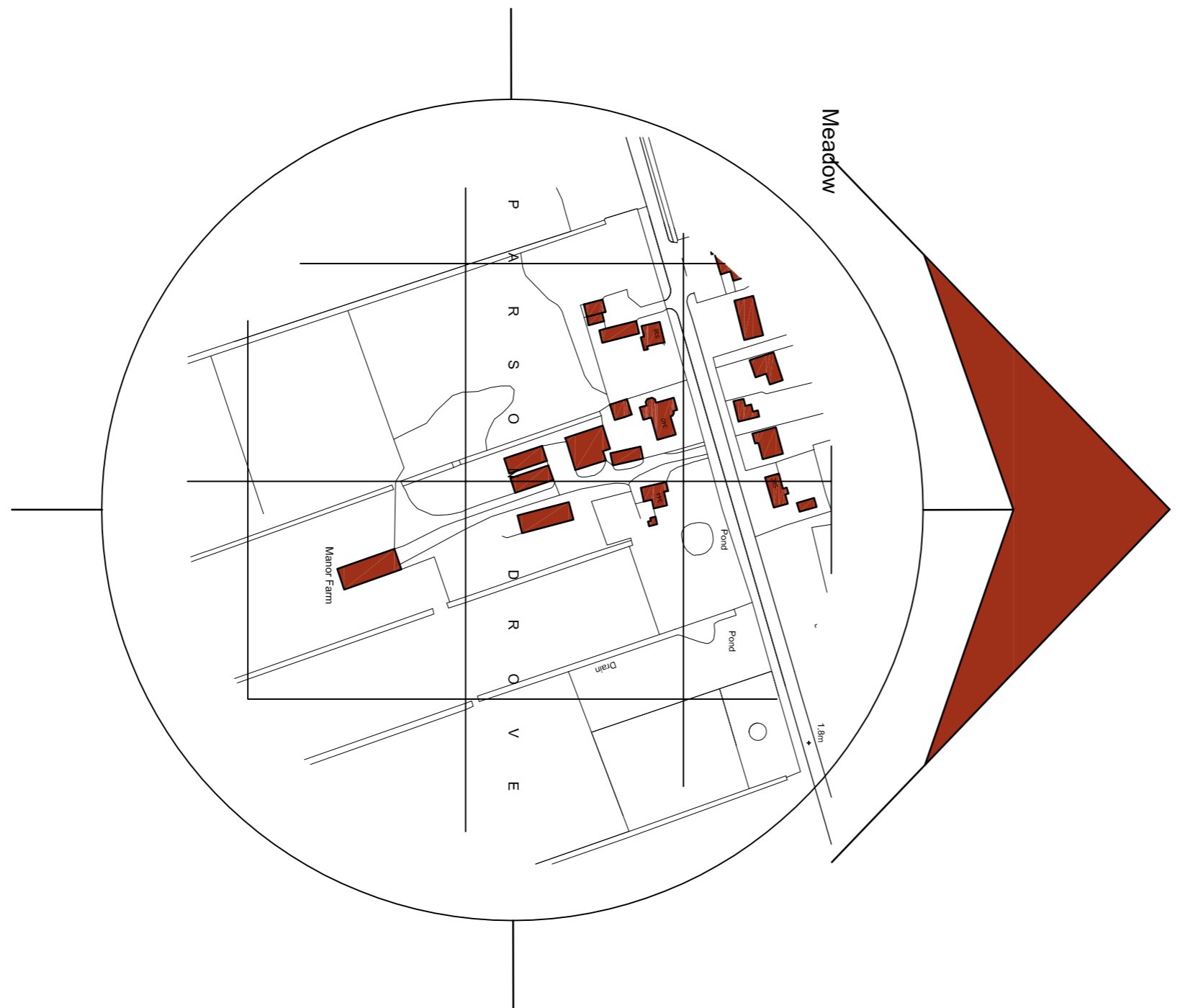
Reason: To mitigate against flood risk and to accord with Policy LP 14 of the Fenland Local Plan (2014).

13. The ti-pees hereby approved will not be occupied in the period between 1 November of any year and 14 March of the following year.

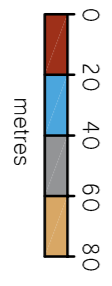
Reason: In the interests of flood risk and to accord with Policy LP14 of the Fenland Local Plan (2014).

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

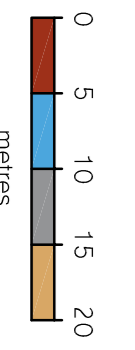
- General Notes
1. The drawings shall not be scaled, figured dimensions only to be used.
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 5. Any discrepancies are to be brought to the designers attention.



Location Plan
Scale: 1:2500



Site Layout
Scale: 1:500



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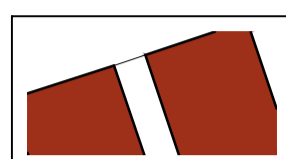

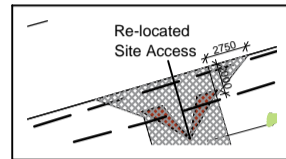
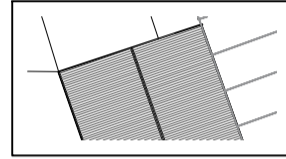
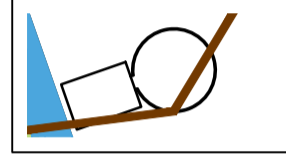



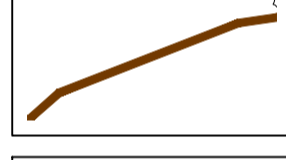
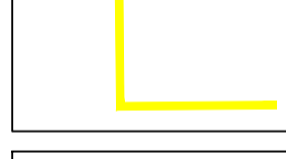
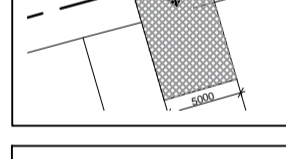

Job Title	Date	Scale
Proposed Building Plans, Tea Room and Tapes Manor Farm, Church End Parson Drive, 101, W/A DKN1	August 2014	Various Sheet Size A1

Drawing Title	Job No.	Drawn by
Site and Location Plan	SE-311	G.E.
	Dwg No.	Revision
	01	



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

SITE PLAN KEY

-  Indicates buildings un-surveyed (from ordinance survey location plan)
-  Indicates existing un-surveyed trees, hedges and planting
-  Indicates site access
-  Indicates converted existing building
-  Indicates proposed Ti-pee with toilet block
-  Indicates existing water features
-  Indicates area of proposed car parking
-  Indicates area of proposed childrens play area
-  Indicates line of 0.5-1.0m max depth from EA 1 in 200 years
-  Indicates line of 0 - 0.25m max depth from EA 1 in 200 years
-  Indicates 5.0 x 10.0m sealed and drained access constructed to CCC Construction Specification
-  Indicates 2.4 x 120.0m vision splay all within the highway verge with no obstruction over 0.6m

Revisions

A	Feb 2018	Access moved away from 340
B	Feb 2018	Highways amendment

Status
FOR APPROVAL

SWANN EDWARDS ARCHITECTURE
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 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

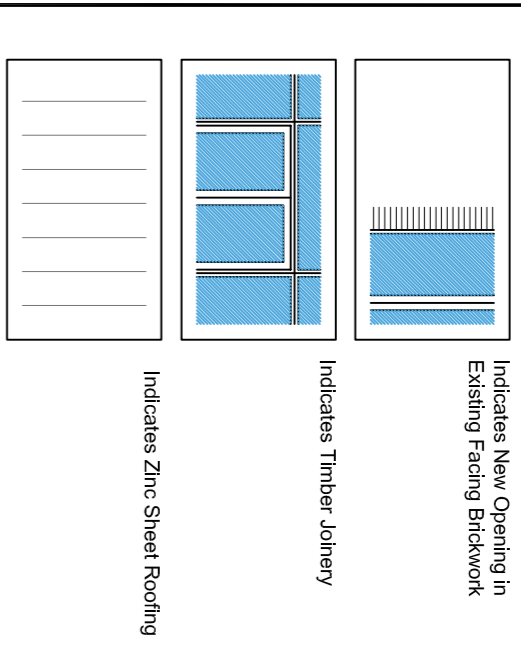
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Proposed Building Plots, Tea Room and Ti-pees Manor Farm, Church End	August 2017	1:1000 Sheet Size A1
Person Drove, for; Mr A Dixon		
Drawing Title	Job No.	Drawn by
Outline Planning Site Plan	SE-311	G.E.
	Dwg No.	Revision
	23	B

Site Layout
 Scale: 1:1000

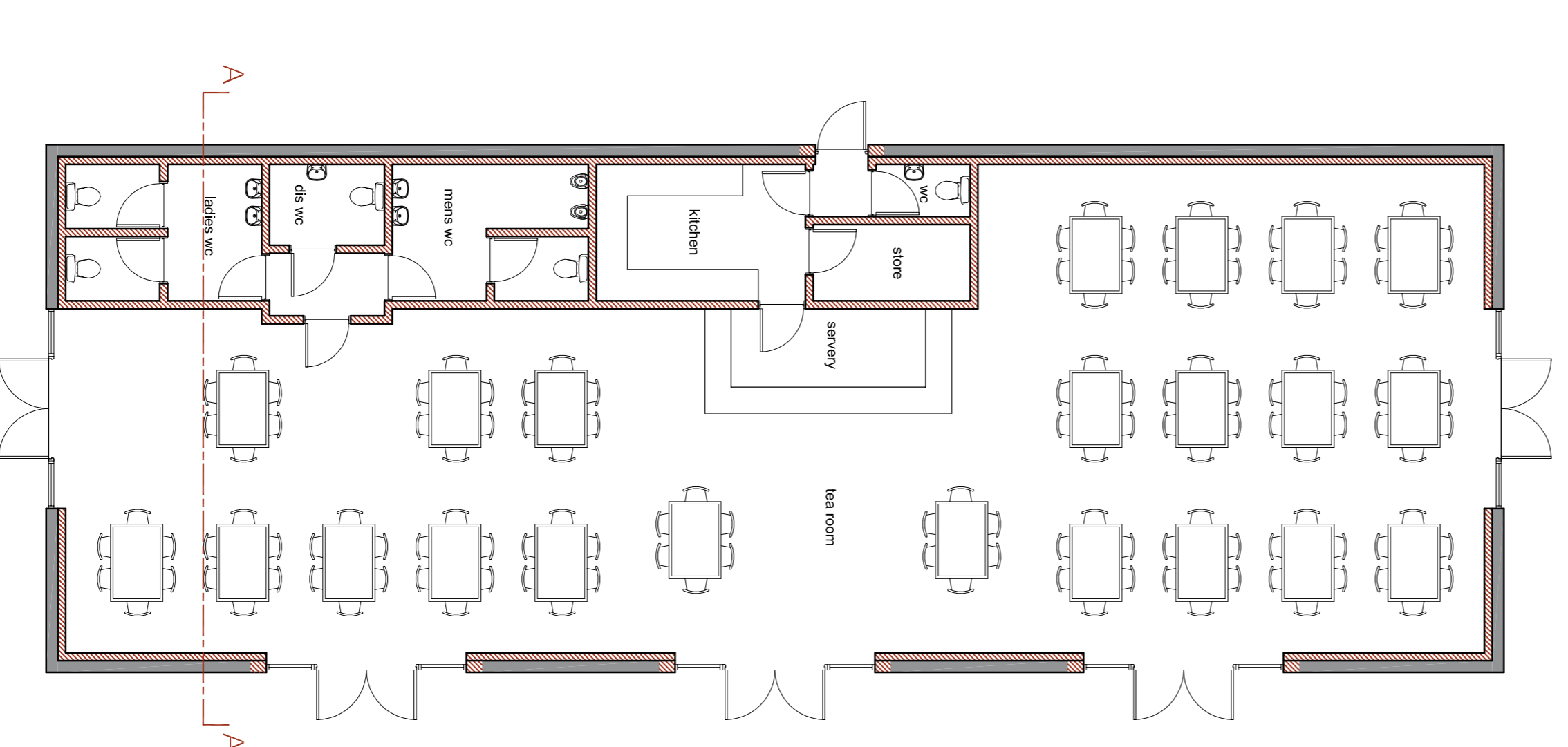
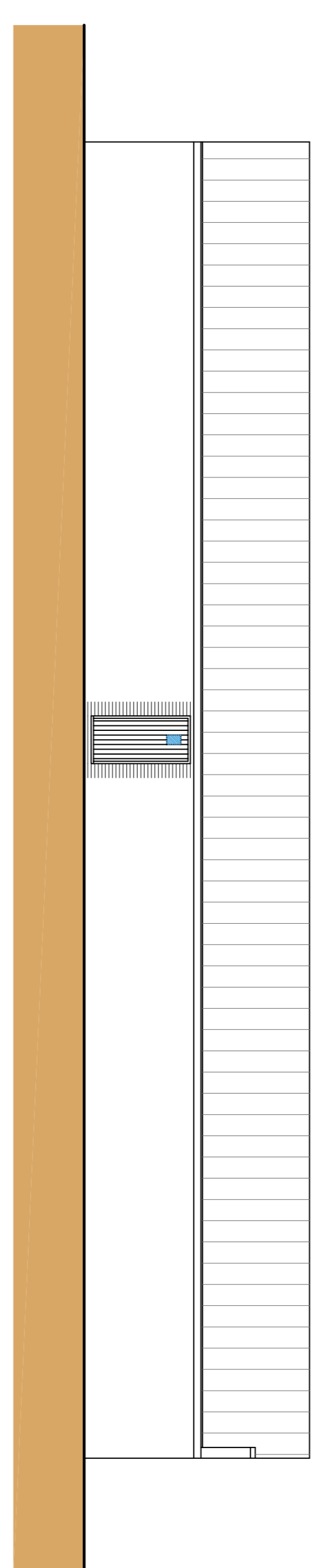
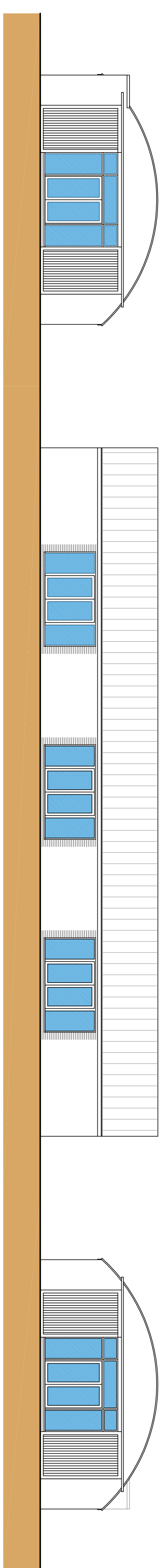
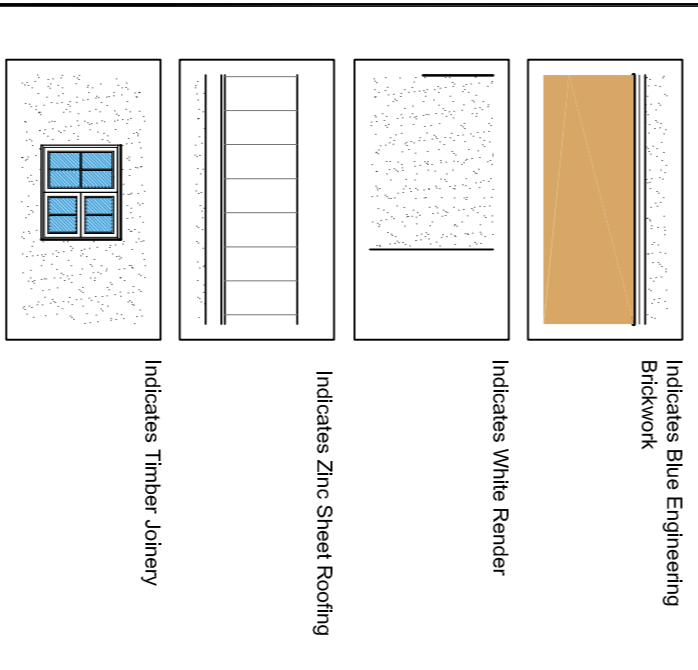
General Notes

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2. The dimensions with a star symbol are approximate dimensions.
3. The dimensions with a triangle symbol are approximate dimensions and shall be checked on site prior to the commencement of any work.
4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
5. Any discrepancies are to be brought to the designer's attention.

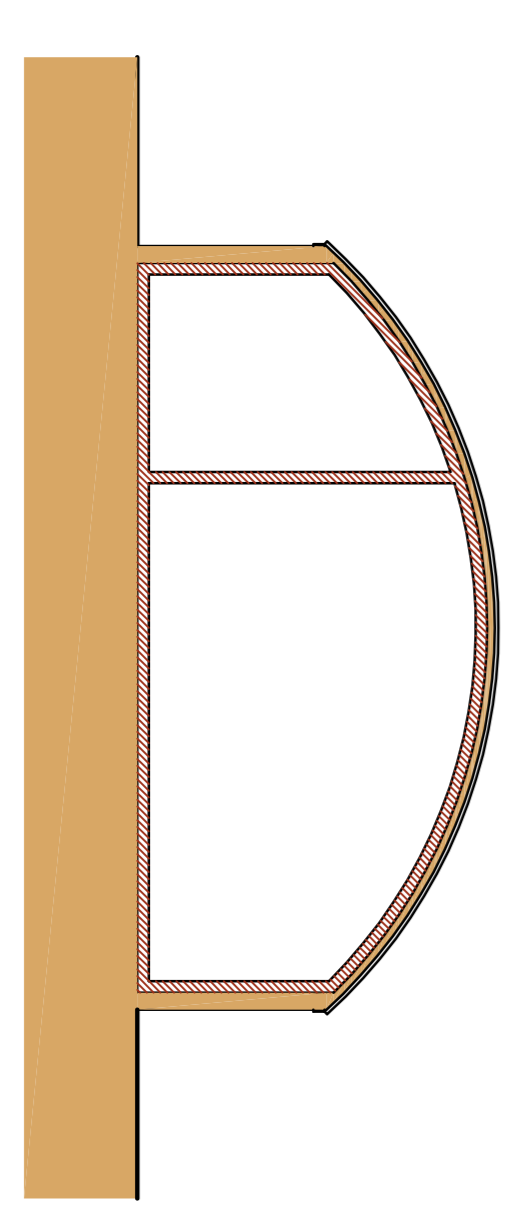
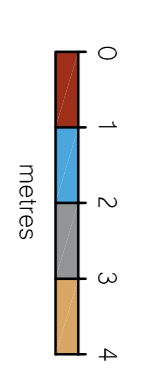
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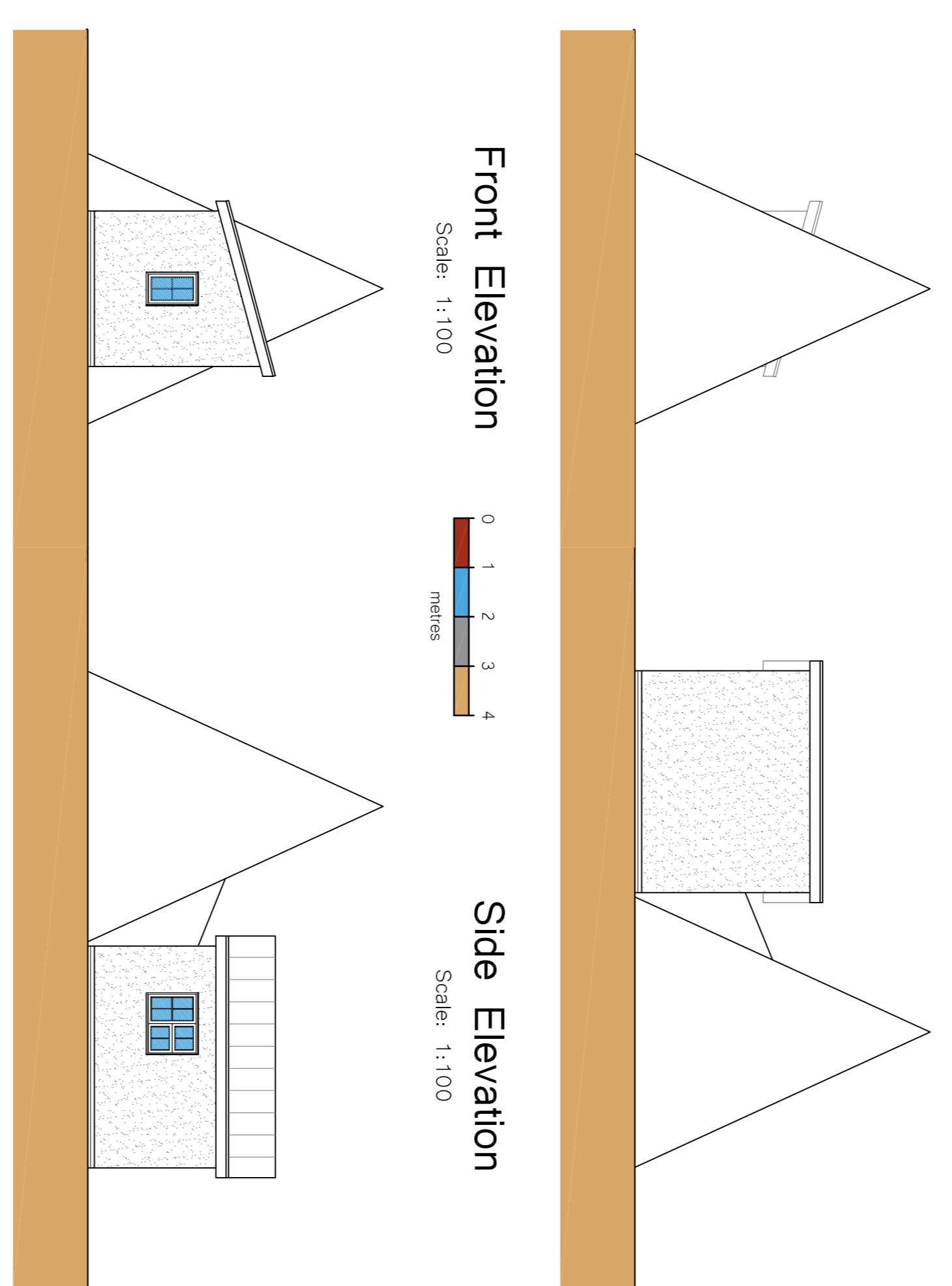
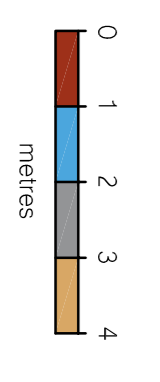
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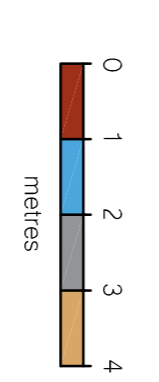
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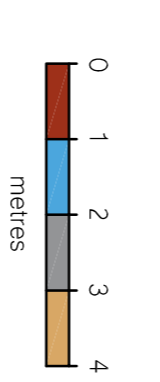
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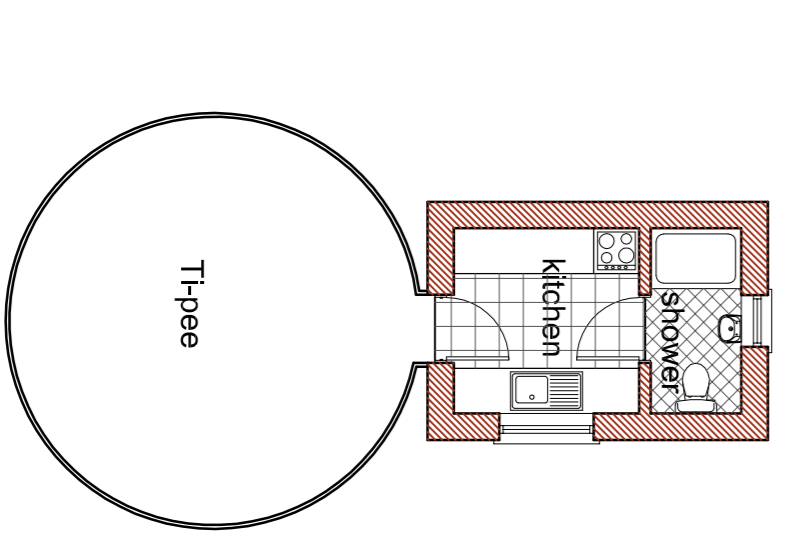
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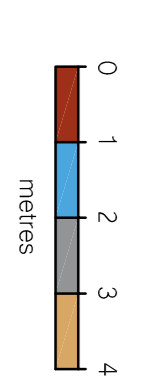
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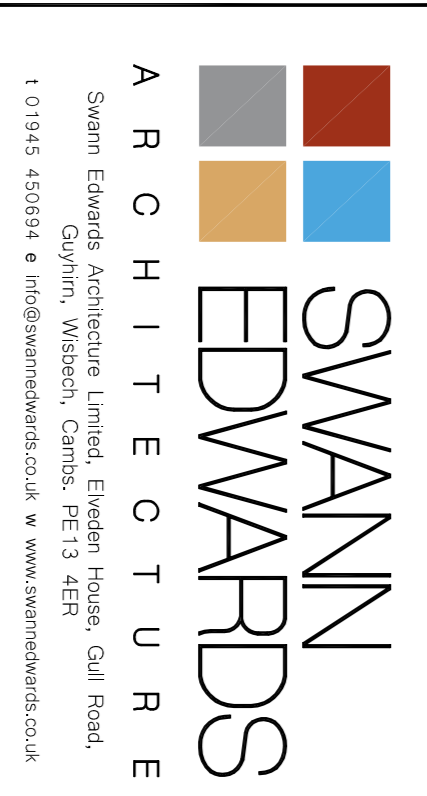
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Floor Plan
Scale: 1:100



FOR APPROVAL

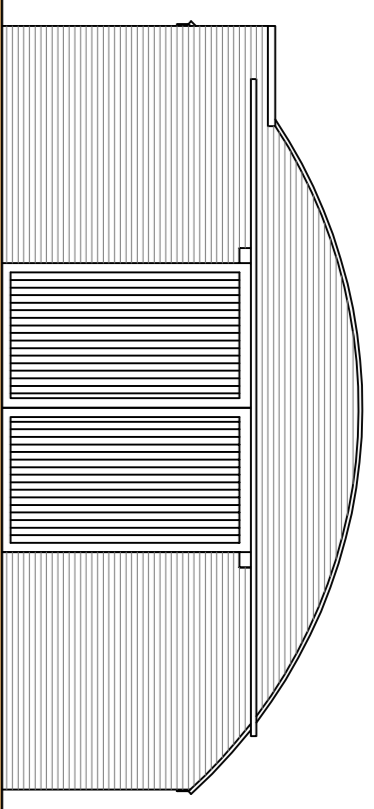
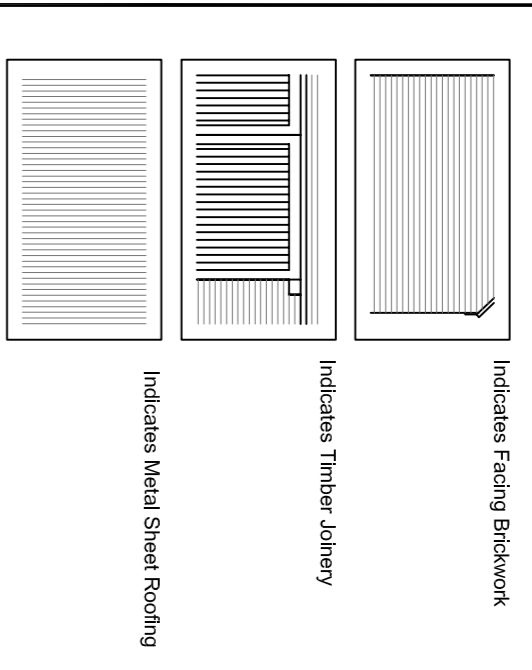


Job Title	Scale
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Manor Farm, Church End	Sheet Size
Parson Drive, for: Mr. A Dixon	Revision
Drawn By: GLE	Revision: A
Planning Drawing SE-311	
Floor Plan, Section and Elevations of Tea Room and Tl-pee Camping	
Job No. July 2016	Drawn By: GLE
SE-311	Revision: A
July 2016	
2016	
22	

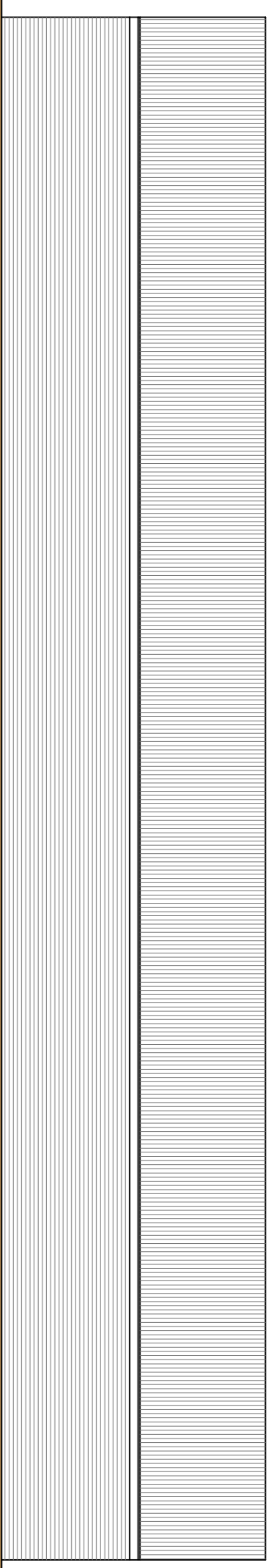
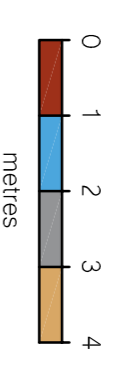
General Notes

1. This drawing shall not be scaled, figured dimensions only to be used.
2. The dimensions with stone/brickwork shall be measured outside.
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4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
5. Any discrepancies are to be brought to the designer's attention.

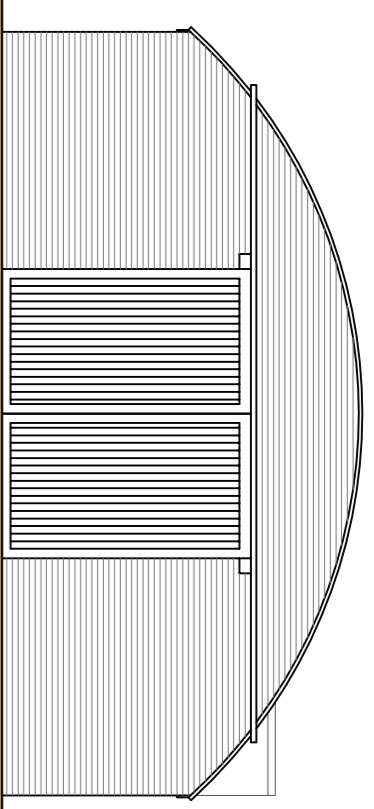
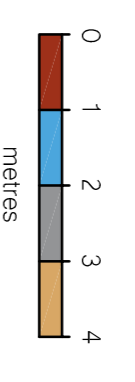
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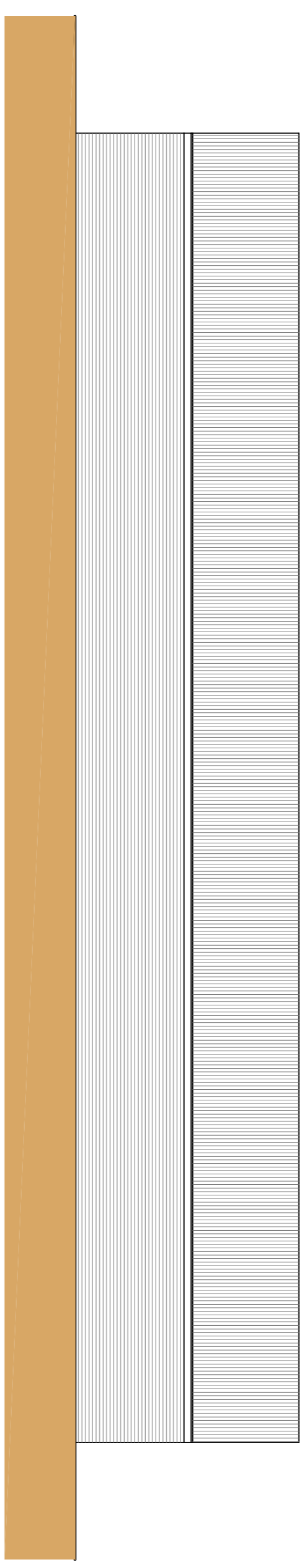
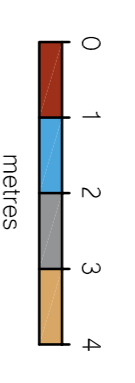
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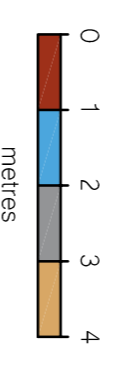
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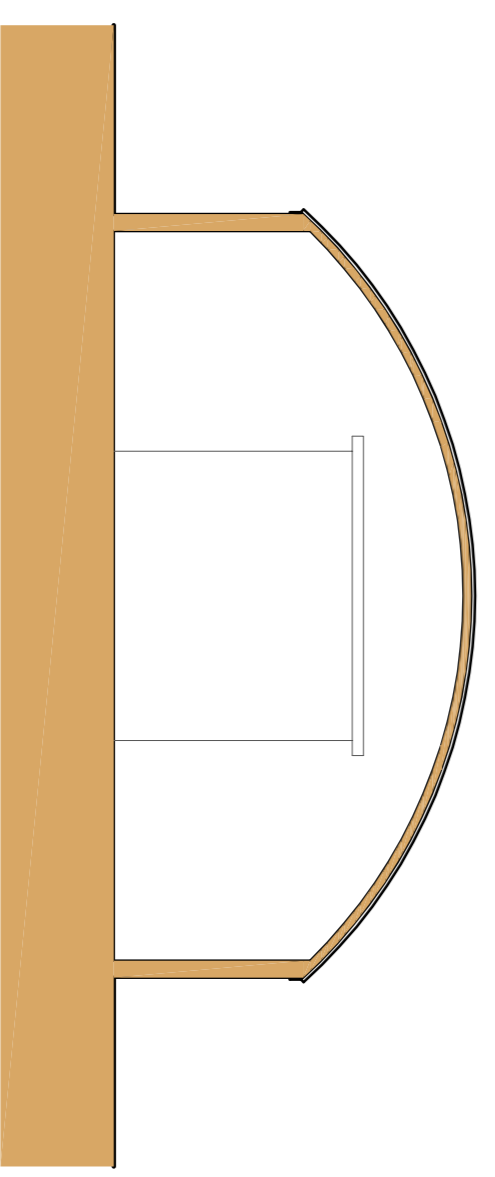
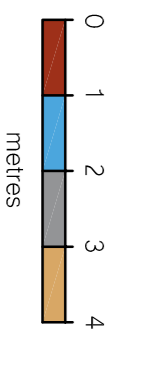
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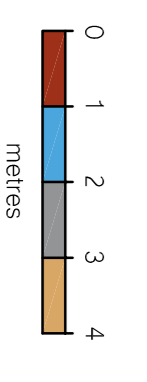
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Floor Plan
Scale: 1:100



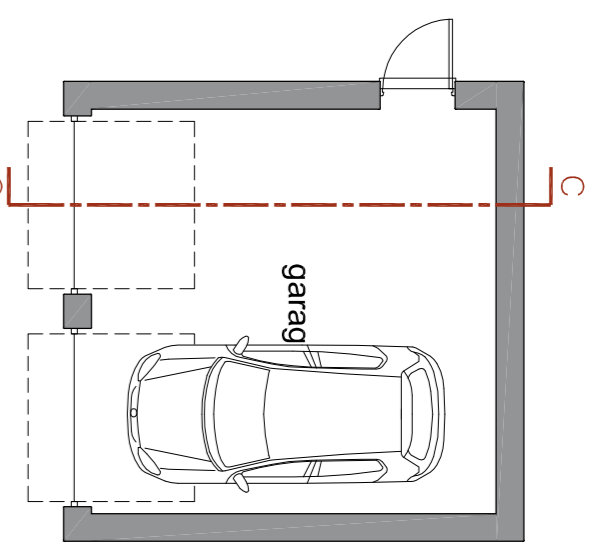
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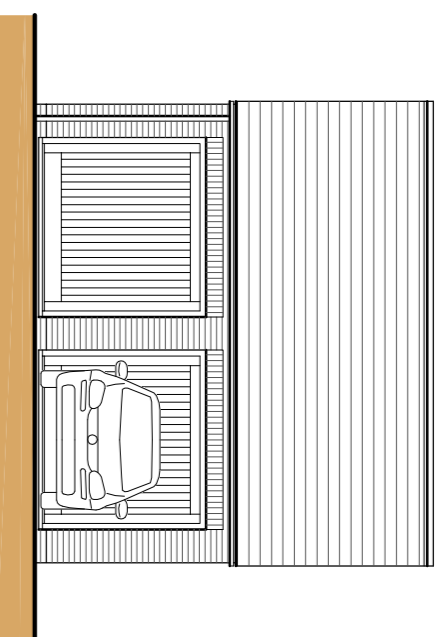
Status
FOR APPROVAL



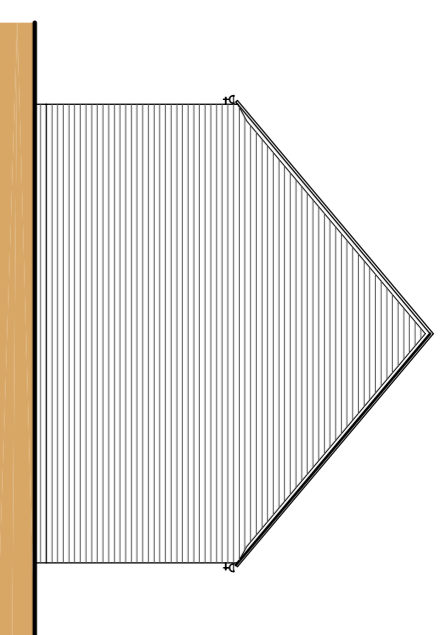
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Job No. July 2016	Revision
SE-311	21
Scale: 1:100 Sheet Size: A1	
Barn, Surrey Drawing Floor Plan, Section and Elevations	



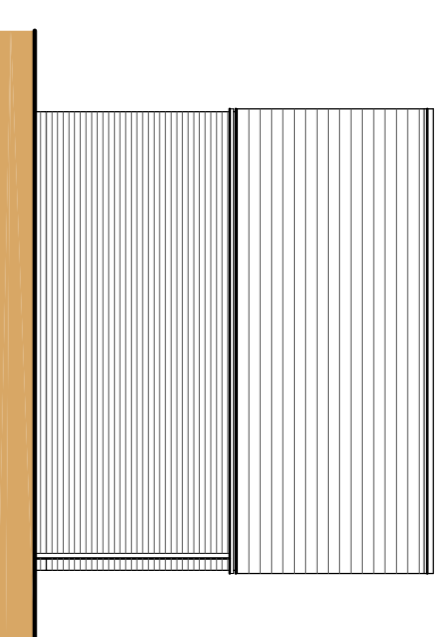
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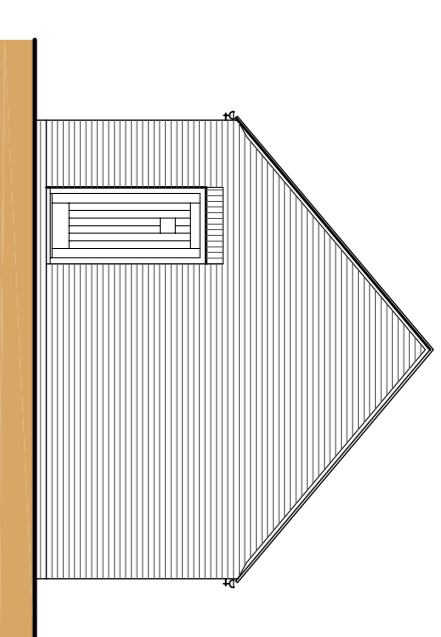
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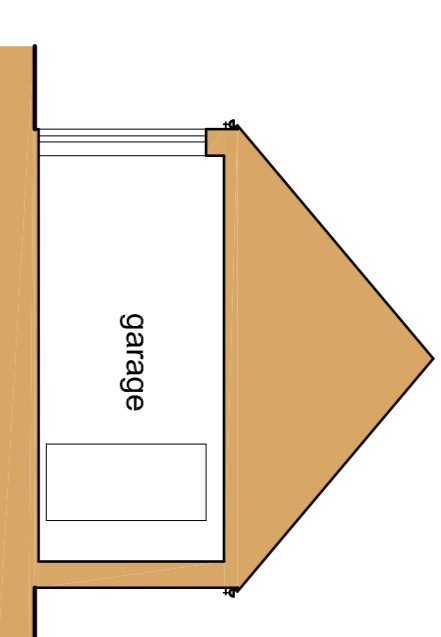
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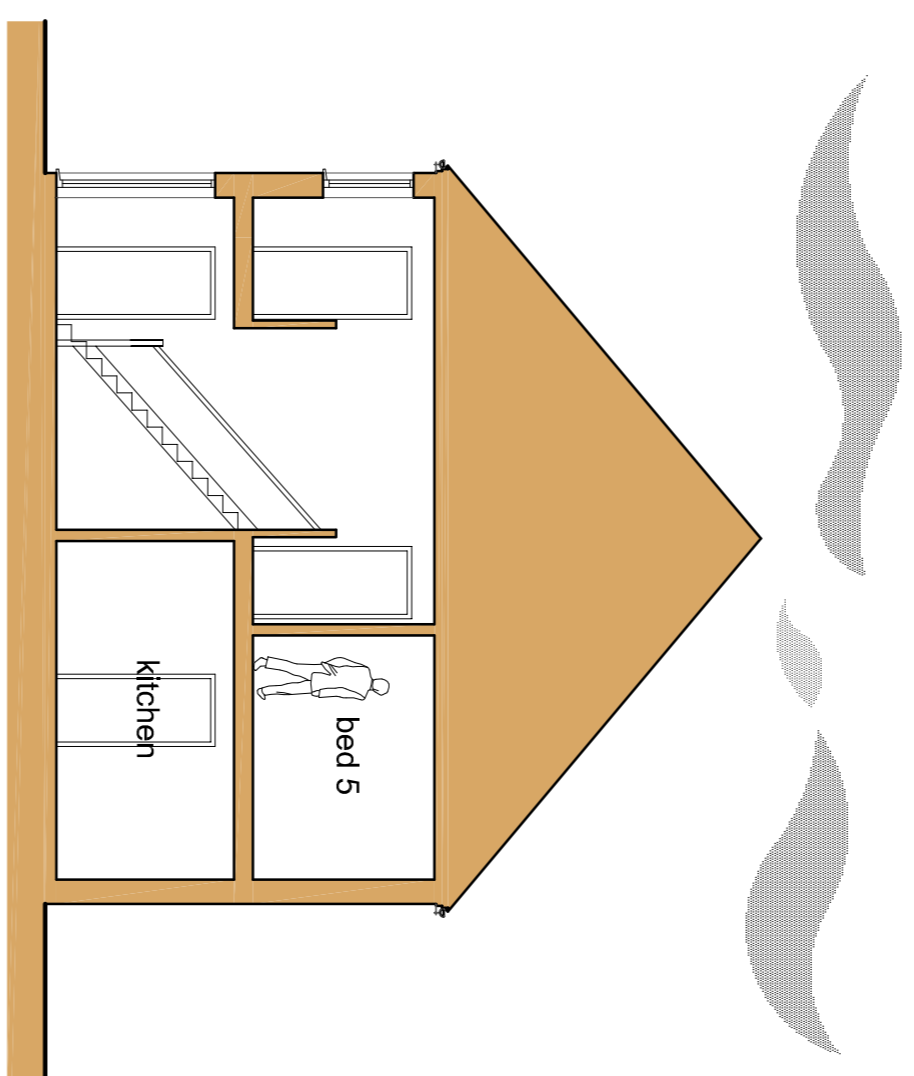
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Scale: 1:100



SE Elevation
Scale: 1:100



Section C-C
Scale: 1:100



Section A-A
PLOT 2 (Plot 1 Handled)
Scale: 1:100



Section B-B
PLOT 2 (Plot 1 Handled)
Scale: 1:100



Site Layout
Scale: 1:200

General Notes
1. This drawing shall not be scaled; figured dimensions only to be used.
2. The dimensions with stormwater run-off lines are shown for information only.
3. The dimensions with stormwater run-off lines are shown for information only.
4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
5. Any discrepancies are to be brought to the designer's attention.

SITE PLAN KEY

- Indicates existing trees and hedges to remain
- Indicates existing structures (from OS Plan)
- Indicates proposed structures
- Indicates site access point
- Indicates new gravelled shared driveway
- Indicates new grassed areas

Revisions	Location	Status
A	April 2017	removed

FOR APPROVAL

SWANN EDWARDS ARCHITECTURE
Swann Edwards Architecture Limited, Eveden House, Gull Road, Gayrim, Wexford, Carraig, PE13 4ER
t: 01945 450694 e: info@swannedwards.co.uk w: www.swannedwards.co.uk

Job Title	Drawn By	Scale
Proposed Building Plans, Manor Farm, Church End, Parson Cove for: Mr. A Dixon	AS Shown	AS Shown
Planning Drawing SE-311	RS	Site Size
Site Plan, Sections	Revision	AT
Garage Details	10	A

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PLANNING COMMITTEE DATE: 18th July 2018

APPLICATION NO: F/YR17/0548/F

**SITE LOCATION: Land West Of 338 and Land South East Of 344 Main Road,
Church End, Parson Drove.**

UPDATE:

Further comments have been received from the occupiers of a neighbouring property. Concerns are reiterated about the adequacy of the existing access and visibility splay to service the proposed use, it is suggested that a new access to the east of 344 Main Road should be provided.

The Highway Authority considers the use of the existing access to be acceptable in highway safety terms. An alternative access to the east of 344 Main Road is not considered to be feasible in planning or economic terms.

Such matters are considered within the original officer report Paras 5.4, 10.22 & 10.31.

Recommendation: Grant as per page 20 of the agenda

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F/YR18/0233/F

Applicant: Ms S Fink

**Agent : Mr C Walford
Peter Humphrey Associates Ltd**

Land North Of Allendale, Mill Hill Lane, March, Cambridgeshire

Erection of 2 x 2-storey 4-bed dwellings with attached garages involving demolition of outbuildings

Reason for Committee: More than six representations contrary to the officer recommendation

1. EXECUTIVE SUMMARY

The application proposes the construction of 2 new 2-storey dwellings on garden land associated with the host property.

The application site is located within flood zone 1, the zone of least flood risk, and amendments to the design have been made to address concerns raised in relation to the original scheme, including the reduction of the scale of the proposal from 3 new dwellings to 2.

The proposal is considered to be acceptable in planning terms, with no policy or material consideration reasons to refuse it.

2. SITE DESCRIPTION

- 2.1. The application site is a large residential garden to the north of the host dwelling, surrounded on all sides by timber closeboard fencing. This fencing is supplemented in places by hedgerows, although the mature evergreen hedge to the eastern boundary has been removed from the site during the course of the consideration of the application.
- 2.2. The site is surrounded on all sides by residential development, although the listed barn conversion to the east boasts a considerable amount of green space associated with it that separates the property from the site.
- 2.3. There are several mature trees on the site, however the only example of note is a weeping willow on the north western side of the site.

3. PROPOSAL

- 3.1. The proposal was originally submitted for the construction of 3 new dwellings. Following negotiation with the case officer the scheme has been amended and now proposes the construction of 2 new dwellings, with the third plot (which occupied the north western part of the site where the weeping willow is located) having been deleted from the scheme.

- 3.2. 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/YR16/0419/F	Alterations and extension to existing outbuilding to form 2-bed annexe ancillary to the main dwelling; erection of a detached triple garage and store with store/playroom above; formation of new driveway; demolition of existing shed and removal of swimming pool.	Granted
F/YR09/0319/TRT	Works to 1no Ash covered by TPO 10/1974	Granted
F/YR05/0427/TRT	Felling of 1 Ash Tree covered by TPO 10/74	Granted
F/0913/78/F	Retention of a refrigerator for the storage of maggots off Mill Hill Lane	Granted
F/0557/77/F	Installation of a refrigerator for the storage of maggots (retrospective)	Granted

5. CONSULTATIONS

5.1. **March Town Council**

Recommend approval

5.2. **Peterborough City Council Wildlife Officer**

No objection subject to condition regarding conditions regarding surveys and mitigation works for protected and other species.

5.3. **FDC Environmental Health**

No Objections. Condition requested regarding unsuspected contamination.

5.4. **Cambridgeshire County Council Highways Authority (revised plans)**

No objections. Conditions requested regarding surface water run-off, provision of on-site parking/turning and construction of vehicular access.

5.5. **Cambridgeshire County Council Archaeology**

Programme of archaeological investigation required.

5.6. **FDC Tree Officer**

Support retention and reinforcement of the boundary hedging. Main concern would be the loss of the weeping willow. If the tree is to be removed replacement would be required on the basis of a semi-mature replacement 5-6 metres in height.

Officer note – subsequent amendment of the scheme now shows retention of the weeping willow.

5.7. **Local Residents/Interested Parties**

Original Plans

- 5.8. Twelve representations were received in relation to the original plans from 9 separate properties raising the following concerns.

- History of surface water flooding and no surface water drainage details provided.

- The application is invalid as the biodiversity checklist is not filled in correctly (no address or reference number on it).
- Increase in traffic will cause the lane to be blocked more often and cause a hazard at the junction with Knights End Road.
- Unsustainable and overdevelopment of the area.
- Proposal is within sight of 3 listed buildings and next to a public right of way.
- Mill Hill Lane is only partially a public highway, is narrow and does not have footpaths or kerbing
- Surface of the access road is poor, and traffic levels and nature exacerbate this.
- Proposal indicates removal of several trees subject to Tree Preservation Orders but with no replanting plan.
- Concerned about the effect development will have on flooding. No reference is made to the March Surface Water Management Plan.
- No consultation with Cambridgeshire County Council Flood and Water.
- Pre-application response submitted with the application is out of date.
- Layout will result in a loss of privacy to the properties along Knights End Road.
- Archaeological work has not been undertaken.
- No turning provision for HGVs.
- Insufficient parking provision.
- Siting is ill-considered with no thought for other residents regarding noise, pollution and dust.
- Proposal will not integrate with the surroundings as it is residential development within a garden, whereas the character of the area is one of frontage development.
- Proposed dwellings out of scale (2-storey) with the majority of local dwellings.
- Bin storage area does not comply with RECAP Waste Management Design.

Revised Plans

- 5.9. Six further objections were received in response to the revised drawings, from 6 properties and raising the following points.
- Contrary to the statement submitted there are windows in the adjacent listed barn facing west, and the screening trees could be removed at any time.
 - Concerned about the effect development will have on flooding. No reference is made to the March Surface Water Management Plan.
 - No consultation with Cambridgeshire County Council Flood and Water.
 - Should have been included in pre-application discussions.
 - Increasing traffic using Knights End Road causing a safety hazard.
 - Recent developments are already causing a decline in wildlife due to removal of trees and hedges and this will exacerbate the matter.
 - Unsustainable and overdevelopment of the area.
 - Proposal is within sight of 3 listed buildings and next to a public right of way.
 - Mill Hill Lane is only partially a public highway, is narrow and does not have footpaths or kerbing
 - Surface of the access road is poor, and traffic levels and nature exacerbate this.
 - Proposal will not integrate with the surroundings as it is residential development within a garden, whereas the character of the area is one of frontage development.
 - Proposed dwellings out of scale (2-storey) with the majority of local dwellings.

- Intensification of development along Mill Hill Lane affecting quality of life of the existing residents.
- Plot 2 appears squeezed onto the site, with parking and manoeuvring concerns.
- Overlooking of nearby premises.
- The application states it is for 2 dwellings but the drawings show 3.
- The proposal suggests the removal of a number of trees covered by a preservation order.
- No soil assessment with the application.
- Does not conform to the March Town Plan.
- New Tarmac surface shows only drainage onto the public highway.

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

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

Paragraph 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, and encourage the effective use of land

Paragraph 49: Housing to be considered in the context of presumption in favour of sustainable development

Paragraph 53: Resisting inappropriate development of residential gardens

Paragraphs 56-57: Good and inclusive design

Paragraph 60: Reinforcing local distinctiveness

Paragraph 94: Need to consider flood risk

Paragraph 128-136 Heritage assets and impacts on significance

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

7.4. March Neighbourhood Plan 2017
H2 – Windfall development

8. KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Amenity**
- **Highways & Access**
- **Flooding and Flood Risk**
- **Heritage Impact**
- **Impact on Trees**
- **Wildlife**
- **Other Matters**

9. BACKGROUND

- 9.1. Pre-application advice was given in respect of the proposal in November 2016 and was generally supportive, identifying matters of scale, number of dwellings, visual detailing and amenity space as being of particular relevance to the scheme.
- 9.2. The advice given notes that it was valid for 1 year, and is thus ‘out of date’. No policy changes have taken place in relation to the proposal in the intervening period however.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located within the built up area of March, which is categorised as a Primary Market town within the Fenland Local Plan, a settlement within which the majority of the district’s new housing should take place. On that basis the principle of residential development is not opposed.
- 10.2. The application site is part of an existing residential garden, however there are no policies within the development plan that oppose such types of development as a matter of principle, and therefore the specific impacts of the scheme must be considered.

Character of the Area

- 10.3. The proposed development is one relating to the development of the rear garden of the property, with the assertion made that the character of the area is one of frontage development. Allendale itself is to all intent and purpose a backland development site (albeit one where the frontage property was constructed more recently than the host dwelling), and consent has also been recently granted for a similar type of development on the land to the south. The character of the area would not be adversely affected by the development of the site.

Amenity

- 10.4. Given the location of the application site within an existing residential garden and surrounded by other residential properties, one of the key considerations in relation to the proposed scheme is the impact of the proposal on the amenity of the surrounding dwellings.
- 10.5. Plot 1 of the revised scheme is orientated with its front elevation facing south, towards plot 2. Its rear elevation therefore faces north towards the adjacent dwellings on Knight's End Road, at a distance of between 15 and 18 metres. There is existing mature landscaping between the site and the adjacent dwelling, and the first floor windows open onto two bedrooms and the main bathroom. To the west of plot 1 lies Mill Hill Lodge. A single window is proposed facing this property from the main bedroom over the garage, approximately 19 metres from the boundary to the west with the retained weeping willow located between the dwellings. Two windows are proposed on the eastern elevation looking out over the adjacent land associated with the barn conversion, however these are both noted as being obscure glazed on the submitted plans and both lead onto toilet/bathrooms and it is therefore unlikely that there will be any significant impact. A single ground floor door on this elevation is also proposed. The front elevation of the dwelling faces the front elevation of plot 2, but at a distance of approximately 30 metres and with an existing ash tree located between the two properties and detailed for retention as part of the scheme.
- 10.6. Plot 2 is located to the south of the site, adjacent to the host dwelling. It has a similar relationship to the eastern boundary of the site as plot 1, again with only 2 first floor obscure glazed windows and a door at ground floor on this elevation. Its rear elevation is located approximately 10 metres from the southern boundary of the site, with its west elevation flanking the existing east elevation of Allendale. Allendale does have several windows facing east towards the new dwelling, however only one of these is in a position to overlook the garden of the new property, and there are no windows in the west elevation of the new dwelling that would overlook the private rear garden of the host dwelling. The solitary window facing west from plot 2 relates to the main bedroom over the garage, which looks out over the shared driveway leading to the dwellings.
- 10.7. On the basis of the above the relationships between the proposed dwellings and the existing properties in the area, including the host dwelling and the neighbouring sites, are considered to be acceptable, with a condition regarding no new openings not required as this is already controlled by the General (Permitted) Development Order 2015.

Highways & Access

- 10.8. The proposed scheme utilises the existing access point onto Mill Hill Lane, which is currently a wide gravel driveway leading to the parking area associated with the property.
- 10.9. The proposed access would retain the existing boundaries, but replace the loose gravel surface with a hardbound tarmac driveway leading to two parking spaces for Allendale, with a block paved shared driveway branching to the north

and leading to individual gravel parking/turning areas for the proposed dwellings.

- 10.10. Comments have been received from residents with regard to the additional traffic burden resulting from the scheme, however the Local Highways Authority have confirmed that they have no objection in this regard, subject to the imposition of certain conditions regarding details of surface water treatment, and the provision of the upgraded access and the parking/turning prior to the occupation of the development.
- 10.11. The intensification of the use of the access has the potential to increase its impact on the neighbouring dwellings, however given the proposal also involves the removal of the existing gravel surface and its replacement with a tarmac driveway, the overall impact on neighbouring amenity remains neutral.

Flooding and Flood Risk

- 10.12. The application site is located within flood zone 1, the area of least flood risk and therefore a preferential location in this regard. Some small areas of Mill Hill Lane are noted as being at risk from surface water flooding, however in the vicinity of the application site this is categorised as low-medium risk with the majority of the site and its surroundings categorised as very low risk. On that basis there is no need for a specific flood risk assessment associated with the proposal, however as noted above, the Local Highways Authority has requested confirmation of a surface water drainage scheme with regard to the access drive, which should be designed so as to avoid draining into the public highway.

Heritage Impact

- 10.13. There is an existing grade II listed building to the east of the site, set within substantial open ground. Recent works to the evergreen trees along the eastern boundary of the site have opened more significant views of this building from the application site since the original submission of details, and the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority pay special attention to the desirability of preserving its setting. In this regard the key aspect of the listed building's setting is its isolated nature, surrounded by significant open space. It is already flanked by residential development to the north along Knights End Road and to a lesser extent to the west by Allendale itself. More open agricultural land lies to the south and east. On that basis, whilst the proposal would involve the provision of two dwellings in close proximity to the western boundary, these would not have a significantly different effect upon the setting than the dwellings to the north and therefore it is considered that there would be no material effect on the setting of the listed building.
- 10.14. There are no other listed buildings or non-designated heritage assets affected by the proposal.

Impact on Trees

- 10.15. Two trees on the site are covered by an existing Tree Preservation Order, and the weeping willow to the north west of the site is of significance and worthy of retention. The scheme has been amended to retain the willow, and shows the layout giving adequate space to allow for the retention of the trees subject to the preservation order. On that basis the scheme is considered to give adequate

protection to the trees on site, subject to a condition requiring appropriate protection measures to be in place prior to commencement.

Wildlife

- 10.16. The application is accompanied by a biodiversity checklist but no formal ecological report. A previous planning application however was accompanied by a Preliminary Ecological Assessment that has informed the proposed scheme.
- 10.17. That assessment found that there was no evidence of use of the site by bats, but that the hedgerows could support nesting birds, and habitat was evident that could support hedgehogs, and common toads and frogs. Mitigation measures could be implemented to minimise the impact of the scheme on biodiversity on the site.
- 10.18. Subsequently to the production of that report, the hedgerow to the east of the site has been largely felled, for which consent was not required.
- 10.19. Given the removal of habitat for nesting birds, and the potential of the surroundings to support bats, it would be appropriate to include a condition regarding the provision of nesting boxes for a variety of bird species and bats. Similarly a condition mitigating impacts on hedgehogs and amphibians would be appropriate. Conversely, site clearance works do not constitute development and therefore it would only be appropriate to advise the applicant of their responsibilities in this regard prior to development commencing with respect to the relevant legislation.

Other Matters

- 10.20. Several other matters have been raised in relation to the proposal by representations made on the application, and are addressed below.

Unsustainable and overdevelopment of the area.

- 10.21. As noted above, March is one of the two primary market towns within Fenland, and whilst not located towards the centre of the settlement, the application site is in a sustainable location. The application site extends to 0.22Ha in size, and therefore the density of the development is in the region of 9 dwellings per hectare, which is low. Existing densities across the dwellings in Mill Hill Lane are approximately 12 dwellings per hectare. The proposed scheme is therefore appropriate to the surroundings in this respect.

Archaeological work has not been undertaken.

- 10.22. Archaeological investigation in relation to sites such as this is rarely undertaken prior to the submission of a planning application due to the costs incurred. It is normal therefore for a condition to be attached to any permission requiring the agreement of a scheme and the undertaking of works at an appropriate point in the development process.

No turning provision for HGVs and siting is ill-considered with no thought for other residents regarding noise, pollution and dust.

- 10.23. Matters relating to the construction period of any works are not a material consideration in relation to a planning application as they are controlled by alternative legislation, including the Control of Pollution Acts.

Insufficient parking provision.

- 10.24. The parking provision indicated within the application is sufficient to meet the required parking standards within the Development Plan. Subject to the requested condition relating to provision of parking and turning prior to occupation of the properties there is no need to consider the matter further.

Proposed dwellings out of scale (2-storey) with the majority of local dwellings.

- 10.25. Mill Hill Lane and its surroundings demonstrate a variety of scales, from single-storey dwellings, through modest two-storey cottage style properties to large two-storey developments. In that regard, there is no consistent development scale in the immediate vicinity of the application site, and the proposal is considered to be appropriate in this regard.

Bin storage area does not comply with RECAP Waste Management Design.

- 10.26. It is accepted that the indicated bin store is in excess of the RECAP Waste Management Design guidelines regarding distance of the bin store from the dwellings to which it relates. Whilst this is not advised, it is not sufficient to warrant refusal of the application.

Should have been included in pre-application discussions.

- 10.27. There is no requirement for an applicant to include neighbouring residents in pre-application discussions, though this is recommended.

11. CONCLUSIONS

- 11.1. The proposal is for two dwellings within a residential area of one of Fenland's Primary Market Towns. The scheme is located on land identified as being at the lowest risk of flooding, and limits its impact on surrounding dwellings. There are no policies that oppose the principle of the development, and its impacts are or can be made acceptable through the use of appropriate planning conditions.

12. RECOMMENDATION

Grant planning permission subject to 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 demolition/development shall take place until a written scheme of investigation (WSI) for a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or 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.

Reason - To enable the inspection of the site by qualified persons for the investigation of archaeological remains in accordance with a written scheme of investigation

3. Prior to the commencement of development, unless development has commenced within a period of 2 years from the date of this permission, an updated Ecological Report shall be submitted to and approved in writing by the Local Planning Authority; this report shall propose appropriate mitigation along with an implementation strategy for the site. The approved scheme shall then be implemented in accordance the updated Ecological Report, mitigation and implementation strategy.

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

4. Prior to the commencement of any development, a scheme for the provision and implementation of surface 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 surface water drainage and to prevent the increased risk of flooding.

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

Reason - To ensure that retained trees are adequately protected.

6. 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) means of enclosure

b) hard surfacing, other hard landscape features and materials

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

d) planting plans, including specifications of species, sizes, planting centres number and percentage mix

e) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

f) details of siting and timing of all construction activities to avoid harm to all nature conservation features

- g) location of service runs
- h) management and maintenance details

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

7. 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.

8. Prior to the occupation of the dwellings hereby approved, bird nesting boxes and bat boxes/bat tiles shall be installed on the site. The bird nesting boxes shall cater for a number of different species such as House Sparrow, Starling and House Martin, and details regarding numbers, design and locations of all the boxes/tiles shall be provided to and agreed in writing by the Local Planning Authority prior to their installation.

Reason - To safeguard biodiversity in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan, adopted May 2014.

9. Prior to the occupation of the development, the access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that satisfactory access is available into the site at the time of occupation and to prevent surface water from discharging into the highway and causing harm to highway safety.

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

Reason - To ensure the permanent availability of adequate parking/turning facilities on site to ensure that the development is not detrimental to highway safety.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in

writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement detailing how this unsuspected contamination shall be dealt with. The development shall then proceed in accordance with the approved Method Statement.

Reason - To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

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



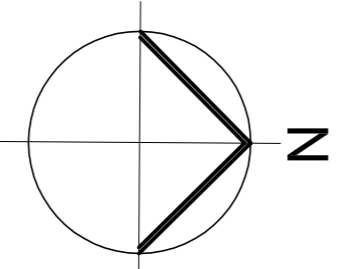
Existing Site Plan 1:500



Proposed Site Plan 1:500



Location Plan 1:1250



Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED DEVELOPMENT

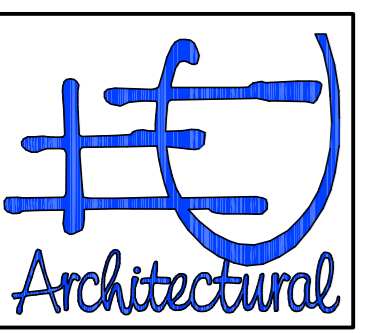
SITE
LAND AT ALLENDALE,
MILL HILL LANE
MARCH
PE15 9QB

DRAWING
PROPOSED SITE PLAN

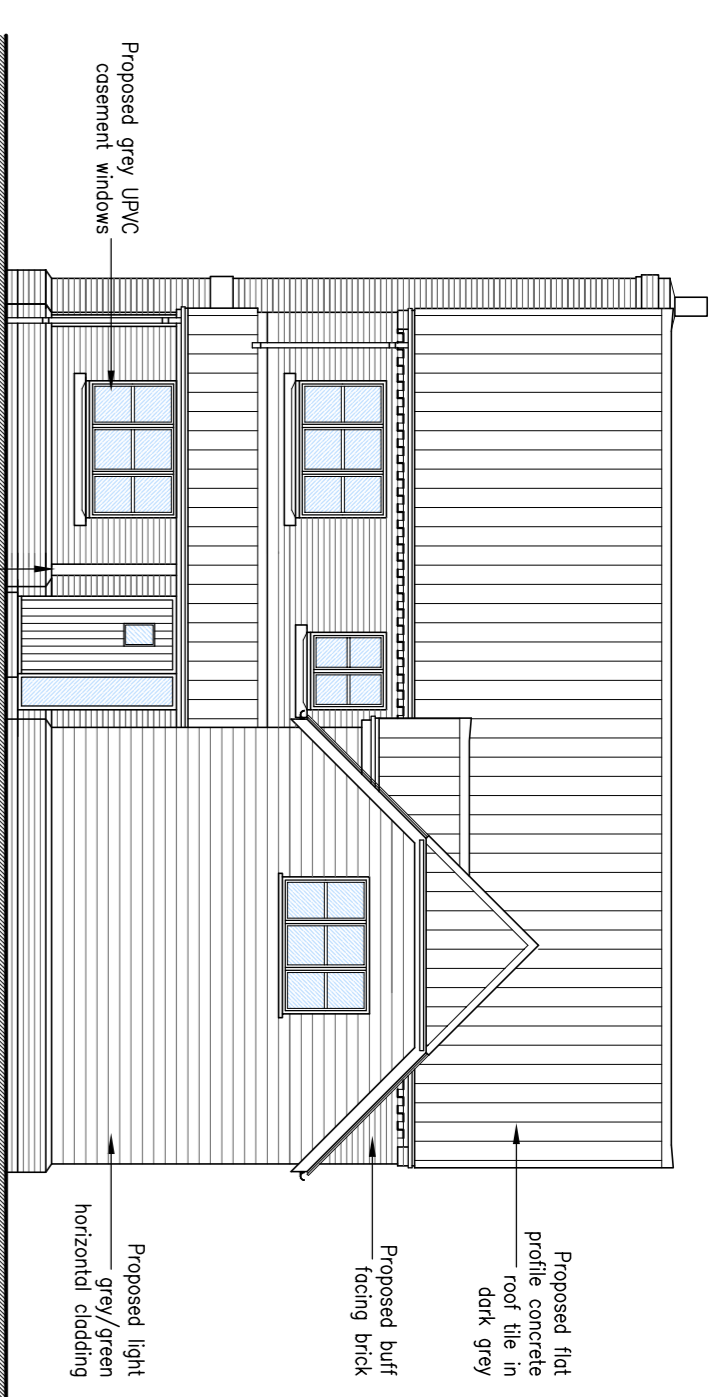
CLIENT
SARA FINK

DATE JAN 2018 SCALE AS SHOWN JOB NO. 5808/01F

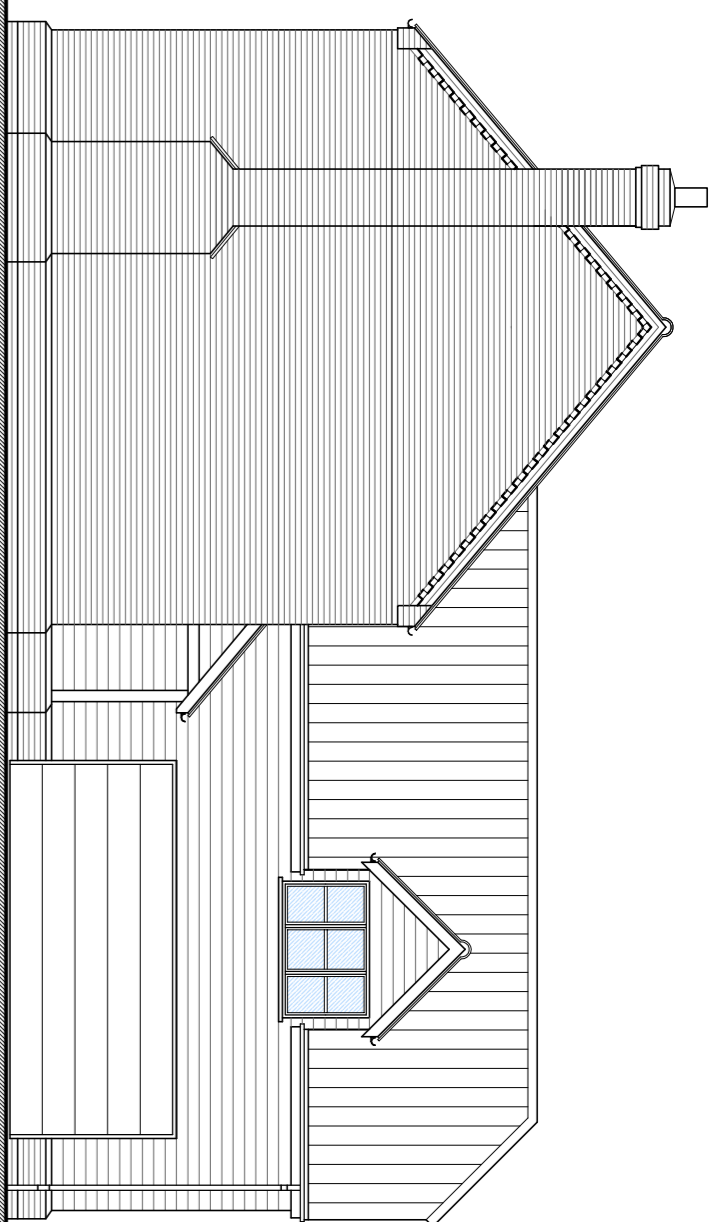
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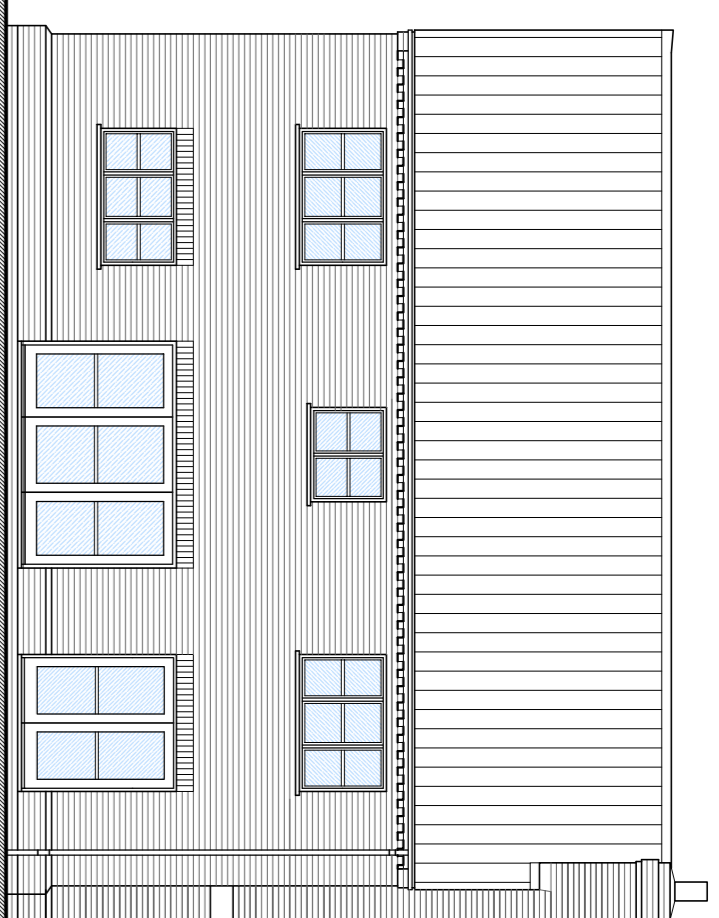
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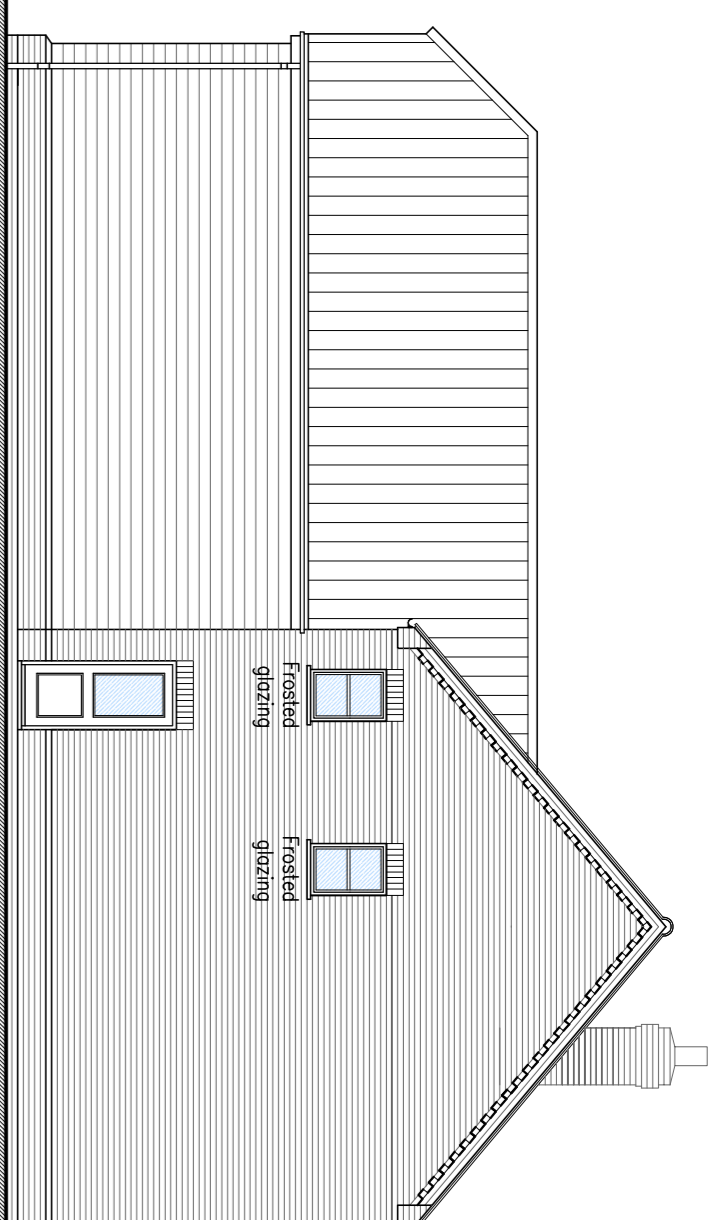
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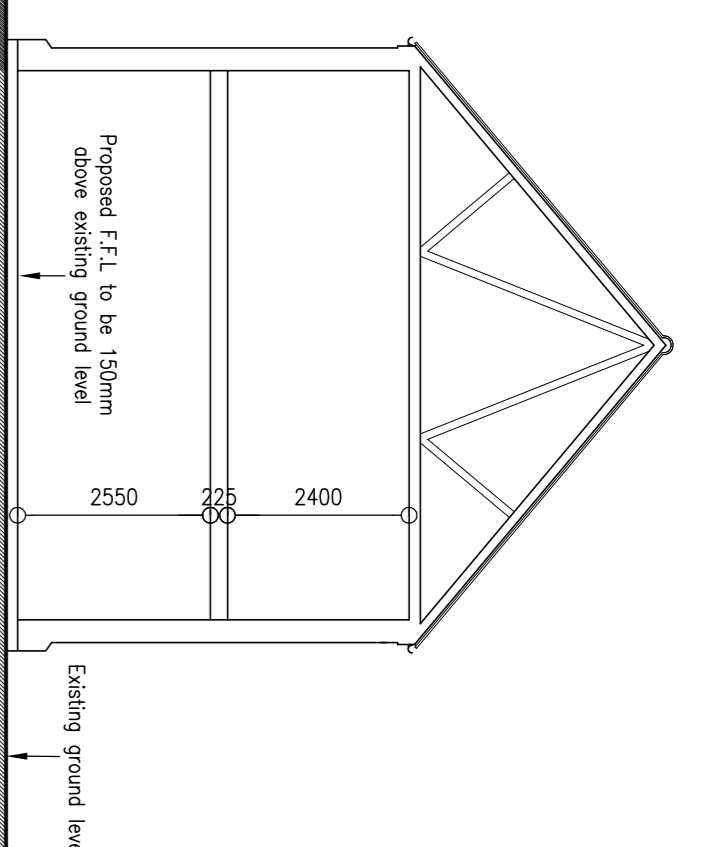
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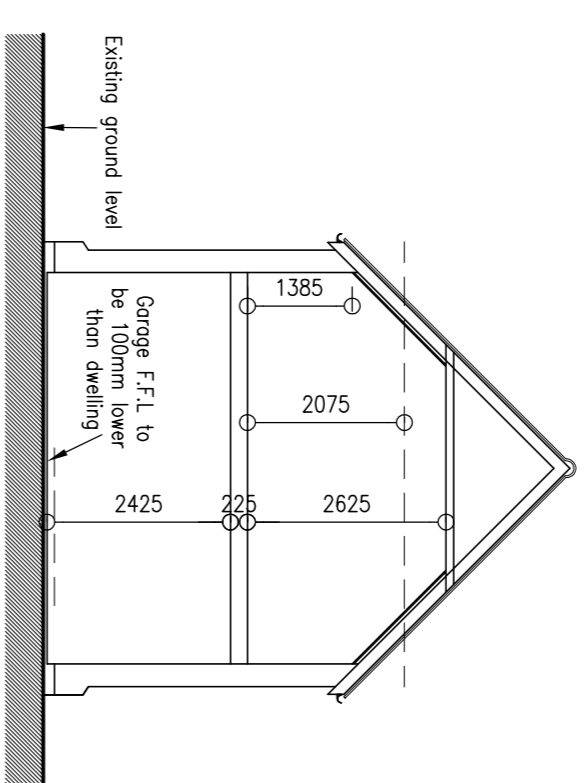
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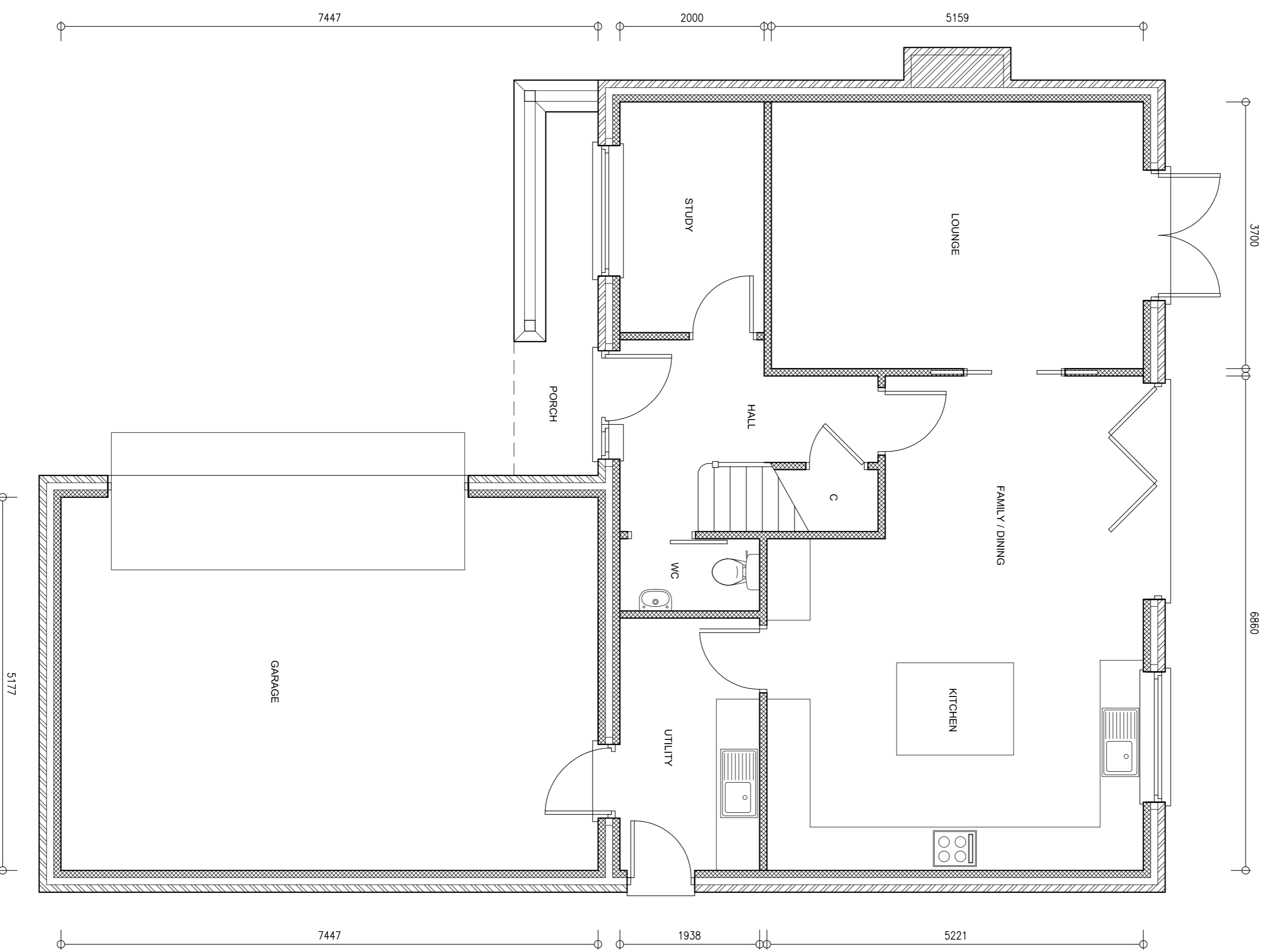
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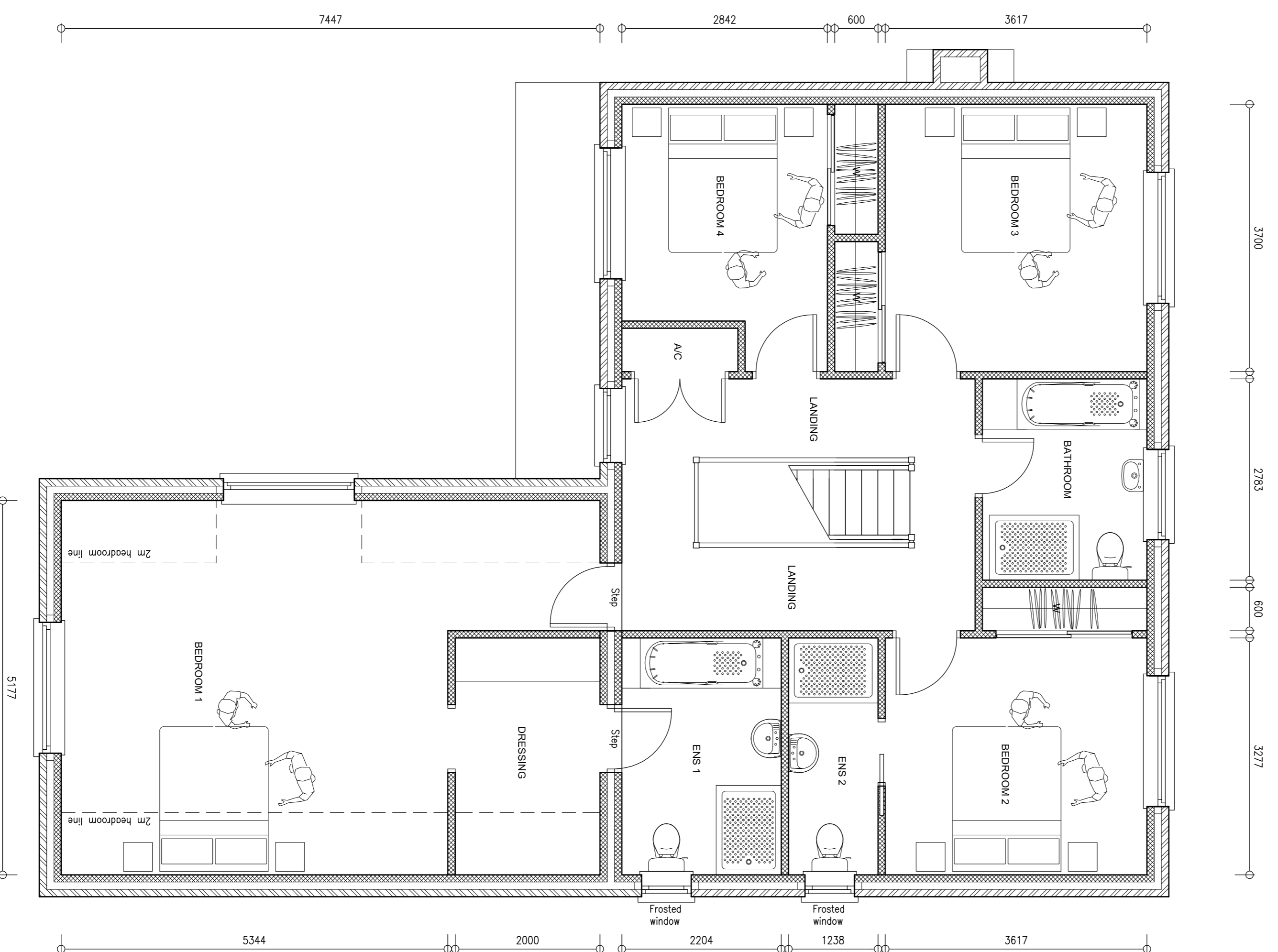
Proposed Dwelling Section 1:100



Proposed Garage Section 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50

Deter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED DEVELOPMENT

SITE
LAND AT ALLENDALE,
MILL HILL LANE
MARCH
PE15 9QB

DRAWING
PROPOSED DWELLING - PLOT 1

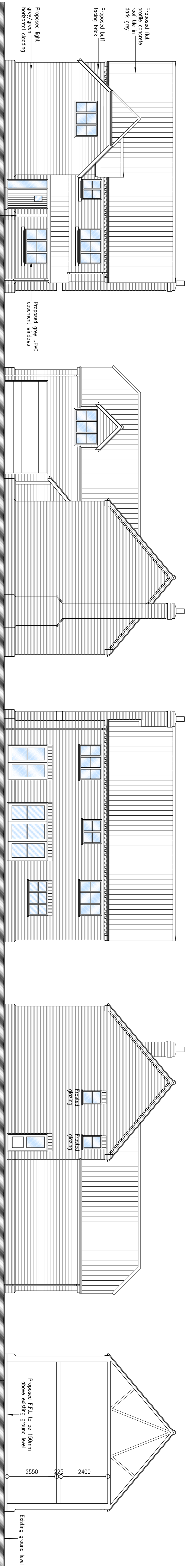
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Building
REGISTERED CONTRACTOR NO. 207113
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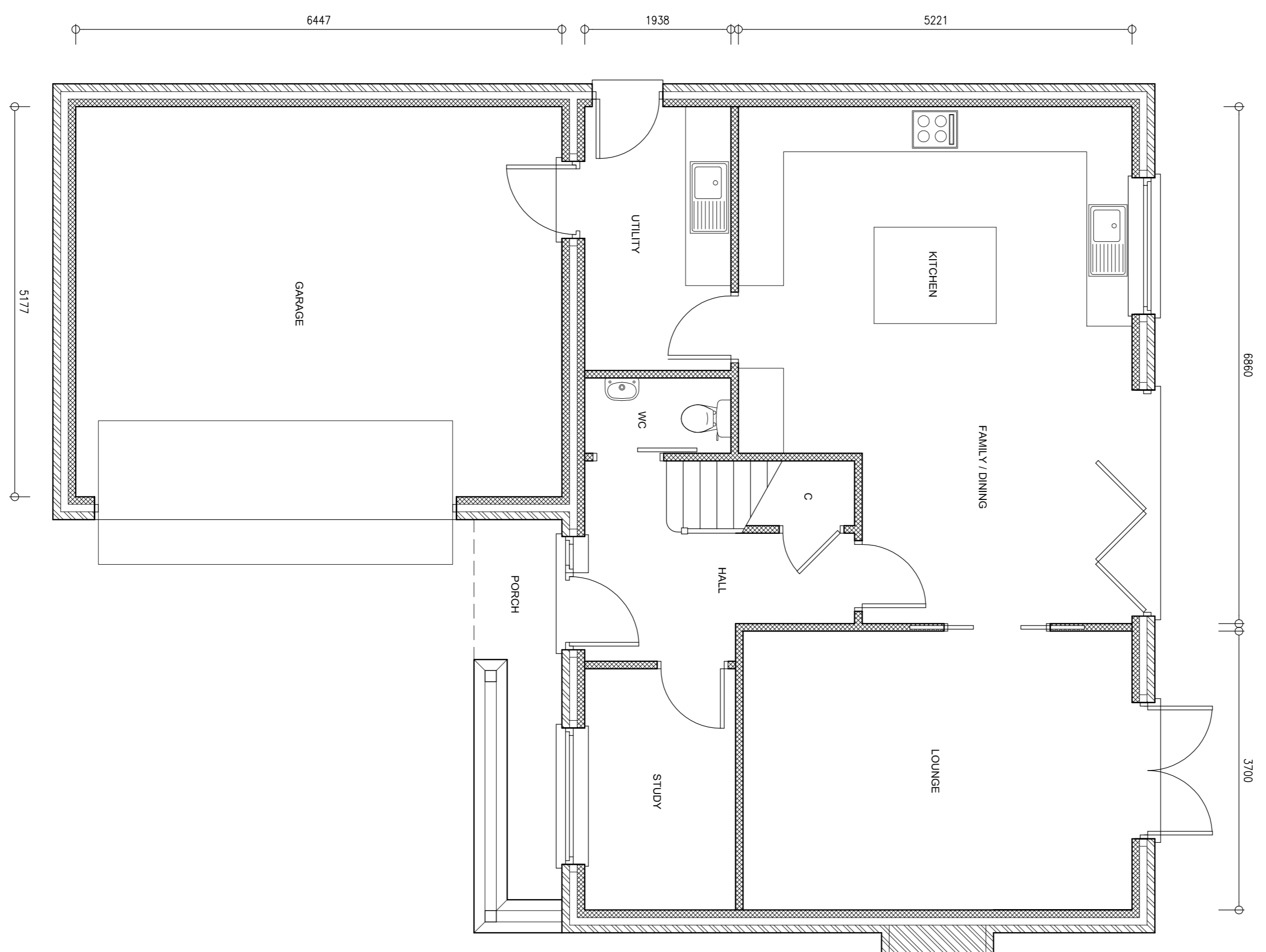
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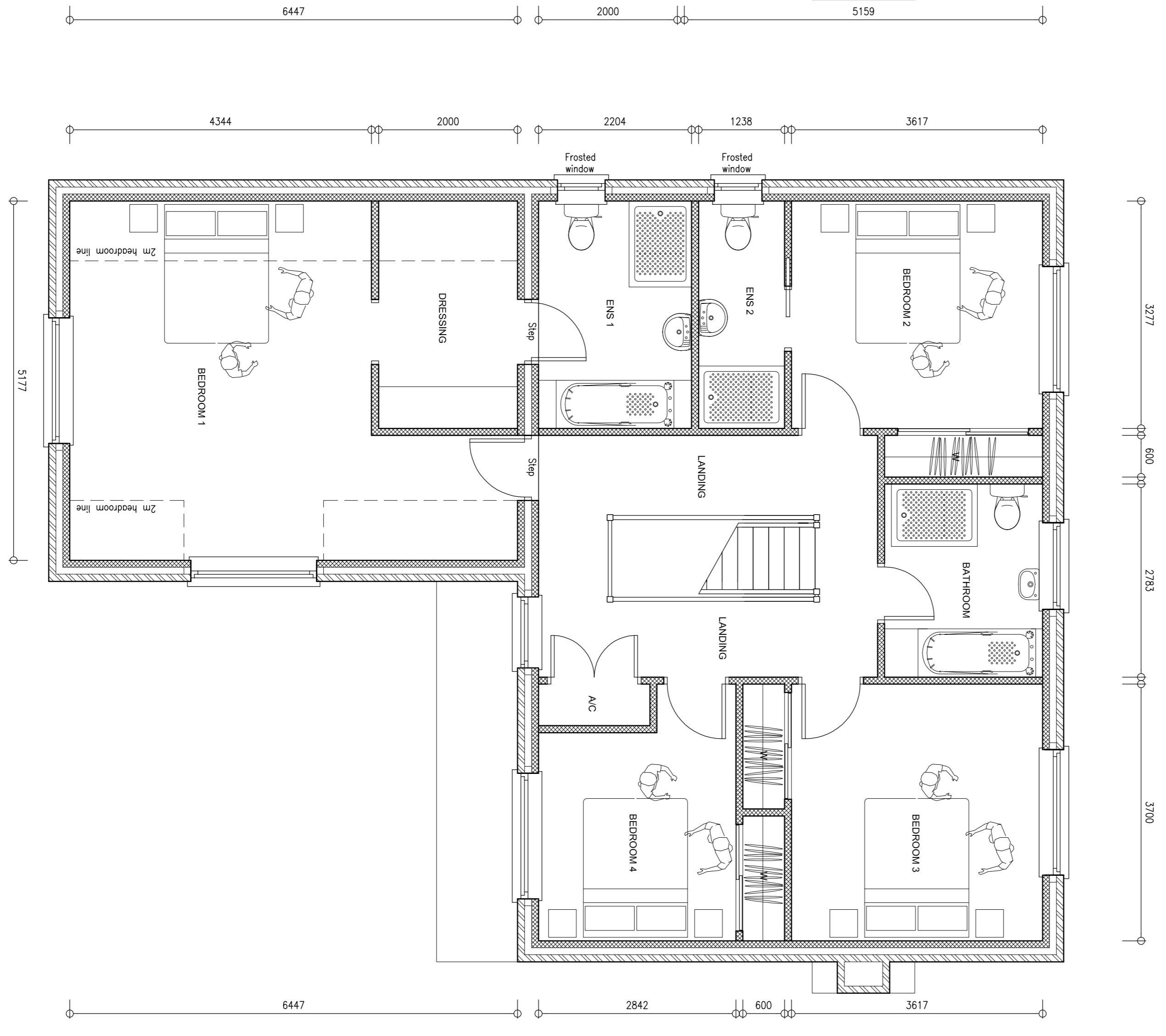
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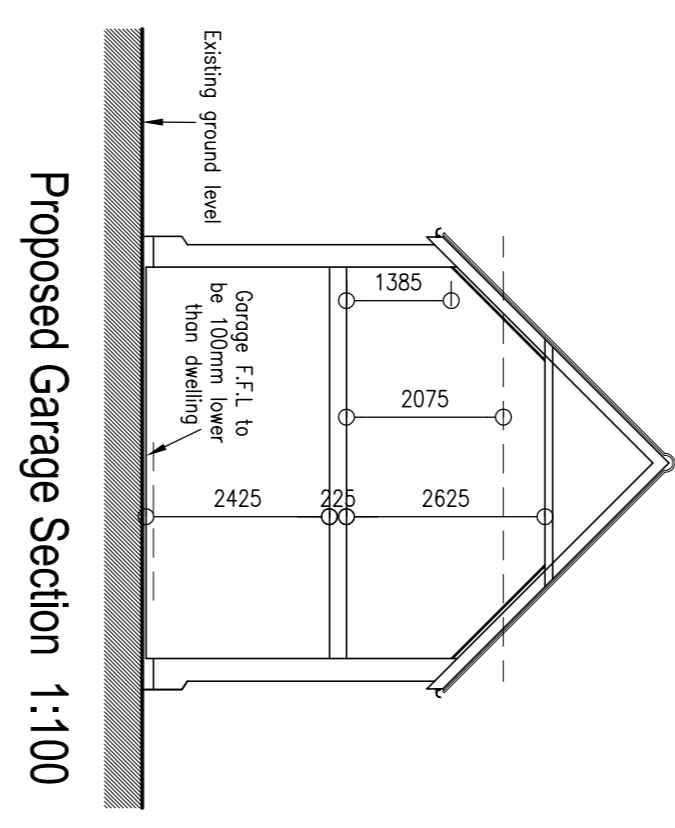
Proposed Dwelling Section 1:100



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Garage Section 1:100

Deter Humphrey Associates Ltd.
 ARCHITECTURAL DESIGN AND BUILDING

PROJECT
 PROPOSED DEVELOPMENT

SITE
 LAND AT 'ALLENDALE',
 MILL HILL LANE,
 MARCH
 PE15 9QB

DRAWING
PROPOSED DWELLING - PLOT 2

CLIENT
SARA FINK

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F/YR18/0466/F

Applicant: Mr L Fox

Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd

Land South Of 92, Elliott Road, March, Cambridgeshire

Erection of 2 x single-storey 3-bed dwellings involving demolition of garage and outbuildings

Reason for Committee: 6 objections received from nearby properties contrary to the recommendation, and previous application on the site reported to Committee.

1. EXECUTIVE SUMMARY

The proposal is a full application for the erection of two dwellings on a site previously the subject of a refusal of outline planning permission.

The application site is a backland development site, however the site layout submitted shows that the dwellings can be accommodated in such a way as to protect the amenity of its surroundings and safeguard the character of the area.

There is considered to be no justification for the refusal of the scheme.

2. SITE DESCRIPTION

2.1. This application relates to a 0.12 hectares site with a large bungalow located on the southern side of Elliott Road within March. The bungalow has a large rectangular rear garden and a detached garage at the side. The garden is on slightly lower ground level. All properties adjacent to the site are bungalows.

2.2. The site is predominantly within Flood Zone 1 but with an element within flood zone 2.

3. PROPOSAL

3.1. The application proposes the construction of 2 single-storey dwellings with a private access driveway from Elliott Road down the side of the existing dwelling, requiring the existing garage to be demolished, and for provision of parking/turning on the basis of two parking spaces per dwelling.

3.2. 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/YR17/1067/O	Erection of up to 2no dwellings (outline application with matters committed in respect of access)	Refused 2.3.18
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5. CONSULTATIONS

6.

6.1. **March Town Council:** Recommend refusal due to local flooding issues

6.2. **Cambridgeshire County Council Highways Authority:** No objections.

Condition requested regarding provision of the parking/turning prior to first occupation of the development.

6.3. **FDC Environmental Health:** No objection. Condition regarding unsuspected contamination requested.

6.4. Seven letters have been received from members of the public in relation to the proposal (6 separate residential properties) raising the following points for consideration:

- Led to believe that Fenland District Council would no longer allow any house building in rear gardens.
- Roof line will block the sun from neighbouring rear gardens.
- Development will spoil the peace and harmony of the small community.
- Traffic already has difficulty passing along Elliott Road, more vehicles may make this impossible.
- Drainage has been a problem for several years, will a new drainage system be included when the application is passed.
- Overdevelopment of the site.
- More dwellings means more noise from children, dogs and garden toys.
- The applicant runs a business from 92 Elliott Road, what provision has been made for parking and storage of materials.
- Impact on privacy to neighbouring gardens.
- Proposal will result in problems from dust and vibration.
- How is the asbestos roofing from the shed to be disposed of?
- No mention is made of potential contamination from the use of the site in the past for breeding racing pigeons.
- The applicant has not stated how foul sewage is to be disposed of, nor demonstrated that a soakaway will be sufficient to deal with surface water.

7. 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).

8. POLICY FRAMEWORK

8.1. National Planning Policy Framework (NPPF)

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

Paragraph 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, and encourage the effective use of land

Paragraph 49: Housing to be considered in the context of presumption in favour of sustainable development

Paragraph 53: Resisting inappropriate development of residential gardens

Paragraphs 56-57: Good and inclusive design

Paragraph 60: Reinforcing local distinctiveness

Paragraph 63: Great weight given to outstanding or innovative design

Paragraph 64: Permission should be refused for development of poor design

Paragraph 100-104: Sequential test & flood risk

Paragraph 111: Previously developed land

8.2. National Planning Practice Guidance (NPPG)

Determining a planning application

8.3. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP9 – March

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

8.4. March Neighbourhood Plan 2017

Policy H2 – Windfall Development

9. KEY ISSUES

- **Principle of Development**
- **Character and Amenity**
- **Highway Safety**
- **Flood Risk & Drainage**
- **Other comments**

10. BACKGROUND

- 10.1. A previous scheme, made in outline with all matters reserved bar means of access, was previously considered by the Committee and refused on the grounds that the backland location would be at odds with the prevailing pattern of development in the vicinity of the site and that the proposal had failed to demonstrate that the amenity of neighbouring residents would not be adversely impacted in terms of loss of privacy and outlook.

11. ASSESSMENT

Principle of Development

- 11.1. The proposal is located within the settlement of March, identified within policy LP3 of the Fenland Local Plan (2014) as one of four Market Towns, within which the majority of the district's new housing should take place.

- 11.2. Whilst residential garden land is not included within the definition of previously developed land, the National Planning Policy Framework does not oppose development of residential gardens in principle, instead noting that local planning authorities should consider “setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”
- 11.3. In this regard, policy LP16 of the Fenland Local Plan seeks to deliver and protect high quality environments across the district, but does not preclude the principle of development of residential gardens where that development would not harm the various detailed elements set out within the policy (considered under the heading Character and Amenity).

Character and Amenity

- 11.4. The application site is a garden in an area almost entirely residential in nature. The development form in the vicinity is characterised by small clusters of dwellings accessed via cul-de-sacs from Elliott Road, which forms an access spine to the area. This arrangement means that the majority of dwellings in the area are constructed with modest rear gardens, however the property in question boasts a significant amount of land associated with it in relation to the size of the dwelling itself. There are several examples in the immediate locality of similar sites where backland development has taken place in the relatively recent past, including 127B Elliott Road, 70A Elliott Road, 66A and 66B Wisbech Road, all of which are located within 250 metres of the site.
- 11.5. Development in the area is predominantly of single-storey brick construction, and the layout pattern is such that the existing developments to the rear of Elliott Road are visible through gaps in the built form. Many of the developments in the vicinity also benefit from parking to the side of the dwellings and therefore individual driveways running in between properties or groups of properties are not uncommon.
- 11.6. In terms of amenity impact, the residential dwellings to the east of the site are oriented so that their rear elevations face the site, whilst the dwellings to the south and west look out parallel to the shared boundaries with those dwellings rather than directly at the development. 6 Waveney Drive is the property most likely to be affected by the scheme as it is located directly to the east of the proposed plot 2, which is set in by approximately 2.5 metres from the side boundary of the site, and therefore is approximately 12 metres from the main section of the rear elevation of 6 Waveney Drive. Given there is an existing closeboard fence located between the existing and proposed dwellings, which are both single-storey, there will not be an unacceptable impact on privacy, with the other dwellings surrounding the site experiencing lesser impacts. Similarly, the residential use of the dwelling is such that there will not be unacceptable impacts with regard to noise or light pollution from the proposal, whilst the single storey nature of the dwellings means that the impact of the scheme in relation to light received by the neighbouring properties is within acceptable limits.

Highway Safety

- 11.7. Several of the objection letters received in response to the proposal indicate that the implications of the additional traffic generated by the development will exacerbate existing issues in relation to vehicular movement along Elliott Road.
- 11.8. Policy LP15 of the Fenland Local Plan notes that “*development schemes should provide well-designed, safe and convenient access for all*”.

- 11.9. In this regard, the proposed dwellings would utilise the existing access point used by the dwelling as its driveway to provide access to the new properties to the rear. Alternative parking is shown to be provided for the host dwelling, whilst provision of 2 spaces per dwelling, including an allowance for vehicle turning, is also noted on the site. On this basis, the Local Highways Authority have confirmed they have no objection to the proposal, though a request is made to include a condition requiring the parking and turning to be provided prior to occupation of the dwellings.
- 11.10. Given the width of the existing access and the proposed provision indicated on the submitted plans, there is no indication that the proposed access point would be unsafe.
- 11.11. With regard to the wider issue of traffic levels in the area, there are over 500 registered addresses gaining access from Elliott Road or its subsidiaries, with the proposed 2 dwellings therefore representing 0.36% of the total burden. This figure is not sufficient to indicate that the proposal would have a noticeable impact on the traffic levels experienced in the area.

Flood Risk & Drainage

- 11.12. The majority of the application site, including all of the proposed built elements of the development, lie within flood zone 1, the area of lowest flood risk. A marginal section of the site to the very southern boundary lies within flood zone 2. On that basis, the land within flood zone 2 will remain as garden land and therefore there is no change in land use or flood risk to this section of the application site. As the remainder of the site is located within flood zone 1, a sequential test is not necessary in relation to the proposal, which is therefore compliant with policy LP14 of the Fenland Local Plan (2014).
- 11.13. No comments have been received from the Internal Drainage Board with regard to the proposal, however in response to the comments made in this regard, the applicant has indicated their willingness to a planning condition requiring the approval of a detailed drainage scheme prior to commencement of the development.

Other Comments

- 11.14. The representations received in relation to the scheme raise several other matters, which are considered as follows.
- 11.15. There are no policies preventing the development of rear gardens as a matter of principle.
- 11.16. The application site, excluding the shared access driveway, measures approximately 0.1 Hectares, leaving a development density of approximately 20 dwellings per hectare. This compares favourably with the plot sizes of many of the surrounding developments, and the two proposed dwellings meet the requirement in Policy LP16 (h) to retain at least one third of the plot for private amenity space. The scheme is therefore not considered to represent overdevelopment of the site.
- 11.17. There is no evidence to suggest that the construction of the proposed dwellings will result in more noise and disruption from children, dogs or garden toys, as such things would be entirely dependent on the particular occupants of the dwellings.

11.18. Note is made of problems caused from dust and vibration. It is assumed that this relates to the construction period in relation to the proposal. Construction related impacts are not material to the consideration of a planning application.

11.19. Disposal of the alleged asbestos roofing material from the shed indicated as being demolished is controlled by separate legislation that the developer would have to comply with, and is not material to the decision to approve or refuse the proposed dwellings. The Environmental Health team have requested the imposition of a condition relating to unsuspected contamination in relation to the site, which would require the agreement with Fenland District Council

12. CONCLUSIONS

12.1. The proposal is for two single-storey dwellings within a residential area of one of Fenland's Primary Market Towns. The scheme is located on land identified as being at the lowest risk of flooding, and is designed so as to limit its impact on the surrounding properties. There are no policies that oppose the principle of the development, and its impacts are or can be made acceptable through the use of appropriate planning conditions.

13. RECOMMENDATION

13.1. Notwithstanding the previous refusal, grant planning permission subject to 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. Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul and surface water drainage shall be submitted and approved in writing by the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme and thereafter retained in perpetuity.

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

3. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with. The development shall proceed in accordance with the approved Method Statement.

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

4. 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) proposed finished levels
- b) means of enclosure
- c) hard surfacing, other hard landscape features and materials
- d) existing trees, hedges or other soft features to be retained
- e) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- f) management and maintenance details

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

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. Prior to the first occupation of the development the proposed on-site parking /turning, including the provision indicated for the existing dwelling, shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (or any other Order revoking or re-enacting that Order with or without modification), no additional windows other than those shown on the plans hereby approved shall be placed in the west, east or south elevations of the development hereby approved.

Reason - To protect the amenities of the adjoining properties.

8. 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);

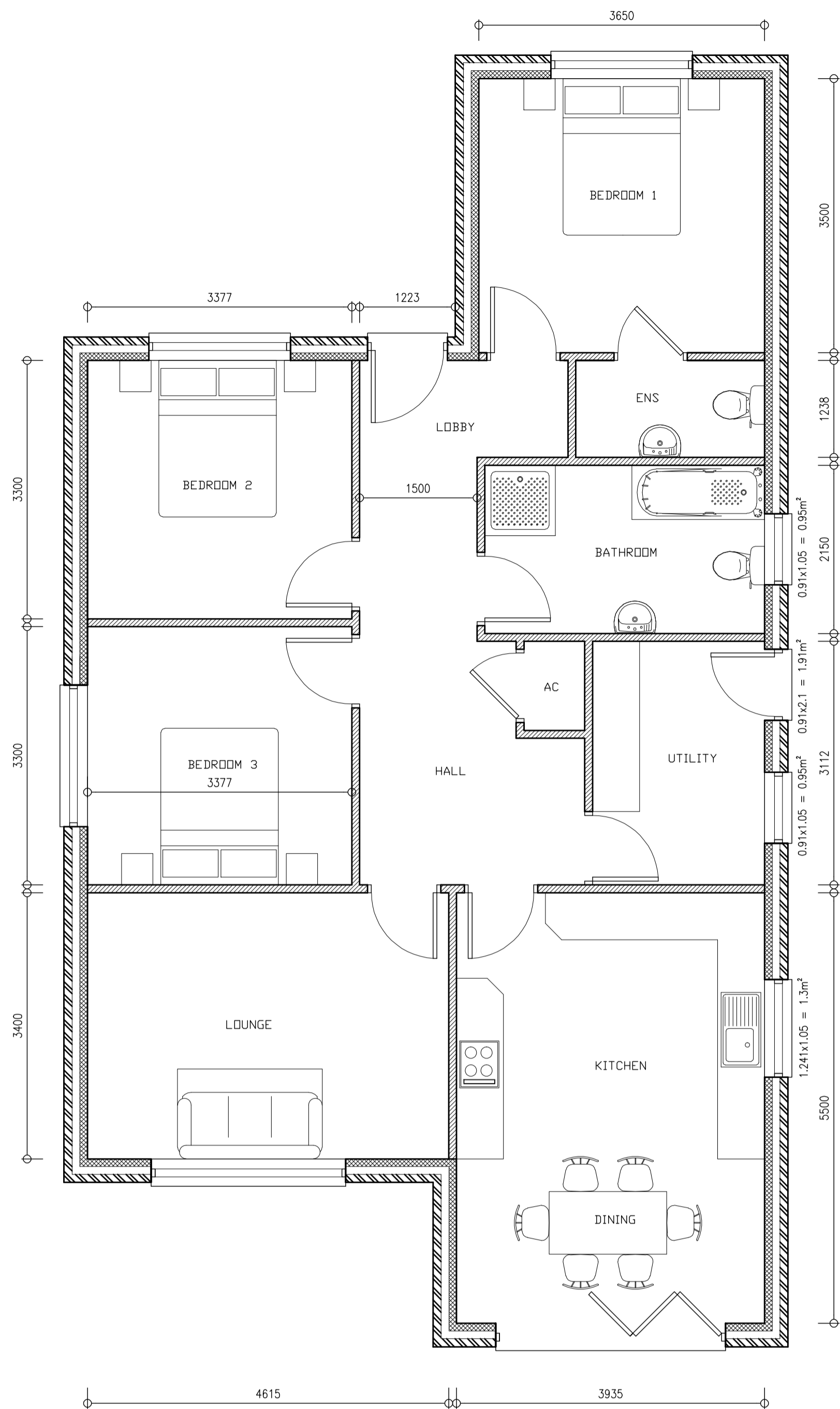
ii) the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);

Reason - To ensure that the relationship between the dwellings and their neighbours remains acceptable in amenity terms, and to ensure that sufficient private amenity space is available to the properties in line with policy LP16 of the Fenland Local Plan (2014).

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



Proposed Site Plan 1:200

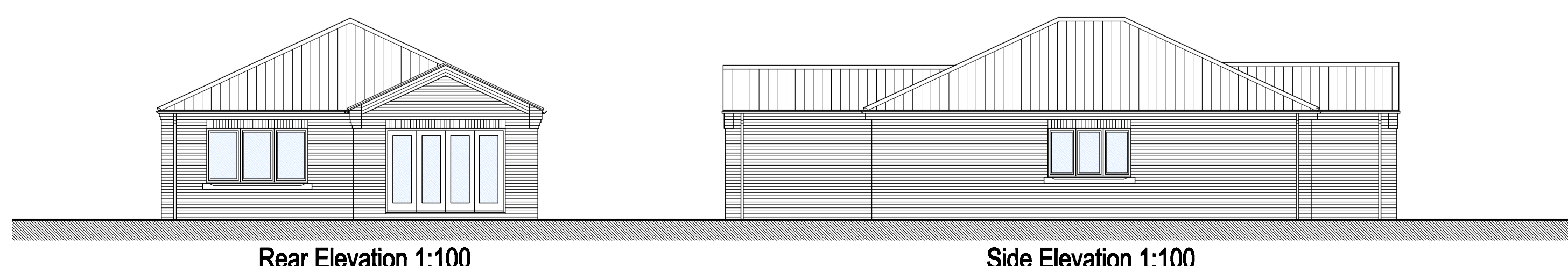


PLOT 1 & 2



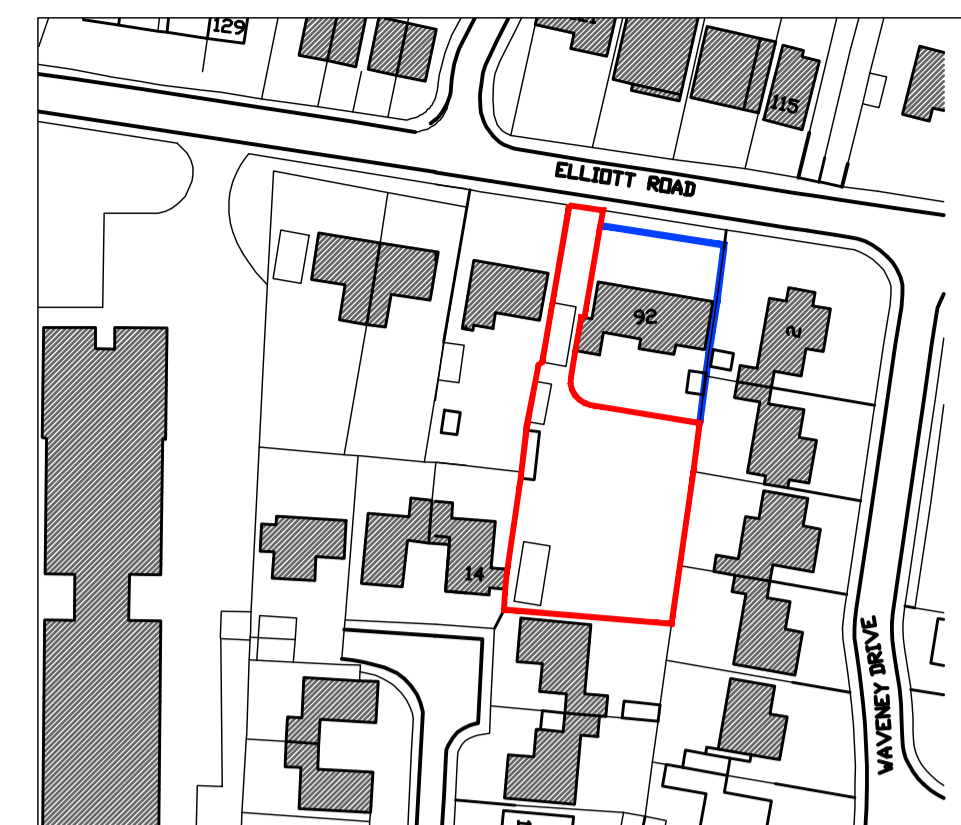
Front Elevation 1:100

Side Elevation 1:100

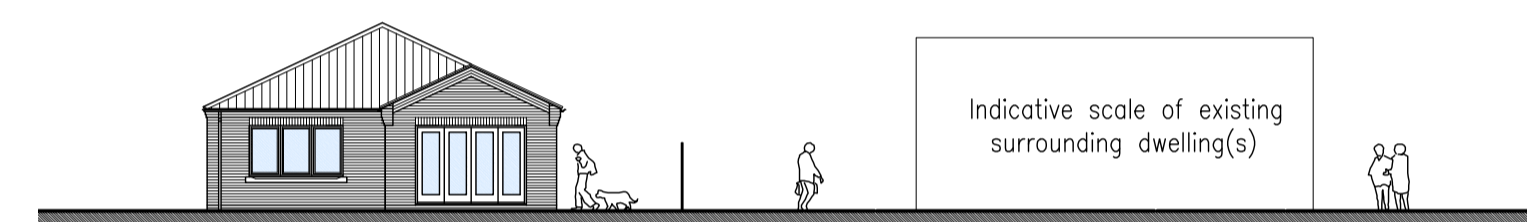
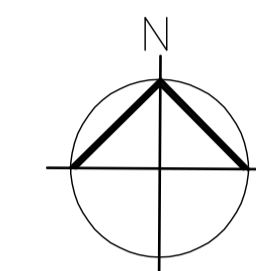


Rear Elevation 1:100

Side Elevation 1:100



Location Plan 1:1250



Plot 2
(Rear Elevation)
Indicative amenity scale 1:200

6 Waveney Drive

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED 2no. detached 3 bed bungalows.

SITE
SOUTH OF ALDEBY
92 ELLIOTT ROAD
MARCH
PE15 8BU

DRAWING
PLANNING - Proposed

CLIENT
Mr L Fox

DATE: April 2018 SCALE: As Shown at A1 JOB No. 5846/01B

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WITHOUT THE CONSENT OF PETER HUMPHREY ASSOCIATES

Peter Humphrey Associates
ARCHITECTURAL DESIGN AND BUILDING
TELEPHONE: 01945 466 966
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31 OLD MARKET WISBECH CAMBS PE15 1NB
Fenland District Council
Building Design Awards
Building Excellence in Fenland
Category Winner 2010/11
Overall Winner 2012

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PLANNING COMMITTEE DATE: 18th July 2018

APPLICATION NO: F/YR18/0466/F

SITE LOCATION: Land South of 92 Elliott Road, March

UPDATE:

Additional condition.

Insert as condition 9

Prior to the first occupation of the dwellings hereby approved, details of the proposed bin storage facilities for each of the new dwellings shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason – to ensure that appropriate waste storage facilities are available and that bin storage does not have a detrimental impact on the properties or their surroundings in accordance with policy LP16 of the Fenland Local Plan (2014).

Re-number condition 9 to read as condition 10.

Recommendation: Grant planning permission as per the main report with the addition of the above condition and the renumbering of condition 9.

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F/YR18/0489/F

Applicant: Mr & Mrs Faulkner

**Agent : Mr Liam Lunn-Towler
Peter Humphrey Associates Ltd**

1 Exchange Square, Wisbech, Cambridgeshire, PE13 1RA

Retention of 7no first floor windows (retrospective); replacement of 2no first floor windows to uPVC and installation of guard railings to ground and first floor windows

Reason for Committee: (i) Called in by Cllr Oliver to ensure consistency of decisions (noting there are other uPVC windows within the conservation area), recognising public support and the need to ensure the welfare of the residents; noting that the windows are high quality and had been installed for some time without concern. Also indicate support for the protective grilles to the windows due to antisocial behaviour.(ii) due to the level of support received for the scheme and the recommendation of the Town Council being at variance to the officer recommendation.

1 EXECUTIVE SUMMARY

This submission seeks full planning permission to retain 7 no. uPVC windows, install a further two uPVC windows and install guard railings to the ground and first floor windows of a building of Local Importance situated within the Wisbech Conservation Area.

There are a range of long established safeguards expressed through conservation and planning policy which seek to ensure that the essential qualities of heritage assets are safeguarded. The use of uPVC is unacceptable in conservation and heritage terms and it is considered that it results in the erosion of the building's character through the manner the window design has translated to a UPVC window

The window guard railings are considered a positive solution in design terms to address issues of antisocial behaviour it is not possible to grant consent in part and as such the scheme must be refused in its entirety.

Consideration has been given to the representations made by the applicant and interested parties however there is no flexibility to make allowances in terms of planning policy on the basis of the applicant being misinformed as to the need for consent and that hardship may accrue should consent not be forthcoming

The case put forward regarding residential amenity and community safety has been given appropriate weight however the use of uPVC per se does not in itself address these issues. It is contended that similar results would be achieved with timber windows fitted with double glazed units, and such windows could be delivered without adverse heritage impacts to this Building of Local Importance situated within the Conservation Area.

Furthermore the LPA response to this application will set the scene for the determination of similar applications in the future; to allow inappropriate materials will it is considered publically undermine the established planning policy and conservation

strategy for Wisbech.

2 SITE DESCRIPTION

- 2.1 1 Exchange Square, Wisbech is located within the Wisbech Conservation Area and occupies a prominent position on the corner of Exchange Square and Chapel Road. It is a mid-late 19th century building with a multifaceted façade. Its east elevation fronts Exchange Square, which is an open element of the street scene and its north elevation faces Chapel Lane. The building has been designed with a chamfered north-east corner which draws the eye and stands out in views looking west down from the Old Market. The building is seen from multiple angles.
- 2.1 The building is unlisted but it is identified as a building of Local Importance within the Wisbech Conservation Area Appraisal (March 2016) and accordingly is a non-designated heritage asset.

3 PROPOSAL

- 3.1 The proposal comprises two distinct elements the first being the retention of seven uPVC windows at first floor and the replacement of two further first floor windows, again with a uPVC product and the second element being the installation of guard railings to the ground and first floor windows.

Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=P8RSJGH E01U00&activeTab=summary>

4 SITE PLANNING HISTORY

F/YR13/0291/F	Change of use of restaurant and 3-bed flat to 1 x 1-bed and 3 x 2-bed flats	Granted 27/06/2013
F/YR12/0110/F	Erection of a single-storey side extension and 2.2 metre high steel fence and gates to existing restaurant	Application Withdrawn
F/YR08/1093/F	Erection of single-storey rear extension to existing building involving demolition of existing store	Granted 19/02/2009

5 CONSULTATIONS

5.1 Town Council

Recommend that the application be supported

5.2 Designing Out Crime Officers

Thank you for the opportunity to comment on the above Full Application in regards to impact on community safety and vulnerability to crime and disorder.

I can confirm that I have visited the above business premises as part of my action plan with the Constabulary Licensing Officer to reduce the level of alcohol fuelled violence in this area of Wisbech. The above business premises have had a high number of incidents of criminal damage in regards to smashed ground floor

Agenda Item 8

windows and damage to the window frames, repairs have been costly and had to be repeated due to the number of incidents. Crime prevention advice has been given to the business and having viewed this Application I am supportive of the installation of guard railings to ground and first floor windows.

I consider that their design is not only in keeping with the buildings appearance but will also hugely improve the current security of the whole premises.

Should the Applicant require more security advice I have passed on my contact details.

5.3 FDC Conservation Officer

The Conservation Section cannot support the retention of the UPVC windows installed in this historic building, a Building of Local Importance/non-designated heritage asset within the Wisbech Conservation Area. In the context of the Wisbech Conservation Area the UPVC fails to preserve or enhance the character and appearance of the conservation and is therefore contrary to S72 Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy LP18 Local Plan (2014). No objection is raised to the installation of the proposed guard rails.

5.4 Senior Archaeologist (CCC)

The sash windows which had already been replaced by 2015 appeared to be in good repair in photographs of the exterior taken in July 2014, therefore point 3 in favour of retention of the UPVC replacements ('enhancement') on p3 of the 'Design, Heritage and Supporting Statement' document, suggesting that they have improved the external appearance of this locally listed building, is a spurious claim. However notwithstanding the lamentable loss of the original timber windows, we have no objections or requirements for this development.

5.5 North Level Internal Drainage Board

North Level District I.D.B. have no comment to make with regard to this application.

5.6 Local Residents/Interested Parties: 8 letters of support were submitted with the application these may be summarised as follows:

- Retreat Hairdressing brings life and customers to this part of Wisbech
- Owners have brought this unloved building back to life and vastly improved the building
- Would hate to see ground floor windows continually boarded up
- Has experience of antisocial behaviour in area and sympathise with owners
- Their own business has suffered 4 broken windows within a year
- Consider upper floor windows improve the building in a tired looking area
- Upper floor windows inoffensive, old windows were tired and depressing, they are sash windows in keeping with the look of the building
- Sympathise with owners
- Have no problem with the retention of the 1st floor windows
- If they are protecting the family against noise and the behaviour outside surely they are improving living conditions
- Aware of antisocial behaviour in the area; note how difficult it is to police from the ASB
- Worried about the impact the currently boarded up windows have on area in terms of passing trade

Agenda Item 8

- There are other breaches of planning control within the town, everyone should be treated in the same manner
- If you can permit the eyesore in the High street to be built cannot see problem with energy efficient windows in this salon
- Investment has already been made by fitting the original windows

In addition to the above a 588 signature petition has been submitted, those signing indicate their support for the owners right to keep the plastic windows

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 11 – 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 131 – LPA should consider sustaining and enhancing heritage assets (HA) and putting them to viable uses, the positive contribution HA can make to sustainability communities including economic viability

Paragraph 132 – weight should be given to the significance of the heritage asset, the more important the asset the greater the weight

Paragraph 133 – where a proposed development will lead to substantial harm to or total loss of the significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss

Paragraph 134 – where a development proposal causes less than substantial harm to a heritage asset this harm should be weighted against the public benefits, including securing its optimum viable use

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

8 KEY ISSUES

- 8.1 The National Planning Policy Framework attaches great importance to the design of the built environment, and paragraph 9 of the NPPF outlines that pursuing

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sustainable development involves seeking positive improvements in the quality of the built environment. The 'Core Planning' principle of 'always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings' is outlined in paragraph 17 of the NPPF.

8.2 Policy LP16 of the Fenland Local Plan 2014 seek to ensure that when considering proposals for new development, issues including the scale, style, character, appearance and amenity are taken into consideration. LP18 seeks to protect and enhance Fenland's heritage assets and runs in parallel to LP16. Community safety is addressed under Policy LP17.

8.3 Given the above policy framework the following key issues are identified as relevant to the consideration of the proposal:

- Background
- Principle of Development
- Heritage Context
- Heritage assessment – Windows retention and replacement
- Heritage assessment – Guard rails
- The justification for retention
- Planning Balance

9 BACKGROUND

9.1 In January 2018 pre-application advice was sought regarding the replacement of ground floor windows with uPVC, arising from this enquiry it became apparent that some first floor windows had been changed from timber sash windows to uPVC and that this work had been undertaken without planning permission.

10 ASSESSMENT

Principle of Development

10.1 Planning permission is required to make alterations, including the replacement of windows, where works materially affect the external appearance of a building. Notwithstanding this there is also an Article 4 (2) Direction in place for the Wisbech Conservation Area which restricts permitted development rights, and this includes the replacement of windows.

10.2 One of the clear policy aims of the Fenland Local Plan is to protect, conserve and seek opportunities to enhance the historic environment having due regard to the significance of the asset; this being firmly underpinned by national planning policy. Whilst weight may be given to other material considerations there is a clear steer with regard to heritage matters that the overriding aim should be to resist inappropriate development which causes harm to heritage assets unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (Para 133 of the NPPF refers).

10.3 In parallel to the above the FLP does identify the need to create safe environments to prevent crime (Policy LP17) and in addition the need to facilitate the health and well-being of its residents by supporting proposals which help to reduce crime, the fear of crime and anti-social behaviour.

Heritage Context

- 10.4 The conservation area in Wisbech was first designated on 26th March 1971, with boundary amendments in 1980 and again in 2008. It was the first conservation area to be designated in the district and 227 listed buildings; representing over 1/3 of Fenland's total number of listed buildings; There are also a further 31 buildings within the conservation area that are recognized as being of local importance given that they hold a local heritage interest and make a contribution to the character and appearance of the town. 1 Exchange Square, once the Wisbech Arms Public House, was first recognized as a Building of Local Importance in 1995.
- 10.5 With a high density of listed buildings much of the Wisbech Conservation Area is legally protected from uncontrolled alterations, including the replacement of windows. Furthermore where businesses or flats are concerned Planning Permission is required for replacement windows. There is also an Article 4 (2) direction in place, applying to dwelling houses, that restricts permitted development rights including the replacement of windows. Therefore in planning terms all changes to windows within the Wisbech Conservation Area are controlled. This is not the situation within the other market towns of Chatteris, Whittlesey and March and their conservation areas or the 5 other village conservation areas. Wisbech's high heritage value and the ability to comprehensively protect it through planning controls has enabled proposals for UPVC windows within its Conservation Area to be largely resisted.
- 10.6 Fenland District Council has not however relied on control measures to preserve and enhance the Conservation Area and in recent years a number of initiatives have been instigated which seek to preserve and enhance the built heritage of the town and the character and appearance of the Conservation Area. In 2013 the Wisbech 2020 Vision was launched which is a collaborative initiative seeking to improve Wisbech as a place to live, work and visit. The "Vision" has evolved over time and its aims and objectives are now recognized in the 2017 Wisbech 2020 Vision document. The documents references Wisbech's rich heritage and under Theme 3 of its strategy it states that an action is to ensure "Wisbech's wealth of important historic architecture is protected, conserved and enhanced".
- 10.7 Alongside the Wisbech 2020 Vision in 2017 a Heritage Lottery Townscape Heritage Scheme secured £1.9 million to enhance the High Street, and address a number of derelict sites and dilapidated buildings on this street. In connection with the bid for Heritage Lottery Funding a new Wisbech Conservation Area Appraisal (March 2016) and Wisbech Conservation Area Management Plan (March 2016) was prepared and adopted by FDC. The issue of unauthorized UPVC windows is an issue raised in the management plan as it threatens the character and appearance of the conservation area and is covered under Priority Objective 5. In 2014 Wisbech Conservation Area was added to Historic England's Heritage at Risk register as certain threats were eroding the special architectural and historic interests of the conservation area. The management plan was intended to address those issues with a view that once priority objectives are met it will no longer be at risk.
- 10.8 In parallel to the Wisbech 2020 Vision and Heritage Lottery Townscape Heritage Scheme the Town Council is developing a scheme for the enhancement of the Wisbech Market Place in consultation with community stakeholders.

Heritage assessment – Windows retention and replacement

- 10.8 No 1 Exchange Square makes a positive contribution to the character and appearance of the Wisbech Conservation Area. It is a mid-late 19th century building which sits prominently on the corner of Exchange Square and Chapel Road and affords a multifaceted façade as a result of this positioning, visible from a range of viewpoints it presents an atypical mid-late 19th century architectural style for the area which adds to its interest. The historic interest of the building as a non-designated heritage asset is a material consideration in planning decisions. There is a presumption to respect the historic interests of the building and this extends to the selecting appropriate materials. In this case timber replacement windows would be seen as the most sympathetic window type for this building.
- 10.9 The windows that have been installed in the 1st floor of 1 Exchange Square are double glazed UPVC windows with a white smooth finish and it is clearly evident that replacement windows have been installed. It is acknowledged that the windows are of a similar style to the original timber windows as they incorporate a margin light arrangement of glazing bars in profiled glazing bars and incorporate horn detail. However they do not exactly replicate the original historic windows as the margin lights are much narrower and less pronounced than the original timber windows this results in an erosion of the building's character. The FDC Conservation Officer acknowledges that the UPVC windows selected are of reasonable quality however they also note that they are not the highest quality of UPVC window product on the market; that being considered to be the foil finish/wood grained UPVC windows which have a timber aesthetic. The formal comments of the FDC Conservation Officer go on to state that *'the existing 1st floor UPVC windows do present a UPVC aesthetic to them and it is clear that UPVC windows have been installed in this Building of Local Importance in the Wisbech Conservation Area. It is felt the presence of UPVC windows in this building does play its part in eroding the strong historic qualities of the Wisbech Conservation Area which is in part derived from the strong historic qualities and traditional building detailing predominant across the whole conservation area'*. Although it is accepted that the building overall has been tidied up by the current owners it is contended that a similar effect could have been achieved through the installation of timber windows.
- 10.10 The applicant has cited as a material consideration a number of cases within Wisbech Conservation Area where UPVC windows can be found. Of the specific cases highlighted it is noted that the windows identified have been installed without Planning Permission and are/were unauthorized. Whilst it is acknowledged that there is evidence of UPVC windows within the Wisbech Conservation Area such windows exist in the minority and traditional timber windows remain an overriding feature of the character and appearance of the conservation area.
- 10.11 There is a duty in law to preserve or enhance the character and appearance of the Wisbech Conservation Area and it is important to be seen to secure the appropriate window materials for this area through the planning process. Where the LPA has accepted uPVC (15 Albion Place and 17 Norfolk Street) these have been high quality foil finish/wood grain UPVC window as opposed to the smooth white finish uPVC evident at 1 Exchange Square. In terms of consistency it should be noted that whilst high grade foil finish wood grain may in certain

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circumstances be accepted within the conservation area per se it is not appropriate with regard to listed buildings or buildings which have been identified as being of local importance.

- 10.12 Within the submission it is noted that had the applicant been aware that the building was within the conservation area and identified as being of local importance they would have 'followed the necessary procured routes, and material of product would have been considered promptly'. Within the Design, Heritage and Supporting Statement it is cited that the applicant has "sought after options to replace the UPVC windows for timber" but that "the cost of replacing all these windows is prohibitive and will cause the existing hairdressing business to close down rendering the building empty". No financial information has however been provided with the application to indicate how much replacing the windows with appropriate timber windows would actually cost. It is also worth noting that should this course of action be required through the Enforcement process the Enforcement Team have already indicated that they would allow a generous amount of time over at least three years to alleviate any financial hardship to the business and occupants of the flat. It is felt the hairdressers' affords a good use for this building and it is not the intent to see it face unreasonable hardship.

Heritage assessment – Guard rails

- 10.13 Guard rails are proposed at ground floor level with shorter rails at first floor. The purpose of these, particularly at ground floor, is to protect the windows from damage as a result of anti-social behavior. The scheme is supported by the Designing Out Crime Officer as it is considered that the guard rails will improve the security situation of the whole building.
- 10.14 There is a demonstrated need to improve security at the building amid high instances of criminal damage particularly smashed windows and against this backdrop no objection is raised to the installation of the proposed guard rails. The FDC Conservation Officer considers that *the guard rail detailing can be achieved in a manner which adds interest and compliments this atypical mid-late Victorian building.*

The justification for retention

- 10.15 The agent acting on behalf of the applicants notes that the windows were installed to offer a noise and physical barrier to any anti-social behaviour to the residential flat and that the owners were unaware that the building was located within the conservation area or was locally listed. They further contend that the windows have enhanced the conservation area; updating and tidying the external appearance of the locally listed building. In addition they contend that the new style of window respects the originality of the locally listed building. It is also highlighted that the business will face hardship should they have to replace the uPVC windows with timber replacements.

Planning Balance

- 10.16 It is clear that there is a ground swell of local support for the applicants and it is not disputed that they have acted in good faith, albeit they appear to have been ill advised by the contractor responsible for installing the windows. However the applicant's naivety of the need to obtain planning consent should not be the

Agenda Item 8

determining factor in this case. To adopt a different approach to determining the scheme because the works have been undertaken may send out a message that such action in other instances will circumvent the normal planning/heritage expectations in terms of what is and what is not acceptable. Similarly the development team have been consistent in the advice offered to others who own/are custodians of heritage assets within Wisbech and to take a different stance purely on the basis of hardship without a suitably robust policy basis for the decision taken would undermine the policy framework, the integrity of the Conservation Area and the reputation of the council in terms of an equitable application of policy.

- 10.17 Even when considering the case put forward regarding noise and disturbance the weight that may be given to this aspect is reduced by the clear and concise argument put forward to rebut the assertion made. In that it is not the uPVC that secures noise attenuation it is the double glazing which sits within the uPVC units. It is contended that similar acoustic benefit could be achieved with timber frames.
- 10.18 There is a clear planning argument for the low level window guards and it is accepted that this is a well thought out and considered security scheme which will not detract from the amenity of the premises and as such is in compliance with the relevant planning policies.
- 10.19 The Wisbech Conservation Management Plan (March 2016) raises the issue of unauthorized UPVC windows and highlights that these threaten the character and appearance of the conservation area; as such they are identified under Priority Objective 5. In recognizing the impact that such windows can have it is clear that any decision taken should accord with the adopted policies of the Council and with the agreed direction of travel outlined in the Wisbech Conservation Area Management Plan.

11 CONCLUSIONS

- 11.1 Whilst there is some sympathy for the applicants with regard to the situation they find themselves in there is no flexibility when assessing the scheme as presented. To take any other approach other than that ascribed by policy and promoted by the adopted Conservation management documents for Wisbech would set an undesirable precedent which would set the scene for the determination of all future window applications of this type.
- 11.2 Whilst there is no objection to the metal window guards which also form part of this application there is no mechanism to grant consent 'in part'; accordingly the recommendation must be to refuse the scheme in its entirety. Given the retrospective nature of the submission it will be necessary to formally instigate compliance action to secure the removal of the uPVC windows and their replacement with suitable timber windows.

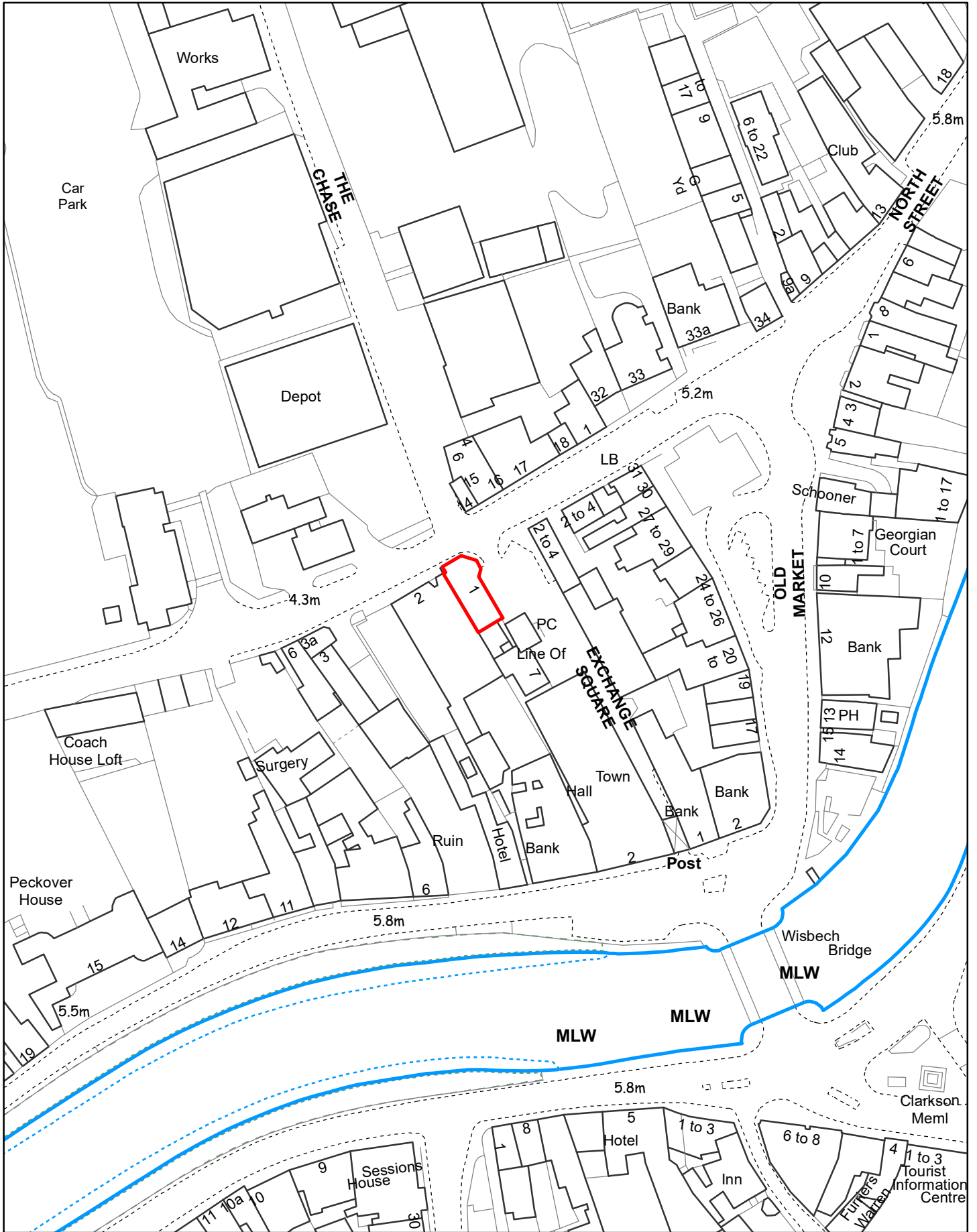
12 RECOMMENDATION

Refuse

The proposal is contrary to Policy LP18 of the Fenland Local Plan in that it results in development which fails to protect, conserve or enhance the character of the

Agenda Item 8

Wisbech Conservation Area and a building identified as being of Local Importance. The replacement windows represent an erosion of the building's character through the manner the window design has translated to a UPVC window. The introduction of an inferior quality material it is clearly contrary to local and national planning policy and has a significantly detrimental impact on both the Building of Local Interest and the wider Wisbech Conservation Area. Furthermore the scheme undermines the heritage aspirations and priorities contained within the Wisbech Conservation Management Plan (March 2016).



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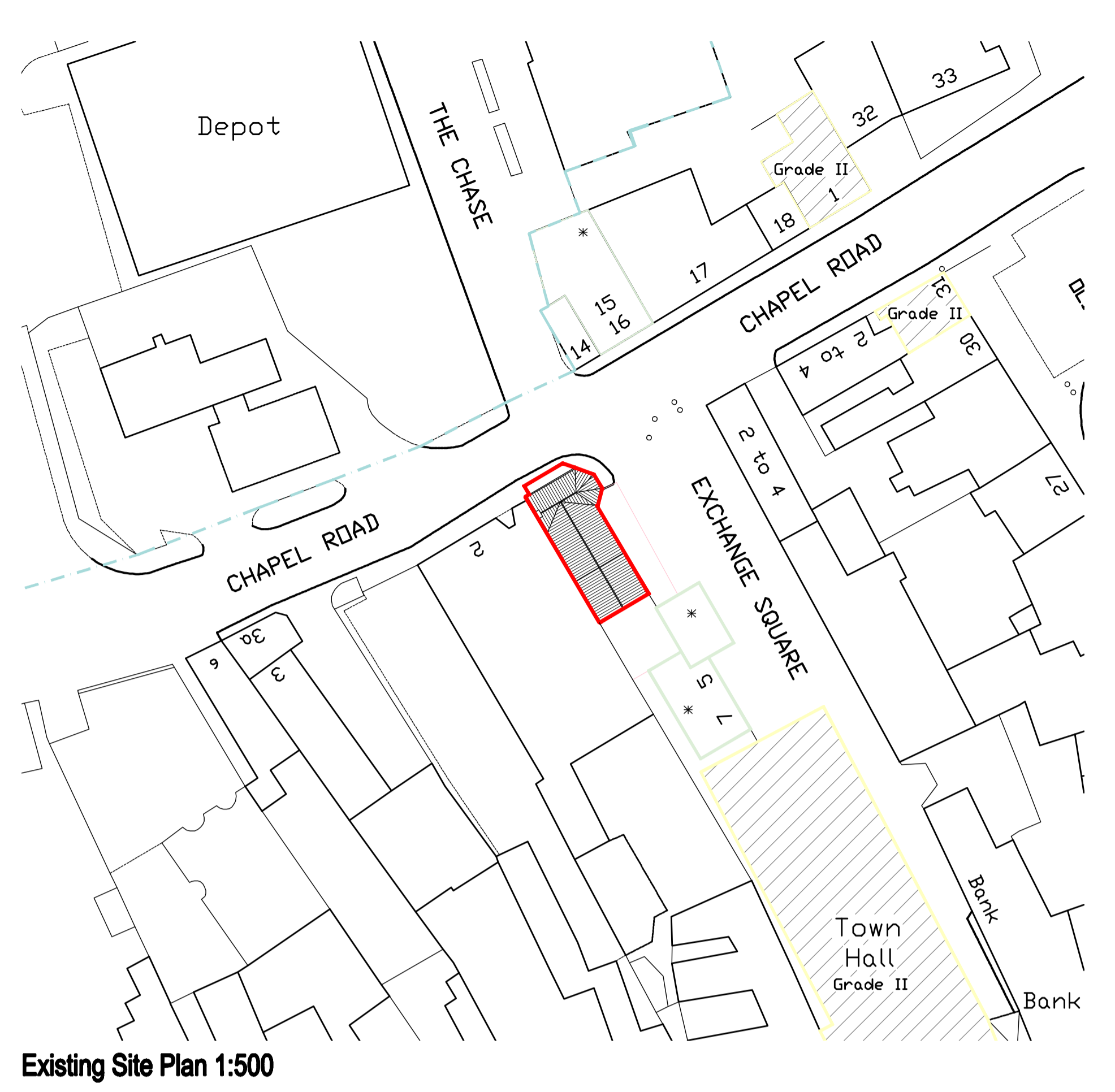
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Page 69





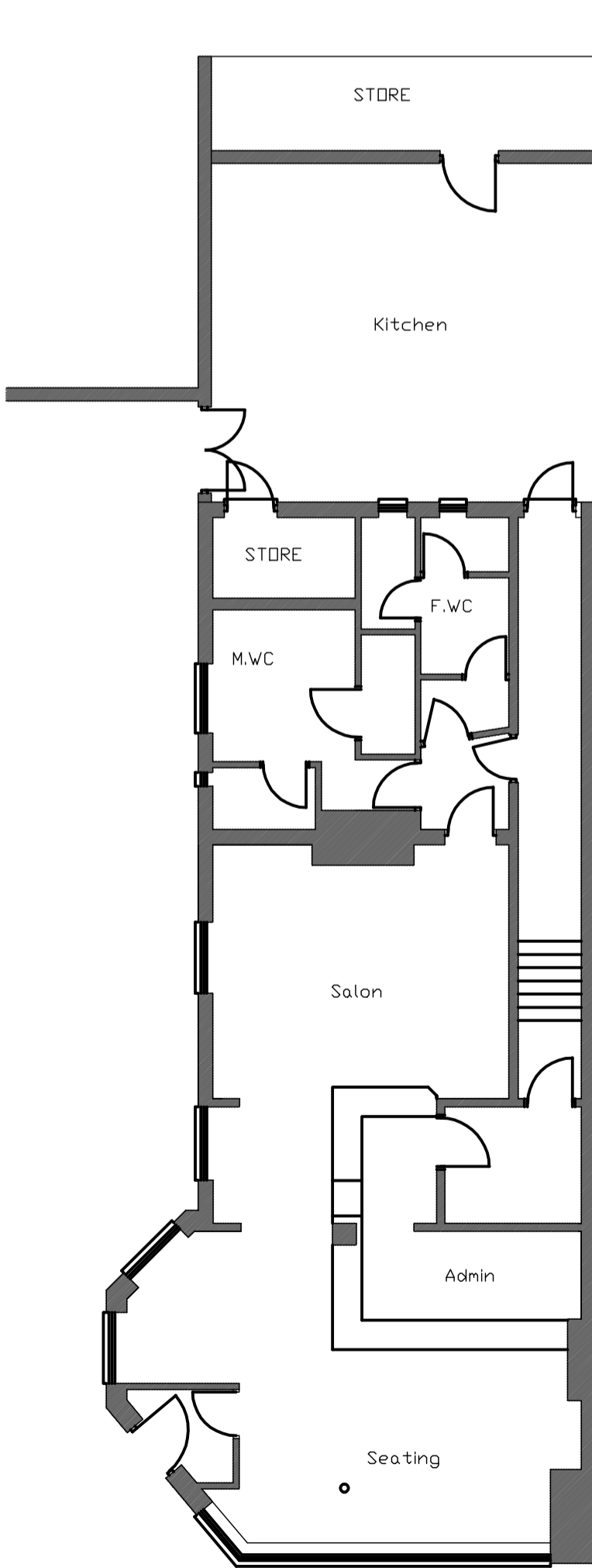
Proposed Side Elevation 1:50



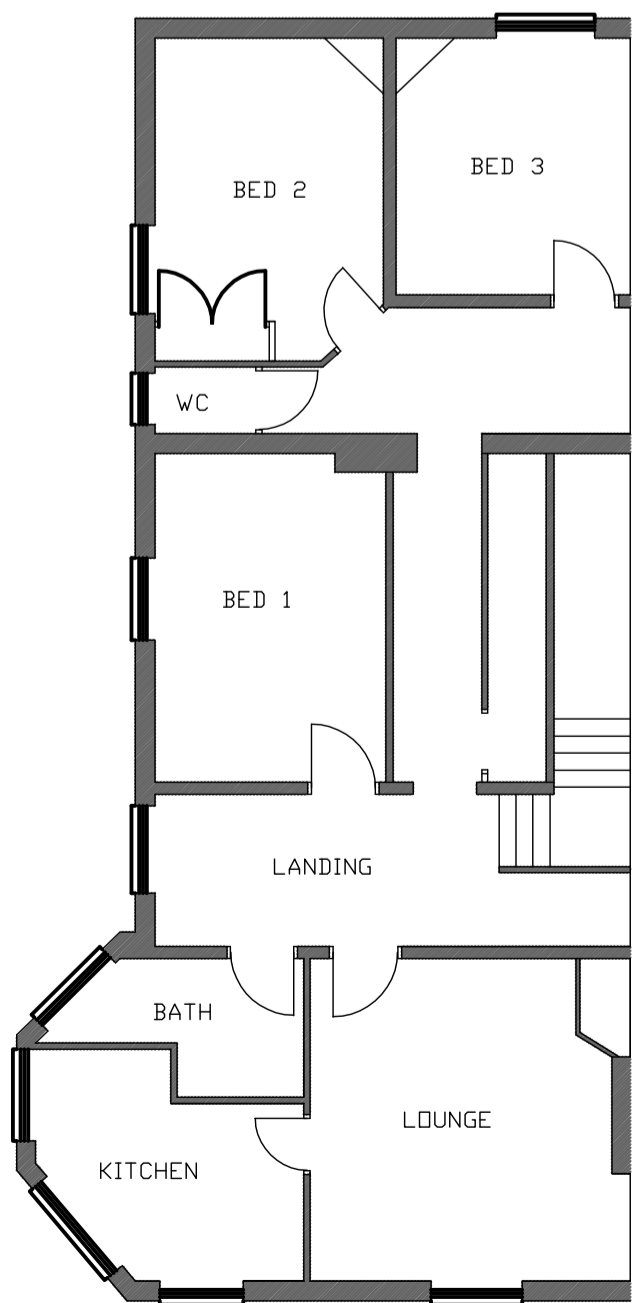
Existing Site Plan 1:500



Proposed Front Elevation 1:50

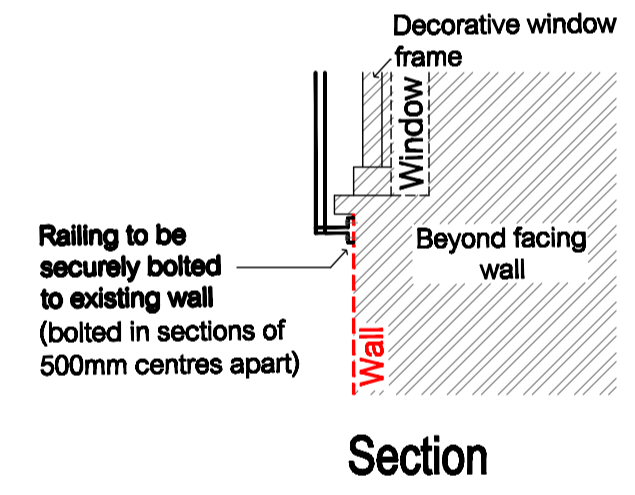


Proposed Ground Plan 1:100

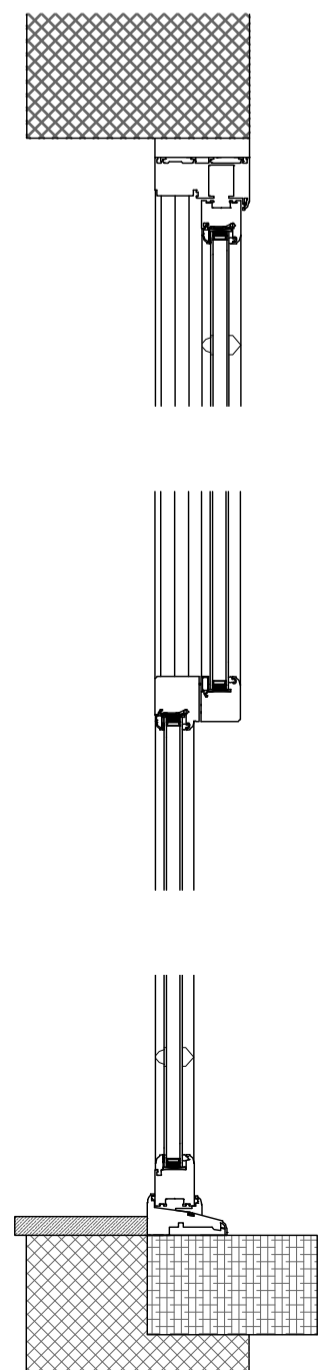
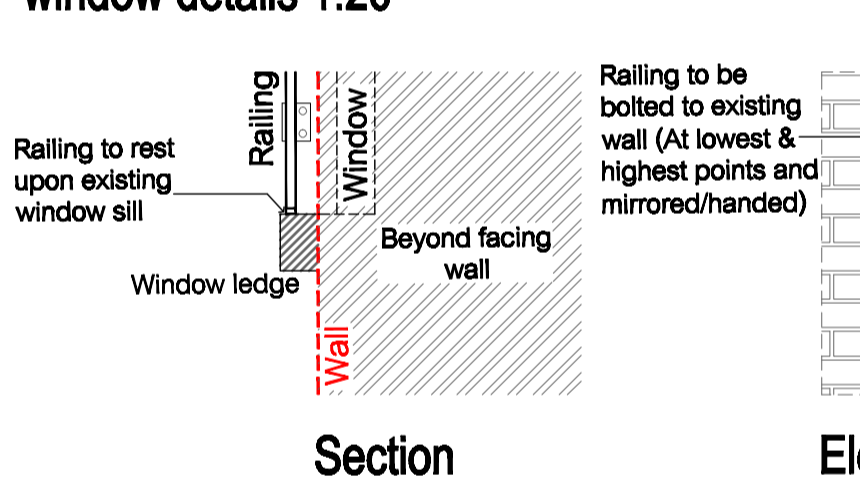


Proposed First Plan 1:100

Railing - Bay window details 1:20



Railing - Ground, First Floor and central bay window details 1:20



Window detail 1:10

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
Retention of windows and proposed windows and railings

SITE
The Retreat Hairdressing
1 Exchange Square
Wisbech
PE13 1RA

DRAWING
Proposed

CLIENT
Mr P Faulkner

DATE May 2018 SCALE As Shown at A1 JOB No. 5837/02A

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31 OLD MARKET WISBECH CAMBS PE13 1RB
Fenland District Council
Building Design Awards
Building Excellence in Fenland
Category Winner 2010
Overall Winner 2010

PLANNING COMMITTEE DATE: 18th July 2018

APPLICATION NO: F/YR187/0489/F

SITE LOCATION: 1 Exchange Square, Wisbech, Cambs PE13 1RA

UPDATE: Wisbech Town Council have advised that at its meeting of 25 June 2018 the following motion, proposed by Councillor Tierney, was debated by members and supported unanimously:

“A local business, The Retreat, has been in a “tug of war” match with Fenland District Council over two issues.

The windows of the premises are continually being broken and the owners of the business would like to be able to install shutters to protect the windows from vandalism. The cost of replacing windows is very high and the local business would simply like a fair chance to protect its property; however, due to the location of the premises, within a Conservation Area, Fenland District Council (FDC) has refused to allow the installation of shutters.

The windows which were installed upstairs at this property several years ago, which the owners were led to believe by their contractor were in order, have also fallen foul of FDC. The owners of The Retreat are being told that they cannot have these windows, despite the fact that they look very nice and were never installed with any intention of breaking any rules. The cost is prohibitive.

Although Wisbech Town Council values the heritage of the town and understands the need for a Conservation area, it does feel that:

- (a) reasonable concessions should be made to allow businesses to protect themselves
- (b) the rules are not fairly enforced to all businesses, creating a feeling of unfairness
- (c) the Conservation Area rules have gone too far and are stifling business success and growth
- (d) a common sense approach should apply, where situations are unusual like this one.

Wisbech Town Council calls upon Fenland District Council to:

- (a) make an exception for The Retreat and allow retention of the very nice windows
- (b) make an exception for The Retreat and allow the installation of security shutters over the windows to protect them from vandalism at times when the premises are closed
- (c) consider a comprehensive review of the entire Conservation Area system, with a view to creating one where reasonable precautions like security shutters are within the rules, and to consider relaxing the rules and introducing some flexibility to allow for businesses to thrive and grow without undue and unreasonable bureaucracy”.

The agent has provided confidential information in support of the application which will be circulated to Members at their request.

In addition to the confidential information the following documents have been supplied:

- Screen shot of ‘Change.org’ on-line petition recording 1081 on-line signatures

UPDATE continued:

- A further 375 petition signatures. Combined with the original 588 upon submission, results in 963 signatures of support.
- The cover of a local paper focused on the Rose Fair to illustrate that the applicant would like to make known, and proud about, their involvement with Wisbech Rose Fair queens hair for 55th Rose fair.
- Letter of support from specialist regarding quality of windows of The Retreat; this letter notes that in his opinion the windows are extremely high quality and one of the more superior products on the market, they have also been made to copy the style of the original windows.
- An email from the WBL Apprenticeship Scheme Supervisor noting that they have worked with the college in supporting apprentices for 3-years and that it will be a shame if they are not in a position to offer apprenticeships for the upcoming year.
- Copies of email exchanges between the applicant and FDC Environmental Health (dating to Spring 2016) identifying that the noise recordings taken from inside the property indicate that the rear bedroom is unsuitable for sleeping in whilst the nightclub is in operation. The FDC team note that the owners do not wish to pursue this matter with the nightclub operators, as they wish to do so in the first instance. Assurances are given by the FDC team that should they wish FDC to intervene they would do their utmost to try and improve the situation.

The additional signatures are noted and as has been acknowledged in the officer report there is clearly a ground swell of support for the applicants; however there is also clear and valid planning reasons to refuse the submission.


Similarly there is no doubt that the applicants support the local community and local training, however again this does not outweigh the planning and heritage considerations of the scheme.

In terms of the window quality and the evidence supplied in this regard the report identifies that the windows are not considered to be the highest quality, as this would be a foil finish, however it does acknowledge that they are equally not a low grade product.

Regarding noise disturbance it is not disputed that the residents suffer residential amenity impacts arising from the nightclub and this matter is currently the subject of a further planning application and an enforcement appeal; however there is nothing to demonstrate that the same levels of noise amelioration could not be achieved through double glazed timber framed windows.

Recommendation: Refuse as per recommendation on pages 60-61 of the agenda

Agenda Item 9

Agenda Item No:	Agenda Item 9	
Committee:	Planning	
Date:	16th July 2018	
Report Title:	Planning Enforcement Update - New Bridge Lane Wisbech	

1 Purpose / Summary

To update the Committee with regard to the enforcement action being taken to control against the change of the use of land

2 Key issues

- Following injunctive action by the Council a legal undertaking has been secured in respect of the change of the use of the land.

3 Recommendations

- That the update report be noted.

Wards Affected	Elm & Christchurch
Forward Plan Reference	Not applicable
Portfolio Holder(s)	Cllr Mrs Dee Laws - Neighbourhood Planning
Report Originator(s)	Nick Harding - Head of Planning Tel 07920 160161
Contact Officer(s)	Lee Walsh - Senior Planning Enforcement Officer Tel
Background Paper(s)	Report to Planning Committee 28 March 2018

Report:

1.1 Members may recall from the March Committee meeting that officers reported that injunction proceedings had been commenced (with the Chairman's approval) to restrain a potential breach of planning control, comprising works associated with the creation of a residential caravan site. Members were advised that the Court had granted an interim injunction, with the full hearing set for 13th June 2018.

1.2 A copy of the previous report is attached for information in Appendix 1.

1.3 The matter was heard before the High Court on 13th June 2018.

1.4 The defendant gave a formal undertaking to the Court not to use the land or permit its use for stationing or occupation of caravans, or for any residential purpose, nor will she carry out any associated works such as construction of hard standings etc. Any breach of such undertaking could lead to committal for contempt of Court.

1.5 In addition, the Court ordered that a full permanent injunction be issued against person or persons unknown to prevent any residential use or associated works. A costs award was also made in favour of the Council (£3000).

1.6 In the event that a subsequent planning permission is issued, the defendant can apply for the undertaking/injunction to be lifted.

Head of Planning

Fenland District Council & Peterborough City Council

July 2018

Appendix 1 - Copy of report to Fenland District Council Planning Committee 28th March 2018

Section 3 Table 4 Para 90 (x) of the Council's Constitution gives a Corporate Director the power (in cases of urgency in consultation with the Chairman of the Planning Committee) to issue injunction proceedings, such actions to be notified to the next scheduled meeting of the Planning Committee. The purpose of this report is to notify and update the Committee of proceedings which have been issued on behalf of the Council.

In May 2017 planning application F/YR17/0443/F was submitted for the change of use of the land at New Bridge Lane, Wisbech, to a 8 no. pitched travellers site, involving the siting of 8 x mobile homes and 8 x touring caravans with associated works. The application was refused planning permission on the 13th October 2017 by the Planning Committee and no appeal has been submitted.

During February 2018 enforcement officers visited the site and found evidence of working on the land, and in particular found that an excavator was working on the land, and an access had been cleared and fly-tipping pushed to one side to clear the road. Prior to this visit a Temporary Stop Notice had been served preventing works of preparation to establish a residential site. The Temporary stop Notice was due to expire on 19th March, and could not be renewed.

On 12th March 2018 the Chairman of Planning Committee approved commencement of injunction proceedings to seek to prevent further unauthorised works, and proceedings were issued in the High Court on 13th March 2018. Proceedings

The application was heard by the High Court on 20th March 2018, and the Court ordered the issue of an interim injunction. Having read the evidence of both sides, and heard submissions from the Council, the Judge noted that different explanations had been given as to why work was carried out on site. Although the defendant had offered an undertaking not to carry out any further works, the Judge felt that an interim injunction should be granted; the application was also made against Persons Unknown and, the defendant would not be prejudiced by having an injunction made against her in the same terms as any undertaking she might offer. Given that there was a dispute of fact about what had happened, the Judge was not prepared to make a permanent injunction, and after some discussion, a date for the a full hearing of the Injunction was set for 13th June 2018. The question of costs was reserved for consideration at that hearing. We have arranged for a copy of the interim injunction to be served on the defendant and posted on the site.