

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 12 SEPTEMBER 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 3 - 20)

To confirm and sign the minutes from the previous meeting of August 15, 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 TPO 09/2018
Tree Preservation Order Footpath East of 16 Nene Parade, March (Pages 21 - 26)

To determine the Application.
- 6 F/YR15/0668/O
Land North Of 75 - 127, Estover Road, March, Cambridgeshire

Outline with one matter committed detailed as access in relation to 95no dwellings (max) with associated landscaping, drainage and open spaces

(Pages 27 - 62)

To determine the Application.

7 F/YR17/1231/VOC

Land North Of Whittlesey East Of, East Delph, Whittlesey, Removal or variation of conditions of planning permission F/YR15/0134/O, Outline application for the erection of 220 dwellings (max.. Full application for the engineering works associated with the formation of the vehicular access road. (Pages 63 - 114)

To determine the Application.

8 F/YR18/0646/O

Land South Of 6, Eastwood End, Wimblington, Cambridgeshire

Erection of up to 3no dwellings (outline application with all matters reserved) (Pages 115 - 122)

To determine the Application

9 F/YR18/0653/O

Land South West Of The Orchards, Gull Road, Guyhirn, Cambridgeshire

Erection of up to 3 x dwellings (outline application with all matters reserved) including the formation of 3 x new accesses
(Pages 123 - 134)

To Determine the Application.

10 Items which the Chairman has under item 3 deemed urgent

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

PLANNING COMMITTEE



WEDNESDAY, 15 AUGUST 2018 - 1.00 PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor Benney, Councillor A Hay, Councillor D Laws, Councillor P Murphy, Councillor F Newell and Councillor W Sutton,

APOLOGIES: Councillor D Connor, Councillor S Court, Councillor M Davis and Councillor S Bligh,

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

P15/18 PREVIOUS MINUTES.

The minutes of the meeting of the 18 July 2018 were confirmed and signed.

P16/18 F/YR16/0792/F. THE COLLEGE OF WEST ANGLIA, ELM HIGH ROAD, WISBECH. ERECTION OF 137 DWELLINGS, ALTERATIONS TO RAMNOTH ROAD AND ELM HIGH ROAD JUNCTION TO FORM A NEW VEHICULAR AND PEDESTRIAN ACCESS AND ASSOCIATED WORKS AND INFRASTRUCTURE

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

David Rowen presented the report and update report to Members.

Members received a presentation as an objector to the application, in accordance with the Public Participation Procedure, from Councillor Sam Hoy.

Councillor Hoy explained that she is speaking as an objector as there is some background to the application which she outlined. She stated that in principle she has no objection to the development, it is in the local plan. Councillor Hoy commented that when she read the report, her main concern was and remains, how the development ties in with the Wisbech Access project and she felt the information provided was not necessarily correct as it stated that there was no date set for Wisbech Access works, when in fact the date of March 2021 had been put forward as the date of completion by Fenland District Council's Cabinet, the Combined Authority and the County Council. Councillor Hoy commented that if Members were minded to grant permission the Developer could decide to start the access works themselves immediately and then in some 18 months' time, the Wisbech Access Study will commence and undo the works the Developer has already undertaken. This will be a waste of money and disruptive for the local residents.

Councillor Hoy commented that she has had various conversations with the Head of Planning and the Agent and thanked them for the help they have given. The update provided today does alleviate some of her concerns; and she does appreciate that applications need to be dealt with as they are submitted. The clause with regard to the monies is really important and she is pleased to see it included. One of the issues still to receive clarification is with regard to the financial contribution for the Ramnoth Road roundabout junction as originally it was a medium strategy for

the Access Study and when it went before the Combined Authority and Cabinet it got brought forward and Councillor Hoy asked whether this is because they are relying on a contribution from the Developer or because monies have been found elsewhere. Councillor Hoy commented that the clause outlines this issue and if the finances are needed for the Wisbech Access Study, the Developer's money could then be used and if they were not reliant on it the money could go towards other aspects such as affordable housing or items for the local community.

Members asked Councillor Hoy the following questions:

- Councillor Mrs Laws asked Councillor Hoy to confirm which aspect she required clarification on. Councillor Hoy stated it is clarification on who is financing the Wisbech Access Strategy. The study has three stages and in the middle stage the roundabout had been mentioned. When the Combined Authority became involved, the roundabout was moved forward. Councillor Hoy stated that the Agent has pointed out that it is not dependent on the funding. Councillor Hoy stated that originally today she was going to request a deferment, however the Agent and Developer have been very good with understanding the concerns raised.

Members received a presentation, in accordance with the Public Participation Procedure, from Matt Hare the Agent.

Mr Hare explained the application before Members today is for 137 dwellings. The scheme does not include any affordable housing. The application was first submitted in September 2016, following extensive discussion with Planning Officers and a public exhibition in the town.

The application was made following a previous resolution by Planning Committee to approve outline planning permission and the previous proposal was for a scheme of a greater density than the proposal before Members today. The site comprises of previously developed land and was formerly the site of the College of West Anglia. The principal of the residential development on the site is supported by the Councils development plan and the National Planning Policy Framework, which seek to approve use of brownfield land. The scheme proposes a mix of residential units, including 1 bedroom units, 2 bedroom houses and 3 bedroom houses, including some bungalows. The design and layout of the development has been carefully considered and the layout has been designed in order to facilitate the delivery of a safe and secure neighbourhood. The dwelling design is bespoke and has been produced by a firm of quality architects and the proposed houses will be unique in appearance. During the application process a number of points have been raised by consultees and local residents, as initially there had been a proposal to provide a pedestrian pathway from the site to Falklands Drive, however there were many objections from the residents and therefore the Applicant removed this from the proposal. Concerns were also raised by the Kings Lynn Internal Drainage Board (KLIDB) with regard to the surface water aspect and those concerns facilitated a total redesign of the drainage strategy and this is now acceptable to the Kings Lynn Internal Drainage Board and the Lead Local Flood Authority.

With regard to the relationship between the proposed development and the Wisbech Access Strategy, Members will have seen that the new access forms part of the development proposal and this comprises of the realignment of the junction of Ramnoth Road and Elm High Road and the provision of a new signalised junction. The proposed access has been subject to a stage 1 road safety audit and has been judged to be acceptable. The Wisbech Access Strategy includes a new roundabout to replace the existing signalised junction. The site access will not impact the formation of the new roundabout, however concerns have been raised for the impact of the disturbance to have two sets of roadworks in sequence and therefore the applicants have agreed should permission be granted they would prefer the implementation of the site access works in order to allow the access strategy works to commence and should that occur then the money that would have otherwise been spent on the proposed site access would be given to the Council and that could either be spent on the Wisbech Access Strategy or for some other form of public benefit.

Members asked Mr Hare the following questions:

- Councillor Mrs Laws asked with regard to the attenuation pond on site whether this would be a 'step out' pond, should anybody fall in and whether some consideration could be given to electrical points for electric cars.
- Mr Hare confirmed with regard to the drainage pond and the safety aspect surrounding it, a plan was submitted with the application which shows a cross section of the pond and has a shallow edging walk out on one side and a balustrade on the other side. With respect to electrical points for car charging, it is something that is feasible to deliver and it is something that could be conditioned

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

- Councillor Murphy commented that he had no objection at all to the planning application, it contains a reasonable mix of properties and the new road layout could improve the whole area, however he added that if there is any play area or open space included in the development then there should be a Management Company set up for the maintenance and upkeep of it so that the Local Authority does not need to be responsible for it in the future.
- David Rowen commented that one of the clauses in the Section 106 Agreement would be to secure the provision of the open space and as part of that management and maintenance would be included as a clause in the section 106 agreement.
- Councillor Mrs Hay commented that with regard to the Section 106, viability issues are due to abnormal costs and asked for clarification as to what the costs are.
- David Rowen commented that the assessment of the viability appraisal was carried out by the Section 106 Officer, however by looking at the nature of the site which was previously developed, there will be an element of site clearance works and there will be costs incurred as part of the access works.
- Councillor Mrs Hay commented that because of the Wisbech Access Study it has been mentioned that there will be no building works allowed before January 1, 2020, however Councillor Hoy mentioned that the Wisbech Access Study and the roundabout is not likely to be completed before March 2021, where will the access be for the site if it is completed before that date.
- Mr Nick Harding commented that Members need to be aware that they cannot refuse Planning Permission for this development on the grounds that there may be duplication of highways works dependent on whether the development comes before the access study roundabout or afterwards. If the Developer wants to build their scheme before the Wisbech Access Study roundabout is constructed they are perfectly entitled to do so. There is no conflict between their access scheme to serve their development and the Access Study roundabout scheme. Yes it would mean two sets of road works and the undoing of some of the works done by the developer to access their site but planning permission could not be reasonably withheld for this reason. Planning Officers have worked with the Developer and the Developer has an interest in the other proposed highways works and the avoidance of the 'double doing' and incurring unnecessary costs. Members must be mindful that if this particular road junction is not progressed properly the Developer still needs to be able to proceed and progress their scheme should they so wish. If Committee are inclined to approve the application as recommended in the revised proposal then the Planning Officers can report back to the County Council, so that when the detailed programme of implementation for various schemes within Wisbech in the first stage of works is considered for pulling forward early in that implementation programme.
- Councillor Sutton commented that he has no problem with the application, however there is no timeline for the Section 106 Agreement and there is normally a 4 month period stipulated. David Rowen responded that this appears to be an oversight and a timeline can be added. Councillor Sutton responded that it is always prudent to add a timeline and four months with an element of discretion would be a good idea. The Chairman agreed with Councillor Sutton, a timeline has been factored into applications in the past which Officers

will be mindful of.

- Mr Nick Harding clarified the points raised by Members during their discussions before the item was determined. The items highlighted were the revised recommendation from David Rowen, the four month timeline for the signing of the Section 106 Agreement and the requested provision within the Section 106 so that the Council did not adopt any of the open space or play areas.
- The Chairman asked Members whether they were all happy with those amendments and also added the request by Councillor Mrs Laws for electrical charging points for electric cars, but not to be included in the Section 106 Agreement.
- Mr Nick Harding added that with regard to the potential condition with regard to car charging points, the applicant might be willing to accept such a condition but the District Council does not have a policy which requires electrical charging points for vehicles to be provided, if a planning application was submitted to delete that condition the Authority would struggle to justify the refusal of that application as there is no policy in place for car electrical points.

Proposed by Councillor Murphy, seconded by Councillor Mrs Laws, and decided that the application be APPROVED as per the Officer's recommendation, with the modifications as outlined by Mr Nick Harding.

(Councillor Sutton advised the Committee that as he was portfolio holder at the time he attended an open meeting at the Boathouse in relation to this application.)

**P17/18 F/YR17/0507/O,
LAND SOUTH EAST OF 208 COATES ROAD, COATES
ERECTION OF UP TO 60 X DWELLINGS (OUTLINE WITH MATTERS
COMMITTED IN RESPECT OF ACCESS ONLY)**

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

David Rowen presented the report to Members.

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

Mr Edwards explained that the application before Members today is for a maximum of 60 dwellings in Coates Road, Coates. There have been ongoing discussions with the Planning Officers which have been very helpful and constructive and an agreement as to where the line of development should stop. During these discussions it was also agreed that the development should be consistent with the developed lines already approved to the west with Lakeside Gardens and Halcyon Drive which are towards Eastrea and further away from the village centre, with the proposed development filling the gap between these developments and the village centre. The Applicants for the application live in the village or have an association with it. The statutory consultees have been worked with which has received a great deal of support. With regard to school numbers, contained in the report under paragraph 10.45, the County Council has provided details which have confirmed the evidence that the agents were aware of. The site falls within flood zone 1 which allows for a mixed development and will attract both young and old residents. Mr Edwards summarized that as the site is in flood zone 1 which as the NPPF directs residential development in preference, the site can be served by safe and effective access and is accessible to natural green and play space and public byway, promoting health and leisure opportunities. The site is remote enough from heritage assets above ground and is suitable proximity of local services which can be accessed on foot or by public transport and is of sufficient scale to incorporate affordable housing.

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

- Councillor Murphy commented that the proposal if approved will mean it will go over the threshold for the village and asked whether this will set a precedent going forward with planning applications. David Rowen explained that thresholds are a complicated matter and the issue of thresholds in the Local Plan was never to put an absolute cap on development and the intention was to give a small element of control to local residents over what development could take place in their villages. As time has moved on, in particular with the appeal decision in Manea which identified that unless there is substantial planning harm which can be identified, the threshold issue itself is not one on which planning permission can be refused. Each application needs to be considered on its own merits and will be considered in that way going forwards.
- Councillor Murphy commented that with regard to the open space and play area he would like it noted that Fenland District Council will not be responsible for the upkeep and maintenance of these areas and a maintenance company should assume responsibility.
- Councillor Sutton commented that again comments have been made concerning the proactiveness of Officers working with Developers to reach a satisfactory scheme.
- Councillor Sutton commented that it is a big scheme in a small village but if schemes like this are not supported in villages, there will be the 5 year land supply issue problem again in his opinion because the developments in towns are going longer than was originally thought when the Local Plan was first agreed. Councillor Sutton commented he does not think this proposal can be referred to as a small scheme; however he believes it is an acceptable scheme.
- Councillor Mrs Laws commented that although the development is going over the threshold it is to keep the individuality of each village and the important thing is to keep Coates, Eastrea and Turves separate from Whittlesey.
- Councillor Mrs Laws commented that as a precedent has been set due to Lakeside Gardens, there would be an issue if the proposed development was refused. Villages need to be kept vibrant and alive and different homes such as starter homes and social housing need to be offered.
- Councillor Mrs Laws commented that there is a large piece of County Council land which houses a village school, which comes up on high league tables and it is a pity that children are being taken out of the village to be bussed into Whittlesey to go to school.
- Councillor Mrs Laws commented that with regard to drainage, she would like assurances that arrangements for surface water drainage system are in place.
- David Rowen commented that with regard to drainage the LLFA have indicated that they are happy with the conditions and with regard to education issue, his understanding is that there are proposals to expand the school in Whittlesey.
- The Chairman commented that with regard to the footpath access via Fieldside to the A605, there is no mention of that piece of road being upgraded in any way to make it pedestrianized or walkable as the road is in a poor condition and not suitable to walk a child or use a pushchair along it. The developer should look at bringing that road up to a level which can be used by members of the public.
- Councillor Mrs Laws commented that there was a community consultation, however the letters of support received were not even from residents of the village and she would hope that the Officers have taken that into consideration. David Rowen responded that about 100 letters were excluded from the Community Consultation exercise due to that reason.
- David Rowen highlighted that any contribution of open space assets to be off site towards existing facilities rather than anything actually on site.
- Councillor Murphy queried the contribution for the children's play area. David Rowen clarified that it will be an offsite contribution to an existing play area.

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

(Councillors Miscandlon and Mrs Laws stated they were Members of the Whittlesey Town Council but take no part in planning matters.)

P18/18 **F/YR17/1217/F,**
LAND NORTH OF ORCHARD HOUSE, HIGH ROAD, WISBECH ST MARY.
ERECTION OF 76 DWELLINGS: COMPRISING 29 X 2-STOREY 4-BED, 6 X 3-
STOREY 4 BED, 29 X 2-STOREY 3-BED AND 2 X BLOCKS OF FLATS (4 X 1 -BED
AND 8 X 2-BED) WITH ASSOCIATED GARAGES, PARKING, PLAY AREA AND
LANDSCAPING INVOLVING THE FORMATION OF A NEW ACCESS ROAD

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.

Alison Callaby presented the report and update to Members.

Members received a presentation in objection of the application in accordance with the Public Participation Procedure from Parish Councillor Alexandra Patrick.

Councillor Patrick explained that she is speaking on behalf of Wisbech St Mary Parish Council, who object to the application on the grounds that the design is inappropriate for the village. Whilst they are not opposed to development, they do not feel blocks of flats are suitable for a village. The village currently has a mix of bungalows and houses and the design proposal will encompass some overlooking. Members of the Parish have questioned the absence of a Section 106 Agreement and are concerned that for such a large scale development there would need to be some type of management in terms of the open space area as it would place an added strain onto the Parish Council if they had to be responsible for it.

Members received a presentation in objection of the application in accordance with the Public Participation Procedure from Councillor Gavin Booth.

Councillor Booth gave apologies on behalf of Councillor Sarah Bligh who had also wished to speak on this application.

Councillor Booth stated his strong objection to the application and stated that with regard to point 10.1 in the Officers report it states the proposal is for 26 units where it is actually 76 units and this is a large development on the perimeter of Wisbech St Mary. The 76 properties exceed the development threshold on its own for Wisbech St Mary. Developments of this size in villages cannot be seen to be modest particularly when the local plan states should happen for the growth of villages. Councillor Booth commented that in 10.2 of the Officers report where it refers to sustainability, the previous application was on balance agreed on the basis of Section 106 contributions, however, this application cannot provide that and it is actually increasing the intensity of buildings on this site in the open countryside and if the previous application was on balance how can this application in front of committee today without a Section 106 be put forward. Councillor Booth stated that under 10.5 of the Officers report it refers to a Community Consultation exercise and on an application of this size it would be expected that a consultation would have taken place and this has not happened and Councillor Booth would like to know why. Councillor Booth stated that he believes the Developer has taken the decision that they would not get community support for this application due to the size and the objections raised at the previous application. Councillor Booth commented that with regard to the petition that was mentioned, many of the villagers that he has spoken to in the village have signed it believing it covers the subject of flooding and is also against the development.

The Parish Council have voiced their objections today and Councillor Booth highlighted that with regard to Policy LP12 (2) it states that if there is no community consultation, the Parish Council have said they strongly object to this and therefore the application does not meet that policy. The

policy states that the appeal cannot just take that policy on its own as an objection but there are other considerations that need to be discussed. Councillor Booth commented that within point 10.14, it states there will be no loss of amenity to neighbouring properties; however, he believes this comment is that of Officers, as there will be a loss of amenity when there will be an access way with hundreds of vehicle movements within 2 metres of the boundary. Councillor Booth states in 10.16 it refers to highways and the proposed development as being in a 30mph zone, however this is incorrect as the area is in a 40 mph zone. The Parish Council have a minor highways bid in place, but is more for reducing speed around the school and shops. There have been discussions around flooding and a point has been made concerning some of the improvements made, however these haven't been tested and the Committee should be aware that part of the development is in flood zone 3 and there is very little mention of the sequential test in the report. Councillor Booth pointed out that in 10.32 it mentions the play area and Councillor Murphy has already raised the issue surrounding the management of play areas in the future. In section 10.34 where it refers to Section 106 Agreements there will be extra pressure put onto local services as a result of the development as it is not viable and the approach adopted by Officers and all the objections and reasons against this application need to be considered and he recommends the application be refused or at least for it to be deferred to allow a proper community consultation exercise to be carried out.

Members received a presentation in support of the application in accordance with the Public Participation Procedure from Steven Mitchell, the Agent.

Mr Mitchell stated that the development has increased from the previous approval to encompass more affordable homes. In addition land has been gifted to the North Level Internal Drainage Board which has enabled them to upgrade and take control of the drainage ditch on the east of the site. Mr Mitchell stated that they are investing in public open space with a play area for this development that will benefit not just the estate but the wider village as a whole. Mr Mitchell confirmed that they will be managing and maintaining the area at no cost to either the Parish or District Council. The Parish Council were contacted twice in order to enable the scheme to be presented to the Parish Council but no response was received. Access was approved during the previous approval and there are homes being built on flood zone 3.

Members asked the following questions of Mr Mitchell.

1. Councillor Mrs Laws asked Mr Mitchell with regard to LP12, which is concerning public consultation that apart from approaching the Parish Council, did the developer deliver letters to local residents or to hold an exhibition in the village hall? Mr Mitchell confirmed that he had made contact via email twice to the Parish Council, but on both occasions the email did not meet with a response.
2. Councillor Mrs Laws commented that there is a difference between approaching the Parish Council to actually discussing the application or for the developer to distribute letters to local residents to make them aware. Mr Mitchell clarified that they did not distribute letters but did contact the Parish Council to make arrangements to carry out a presentation.

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

- Councillor Mrs Hay commented that she has seen the viability study and stated that the earlier application was approved, because the development would result in benefits to the sustainability of the area through the Section 106 contributions that were agreed at that point in time. With this application before Members now the development has grown by 50%, it is no longer viable, and therefore, in her opinion it does not offset the benefits and the disadvantage of encroaching into open countryside.
- Councillor Mrs Laws agreed with Councillor Mrs Hay and on balance that is why the application was pursued. Councillor Mrs Laws stated she is not happy with regard to the public consultation but also the design of the development with regard to flats there is

nothing else in the area similar to the proposal and whilst she appreciates that different accommodation needs to be offered, she questions the compatibility of the design as well.

- Councillor Sutton commented that, whilst he appreciates what the other Members have already said, to not support this application in his opinion would be wrong, as it already has outline permission for 50 properties and he knows that Officers will ensure that each property has the correct amenity space according to policy and, therefore, if the developer is able to increase the amount of properties on the site and it complies with policy then there is no issue.
- Councillor Sutton stated that with regard to flats in villages, just because there are currently no flats in villages it does not mean that in the future there cannot be any flats in villages. Flats will be much cheaper for younger persons to purchase and continue to live in villages where at the moment they cannot. Councillor Sutton confirmed he is not referring to social housing he is referring to affordable housing. There are people in villages that would be able to buy as a first time buyer a flat that would not be able to purchase a 2 or 3 bedroomed house. They are not large tower blocks and he will support the application because if they don't the application will come forward again in the future and somebody will challenge the 5 year land supply.
- Councillor Mrs Laws asked Officers to confirm whether they were happy with the sequential test. Alison Callaby clarified that the development sits within the flood zone 1 and the agent has confirmed no development will take place on flood zone 3.
- Councillor Sutton commented that he remembers when this application was discussed previously that it would have been ideal to have the access in the corner where there was a bungalow and on the site visit it was clear to see the land went down in the back corner and the comment was made at the time that no development could take place in flood zone 3.
- The Chairman commented that he also recalls from the last time when this application was brought forward for the reduced houses in the top right hand corner, there was also a footpath that the children could use for access to the school, this seems to have disappeared. Whether this could be resurrected to stop the children having to walk along the high street to the school.
- Councillor Sutton stated that as he recalls the agent at the time said they would be happy to talk to the adjacent land owner and if permission was given they would be willing to put that in, however this looks as though it has not worked.
- Councillor Sutton asked whether there was a time frame for the section 106. David Rowen stated that it was not on the recommendation in front of Members; however as per the previous item it will be added.

Proposed by Councillor Sutton, seconded by Councillor Newell the application be APPROVED, which was not supported by a majority on vote by members

The Chairman stated that he now required a second proposal and the reasons for the proposal.

- Councillor Mrs Laws stated that she cannot support the application purely on viability grounds as she cannot see what the application is offering the village and policy wise she is struggling. On principal the application should probably be approved, however applications are looked at frequently and promises are made with regard to 106 agreements and Councillor Mrs Laws commented that she expected the Section 106 Officer to be present today.

(It was pointed out to Councillor Mrs Laws that the Section 106 Officer was present)

The Chairman stated again that if a proposal for refusal was to be made then there needed to be defensible reasons to support it.

- Councillor Mrs Laws stated that with a heavy heart she would not be putting forward a proposal for refusal as she cannot think of a policy reason for such a decision. Councillor

Mrs Laws stated she is so unhappy that the application offers nothing apart from housing.

- Mr Nick Harding said that if the Committee are minded to refuse the application as has been indicated, Members need to evidence the harm that would arise as a consequence of allowing this development to go ahead. As was mentioned through the debate the previous approved scheme brought with it a range of benefits through a Section 106 Agreement and this latest scheme does not do so to the same extent. The Committee needs to bear in mind that clear advice from the Government on these matters states that when considering whether to grant planning permission, you have to have regard to viability of the scheme. If the Developer can satisfactorily demonstrate the scheme is not viable when making policy compliant levels of contributions, then planning permission should still be granted, unless it can be demonstrated that significant harm will arise. Therefore, if permission is granted for this scheme can Members identify where the significant issues would be in terms of not providing for a policy compliant S106 agreement?
- Councillor Mrs Laws commented that when the application was brought before Committee previously the balance for the Committee was to approve it because of what it was offering and now it is not.
- Councillor Mrs Hay commented that if this application had come before the Committee today without the earlier application for 50 houses that was granted and it was granted only because of the extra benefits from the Section 106, it would have been rejected due to encroachment onto open countryside and it does encroach without any benefits to offset.
- Councillor Benney commented that the development is 50% bigger than the previous application and to inflict this onto a small village would be detrimental.
- Councillor Sutton commented that open countryside has been mentioned by Members and if we are never going to build in open countryside then there will never be any building taking place. All the broad concept areas are open countryside and if as a committee nothing is approved due to the reason of it being in open countryside then as an Authority we will fail.
- Councillor Sutton commented that to refuse the application would steer the Council into a dangerous position. Councillor Sutton reminded Members of the Manea Application where Members considered the Community Consultation and quoted the Local Plan when that application was refused, which in turn went to Appeal and the Authority lost resulting in costs to the Council.
- Mr Nick Harding asked the Committee to be mindful of a previous application which had 11 dwellings on part of the site. This did encroach into the countryside beyond the existing village limit but not as much as the current application. In terms of the 2015 application, the Officer recommendation was on the basis that although the development would result in some intrusion into the open countryside the impact was outweighed by the benefits of the scheme.
- Councillor Mrs Laws stated that she was unable to put forward a proposal to refuse the application as she has no substantive reason to support this. However she would like it publically recorded how much this decision displeases her.
- The Chairman stated that as there was not a proposal before the Committee for the refusal of the application, there was the need to reconsider the officer recommendation and was looking for a proposal.

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

P19/18

F/YR17/0685/VOC.

LAND SOUTH WEST OF QUEEN STREET CLOSE, MARCH.

**VARIATION OF CONDITION 1 (CONDITION LISTING APPROVED PLANS),
RELATING TO PLANNING PERMISSION F/YR14/0886/RM (ERECTION OF 6 X 3-
STOREY, 3 BED DWELLINGS WITH BALCONY TO FRONT AND INTEGRAL
GARAGE AND 4 X 3 -STOREY, 2-BED DWELLINGS) TO PROVIDE FOR 10 X 2**

STOREY 3-BED DWELLINGS WITH ACCOMODATION IN THE ROOF SPACE, REVISIONS TO DESIGN, MATERIALS, FLOOR AREA, TURNING HEAD, LANDSCAPING AND BOUNDARY TREATMENTS, AMENITY AREAS AND REMOVAL OF THE INTEGRAL GARAGES

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

David Rowen presented the report to Members.

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

- Councillor Sutton asked for clarification as to whether there is a policy which states that there needs to be a garage built with all houses as he does not recall one.
- The Chairman agreed with Councillor Sutton, in that it states car parking.
- Councillor Mrs Laws commented with regard to the turning circle and also agreed with Councillor Sutton as she cannot recall seeing a policy which states you have to have a garage built with a house, providing you have a car parking space that is in accordance with adopted standards.
- David Rowen clarified that the turning circle has not altered.

Proposed by Councillor Mrs Laws and seconded by Councillor Sutton that the application be APPROVED as per the Officer's recommendation.

P20/18 TPO 06/2018 -W1 WOODLAND GROUP.
TREE PRESERVATION ORDER (TPO) AT MANEA PIT, PARK ROAD, MANEA.

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

David Rowen presented the report to Members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure from Christopher Harrison.

Mr Harrison advised the Committee that he is speaking on behalf of a number of Manea residents who strongly support the view that the TPO by the Planning Office should be upheld. Mr Harrison advised the Committee that Manea pit was awarded a country wildlife status in 2003 and it was stressed that Manea Pit should be treated as a nature reserve and be protected. In 2015, the status was withdrawn as the result of a lot of unauthorised work being carried out. Manea Pit and the surrounding woodland had been managed by the Pit Committee and the committee included people with knowledge of conservation and habitat management, however that committee was abolished in 2017 by the Chairman of the Parish Council. The Management Plan that the Tree Officer referred to was drawn up by the Pit Committee and those committee members are no longer involved with the Parish Council. Mr Harrison stated that the Manea Parish Council submitted plan has nobody to maintain it any longer, which is, in his opinion, makes the tree preservation, vital. The habitat of Manea Pit is vast with birds, deer, foxes, rabbits, hedgehogs, hares and badgers and it is a community asset for families, school children, dog walkers, fishermen, photographers and artists and it needs to be protected. Mr Harrison stated that the only way to protect the pit and its surrounding area and to uphold the tree preservation order. One of the conditions was not to use mechanical equipment to implant the otter fence which was totally ignored and heavy machinery was used to put the fence posts in. Mr Harrison drew the Committees attention to the Parish Councils objection which states 'there is no need or justification for this TPO and such an approach is not an expedient course of action by the local planning authority'.

Mr Harrison asked the Committee to enforce the TPO as it is needed.

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

- Councillor Mrs Hay commented that within the Officers report it states that the Parish Council have stated that they have no intention, of undertaking or causing, cutting down, topping, lopping, pruning or damaging the trees around the pit area and, therefore, why do they object to a TPO.
- Councillor Mrs Newell commented that she has received quite a few phone calls regarding this issue and although Councillor Newell has not given her opinion she has listened to what they have said. The information she has been given is that most of the local residents of Manea are against having the TPO removed, and after listening to Mr Harrison the information must be correct. The fence that has been installed is now causing access issues for elderly people in wheelchairs.
- Councillor Sutton commented that as he had stated earlier he had attended Manea Parish Council on a totally different issue and there was a gentleman present who stated that there had been an issue with access but he thanked the Parish Council for the monies that had been put forward to allow his wife who is in a wheelchair to be able to gain access into the park with no issues. Councillor Sutton commented that TPO's are a good thing where they are needed and personally he thinks that to blanket a TPO is not a good thing but having spoken to the Clerk and the Parish Council Chairman following the meeting, they had advised him that they had attended a meeting with the Tree Officer and they no longer object to the TPO.
- Councillor Sutton commented that if he can be shown one tree or a bunch of trees in that area that warrant a TPO he will support it fully, however, to blanket a TPO forms a layer of complicated and excessive red tape which is unnecessary, however, the Parish Council have now said they no longer object to it.
- Councillor Mrs Laws stated that she agrees with the TPO and what a TPO does ensure is that works are carried out to trees they are done professionally, applied for and if the trees are unhealthy it can be removed with permission and a suitable mature species can be put in its place.

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

(Councillor Sutton advised the committee that he attended Manea Parish Council on another issue on Monday 13 August 2018 and he spoke to both the Chairman of the Parish Council and the Parish Clerk and this Agenda Item did come up in conversation, but Councillor Sutton stated he made no engagement as to how he would be voting on this matter.)

P21/18

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 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.

Alison Callaby presented the report and update report to Members.

Members received a presentation in objection to the application, in accordance with the Public Participation procedure, by Phillip Parker.

Mr Parker stated that he has been the Manager of Kings Dyke Nature reserve for 25 years. The nature reserve is located to the north and the west of the proposed Westhaven Nursery development site and is a very important site for wildlife. There are 3000 species of wildlife having been recorded including an internationally important population of great crested newts and other vertebrate populations, a significant proportion of which occur next to the boundary of the proposed development site. The importance of the site has been recognised through gaining a number of national and international conservation awards and recently it was one of the 50 sites visited by Chris Packham. With 1139 species recorded in the course of 24 hours this was the most diverse site that he visited anywhere in the country. The nature reserve is visited by an excess of 5000 people per year and is used by many schools for educational activities. The trail used by the schools is very close to the development boundary. The reserve's importance has been recognised by a group of councils seeking to link the nature reserve to the important archaeological finds at Must Farm. Mr Parker stated that a Fenland District Councillor had quoted in a newspaper article earlier in the year that Kingsdyke Nature Reserve is a much loved reserve already enjoyed by residents and visitors alike'

Mr Parker stated that throughout the outline planning and reserved matters process concerns have been raised including a lack of an appropriate buffer to the nature reserve to protect it, and an appropriate buffer would be a minimum of 20 metres which is normally to be expected. In the Development Plans, there was a 10metre buffer to the northern boundary and no buffer to the west despite this being the most visible aspect to users of the nature reserve. Mr Parker commented that it is pleasing to see that the developers have amended the design so there is now an 8 metre buffer along the west of the boundary including the retention of the conifer screen and would welcome this screening to be protected by a TPO. Mr Parker added that whilst they still feel that the buffer is inadequate it is an improvement. Mr Parker stated they would also like to see an appropriate boundary fence to prevent unauthorised public and cat incursions into the nature reserve. There are potential impacts on the water regime within the nature reserve remain the one aspect where no improvements have been made and despite the observations made by the developers engineers the ground water locally is close to the surface and this has been confirmed by many years of monitoring. The pollution report fails to state the large number of ponds close to the development boundary which support the majority of the great crested newt population and fails to carry out any impact assessment. Mr Parker commented that concerns are still present over the road drainage by the means of soakaways and the highways authority shares the concerns and Cambridgeshire Highways will not adopt the road drainage scheme. The impact on water quality is critical and this concern is supported by 'Bug Life' and Natural England who advise the Council should secure the implementation of a water management scheme that is sufficient to demonstrate no adverse impact on the water environment. Mr Parker stated that no one from the Developer has ever visited the Nature Reserve and it is critical that a scheme is put in place to assess the current regime.

Members received a presentation in accordance with the Public Participation procedure from Robert Jays, the Agent.

Mr Jays stated that following negotiations with the former landowner Axiom purchased the site in December 2017. When purchasing the site it was always the intention of a more comprehensive development than the 68 dwellings already permitted in outline consent. Due to the significant financial commitment to purchase the site, Axiom did not wish to risk outline permission expiring with no formal planning permission and, therefore, detailed discussions were undertaken with the Planning Department to submit the reserved matters application before the Committee today and then to submit a further application for 16 more dwellings that is currently being considered. Mr Jays stated that he is aware that some consultees have raised concerns with regard to this

approach, but the Developer has never intended to confuse matters. Mr Jays stated that as set out in the committee report an area of concern on the application site is the area of ecological interest on the site and whilst this is not dealt with in this reserved matters planning application the developer has been as proactive as possible in terms of the areas of concern including the employment of an ecological consultant who has produced a comprehensive mitigation strategy to ensure that no harm is caused to the protected species on site and make sure there is a limited impact on the nature reserve to the north. This approach has been agreed with the Councils wildlife Officer and Natural England. There has also been a meeting with the Wildlife Officer along with a representative from the nature reserve on site to discuss the issues and following the meeting additional information was then supplied and changes were made in order to mitigate concerns raised. Mr Jays commented that in his opinion he feels that a robust and acceptable strategy is in place that deals with the ecology issues on site and outside of the planning process the developer has been working with Natural England to give advice and assistance to deal with the mitigation to ensure that no protective species will be harmed. Mr Jays stated that Cambridgeshire Highways and the LLFA both objected to the original reserved matters planning submission and what is now proposed is a private road and drainage system that will be maintained by a private management company for perpetuity. Mr Jays stated that as a long term housing provider and owner of the completed dwellings it is in the best interest of Axiom housing to ensure that the scheme complies with all the necessary steps to negate the issue of flooding. A detailed drainage strategy has now been produced and now the County Council and the LLFA have removed their objections. Mr Jays stated that the principle for developing the site for residential use was established at outline stage and the application is of high quality design homes and in the long term and subject to the further planning application Axiom would like to construct a total of 84 houses on site and of these properties 58 will be affordable homes and this is a very significant over provision of affordable homes when compared to a policy compliant scheme, providing 69% of the scheme for affordable use will be more than double the 25% required in the Fenland planning policy.

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

- Councillor Sutton commented that there is a good mix of homes being provided and the sooner this application is passed the better as there are many people on the housing waiting list.
- Councillor Mrs Laws understands the concerns of the nature reserve and appreciates the points raised by Mr Parker. However, the Committee are looking at the layout and the design today and providing the layout does not compromise anything for the future for the nature reserve with the boundaries then she has no problem with the proposal at all. Very often we debate that we have no affordable social housing development coming through and this site has all of those elements.

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

(Councillors Miscandlon and Mrs Laws stated they were Members of the Whittlesey Town Council but take no part in planning matters.)

P22/18 F/YR18/0381/F. WISBECH GRAMMAR SCHOOL, 46- 48 NORTH BRINK, WISBECH.
CONSTRUCTION OF A STAFF CAR PARK WITH ACCESS VIA HARECROFT ROAD AND LINK FOOTPATH TO EXISTING SCHOOL AND RAISING OF EXISTING ASTRO TURF FENCE TO 6.0 METRES (MAX) ON EASTERN SIDE

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

David Rowen presented the report to Members

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

- Councillor Sutton commented that he has attended meetings at Wisbech Grammar School as there had been an issue with parking at the Hudson Leisure Centre and as Councillor Tanfield had a child who attended the Grammar School, it was felt that it was not appropriate for her to attend that meeting and he had substituted for her at two or three different meetings. At those meetings, various options concerning the car park at the Grammar School were discussed and this proposal before the Committee today is much needed.
- Councillor Mrs Laws asked for clarification as to whether the car park was going to be gated as it states it will be open from 7am to 7pm and who will be responsible for it. Councillor Mrs Laws added that as there is an elderly person's complex adjacent to the car park this would need to be considered, hence the query as to whether the car park will be gated and locked.
- David Rowen clarified that there is a gate which is on the site plan and condition 5 indicates that the gate shall not be open outside the hours of 7am to 7pm on any day and the car park shall only be used within those hours.
- Councillor Mrs Laws commented that the trees on site do not look well maintained and queried whether there are any TPO's. David Rowen stated that he was unaware of any TPO's on them and the Tree Officer has looked at them as part of the application and the condition in the update report states that any works to the car park does not damage the tree roots.
- Councillor Mrs Law asked whether the trees need to be protected and Mr Rowen stated that there has been no indication from the Tree Officer that the trees would need a tree preservation order.

Proposed by Councillor Murphy, seconded by Councillor Clark and decided that the application be APPROVED as per the Officer's recommendation.

(Councillor Sutton advised the committee that, he attended a meeting with the Sports and Leisure Officer and the Bursar from Wisbech Grammar School on two occasions regarding this matter, but this does not affect his decision today.)

P23/18

F/YR18/0579/F.

NORTHVIEW, DECOY ROAD, GOREFIELD.

ERECTION OF A 2 STOREY 4 BED DWELLING INVOLVING THE DEMOLITION OF EXISTING PROPERTY, EXTENSION TO THE RESIDENTIAL CURTILAGE, INSTALLATION OF GRAVEL DRIVEWAY AND TEMPORARY SITING OF A STATIC CARAVAN AND TWO STORAGE CONTAINERS DURING THE CONSTRUCTION OF THE NEW DWELLING

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.

Alison Callaby presented the report to Members.

Members received a presentation in support of the application in accordance with the Public Participation Procedure from Rachel Newling and Jonathan Blunt, the applicants.

Rachel Newling explained how she has grown up in the area and wishes to continue living in the area and continue with the family fruit farm business. Rachel Newling stated that she is aware that the proposal is for a bigger home than the original, but she would like to be able to make it a future

family home. Mr Blunt commented that the existing farmhouse is a lovely old building, however, time has taken its toll on it and it is no longer safe to live in. The farmhouse is not listed and no historical background, but has a sentimental history to the family, hence the wish to rebuild it. The old house will be taken down brick by brick so that they can be used again and will have the same recessed windows and the same slate roof, using reclaimed slate from the old house and the same two chimneys. Mr Blunt stated that with regard to LP12, Part 12, e) under permitted development they would have been allowed an 8 metre extension on the original northview site, but the area they are requesting approval for is another 6 metres. This part would not be visible to the neighbours opposite and will not be an intrusion.

Members asked Rachel Newling and Jonathan Blunt the following question:

- Councillor Sutton asked for clarification as to whether the current property is subject to any agricultural restriction. It was confirmed that it does not.

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

- Councillor Sutton asked for clarification whether the frontage is exactly the same and it was confirmed that it was. Councillor Sutton stated that personally he has no objection to the new application.
- Councillor Sutton stated that, in his opinion, in this case we should go against the officer's recommendation, the proposal is on a huge plot and it will not look out of place.
- Councillor Mrs Laws stated she does not like going against Officers recommendation and asked for clarification concerning permitted development.
- Alison Callaby clarified that permitted development would allow an 8 metre single storey extension as a larger home extension and in terms of a 2 storey extension, you could extend 3 metres and explained that there was a condition restricting permitted development on the original application and with the proposal before committee today a certain amount of permitted development would be allowed, however, the proposal exceeds this.
- Mr Harding stated that if committee were minded to approve the application there is the option to remove permitted development rights going forward.
- Councillor Mrs Laws stated that she has listened to the presentation and if the frontage has not been changed at all, the proposal is in a rural setting and the business is flourishing and the young couple wish to make it a family home, then she will go against the Officers recommendation.
- Councillor Murphy commented that it cannot be classed as a small amount when it is 90% greater and we are going against our policy and he also added we would then be setting another precedent.
- Mr Harding added that as Alison Callaby stated in her presentation, Members should not just look at the increase in size from the original. Alison had highlighted what harm would arise as a consequence and if Members went ahead and granted consent it would be on the basis that they did not agree with what Officers were saying in the context of the harm that would arise and, therefore, it would not necessarily be setting a precedent.
- Councillor Sutton stated that he has the greatest respect for Officer's and he fully understand that Officers will follow the plans which is only correct procedure , however on this occasion the 28% increase is a big increase which is over and above what would normally go up to. Councillor Sutton stated he does not see what harm this development would cause and Members of the Planning Committee have the authority to say that on this occasion this proposal is not out of place.
- Councillor Benney commented that on the site visit when he looked at the plot, in his opinion, the proposal was very in keeping with the plot and it will be asset to the village.
- Mr Harding stated that if Members decide to approve this application against Officers recommendation would they be seeking to give Officers authority to add on certain conditions which would include the removal of permitted development rights.
- Councillor Sutton asked why would permitted development rights have to be Page 17 of 17

conditions.

- Councillor Laws stated so that the property cannot be extended any further.

Proposed by Councillor Sutton, seconded by Councillor Clark that this application be APPROVED against the Officers recommendation with the provision that Officers are given authority to put on certain conditions which would include the removal of permitted Development rights.

**P24/18 F/YR18/0615/F.
9-15 ORANGE GROVE, WISBECH.
ERECTION OF AN ADDITIONAL STOREY TO EXISTING FLATS TO FORM 1 X 2
BED AND 2 X 1 BED FLATS AND RETENTION OF EXTERNAL INSULATION AND
RENDER (PART RETROSPECTIVE)**

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.

Alison Callaby presented the report to Members.

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

- Councillor Sutton asked whether the insulation is fire compliant in light of the Grenfell Towers incident. Alison Callaby responded by saying that would be covered under building regulations.
- Councillor Sutton stated he has no problem with this proposal.
- Councillor Mrs Laws stated she is also quite happy with the proposal and it is worth noting that the applicant came forward at the pre application stage and through discussions with Officers has submitted a more innovative design, which shows that the pre application procedure is worthwhile.
- The Chairman commented that a pre app on all applications is very beneficial to both the applicant and to Officers.
- Councillor Mrs Hay commented that she is in favour of approving the application as it is an improvement on how the building looks at the present time.

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

**P25/18 F/YR18/0568/F
LAND EAST OF THE HAVEN, SEADYKE BANK, MURROW.
ERECTION OF 5NO INDUSTRIAL BUILDINGS (B1) AND OFFICES AND 1.8
METRE HIGH FENCING**

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

David Rowen presented the report and update to Members.

Members received a presentation in support of the Application in accordance with the Public Participation Procedure from Alexandra Patrick, the agent.

Alexandra Patrick addressed Members and highlighted that there is some controversy in the

Officer's report surrounding mature hedging in the eastern and western boundaries; however, later in the report it states there are none. The report states that the site is in a predominantly tourism area and this is not the case. Surrounding the site there is a mix of residential and commercial elements and the road is used by commercial and agricultural traffic and there are already industrial units in the vicinity. These are existing businesses which were approved by the Council. The proposal is not going to be a development in the middle of nowhere as there are already other established premises. Planning Officers are bound by policy and although the proposal is on the edge of a village it is already surrounded by development. The land is not of any use, it is not protected by trees, it is not large enough to farm and there have been many instances of fly tipping. The proposal will infill the piece of land and makes a positive use of it to help local businesses and the community.

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

- Councillor Sutton commented that he has mixed feelings about this application. He has been an advocate in the past of having small business units in villages to help with sustainability, however he has concerns as to whether this proposal is in the right place and he questions whether it is too far outside of the village.
- Councillor Mrs Laws stated she also supports small businesses and units, however on this occasion she does not feel that this is suitable for the area and having looked at other businesses in the locality, but she thinks she needs to agree with Officers.

Proposed by Councillor Mrs Laws, seconded by Councillor Murphy and decided that the application be REFUSED as per the Officer's recommendation.

4.13 pm

Chairman

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PLANNING COMMITTEE	
Date	12th September 2018
Title	TPO reference: 09/2018 – TPO Footpath East of 16 Nene Parade, March

1. PURPOSE

The purpose of this report is to request authority from members to confirm Tree Preservation Order (TPO) 09/2018 TPO Footpath East of 16 Nene Parade, March and endorse the suggested way forward with regard to addressing issues of maintaining the boundary wall belonging to N0.20 Nene Parade, whilst retaining the Ash tree.

2. SUMMARY

Matters relating to the issue and confirmation of unopposed TPOs are normally dealt with by delegated powers. However, when objections to the making of a TPO have been received it falls outside the scheme of delegation and as such this matter is duly referred to Committee for authority to proceed with confirming the order.

It is also necessary to alert Committee Members to discussions between the tree’s owner, being West Sussex County Council, and the Council’s Arboricultural Officer. These discussions relate to the proposal of an engineered solution relating to the neighbouring boundary wall at No.20 Nene Parade whilst retaining the Ash tree on site. Acknowledgement of the recommended solution has not yet been received from West Sussex County Council, or that of the leaseholder, being Sainsburys Supermarkets Ltd, hence the need to confirm the TPO status of the Ash tree.

3. RECOMMENDATION

It is therefore recommended that members authorise that TPO 09/2018 is formally confirmed.

Forward Plan Reference No. <small>(if applicable)</small>	Not applicable
Portfolio Holder(s)	Not applicable
Report Originator	Vanessa Cartwright-Bremner, Development Officer
Contact Officer(s)	David Rowen, Development Services Manager
Background Paper(s)	TPO 09/2018

1. BACKGROUND

1.1.1 An application was submitted on 16th May 2018, by Sainsburys Supermarket, which sought consent to fell an Ash tree within the March Conservation Area on land east of no.16 Nene Parade. The justification given was that the tree's root activity was adversely affecting the fabric of the brick boundary wall belonging to the neighbouring property at No.20 Nene Parade.

1.2 An assessment of the tree by the Council's Arboricultural Officer noted that:

'The tree is an Ash growing close to the boundary wall of adjacent property. The tree is located within a public seating area on a footpath to the Sainsburys Supermarket. The tree has a full healthy crown and is approximately 11m in height with a trunk diameter of 46cms; the tree is prominent and of significant amenity value being accessible to the public.

The boundary wall has significant stepped cracking, and historic cracking that has been repaired in the past and subsequently reopened. Whilst it is likely that the tree is responsible for the cracking, using the CAVAT method of tree valuation (Capital Asset Value for Amenity Trees), the system provides a basis for managing trees in the UK as public assets rather than liabilities. Using this system on the tree in question gives a monetary value of £20,127.10. The tree represents a considerable investment and contribution to amenity, and as such I consider that an engineered solution should be applied to this situation. I therefore recommend that a TPO is placed on the tree, and that the tree owner consult a structural engineer to determine if the cost of a long-term engineered solution to the damage is cost effective when compared to the value of the tree'.

1.3 A TPO was subsequently raised on 25th day of June and as required by the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of the order was served on persons interested in the land affected by the Order; a site notice was also displayed.

1.4 In response to the making of the Order the following representation has been received:

Objection 1: Neighbouring Property at No.20 Nene Parade

- Has questioned the tree's amenity contribution to the area
- Branches overhang the property
- Falling leaves blocking water goods on garage
- Tree not suitably planted initially. Therefore, outgrown its location
- Children climb the wall to get into the tree, in doing so dislodge coping stones

2. ASSESSMENT

2.1 The above objection has been duly considered by the FDC Arboricultural Officer. As stated above, a proposal has been recommended to address issues regarding the damage believed to be caused by the Ash tree to the boundary wall belonging to No.20 Nene Parade, by an engineered solution, and has been put to the owner of the land, being West Sussex County Council, and the lease holder, being Sainsburys Supermarket Ltd.

2.2 However, due to an agreement not yet being made to address the above issue by West Sussex County Council or Sainsbury Supermarket Ltd, accordingly the requirement of the TPO to protect the Ash tree located within the March Conservation Area is necessary.

3. CONCLUSION

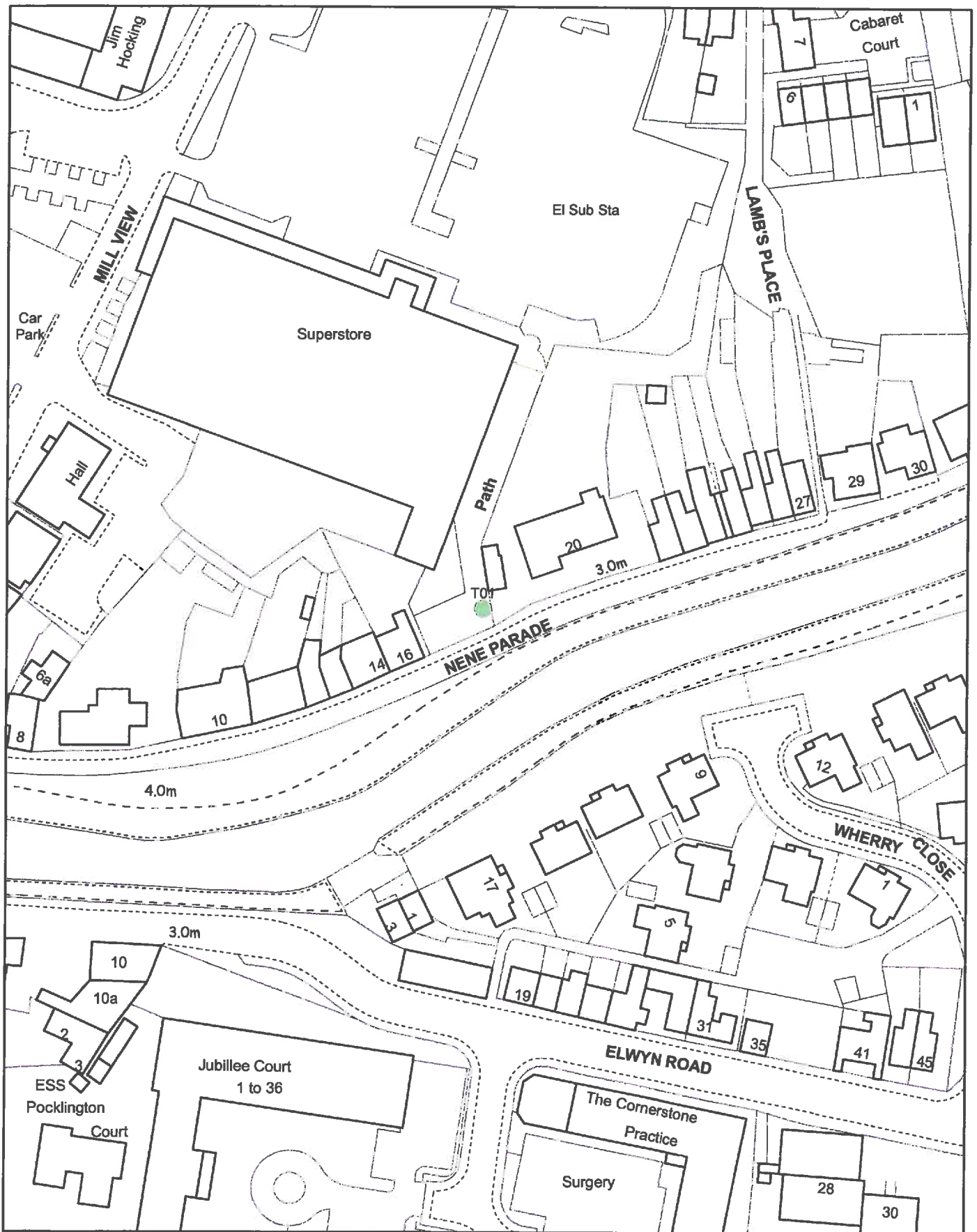
- 3.1 Following receipt of the above objections to the confirmation of TPO 09/2018, the proposed Order has been reviewed. The placement of a TPO does not prevent tree works but gives the Local Planning Authority control over 'inappropriate' works.
- 3.2 Section 72 of the Town and Country Planning Listed Buildings and Conservation Areas Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of buildings or land within a Conservation Area.



4. RECOMMENDATION

- 4.1 It is therefore recommended that the TPO is confirmed in accordance with the Order TPO 09/2018 as the Ash tree has been identified as being of significant amenity value to the streetscene and the character of March Conservation Area.

Appendix 1 – Location of TPO 09/2018





Created on: 25/06/2018	Scale = 1:1,000	<p align="center">TPO09/2018 TPO Footpath East Of 16 Nene Parade, March T01 - Ash</p>	<p align="center">N </p>	
<p align="center">© Crown Copyright and database rights 2018 Ordnance Survey 10023778</p>				

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F/YR15/0668/O

**Applicant: St Johns College,
Cambridge**

**Agent : Mr Garth Hanlon
Savills (UK) Ltd**

Land North Of 75 - 127, Estover Road, March, Cambridgeshire

Outline with one matter committed detailed as access in relation to 95no dwellings (max) with associated landscaping, drainage and open spaces

Reason for Committee: This application is before committee due to the level of objection received from local residents and the views of the Town Council.

1 EXECUTIVE SUMMARY

This is an outline application for a residential development of a maximum of 95 dwellings with associated landscaping, drainage and open spaces.

The proposal is considered to be acceptable in principle as it would represent a sustainable residential extension to the edge of the settlement of March (which would contribute to the delivery of housing).

With regard to detailed considerations (such as highway matters; drainage/flood risk; amenity impacts and the impact upon the character and appearance of the area) the development would not lead to any unacceptable harm being evident.

In relation to Section 106 matters the scheme has been through a viability exercise and although not all of the policy requirements can be secured it is considered that the benefits of bringing the scheme forward now outweigh any non-policy compliance in this regard. Mechanisms will be put in place within the S106 to accommodate any funding that may come on stream during the future delivery of the development to redress the affordable housing shortfall.

Overall the development is therefore considered to be acceptable subject to planning conditions and a Section 106 Agreement.

2 SITE DESCRIPTION

- 2.1 The site has an area of approximately 5.52 hectares and is currently in agricultural use. The site is generally flat and open in appearance. The site adjoins the existing playing fields at Estover Road to the east. Land to the north (partly within the same ownership) is in agricultural use. Land to the south is occupied by existing housing along Estover Road.

3 PROPOSAL

- 3.1 The proposal seeks outline planning permission with all matters reserved except for access for a residential development for up to 95 dwellings on an area of land of 5.52 hectares.

3.2 Whilst the application is in outline only, to allow full evaluation and consideration of the development to determine whether the proposed amount of development can be satisfactorily accommodated on the site, an indicative block plan has been submitted detailing the potential location of buildings, routes and open spaces. The submitted illustrative masterplan indicates how the site could be developed and is attached to this report.

3.3 The following has been submitted in support of the application:

- Design and Access Statement
- Flood Risk Assessment
- Planning Statement (incorporating Statement of Community Involvement)
- Preliminary Ecological Appraisal (November 2014) – Addendum 2017
- Revised Transport Assessment – January 2016
- Travel Plan (April 2015)
- Archaeological Evaluation Report (October 2014)

3.4 Given the passage of time since the application was originally lodged and in light of concerns generated by statutory consultees and local residents updated information has been provided relating to traffic and highway matters and surface water considerations; these being as follows:

- Updated traffic surveys (undertaken in March 2018);
- Updated TRICS Assessment;
- Updated committed developments as appropriate;
- Updated TEMPRO factor as appropriate;
- Inclusion of the latest 60 months of accident data;
- Updated context as required; and
- Consideration of the growth of rail freight, and the resultant level crossing down time.
- Surface water management note published 20th July 2018
- Surface Water Management overview contained within letter dated 18th June 2018 from Cannon Consulting Engineers

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=NRS2S4HE01U00>

4 SITE PLANNING HISTORY

4.1 No planning history since 1974.

5 CONSULTATIONS

5.1 **March Town Council:** March Town Council strongly recommends refusal of the above application for the following reasons:

1. It is felt that the updated traffic reports purely attempt to minimise the adverse effects of this application. Not enough weight has been given to existing planning permissions granted or to the proposed increases of both passenger and freight rail traffic.
2. Fenland District Council has recently announced that the 5 year land supply situation has now been resolved.

3. Insufficient attention seems to have been paid to the flood risk /drainage situation. Soakaways would not appear to be the answer in this area, and more credence should be given to the opinions of the Middle Level Commissioners since, at this point in time, it seems the current infrastructure cannot cope.
4. When the applicant is also the landowner, how can it be suggested that the recommended level of affordable housing cannot be achieved? This is an absolute disgrace because it means the applicant / landowner is using an inflated land value to substantiate the abdication of responsibilities. When this type of claim is made, all paperwork should be thoroughly vetted by Fenland District Council, at the applicants expense, to ensure that all facts and figures are correctly utilised.
5. This application goes against the March Town Council Neighbourhood Plan which was adopted in November 2017.

5.2 Representation from Cllr J French: Following this item being included on the Planning committee agenda for February 2018 commented as follows:

- Formally objects to the scheme and queries why this application after being validated almost 2 and half years ago is now being pushed forward without further consultation to the local community.
- Considers that most of the reports are out of date as they were carried out in 2015.
- Considers that the lack of the five year land supply is being abused by this application. Statement from portfolio holder on 22 February 2018 indicates that we should be in the position within the next 4-6 weeks to understand whether we have regained our 5 year land supply position.
- Notes that there is no consultation response from Middle Level Commissioners
- CCC are carrying out full transport study for March, no new development of this size should be permitted until that study is complete.
- Scheme lacks affordable housing and will bring forward no great benefits to March residents as a whole. It is also contrary to the March Town Council Neighbourhood Plan that is only 3 months old and supersedes FDLP that is well out of date.
- This application should be deferred until all outstanding questions are answered.

In response to the above, and comments in a similar vein, the application was deferred and updated reports secured. Formal re-consultation was also undertaken.

5.3 Representation from Councillor S Court:

- Following careful consideration of updated information still object to the application on the grounds of access, agricultural land, density and overdevelopment, design and appearance, non-compliance with policy, drainage, environmental concerns, flooding, local services and schools unable to cope, out of character/not in keeping with the area, parking arrangements, traffic and highways and wildlife concerns.
- There are still sound environmental reasons to object to this application the same as there were 3-years ago when the scheme was presented to the Town Council when they recommended refusal
- The view of MTC was in line with the 266 objectors in that there is insufficient infrastructure in place in that part of town to support a major housing

development. Scheme offers no benefit to the local community and will put pressure on existing infrastructure.

- This part of town is cut off by two railway crossings and the scheme will impact on traffic flows.
- It is contrary to the Fenland Sustainability Appraisal to introduce any part of the former North East allocation
- Loss of agricultural land and piecemeal development when the block plan shows an intention to build further housing
- Estover Road is not suitable for the extra volume of traffic, there are no footpaths
- One issue that has changed recently is the latest land supply shows that there is now 5.86 years that means that the Local Plan may be read as it was written and that plan specifically prohibits any large scale housing development in the north east area of March for sound environmental and infrastructure reasons
- This being the case the application should be refused.

5.4 Representation from Councillor M Cornwell:

- Queries whether the Transport Assessment has considered the additional movement generated by planned developments in the area and the ever growing general traffic using both Elm Road and Station Road as a substantial Town and Rail Station access road
- **Queries whether** discussions have been held with Network Rail to ensure that the crossing is suitable to carry increased traffic from this and the most likely further development of the site
- Notes that the approved March Transport Plan had, in its original form, a suggested route of a March Eastern Bypass linked to an upgrade of Longhill Road to Hundred Road and then to the Melbourne Avenue roundabout. The suggested route ran through the proposed development where any development spine road was to provide a stage of the proposed by-pass. Has this been considered
- Not aware of any public transport serving the immediate area.
- Site is somewhat isolated from the main town settlement and, apart from sport facilities; the area has no community facilities without accessing other areas or the Town. The development is also located at the furthest point from any of the school and college sites requiring vehicular transport rather than walking or cycling.
- In the Fens “soakaways” are not entirely appropriate for drainage. The site drains naturally to an internal drainage board area and any development will infrastructure works; these works require funding – no small challenge for a small internal drainage board, most expenditure of which is funded via Fenland council tax payers. Has there now been detailed consideration by MLC?
- Health inequalities in Fenland are well documented. Decent housing is an essential determinant of good health and it is essential that proper affordable housing is provided, as a minimum, in accordance with our policies, which are deliberately designed. The Officers comments that NPPG requires a “flexible approach” is absolutely contrary to everything that our and other public body policies state.
- As Portfolio Holder I would strongly argue that non-delivery of the policy requirements for affordable homes is a direct affront to our policy. The very low number of affordable homes on offer for such a large development is pathetic, shows a complete lack of social responsibility by the applicant and delivers nothing of value for community equality or cohesion.
- Take serious issue with NHS England over GP and Dental surgery comments. There is proven limited NHS Dental provision in March and there is a

considerable NHS “waiting list” for access to services. On the matter of GP practices suspect the response is based upon approved surgery capacity levels which do not reflect service delivery ability.

- Sustainability social role must be re-assessed in more detail before it goes further
- The 2015 information needs updating and evaluation re-visited to ensure it meets ALL our current policies. This is a considerable application which I believe requires more detailed subject evaluation. I am not against the principal of mitigated development in this location as housing is needed in its many forms but I consider that there are a large number of unanswered questions and grey areas which need further consideration and the available timescale is severely restricted .

5.5 **Development Manager Transport (FDC):** No objection. Seeks a contribution of £67,856.60 towards March Station Master Planning & the Stations Investment Plan which forms part of the Fenland Rail Development Strategy. It is suggested that the S106 contribution from this site should be for secure cycle storage and associated items e.g. CCTV.

5.6 **Environment Agency:** The site lies in Flood Zone 1 (low risk). Advise that the Lead Local Flood Authority should be consulted on this application. Consider that any infiltration as a result of Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS requires a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. An acceptable method of foul drainage disposal would be connection to the public foul sewer. The sewerage undertaker should be consulted regarding the availability of capacity in the surface water sewer.

5.7 **Lead Local Flood Authority (CCC):** Originally raised no objection noting that the proposed development will only be acceptable if a planning condition with regard to the details of the surface water drainage works is imposed.

Given the passage of time, and in light of comments made by MLC which raised significant concerns over the infiltration testing that has been undertaken at the site which showed extremely slow drainage of water within the pit the LLFA revised their recommendation to one of objection and recommended that the applicant entered discussions with the Middle Level Commissioners regarding the possibility of discharging surface water into the IDB system to the north of the site at greenfield rates.

Following the receipt of a letter from Cannon Consulting Engineers (ref: L301/JH/180618) dated 18 June 2018 they **maintained their objection** as the infiltration testing undertaken for the site suggests infiltration will not be a feasible option for discharge of surface water so it is unclear why this method is being pursued within the strategy. Whilst brief mention is made to discharging to boundary watercourses this is not explored any further. The LLFA highlight that in order to support an application we need to be confident that an appropriate solution for surface water management exists

A further document was provided by the agent in July 2018 this note and appended information having been prepared to demonstrate the performance of the surface water management basin proposed in Flood Risk Assessment (FRA) reference CCE/L301/FRA-01 (submitted with the outline planning application F/YR15/0668/O) when operating as an attenuation basin rather than an infiltration basin.

Having reviewed this document the Lead Local Flood Authority (LLFA) now *have no objection in principle to the proposed development*. [Noting that] *the document demonstrates that surface water from the development can be managed through the use of an attenuation basin discharging into the IDB watercourse to the north west of the site. Surface water will be restricted to 1.5 l/s/impermeable ha.*

Request a condition requiring the submission and approval of a *surface water drainage scheme for the site, based on sustainable drainage principles as per the Surface Water Management Note prepared by Cannon Consulting Engineers dated 20 July 2018* and supported by further detailed information. Also recommends an informative recommending contact with the MLC to discuss their requirements.

5.8 Anglian Water Services Ltd: Originally raised no objection noting that the foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows. Note that from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. Re-consultation undertaken and AWA now note that:

- March Water Recycling Centre currently does not have capacity to treat the flows the development site however they further advise that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- [Consider]Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. Request a condition requiring the drainage strategy covering the issue(s) to be agreed.
- Preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. [...] from the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The LPA should seek the advice of the LLFA or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.
- Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.
- Recommend condition requiring submission of a foul water strategy

5.9 Middle Level IDB, on behalf of March Fifth DDC:

- Note that they are not a statutory consultee and do not have to provide a response to the LPA, nor do they receive any funding to do so. Note that the applicant has, to date, failed to engage with the Board to discuss the proposal and pacify its concerns.
- Strongly express severe distress about this and other developments within the MLC catchment in respect of the adverse impacts on water level and flood risk [...] it wishes to object to this planning application. In terms of principles, the contents of the condition requested by the County Council, in respect of its role as the LLFA and as a statutory consultee, are noted and should be commended

but the design criteria quoted does not meet the Boards requirements. It is also noted that this suggested condition is 2 ¾ years old and it is recommended that its content is confirmed with the LLFA.

- In respect of surface water disposal an infiltration basin has been proposed but careful consideration of the submitted design identifies that the infiltration testing undertaken is sparse, incomplete and based on interpolated results. The infiltration rate [...] is extremely poor and, comparing it against an example of good practice, is significantly lower than the 5 x 10⁻⁰⁵ m/s minimum stated in Item 16.04 of the County Councils Highways Dept. Housing Estate Road Construction Specification April 2018
- Evidence of the poor infiltration rates is indicated by the picture of the flooded field shown on page 4 of the FRA. A flooded arable field can be tolerated but flooded roads and dwellings are not acceptable nor is it sustainable.
- If the infiltration basin does work as it has been designed the Microdrainage results, Section B Proposed Site contained within the FRA, show that it to be at Flood Risk during a 1% Annual Exceedence Probability (AEP) event, Item 3.2 on page 6 of the FRA, and advises that there is a freeboard of only 85mm with no apparent allowance for wave action. Given the size of the proposed basin a freeboard of at least 500mm is suggested.
- Given that the basin has a predicted half drain time of nearly five days it is unlikely that it will work efficiently during high rainfall events and overtopping resulting in unregulated discharges into the local water level and flood risk management systems is a concern.
- The shape and dimensions of the basin may make it difficult to maintain. The maintenance schedule contained within the FRA is generic and not specific to the basin concerned.
- [Consider] that the developer has wholly failed to appreciate the special nature and factors that affect water level and flood risk management in “The Fens”. The arterial drainage system depends on a pumped system that has a finite capacity and requires evaluation of the risks posed by the development, a proper assessment and appropriate action relating to the flows from the development but also of the effect of that discharge on the arterial system and the ability of that system to discharge, without increasing the risk to land and properties. It is apparent and very disappointing that these points have not been considered with the belief that simple infiltration, on its own and without further action to create an effective outfall for the discharge, is sufficient.
- Ultimately it is the Board, not the Environment Agency, Anglian Water or the LLFA, which has to receive and transfer the flows that emanate from the site. In the absence of any information to the contrary the Board, as the regulatory body, does not believe that the downstream water level and flood risk management system can receive the flows concerned, however small, for the lifetime of the development and, as a result, are not currently prepared to accept any increase in the rate or volume of flow entering its system and will not consent any such discharges until its requirements are met.
- The Board must therefore confirm that they consider that both this and other development proposals do not satisfactorily deal with the issue of water level and flood risk management from the development and consider that these will therefore raise flood risk for land and properties within its catchment.
- The Board would therefore urge your Council to encourage the applicant to engage with it to undertake meaningful consultation but failing that the developer re-visits the proposed design and solution giving proper and appropriate consideration to water level and flood risk management to ensure that a viable scheme that meets the Boards requirements and current design standards exists, that it could be constructed and arrangements have been established for the whole life funding, management and maintenance of the proposals by an

accountable body with no material prejudice to the Boards operations; the local water level and flood risk management systems and waterborne, built or natural environment should the development proceed before any application submission is made or permission is granted.

Following receipt of further information and having considered the LLFA letter of the 11th June continue to maintain its objection

- It is considered that the Cannon Consulting letter 18th June generally reiterates the content of the previously submitted documents and does not offer any material changes or provide adequate answers to the Board's specific concerns particularly regarding the determination of the infiltration rates and their subsequent use in the design. It also infers that an alternative proposal is for the discharge of surface water into the adjacent boundary watercourse but this is not discussed in detail.
- In respect of the comments relating to the Microdrainage results, members of the Commissioners' staff, in their role as consultants to the Board, are more than familiar with this hydraulic modelling software and the assumptions that may be required when utilising this system.
- The comments concerning the freeboard provided are noted but the Board's concerns are the height of the waves created in such a large pond. These could be in excess of 85mm and potentially lead to unregulated discharges into the local watercourse system. The erosion and stability of the pond profile is also a concern.
- Whilst a basic and generic maintenance schedule has been provided no reference has been made to its ownership or future funding. It is considered that the issues of long term funding, management and maintenance arrangements for the upkeep of the facilities in perpetuity, particularly those associated with flood risk and water level management including SuDS, **must** be supplied early within the decision making process. This should include arrangements for adoption by an appropriate public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Prior funding from an external source may be required if this is to work correctly.

Failure to do so may lead to an unacceptable burden on the ratepayer. Economic constraints **must not** be accepted as a justification for non-inclusion of such arrangements. Part (B) Flood Risk and Drainage of your Council's Policy LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland requires that “issues of ownership and maintenance are addressed”. The aforementioned Policy, LP14, also advises that “All proposals should have regard to the guidance and byelaws of the relevant Internal Drainage Board....”. Therefore, in this respect we reiterate the concerns raised in the Board's e-mail dated 18th May and look forward to positive engagement with the applicant and/or its consultant **before** any further application submission is made or permission is granted. The Board wishes to be notified of the outcome of this application.

- 5.10 **Historic Environment Team (CCC):** No objections. An archaeological evaluation took place at the site finding the following (summarised from the evaluation report): Several trenches were excavated finding ditches and possible settlement features tentatively dated to the Roman period in the west and the south of the site. The settlement features included a ring-ditch towards the centre of the site that is suggested to be a roundhouse. In the western part of the site, a concentration of east to west aligned enclosure ditches and related settlement features dating to the medieval period may be indicative of possible tofts. A curvilinear ditch in the western part of the site enclosed an area of buried soil that indicated the survival of a preserved occupation horizon. These results confirm the expectation of the presence of Roman archaeological remains within the site, which lies close to the route of the Roman Fen Causeway road where it crosses the dry 'island' of March. More surprising is the presence of Medieval remains that serve to further understanding of the land use of the northern fen edge of March in the 12-13th centuries. Consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition. This will secure the preservation of the archaeological interest of the area either by record or in situ as appropriate.

Following concerns raised by a local resident regarding the extent of area evaluated confirm that the evaluation did not cover the north and north-eastern spur of the development area, as they were unaware that this land was to be included in the planning submission. This area is closest to the line of the Fen Causeway Roman Road, which is indeed shown on maps and aerial photographs as crossing into the NE corner area of the proposal area. Aerial evidence indicates that cropmarks of archaeological sites and natural environment features (roddons) are also present in this non-evaluated area and are likely to extend the archaeological footprint for which a mitigation solution will be required. The Fen Causeway is shown on OS mapping as occurring in the tight NE corner of the coloured snip below from Savills' illustrative play spaces shown against the indicative development layout. Aerial mapping of archaeological features evident at the time of the Fenland Project (English Heritage funded fen-wide scheme undertaken in the 1980s and 1990s), indicated that the Fen Causeway's route was actually further to the north, Current excavations east of Berryfield 250m to the north of the application area (near 28 on the map extract below) has located a ditched trackways that we believe to be the Fen Causeway, or at least a spur road of it, that would thus place the development area to the south of it. More recent cropmarked evidence indicates that the cropmarks of a settlement on the Fen Causeway west of 31 (label is too far east) actually extends to the south and into the application area. Confirm that their advice to FDC holds now as before [...]. Based on

archaeological information obtained via evaluation over the majority of the area do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition

5.11 **Transport Assessment Team & Highway Authority (CCC):** Following receipt of the updated reports listed at 3.4 above. No Objection subject to the following mitigation:

- New pedestrian infrastructure;
- Pedestrian crossing improvements;
- Bus stop improvements to the two nearest bus stops on B1101 Station Road;
- Residential Travel Plan;
- Annual parking beat survey on Estover Road (could be implemented in the form of a Travel Plan measure)

The following S106 contribution amounts having previously been identified:

- Real Time Passenger Information Display contribution of £27,000.
- Bus stop maintenance contribution of £14,000.

5.12 **Network Rail:** Formally consulted however no response received

5.13 **FDC Environmental Health (Land Contamination):** No objection. Note and accept the submitted information. The proposal is unlikely to have a detrimental effect on local air quality. The development should connect to the main sewer for foul drainage. The application site has not had previous industrial usage so ground contamination is considered unlikely. Due to the amount of development the effects of construction noise / dust upon existing dwellings will be needed and any measures to control or mitigate any issues provided.

5.14 **FDC Tree Officer:** No comments received.

5.15 **Police Architectural Liaison Officer:** No objections.

5.16 **Housing (FDC):** Policy LP5 of the Fenland Local Plan seeks 25% affordable housing on all development sites on which 10 or more dwellings are proposed. Therefore on this development where up to 95 dwellings are proposed the provision of 24 affordable dwellings should be provided on site subject to viability. In accordance with Local Plan Policy LP5, the mix of affordable tenures should be informed by and compatible with the latest government guidance and an up to date local Strategic Housing Market Assessment (SHMA). An affordable tenure mix of 70% affordable rented and 30% intermediate tenure is considered appropriate for this development. The exact mix of house types will be determined by the reserved matters application.

5.17 **NHS England:** Following reconsultation advise that mitigation should be secured to increase capacity at Merchford House Surgery in the form of a capital contribution of £34,546 through the S106 agreement. The development would give rise to a need for improvements to capacity, in line with emerging CCG estates strategy; by way of refurbishment, reconfiguration, extension, or potential relocation, for the benefit of the patients at Merchford House Surgery; a proportion of the cost of which would need to be met by the developer. The

Cambridgeshire and Peterborough Clinical Commissioning Group (CCG) are presently in discussion with the Practice regarding initial plans to increase capacity. As this is at an early stage, specific details cannot yet be shared.

Following a local media reports relating to a potential surgery merger further guidance was sought from NHS and it has been confirmed that they would still request the contribution identified.

- 5.18 **Environment & Leisure (FDC):** No objection subject to conditions.
- 5.19 **Ecologist (PCC):** No objection.
- 5.20 **Cambridgeshire Fire & Rescue Service:** Adequate provision should be made for fire hydrants to be secured via planning condition or agreement.
- 5.20 **EDF Energy:** No comments received.
- 5.21 **National Grid:** No comments received.
- 5.22 **Local Residents/Interested Parties:** A total of 269 objections were originally received from 48 properties on Estover Road; 21 properties on Elm Road; 13 properties on Roman Way; 13 properties on Berryfield; 12 properties on Creek Road; 9 properties on Norwood Road; 8 properties on Burnet Gardens; 7 properties on Flaggrass Hill Road; 6 properties on Creek Fen; 5 properties on Landau Way; 5 properties on Bramble Walk 4 properties on Cawood Close; 4 properties on The Hollies; 4 properties on The Laurels; 3 properties on Foxglove Way; 3 properties on Highfield Road; 3 properties on Wimblington Road; 3 properties on Alexander Gardens; 2 properties on Cavalry Drive; 2 properties on Cavalry Park; 2 properties on Russell Avenue; 2 properties on Plowright Close; 2 properties on White Horse Gardens; 2 properties on Henson Road; 2 properties on Station Road; 2 properties on Nene Parade; 2 properties on Riverdown; 2 properties on Peyton Avenue; 2 properties on St Johns Road; 2 properties on Hereward Street; 2 properties on Bevills Place; 1 property on New Park; 1 property on Norwalde Street; 1 property on Carmargue Drive; 1 property on Alfruda Close; 1 property on All Saints Close; 1 property on Hillside Road; 1 property on Grounds Avenue; 1 property on Acacia Grove; 1 property on Brook Close; 1 property on Acre Road; 1 property on Dagless Way; 1 property on Shaftesbury Avenue; 1 property on Princes Walk; 1 property on Hundred Road; 1 property on Truman Avenue; 1 property on Boundary Drive; 1 property on Elm Close; 1 property on Swanley Gardens; 1 property on Darthill Road; 1 property on Kingswood Road; 1 property on Rosedene Drive; 1 property on Cromwell Road; 1 property on Henry Orbell Close; 1 property on Swallow Way; 1 property on Elwyn Court; 1 property on Marylebone Road; 1 property on Heathcote Close; 1 property on Oberon Park; 1 property on Badgeney Road; 1 property on Green Street; 1 property on College Gardens; 1 property on West End; and 10 properties outside of March area.

The objections can be summarised as:

Policy Matters:

- Development is contrary to the Local Plan as this area was removed before the plan was adopted
- Development is contrary to the Fenland Sustainability Appraisal - to reintroduce any part of the former North East allocation

- The proposal is not sustainable and therefore does not meet the requirements of the Local Plan
- There are plenty of brownfield sites without the need to use greenfield sites.
- Loss of agricultural land
- Piecemeal approach – the application is supported by a block plan clearing showing the intention to build more housing

Flooding and Drainage:

- The land is a flood plain.
- Drainage system is old and struggles to cope now

Highways and Access:

- Estover Road is not suitable in size for the extra volume of traffic
- The exit onto Elm Road at roundabout is currently a blind spot- with extra amount of vehicles this will definitely lead to accidents
- The road opposite the playing fields is narrower with cars parking on it extra vehicles will increase the risk of accidents
- It takes up to 10 minutes to get onto Station Road using Creek Road (near Sainsbury's) – extra vehicles will increase this
- Norwood Road as an exit is narrow especially near the bridge – extra vehicles will increase accident
- There are no footpaths on parts of Estover Road and Creek Road up to the railway crossing.
- Construction traffic
- The Traffic Assessment Report does not reflect the actual situation on the ground - The Station Road railway crossing in the morning always has a tail back currently – with extra vehicles it will be far worse
- The revised Transport Assessment is misleading and flawed

Infrastructure:

- Doctors, dentists and schools are already over subscribed

Amenity & Community:

- Moved to this area for the country life with a house overlooking fields and surrounded by wildlife and open view – this proposal would completely ruin the area
- Noise. Waste and litter
- Archaeology and Heritage – the development is situated close to the line of the Fens Causeway – although the applicant acknowledges this, there is no mention of how they may enhance the feature or provide public access to it

Environment & Ecology:

- Pressure on the wildlife and what little open green areas we have in North March.
- Hedgerows will be destroyed

Other (non-planning) Matters:

- Loss of property value in Estover Road
- Loss of view

The most recent consultation exercise has generated 18 letters, these letters have been generated by 10 households from 10 earlier contributors and a further respondent. In general they reiterate the above points albeit drilling down into more detail, particularly regarding the transport aspects of the proposal

New matters raised are as follows:

Traffic and Highways

- Constitutes a road safety risk
- Already significant traffic congestion at the two level crossings
- Cannot understand the findings of the traffic survey at peak times all surrounding roads come to a standstill when the railway gates are closed; worsened by parked cars in Elm Road. 95 properties will worsen this situation.
- Traffic assessment has underestimated the adverse impact of the development and their subjective conclusions of 'negligible and limited additional risk in terms of a 50% increase in rail traffic and the additional vehicle trips is not correct. Network Rail's risk assessment of rail crossings have already determined a collective risk rating of 'Very High' for March East and 'High' for March South crossings
- Subjective comments in Traffic Assessment support the evidence that residents believe FDCs recommendation is biased toward the applicant
- Transport assessment misleading and inaccurate and is based on 95 houses, as future phases are proposed this is flawed and misleading
- Transport Assessment appears a work of fiction, Ely and Whittlesey are having a bypass and flyover respectively and they have same amount of trains going through
- CCC evaluation of revised Transport Assessment is superficial, dismissive and does not address concerns. To accept the TA with its serious flaws is not acceptable. The figures quoted regarding rail services do not correspond with the timetables, and do not include the increasing rail freight traffic or services which do not stop at March.
- TA does not address the risks associated with the barriers, the authors state that the subjective comments made are contrary to Network Rail risk assessments.
- It is obvious that an independent TA is required; accepting this TA is more evidence that the TA and other elements of this application is biased towards the applicant.
- No mention is made of the March Neighbourhood Plan in the revised TA which sets out guidance on the need to reduce the use of cars and the need to increase dedicated cycle ways and more footpaths.
- It is asserted in the TA that the lack of footpath for 165 metres in Creek road is insignificant; detailed assessment provided in respect of Network Rail figures for crossings which indicate that pedestrian and cycle usage in Creek Road is at a higher percentage. WSP state that there is insufficient verge to deliver a footpath, but surely a narrow footpath would be better than no footpath at all. TA also considers Station Road is a more attractive route but questions the validity of this statement
- Detailed comments provided relating to walking times quoted, the lack of cycle parking to enable linked trips, no mention of Riverside Walk.

- Misrepresents bus provision in Estover Road, and highlights lack of bus services.
- Failure to correctly identify peak times, and figures for barrier downtime are only a snapshot.
- Network Rail have stated that there are 76 passenger trains per day plus 100 freight trains and state that within the next 7 years this could increase by 150%, this would result in a total of 188 passenger trains and 250 freight trains - twice the number of trains stated in the TA
- Pedestrian footway improvements do not enable residents of the development to access the Estover Playing field safely as children will have to cross Estover Road twice.
- When the Bramley Line is reinstated there will be additional rail travel and this will lead to more barrier down time and congestion; it is also a missed opportunity that there is no mention of any financial contribution to this proposal.
- Transport Assessment arrogant because authors have not considered public feedback and have presented the same errors. They cannot say they have not had sufficient time and it is clear this assessment is a desk top study. It is impossible to see how the Planning Department can accept this assessment without further information and details being requested; there may well be a case for legal action against FDC if the scheme is allowed based on flawed and misleading information.

Flooding; surface water and foul sewage infrastructure

- Can you ensure that residents will not face flooding and outpouring of raw sewage as experienced recently; will you insist that the developer pays for an additional pumping station
- Soakaways will not work
- Concern re lack of detailed plans for SW disposal into drainage system
- Water pools are no solution to a good drainage system and are breeding grounds for parasites
- Sewage system overloaded, consider clear warning has been given by Anglian Water that if foul water system overloaded they would follow path of legal action
- Suggest AWA should be re-consulted
- Will cause pressure on both incoming water supply which is in a poor state of repair

Infrastructure and community benefit

- Baseline infrastructure inadequate to cope with a development of this size without significant improvements
- As a result of phasing development will be piecemeal and result in insufficient infrastructure/affordable housing
- No evidence that this development will improve the neighbourhood
- Site should provide maximum levels of affordable housing given its history and the wealth of the landowner
- Concerns re lack of S106 contributions

Policy matters

- The NPPF says that where a planning application is in conflict with a neighbourhood plan it should not normally be granted; why are planning officers recommending approval

Procedural Issues

- Application site inconsistent, form states 5.52 Ha and reports state 4.5 Ha; this has an impact on archaeological and ecological assessments
- Incredible that yet another extension of time can be agreed; if this matter has taken so long and has been so difficult to resolve surely it highlights fundamental and possibly insurmountable flaws within the application
- Residents should be notified when the application is presented to committee
- Should extend time limit for consultation responses for residents as you have allowed this for applicants

Site specific/general comments

- Loss of agricultural land, which will provide long term employment
- 95 houses will change the character of the area whilst further phases are likely to place intolerable pressure on some residents
- Whole thing is a manipulation by the applicant who no doubt has unlimited funds to push this much flawed application through the system
- Planning committee asked to consider residents and take into account the local strength of feeling against any major development in this area of March
- Concerned that officers were to present the matter to the committee with a favourable recommendation based on outdated reports; this is a further opportunity to reassess all the information before making a recommendation of the scheme to committee.
- Neighbour responses are 270 against the scheme and growing as time moves on
- Committee attention is drawn to the neighbourhood planning written statement HCWS346 which confirms that where a planning application is in conflict with a neighbourhood plan planning permission should not normally be granted, however communities are often frustrated that their plans are undermined because an LPA cannot demonstrate a 5-year land supply (as per Para 49 of the NPPF (2012)). The Minister of State for Housing & Planning & Minister for London stated that where communities plan for housing in a neighbourhood plan those plans should not be deemed out of date unless there is a significant lack of land supply for housing in the wider local area.
- A copy of a letter sent to the late Councillor Tunley, dating back to 2015, has also been forwarded regarding the interpretation of windfall housing. This letter identifies that 'arguments over whether a site is 'windfall' or rather one that was not allocated through the Local Plan process is largely a technicality. Planning Law is clear that decisions must be taken in line with the LP unless material considerations indicate otherwise.'

It is also noted that 2 residents have written directly to the CCC Transport Assessment team taking issue with their assessment of the documents provided.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Para 10. - Presumption in favour of sustainable development

Paras 29 - 30 - Neighbourhood Planning

Para 34. - plans should set out the contributions expected from development; including affordable housing along with other infrastructure, education, health, transport, flood and water management, green and digital infrastructure).

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

Para. 57 - Weight to be given to a viability assessment is a matter for the decision maker

Chapter 5. – Delivering a sufficient supply of homes

Para, 64 – Where major development involving the provision of housing is proposed planning policies and decisions should expect at least 10% of the homes to be affordable homes

Chapter 9 - Promoting sustainable transport

Para 109: Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

Chapter 11. Making effective use of land

Chapter 14 – Meeting the challenge of climate change, flooding and coastal challenge

Chapter 15. Conserving and enhancing the natural environment

7.2 National Planning Policy Guidance (NPPG)

Viability

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

LP5 – Meeting Housing Need

LP9 – March

LP13 – Supporting and Mitigating the Impact of a Growing District

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

7.4 Supplementary Planning Documents:

Resource Use and Renewable Energy SPD (July 2014)

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

Developer Contributions SPD (February 2015)

7.5 March Neighbourhood Plan (November 2017)

H1 – Large Development sites

H2 – Windfall Development

H3 – Local Housing need

8 KEY ISSUES

- **Principle of Development**
- **Access and Highway Safety**
- **Visual Amenity**
- **Residential Amenity**
- **Flood Risk and Drainage**
- **Ecology**
- **Archaeology**
- **Planning Obligations**
- **Health and wellbeing**
- **Economic Growth**
- **Other considerations**
- **Conditions**

9 BACKGROUND

- 9.1 The site originally formed part of the North East March Strategic Allocation for around 450 dwellings which was proposed at the draft stages of the Local Plan. The allocation was subsequently withdrawn from the Local Plan. The Inspector at the Examination Stage recognised that it had been deleted, but that it was still likely that development may come forward in the location. It was further acknowledged that any development would be unlikely to deliver the same level of infrastructure benefits that would have been required had the land been allocated (paragraph 128 of the Report on the Examination into the Local Plan).
- 9.2 The site to the west (the Estover Playing Fields) benefits from full planning permission to regenerate the playing fields which includes a pavilion building, artificial grass pitches and multi-use games area (LPA reference: F/YR17/0030/F).
- 9.3 The proposed scheme was presented to the public at an exhibition in February 2015.
- 9.4 Whilst the application was first lodged back in August 2015 its presentation to committee has been delayed firstly given the need to robustly consider the viability of the proposal and secondly as a result of the need to revisit aspects of the proposal relating to S106, highways and surface water. Some criticisms have been levelled regarding the reports which accompany the proposals and the need to refresh them given the passage of time since submission. Such concerns were considered entirely valid and as such whilst it was originally intended to report the application to committee in February 2018 the scheme was subsequently withdrawn from the agenda to enable these matters to be addressed. Furthermore recognising the length of time since public consultation was undertaken the opportunity was also taken to undertake a further consultation exercise encompassing both local residents and statutory consultees.

10 ASSESSMENT

Principle of Development

- 10.1 Local Plan Policy LP3 defines March as a Market Town where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place. The site is considered to satisfy the criteria set out in Local Plan Policy LP4 Part B inasmuch as it is on the edge of March. It is therefore an appropriate site to deliver additional housing within the town (towards the 4,200 new homes target set out in Part A of Policy LP4). Further criteria to be met by any such development are set out in Policy LP16 including that the development should, amongst other things, not adversely impact on the amenity of neighbouring users. The delivery of housing on this site would form a logical extension of existing development to the south-west of March in a sustainable location. The site is located within walking distances of the train station, shopping, employment, recreation and other community facilities.
- 10.2 The development will result in the permanent loss of 5.52 hectares of Grade 2 agricultural land. In order to achieve the objectives of the Council's Local Plan policies it was always likely that the loss of such land would result. The amount of land being lost for agricultural purposes does not require any consultation with Natural England, as required by Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), as the threshold for such consultation is 20 hectares or more. Accordingly whilst the loss of 5.52 hectares of land is unfortunate, it is not, in this instance, considered unacceptable as the policy direction within the Local Plan would have required the use of sites at the periphery of the market towns and the amount of land being lost is not of a scale which requires consultation with Natural England.
- 10.3 The March Neighbourhood Plan allows for Windfall development subject to proportionate pre-application community consultation being undertaken. The agents for the scheme note that 'The applicant undertook community engagement which included a public exhibition on 15th March 2015. Details of this and a summary of consultation responses received are set out in the Statement of Community Involvement which forms part of the Planning Statement.
- 10.4 The NPPF considerations would be similar to the above as March is a sustainable settlement.

Access and Highway Safety

- 10.5 The NPPF (2018) (para 111) and Local Plan Policy LP15 require all developments that generate significant amounts of movement to be supported by a Transport Assessment (TA). National and local planning policy relating to transport and access promotes sustainable and mixed use development which should give priority to pedestrian and cycle movements, have access to public transport, create safe and secure layouts and minimising journey times. The application is accompanied by a TA prepared by WSP (which has been amended during the consideration of the application following discussions with the County Council, as Local Highway Authority (LHA) and more recently updated taking into account the need to ensure it was based on appropriate data). The County Council has confirmed that the TA is acceptable and fit for purpose. The application site is within 650 metres of the March train station which allows access to services towards Peterborough, Ely, Cambridge, London etc.

10.6 A number of local residents have raised significant and detailed concerns over the impacts arising in relation to the development; particularly the validity and accuracy of the Transport Assessment has been called into question. The County Council were asked to respond to the specific issues raised and have provided the following rebuttals (CCC comments in italic below):

- **TA validity and accuracy:** *The TA has been prepared in accordance with the relevant government and local authority guidance, and as such assesses the traffic impact of the proposed development based on the methodology outlined in these documents. As a result it is considered to be a robust and reliable assessment of the traffic impact of the proposed development. It should also be noted that the TA has been reviewed and agreed by Cambridgeshire County Council (CCC) as the local highway authority with no objections subject to mitigation measures.*
- **The likelihood of further phases:** *The TA has been based on a proposed development of 95 dwellings which is being considered as part of this planning application, and the traffic modelling results show that the majority of the junctions operate with significant spare capacity, with no major problems of queuing being experienced. If there is an aspiration for another 300 dwellings then this will need be considered as part of another planning application, which will be accompanied by a TA that will investigate the impact of this level of development on the highway network, and revised traffic modelling would be undertaken.*
- **Scale of development:** *It should be noted that the scale of the proposed development being considered (i.e. 95 dwellings) as part of this planning application is not considered to be significant, and as shown in the modelling results obtained above the majority of the junctions operate with significant spare capacity, with no major problems of queuing being experienced. Please note that in order to collect the traffic data at the surrounding junctions an independent third party sub-consultant was appointed, with the traffic data collected being used in the traffic modelling as part of a robust and accurate assessment.*
- **Inaccuracy of train data:** *Table 3.3 shows that there are 6 trains departing the station between 10:00 – 16:00, however it should be noted that this figure is only for train services departing the station to Ely and Peterborough and does not include other services departing during this time (including freight trains), and therefore the information in Table 3.3 is considered to be accurate and correct. It should also be noted, as outlined in Paragraph 3.14.27, that there are a total of 176 trains that travel through March each day (i.e. 100 freight trains and 76 passenger trains), which was obtained from Network Rail, and therefore the TA has accurately recorded the number of trains that travel through March each day.*
- **Footway provision in Creek Road:** As outlined in Section 3.4 of the TA the B1101 Station Road and Creek Road are the two main walking routes to the town centre, and an assessment of each route was undertaken in relation to distance and quality.
In relation to distance both routes are comparable with the B1101 Station Road being approximately 1.8km from the town centre, and the Creek Road route being approximately 1.7 km from the town centre, and in terms of quality both routes have good footway provision, although there is no footway provision on Creek Road across the level crossing for a length of approximately 165m as noted. Based on *the above information as outlined in the TA the B1101 Station*

Road is likely to be a more attractive route to the town centre, particularly where improvements are proposed along the south side of Estover Road, which will further improve the links between the proposed development and the B1101 Station Road, and therefore it is reasonable to assume that the majority of future residents are likely to use the B1101 Station Road to the town centre. It is recognised that there is a cycle route that runs between Waterside Gardens via Wigstone's Road to Nene Parade which can be accessed via Creek Road. This cycle route runs along the River Nene to the south of Creek Road, and is not likely to be seen by future residents as a direct route from the proposed development to the town centre. As a result this route is likely to be less attractive than the B1101 Station

Road where improvements are proposed as outlined above.

- **Downtime at Rail Barriers:** The AM peak hour (08:00 – 09:00) and the PM peak hour (17:00 – 18:00) were assessed as it was determined from the traffic survey data that was collected that these were the times when the peak traffic flows were experienced on the surrounding highway network, which conforms to the relevant government and local government guidance as previously outlined. It was during these peak hours that the barrier downtime surveys were conducted as they represent the highest traffic flows on the surrounding network during the day and therefore represents a worst case scenario. The information collected was used in the assessment to determine the predicted peak time impact of the proposed development at the level crossings, as part of a robust and reliable assessment. It is recognised that there are other times during the day where there are increases in traffic flows on the surrounding highway network as noted (e.g. school trips and shift changes at Whitemoor Prison) but these smaller peaks are not as significant in terms of the magnitude of flows so the traditional peak hours have been used to undertake the assessment.

Figures for barrier downtime: Although it is not clear where the stated figures [those collated by the contributor] have been obtained from, it is agreed that the figures for queuing traffic at the level crossings as presented in the TA do give a 'snapshot' of the situation at these locations. As outlined in Table 3.11 of the TA, in undertaking the assessment to determine the predicted impact of the proposed development at the level crossings the maximum queue lengths recorded have been used, which therefore represents a robust assessment. It should be noted that it is not appropriate to sum queues from different time periods as outlined above as some vehicles will dissipate from the front of the queue during this period, and as such the maximum queue length is a better representation of conditions experienced.

Increase in number of trains/future barrier downtime: Although it is agreed that the number of trains quoted in Section 3.14.29 are underestimated, the assessment has been undertaken as outlined in Section 3.14 of the TA. It takes into the total barrier downtimes recorded to determine the impact that the proposed development trips are likely to have on the total barrier downtimes. This assessment has taken into account the information obtained from Network Rail as outlined above as part of a robust and reliable assessment. [...] the assessment that has been undertaken as outlined in Section 3.14 of the TA has taken into account the total barrier downtimes recorded to determine the impact that the proposed development trips are likely to have on the total barrier downtimes This assessment has taken into account the information obtained from Network Rail as outlined above as part of a robust and reliable assessment.

Barrier Risk Ratings: CCC note that *there are a number of components that combine to derive risk ratings but it is unclear how these components combine to derive these ratings. Therefore, it has not been possible to determine the impact that the proposed development will have on the risk ratings at the level crossings. However, based on assessment that was undertaken as part of the TA it is considered that the additional trips generated by the proposed development represents a negligible impact based upon observed conditions, with limited additional risk at the level crossings.*

- 10.7 As outlined above the TA has been prepared in accordance with the relevant government and local authority guidance, and has been reviewed and agreed by CCC as the local highway authority, and CCC have rebutted the assertions made regarding the accuracy of the TA and state that the submitted TA is considered to be a robust and reliable assessment of the traffic impact of the proposed development for Members to make an informed decision.
- 10.8 Whilst it is clear that residents have genuine concerns it is considered that the TA as presented and the evaluation undertaken by CCC is sufficiently robust, as may be seen in the sections above CCC have responded fully to the points made and there would be no reason based on their specialist input for the scheme to be resisted on highway grounds.
- 10.9 Of particular note is paragraph 109 of the NPPF (2018) which states that: *'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.* In this case it is not considered that the impacts would be severe such that the LPA could reasonably refuse planning permission.
- 10.10 Having considered the strategic implications of the scheme it is also necessary for the technical aspects of the proposal to be considered. In this regard it is noted that access is proposed via Estover Road (30mph local distributor road) and is proposed to be 5.5m wide which is suitable to serve the scale of development proposed. The junction geometry and vehicle to vehicle visibility splays are acceptable for the speed and type of traffic along Estover Road. The proposed footway along the northern side of Estover Road will need to be secured by condition. This footway will connect to the existing footway network along Estover Road.
- 10.11 The LHA has also requested improvement works to the nearest functioning bus stops to the development site and details of the pedestrian crossing improvement works on Station Road which can be secured by conditions.
- 10.12 Precise details of parking will be looked at during the Reserved Matters application stage, it is however anticipated that the site can accommodate the quantum of development sought with sufficient parking provision.
- 10.13 A Travel Plan has been submitted with the application; a full travel plan can be secured by condition.
- 10.14 The LHA have requested contributions in relation to Real Time Passenger Information Display and a bus stop maintenance contribution for the nearest two bus stops. These elements are considered acceptable and can be secured through the S106.

10.15 A construction management plan is also required to ensure the construction traffic is managed and does not harm free flow of traffic during the construction phase; this can be secured by condition.

10.16 Mitigation will be secured as follows in respect of the scheme:

- New pedestrian infrastructure will include a new 2.0m footway along the entire length of the site frontage to Estover Road. New uncontrolled pedestrian crossing points (in the form of dropped kerbs and tactile paving) will also be provided on the east and west sides of the new access road, and also along Estover Road, at the eastern end of the new footway link in the vicinity of the junction with Creek Road, and at the western end of the new footway link, at the informal access to the recreation ground west of the proposed development;
- Improvements will be made to the existing uncontrolled pedestrian crossing on the B1101 Station Road just north of the junction with County Road. This will involve the provision of a Zebra Crossing;
- Bus stop improvements that include raised kerbs, shelters, poled and Real Time Passenger Information on the two nearest bus stops on B1101 Station Road;
- Provision of a Residential Travel Plan to raise awareness about sustainable travel options;
- Site observations have shown that parked vehicles can cause issues for large vehicles on Estover Road. It was not considered to be a major problem and did not cause significant traffic congestion problems on Estover Road, however, this should be monitored annually to ensure that the development does not significantly impact congestion on the road. This could be in the form of a Travel Plan measure.

10.17 Taking all the above into account, it is considered that the proposed means of access is acceptable and complies with Local Plan Policy LP15. Therefore given that there is no LHA objection the application can be supported in highway terms subject to a number of conditions and obligations.

Visual Amenity

10.18 Policy LP16 of the Local Plan states that all new development, amongst other things, should make a positive contribution to the local distinctiveness and character of the area.

10.19 The areas to the south of the site are already characterised by residential development. Whilst the areas to the north and east are open. The western boundary of the site is bounded by trees and hedgerow which is just outside the application site.

10.20 The proposal seeks to provide informal open space along the eastern part of the site where it adjoins the open countryside beyond. The proposed development equates to approximately 24 dwellings per hectares which is compatible with the generally low density built form of the area. Details of landscaping will be provided at the Reserved Matters stage.

10.21 Whilst inevitable the proposal will be a major alteration to the character of the site, the site does adjoin the settlement of March (including the adjacent Estover Playing Field which has been granted permission to regenerate the playing fields which includes a pavilion building, artificial grass pitches and multi-use games

area (LPA reference: F/YR17/0030/F) and is close to existing dwellings to the south that are broadly comparable such that the proposed development would appear as a continuation of the existing development, rather than as an awkward addition which intrudes upon the open countryside. As such it is considered that the development of this site will not have an unacceptable impact upon visual amenity. Accordingly the proposal would satisfy Policy LP16 in this respect.

Residential Amenity

- 10.22 Local Plan policy LP16 and the NPPF seek to ensure developments do not have an unacceptable impact upon residential amenity for both existing and future occupiers. In terms of the indicative layout, the scheme is considered capable of delivering the quantum of development sought without compromising neighbouring users in respect of overlooking and overshadowing.
- 10.23 In terms of contamination, Environmental Health Officers have confirmed that there is no record of any potential contaminant sources on the site that may affect future users of the land. Due to the scale of development they have recommended that the construction noise / dust upon existing dwellings will be needed and any measures to control or mitigate any issues provided – a construction management plan can therefore be provided and will be secured via planning condition.

Flood Risk and Drainage

- 10.24 The site lies within Flood Zone 1, defined by the Technical Guide to the National Planning Policy Framework as having a low probability of flooding. As such residential development of this site is considered appropriate in the context of the sequential and exception test.
- 10.25 Whilst originally the scheme prompted no adverse consultation responses the passage of time since the application was first considered was such that the position with regard to drainage needed to be revisited. This resulted in a formal objections from the LLFA and Middle Level Commissioners, on behalf of March 5th DCC.
- 10.26 Following the submission further information in July 2018 the LLFA now *have no objection in principle to the proposed development. [Noting that] the document demonstrates that surface water from the development can be managed through the use of an attenuation basin discharging into the IDB watercourse to the north west of the site. Surface water will be restricted to 1.5 l/s/impermeable ha. A condition is recommended requiring the submission and approval of a surface water drainage scheme for the site, based on sustainable drainage principles as per the Surface Water Management Note prepared by Cannon Consulting Engineers dated 20 July 2018 and supported by further detailed information.* The LLFA also recommend an informative is imposed on any decision recommending contact with the MLC to discuss their requirements.
- 10.27 Although the additional information has been accepted by the LLFA it is acknowledged that MLC have maintained their objection on behalf of March 5th DCC. They consider that the additional information does not provide adequate answers to the Board's specific concerns particularly regarding infiltration rates and their subsequent use in the design. MLC also note that there is an inference that an alternative proposal is for the discharge of surface water into the adjacent boundary watercourse but this is not discussed in detail.

- 10.28 MLC have concerns regarding freeboard, un-regulated discharge, long term funding and maintenance of the flood risk and water level management facilities, detailed arrangements to secure the operation of the scheme throughout its lifetime and they consider that these should be included within this scheme details. They caution that failure to do so may lead to an unacceptable burden on the ratepayer, to this end they require these details to be fully resolved prior to any issue of consent.
- 10.29 Although the comments and recommendations of the MLC are acknowledged, it is considered that it would be unreasonable to withhold consent on the basis that full details are not available at this time. The condition recommended by the LLFA is sufficiently detailed and robust to enable this matter to be addressed and as such it will act as an appropriate safeguard to ensure a suitable strategy is in place prior to the commencement of development on site.
- 10.30 In respect of foul sewage disposal it is noted that there is at present insufficient capacity at the March Water Recycling Centre to treat the flows from the development site however AWA note that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. Similarly they have identified that they consider the 'Development will lead to an unacceptable risk of flooding downstream; however again they note that this may be secured by condition.
- 10.31 Although the MLC have recommended that the drainage strategy for the site and longer term maintenance agreement should be in place prior to the issue of consent this is at variance to the recommendation of the LLFA who consider such information may be secured by condition. It is felt that this would be a proportionate and appropriate approach to securing such details and that it would not be reasonable to withhold consent until such time that a fully developed strategy is in place.
- 10.32 It is considered that with suitable conditions the scheme will accord with Policies LP16 and LP14 with regard to flood risk and infrastructure and as such consent should not be withheld on this basis.

Ecology

- 10.33 The applicant has provided a Preliminary Ecological Appraisal (November 2014) and an updated Addendum (March 2017). The Council's Ecologist agrees with the findings of both reports and suggests conditions in respect of bird nest boxes, bat roosting features, landscaping and that the recommendations of the report are implemented.
- 10.34 The Council's Ecologist also recommends that an amphibian survey is carried out as suggested in the submitted Ecological Report to establish the size of toad population and to help inform the detailed landscaping of the scheme prior to the submission of the Reserved Matters which can be secured by condition.
- 10.35 Japanese Knotweed is understood to be present close by the eastern site boundary – it is an offence to cause it to spread. The report acknowledges that care would need to be taken during any works involving the removal, management or disturbance of the Knotweed to ensure no offence is committed.

Relevant information can be sought from the Environment Agency regarding statutory obligations on its disposal.

- 10.36 Whilst details of landscaping will be provided at the Reserved Matters stage it is recommended that the landscaping includes a range of species that benefit biodiversity are used within the informal open space/SuD's scheme along the eastern part of the site.
- 10.37 It is noted that a resident has recently raised concern regarding the extent of study area. The comments made have been raised with the PCC Wildlife Officer, as specialist consultee, and he has confirmed that whilst the slight discrepancy between the application boundary and the ecology survey area is noted it is not considered necessary for any additional ecological survey work to be carried out. Noting that *'the area to the north of that surveyed is referred to in section 5.2 of the report as "a transitional border where the arable field merges with another, this has no notable features"*.
- 10.38 Subject to appropriate planning conditions the proposal is considered to accord with Local Plan Policy LP19.

Archaeology

- 10.39 Cambridgeshire County Council (CCC) have confirmed that the site lies in an area of high archaeological potential, situated on March Gravels on a fen island. Such locations are known to have been favoured for settlement in the Prehistoric and Roman periods. Given the limited known significant archaeology in the immediate vicinity of the proposed development area it is not considered justified to recommend pre-determination. Therefore, whilst CCC do not object to development from proceeding in this location they consider that the site should be subject to a programme of archaeological investigation secured by planning condition.
- 10.40 Again a resident has raised issue with the extent of the study area and the comments made have been raised with the CCC Archaeology team, and their further detailed response is captured at Para 5.10. In summary they have confirmed that their advice to FDC holds now as before [...]. Based on archaeological information obtained via evaluation over the majority of the area do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition

Planning Obligations

- 10.41 Policy LP13 and the Developer Contributions SPD requires that the development would contribute to the following:
- i) 25% affordable housing (24 dwellings)
 - ii) Education contributions (pre-school and primary)
 - iii) Libraries and lifelong learning contribution
 - iv) Public open space (on site Children's play and off- site contributions)
 - v) Rail contributions
 - vi) Real Time Passenger Information Display contribution of £27,000.
 - vii) Bus stop maintenance contribution of £14,000

- 10.42 During the course of the application a viability assessment of the scheme has been considered by the Council's S106 Officers.

The assessment has identified that in order for the development to be viable only S106 contributions may be sought from the development in relation to -

6 affordable dwellings – 3 affordable rent and 3 shared ownership

Libraries £11,560

Education £832,011

Public Realm £99,360

Highways £44,750

- 10.43 For viability reasons the proposal is therefore unable to comply with Policies LP5 and LP13 of the Local Plan insomuch as it is unable to provide all of the infrastructure which would be necessary. The NPPG identifies that viability concerns need to be taken into account and that a flexible approach needs to be adopted. In this case it is considered that bringing forward the development now is sufficient to outweigh the deficiency in infrastructure which this development cannot provide at this time.
- 10.44 It should be noted that the housing team have requested that the S106 is drafted in such a way that the 'viable' level of affordable housing is provided by the developer and that 25% of properties must be made available to a Registered Provider (at no financial detriment to the developer) to enable the Combined Authority or the HCA to consider funding this 'additionality'. At this time it is acknowledged that there is no Combined Authority funding available to invest in this site.
- 10.45 Subsequent to the viability assessment and further to the S106 considerations outlined above the NHS have identified that they require a contribution of £34,546, this contribution has not been captured in the viability assessment and there are no surplus monies that may be redirected to fund this contributions.
- 10.46 It would be possible to divert monies intended elsewhere to this aspect, e.g. re-allocate the monies highlighted for Green Space Enhancement at Norwood Nature Reserve (£27,600) and part of the library contribution (reduce £11,560 to £6,946). Or alternatively members may consider that the contributions should remain as per outlined at 10.42
- 10.47 It is clear that the viability deficit is proven and that the policy requirements could only be delivered in full if a scheme is viable; the affordable housing provision identified is proportionate and a mechanism will be included in the S106 to ensure that if funding comes on stream additional units may be delivered.

Health and wellbeing

- 10.48 In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals, amongst other things, should create sufficient and the right mix of homes to meet people's needs, and in the right location. The scheme will deliver housing in a sustainable location with access to services, facilities and public transport links.

Economic Growth

- 10.49 The proposal will boost the supply of housing as sought by Government through the NPPF. The development would provide a degree of local employment during construction of a site which is considered sustainable.

Other considerations

- 10.50 *Fire hydrants*- Cambridgeshire Fire and Rescue Service require the provision of fire hydrants be secured through an appropriately worded planning condition
- 10.51 *Loss of property value* – case law has determined that this is not a material planning consideration and therefore no weight should be given to this point.

Planning Balance

- 10.52 The development would represent a sustainable form of residential development owing to the location of the development being on the edge of a Primary Market Town. Furthermore the proposal would contribute towards economic growth, including job creation during the construction phase and in the longer term through additional population assisting the local economy. Whilst the proposal will result in the loss of a small parcel of agricultural land this consequence is accepted.
- 10.53 The proposal offers potential landscaping and biodiversity features through the sustainable urban drainage and landscape buffers located within the eastern part of the site. The visual impacts of the development are considered to be acceptable given the limited harm.
- 10.54 Having fully assessed the proposal it is considered that the development, subject to detailed design, will:
- Provide a supply of housing to meet current and future generations;
 - Promote healthy, active lifestyle through green space provision and links to the Estover Playing field to the west;
 - Maximise opportunities for use of public transport, walking and cycling;
 - Manage flood risk and drainage effectively;
 - Have no significant adverse impacts on features of landscape or ecological value; and
 - Contribute to affordable housing, Library services, education, public realm enhancements and highways infrastructure (in the form of bus stop enhancement and real time information services)

Conditions

- 10.55 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).
- 10.56 The applicant's agent has been advised of the proposed conditions. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) will have been met subject to the confirmation by the applicants agent being received.

10.57 The proposed conditions are as follows:

- Archaeological investigation (condition 4 below)
- Surface Water Drainage scheme (condition 8 below)
- Foul water drainage scheme (condition 13 below)
- Construction Management Scheme (condition 17 below)

10 CONCLUSIONS

11.1 Based on the above evaluation the proposal is considered to constitute sustainable development. There are no overriding material considerations that indicate that permission should not be granted and the application should therefore be approved subject to the recommended obligations and conditions.

11 RECOMMENDATION

GRANT subject to:

i) Completion of a Section 106 Agreement. Should the applicant be unwilling or unable to complete s.106 agreement within 4 months from the date of committee approval, that delegated powers be passed to Officers to refuse the application.

ii) Conditions listed below

1. Approval of the details of:
i. the layout of the site;
ii. the scale of the building(s);
iii. the external appearance of the building(s);
iv. the landscaping
(hereinafter called “the Reserved Matters” shall be obtained from the Local Planning Authority prior to the commencement of development).
Reason – To enable the Local Planning Authority to control the details of the development hereby permitted.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
Reason – To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

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

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

4. 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 and the reporting and dissemination of the results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.

A pre-commencement condition is necessary in order to ensure that any material of historic merit is not lost or destroyed through the development which will need to be established at construction stage.

5. Prior to the commencement of the access construction/highway works and notwithstanding the submitted plans, details of a 1.8m footway along the north of Estover Road (connecting the development frontage with Station Road) shall be submitted to and approved in writing by the Local Planning Authority. Submitted plans should include kerbing, drainage, levels, methods of construction and street lighting. The approved plans will then be constructed and completed prior to first occupation.

Reason: In the interests of highway safety and adequate pedestrian access in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

6. Prior to the first occupation of the development, the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason: In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014. .

7. Prior to the commencement of the access construction/highway works and notwithstanding the submitted plans, details of the bus stop improvements to the nearest functioning bus stops to the site shall be submitted to and approved by the Local Planning Authority. Submitted details should include kerbing, levels, drainage, bus stop furniture and methods of construction. The approved plans will then be constructed and completed prior to first occupation.

Reason: In the interest of highways safety in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

8. Prior to the commencement of the access construction/highway works, details of the pedestrian crossing improvement on Station Road shall be submitted to and approved by the Local Planning Authority. Submitted plans should include kerbing, drainage, levels, methods of construction and street lighting. The approved plans will then be constructed and completed prior to first occupation.

Reason: In the interests of highway safety and adequate pedestrian access in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

9. Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access. Minimum dimensions to secure the required splays shall be 2.4m, measured along the centre line of the

proposed access from its junction with the channel line of the highway carriageway, and 43m, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction

Reason: In the interests of highway safety and adequate pedestrian access in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

10. Prior to the commencement of the access construction/highway works a full Travel Plan detailing how the development will achieve the minimum number of car traffic movements to/from the site, how it will address the access needs of the residents of the site, by supporting walking, cycling and public transport and how the development will reduce the need for travel to/from the site shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall be implemented as approved.

Reason – To reduce the need for private travel in order to achieve sustainable development in accordance with Policies LP15 and LP16 of the Fenland Local Plan, 2014.

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

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

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to occupation of the first dwelling.

The scheme shall be based upon the principles within the agreed Surface Water Management Note prepared by Cannon Consulting Engineers dated 20 July 2018 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Temporary storage facilities;

- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - g) Full details of the maintenance/adoption of the surface water drainage system;
 - h) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
 - i) A timetable for implementation;
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason - To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development

A pre-commencement condition is necessary in order to ensure that a suitable surface water drainage scheme is agreed.

13. Prior to the commencement of the development hereby permitted, a scheme and timetable for the provision and implementation of foul water drainage shall be submitted and approved in writing by the Local Planning 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. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved which shall thereafter be retained in perpetuity.

Reason - To ensure a satisfactory method of foul drainage and to prevent environmental and amenity problems arising from flooding in accordance with Policies LP14 and LP16 of the Fenland Local Plan, 2014.

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A pre-commencement condition is necessary in order to ensure that a suitable foul water drainage scheme is agreed.

14. Prior to first occupation of the development hereby approved details of a range of bird nest boxes and bat roosting features shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the numbers, designs and location within the site. The agreed details shall then be implemented and retained in perpetuity.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.

15. The development hereby approved shall be carried out in accordance with the recommendations contained within the Preliminary Ecological Appraisal (November 2014) and Addendum dated March 2017. Should the development not take place within two years of the date of this permission, an updated ecological survey 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 updated ecological survey and any mitigation measures contained in the updated survey shall be fully implemented on site at the relevant stages of work.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.

16. Prior to/or concurrently with the submission of any Reserved Matters application for the development an Amphibian Survey 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 amphibian survey and any mitigation measures contained in the survey shall be fully implemented on site at the relevant stages of work.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan 2014.

17. No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors
- routes for construction traffic
- hours of operation
- method of prevention of mud being carried onto highway
- pedestrian and cyclist protection
- any proposed temporary traffic restrictions and proposals for associated safety
- Signage

Reason - To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan, 2014.

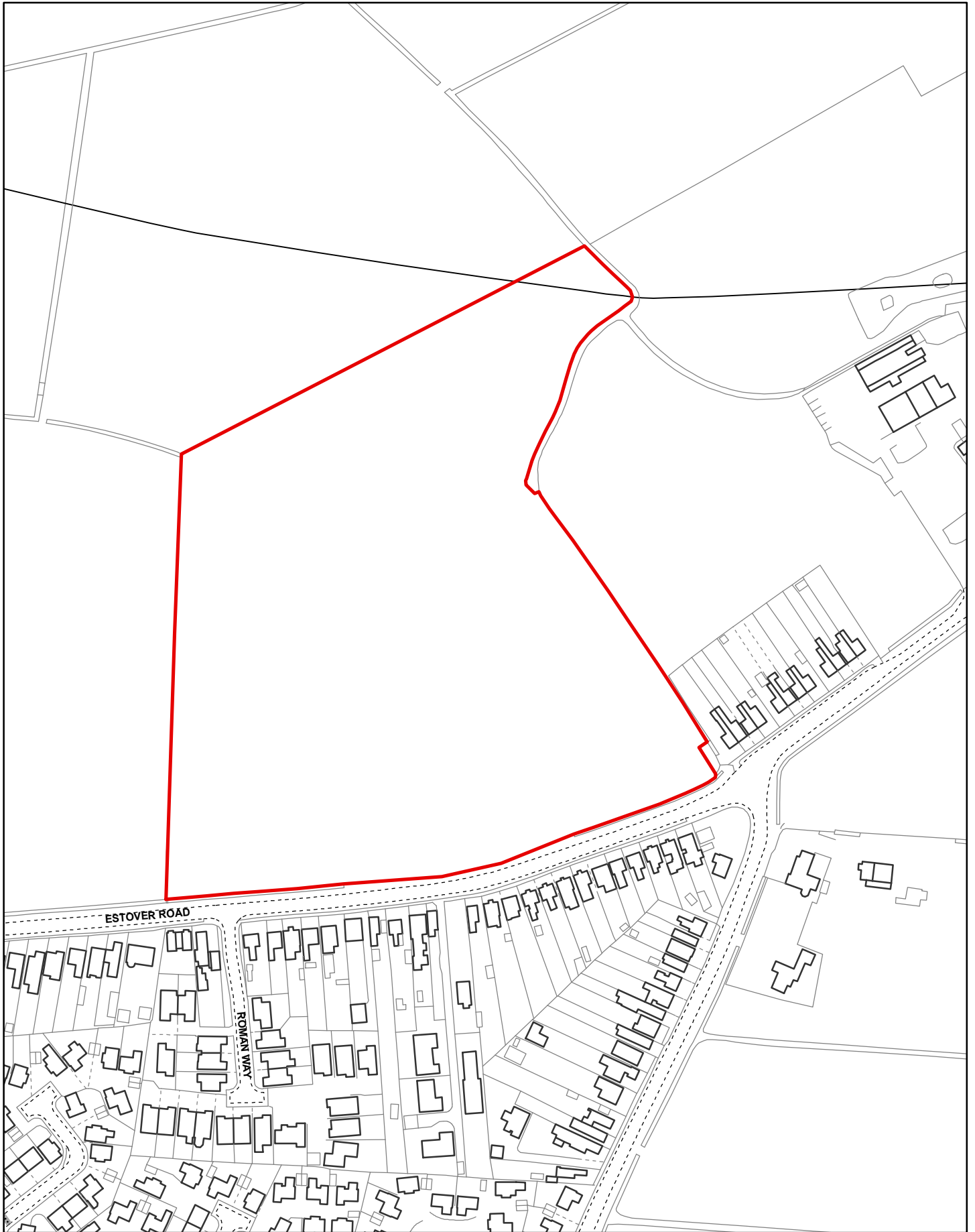
A pre-commencement condition is necessary in order to ensure that the construction processes are managed so as to avoid harm to residential amenity and the highway network.

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18. Prior to the first occupation of the development hereby approved, a scheme for the provision of fire hydrants or equivalent emergency water supply shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to the occupation of the first dwelling.

Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply in accordance with infrastructure requirements within Policy LP13 of the Fenland Local Plan 2014.

- 19 Approved plans.



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F/YR15/0668/O

Scale = 1:2,500



Notes

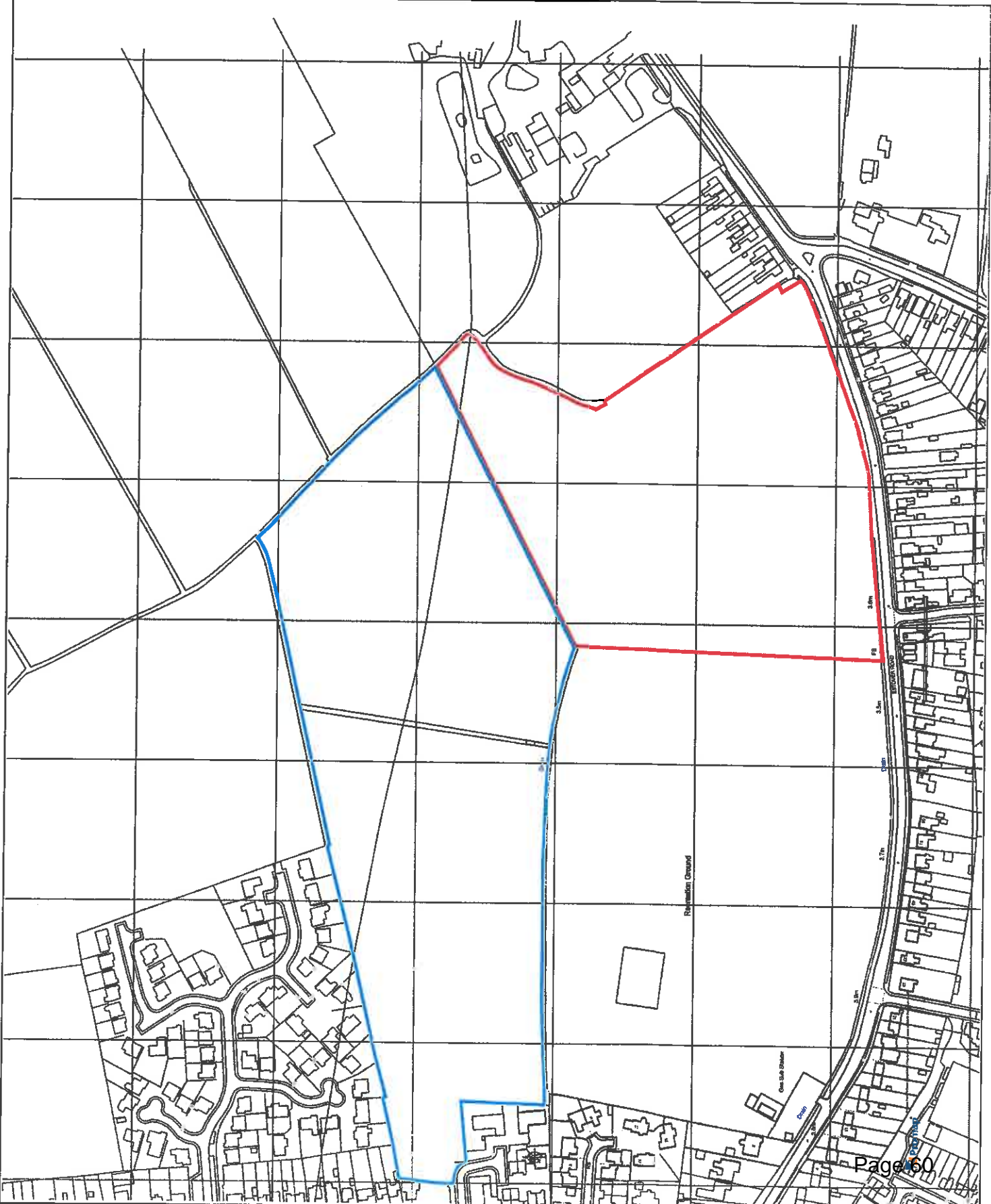
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Client	St. John's College, Cambridge
Job	Proposed Residential Development Eastover Road, March
Drawing Title	Site plan
Scale	1:1250 @A1
Date	JULY 2015
Drawn by	NR
Approved by	AH
Drawing No.	306 / 743 / 002
Job No.	306743





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No.	Revisions	By	Date


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Client
St. John's College, Cambridge

Job
**Proposed Residential Development
 Estover Road, March**

Drawing Title
Indicative block plan

Scale 1:2500 @A3	Date JULY 2015
Drawn By NR	Approved By AH
Drawing No 306 / 743 / 003	Rev / Job No CAUD 306743

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F/YR17/1231/VOC

Applicant: Showfields Ltd

**Agent : Mr Ian Smith
Cheffins Planning and Development**

Land North Of Whittlesey East Of, East Delph, Whittlesey, Cambridgeshire

Removal or variation of conditions of planning permission F/YR15/0134/O (Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph)

Reason for Committee:

Objections from the Town Council and more than 6 objections from local residents have been received in variance to Officers' recommendation.

1 EXECUTIVE SUMMARY

This application is made under S73 of the Town and Country Planning Act which seeks to vary the conditions of the extant consent F/YR15/0134/O for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure, and Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph.

The effect of granting permission under S73 result in the re-issuing of permission and as such all necessary conditions and obligations must be re-imposed. The application primarily seeks to vary the planning conditions to enable a phased approach to development. The applicant has also undertaken a review of the viability of the development which indicates a deficit of 'reasonable' return on the development.

The proposal to phase the development and as such vary the existing planning conditions in this regard would not identify any severe harm and the proposal to vary other conditions for example; in relation to some of the criteria of the construction management plan, archaeology and duplicated conditions would not lead to any severe harm or alter the overall sustainability of the development.

Following a review undertaken by the Council, the development now proposes a reduced affordable housing offer but with all other contributions e.g. educational and transport being secured. This is with exception to a commuted sum towards the Internal Drainage Board whereby the applicant now proposes to secure a Management Company to oversee the management and maintenance of drainage and open space which is considered to be acceptable.

In applying the planning balance, Officers consider that the benefits of the scheme, having regard to the viability offer would outweigh the harm in providing a reduced amount of affordable housing and that the proposal would still constitute sustainable development accruing economic, social and environmental benefits and without resulting in severe harm, subject to planning conditions and S106 obligations.

2 SITE DESCRIPTION

- 2.1 The application site comprises a total area of 14.90 hectares. It lies to the north-east of Whittlesey, adjacent to the edge of the built settlement, which comprises fairly modern housing development focussed around Bassenhally (Teal Road/Otago Close) and East Delph (Hemmerly Drive/Viking Way/Wash Lane).
- 2.2 The northern site boundary in the main adjoins agricultural land, which extends northwards from the town into the Whittlesey (River Nene) Washes. The western site boundary adjoins two open fields (also owned by the applicant to the south of Wash Lane) and in the north-west corner an area of common land (which is mainly wooded) alongside the B1040.
- 2.3 There are a number small drains and ditches that run across the site in a northerly direction, towards the Whittlesey Washes. There are some mature hedgerows, with some large trees within them, which subdivide the site into separate fields. The majority of the site is unmanaged grassland.
- 2.4 The site is roughly L-shaped and is currently vacant former agricultural land, with informal paths crossing it in various directions from the ends of Teal Road, Otago Road and Whiteacres. In the past this land has been used for temporary agricultural shows – hence its name “The Showfields” – although this use has not taken place for some time. The existing main access to The Showfields is gained from the B1040 East Delph.

3 PROPOSAL

- 3.1 This application is made under S73 of the Town and Country Planning Act which seeks to vary the conditions of the extant consent F/YR15/0134/O granted in February 2016 for a Hybrid application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure, and Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph.
- 3.2 The effect of granting permission under S73 result in the re-issuing of permission and as such all necessary conditions and obligations must be re-imposed. The application primarily seeks to vary the planning conditions to enable a phased approach to development. The applicant has also undertaken a review of the viability of the development which indicated a deficit of ‘reasonable’ return on the development. As such the applicant has provided a revised S106 agreement to reflect this.
- 3.3 As such, this application is to be considered in 2 parts;
 1. The variation of planning conditions and their impact on the sustainability of the development
 2. The variation of the S106 due to viability reasons and its impact on the sustainability of the development.

Planning Conditions

- 3.4 A copy of the decision notice granted under F/YR15/0134/O including the planning conditions is attached to the end of this report for reference.

3.5 The applicant seeks to vary the wording of the planning conditions imposed on this hybrid consent primarily to enable a phased development approach whereas the current conditions do not. The applicant in their planning statement advises the following;

“the conditions should be revised to reflect a Phasing Plan which would specify and control the extent of development which was delivered by each phase. The Phasing Plan would form part of the planning application documents and its implementation would be secured by Condition...”

3.6 A summary of the conditions sought to be varied is as follows but a full list can be found at Appendix 1 of the applicant’s Planning Statement;

- **Condition 1:** Propose that reserved matters in whole or individual phases to be obtained from Council prior to commencement of development of each phase;
- **Condition 2:** Application for all reserved matters to be made to Council within 3 years from date of permission;
- **Condition 4:** Replace Condition 4 (which requires the completion of the East Delph access prior to commencement of the development) with a requirement for a Phasing Plan to be submitted and approved prior to submission of a first reserved matters application. Development should proceed in accordance with the approved Plan unless agreed otherwise in writing with the Council;
- **Condition 5:** Full detailed design drawings and programme of implementation for Teal Road site access junction/Otago Road pedestrian/cycle access to form part of a future reserved matters application;
- **Condition 6:** Reserved matters for relevant phase to include traffic calming measures to control vehicle speeds as part of design, layout and construction details of any principal highway within development. Measures to be implemented on completion of East Delph – Teal Road link;
- **Condition 7:** Details of flood warning signs to be located to the south of the East Delph site access to be approved by the Council. Approved works to be completed prior to occupation of first dwelling accessed directly off East Delph;
- **Condition 16:** Construction Environment Management Plan (CEMP) to be subject to review as it is somewhat prescriptive. Amend condition to prohibit development in each phase until amended CEMP approved by Council;
- **Condition 18:** Development to be carried out in accordance with stated approved plans. Suggest deleting this condition as it is duplicated by Condition 27;
- **Condition 22:** New highway boundaries to be marked out on site prior to commencement of construction. Suggest deleting this condition as development within highway boundaries would be subject to approved plans;
- **Condition 26:** Construction Method Statement. Suggest deleting this condition as it is covered by condition 16 (Construction Environment Management Plan); and
- **Condition 27:** Development to be carried out in accordance with stated plans (including Flood Risk Assessment, archaeological evaluation etc.)

Variation to S106

3.7 A copy of the current S106 agreement can be found on the public access site, however a summary of existing contributions is as follows;

- i) 25% affordable housing;
- ii) Pre-school (£509,273), primary (£165,011) and secondary (£1,466,685) education contributions;
- iii) Libraries and Lifelong Learning at £23,166;
- iv) Public open space – a minimum of 3.36 hectares to be provided on site;
- iv) Transport –
 - *£25,000 towards access improvements for pedestrians and cyclists at the A605/Cemetery Road/Blunts Lane roundabout,
 - *£500 towards the provision of cycle standards at key locations in the town centre,
 - *£9,000 towards the introduction of real time passenger information display at the Victory Avenue bus stop and maintenance and provision of seating within the bus shelter,
 - *£750 towards measures contained with the Alderman Jacobs Primary School Travel Plan and a Residential Travel Plan for the site itself;
- v) Waste recycling at £1,457;
- vii) Drainage –
 - £403,192.53 North Level IDB to provide details of any sum requested by the IDB to be paid on adoption for the maintenance of the surface water drainage infrastructure forming part of the development for a period of 50 years;
- viii) IDB Modelling payment - £11,061.90
- ix) Rail enhancements - £157,141.60 towards a new station car park in Whittlesey.
- x) CCC Monitoring - £ 1,650

3.8 The applicant has undertaken a review of the viability of the scheme. The viability appraisal has been scrutinised by the Council's viability assessor who has sought clarification and further details on a number of points including Benchmark Land Values (BLV), Build costs, open market sales values, affordable housing values and the unit mix, size and tenure accounted for.

3.9 Further to this review process the applicant has proposed the following options;

Option A: Full S106, 20 Affordable Homes

-Affordable Housing: 20 homes, 9% of units (10 affordable rent, 10 shared ownership)

S106 contributions:	£1,764,662 as follows:
-EY & Primary Education	£437,532 *
-Secondary Education	£1,099,053 *
-Cycle / Bus Shelter	£9,500
-Modelling Payment	£11,062
-Libraries	£23,166
-Rail Station Enhancement	£157,142
-Travel Plan	£750
-Waste contribution	£1,457
-Public Transport	£25,000

-Open Space & SUDs to be managed by a management company to be agreed with FDC prior to 1st occupation

Option B: Reduced S106 (Education contributions only), 24 Affordable Homes

-Affordable Housing: 24 homes, 11% of units (12 affordable rent, 12 shared ownership)

S106 contributions: £1,565,754 as follows:

-Primary Education £434,031 *

-Secondary Education £1,131,723 *

-Open Space & SUDs to be managed by a management company to be agreed with FDC prior to 1st occupation

*In both options, the education contributions are mix driven and the rates per dwelling are as per the current S106 agreement dated 29 Feb 2016.

3.10 Alongside the viability appraisals, the applicant has provided updates to the ecology report, Flood risk and drainage report and transport assessment.

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

4 SITE PLANNING HISTORY

F/YR15/0134/O	Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph	Granted 29.02.2016
F/YR15/0143/F	Change of use from agriculture to public amenity space (no operational development)	Granted 23/07/2015
F/YR13/0714/O	Erection of 249 no. dwellings with associated infrastructure vehicular and pedestrian access public open space and associated flood mitigation works	Refused 20/12/2013 and Dismissed on Appeal 18/11/2014 Ref: APP/D0515/A/14/22 10915
F/YR04/3036/F	Change of Use of Showground to a Sunday Market and Car Boot and stationing of portable lavatory unit for a period of two years	Refused 26/04/2004
F/YR02/2020/CW	Continued use of land for the storage processing and transfer of topsoil	Deemed Consent 04/02/2003
F/YR01/1100/O	Residential Development (16 ha)	Refused 16/10/2002
F/1420/89/F	Erection of 42 dwellings and garages	Withdrawn 04/06/2001
F/92/0249/O	Residential Development - 500 dwellings	Withdrawn 04/06/2001
F/92/0270/F	Construction of distributor road and associated roundabouts	Withdrawn 04/06/2001
F/YR00/0699/SCO	Screening opinion: Residential Development (12 ha)	Further Details Not Required 08/08/2000
F/97/0404/F	Continued use of land for the storage processing and transfer of topsoil	Granted 25/09/1997
F/96/0314/F	Use of land for car boot sale	Withdrawn – insufficient fee
F/92/0298/F	Use of land for the storage processing and transfer of topsoil	Granted 16/10/1992

F/92/0181/F	Change of use of Showground to car boot sale and market together with the stationing of 2 No.portable units and construction of roadway	Granted 22/07/1992
F/0276/89/F	Erection of a 4 bed house with integral double garage	Granted 06/08/1989
F/0113/85/F	Erection of 6 houses and 7 bungalows with garages	Refused 18/04/1985
F/0283/80/O	Erection of 12 detached houses with garages	Refused 22/07/1980
WU/68/75/O	The erection of dwellings	Refused 13/02/1969
OA/2124	Residential development	Refused 06/12/1964
OA/1285(1)	Use of land for residential purposes (Parcel No 2124)	Granted 27/07/1961
OA/1285(2)	Use of land for residential purposes (Parcel Nos 2128 & 2129)	Refused 27/07/1961

5 CONSULTATIONS

5.1 Conservation Officer (FDC)

Advises they have no comment to make against the above application.

5.2 Senior Archaeologist (CCC)

Recommends condition be varied to restrict development to outside of the area indicated in orange circle (see plan attached to this report) until the applicant, or their agents or successors in title, has secured the implementation of a programme of Archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

5.3 Natural England

Natural England has no comment to make on the variation of Conditions 1, 2, 4, 5, 6, 7, 16, 18, 22, 26 and 27 pursuant to planning permission F/YR15/0134/O.

5.4 Environment Agency

Advised they have reviewed the information provided and have no comment to make on this application.

5.5 North Level Internal Drainage Board (NLIDB)

Raise an Objection. Considers that this application proposes to undo all of the work and negotiations that shaped the original outline application.

NLIDB Does not consider that a management company would be a viable delivery solution.

5.6 **Cambridgeshire County Council Highways Authority (Development Management)**

Notes that the purpose of the East Delph access was to alleviate the traffic impact on the existing development to the south and east of the application site.

CCC Transport Assessment will need to review this application and understand what impact the variation of Conditions/phasing plan will have on surrounding Highway network especially given the proposals include deferral/omission of the East Delph access.

The applicant is recommending a phasing plan which will allow development of the more profitable parts of the site. This is likely to result in the less profitable parts of the site not being developed. This is likely to include the spine road and access onto East Delph.

Advises they need to understand the full extent of the applicants proposal i.e. phasing plan, site layout and access strategy before they can agree/disagree with their proposed condition variations.

5.7 **Cambridgeshire County Council Highways Authority (Transport Team)**

Proposals:

The site is north of Whittlesey and they were proposing a Spine Road off of East Delph as the main access. There are another two minor accesses to the south and east of the site. The applicant is proposing to phase the development. As a result the main Spine Road will only be partly built from the eastern side which leads into residential roads (Teal Road/Otago Road) which goes against Condition 4 of the original planning application.

Sustainable Travel Impact:

The delayed construction of the spine road will not have a major impact on journey distances to and from local amenities and bus stops as residents will use the southern and eastern access points, as such no additional work is required.

Highway Impact:

As a result of the proposed phasing, Phase 1 traffic will go through residential and minor junctions/highways. These routes have been assessed (ARCADY+LINSIG) within the original TA, however, within the assessment the applicant has assumed that the majority of traffic goes through East Delph, so the flows for the junctions south and east of the sites are no longer accurate should Condition 4 be removed as trips rates would increase whilst the spine road is being constructed. Action required: CCC ask the applicant to produce a Transport Note (TN) which provides us with updated junction assessments so the flows are up to date and accurate according to phasing. This should be a robust assessment as we may need to use this evidence in later stages of the application.

Proposed brief report structure:

- Intro
- How revised trips are being calculate/changed/why/how;
- Junction Assessment for Phase A traffic only. Junctions assessed should include
- Stonald Road/ Bassenhally Road Crossroad (for trips north and west);
- A605/Coronation Avenue for majority of trips going east;
- A605/Cemetery Road roundabout for traffic going south/west/east; and
- Any other appropriate junctions.

- Junction Assessment results for all traffic; and
- Summary.

With this information CCC would not object to the variations on Transport grounds.

5.8 **Housing Strategy (FDC)**

Notes that the scheme viability has been assessed and that if other S106 obligations are paid, it will only be viable to deliver 9% Affordable Housing on a 50% Affordable Rent/50% Shared Ownership tenure basis.

Advises that FDC will be approaching the Cambridgeshire and Peterborough Combined Authority (CPCA) to seek a funding commitment to the scheme.

Ideally FDC would like to maintain a 25% affordable housing position on a 70% Rent / 30% shared ownership tenure split, with grant input.

5.9 **Whittlesey Town Council**

This Variation of Conditions Application proposes that fundamental changes be made to the Outline Planning consent already granted for this site. Those changes would so significantly alter what has already been agreed that public confidence in the integrity of the Planning Process would be best protected by subjecting this application to the full rigour of challenge and debate at a meeting of the Planning Committee.

This site, bordering Whittlesey Washes and containing significant areas below the 5 metre AOD level, has potential flooding problems, and poses a potential additional flooding risk to other established properties in the northernmost parts of Whittlesey. That was why such detailed consideration was given at the outline permission stage to drainage issues. By the applicant's own admission, more than four hectares of land will become impermeable through development of the site. It is vitally important that the representations made by our Internal Drainage Boards are carefully considered when determining applications in flood-sensitive areas. The fact that the North Level District Internal Drainage Board has lodged an objection to this VOC application, describing the proposed changes to drainage provision as "folly", must set alarm bells ringing about the appropriateness of that proposed change and the sustainability of the whole site's development if that change were accepted.

The proposed variation of condition which would give the developer the right not to open the B1040 junction into the site for many years creates a really serious problem. To amend the Outline permission already granted so that access via the B1040 would not be required to be provided for many years would force all construction traffic, and all residential traffic to and from the new development in the first few years, onto roads in the Birds Estate which are wholly unsuitable for that level of use.

The Town Council recommend refusal on the grounds of flood mitigation, the access onto Teal Road and reduction in the S106 contribution and the reduction in affordable housing. The developer should provide a hard standing within the site for all contractor's vehicles and anyone else working on the site. All contractor access arrangements should be via the B1040.

The Town Council recommend refusal of this part of the application but recommend approval for the Engineering side of the application.

5.10 **CCC Growth & Economy**

Agrees with the conclusion that the policy compliant S106 and affordable housing requirement is not viable. The County Council would be prepared to accept the offer of the 9% scenario. This makes provision for the full range of S106 contributions with the exception of the commuted sums, however these will be raised through the management company and therefore limits any risk exposure for FDC in respect of ongoing maintenance liability. Whilst the education contribution is reduced by around £250,000 it is considered that this is acceptable given the reduction in the level of affordable housing.

Whilst the 11% scenario provides the optimum rate of affordable housing, it does not provide the full range of S106.

In cases where viability comes into play the convention adopted by FDC and CCC is to share the benefits equally, as far as possible. In this particular case it is considered the 9% scenario represents a fair compromise between the level of affordable and S106 contributions being offered by the applicant.

5.11 **Councillor Mrs K F Mayor**

Requests the application be called in to committee. Considers that this application should not be determined by Officers using delegated powers.

5.12 **PCC Wildlife Officer**

Notes the minor amendment proposed in relation to Condition 11 (ecological mitigation) to include reference to phasing. On the basis that no changes are to be made to the requirements for ecological mitigation across the application site, would have no objection to the proposed variation.

5.13 **FDC Environmental Health**

In respect of variation to the Construction Management Plan (Condition 16);

- h) Unwilling to remove the clause with respect to vibration monitoring. It is perfectly acceptable to undertake monitoring where site activities are likely to cause vibration impact, in particular ground works consistent with a particular phase of the development as determined. Suggests that the condition could be relaxed to be applicable only when operations involving vibration is being undertaken close to noise sensitive receptors.
- p) External signage may be removed as we would have no objections to the applicant's concerns.
- r) With regard to sensitive receptor, this obviously needs to be determined by the applicant to enable informed decision to be made as to the need for vibration monitoring. Considers the clause is necessary.
- u) The siting of plant and other machinery around the site is fundamental to the reduction of noise and emission likely to harm the sensitive receptors. It is considered that plant /machinery during construction works is situated as far as reasonably practicable away from receptor location. Knowing the process for moving of machinery within the site enables the enforcing authority to assess whether or not Best Practical Means is in use. Considers this clause necessary.

Condition 26 –Agrees that this is duplicated in condition 16

5.13 Local Residents/Interested Parties

69 resident objections have been received raising the following concerns (summarised)

Objectors

- Access – including delayed delivery of East Delph access/ use of Teal/ Otago for construction and general access
- Understanding that Teal Road was to be emergency access only
- Anti Social behaviour
- Density/Over development
- Devaluing property
- Environmental Concerns
- Flooding
- Light Pollution
- Local services/schools/ health - unable to cope
- Out of character/not in keep with area
- Parking arrangements
- Proximity to property
- Residential Amenity - disruption
- Traffic or Highways: including safety
- Waste/Litter
- Wildlife Concerns – particularly birds of prey and deer
- Would set a precedent
- Noise and vibration
- Drainage – surface water and foul waste
- Phasing may mean development stalls or takes longer with greater amenity impacts
- drop in market conditions could stall development – needs speedy delivery
- risk of several house builders and lack of consistency
- Mess and mud on roads for existing and future occupiers of the development
- Should not be allowed until Kings Dyke Bridge is completed
- Overlooking/loss of privacy
- Land ownership – potential development of third party land
- Shadowing/loss of light
- Trees
- Visual Impact
- Already enough properties for sale
- What happens when the B1040 is shut to traffic
- Delivery of infrastructure and infrastructure services need to be in place prior to commencement of works.
- Responsibility for ongoing maintenance & repairs if the management company goes into liquidation.
- Reduction in S106 payments: These were put in place to ensure the impacts of this significant development does not have a negative impact on the current residents and those of the future.
- Considers the significant and numerous changes to an already approved application should prompt a new application and for it to be considered as a whole.
- Lack of 5 year supply

1 resident has also made the following suggestions with reasons to the planning conditions amendments;

Conditions 1; 5; 6; 8; 11; 13; 14; 24 & 25 should remain in force and not be removed or varied. This is because the removal/variations relate to the site being phased rather than treated as a whole site. With the likelihood of serious flooding at the East Delph entrance occurring during development, as we have seen over the past two decades, there would be no way to enter/egress the site for vehicles; pedestrians and emergency services if the infrastructure to Teal Road was not in place.

Condition 4 should remain in force and not be removed. This is because the deletion of this condition would result in the developer being under no obligation to complete the East Delph site entrance before occupation of the first dwellings. This would result in an inadequate road junction for construction traffic and residents and the possible fouling of the public highway (B1040) with muddy construction traffic tyres.

Condition 16 should remain in force in its entirety. This is because the items h; p; r; and u should not be removed as they are of paramount importance to neighbouring properties. They relate to important considerations such as vibration monitoring and site compound location etc.

Condition 26 should remain in force and not be deleted. This is because the deletion of this condition would remove the safeguards for neighbouring properties relating to measures to control the emission of dust and dirt during construction; location of loading/unloading/storage of plant/materials; a scheme for recycling/ disposing of waste resulting from construction works etc.

Supporters

No comments in support have been received.

Other representations

1 resident has made the following comments;

Requests consideration of the following;

- The ability for water mains to cope with this increased demand.
- The ability for sewage systems and Whittlesey sewage works to cope with this increased demand.
- The ability for electricity mains to cope with this increased demand.
- The ability for gas mains to cope with this increased demand.
- The ability for schools to cope with this increase in population.
- The ability for the councils refuse collection to cope with this increased demand.

More people = more crime = more vehicles = demands on police – can they cope?

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan comprises the adopted Fenland Local Plan (2014), The March Neighbourhood Plan (2017) and the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011). For the purposes of this application however, it is not necessary to consider the March Neighbourhood Plan.

7 POLICY FRAMEWORK

7.1 National Planning Policy framework (NPPF)

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

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

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

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

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

Paragraph 189-202: Conserving and enhancing the historic environment

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

7.2 Fenland Local Plan, 2014 (FLP)

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP5: Meeting Housing Need

LP6: Employment, tourism, community facilities & retail

LP13: Supporting and Mitigating the Impact of a Growing District

LP14: Climate Change and Flood Risk

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

LP16: Delivering and Protecting High Quality Environments across the District

LP17: Community Safety

LP18: The Historic Environment

LP19: The Natural Environment

7.3 Cambridgeshire and Peterborough Minerals and Waste Development Plan 2011

CS16: Household Recycling Centres

CS28: Waste Minimisation, Re-use, and Resource Recovery

7.4 Supplementary Planning Documents/Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)
- FDC Developer Contributions SPD (2015)
- Resource Use & Renewable Energy SPD (2014)
- Cambridgeshire Flood & water SPD (2016)
- RECAP CCC Waste Management Design Guide SPD (2012)

8 KEY ISSUES

- **Principle of Development**
- **Appropriateness of S73 application**
- **Variation of planning conditions**
- **S106 and viability**
- **Other matters – resident concerns**

9 BACKGROUND

- 9.1 This application is made under S73 of the Town and Country Planning Act which seeks to vary the conditions of the extant consent F/YR15/0134/O granted in February 2016 for a Hybrid application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure, and Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph.
- 9.2 Permission F/YR15/0134/O imposed planning conditions and was accompanied by a S106 agreement.

Summary of Applicants' planning statement;

- 9.3 The applicant has appointed a new project team to review the planning permission and the associated supporting documents and plans. This was instigated by a review of the viability of the scheme and the planning obligations which were required by the Section 106 Agreement which accompanies the outline planning permission. That review has been prompted by commercial assessments undertaken prior to formal marketing of the site.
- 9.4 The review suggests that the current Section 106 obligations (including the requirement to deliver 25% affordable housing) would, in practice, deliver a significant financial deficit to the developer.
- 9.5 The outcome of the viability review process has also identified that, if the development could be delivered in phases, then the site could be suitable for a wider selection of developers, housebuilders or developing housing associations who could better respond to the current housing market in Whittlesey. This would potentially render the development deliverable over a longer period. Whilst the site would be potentially more deliverable, the site would still not be commercially viable though with the current S106 requirements and contributions.
- 9.6 This review process has identified a number of changes which the applicant believes would ensure the proposed development remains acceptable in planning terms and which would also render the proposed development deliverable.
- 9.7 This application has been informed by informal pre-application advice from Fenland District Council. On 08 November 2017, the applicant and its representatives met with Nick Harding, Head of Planning at the Council. That discussion has informed this application.
- 9.8 Prior to the above meeting, the applicant's agents had also been in discussion with Officers, on an informal basis, regarding the existing S106 obligations and associated viability matters.
- 9.9 Discussions have also been held with the District Council's housing officers and a recommended Housing Association partner regarding the potential and process for securing additional grant finance to secure additional affordable housing following issue of consent to replace some of the affordable housing that would be forfeited as part of the proposed viability process.

Five Year Housing Land Supply (5YHS)

- 9.10 The applicant in their Planning Statement incorrectly asserts that the Council do not have a 5YHS.

- 9.11 The latest assessment of the Council's 5YHS demonstrates that this now stands at 5.86 years which is detailed in the Council's latest Five Year Housing Land Supply Report, 1 April 2018 to 31 March 2023. This follows the Planning Inspectorate's conclusions under APP/D0515/W/17/3183432 which at that time determined that the housing supply was 4.93 years.
- 9.12 The implications of this are that the relevant policies of the Fenland Local Plan can again be afforded full weight in decision making and paragraph 11(d) of the NPPF which applies the 'tilted balance' is not engaged.
- 9.13 It is recognised that 120 dwellings of the 220 proposed under this application are counted towards the 5YHS and this is a material consideration to be applied in the planning balance.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of development was established under the outline consent associated with this application (F/YR15/0134/O – see history above).
- 10.2 Whilst the applicant is proposing to amend certain planning conditions, primarily to enable a phased approach to the development, and vary the terms of S106 obligations due to viability constraints, the development remains relatively unchanged in respect of its proposed nature and scale.
- 10.3 Whilst the development plan has seen the introduction of the March Neighbourhood Plan, all other relevant development plan policies remain unchanged from the point at which the previous permission was granted. As noted above, the March Neighbourhood Plan is not relevant to the determination of this application due the site being located outside of March.
- 10.4 Furthermore, whilst a new NPPF came into force in July 2018, the framework does not indicate that the development plan should be ignored or is out of date for the purposes of this development.
- 10.5 As such, given the extant permission that exists, and the nature of change now proposed to the scheme and having regard the status of the development plan, it is considered that the principle of development is still acceptable.

Appropriateness of S73 application

- 10.6 An application under S73 of the Town and Country Planning Act (TCPA) seeks approval to develop land without compliance with conditions subject to which a previous planning permission was granted. A S73 permission constitutes a minor material amendment to the original planning permission but has the effect of granting a new planning permission which effectively sits alongside the planning permission originally granted.
- 10.7 The NPPG states that:

“There is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a

development which is not substantially different from the one which has been approved.”

10.8 Given that the nature scale of the development proposed remains relatively unchanged at up to 220 residential units with associated infrastructure with only the timings and contributions seeking variation, Officers consider that a S73 application is appropriate in this instance.

10.9 In addition and in respect of reviewing some concerns raised by residents and the Town Council;

S73(2) states;

“On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

10.10 The first part of 73(2) clearly indicates that only those conditions sought to be varied can be considered in terms of their impact on the overall development. Officers consider this to mean that not all matters with the development can be revisited where these matters were previously considered to be acceptable and where they are not sought to be changed through the S73 application.

10.11 It is noted that some concerns have been raised over matters which were previously considered under the original outline application and/or which would not be affected through this latest application to vary conditions and the planning obligations. Having regard to S73(2) Officers consider it is unreasonable and unnecessary to revisit the following matters which are taken from the summarised list in section 5.13 above;

- Anti Social behaviour
- Density/Over development
- Devaluing property
- Light Pollution
- Out of character/not in keep with area
- Parking arrangements
- Proximity to property
- Residential Amenity - disruption
- Waste/Litter
- Would set a precedent
- Overlooking/loss of privacy
- Should not be allowed until Kings Dyke Bridge is completed
- Shadowing/loss of light
- Trees
- Visual Impact
- Already enough properties for sale

10.12 This application seeks to amend the planning conditions following a review of the approach to build out in respect of a phased approach to development along with some amendments to conditions securing a Construction Management Plan/ Method Statement, timing of delivery of flood warning signage, deletion of duplicated or unnecessary conditions (conditions 18, 22 and 26). An updated plan schedule is also suggested to reflect the Flood Risk Assessment and Archaeological evaluation. Furthermore the S106 obligations are sought to be varied following a viability review of the development.

Variation of planning conditions

10.13 The proposed amended Conditions seek in essence to make the following changes;

- Introduce a phased approach to development
- Requirement for reserved matters within 3 years
- Full details of Teal Road/ Otago Road accesses as part of future reserved matters
- Traffic calming measures to form part of reserved matters for that relevant phase
- Changes to timing of delivery of the East Delph Access
- Provision of agreed flood warning signage prior to occupation of first dwelling access directly off East Delph
- - Amendments to Construction Management Plan
- Removal of condition requiring a Construction Method Statement
- Removal of condition requiring new highway boundaries to be marked out prior to construction
- Clarification of approved plan schedule and removal of “duplicated” condition

Other conditions are also proposed to change to reflect the phased delivery of the scheme but are not considered to fundamentally change the effect of the condition (see also Appendix 1 of the applicant’s Planning Statement)

10.14 Officers are also recommending amendments to conditions for the following;

- Drainage conditions
- Archaeology
- Quantum of development

Principle of phasing development

10.15 It is not uncommon for larger schemes to phase the delivery of housing, particularly where it is envisaged that multiple house builders may deliver the development as a whole or where pre-commencement investigative work is required on only part of the site.

10.16 A phasing plan would be required in advance of or concurrently with the submission of the first reserved matters detail in order to understand the impacts of the phased development in respect of residential amenity, transport and drainage impacts and the provision and timing of infrastructure.

10.17 Subject to securing a phasing plan at reserved matters stage, a phased approach to the development is considered acceptable.

10.18 The existing conditions have been reviewed and amendments have been proposed where these are considered to be acceptable. Note that the condition numbers may have varied through this review. As such for ease, the following

review details the existing condition number and the proposed new condition number that can be found at the end of this report.

Existing Condition 2 (to remain as condition 2): Timing of reserved matters

- 10.19 The applicant is seeking to re-impose the condition requiring the submission of the (first) reserved matters within 3 years following the grant of planning permission.

The Planning Practice Guidance states;

“Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started or an application for approval of reserved matters must be made.”

(Paragraph: 014 Reference ID: 17a-014-20140306). This reflects S73(5) of the TCPA.

- 10.20 As such the LPA would be unable to extend the time period for when all of the reserved matters are submitted. As such, all reserved matters for the development would need to be submitted by 1st March 2019, with works commencing no later than 2 years following approval of those reserved matters in accordance with the original conditions 2 and 3.

Existing Condition 4 (now Condition 5): Timing of East Delph Access

- 10.21 Condition 4 requires the completion of the East Delph access prior to works commencing. The applicant seeks to vary the timings of delivery of this – instead proposing to agree a phasing programme. The applicant has advised that the East Delph access is intended to be used as a haul road for construction purposes at initial phase of development.
- 10.22 The applicant has provided an indicative phasing plan (ref: 17-058-002) however this is not a committed detail at this time. The indicative plan denotes that residential development would commence at the Teal Road/Otago Road end of the site with East Delph forming the construction access.
- 10.23 Whilst residents’ concerns over overall capacity of the road network would be affected by the scale of the development, this was previously considered under the original outline consent. As such, having regard to S73(2) given the principle of 220 units is considered acceptable in transport terms subject to the proposed mitigation, only the impact of the phased approach should be considered.
- 10.24 Concerns have been raised by residents in respect of traffic and highways safety impacts should the Otago and Teal Road accesses be used as the primary access at initial stages of build. The previous Transport Assessment, which has not been varied with this latest application, indicates that the Otago Road access should be prioritised for pedestrian and cyclist but with some limited access available, for example through traffic management infrastructure. Conditions 5 and 6 of the outline permission secure the requirement to provide detailed design for the Teal and Otago Road accesses as part of reserved matters, with the programme of implementation for the accesses to be agreed and for traffic calming measures implemented

prior to first occupation. The applicant proposes to vary the wording purely to enable this detail to be provided in-line with the agreed phasing plan.

- 10.25 The County Council's Transport team has commented on the phasing approach, acknowledging that the original approach was to commence at East Delph. In order to be satisfied that any phasing approach would be acceptable and not give rise to transport issues and road safety, the LHA has requested that a transport note (TN) be provided which would consider revised Trip rates and junction assessments. In discussion with the LHA, it is considered acceptable to require this detail to support any future phasing plan to consider the overall impacts of the proposed phased approach and to demonstrate that the phasing would not compromise highways safety or the free flow of traffic.
- 10.26 In this regard and given that no phasing plan has been committed at this time, Officers consider it acceptable to amend condition 4 to require a phasing plan but to also insert a clause requiring the transport information sought by the LHA. Subject to this, there would be no conflict to LP15 of the FLP and it would accord with the aims of paragraph 108 of the NPPF.

Existing Condition 7 (now condition 8): Flood warning signage

- 10.27 Condition 7 requires a scheme for the design and provision of flood warning signage south of East Delph access prior to the commencement development. The applicant has suggested that this should be a pre-occupation condition.
- 10.28 Requiring the signage prior to the commencement of development would be unlikely to meet the tests as they would not be necessary at this pre-commencement stage to mitigate the impact of the development. Given that the justification for this requirement is in the interests of highway safety and that the flood warning signs are designed to warn future occupiers of the site of any highways flooding off East Delph, Officers consider this to a reasonable amendment having regard to the tests of planning conditions. Requiring the signage prior to the commencement of development would be unlikely to meet the tests as they would not be necessary at this time to mitigate the impact of the development.

Existing Condition 09 (now condition 10): Archaeology condition

- 10.29 The existing archaeology condition restricts development to outside of "the area of archaeological interest" until otherwise agreed following further investigation. However, the area of interest is not defined on any plan or scheme and therefore at present would be unenforceable.
- 10.30 Cambridgeshire County Council's Archaeology team has been contacted on this matter and has provided a plan denoting the area of interest (circled in orange) which can be attached as an appendix to the decision notice and referred to specifically in the amended condition.

Existing Condition 13 (now conditions 13 - 16): Surface Water Drainage

- 10.31 Condition 13 requires a surface water drainage scheme to be submitted and approved prior to commencement of development.
- 10.32 In view of the revised proposal to phase the development it is recommended that a site wide drainage strategy is secured at first reserved matters stage and then for a phase specific drainage scheme which accords with the site wide strategy is secured for each phase. The drainage schemes shall follow sustainable drainage principles. As such the drainage conditions are proposed to be expanded to reflect this.

Existing Condition 16 (now condition 18): Construction Management Plan

- 10.33 The applicant has suggested the removal of criteria h), p) r) and the second part of u) in respect of method of moving materials, plant and equipment around the site.
- 10.34 The Council's Environmental Health team has commented agreeing to the removal of criteria (p) which otherwise secures signage. This would be a requirement under HSE regulations.
- 10.35 The Environmental Health team has raised concerns over relaxing criteria (h), (r) and (u) considering they are necessary in order to define sensitive receptors and to protect the residential amenity of current and future occupiers and to ensure that information is provided to assess whether or not Best Practical Means is in use. Officers concur with this and as such propose only to remove criteria (p) from the CEMP.

Condition 18 & 27 (now condition 25): Plan schedule

- 10.36 The applicant has requested that the approved plan schedule under Condition 27 also includes the agreed Flood Risk Assessment (JPP Consulting R-FRA-P5617T-08 issue 7, April 2015) and Archaeological Evaluation (August 2014) which supported the application. Officers have no objection to this proposal.
- 10.37 The applicant has also requested that Condition 18 is removed as they consider it duplicates Condition 27 listing approved plans. Having reviewed the listed details under both of these conditions, it is recommended that these are consolidated under a single condition.

Existing Condition 19 (now condition 3): Timing of engineering works

- 10.38 Given that the application also sought to deliver the engineering works associated with the formation of the vehicular access road off B1040 East Delph under the FULL consent – plan reference:4801/13/04 , this would also be required to be implemented (although not necessarily completed) by 1st March 2019 as time period cannot be extended through a S73 application. As such this condition cannot be varied in terms of timings but the wording is proposed to be expanded to more clearly detail the element of works it refers to.

Existing Condition 21 (to be deleted): Encroachment onto the highway

- 10.39 Condition 21 which restricts encroachment of buildings or fenestration onto the highway would be a matter for consideration under reserved matters and as such is recommended to be deleted.

Condition 22 (to be deleted): Highway boundaries

- 10.40 Condition 22 requires any new highway boundaries to be marked out on site prior to commencement of construction – the reason being to prevent buildings being constructed within the proposed highway boundary. The applicant is requesting that this condition be deleted.
- 10.41 It is considered that future reserved matters applications would be required to denote the boundary of any new highway and the layout of buildings adjacent to these would also be detailed and considered as part of the reserved matters. Given that the development would be required to be carried in accordance with approved details (captured via planning condition) it is concluded that condition 22 serves no real purpose and therefore should be removed.

Existing Condition 26 (to be deleted): Construction Method Statement

- 10.42 The applicant considers that the requirements of condition 26 are already captured under Condition 16 securing a Construction Environmental Management Plan (CEMP) and as such suggests this should be deleted.
- 10.43 Having regard to the requirements of Condition 26 there does appear to be some duplication and also with Condition 17 in respect of recycling and disposal of waste.
- 10.44 It is considered that the removal of this condition would not compromise amenity of highway safety as this is already controlled through the CEMP secured under Condition 16. It is however recommended to expand on criteria (j) of condition 16 to make reference to dust becoming airborne and potentially affecting residential amenity, rather than purely just for highways impacts. As such it is concluded that Condition 26 should be removed, subject to the slight amendment to condition 16.

New condition 4:

Quantum of development

- 10.45 Having regard to latest case law and an updated approach to conditions, it is recommended to impose a condition defining the maximum number of dwellings the permission allows – as detailed in the description of development.
- 10.46 Having regard to the proposed amendments to the planning conditions (listed below at the end of this report) it is considered that the amendments are reasonable and would not prejudice the sustainability of the development and in some instances would provide clarity and better enforceability of the conditions.

S106 and viability

- 10.47 The applicant has undertaken a review of the viability of the development and established that the current contributions being sought would make the scheme unviable and therefore unlikely to come forward. As such, the initial viability assessment (VA) presented to the LPA proposed a reduced amount of affordable housing and only education contributions.
- 10.48 The LPA undertook a review of the VA using a consultant who concluded that the scheme was indeed unviable. However following challenges to some of the cost

assumptions and inputs, the applicant has arrived at an improved position of viability as detailed in the 2 options at 3.9 above.

- 10.49 Policy LP5 identifies that this development should seek to achieve a target of 25% affordable housing in accordance with Policy LP5. The provision should be made on site and with a tenure split of 70% social rented and 30% shared ownership based on the current SHMA. This would equate to 55 dwellings. The policy does however acknowledge that, if an accurate viability assessment indicates these cannot be met in full, the LPA may negotiate with developers.
- 10.50 As such, policy LP5 can enable a non-policy compliant level of affordable housing where a robust viability assessment demonstrates it is not achievable. In both options it is concluded that a policy compliant level of affordable housing is not achievable and it is therefore for the LPA to determine whether to accept this and if so whether to accept a lower amount (9% affordable units) but with the full amount of infrastructure contribution (Option A) or a higher amount of affordable housing (11%) but with a lower amount of infrastructure contributions (Option B).
- 10.51 Policy LP13(b) requires developers to make direct provision or contribute towards the provision of local and strategic infrastructure required by the development and this will be negotiated on a site by site basis.
- 10.52 Paragraph 57 of the NPPF states (excerpt);

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

- 10.53 As such, it is for the LPA to determine the weight to be given to the outputs of the viability appraisal and the impacts this would have on the sustainability of the development overall. It is a matter for the LPA to balance the benefits of the scheme against the disbenefits.
- 10.54 Cambridgeshire County Council has reviewed both options and has advised that they would be content with proceeding with option A which secures a majority of the financial contributions being sought by them, but acknowledges that this would lead to a greater shortfall of affordable homes provision.

Surface Water Drainage

- 10.55 The North Level IDB note the revised contributions offer which seeks to remove the proposal to provide a financial contribution to NLIDB to manage and maintain the drainage infrastructure on the site and instead to put in place a Management Company (ManCo) to maintain the Open Space and Drainage infrastructure. NLIDB have objected to this proposal as they are concerned over the future longer-term management capabilities of the ManCo and the impact this may have on the drainage infrastructure. However, the IDB has not provided any evidence to indicate that a ManCo could not secure long term management of the drainage

infrastructure. In the absence of such evidence officers consider it unreasonable to reject the proposal on these grounds.

- 10.56 The draft S106 provided by the applicant includes a clause (part D) which requires a surface water drainage strategy to be provided with the first reserved matters. The strategy is to be provided to NLIDB to consider and must be approved by the LPA prior to first occupation. Whilst the exact details and wording of the S106 are only in draft at the moment the principle of securing a scheme which would need to be endorsed by the IDB is considered appropriate in this instance – particularly being tied to a legal obligation placed upon the future land owner.
- 10.57 Concerns have been raised in respect of potential risks if the ManCo goes into liquidation and who would then be responsible for maintenance should this arise. The obligation to manage and maintain the land incorporating the open spaces and drainage infrastructure would be secured in the s106 and therefore a legal agreement with the land owners. A ManCo essentially operates as a service whereby a fee is paid by residents benefitting from the infrastructure (normally on an annual basis) which finances the upkeep of the infrastructure. Should the appointed ManCo enter into liquidation the District Council would need to work with the Town Council and NLIDB in seeking future maintenance solutions. The same would apply in respect of Open Space provision which may also incorporate some of the SuDS features.
- 10.58 In the absence of any evidence to indicate that the setting up of a ManCo to manage the Open Space and drainage infrastructure would result in negative impacts, Officers would be unable to robustly defend a refusal on these grounds. As such, it is concluded that a ManCo arrangement is acceptable in principle, subject to the aforementioned clause securing details of the management and maintenance in the S106 which would require the agreement of the NLIDB in respect of drainage.

Consideration of Viability Options A & B (see section 3.9)

- 10.59 Option A proposes 9% (20 units) affordable homes on site and with nearly all S106 obligations previously secured being honoured (with exception to the drainage sum) whereas Option B offers an 11% Affordable Housing (24 units) But with public transport, bus shelter and infrastructure, libraries and waste contributions removed, leaving purely education contributions.
- 10.60 Having regard to the 3 strands of sustainability Officers consider that Option A would deliver the most sustainable form of development in that it would provide a significant amount of housing (120 units of which go towards the councils' 5 year housing land supply) but with the necessary infrastructure to support a growing district. Option B; whilst attractive in that it more effectively addresses the mixed accommodation needs of the district would, in Officers' opinion, place unjustifiable burdens and missed opportunities on local transport infrastructure.
- 10.61 Given that the original planning permission places a strong reliance on delivery of sustainable means of transport, to fail to secure the financial contributions which would assist in delivering this would conflict with the overall sustainability of the development as there are no guarantees that this could be secured via other means. As such, Officers consider that Option B would conflict with the development plan and this conflict would not be outweighed through the benefits

of securing an additional 4 affordable units. As such officers consider that Option A is favourable over option b for these reasons.

- 10.62 Officers acknowledge that the Option A proposal would deliver a sub-policy compliant level of affordable housing which weighs against the scheme. However, the benefits of the scheme which would deliver a large quantum of housing which would assist in the Councils 5 year supply and would secure supporting infrastructure and necessary financial contributions weighs in its favour. Officers consider that the identified benefits of the scheme, having regard to the overall requirement to maintain a supply of homes, is considered to outweigh the disbenefits in this instance.
- 10.63 As such, officers recommend approval of the scheme subject to securing a S106 planning agreement in-line with the obligations sets out in Option A.

Viability Consultants recommendations

- 10.64 The Council's consultant in their review of the viability appraisal made some recommendations for consideration. These are in respect of clarification of infrastructure build costs, amount of open space provision and imposing review mechanisms in the S106. These are considered as follows;

Infrastructure build costs

- 10.65 The consultant recommended that an independent consultant be commissioned to review the infrastructure build costs i.e. the cost of delivering roads, open spaces and drainage and approximated that a saving of up to £440,000 could be made which could otherwise be put back into viability.
- 10.66 Officers considered appointing a consultant to undertake this review however it was noted that the Council's viability consultant also acknowledged that the applicant has used a reduced base build cost rate, acknowledging that the applicant has potentially under-costed the base build costs by up to £2.58 million having regard to BCIS data median rate which is more usual for estate housing of this nature. As such, in view of this information, the applicant could legitimately employ a higher base build rate which would increase costs significantly higher than the £440,000 saving that may be achievable. As such officers have agreed to accept the infrastructure costs and the applicant has chosen not to review the base build costs against the BCIS data median rate.

Open Space provision

- 10.67 The Council's consultant has also queried the amount of open space proposed with the development which is significantly greater than that is required to support the development and which will carry a cost to deliver, albeit even if this is informal open space. The open space proposed is larger than usual as comprise residual land that is undevelopable due to flood risk status, but is maintained as part of the application site from the previous refused application under F/YR13/0714/O for 249 dwellings. If this area was to be reduced, this could result in a cost saving to the applicant which could go back into the viability.
- 10.68 Officers have reviewed the open space provision for the development and agree that the area of land allocated for open space (around 5.5Ha) exceeds that which is necessary to support the 8ha of developable area. However in considering the overall scheme, it is noted that the site-wide drainage strategy has not yet been agreed and therefore it is unclear what extent of land will be required to secure the appropriate SuDS. There is a risk therefore in reducing the area of open

space around the development, this may compromise the quality or options of SuDS features to support the scheme. Furthermore, the provision of a larger area(s) of open space could encourage healthier lifestyles through walking and access to open countryside etc.

- 10.69 Officers have concluded that whilst there may be some benefits accrued through costs savings by reducing the amount of open space supporting the site, the uncertainty over future sustainable drainage infrastructure requirements and the benefits of securing additional open space outweigh the potential financial benefits. As such officers have not commissioned a review of open space provision.

Review mechanism

- 10.70 The Council's viability consultant has recommended that the S106 includes a viability review mechanism to be triggered, for instance if the scheme has not achieved slab level on 20 plots within 2 years of consent having been granted. There is also the possibility that the scheme will be phased so a later review e.g. after 75% of units being completed is suggested. The applicant has agreed in principle to a review mechanism.

- 10.71 The PPG states that;

“Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles.”

- 10.72 The applicant has adopted a figure of 20% profit of open market values and 6% on affordable housing values which the Council's consultant has confirmed is appropriate for a scheme of this size and nature in the current market. A review of the viability would assess whether the scheme is achieving profits above these values and the S106 agreement would enable any additional profits to as a commuted sum towards affordable housing, given the deficit the scheme currently identifies.

- 10.73 Officers have considered the potential of review mechanisms. The first recommendation would incentivise the developer to achieve some housing delivery over the next 2 years and given that weight is afforded to the scheme in assisting the councils 5YHS this would be reasonable. A review of the viability later on into the development would also enable a longer term cumulative understanding of whether the scheme yields any additional profit compared to the assumptions initially fed into the viability appraisal that could otherwise improve the viability of the scheme.

- 10.74 Whilst the threat of a review mechanism may encourage some developers to ensure that delivery is not delayed, the process can be costly for the LPA and where a review is undertaken early on in the development (as in this case proposed at 50 dwellings), the costs may not be so significantly different to those originally assumed, particularly as at earlier stages there are often greater infrastructure costs which are needed up front to accommodate the housing. As such Officers do not consider it proportionate to prompt a review at such an early stage of the development. In addition, the requirements for the applicant to have made a material start on the engineering elements of the proposal by March 2019

and a start on the residential development within 2 years of approval of the reserved matters (which also have to be submitted by March 2019) should encourage early delivery of this site, although no guarantees can be made by Officers in this regard.

- 10.75 A later review - triggered at 75% occupation to understand the cumulative costs at that stage is considered to be more appropriate for a scheme of this type and officers recommend that the S106 include a clause to this effect. Where profits greater than 20% are realised through the viability, it is recommended that this additional return is provided by way of a commuted sum to affordable housing – the precise details of which would need to be finalised through the Council's legal team to ensure it is legally sound.

Other Matters

Combined Authority funding

- 10.76 The applicant has drafted a S106 which includes a clause to enable the Combined Authority (or any other funding body) to finance the additional affordable housing to bring it to a policy compliant 25% should this be available.
- 10.77 The Council's Housing team are currently in discussions with the Combined Authority on this matter and an update will follow. Given that this matter sits outside of the proposal before the LPA it can be given little weight.

Resident comments

- 10.78 Whilst it is considered that most residents' concerns have been addressed in this report the following require consideration;

Wildlife Concerns – particularly birds of prey and deer

- 10.79 The Council's ecology officer has considered the updated ecology survey work and raises no objection to the development proceeding subject to planning condition which is proposed as condition 11 below.

Phasing may mean development stalls or takes longer with greater amenity impacts

- 10.80 The LPA has no effective control over the length of time for delivery of the scheme and can only restrict the implementation time. As such, all development has potential to stall e.g. due to market conditions or unknown site constraints and as such the proposal to phase a development would not in itself be a justifiable reason to refuse an application. The amenity impacts should be controlled through compliance with an agreed Construction Environmental Management Plan.

- 10.81 *Risk of several house builders and lack of consistency*

It is for the LPA in determining future reserved matters application to ensure that the design of the development maintains consistency.

- 10.82 *Potential development of third party land coming forward*

There is no indication through this application that further land would be coming forward for development. Notwithstanding this, all applications are to be considered against the development plan as required by law. As such should any future development proposals come forward, these would be dealt with on a case

by case basis in accordance with the development plan having regard to the overall sustainability of the proposal.

11 SUMMARY & CONCLUSIONS

- 11.1 As considered above, the proposal to phase the development and as such vary the existing planning conditions in this regard would not identify any severe harm. Furthermore, the proposal to vary other conditions for example; in relation to some of the criteria of the construction management plan, archaeology and duplicated conditions would not lead to any severe harm or alter the overall sustainability of the development. As such it is considered that the proposal to vary the conditions wording is acceptable. A list of the Officer's proposed revised conditions follows this report.
- 11.2 The application would constitute a fresh permission, which would sit alongside the current consent and as such, the S106 agreement would need to be reflected in the new permission. However, the applicant has undertaken a review of the viability and found that the scheme would be unable to commit to all contributions previously secured. In this regard and following a review undertaken by the Council, the development now proposes a reduced affordable housing offer but with all other contributions e.g. educational and transport being secured. This is with exception to a commuted sum towards NLIDB for future management and maintenance of the drainage infrastructure. The applicant now proposes to secure a management Company to oversee the management and maintenance of drainage and open space.
- 11.3 In respect of the proposed management company and having regard to the objection raised by NLIDB there is no evidence to suggest that a Management Company (ManCo) would not be able to effectively oversee the maintenance and management of the open space and drainage infrastructure during the life of the development.
- 11.4 The application does however now propose substantial reduction in affordable housing which would hinder the council meeting some of the accommodation needs of the district. This weighs against the scheme. However, the scheme would bring notable benefits by way of assisting with market housing delivery, of which a substantial number would go towards the council's ability to meet its 5 year housing land supply and general housing targets over the plan period. Furthermore, the S106 obligations secured would assist towards the delivery of infrastructure such as education which would benefit not only the future occupiers of the site, but existing residents of Whittlesey and the surrounding settlements. These matters weigh in favour of the scheme.
- 11.5 In applying the planning balance, Officers consider that the benefits of the scheme, having regard to the Option A viability offer would outweigh the harm in providing a reduced amount of affordable housing and that the proposal would still constitute sustainable development accruing economic, social and environmental benefits and without resulting in severe harm, subject to the suggested planning conditions and S106 obligations.

12 RECOMMENDATION

Approve

1. That the Committee delegates authority to finalise the planning conditions and terms of the S.106 agreement to the Head of Development, the chair and Vice Chair of the Planning Committee and
2. Following completion of the S106 obligation to secure the necessary education and health contributions, policy compliant levels of affordable housing and open space as detailed in this report, application F/YR17/1231/VOC be approved subject to conditions listed below.

OR

3. Refuse the application in the event that the obligation referred to above has not been completed and the applicant is unwilling to agree to an extended period of determination of 3 months, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

PROPOSED CONDITIONS

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

The applicant has been consulted on the proposed pre-commencement conditions and The Planning Committee will be updated on whether they are agreeable to these.

The proposed conditions are as follows;

1.	Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved. Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990.
2.	Application for approval of the reserved matters shall be made to the Local Planning Authority before 1st March 2019. The development to which this permission relates shall be begun no later than the expiration of two years from the final approval of the reserved matters. Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town & Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

3.	<p>The FULL element of this permission herein described as 'Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph' and detailed within plans 4801/13/04 entitled 'Proposed Access off East Delph' shall be begun before 1st March 2019.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
4.	<p>The residential elements of the development shall not exceed 220 dwellings (Use Class C3).</p> <p>Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.</p>
5.	<p>With the exception of those elements for which this approval has conferred FULL planning permission as detailed under condition 3, the development shall be undertaken in phases in accordance with a phasing plan to be submitted to and approved in writing by the Local Planning Authority prior to or concurrently with the submission of the first reserved matters. The phasing plan will need to demonstrate through supporting evidence that the phasing approach proposed will not result in severe harm in highway and amenity terms. With the exception of those elements for which this approval has conferred full planning permission, development shall not commence on each phase until all reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: For the avoidance of doubt and to allow development to be undertaken and conditions to be discharged on a phased basis.</p>
6.	<p>Details of traffic calming measures and a programme of implementation to control vehicle speeds as part of the design, layout and construction details of any principal highway within the development linking Teal Road and East Delph shall be submitted with the reserved matters application relevant to that phase as detailed in the phasing plan secured under condition 5. The measures shall thereafter be completed in accordance with the approved details and programme of implementation.</p> <p>Reason: In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
7.	<p>Fully detailed design drawings and a programme of implementation for the Teal Road and Otago Road access junctions as detailed in principle on plan 4801/13/01 including pedestrian and cycle access shall be submitted with the reserved matters application relevant to that phase as detailed in the phasing plan secured under condition 5. The works shall thereafter be completed in accordance with the approved details and programme of implementation.</p> <p>Reason: In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
8.	<p>No development above slab level shall proceed until Details of the Flood Warning Signs that are to be located to the south of the East Delph site access have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be erected prior to occupation of the first dwelling unless an alternative timescale is agreed in writing by the Local planning Authority.</p> <p>Reason: In the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>

9.	<p>Prior to the commencement of the development of each phase a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.</p> <p>The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:</p> <p>a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>If during development any previously unsuspected contamination is discovered then the Local Planning Authority must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the Local Planning Authority:</p> <p>b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:</p> <p>(i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.</p> <p>(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and</p> <p>(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Following written LPA approval of the Site Investigation the LPA will require:</p> <p>c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.</p> <p>d) The provision of two full copies of a completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring proposals shall be submitted to and approved in writing by the Local Planning Authority. This should also include any contingency arrangements.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety and in accordance with Policy LP16 of the Local Plan.</p> <p>A pre-commencement condition is necessary in order to ensure that the risk to future occupiers from ground contamination is managed early on in the development of the site which will need to be established at construction stage.</p>
10.	<p>No development shall take place within each phase within the area indicated on the plan (circled in orange) attached at as appendix 1 of this decision notice until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following components, completion of each of which will trigger the phased discharging of the condition:</p> <p>(i) Approval of a Written Scheme of Investigation;</p> <p>(ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;</p> <p>(iii) Completion of a Post-Excavation Assessment report and approval of an approved</p>

	<p>Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;</p> <p>(iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.</p> <p>Reason: To secure the provision of the investigation and recording of archaeological remains and the reporting and dissemination of the results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that any material of historic merit is not lost or destroyed through the development which will need to be established at construction stage.</p>
11.	<p>The details submitted in accordance with Condition 1 for each phase as of this permission shall include:</p> <p>a) An Arboricultural Impact Assessment in accordance with BS5837: 2012 and an Arboricultural Method Statement for the protection of trees and hedges during construction; and b) A landscape scheme which shall include:</p> <p>i) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas;</p> <p>ii) a schedule of proposed planting - indicating species, size at time of planting and numbers/densities of plants;</p> <p>iii) a written specification for root barriers and other measures to be used to ensure new planting, and retained trees and hedges are protected from damage before and during the course of development;</p> <p>iv) proposed finished levels or contours;</p> <p>v) means of enclosure and boundary treatments; and</p> <p>vi) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.</p> <p>Reason: To ensure the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site and in accordance with Policy LP16 of the Local Plan.</p>
12.	<p>No development shall take place in each respective phase until full details of an Ecological Mitigation and Enhancement Strategy based on up-to-date survey information is submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <p>i) updated ecological surveys including a dedicated bat survey;</p> <p>ii) a review of the site's ecological constraints and potential;</p> <p>iii) a description of target habitats and range of species appropriate for the site;</p> <p>iv) extent and location of proposed works;</p> <p>v) details of precautionary and protection measures to ensure protected species and retained habitats are not harmed during and after construction;</p> <p>vi) appropriate strategies for creating/restoring target habitats or introducing target species;</p> <p>vii) method statement for site preparation and establishment of target features;</p> <p>viii) sources of habitat materials (e.g. plant stock); and</p> <p>ix) timing of the works.</p> <p>The Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details.</p> <p>Reason: To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that biodiversity is</p>

	carefully managed to avoid unmitigated loss or destruction of habitat through the development which will need to be established at construction stage.
13.	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (JPP Consulting R-FRA-9364M-01-0, December 2017) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. No built development, other than the access road, below the 5m contour shown on drawings FRA02, Rev E and the plan entitled 'Showfields, Whittlesey Revised Masterplan (Plan 5) September 2014'. 2. Provision of compensatory flood storage as set out on Section 3.8 of the FRA and shown on drawings FRA13 Rev C. 3. Finished floor levels are to be set no lower than 5.3m above Ordnance FRADatum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. <p>Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.</p>
14.	<p>Prior to or concurrently with the submission of the first reserved matters application a site wide surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% plus climate change allowance critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:</p> <ol style="list-style-type: none"> (i) Appropriate mitigation arrangements in the event the surface water drainage system is flood locked when Whittlesey Washes are in use and avoidance of pumping at other times (ii) Consideration of overland flow routes ("Designing for Exceedance") (iii) Accommodation of the existing network of drains and ditches on the site to ensure that existing development continues to drain effectively (iv) Details of how the scheme shall be maintained and managed after completion <p>Reason:</p> <ol style="list-style-type: none"> 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. 3. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.
15.	<p>Prior to or concurrently with the submission of each Reserved Matters phase (unless otherwise agreed in writing by the Local Planning Authority), a detailed surface water drainage scheme for that reserved matters area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the management of surface water within the reserved matters area for which approval is sought accords with the approved details of the "site-wide surface water drainage strategy approved under condition 14.</p>

	<p>The scheme shall demonstrate how it relates to the schemes for the other construction phases that have been granted reserved matters approval (where relevant). The scheme shall be fully implemented in accordance with the approved details and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.</p> <p>Reason:</p> <ol style="list-style-type: none"> 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. 3. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.
16.	<p>Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) are to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted.</p> <p>The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason: To prevent the increased risk of flooding on and off the site and in accordance with Policy LP14 of the Local Plan.</p>
17.	<p>Prior to or concurrently with the submission of each Reserved Matters phase (unless otherwise agreed in writing by the Local Planning Authority), a scheme and timetable for the provision and implementation of foul water drainage for that reserved matters area shall be submitted and approved in writing by the Local Planning 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.</p> <p>Reason: To prevent environmental and amenity problems arising from flooding and in accordance with Policy LP14 of the Local Plan.</p>
18.	<p>Prior to the commencement of development in each phase, a Construction Environmental Management Plan (CEMP) for the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire & Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:</p> <ol style="list-style-type: none"> a) Construction phasing programme b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers c) Construction hours d) Delivery times for construction purposes e) Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007 f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997)

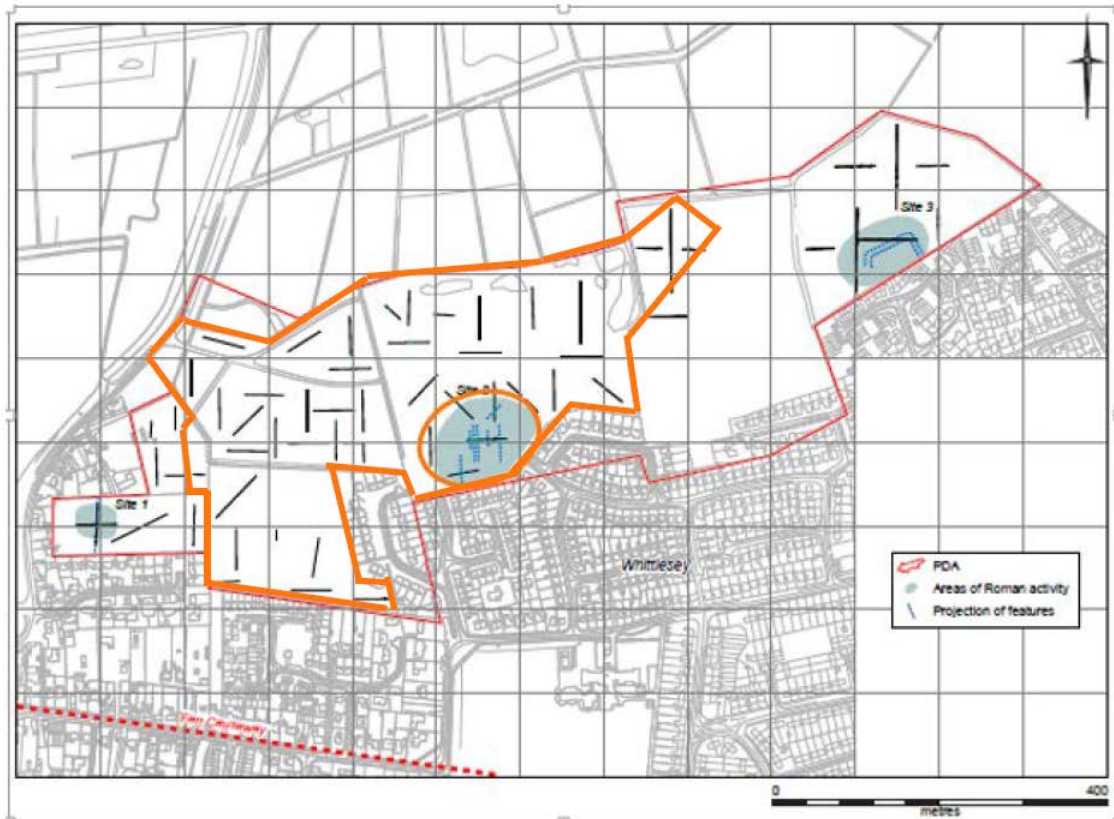
	<p>g) Maximum noise mitigation levels for construction equipment, plant and vehicles h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997) i) Setting maximum vibration levels at sensitive receptors j) Dust management and wheel washing measures to prevent the release of dusts into the local environment and deposition of debris on the highway k) Site lighting l) Drainage control measures including the use of settling tanks, oil interceptors and bunds m) Screening and hoarding details n) Access and protection arrangements around the site for pedestrians, cyclists and other road users o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures. p) Liaison, consultation and publicity arrangements including dedicated points of contact q) Consideration of sensitive receptors r) Prior notice and agreement procedures for works outside agreed limits s) Complaints procedures, including complaints response procedure t) Location of Contractors compound and method of moving materials, plant and equipment around the site.</p> <p>Each Construction Environmental Management Plan shall be implemented upon commencement of development of each relevant phase in accordance with the agreed details, unless minor amendments to the plan are otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupier in accordance with Policy LP16 of the Fenland Local Plan.</p> <p>A pre-commencement condition is necessary in order to ensure that the construction processes are managed so as to avoid harm to residential amenity and the highway network.</p>
19.	<p>Prior to the commencement of development of each phase, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the Local Planning Authority. The DWMMP shall include details of:</p> <p>a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste. c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site. d) any other steps to ensure the minimisation of waste during construction e) the location and timing of provision of facilities pursuant to criteria a/b/c/d. f) proposed monitoring and timing of submission of monitoring reports. g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development. h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles.</p>

	<p>The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.</p> <p>A pre-commencement condition is necessary in order to ensure that waste material is adequately managed at the point of the construction process.</p>
20.	<p>No development within each respective phase shall commence until;</p> <p>(i) a plan showing the extent of the road and cycle network within that phase which is to be adopted by the local highway authority, and</p> <p>(ii) a scheme for the construction and long term management of any development roads, parking courts and footpaths / cyclepaths within that phase which are not to be publicly adopted has been submitted to and approved in writing by the local planning authority.</p> <p>The scheme shall include:</p> <ul style="list-style-type: none"> - road and footway cross-sections showing their levels and construction; - details of lighting (detailing illumination levels within those areas and the style of any lighting columns and luminaires to be used); - the provision to be made for access to these roads by local authority refuse collection vehicles or alternative arrangements for collection. <p>All roads and footways linking the dwellings of each respective phase to the adopted highway shall be constructed to at least binder course level prior to the first occupation of any dwelling within that phase unless an alternative timetable and scheme has been approved in writing by the local planning authority.</p> <p>The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p> <p>A pre-commencement condition is necessary in order to ensure that the intended road layouts proposed to be adopted are acceptable or would be adequately managed where unadopted which will need to be established at construction stage.</p>
21.	<p>The gradient of any vehicular access shall not exceed 1:12 for a minimum distance of 5.0m into the site as measured from the near edge of the highway carriageway.</p> <p>Reason: In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
22.	<p>Prior to the first occupation of any dwelling within each phase, the vehicular access to that dwelling where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.</p> <p>Reason: In the interests of highway safety and to ensure satisfactory access to properties in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
23.	<p>Prior to the first occupation of each phase, a Travel Plan (to include proposals for the appointment of a Travel Plan Co-ordinator) shall be submitted to and approved in</p>

	<p>writing by the Local Planning Authority. The Travel Plan should include the following elements:</p> <ul style="list-style-type: none"> - Distribution of 'Household Travel Packs', to all residents on first occupation - New residents invited to travel induction sessions - New residents offered personalised travel plans and advice by the Travel Plan Coordinator - Provision of a community travel web site and e-notice boards by the Travel Plan Coordinator updated as necessary - Establish "Bus Buddy" database to encourage public transport usage - Establish adult cycle training classes, to improve cycle proficiency and to raise awareness on basic cycle repair and maintenance - Establish walking and cycling buddy schemes. - Establish site wide car share database - Provision of regular updated travel information by the Travel Plan Coordinator - Promotion and awareness raising packages by the Travel Plan Coordinator - Coordination of appropriate reviews and monitoring of the success of the Travel Plan with CCC Highway Authority - Promotion and awareness raising packages by the Travel Plan Coordinator - A timetable for implementation <p>The Travel Plan shall be implemented as approved.</p> <p>Reason: To ensure that the development encourages the use of sustainable modes of transport by residents, employers, work forces, school children, staff, and their visitors and to reduce offsite traffic impacts in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
24.	<p>No development above slab level within a development phase shall take place until details for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any dwelling within the respective development phase is occupied.</p> <p>Reason: To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.</p>
25.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents;</p> <ul style="list-style-type: none"> -Location Plan -Proposed Access off East Delph - 4801/13/04 -East bound forward visibility - 10000/03/76 -Access cut and fill analysis -Flood Risk Assessment (FRA) (JPP Consulting R-FRA-P5617T-08 issue 7, April 2015) - Report on frequency of flooding on East Delph Road
26.	SEE APPENDIX 1 ATTACHED (re: Condition 10)

Appendix 1 –

Orange circle denoted areas for archaeological excavation for planning ref: F/YR17/1231/VOC (outlined in orange on former application area)



Town and Country Planning Act 1990

PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR15/0134/O
Registered: 19 February 2015

Applicant: Showfields Ltd

Agent: Mr Mark Flood
Insight Town Planning Ltd
Harborough Innovation Centre
Leicester Road
Market Harborough
Leicestershire LE16 7WB

2 Address to which this permission relates

Land North Of Whittlesey East of East Delph Whittlesey Cambridgeshire

3 Details of this decision

Permission is **GRANTED** to carry out the **Hybrid application: Outline application for the erection of 220 dwellings (max) with access, public open space and associated works/infrastructure. Full application for the engineering works associated with the formation of the vehicular access road off B1040 East Delph** in accordance with the details set out below.

4 Conditions

This permission is subject to the following conditions:

- 1 Approval of the details of:
 - i. the layout of the site;
 - ii. the scale of the building(s);
 - iii. the external appearance of the building(s);
 - iv. the landscaping

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

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

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

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

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

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

- 4 The East Delph site access junction shall be completed in accordance with the approved plan prior to commencement of the development. The works shall thereafter be completed in accordance with the approved details and programme.

Reason - In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 5 Full detail design drawings and a programme of implementation for the Teal Road site access junction and Otago Road pedestrian and cycle access shall form part of the future reserved matters submission. The works shall thereafter be completed in accordance with the approved details and programme.

Reason - In the interests of highway safety and to ensure that the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 6 The reserved matters shall include traffic calming measures to control vehicle speeds as part of the design, layout and construction details of any principal highway within the development linking Teal Road and East Delph; and the traffic calming measures shall be fully implemented prior to first occupation of the development hereby approved and retained thereafter.

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

- 7 No development shall take place until details of Flood Warning Signs to be located to the south of the East Delph site access have been submitted to, and approved in writing by, the Local Planning Authority. The works shall thereafter be completed in accordance with the agreed details and programme.

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

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 8 Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall then be implemented on site in accordance with the approved timetable.

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

a) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. This should include a conceptual model, and pollutant linkage assessment for the site. Two full copies of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority.

IF during development any previously unsuspected contamination is discovered then the Local Planning Authority must be informed immediately. A contingency plan for this situation must be in place and submitted with the desk study. If a desk study indicates that further information will be required to grant permission then the applicant must provide, to the Local Planning Authority:

b) A site investigation and recognised risk assessment carried out by a competent person, to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

(i) A desk-top study has been completed, satisfying the requirements of paragraph (a) above.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and

(iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.

Following written LPA approval of the Site Investigation the LPA will require:

c) A written method statement for the remediation of land and/or groundwater contamination affecting the site. This shall be based upon the findings of the site investigation and results of the risk assessment. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

d) The provision of two full copies of a completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring proposals shall be submitted to and approved in writing by the Local Planning Authority. This should also include any contingency arrangements.

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

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 9 No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This written scheme will include the following

components, completion of each of which will trigger the phased discharging of the condition:

- (i) Approval of a Written Scheme of Investigation;
- (ii) Fieldwork in accordance with the agreed Written Scheme of Investigation;
- (iii) Completion of a Post-Excavation Assessment report and approval of an approved Updated Project Design: to be submitted within six months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority;
- (iv) Completion of analysis, preparation of site archive ready for deposition at a store approved by the Planning Authority, production of an archive report, and submission of a publication report: to be completed within two years of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority.

Reason - To secure the provision of the investigation and recording of archaeological remains and the reporting and dissemination of the results in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 10 The details submitted in accordance with condition 1 of this permission shall include:
- a) An Arboricultural Impact Assessment in accordance with BS5837: 2012 and an Arboricultural Method Statement for the protection of trees and hedges during construction; and
 - b) A landscape scheme which shall include:
 - i) a plan(s) showing the planting layout of proposed tree, hedge, shrub and grass areas;
 - ii) a schedule of proposed planting - indicating species, size at time of planting and numbers/densities of plants;
 - iii) a written specification for root barriers and other measures to be used to ensure new planting, and retained trees and hedges are protected from damage before and during the course of development;
 - iv) proposed finished levels or contours;
 - v) means of enclosure and boundary treatments; and
 - vi) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

Reason - To ensure the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area and to protect the character of the site and in accordance with Policy LP16 of the Local Plan.

- 11 No development shall take place until full details of an Ecological Mitigation and Enhancement Strategy based on up-to-date survey information is submitted to and approved in writing by the Local Planning Authority. The details shall include:
- i) updated ecological surveys including a dedicated bat survey;
 - ii) a review of the site's ecological constraints and potential;

- iii) a description of target habitats and range of species appropriate for the site;
- iv) extent and location of proposed works;
- v) details of precautionary and protection measures to ensure protected species and retained habitats are not harmed during and after construction;
- vi) appropriate strategies for creating/restoring target habitats or introducing target species;
- vii) method statement for site preparation and establishment of target features;
- viii) sources of habitat materials (e.g. plant stock); and
- ix) timing of the works.

The Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with the approved details.

Reason - To protect the habitats of protected species in accordance with Policy LP19 of the Fenland Local Plan Adopted May 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (JPP Consulting R-FRA-P5617T-08 issue 7, April 2015) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1% plus climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site as set out in Section 5 of the FRA.

2. No built development, other than the access road, below the 5m contour shown on drawings FRA02, Rev E and the Showfields, Whittlesey Illustrative Masterplan January 2015.

3. Provision of compensatory flood storage as set out on Section 4.10.2 of the FRA and shown on drawings FRA13 Rev A.

4. Finished floor levels are to be set no lower than 5.3m above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

3. To reduce the risk of flooding to the proposed development and future occupants and in accordance with Policy LP14 of the Local Plan.

- 13 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by

the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1% plus climate change allowance critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- o Appropriate mitigation arrangements in the event the surface water drainage system is flood locked when Whittlesey Washes are in use and avoidance of pumping at other times
- o Consideration of overland flow routes ("Designing for Exceedance")
- o Accommodation of the existing network of drains and ditches on the site to ensure that existing development continues to drain effectively
- o Details of how the scheme shall be maintained and managed after completion

Reason - To prevent the increased risk of flooding on and off the site and in accordance with Policy LP14 of the Local Plan.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 14 Prior to the commencement of any development, a scheme and timetable for the provision and implementation of foul water drainage shall be submitted and approved in writing by the Local Planning 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 prevent environmental and amenity problems arising from flooding and in accordance with Policy LP14 of the Local Plan.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 15 Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants to serve the development shall be submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before any dwelling is occupied.

Reason - To ensure a satisfactory form of development and in accordance with Policy LP16 of the Local Plan.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

16 Prior to the commencement of development or any reserved matters approval, a site wide Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire & Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:

- a) Site wide construction and phasing programme
 - b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
 - c) Construction hours
 - d) Delivery times for construction purposes
 - e) Soil Management Strategy including a method statement for the stripping of top soil for reuse; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007
 - f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997)
 - g) Maximum noise mitigation levels for construction equipment, plant and vehicles
 - h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (1997)
 - i) Setting maximum vibration levels at sensitive receptors
 - j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
 - k) Site lighting
 - l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
 - m) Screening and hoarding details
 - n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
 - o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
 - p) External safety and information signing and notices
 - q) Liaison, consultation and publicity arrangements including dedicated points of contact
 - r) Consideration of sensitive receptors
 - s) Prior notice and agreement procedures for works outside agreed limits
 - t) Complaints procedures, including complaints response procedures
- Membership of the Considerate Contractors Scheme
- u) Location of Contractors compound and method of moving materials, plant and equipment around the site

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with Policy LP16 of the Fenland Local Plan and to comply with Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 17 Prior to the commencement of development or any reserved matters approval, a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the Local Planning Authority. The DWMMP shall include details of:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
 - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
 - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
 - d) any other steps to ensure the minimisation of waste during construction
 - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
 - f) proposed monitoring and timing of submission of monitoring reports.
 - g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
 - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
 - i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles

The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 18 The development hereby permitted shall be carried out in accordance with the following approved plans and associated documents:
- Application forms dated 19 February 2015 and 26 February 2015

- Location Plan (titled Extended Masterplan February 2015) dated 19 February 2015

Reason - In the interests of proper planning and for the avoidance of doubt.

- 19 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.

- 20 Prior to the first occupation of each dwelling the roads and footways linking the dwelling to the adopted highway shall be constructed to at least binder course level in accordance with a detailed scheme to be approved in writing by the Local Planning Authority and such a scheme shall include levels, forms of construction, street lighting systems and surface water drainage.

Reason - In the interests of highway safety and to ensure the appropriate infrastructure is provided in a timely manner in accordance with Policy LP15 of the Fenland Local Plan 2014.

Please note this condition requires action prior to the occupation of the development. Please read this condition carefully and ensure that you comply in full.

- 21 No part of any structure shall overhang or encroach under or upon the public highway and no gate/door/ground floor window shall open outwards over the public highway.

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

- 22 The proposed new highway boundary(ies) shall be marked out on site prior to commencement of construction of any part of the development fronting the highway.

Reason - To prevent any building being constructed within the proposed highway boundary in accordance with Policy LP15 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 23 The gradient of any vehicular access shall not exceed 1:12 for a minimum distance of 5.0m into the site as measured from the near edge of the highway carriageway.

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

- 24 Prior to the first occupation of any dwelling within the development the vehicular access to that dwelling where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.

Reason - In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan 2014.

- 25 Prior to first occupation of the development, a Travel Plan (to include proposals for the appointment of a Travel Plan Co-Ordinator) shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include the following elements:
- o Distribution of 'Household Travel Packs', to all residents on first occupation
 - o New residents invited to travel induction sessions
 - o New residents offered personalised travel plans and advice by the Travel Plan Coordinator
 - o Provision of a community travel web site and e-notice boards by the Travel Plan Coordinator updated as necessary
 - o Establish "Bus Buddy" database to encourage public transport usage
 - o Establish adult cycle training classes, to improve cycle proficiency and to raise awareness on basic cycle repair and maintenance
 - o Establish walking and cycling buddy schemes.
 - o Establish site wide car share database
 - o Provision of regular updated travel information by the Travel Plan Coordinator
 - o Promotion and awareness raising packages by the Travel Plan Coordinator
 - o Coordination of appropriate reviews and monitoring of the success of the Travel Plan with CCC Highway Authority
 - o Promotion and awareness raising packages by the Travel Plan Coordinator

The Travel Plan shall be implemented as approved.

Reason - In the interests of maintaining highway efficiency and safety in accordance with Policy LP15 of the Fenland Local Plan 2014.

Please note this condition requires action prior to the occupation of the development. Please read this condition carefully and ensure that you comply in full.

- 26 No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from construction works

Reason - In order to avoid hazard and obstruction being caused to users of the public highway and in the interest of public safety and amenity in accordance with Policy LP15 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

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

Reference	Title
	Application form
	Access cut and fill analysis
10000/03/76	East bound forward visibility
	Report on frequency of flooding on East Delph Road
171104-DRA	Location Plan
4801/13/04	Proposed Access off East Delph

Reason - For the avoidance of doubt and in the interest of proper planning.

5 Informatives

The following points are also relevant to this notice:

- 1 Compliance with S.I. 2012 No. 2274

The application has been approved as it broadly accords with the policies of the Development Plan. The policies themselves have been sufficiently explicit to guide the submitted application so that acceptable plans and information have been provided, and an approval has been forthcoming.

- 2 The details supplied in respect of conditions 4 and 5 shall be suitable for the submission of a Stage 2 Road Safety Audit and it is recommended that the applicant engage with the Local Highway Authority in this regard.
- 3 You are reminded that this project may require approval under Building Regulations prior to work commencing. It is recommended that you make enquiries in this respect direct to CNC working in partnership with the Local Authority Building Control Team (0808 1685041 or E-mail: enquiries.kl@cncbuildingcontrol.gov.uk).
- 4 For monitoring purposes the development is considered to be in or adjacent to the settlement as set down in Policy LP4 of the Fenland Local Plan 2014.
- 5 Please see Section 106 Planning Obligation dated 29 February 2016.
- 6 Prior to the occupation of a dwelling a bin charge is payable in accordance with the leaflet found at <http://www.fenland.gov.uk/CHttpHandler.ashx?id=2330&p=0>

Please contact environmentalservicerequests@fenland.gov.uk for further information.

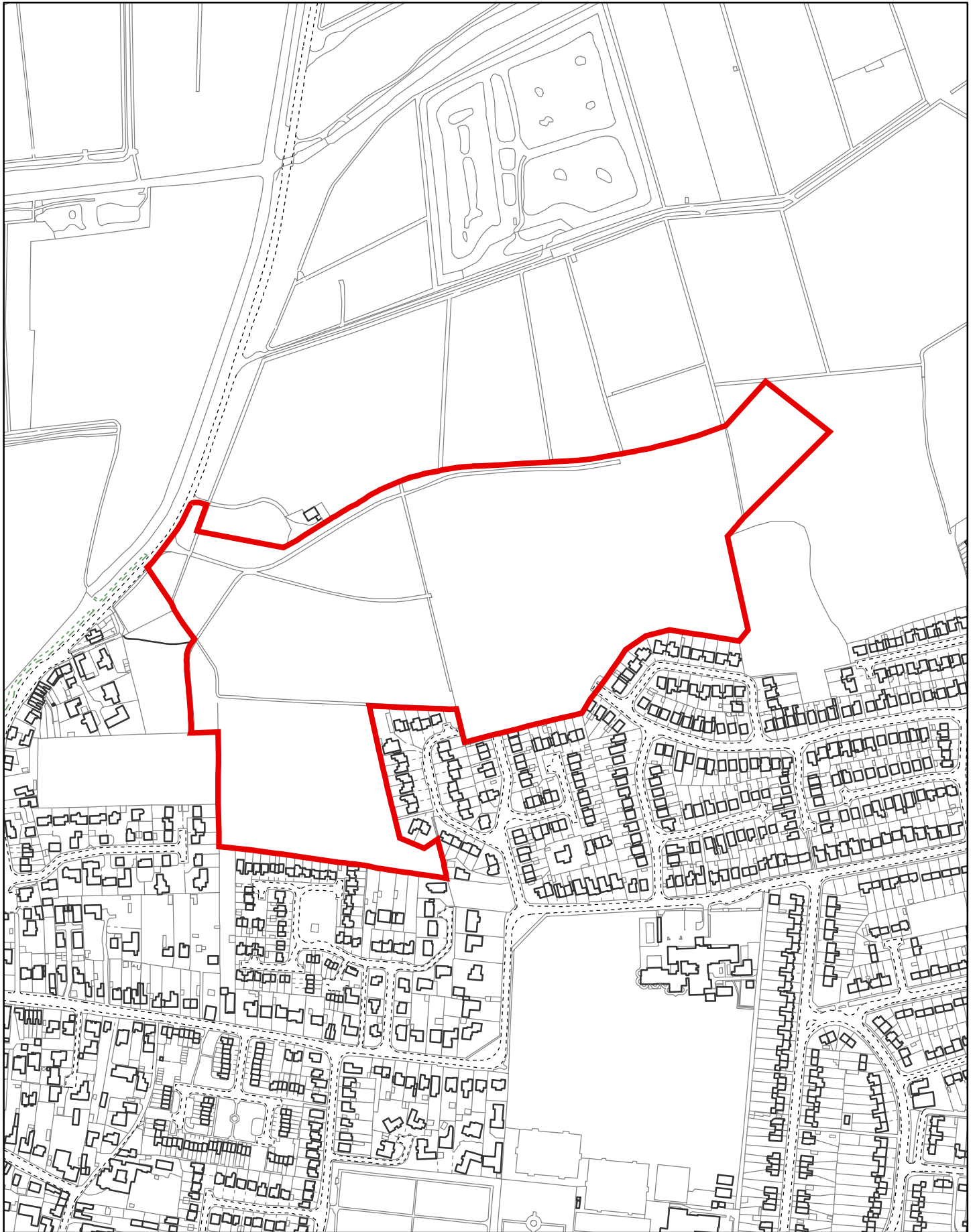
6 Authorisation

Authorised by: Nick Harding
Head of Planning

Date the decision was made: 29 February 2016

Fenland District Council
Development Services
County Road
March
Cambridgeshire
PE15 8NQ

Phone: 01354 654321
E-mail: planning@fenland.gov.uk



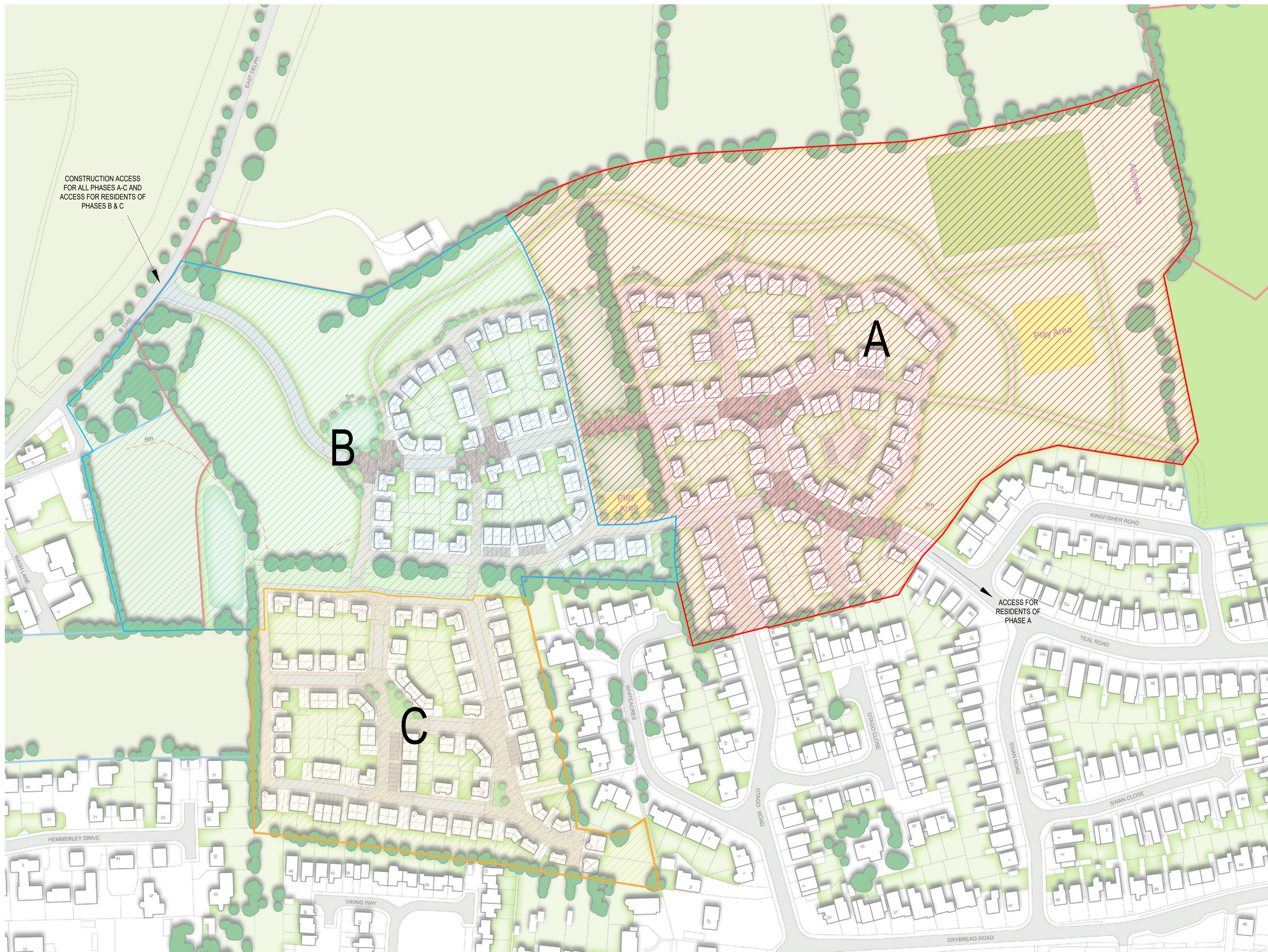
Created on: 05/01/2018

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F/YR17/1231/VOC

Scale = 1:5,000





NOTE
 © This drawing is the copyright of LMR Designs and may not be reproduced or amended without written permission. No liability will be accepted for amendments made by other persons.
 The contractor is to check and verify all dimensions and levels prior to work commencing. The contractor is to comply with all current Building Legislation whether or not specifically stated on this drawing.
 This drawing must be read with and checked against all relevant Engineers drawings and all other specialist information provided.

Planning proposals are for illustrative purposes only and as such are subject to detailed site investigation. Planning proposals may be based on enlargements of OS Sheets and estimations of existing site features and will therefore need to be verified by a site survey.

Do not scale. Only figured dimensions to be worked to. Any discrepancies are to be reported to LMR Designs immediately.

notes

KEY:

-  AREA A
-  AREA B
-  AREA C

rev.	detail	by	date
-	-	-	-

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 15 Duncan Close
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 NN3 6WL

client **Ashby House**

site **The Showfields, Whittlesey**

drawing title **Indicative Phasing Plan**

drafted by: SA
 scale: 1:1000 @A1
 checked: LMR
 date: October 2017

drawing number **017 - 058 - 002**
 revision: -

1:2500	0	1	50m	100m
1:1250	0	1	25m	50m
1:500	0	2m	10m	20m
1:200	0	2m	4m	8m
1:100	0	1m	2m	4m
1:50	0	0.5m	1m	2m

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F/YR18/0646/O

Applicant: Mr P Jolley

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

Land South Of 6, Eastwood End, Wimblington, Cambridgeshire

Erection of up to 3no dwellings (outline application with all matters reserved)

Reason for Committee: Recommendation contrary to Parish Council comments for a proposal of more than 2 dwellings

1. EXECUTIVE SUMMARY

The proposal is for the construction of 3 dwellings, made in outline with all matters reserved.

The application site is located in Eastwood End, an Elsewhere location as identified in policy LP3 of the Fenland Local Plan and confirmed in multiple previous appeal decisions. Application references F/YR14/0488/F, F/YR13/0422/F and F/YR13/0755/F relate to residential developments along Eastwood End and were refused permission, with the latter two being upheld at appeal, whereby the Planning Inspectors concluded that Eastwood End does not amount to a sustainable community with any significant services and, other than via use of private motor vehicles, it has relatively poor access to services and facilities elsewhere.

No justification is provided for the development meeting any of the exceptions identified in policy LP3.

The development of this land will result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development.

As regards sustainable infrastructure, the site is not part of a highway network which provides good pedestrian links to facilities or services.

Overall the proposal would harm the character of the open countryside and cannot comply with Part A of Policy LP12, Therefore the proposal does not accord with either policy LP3 or LP12.

2. SITE DESCRIPTION

- 2.1. The application relates to a part of an agricultural field within the open countryside that fronts the eastern side of Eastwood End to the east of the A141 Isle of Ely Way to the east of Wimblington. Eastwood End has a mix of agricultural land and residential properties located along it. The application site sits between 4b and 6 Eastwood End, and benefits from a hedgerow along its frontage approximately 2-2.5m high. This part of Eastwood End demonstrates a rural character.

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

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

3. PROPOSAL

- 3.1. This application is a resubmission of 2 recent refusals for 3 dwellings on the site and is in outline form with all matters reserved. The application includes a site plan with indicative layouts for three large properties on spacious plots. This application seeks to demonstrate that with only a single access point to a shared driveway a development could retain much of the existing hedgerow and it seeks to indicate a footpath could be provided to the rear of the hedgerow and a new footpath to join up with the A141.

4. SITE PLANNING HISTORY

F/YR17/1095/O	Erection of up to 3no. dwellings (outline application with all matters reserved)	Refused 15/1/18
F/YR18/0442/O	Erection of up to 3 x dwellings (outline application with all matters reserved)	Refused 8/6/18

5. CONSULTATIONS

5.1. **Wimblington Parish Council**

No objections

5.2. **Cambridgeshire County Council Highways Authority**

Could the footway be accommodated on the southern side of Eastwood End and the pedestrian crossing installed near the junction with the A141. Have concern regarding the crossing point being located as indicated.

In relation to revised plans received detailing the alterations requested, the highways authority note that they have some concern regarding deliverability of the proposed footpath.

5.3. **FDC Scientific Officer (Land Contamination)**

No objection. Request condition regarding unsuspected contamination.

5.4. **Local Residents/Interested Parties**

Objectors

Five letters have been received from 5 properties in the immediate vicinity of the application site objecting to the proposal on the following grounds:

- Overdevelopment of a rural location – detrimental impact on character and charm.
- Conflicts with core planning principles and policy provisions.
- Increased road safety risks on an already hazardous road.
- Proposed crossover sited in a hazardous position.
- Reduction of the hedgerow will have a major impact on its potential biodiversity habitat.
- Loss of views of the countryside.
- Several statements made within the design and access statement are incorrect.
- Overlooking of adjacent dwelling.
- No guarantee of the permanency of planting.

Supporters

Seven letters of support have been received in relation to the proposal, from properties ranging between 400m from the site and 3km from the site, citing the following reasons:

- Ideal position for infill development
- New footpath will enhance the area
- Large dwellings will make Eastwood End a more desirable place to live
- Only a short walk from existing amenities.
- No real impact on traffic or noise levels.
- Work to hedges will enhance the area.
- Was advised in 2005 that an application would be supported on the land.
- Will enhance support for local businesses.
- Meets all the criteria needed to approve.
- Existing hedge is of poor quality.
- The crossing on the A141 makes Eastwood End a sustainable community with access to services without resorting to the motor vehicle.

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

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

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

Para 130: Permission should be refused for development of poor design that

fails to take opportunities for improving the character and quality of an area

Para 155-165: Development and Flood Risk
Para 175: Minimising impacts on biodiversity

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

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP19 – The Natural Environment

8. KEY ISSUES

- Principle of Development
- Character of the Area
- Impact on Amenity
- Highway Safety
- Flood Risk
- Ecology

9. BACKGROUND

9.1. Application references F/YR14/0488/F, F/YR13/0422/F and F/YR13/0755/F, F/YR16/0794/O, F/YR17/1181/F and F/YR18/0442/O are related to residential developments along Eastwood End and all were refused permission, with the 2013 and 2016 applications being dismissed at appeal, with the Planning Inspectors concluding that Eastwood End does not amount to a sustainable community with any significant services and, other than via use of private motor vehicles, it has relatively poor access to services and facilities elsewhere. This is a material planning consideration.

9.2. Planning application ref F/YR17/1095/O was refused for the following reasons:

9.3. *1. Eastwood End has been classified as not forming part of the main settlement of Wimblington due to its physical separation. Consequently the application site is within an elsewhere location in the settlement hierarchy defined in Policy LP3 of the Fenland Local Plan 2014. The principle of three dwellings in such a location would be contrary to this policy and would result in an unsustainable form of development due to poor access to services and facilities for future residents and a consequent reliance on car journeys. This would conflict with the aims and objectives of the National Planning Policy Framework and would also be contrary to Policy LP1 of the Local Plan.*

9.4. *2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of*

visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to the core planning principle in Paragraph 17 of the NPPF and also conflicts with Policy LP16 of the Fenland Local Plan 2014.

- 9.5.** Planning application ref F/YR18/0442/O was refused for the following reasons:
- 9.6.** *1. Eastwood End has been classified as not forming part of the main settlement of Wimblington due to its physical separation. Consequently the application site is within an elsewhere location in the settlement hierarchy defined in Policy LP3 of the Fenland Local Plan 2014. The principle of three dwellings in such a location would be contrary to this policy and would result in an unsustainable form of development due to poor access to services and facilities for future residents and a consequent reliance on car journeys. This would conflict with the aims and objectives of the National Planning Policy Framework and would also be contrary to Policy LP1 of the Local Plan.*
- 9.7.** *2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to the core planning principle in Paragraph 17 of the NPPF and also conflicts with Policy LP16 (d) and LP12 Part A (c) of the Fenland Local Plan 2014.*

10. ASSESSMENT

10.1. Principle of Development

- 10.2.** Policy LP3 considers that Eastwood End is a remote community and as such is an Elsewhere location in terms of LP3, where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture etc. This is upheld by the Planning Inspector's decision made in relation to application F/YR13/0755/F. The proposal clearly does not accord with the criteria for development in Elsewhere locations. Wimblington is a growth village where development and new service provision either within the existing urban area or as a small village extension will be appropriate albeit of a considerably more limited scale than the Market Towns. Nevertheless it is clear that previous decisions conclude that Eastwood End is a separate settlement to Wimblington and therefore the more restrictive approach for development in Elsewhere locations should be applied to this site.

- 10.3.** Policy LP3 is the Council's Spatial Strategy that reflects the sustainable credentials of settlements. As regards the above mentioned decisions and appeal decisions the isolated nature and poor access to services (other than by motor vehicles) is a key consideration. As sustainability is the 'Golden Thread' running through the NPPF developments that are poorly located are contrary to Local and National Planning Policy and guidance. The proposal to introduce a new footpath to join the application site to the A141 is noted, however this does not overcome the main barriers to non-vehicular access to services, which remains the need to cross the A141 itself and the distance to the relevant services. Therefore it is not considered that the proposal is acceptable in principle.

10.4. Character of the Area

10.5. Policy LP16 seeks to deliver high quality environments across Fenland District, with sub paragraph (d) requiring development to make a positive contribution to the character of an area and its setting. The development of the application site would result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development and is an important feature within the street scene in establishing its rural character, linking the residential properties that are present to the agricultural land beyond.

10.6. The indicative layout indicates properties with large footprints and large parking turning areas. The plan indicates reducing the hedge height to only 600mm to seek to achieve highway visibility. This is for a length approximately 90 metres in length. Such a low-level hedge will have negligible ecological or visual benefits as regards the appearance to the countryside. It appears the layout has been designed to achieve engineering standards. This results in an urban form of development with substantial hard surface/roads/parking and large footprint properties, whilst no layout or scale is being submitted it is considered that the indicative layout does not overcome concern regarding the harm to the countryside.

10.7. Impact on Amenity

10.8. Policy LP16(e) considers the impact upon neighbouring amenity. This application does not seek determination of siting or scale and therefore it is not possible to assess impact on the amenity of neighbours. The plots are quite spacious and therefore it appears capable of accommodating the dwellings satisfactorily. The proposal is therefore considered capable of complying with policy LP16(e).

10.9. Flood Risk

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

10.11. Highway Safety

10.12. The LHA does not object, however requests consideration of an alternative route for the proposed footpath. The previous application was not refused on highway safety grounds. This scheme indicates a possible single access point likely to reduce impact on vehicular movements on the highway. The proposal is therefore considered to accord with Policy LP15 of the Fenland Local Plan.

10.13. The revised plans relating to the location and route of the proposed footpath and pedestrian crossing are the subject of concern to the highways authority. Given the lack of support for the principle of the development however this is not considered to be a matter that requires resolution at this stage. Should members be minded to approve the application then the precise route of the footpath and location of the pedestrian crossing would need to be resolved prior to the issuing of any decision on the application.

10.14. Ecology

10.15. The applicant submitted a Biodiversity Checklist which identified no sensitivity with the site. However the Hedgerow is considered a habitat corridor on the edge of the field which has some ecological benefit. Notwithstanding visual amenity considerations however it is accepted that a replacement hedgerow could be conditionally required within the site either at the front or to the rear given the applicant's ownership of the adjacent land. Therefore in this instance it is not considered that the impact upon biodiversity is a reason on which to refuse the application.

11. CONCLUSIONS

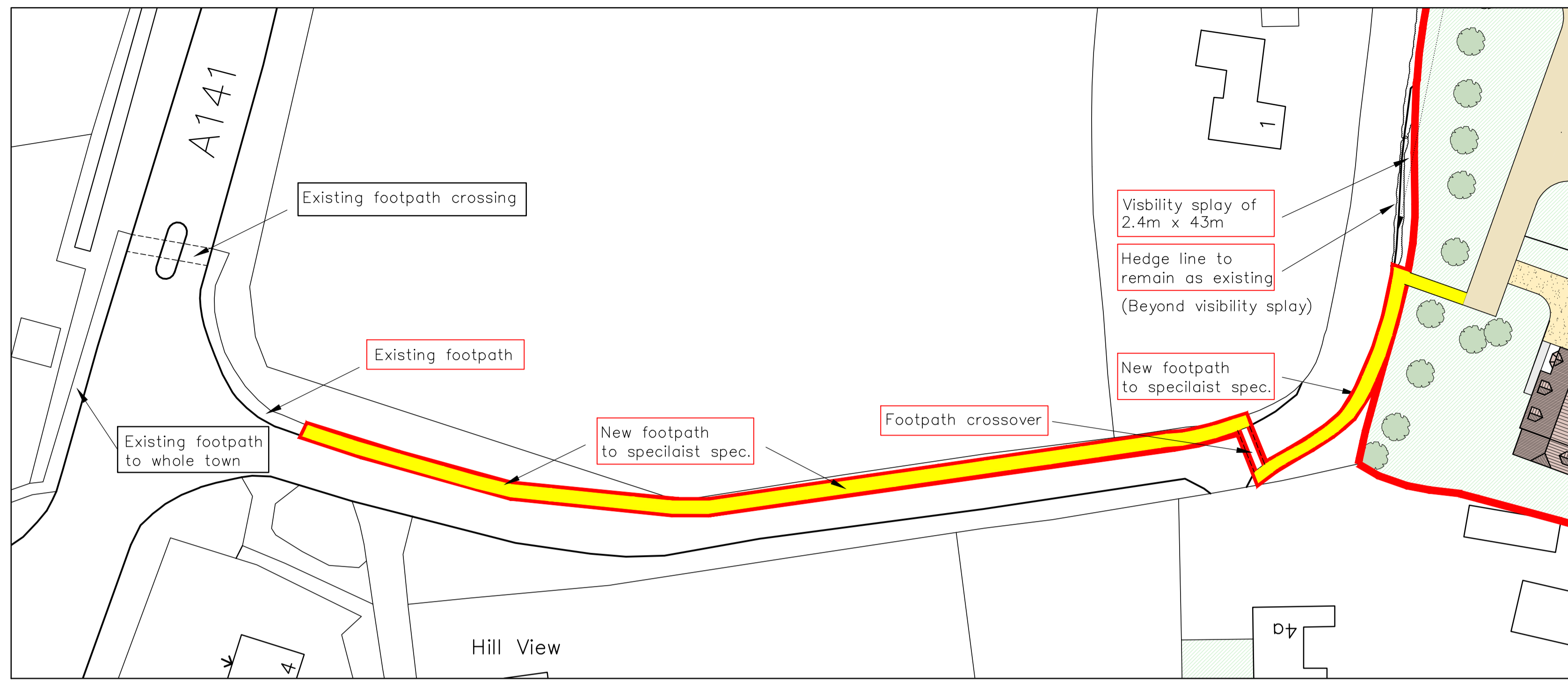
11.1. This proposal conflicts with Policy LP3 the Council's Spatial Strategy as it fails to demonstrate how it falls within any of the categories set out for development within Elsewhere locations. The development is considered to have poor access to services and facilities and fails to support a strong, vibrant and healthy community with accessible local services that reflect the community's needs and support its health, social and cultural well-being, and fails to protect and enhance the natural environment. It is therefore not considered to represent sustainable development and does not comply with the aims of the NPPF. There are considered to be significant or demonstrable adverse impacts arising from the development of this site that are not overcome by the benefits of the scheme.

11.2. It is also considered that the development of dwellings on this 120m length of open countryside will result in an urbanising impact on the rural street scene or this part of Eastwood End and as such is considered contrary to Policy LP16(d).

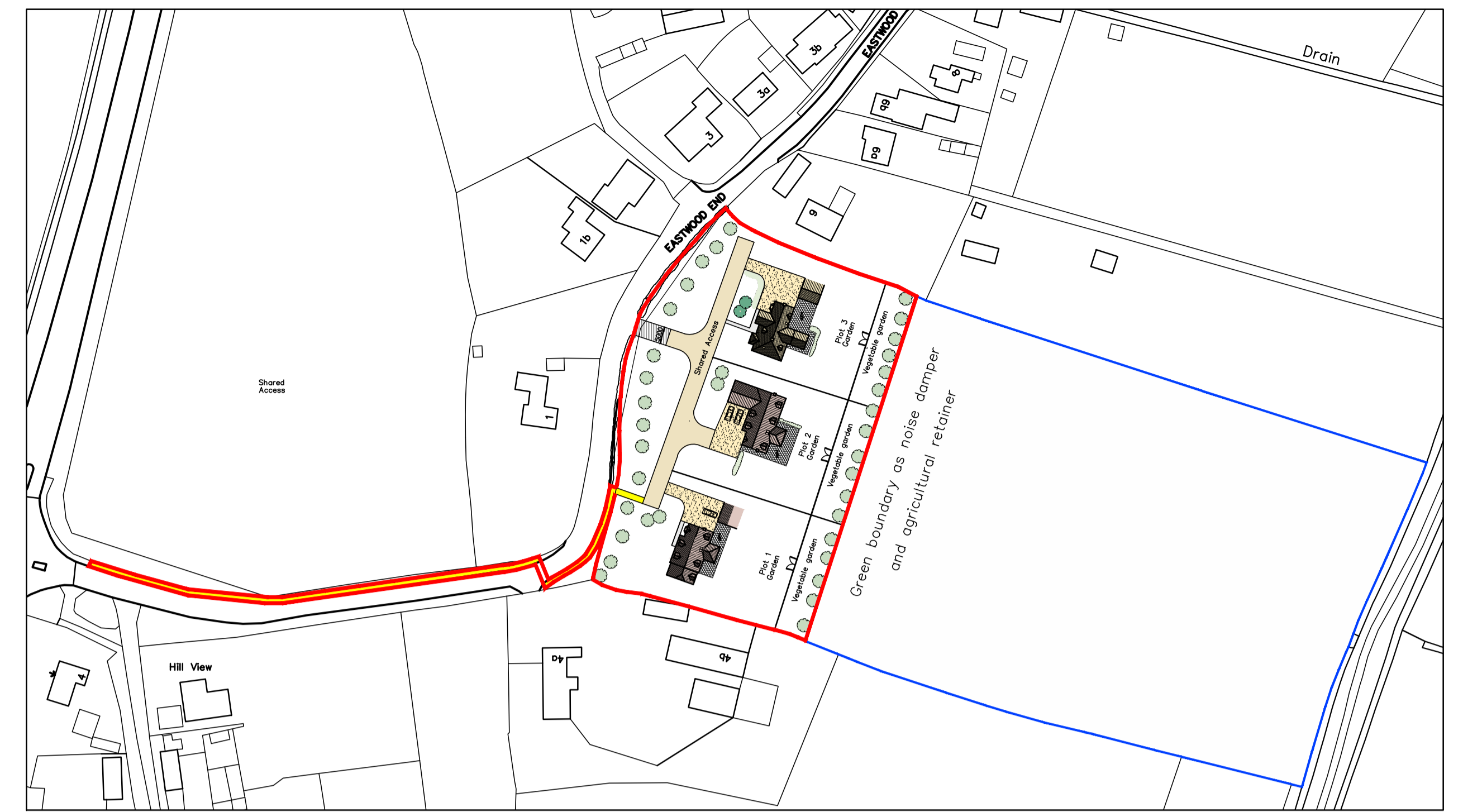
12. RECOMMENDATION

Refuse

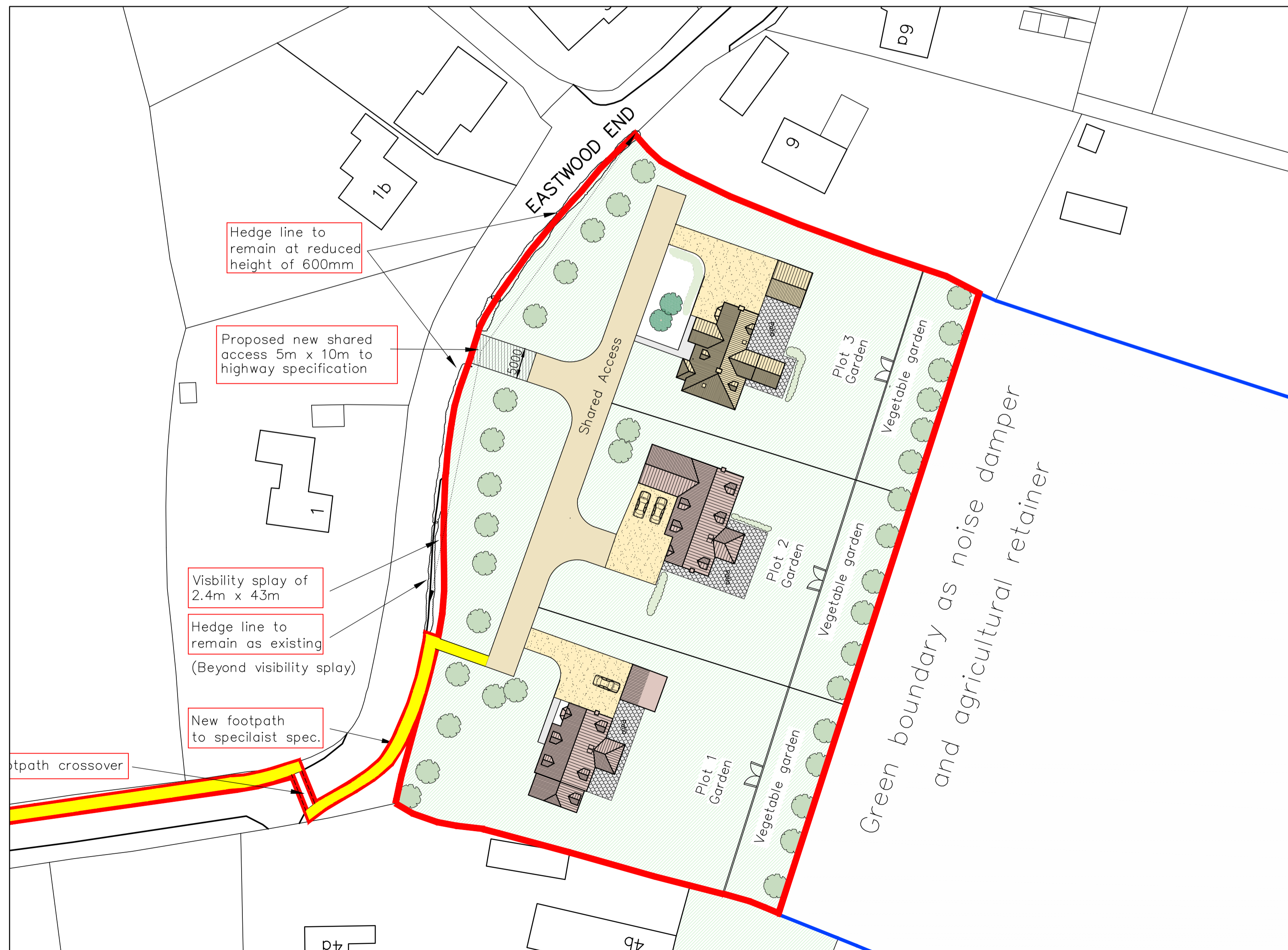
- 1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 3 dwellings in Eastwood End, which is categorised as an Elsewhere location within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.
- 2 The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to Policy LP16 (d) of the Fenland Local Plan (2014) and the also conflicts with aim of Paragraph 170 of the NPPF.



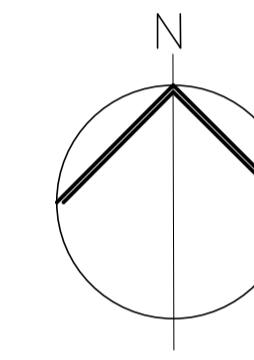
Footpath 1:500



Location Plan 1:1250



Site Plan 1:500
(Indicative)



1. Agricultural land is Grade 3 – Good to Moderate. (Better land quality available)
2. Existing boundary hedge to remain/reduced height.
3. Proposed footpath to main crossing makes village fully accessible

Peter Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

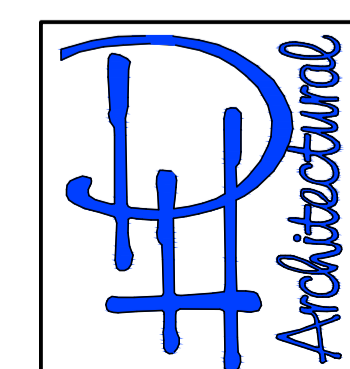
PROJECT
PROPOSED RESIDENTIAL DEVELOPMENT
LAND AT WEST OF 6 EASTWOOD END
EASTWOOD END
WIMBLINGTON
PE15 0QQ

DRAWING TITLE
SITE PLAN

CLIENT
Mr Paul Jolley

DATE JULY 2018 SCALE As Shown JOB No 5754/01H

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F/YR18/0653/O

**Applicant: Mr R Yates
Mark James Ltd**

**Agent : Mrs G Parry
Barker Parry Town Planning Ltd**

Land South West Of The Orchards, Gull Road, Guyhirn, Cambridgeshire

**Erection of up to 3 x dwellings (outline application with all matters reserved)
including the formation of 3 x new accesses**

**Reason for Committee: Parish Council recommendation at variance to Officer
recommendation**

1 EXECUTIVE SUMMARY

The proposal is for up to 3 dwellings, (Outline with all matters reserved in respect of access, appearance, layout, landscaping and scale) on paddocks and fields on the edge of Guyhirn.

Development of this site continues to be contrary to Policy LP3 as it is clearly not an infill opportunity; as a further consequence it would result in the loss of an area of land that performs a valuable function in terms of the character of the area.

Whilst the revisions to the scheme are positive in terms of the reduction of numbers and the repositioning of the dwellings these amendments are not considered to overcome the more fundamental concerns relating to the settlement hierarchy of the district and the value of the area of land in terms of the contribution it makes to the character of the area.

Due regard has been given to the arguments put forward by the Agent in terms of the quality and amenity value of the area, the fact that other consents have been granted in the locality and housing land availability; together with their evaluation that the proposal is compliant with policy (noting that LP3 is caveated with 'normally' therefore allowing for some exceptions to be appropriate).

However there is nothing so convincing as to overcome the concerns highlighted with regard to the loss of this area of land in visual terms and the significant impact it would have on the existing character of the area.

2 SITE DESCRIPTION

2.1 This application relates to a 0.85 hectare site off Gull Road. It is land that was formerly ponds which was known to be tipped land post 1953. The site is within Flood Risk Zone 1 an area at the lowest risk of flooding, but with a small triangular section in zone 2 and 3 in the south-eastern corner which appears within the blue land area shown on the submitted plans

2.2 The site is within a 30mph speed restriction area. The main section of Gull Road is linear in form, with the section of Gull Road which is subject of this application

being an area of land surrounded by a highway which diverts off the main road and then returns further along the main road. The site is an open area of rough grass land with number of trees and hedges. On the other side of the road, to the south, south-west, west and north are residential dwellings of mixed styles and scale. It should be noted that a number of large properties have been erected to the south-west and west of the site with further consents having been granted in the vicinity, i.e. a replacement dwelling at Gull View and 2 infill plots (adjacent Brunlea and Roans Devon). To the east is the Tall Trees Leisure Park.

3 PROPOSAL

- 3.1 The application is in outline form seeking the principle of up to 3 dwellings, and indicating possible access positions. The submitted plan seeks to demonstrate that 3 houses could be developed in a satisfactory manner.

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/YR17/0974/O	Erection of up to 5no dwellings (Outline with all matters reserved)	Refused 07.12.2017
F/YR17/0203/O	Erection of up to 7no dwellings (Outline with all matters reserved)	Refused 21/07/2017
F/YR17/0974/O	Erection of 7no dwellings (Outline with all matters reserved)	Withdrawn
F/95/0178/O	Erection of a dwelling	Refused 26/07/1995
F/0094/76/F	Use of land as refuse disposal site	Approved 22/04/1976

5 CONSULTATIONS

- 5.1 **Parish Council:** Recommend Approval
- 5.2 **Environment Agency:** The proposed dwellings will be situated in Flood Zone 1 (low risk). Therefore, we do not have comments to make on the proposal.
- 5.3 **North Level Internal Drainage Board:** North Level District IDB has no comment to make with regard to the above application.
- 5.4 **Cambridgeshire County Council (Highways):** The application is an outline application with all matters reserved for the erection of three dwellings. I appreciate that this is an all matters reserved application however, I still need to consider the access as part of this application. The applicant should consider how the site is accessed and if they can reduce the number of accesses onto the public highway. Vehicle to vehicle visibility splays should be detailed on the plan commensurate with the posted speed limit with no obstruction over 0.6m.
- 5.5 **FDC Scientific Officer (Land Contamination):** Environmental Health have viewed the documents provided and do not object to the principle of this

development. Our records have identified that the site has a history of pits and made land, therefore an investigation is required to ensure the land is not contaminated and suitable for residential development. The site is with 250 meters of a historic landfill site therefore the presence of landfill gases should be considered at the design stage of the development.

It is recommended that prior to commencement of the works the contractor shall submit a method statement, including risk assessments, detailing measures to be taken to minimise noise and dust nuisance. The method statement may take the form of a construction management plan. This may evolve as the project progresses. Each revision of the plan should be communicated to relevant persons.

- 5.6 **Local Residents/Interested Parties:** 3 letters of objection have been received which may be summarised as follows:

Access, Parking, Traffic Generation & Highway Safety

- Access to the main Gull Road is already difficult because of the fast-moving traffic and poor visibility.
- Increased volume of traffic that will be generated by these properties on a very small perimeter road especially at peak times.
- Lack of suitable pavements and lighting for pedestrian safety around these new properties
- Inadequate provisions for parking /unloading
- Road is not in good enough condition to withstand construction traffic; will deteriorate further during this development.

Contaminated Land

- This is an old pit, and will need to be excavated severe concerns that once disturbed, what will be revealed with reference to my health.

Flooding, Drainage

- The proposed plot regularly floods, development of the site can only increase the risk of flooding

Overlooking/loss of privacy/Noise

- Garden area is situated to the front of my property and will now be constantly overlooked will distress to my dog who utilizes this area daily
- The increase in noise levels from the new residents will also have a detrimental effect

Landscaping and Wildlife concerns

- The current arrangement as a paddock with horses has a natural beauty that will be lost as a key village feature, if this proposal is successful.
- Along with a colourful array of wildlife, birds, owls, foxes, and rabbits:
- Plot should be left for grazing, Guyhirn is already being overdeveloped please leave some green land to enjoy

Density, Over Development, Proximity, Design, Appearance Layout

- This development is turning a long established rural feature into an over developed housing estate which will then pave the way for further development within the vicinity, which is not sustainable.

Other Matters

- Local schools infrastructure unable to cope
- Does not comply with policy
- Would set a precedent
- Nothing has changed in the last 9-months
- There has to be a limit to the amount of houses above the average UK house prices built in rural villages
- Village residents should be taken into consideration not just the profit of the developer
- Concerns that property will be damaged from vibration, excavation or flooding during and after these works

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) July 2018

Paragraph 2: Planning law requires that applications for planning permission must be determined in accordance with the development plan.

Paragraph 11: Presumption in favour of sustainable development.

Section 15: Conserving and enhancing the natural environment.

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP1: A Presumption in Favour of Sustainable Development.

LP2: Facilitating Health and Wellbeing of Fenland Residents.

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside.

LP14: Responding to climate change and managing the risk of flooding in Fenland

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

LP16: Delivering and Protecting High Quality Environments across the District.

LP19: The Natural Environment.

8 KEY ISSUES

- **Principle of Development**
- **Character and Appearance**
- **Residential Amenity**
- **Risk of flooding and drainage**
- **Highway Safety**
- **Economic Growth**
- **Ecology**
- **Sustainability**
- **Planning Balance**

9 BACKGROUND

- 9.1 As can be seen in the history section above there have been two earlier applications on this site, for 7 dwellings and 5 dwellings respectively. These schemes have both been refused by Planning Committee on June 2016. The Committee agreed with the officer recommendation in respect of both schemes as they considered the development was contrary to Policy LP3 as it would result in development being located in a Small Village as defined in the Fenland Local Plan where developments of only a very limited scale or residential infilling would be allowed. It was not considered that the development proposed was infill and given the numbers of dwellings, in both instances, and the size of site and the small village in question, the proposals were not considered to be of a small scale.
- 9.2 In addition both schemes were considered contrary to Policy LP12 which seeks to protect important spaces in villages and Policy LP16 which requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impacts on the street scene, settlement pattern or the landscape character of the surrounding area. It was considered that the application site forms an important green space providing visual amenity and effecting the transition between the village and the open countryside and that the development proposal would result in the loss of this green space and the increased urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area. Therefore the proposals were both deemed contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan and accordingly was not favourably recommended.
- 9.3 The supporting statement which accompanies the proposal notes that the current proposal is for a fewer number of dwellings, on a smaller footprint of land than previously proposed. In addition the location of the dwellings on the site has been altered from the previous schemes and the houses have been relocated to the western part of the site on Gull Drove, leaving a large area of open land adjacent to the main road.
- 9.4 The agent goes on to highlight other consents recently granted in the area, i.e. an infill dwelling south west of 'Brunlea' on the western side of Gull Drove for the erection of a dwelling and the approval of 30-static caravans opposite the application site. The agent contends that the caravan site expansion on land that they consider to 'more visually and physically abuts the open countryside to the east' will have 'a considerably greater impact than will the development now proposed for 3 houses which clearly relate to the existing residential development'. Furthermore the agent considers that the site does not have 'any particular attributes that are intrinsically important to the character of the settlement.'

10 ASSESSMENT

- 10.1 The main policy documents which are relevant to the consideration of this application are Fenland Local Plan 2014, and the National Planning Policy Framework. In terms of the FLP the scheme would not accord with Policy LP3 given that Guyhirn is a small village where development would be considered on its merits but would normally be limited in scale to residential infilling or development of a limited scale. This scheme could be argued as being limited in scale in the context of the settlement however it does not represent an infill opportunity. In addition there would be issues arising in terms of the visual amenity of the area as the scheme would result in the loss of an important green space which renders the scheme unacceptable in terms of LP16. The NPPF position

would be similar even without a settlement hierarchy as the locational disadvantages of the site given its relationship to the main village centre are such that the site could not be deemed sustainable location. In addition the environmental impacts of the proposal by virtue of the loss of green space would again prove contrary to the NPPF.

Character and appearance

- 10.2 This site which has a 'D' shaped footprint has fields divided for paddock/grazing uses and includes trees and rough grassland. Although not in public use it nonetheless is an area of green space providing significant visual amenity to nearby dwellings in the wider street scene. To the west and north-east is open countryside. It also functions as a site that provides a transition from the developed part of the settlement into open countryside. It is therefore considered an area of some importance to this small village. The development of up to 3 houses, albeit with a relatively spacious layout, is considered likely to lead to substantial visual harm resulting in the loss of the green open area therefore harming the character of this part of Guyhirn.
- 10.3 Whilst the comments of the agent in respect of other recent planning approvals are noted it is considered that the infill plot referred to clearly relates to the existing pattern of development around 'The Gull'. It is also contended that the caravan site expansion is within an area which benefits for significant screening on a site which does not demonstrate the same attributes, or the same prominence of the site currently under consideration. Furthermore the assertion that the site does not have 'any particular attributes that are intrinsically important to the character of the settlement' is not accepted. It is clear that the site has a value in amenity terms; with this being acknowledged by consultation responses received during the evaluation of the scheme, i.e. the site 'has a natural beauty that will be lost as a key village feature, if this proposal is successful' and 'this development is turning a long established rural feature into an over developed housing estate which will then pave the way for further development'.
- 10.4 LP16 refers to development making a positive impact to local distinctiveness and the character of the area and amongst other things should not have an adverse impact on landscape character. It is also a core planning principle in the NPPF that recognises the intrinsic value of the countryside therefore consideration needs to be given to any harm caused. LP12 includes criteria for development in villages and refers to Part A (h) requiring proposals to not result in the loss of important spaces within the village. It is appreciated that the agent's view of the site quality is at variance to that of Officers, however it is maintained that the site does have value and should be protected from development, even at a reduced scale to that originally proposed.
- 10.5 It is acknowledged that the layout now only utilises part of the site, albeit in essence it is only a 20 metre section along the main Gull Road frontage that is excluded, and that the development will be positioned in such a way as to relate more closely with the dwellings on the opposite side of Gull Road. The consequence of this being, in the opinion of the agent, that the development will be seen as '*an integral part of the existing enclave of houses*'. Whilst this is true when viewed in isolation it does not render the loss of the site itself acceptable; in that how the existing site presents currently has more value in terms of the character of the area than that would be afforded by the three dwellings proposed. In addition whilst an area of land will be retained adjacent to Gull Road in reality this will be a token landscaped strip which will not offer any significant

amelioration to the negative impacts of the scheme. As even when factoring in the landscaping proposals highlighted within the planning statement submitted in support of the proposal; i.e. rear gardens of the houses proposed will be bounded by a natural hedgerow, a hedgerow will be introduced along the roadside and tree planting it is not considered that the site will 'retain the appearance of open space within the landscape' as suggested within the submission.

- 10.4 Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan in that it results in the loss of an important village space, fails to contribute to local distinctiveness and the character of the area, and results in adverse impact to the street scene, settlement pattern and character of the surrounding area. It is considered that a development of this green space is likely to lead to significant harm to the character of this part of Guyhirn and therefore is contrary to Policy LP16(d).

Residential Amenity

- 10.5 LP2 and LP16(e) seek to avoid adverse impacts on residential amenity. This application is in outline form only and therefore if permitted consideration would need to be given at the reserved matters stage.
- 10.6 Whilst the proposed dwellings would be closer to the existing housing to the west it is considered that an acceptable layout could be achieved in the respect of neighbouring amenity. It is therefore considered capable of according with Policy LP2 and LP16(e).

Risk of Flooding and Drainage

- 10.7 The majority of the site is within Flood Zone 1 the area at lowest risk of flooding. The small section in Flood Zone 2 and 3 cuts across the south-eastern corner of the site.
- 10.8 It is considered that the applicant's indicative layout demonstrates that 3 houses could be accommodated without requiring any development within the Flood Area's 2 and 3. As the development has the capability to result in no increase in vulnerable uses within Zones 2 and 3 the proposal is considered to pass the sequential test and considered to accord with policy LP14 of the Fenland Local Plan.

Highways

- 10.9 The application is an outline application with all matters reserved for the erection of three dwellings. Although the Highways team have indicated that further details are required regarding visibility splays and that further consideration should be given to the number of access points onto the public highway these matters are reserved for later consideration.
- 10.10 There are no constraints that appear to indicate that an appropriate access(es) may not be delivered to serve the development without detriment to highway safety and as such it is considered that the scheme has the potential to achieve compliance with Policy LP15.

Ecology

- 10.11 Earlier iterations of development proposals for this site have been accompanied by an ecological assessment; whilst this is not the case in this instance it is clear from earlier evaluation that development of this site is capable of compliance with Policy LP19. This would be subject to safeguarding conditions relating to tree works, timing of works, provision of nest boxes, construction trenches being covered overnight, gaps in fencing post construction and the use of native tree and shrubs in landscaping.

Health and wellbeing

- 10.12 In accordance with Policy LP2 of the Local Plan development proposals should positively contribute to creating a healthy, safe and equitable living environment. In doing so development proposals should create sufficient and the right mix of homes to meet people's needs, and in the right location. Whilst the comments of the neighbouring occupier are noted with regard to the scale of dwellings, it is acknowledged that the details provided are illustrative only. Nonetheless there would be no significant harm arising from the mix of dwellings proposed and as such no grounds to resist the scheme on this basis, when viewing the proposal in the context of surrounding development.
- 10.13 As regards the development of the tipped land the Council's Environmental Health Officer has no objection subject to an investigation to ensure the land is not contaminated and suitable for residential development. The site is with 250 meters of a historic landfill site therefore the presence of landfill gases should also be considered at the design stage of the development. Therefore if the application were to be granted conditions would be required for ground contamination and landfill gas surveys prior to commencement of the development.

Other matters

- 10.14 In further support of this submission the agent highlights that 'the largest input into Housing Supply in the District is from windfall development', going on to comment that 'as a consequence it is considered that the Council is not in a position to refuse development that, in all other respects meets their development criteria.'
- 10.15 The latest Annual Monitoring Report published March 2018 clearly evidences a five year land supply and in the supporting text identifies that there has been recent progress with two of the Broad Concept Plans areas at Chatteris East and Wisbech East; against this backdrop whilst windfall development will continue to play a role in delivering housing supply it is not the panacea to maintaining housing land supply and as such there is no basis to grant consent solely on the basis of meeting/maintaining housing supply.
- 10.16 Notwithstanding this it is clear that this scheme does not comply with Local Plan policies LP3, LP12 and LP16 as it would result in significant harm to the character of the area, the minor contribution that it would make to housing stock is afforded only limited weight against the backdrop of significant amenity harm..

11 CONCLUSIONS

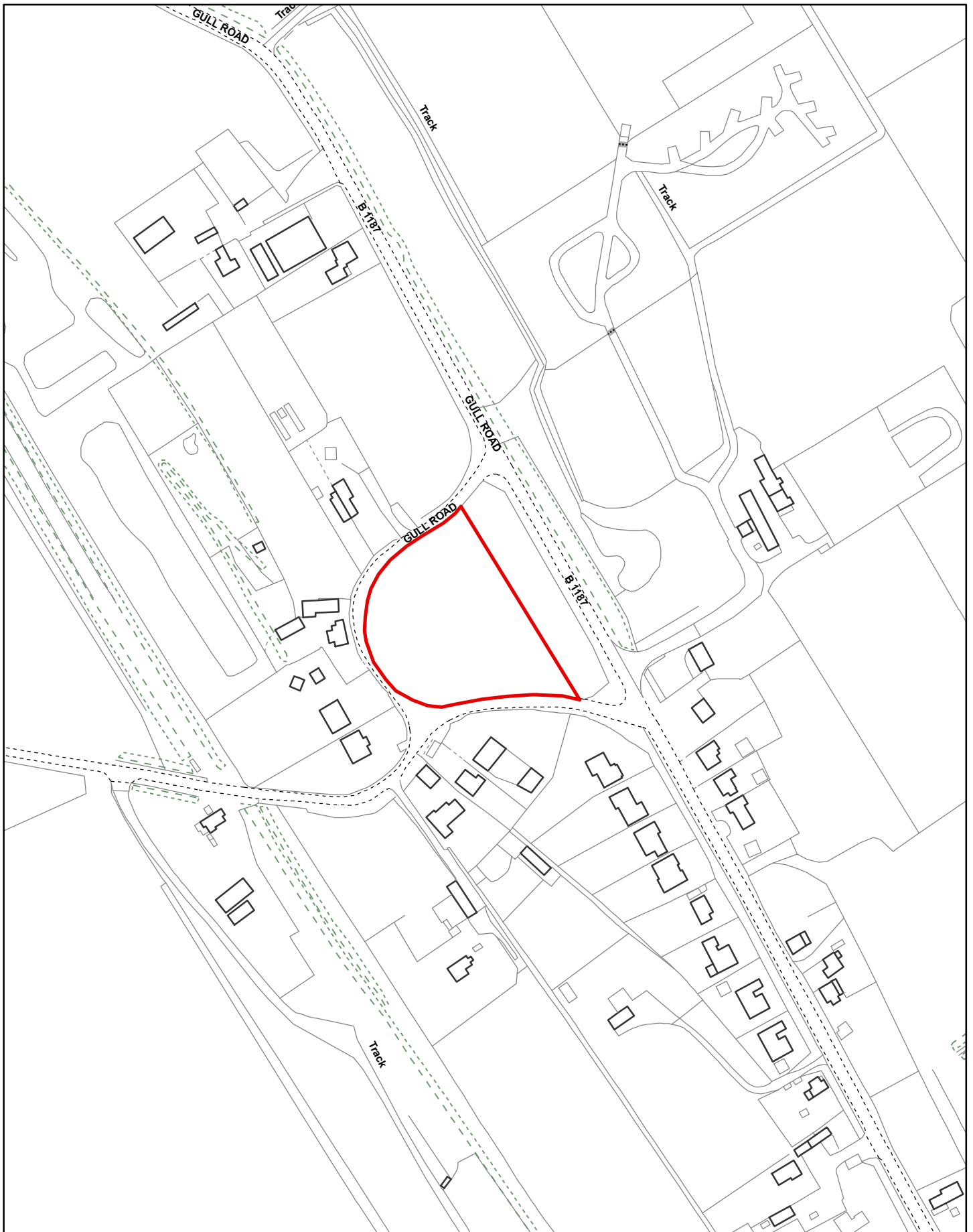
- 11.1 Whilst the scheme has been revised in terms of numbers, positioning and illustrative layout and further commentary given as to why the agent considers the

scheme acceptable the arguments put forward are not so convincing as to overcome the reasons for refusal in respect of earlier proposals for the site.

11.2 In summary the site is not residential infill, and its development will result in the loss of an important amenity space which contributes to the character of the area

12 RECOMMENDATION: Refuse

1. The proposed development would result in a 3 dwellings located in a Small Village as defined in the Fenland Local Plan where developments of only a very limited scale or residential infilling will be allowed. The development proposed whilst limited in scale does not represent an infill opportunity. Therefore the proposal is considered to be contrary to Policy LP3 the Spatial Strategy and Settlement Hierarchy of the Fenland Local Plan (Adopted May 2014) and as such represents unsustainable development contrary to the aims and objectives of the NPPF..
- 2 Policy LP12(h) of the Fenland Local Plan seeks to protect important spaces in villages. Policy LP16(d) requires development to contribute to local distinctiveness and the character of the area, and would not allow development that adversely impacts on the street scene, settlement pattern or the landscape character of the surrounding area. The application site forms an important green space providing visual amenity and effecting the transition between the village and the open countryside. The development proposal would result in the loss of this green space and the increased urbanisation of this part of Guyhirn to the detriment of visual amenity and the character of the area. Therefore the proposal is contrary to Policies LP12(h) and LP16(d) of the adopted Fenland Local Plan and as such would conflict with the aims and objectives of the NPPF.



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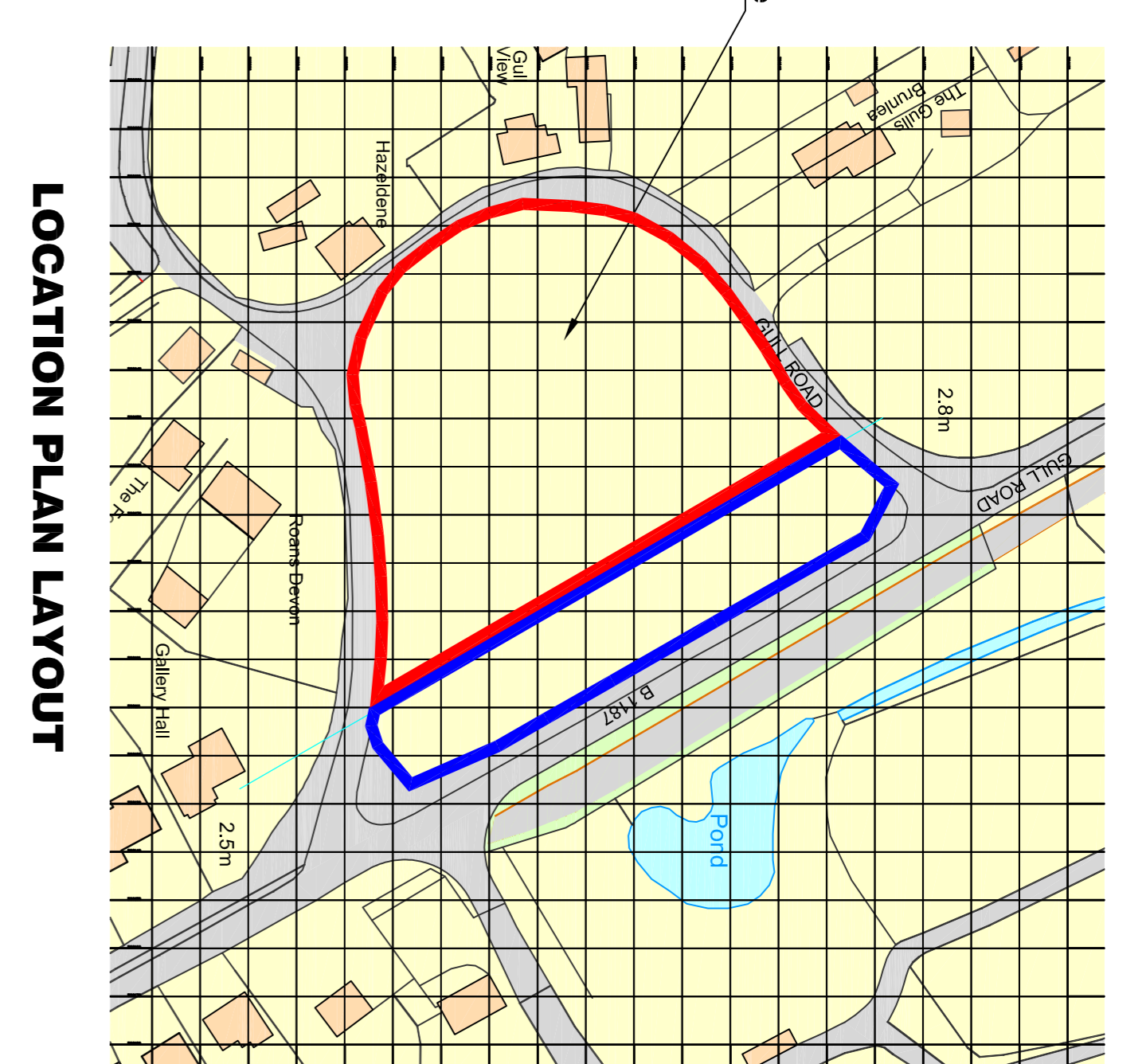
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INDICATIVE PROPOSED RESIDENTIAL DEVELOPMENT

GULL ROAD, GUYHIRN, WISBECH, CAMBRIDGESHIRE. PE13 4ER



REV	DATE	DESCRIPTION
C	16/03/20	ISSUE FOR PERMITTING
B	16/03/20	ISSUE FOR CONSULTATION
A	16/03/20	ISSUE FOR PRELIMINARY APPROVAL

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PROJECT NO: 16/635 (GA)2000 C

CLIENT: MARK JAMES LTD.
 PROJECT: INDICATIVE PROPOSED NEW RESIDENTIAL DEVELOPMENT OF THREE HOUSES
 TITLE: SKETCH SCHEME SITE & LOCATION PLAN LAYOUT

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