

## AGENDA

### PLANNING COMMITTEE

**WEDNESDAY, 10 OCTOBER 2018**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 5 - 20)  
  
To confirm and sign the minutes from the previous meeting of 12 September 2018.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR16/1168/F  
10 dwellings land north east of 53 The Chase Leverington ,Erection of 10no dwellings comprising of 4 x 3-storey 6-bed; 1 x 3-storey 5-bed, 2 x 2-storey 5-bed and 3 x 2-storey 4-bed with garages (Pages 21 - 50)  
  
To determine the Application
- 6 F/YR16/1170/O  
CFC Disposals Limited, Upwell Road, Christchurch, Wisbech

Erection of up to 16 no dwellings (Outline matters committed in respect of access)  
(Pages 51 - 60)

To determine the Application.

- 7 F/YR18/0159/O  
Land East Of, Stow Lane, Wisbech, Cambridgeshire

Erection of up to 28no dwellings (outline application with matters committed in  
respect of access) (Pages 61 - 80)

To determine the Application.

- 8 F/YR18/0165/F  
Land North And West of Elliott Lodge, Elliott Road, March, Cambridgeshire

Erection of a single-storey retirement complex block comprising of 13 x 1-bed units  
with communal facilities, and a 1.1m high (max height) railings to front boundary  
involving demolition of existing dwelling (Pages 81 - 104)

To determine the Application.

- 9 F/YR18/0386/O  
Land West of Sunset Rooms. Station Road, Wisbech St Mary, Cambridgeshire

Erection of up to 3 x dwellings (Outline with matters committed in respect of access)  
(Pages 105 - 120)

To determine the Application.

- 10 F/YR18/0496/PLOBBA  
Westhaven Nursery, Peterborough Road, Whittlesey, Modification of Planning  
Obligation attached to planning permission F/YR14/0183/O (Pages 121 - 130)

To determine the Appliation

- 11 F/YR18/0626/F  
29A Maple Grove, March, Cambridgeshire, PE15 8HT

Erection of a part 2-storey/single-storey side/rear extension and porch to front of  
existing dwelling (Pages 131 - 138)

To determine the Application.

- 12 F/YR18/0648/F  
Anaerobic Digestion Plant, Somerset Farm, Cants Drove, Murrow

Formation of a digestate lagoon with a 4.5m high surrounding earth bund and a 1.2m  
high chain link fence (Pages 139 - 158)

To determine the Application.

13 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 Mrs M Davis, Councillor Mrs A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor Mrs F Newell, Councillor W Sutton and Councillor Mrs S Bligh,

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## PLANNING COMMITTEE



**WEDNESDAY, 12 SEPTEMBER 2018 -  
1.00 PM**

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

**APOLOGIES:** Councillor D Connor and Councillor P Murphy,

**OFFICERS IN ATTENDANCE:** Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning), David Rowen (Development Manager), Gavin Taylor (Senior Development Officer) and Stephen Turnbull (Legal Officer)

### **P26/18      PREVIOUS MINUTES**

The minutes of the meeting of the 15 August 2018 were confirmed and signed subject to the following comments.

- Councillor Mrs Laws referred to minute number P17/18 F/YR17/0507/O. She stated that bullet point 7 of questions from members states that there is a large piece of County Council land which houses a village school. It should have actually stated that there is County Council Land available that could be used for a village school in the future.

### **P27/18      TPO 09/2018 TREE PRESERVATION ORDER FOOTPATH EAST OF 16 NENE PARADE, MARCH**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application to members and informed them that no updates had been received.

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

- Councillor Sutton commented that he cannot see any cracks in the wall and it looks as though it has been recently rebuilt. He made reference to the fact that a method of tree valuation called a CAVAT (Capital Asset Value for Amenity Trees) had been carried out on this tree and questioned how this type of valuation is calculated.
- Councillor Sutton commented that he feels we should be mindful where Tree Preservation Orders (TPO's) are applied. He questioned if this tree needs to have a preservation order and suggested that the tree could be felled so it does not impact the neighbour, and that a replacement could be planted elsewhere in the town.
- Councillor Mrs Laws stated that TPO's are essential. Without them people will carry out unprofessional work on trees. With a TPO, if a tree is subsequently unhealthy and or unsafe, it would be reasonable to fell the tree and replace. She added that trees form part of street scene and for that reason she will be supporting the application.

**Proposed by Councillor Mrs Laws, seconded by Councillor Mrs Davis and decided that the**

**application be APPROVED as per the Officer's recommendation.**

(Councillor Court registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a Member of March Town Council but takes no part in Planning Matters).

**P28/18**

**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**

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the application and informed members that updates had been received as per the documents circulated.

Members received a presentation in accordance with the public participation procedure from Councillor Mrs French.

Councillor Mrs French made the following comments;

The application goes against March Town Council's Neighbourhood Plan and Fenland District Council's (FDC) Local Plan. The original Draft Local Plan in 2014 highlighted that March North had an allocation of 450 dwellings to be built over time. Due to strong planning reasons put forward by residents, it was decided that it was not sustainable to build on that scale in the area at that time.

In March 2014, FDC stated 'that the removal of the North East March allocation of 450 homes is both sound from a sustainable, prospective and from democratic choice perspective'. This site was the only site in the district that generated significant local opposition; to reintroduce into the local plan of March North site would be contrary to sustainability, appraisal evidence and contrary to the principles of localism.

The NPPF (National Planning Policy Framework) states windfall sites which have not been specifically identified in the local plan process, normally comprise of previously developed land which have come unexpectedly available.

The proposal would also result in a loss of agricultural land. The NPPF states that where an application conflicts with the local Neighbourhood Plan it should not normally be granted. She questioned why Officers are recommending approval when it goes against March Neighbourhood Plan which was only approved by the Council in November 2017.

The NPPF states that where practical, particularly with large scale developments, key facilities such as a primary school and local shops should be located within walking distance. This is an application for 95 dwellings with future applications for 300 more; she questioned why this application has not been subject to a Broad Concept Plan when other developments have.

County Council are carrying out a full transport study for March and until that study is complete no new developments should be approved in that area.

The development offers no benefit to the local community and there is a lack of affordable housing, with just 6 units being offered where there should be 24.

The rail crossing barriers are down for about 28 minutes in every hour and that is likely to increase

due to more goods trains passing through.

Middle Level Commissioners strongly object to the application.

More schools are already required and County Council have been in discussion for over 2 years about opening a new school which is needed.

Councillor Mrs French stated that there are many flaws in this application and it should not be approved.

Members received a presentation in accordance with the public participation from Mr Graham Moore (Middle Level Commissioners), who was speaking on behalf of Middle Level Commissioners and March Fifth Internal Drainage Board and Mrs Liz Whitehouse, who were both speaking in objection to the Application.

Graham Moore stated that in addition to its own functions, Middle Level Commissioners provide planning consultancy services to various Internal Drainage Boards.

He stated that March Fifth Internal Drainage Board and Middle Level Commissioners are not Statutory Consultees on Planning Applications and Internal Drainage Boards (IDB's) are independent public bodies funded by the rate payer, responsible for water level and flood risk management in local areas and work in partnership with other authorities to manage and reduce the risk of flooding.

It is the IDB not the Environment Agency, FDC, CCC or Anglian Water, which has to receive and transfer the flows that emit from the site.

The IDB does not believe that the downstream water level and proposed flood risk management system can receive the flow concerned and or that for the lifetime of the development the site, the IDB is not currently prepared to accept any increase to the rate of flow into the system, and will not agree to any discharge until the necessary requirements are met.

During the planning process the applicant has amended the previous proposals for surface water disposal and the scheme is now for a balancing pond facility which is a better solution, however there has been no consideration regarding the upkeep and management arrangements going forward.

Liz Whitehouse stated that there have been 267 objections to this application and sustainability should be at the heart of all local planning. She mentioned that this had been raised by a public planning inspector in 2014, when the FDC Local Plan was formulated.

The block plan shows in excess of 200 homes and questioned why FDC has allowed this application for only 95 homes. The Neighbourhood Plan adopted in 2017, only allocates land in the south east, west and south west. Liz Whitehouse quoted from section 10.1 of the Officer's report section 10.1 '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' and commented that this is misleading as Estover lies to the north of March and not the south west.

The Neighbourhood Plan states that developments should not create flooding problems either on or off site. Estover Road runs to the south east of the site and the risk assessment states that any flow will tend to flow towards the lower land in the south east of the site and the solution that has been recommended leaves an unacceptable risk for local residents.

The third transport assessment still contains errors and shows that there are 6 trains that stop between 10am and 4pm. The first report from 2015 shows 6 trains an hour making 24 trains and

she questioned how Cambridgeshire County Council and Fenland District Council agree to the transport assessment which is incorrect. There have been 2 bus shelters proposed in Station Road, when the nearest functioning bus stops are in Estover Road.

Members received a presentation in accordance with the public participation procedure from Rosanna Metcalfe the applicant's agent.

Rosanna Metcalfe explained that the matter is being determined today for outline planning permission for up to 95 homes.

The proposal is for much needed new homes in a sustainable settlement which has seen little development. March has been identified as a primary market town in the Fenland Local plan which highlights 3 strategic growth locations in March; however, the developments have not yet commenced and are not likely to do so for a period of time.

March has seen very little growth in recent times and is a long way from meeting its housing target of 4200 new homes. The matter for determination today proposes to provide new homes and will help to contribute towards the local economy. The site is considered to be a suitable location and it is located within walking and cycling distance to the train station and other community facilities.

The transport assessment has looked at what effect the development could have on the railway crossing and Cambridgeshire County Council have agreed that the proposal will not have a material impact on queuing and this is detailed in the Officers report. She stated that Cambridgeshire Highways have not objected to the proposal and support the application.

The site is located in flood zone 1 and the applicant has provided information to evidence that surface water from the development can be managed and there have been no objections from the Lead Local Flood Authority and Environment Agency who are statutory consultees. The Middle Level Commissioners are not statutory consultees; however the queries that have been raised by them have been looked at by the applicant but as this is an outline planning application and it would not be reasonable to supply the information requested currently and the details relating to the design of the scheme and details regarding the drainage scheme details are unknown. The condition that the LLFA have requested will put an appropriate safeguard in place to ensure a suitable strategy is established prior to the commencement of construction.

The application is policy compliant and the principal of the development has always been considered as acceptable. Detailed discussions have been held with CCC and FDC Officers concerning the viability of the scheme, a detailed viability assessment using the assessment models requested by both authorities has been used and is in accordance with policy LP5.

She stated that the comments concerning the sites removal from the Local Plan 2014 are recognised, however the site is not removed due to technical reasons and also not due to the request of the local planning Inspector.

She concluded that the site is not found as unsound and was not found to be unsuitable or unsustainable in the Local Plans sustainability appraisal. The benefits of the application are the provision of 95 dwellings which will be deliverable between 1 and 5 years and will be in a sustainable settlement and location. There is a contribution of £800,000 towards education, contributions towards other community services and upgrades to existing bus stops and rail contributions. The application is in line with the Fenland Local Plan and Neighbourhood Plan.

Members asked Rosanna Metcalfe the following questions.

- Councillor Mrs Laws asked for clarification that the application complies with the March Neighbourhood Plan. Rosanna Metcalfe confirmed that it does and stated there is no policy

in the Neighbourhood Plan that restricts the site.

**At this point in the meeting Councillor Court left the Council Chamber.**

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

- Councillor Mrs Laws asked for clarification as a speaker had mentioned that there are three other sites that have been considered and approved but to date the developments have not commenced and that is why the proposal before the Committee today is the preferred site. Officers clarified that the speaker was probably referring to the Broad Concept Plan (BCP) sites in South West March, West March and East March. As members will be aware that the allocations have yet to come forward with either BCP's or planning applications.
- Councillor Mrs Laws asked whether the applications will come forward. Officers stated that at the present, there are no BCP's or planning applications in place.
- Councillor Bligh stated that there are many Members of the public present today who object to the proposal which shows how strongly local people feel about it. Whilst she appreciates that the application is compliant, there are Councillors present in the public gallery who are familiar with their locality who also disagree with the proposal.
- Councillor Mrs Davis stated that although it would appear that the site is compliant, we have also heard how the site has drainage issues from the representative from the Drainage Board. Whilst she understands what Officers have stated, and although the proposal fits all of the requirements, it doesn't sit well with the local residents.
- Councillor Mrs Laws stated that a great deal of time and trouble has been taken with regard to the production of the Neighbourhood Plan, and in her opinion that document is the voice of the local community and it should be considered alongside the Local Plan. With regard to the emphasis placed on delivering development and the work undertaken by landowners, architects and developers if there are other Broad Concept plans that are in place, members must be mindful of that.
- Councillor Mrs Laws stated that it is a windfall site but the drainage issue is an area of concern. With regard to viability, the site does not deliver what it should and although the Section 106 Officer has looked into this. The development is therefore less sustainable than it should be.
- Councillor Sutton stated that he believes the development is sustainable. It is in flood zone 1 and the Lead Local Flood Authority who is a Statutory Consultee has no objection to the proposal. The issues concerning the discharge raised by Middle Level Commissioners and the IDB can be reviewed at a later stage and do not need to be considered today. Planning Committee Members have to make decisions on material planning reasons. The proposal does not go against the Neighbourhood Plan; if it did then Officers would not be recommending it for approval.
- Councillor Sutton stated he can see no material planning reason to refuse the application.
- Councillor Sutton stated that the neighbouring site has just been approved for a sports development and there were no objections raised concerning the associated traffic that may arise as a result.
- Councillor Mrs Hay stated that she is very concerned about this application. Members are here to represent the residents of Fenland and the residents' concerns and level of objection must be considered. Although not statutory consultees, the views and issues raised by the IDB need to be considered as they have taken the time to present to the Committee to raise their concerns.
- Councillor Mrs Newell stated that in her opinion, members must take notice of the IDB. The March water recycling centre does not have the capacity to treat the flows from the site.
- Nick Harding, stated that in terms of the March Neighbourhood Plan under Policy H1, it states that it supports those major site that are identified in Fenland District Council's plan and in terms of those allocations they are South East March, West March, South West March and March trading Estate. It then goes on to say that the Neighbourhood Plan does not advocate anymore major development sites on the outskirts of March. The ~~preference~~ <sup>preference</sup> his

understanding of that is in the context of the capacity of those developments as aforementioned, South East March 600 dwellings, West March 2000 dwellings, South West March 500 dwellings and for the March Trading Estate it does not give a figure. The plan then continues by stating that it will consider windfall developments and the scheme before members today is for 95 dwellings and this is substantially lower than those major site allocations previously mentioned.

- Nick Harding stated that in terms of the surface water issues which have been raised. The IDB have recognised that the LLFA is the authority that we should be going to in consideration of these matters and if the NPPF is referred to it does state that major development should incorporate sustainable drainage systems and should take account of the advice of the LLFA. The advice from the LLFA is that this development proposal with conditions is acceptable.
- Nick Harding stated that he is very supportive of the IDB's they have a separate legal process which has to be complied with by persons who wish to discharge their surface water and just because planning permission is granted for a development it does not mean they are automatically going to get consent from the IDB's. The Developer still has to apply to the IDB and the detail of the scheme has to be agreed.
- Nick Harding stated that with regard to maintenance contained within the NPPF the guidelines state that there must be an arrangement in place to ensure there is an acceptable standard of operation for the lifetime of the development. The Government has been looking at how to deal with surface water flooding for many years. It looked like they were going to ensure that all surface water drainage schemes were adopted by a responsible authority, however this has not happened and the Government are no longer forcing developers to have their schemes adopted by a responsible authority. We cannot realistically insist on adoption of this system by the District Council, Anglian Water or the IDB's and therefore if an alternative option is tabled which is satisfactory there would be no reasonable prospect of being successful in defending a refusal of planning permission.
- Nick Harding stated that with regard to Anglian Water, they have raised no objection to this application. They have indicated that they will make necessary improvements to their network to ensure they can deal with the water and therefore as we do not have an objection from Anglian Water, and members should consider on what basis would we be able to defend a reason for refusal based on foul water capacity.
- Councillor Mrs Newell stated that on Page 32 of the report, Middle Level IDB have expressed concern over water levels and flood risks.
- Councillor Mrs Laws asked for further information with regard to the transport strategy. Nick Harding stated that the application has been subject to the necessary transport assessment which has been submitted with the proposal. That has been vetted by CCC highways authority, they are satisfied with the scheme, it is safe and the necessary sustainable travel arrangements are in place. There may be a wider transportation study review for the March area but all of the junctions which could be impacted by the potential development have been investigated and assessed as part of the planning application process.
- Councillor Mrs Bligh commented that whilst she appreciates that the NPPF have been referred to, members must be mindful that this is Fenland and the area is reliant on drains and dykes.
- Councillor Sutton stated that a comment was made earlier with regard to the Planning Inspector who had acknowledged that unallocated land in March North would be brought forward in any event in order for Fenland District Council to meet its planning target.
- Councillor Mrs Laws stated that she has concerns over this application, especially as there are three other sites coming forward and she would like to refuse this application under the grounds of LP16, with regard to item D where it states does it make a positive contribution to the local distinctiveness, the neighbourhood plan needs to be considered.
- Nick Harding asked for clarification from Members that their concern is in relation to the fact that the location for this site does not fit well with the build form for the settlement.

application be REFUSED contrary to the Officer's recommendation for the following reason.

The application proposes a form and scale of development which would not respond to the core shape and characteristics of the existing settlement, and which, if permitted, would be to the detriment of the character and appearance of the area and would, therefore, fail to make a positive contribution to local distinctiveness and character or enhance its local setting. This would be contrary to Policy LP16 (d) of the Fenland Local Plan (2014)

- Councillor Sutton requested that his vote against the proposal to refuse the application be noted.

*(Councillor Court registered, in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that he is a Member of March Town Council but takes no part in Planning Matters. Councillor Court also registered that with regard to this planning application he would like it noted that he has previously been lobbied on this application and he was also a Member of March Town Council Planning Committee who acted as Consultees to Fenland District Council when the application was first submitted in 2015).*

*(Councillor Court requested the permission of the Chairman of the Planning Committee to remain in the Council Chamber to hear the the presentations given by the speakers and will then leave the Council Chamber whilst the application is debated by Members).*

**P29/18**      **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.**

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.

Officers presented the report and update report to members.

Members received a presentation, in accordance with the Public Participation Procedure from Mr Nightingale, an objector to the application.

Mr Nightingale explained that the original outline planning permission was granted with conditions imposed to ensure there was no impact after development. Many of the residents have expressed their concern in their objections, about the level of changes which have been requested. They believe has fundamentally changed the original consent so a new application should be submitted.

Mr Nightingale commented that he would like to ask all the Councillors on behalf of the residents, to robustly challenge the applicant's and the planning officer's suggestion that the variations to the application are for the good of the town's current and future residents, as he does not believe it is.

Mr Nightingale added that he would ask the Councillors to consider whether the report is a proper and robust report or whether areas have been missed. There are a number of questions which have been raised about the content of the report and the surveys and he would ask for Councillors to make the right decision and have confidence in the information presented to them today which is right, proper and correct.

Members received a presentation, in accordance with the Public Participation Procedure from Mr Hodson, as an objector to the application.

Mr Hodson explained that he is a local resident of Whittlesey and the application in his opinion is wholly dependent on the case made for it by Cheffins Consultants.

Mr Hodson stated that the applicants planning report is flawed and out of date, as it states that Fenland does not have a five year land supply and that is not correct. The Consultants have also stated that the lack of land supply means 'it is indicative of a poor housing market in the district'. This may have been the case in the past in Fenland, however that is not the case in Whittlesey, it is a boom time currently for housing and there are currently 9 housing sites which have either been completed or in the construction phase. There are lots of single plots and Whittlesey has benefited from a massive expansion in Peterborough, it has been predicted that there will be a 1000 houses constructed in Whittlesey in the next 5 years.

Mr Hodson stated that the Consultants have made a statement concerning a poor housing market which has in his opinion given it a negative review in value, therefore that is why they have asked for the removal of most conditions that were present in the 2015 application. He added that he is also concerned about the reduction of the social housing contribution from 25% down to 8.5% or even 6.4%. He stated that the report does not reflect the housing market in Whittlesey and the request for removal of most conditions, approved in 2015 is not justified. With regard to phasing, if Phase A is allowed, there is a risk that all traffic will use Teal Road which is already congested with school traffic from Drybread Road nearby.

Members received a presentation in accordance with the public participation procedure from Mr Ian Smith the Director of Cheffins, the Agent and from Mr Chris Hatfield who is a Housing Development Consultant.

Ian Smith stated that Fenland District Council has previously granted outline planning permission for this development. The application before the Committee today concerns the details, including the terms of the Section 106 agreement and the detail surrounding the specific conditions. The application does not relate to the principle of 220 dwellings which has previously been approved.

It is unfortunate that one of the conditions is undeliverable and that is due to the financial implications of the current section 106 package including affordable housing combined with constraining conditions. It is also the case that the previous application was not formulated to include phasing. For a site of 220 houses, it is appropriate that some phasing is included to ensure the delivery of housing, infrastructure and local space is structured. The site has a long and complicated planning history and the report goes back to 1961, in 2016 the Planning Committee approved the outline application which comprised of an amended version of an earlier scheme which had been refused on appeal. Discussions and debate have taken place with Officer's concerning conditions and section 106 over a period of time.

Chris Hatfield stated that the proposals that have been put forward contained in the Officer's report are robust. There have been discussions with the Combined Authority and Officers regarding affordable housing if it is reduced the developer would work with the Combined Authority to bring a grant to replace the affordable housing and to prevent landbanking they have agreed to a section 106 provision for affordable housing review mechanism.

With regard to phasing, the purpose would be to broaden the appeal of the site to developers and 220 units would only appeal to larger housing builders, but by phasing it, it will appeal to a wider section of builders. It is the intention that East Delph is the primary access for construction, sales and the majority of the development which would form part of the Officers precondition.

With regard to the management and maintenance of the Surface Water Drainage (SUD) facilities, it is now common practice for a private management company, funded by estates contributions to assume responsibility. If that is not deemed an acceptable solution by the Committee, a contribution to the Internal Drainage Board would be paid to ensure a satisfactory mechanism was

in place in the future.

Ian Smith stated that currently there is planning permission for 220 dwellings, and 120 of those dwellings, would go towards the Council's 5 year land supply. There has been no change in the Local Plan since the planning permission was granted and the flooding risks have been addressed as well as the Section 106, with the conditions stated.

Chris Hatfield stated that it is the landowners intention following consent, to put the site immediately to market.

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

- Councillor Mrs Laws stated that when the previous application went to a public enquiry, she was asked by members of Whittlesey Town Council, as the Chairman of planning at that time, to represent them at the enquiry, at no time was that a personal decision, she was under the instruction from the members of that Council. She confirmed that she has never discussed or had an opinion on this application. There have been resident action groups, the Mayor at the time called a public meeting and at no time has she entered into debate. She confirmed that she was the ward Councillor, however since the boundary changes in 2016; she is no longer the Ward Councillor and has had no person lobby her.
- Councillor Mrs Hay commented that within the existing condition 7, the scheme requires the design and provision of flood warning signage prior to commencement. The applicant has suggested that this should be a pre occupation condition; however she is concerned because it also states that the reasoning behind flood warning designs is to warn future occupiers of any high risk of flooding of East Delph. If we are saying that the signage does not need to be displayed till pre occupation it could be that the houses are built and the day before they are occupied the signage goes up which would be too late. A number of people purchase properties off plan and therefore they would have purchased a property and not realised that this was a potential issue and therefore condition 7 should remain as it is.
- Councillor Mrs Laws stated that she is pleased to hear that the agents have stated that they will work with the IDB. The written representation information before Committee members today from the drainage board concerning the drainage proposal is described as 'folly'. Previously, the Environment Agency have alerted Whittlesey Town Council to the fact that there are 220 residents along the boundary of this application that are at risk and that identifies them as being in the Kingfisher area, North End, Lapwing and Teal Road. The drainage for the new dwellings needs to be considered as do the adjacent dwellings and if the applicant is prepared to work with the North Level IDB instead of a Management Company, it would give the residents peace of mind.
- Councillor Mrs Laws stated that any construction traffic must go through East Delph. Bassenhally Road leading into Drybread Road is very narrow and due to the school the road is congested in peak hours due to parking. Therefore if the condition could state that construction and delivery traffic use the B1040 and request that there is a hardstanding base made on site that to accommodate all contractors' and workers' vehicles.
- Officers stated that with regard to construction traffic, in the proposed condition 18, section (b), it details the requirement concerning contractors' access arrangements for vehicles, plant and personnel. This includes 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. With regard to the construction phasing program in Condition 18, section a, it should give an indication as to how the phasing is going to work in construction terms and therefore with the criteria in aforementioned 18(b), access routes should also be secure with those phasing details. Officers have considered this is robust enough. With regard to hard standing, it is not uncommon for a construction plan to provide a plan to denote where routes are and where plant equipment is going to be stored. In addition the requirement as detailed in 18(j) details the Dust management and wheel washing measures to prevent the release of dusts into the

local environment and deposition of debris on the highway.

- Councillor Mrs Laws stated that she appreciates the inclusion of wheel washing, but would also like a water bowser on site.
- Officers stated that the Environmental Health Officer's and Highways Officers have considered these approaches and if they consider that there is not enough detail in them to ensure certain aspects then they would ask for further detail as part of the condition discharge requirement.
- Councillor Mrs Laws stated that she is aware of another development where after construction started there were issues and eventually the developer implemented the 'Construction Care Scheme' which gave residents the ability to resolve any issues. Officers confirmed that contained with condition 18(s), it proposes a complaints procedure where residents can air their grievances.
- Officer's stated that with regard to condition 7 dealing with the timing and delivery of the flood warning measures, there is a condition that requires flood warning signs to be erected and the current condition requires it to be initiated prior to development. The signage is to help future residents and concerns that future occupiers may not be aware of the issue are down to house purchasers and conveyancers to pick up on planning conditions, they should be alerted to such conditions upon purchase. Therefore is it felt that the preoccupation condition is appropriate in this situation.
- The Chairman stated that with regard to wheel washing, any reasonable Constructor within Fenland is always aware that the vehicles can often create contamination of the road.
- Councillor Mrs Laws commented that she is disappointed with regard to the reduction in Section 106 contributions. With regard to the phasing issue, once a first phase is completed can we revisit the viability and challenge it when the subsequent phases are constructed.
- Officer's stated that the proposal is for a review mechanism and this would need to be agreed with the applicant through a section 106. Officers are proposing a 75% occupation of the site and at this stage a review is proposed as there should be enough evidence to assist with a thorough review. If Members require a more frequent review then that could be considered. The application is proposing that the section 106 agreement is to be delegated to Officer's but with the Chairman and Vice Chairman's agreement, the review mechanism would be scheduled within the Section 106 agreement.
- Councillor Mrs Davis asked whether the 75% occupation figure could be reduced. Officer's responded that the application is determined by members and therefore the section 106 is to be agreed by the Chairman and Vice Chairman.
- Councillor Mrs Hay asked with regard to the phasing approach at what point is the Section 106 money payable. Officer's stated that there are various triggers for different payments, so the education and health payments will be implemented at different stages.
- Councillor Mrs Laws stated that she feels this application would be impossible to refuse, as outline permission has already been granted, but that she has serious concerns over Teal Road and the parking issues. With regard to the previous appeal, the Inspector implied that the drainage system will be adopted by the IDB. She added that she knows this cannot be enforced but the presenter today gave the impression that they will work with the IDB and she welcomes this.
- Councillor Mrs Laws asked if the application could be deferred, to ensure that the correct construction conditions are in place and to check that the drainage system is in place. It would also be helpful to continue negotiations with the landowner with regard to the delivery of social housing.
- Nick Harding stated that in terms of a deferment to obtain drainage details, in his opinion it would be normal practice for an outline planning consent to have a condition that requires a detailed drainage scheme to be submitted in advance of making a decision on the application and there are no special circumstances at play here that require the details. With regard to construction, a Construction Management Plan (CMP) forms part of the conditions and the precise details of that plan will be submitted subsequently for each phase as they come forward. It would be appropriate to add an informative if there are any particular items that members want to be included as part of the plan for construction.

Officers stated that with regard to phasing arrangements, there is a condition which requires a phasing plan which needs to demonstrate that the phasing approach will consider transport impacts throughout construction. In addition the CMP also asks for construction routes under that approach, ie East Delph. The phasing design and plan that is submitted has to take note of the transport impact which the highway authority has requested.

- Councillor Mrs Laws stated that established residents should not have to deal with construction traffic.
- Officer's stated that the main haul road is proposed as East Delph and this is indicative phase of the plan and indications are that on this particular plan construction traffic would enter through East Delph and development would start to the east of the site. The highways authority asked for the phasing plan to include transport and impact detail due to the fact that they were also concerned that the expectation was for construction traffic to go through Teal Road which they considered to be unacceptable. Therefore if there was to be any exception to using East Delph then there would need to be justification for a revised transport plan to demonstrate that it would still be safe.
- Nick Harding stated that an informative could be added to say that the construction access route that the District Council wish to see in the CMP.
- The Chairman commented that the Contractors vehicles should park considerately and the overall Contractor should make that quite clear to the sub-contractors.
- Councillor Sutton commented that he has 100% confidence in the Officers; they have gone to great lengths to make sure everything is in place.

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

(Councillor Mrs Laws registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a Member of Whittlesey Town Council planning committee meeting but takes no part in discussions or voting.) Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application.)

**P30/18**

**F/YR18/0646/O**

**LAND SOUTH OF 6, EASTWOOD END, WIMBLINGTON, CAMBRIDGESHIRE**

**ERECTION OF UP TO 3NO DWELLINGS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)**

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.

Officers presented the report to members.

Members received a presentation in accordance with the public participation procedure from Mr David Green in support of the application.

Mr Green explained he is a resident of the area and knows the proposed location well. His main concern is that if the area isn't developed on, it could be used for further industrial use but he totally understands the Officer's recommendation.

There is a good opportunity to develop and use the land as per the proposal, and if the application was granted it would safeguard the area. The hedgerows could benefit from some husbandry and the Council could impose some conditions on the developer to enforce the maintenance of the hedgerow. He feels that there is a missed opportunity here and there is a great opportunity to safeguard the area especially with industrial areas encroaching and there are residential houses to the left and right hand side of the application site.

Members received a presentation in accordance with the public participation procedure from Mr Peter Humphrey the applicants Agent.

Mr Humphrey stated that he agrees with the previous speaker, that there is an opportunity to carry on building large detached dwellings to enhance the area.

The Parish Council have no objections to this application and if there were concerns there would be objections. The site is in flood zone 1. Highways have no objections and there is a proposal for a footpath to link this site with the village and there is already a pedestrian crossing to cross the A141. The Planning Officers have appeared to focus on LP3 which is growth of the village and have separated Eastwood End from the village of Wimblington.

On the previous local plan, Eastwood End was always shown as part of the village and he had asked Planning Officers when the new local plan came out whether he could be provided with a copy of what they define as villages, but there is no such plan. This site, when taken in context the whole of Eastwood End, just forms a natural infill gap and is ideal for development.

Referring to 11.1 of the Officers report, it states that it fails to protect and enhance the natural environment and Mr Humphrey disagrees with this. There are numerous new houses at Eastwood End and the proposal is not a new example and it is not setting a precedent, it is helping the village. Villages have a dense concentration of houses in the middle and sporadic large houses on the fringe, and the proposal is for three large houses on the fringe to retain the form and character of the village.

Officers are concerned with regard to LP12 which is rural areas development policy; however the application is not affected by an agricultural application so that cannot be considered as a reason for refusal. LP3 is a village classification and Officers have classed the application as to being elsewhere he is unsure as to whether it should be classed as elsewhere or as the village as Wimblington is a growth village and should fall within the growth village category and not classed as elsewhere.

It is the intention to retain the hedge and in his opinion there are a few anomalies within the report and therefore if members are minded to approve the application, the village can be enhanced 3 houses can be delivered in a suitable location and they are closer to amenities rather than some other applications which have been approved.

Members asked Mr Humphrey the following questions;

- Councillor Mrs Hay stated that she recognises that this is an outline planning application and she is concerned as one of the benefits of the application will be the footpath; however the Highways Authority has some concern over the deliverability of the proposed footpath. She asked whether the applicant has carried out any costings for this. Mr Humphrey responded and stated that the applicant has worked out that one of the plots will fund the offsite works.
- Councillor Mrs Hay asked whether the applicant has checked the figures and pricing with the Highways Authority. Mr Humphrey confirmed that the applicant has not checked with Highways Authority but they are his budget costs and he is well aware of the cost implication of a footpath.
- Councillor Mrs Newell asked for clarification with regard to access and asked whether it would be along the bridleway. Mr Humphrey confirmed that it would not be along the bridleway.

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

- Councillor Mrs Davis stated that she cannot support the Officer's recommendation to refuse

the application. Immediately opposite the proposed site is a brand new house which has recently been occupied. She stated that she also understands there are planning applications which have been submitted for houses either side of it.

- Councillor Mrs Davis stated that she agrees with the speakers, it makes what is known as unsustainable more sustainable, it will link the area to the village and with the addition of the footpath it will make things easier. It may be a footpath on one side of the road in one part and another part of the footpath on the opposite side of the road, but that is not uncommon. The application also has local support and there are no objections.
- Councillor Mrs Bligh agreed with Councillor Mrs Davis. Following the site visit, the proposal is an infill development this would improve the area and she is struggling to see why it has been recommended for refusal.
- Councillor Benney commented that he has revisited the site and the proposal is on the bypass side of the village, going away from the bypass there are 10 houses on one side and 11 on the other, in his opinion it looks like a piece on infill where 3 dwellings would fit well.
- Councillor Sutton stated that he cannot believe that the highway authority have not objected to the application as he feels that the road is unsafe, but whatever people say about the proposal being in Wimblington; it is not in Wimblington and never has been. He stated that before the road, there was a railway line which ran through, which cut off Eastwood End from Wimblington. It has been like it for many years and it has been confirmed by Planning appeals that it doesn't fit with the plan. He stated that in his opinion this application is not policy compliant and finds it hard to believe that the Highways Authority have not objected to this on safety grounds alone.
- Councillor Mrs Davis stated that if Councillor Sutton thinks the road is dangerous there is all the more reason to have the footpath constructed. She understands that there needs to be a balance between industrial and residential premises and the proposal before members today of 3 dwellings is going to have an impact.
- Councillor Sutton commented that members need to be mindful that a planning inspector's decision is a material decision and he is not prepared to go against a Planning Inspectors decision.
- Councillor Mrs Bligh commented that she does not understand why members would not approve this application when the other dwellings are in close proximity.
- Officers stated that the dwelling across the road from the proposed development was the result of a planning permission granted in 2002 under the old Local Plan which had different planning considerations. Now the NPPF has been introduced and the Local Plan was introduced in 2014. Therefore in terms of other recent planning decisions in relation to residential development on Eastwood End, and since the local plan was introduced in 2014, there have been approximately 16 applications for residential development of which 11 have been refused. The only ones which have been granted are ones which have had follow up to previous permissions which have been granted before the adoption of the Local Plan.
- Officers also advised members of the number of appeal decisions that have been recorded. In 2013, 2016 and more recently in 2017, where the Inspector has recognised that Eastwood End does not form part of Wimblington and it is not part of the growth village but is part of an elsewhere location, consequently residential development would not fit in with the spatial hierarchy set out in the Local Plan.
- Officers suggested that members may also wish to consider that the Highways Authority have commented in terms of the footpath, on Page 116 of the report, point 5.2 states that the Highway Authority express concerns as to whether the footpath can be delivered and in terms of the footpath and the benefits it may provide to the wider settlement of Eastwood End, it is only actually proposed to take the footpath to the application site and not any further.
- Councillor Mrs Davis stated that the houses opposite was approved in 2002, however it has only just been built. Officers clarified that it was an outline planning permission granted in 2002 and final approval was in 2011.
- Councillor Mrs Hay commented that her main concern is this application is an outline planning permission and if approval is granted they will come back regarding village and

say that they cannot afford to install the footpath. The fact that the Highways Authority has raised the concern indicates that it is not deliverable and therefore there is nothing given back to the community and that is why she will support the Officer's recommendation.

**Proposed by Councillor Sutton, and seconded by Councillor Mrs Hay to go with the Officer's recommendation for refusal.**

**This vote failed and therefore the Chairman requested a Proposal for the application to be approved.**

- Officers clarified with Councillor Mrs Davis that any proposal approved might include delegated authority for Officers to add appropriate conditions.
- Councillor Sutton stated that one of the conditions must be that if the application is approved then the footpath must be in place prior to any development and Councillor Mrs Bligh Agreed.
- Nick Harding stated that one of the options that members could consider is to defer the application, so that the County Council and applicant can liaise with a view to establishing the issue of deliverability of the footpath. Alternatively members could give authority to the Head of Planning to approve if the path was deliverable and refuse if it were not.
- Nick Harding stated that members can either choose to defer the application and bring it back to Committee or the application can be approved by Officers, but only if it can demonstrate that the footpath can be delivered and if it cannot be delivered then Officers can refuse the application. The Highways authority did not recommend refusal of the application and neither did it insist that there should be a condition in respect of footway provision. Nick Harding stated that he would suggest to members the application be deferred.
- The Chairman stated that the concerns of the Head of Planning have been heard. He has suggested a deferment so that all of the concerns members have raised are investigated. The decision to either approve or refuse the application is then delegated to Officers in consultation with the Chairman and Vice Chairman, or he asked if members want the Application to be brought back to Committee.
- Councillor Mrs Newell asked for clarification with regard to the Highways Authority not raising any objection. The Chairman referred Councillor Mrs Newell to Page 116, Section 5.2.
- Nick Harding stated that if the application had been submitted with no footpath proposal, Officers do not know whether the County Council would have stated that they object because a footpath is needed. The Council needs the requirement for a footpath to be set by the County Councils Highway Authority. If members are concerned about the footpath deliverability then the best option is to defer the application, and the queries can be addressed and the application can be brought back to committee.
- Councillor Mrs Hay stated that if she could be assured that the footpath would be delivered she may have voted differently and therefore she will support a deferment and ask Highways to clarify the issue of deliverability. The Agent has already stated that one of the plots will pay for the footpath, however Highways may provide figures which will mean that one plot will not pay for the footpath.
- Officers stated that the concerns expressed by Highways Authority in terms of deliverability are not necessarily just in terms of funding it is whether it can be physically constructed.
- The Chairman agreed and said that the Highways Authority needs to clarify this.
- Councillor Mrs Davis stated that the Parish Council were prepared to support the application if there was a footpath and with the retention of the hedge. In addition they would like to see only one access point and if the applicant and the Agent agreed to all of those aspects, the Parish Council would support it.
- Councillor Mrs Laws stated that not only should the hedgerow be retained but also maintained. Officers stated that there would be a reluctance to place a condition on the application to require the maintenance of a piece of private land.

**Proposed by Councillor Mrs Davis, seconded by Councillor Mrs Hay and decided that the application be; DEFERRED and brought back to Planning Committee.**

(Councillor Mrs Davis registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she is a Member of Wimblington Parish Council but takes no part in Planning matters. Councillor Miscandlon registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that he had been lobbied on this application.)

**P31/18**

**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 ACCESSSES**

The Committee had regard to its site inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute 19/04 refers)) during its deliberations.

Officers presented the report to members.

Members received a presentation in accordance with the public participation procedure from Gaenor Parry the Agent.

Gaenor Parry stated that there have 2 previous applications on this site and both of those were significantly larger than the proposal before members today and in her opinion the refusals were clearly justified. The proposal today is for a small infill, windfall development for 3 dwellings and is a reduction in numbers, size and location from previous applications.

The houses are now sited at the western end of the site immediately opposite the existing dwellings in Gull Road. If considered together they form a cohesive development and as such do not appear as isolated dwellings in the countryside. The location has enabled a large part of the current open frontage along the B1187 to be retained free of development.

The proposal is for dedicated tree planting and landscaping along the frontage and the private gardens of the three houses behind a further hedgerow will add to the amount of open space and maintain a deep rural edge to the site effectively screening it. The paddock grazing area including trees and grassland are significant visual amenities and she cannot find any designation of this land in any Fenland District Council policy. The current application has addressed the Officer's concerns and the Agent stated that the application in her opinion complies with LP12 (n) and LP16 (a) of the Local Plan.

She stated that she also has concerns over the Officers first reason for refusal and that Guyhirn has been identified as a village capable of some development, there are no comments within the Councils policy documents which state that new housing should be excluded from any particular part of the existing settlement. The Fenland Development Policy is set out in three parts, firstly to look at applications on their own merits, secondly it will normally be of a very limited nature and thirdly it will be normally be limited in scale, the use of normally is used twice in the policy is quite deliberate and it clearly underlines the fact that there is some flexibility in the policy to enable appropriate development. The Officers report states that the development is limited in scale and

does not represent an infill opportunity. The Agent stated that she does not dispute the fact that the proposal is not infill but she does dispute that the policy itself requires more development in these identified settlements to be infill only. The small development is not an isolated development and the officers concerns with regard to the previous development have been overcome by this proposal.

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

- Councillor Mrs Bligh stated that she has previously spoken with regard to previous applications on this site, but she has made no comment on this current application. She stated that she knows the area well, there is access to shops, Tall Trees Leisure, there is also a footpath along the length of the whole road and it is a more built up area compared to the other end of the village. She stated that she can see the merits of this application and the Parish Council have no objection to the application.
- Councillor Mrs Hay asked whether if Councillor Mrs Bligh has already spoken in favour of this, does it make her decision pre-determined. The Legal Officer, clarified that Councillor Mrs Bligh has made representations on previous applications but she has given assurances that she has not made representation on this application and so there was no predetermination at play.
- Councillor Sutton stated that he does not support this application as it does not fit with policy and Officers have made the correct recommendation.
- Councillor Mrs Bligh stated that the people who use the green space for grazing have no objection to the application.
- Councillor Mrs Laws stated that the site description of the proposal states that it is a 0.85 hectare site off Gull Road which was formerly ponds and the site is in flood zone 1, with only a small area in flood zone 2 and 3. The area was also used as a tipped land site. She is very mindful of local opinion and also the views of the Parish Council, however when reading the Officers recommendations and the consultee's responses these have to be taken into consideration.
- Councillor Mrs Bligh stated that the pond was filled in with rubble from the Horsefair Shopping Centre in Wisbech.
- Nick Harding stated that with regard to contaminated land, that should not be used as a reason for refusal and if the development was approved, the issue of contaminated land could be dealt with by a condition which was recommended by the Environmental Health Team.
- Councillor Mrs Laws stated that she was more concerned regarding the flooding aspect.

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

*(Councillor Mrs Bligh, registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that she has been lobbied on this application as she is the Ward Councillor.)*

3.54 pm

Chairman

F/YR16/1168/F

**Applicant: Mr Nick Baines  
East Anglian Developments UK Ltd**

**Agent : Mr James Burton  
Swann Edwards Architecture Limited**

**Land North East Of 53, The Chase, Leverington, Cambridgeshire**

**Erection of 10no dwellings comprising of 4 x 3-storey 6-bed; 1 x 3-storey 5-bed, 2 x 2-storey 5-bed and 3 x 2-storey 4-bed with garages**

**Reason for Committee: The recommendation is contrary to the views of Leverington Parish Council. Eight letters of support and 5 letters objecting to the proposal have also been received.**

## **1 EXECUTIVE SUMMARY**

This is a full application for the erection of 10 “executive” homes. The principle of residential development on the site within the urban framework of Wisbech was considered acceptable in 2008 and 2013. Although the Local Plan was adopted in 2014, this has not resulted in a different conclusion.

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. It is accepted that there are viability issues preventing the delivery of policy compliant requirements. Notwithstanding this, the applicant has offered to provide a payment of £20,000 to mitigate the impact of the development.

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 was formerly located within the Development Area Boundary for Wisbech (although in Leverington Parish) between The Chase and Peatlings Lane within a predominately residential area. The site previously comprised a single dwelling set within a large garden. There are a number of mature trees and varying ground levels within the site.
- 2.2 The dwelling has been demolished following approval in 2008 for the redevelopment of the site with 16 dwellings. Despite this approval being extended in 2012, the permission expired in 2015. Notwithstanding this, the previously approved details are a material consideration with this application.
- 2.3 A separate full application was approved in 2017 for two dwellings to the front of the site (retrospectively). These two originally formed part of the 2008 permission. The proposed access to the site off The Chase runs between these two dwellings.

- 2.4 The site is covered by 2 x group TPOs confirmed in 2008 and 2009. The vast majority of the site is within Flood Zone 2, however part of the entrance on The Chase is within Flood Zone 3.
- 2.5 To the south and west is residential development. (The Chase and Christopher Drive). Peatlings Lane is to the north. 4 x Grade II Listed Buildings are off Peatlings Lane. To the east immediately adjacent to the site boundary is a large industrial site (Salters Distribution Unit).

### **3 PROPOSAL**

- 3.1 This full application was submitted in 2016. It has been amended on several occasions to take account of the comments received from the statutory consultees, neighbours and the Case Officer.
- 3.2 The proposal is for 10 x “executive” detached homes, 4 are 3-storey with 6-beds; 1 is 3-storey with 5-beds, 2 are 2-storey with 5-beds and 3 are 2-storey with 4-beds. Materials are to be agreed later. Garages will be provided either attached or detached.
- 3.3 Two accesses are proposed into the site. One access is off The Chase to serve 5 x new dwellings and one existing dwelling. The second is from Peatlings Lane and will serve 5 x new dwellings. Both will be private shared access roads constructed from permeable block weave. At the cross over with the adopted highway, tarmac is proposed. Furthermore a new footpath is to be constructed to the south side of Peatlings Lane to connect the site access to the existing footpath along West Parade. (Peatlings Lane will also be widened slightly in the vicinity of the new footpath connection.)
- 3.4 The mature existing hedgerow marking the northern boundary of the site will be retained and enhanced (except where the new access punches through). Bin collection points are proposed adjacent to the new accesses. On request the applicant has provided a street scene drawing to demonstrate the difference in levels across the site.
- 3.5 Several protected trees have already been lost on the site and although there is the intention to retain trees, a number will be removed to make way for the development. The principle for the loss of trees on site was established by the 2008 permission.
- 3.6 Bat and owl boxes are proposed throughout the site.

Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OI6HBQHE01U00>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR14/0155/RM	Erection of 2 x 3-storey 4-bed dwellings with attached garage Plot 2 And 15 Site Of 55 The Chase Leverington Cambridgeshi	Withdrawn	17/04/2014
F/YR14/0036/RM	Erection of a 2-storey 4-bed dwelling and detached single garage Plot 1 Site Of 55 The Chase Leverington Cambridgeshire	Pending	- n/a -
F/YR12/0591/EXT	Residential Development (0.99 ha) involving demolition of existing dwelling (renewal of planning permission F/YR08/0442/O) 55 The Chase Leverington Cambridgeshire PE13 1RX	Granted	28/02/2013
F/YR11/3051/CO	Details reserved by Conditions 10 and 12 of planning permission F/YR08/0442/O (Residential Development (0.99 ha) involving demolition of existing dwelling) Site Of 55 The Chase Leverington Cambridgeshire	Approved	21/10/2011
F/YR08/0442/O	Residential Development (0.99 ha) involving demolition of existing dwelling 55 The Chase Leverington Wisbech Cambridgeshire PE13 1R	Granted	11/08/2009
F/YR16/1179/F	Erection of 2 no x 2-storey 4-bed residential dwellings (retrospective)	Granted	17/03/2017

## 5 CONSULTATIONS

### 5.1 Leverington Parish Council

#### November 2017

Councillor Downes

*Further to our original comments made on 9th January 2017 I would like to add the following:*

*Plans of area for 1900 shows that the area was marshland;*

*Access from Peatlings Lane- you cannot create the visibility splay without taking up land owned by properties adjacent to the proposed site. Also exit is on a blind bend;*

*6 bedroom properties are out of keeping with area giving rise to the thought that they could become HMO's;*

*Bringing the site up to required levels will create flooding problems to existing properties;*

*Infrastructure is not capable of taking the extra effluent, surface water etc;*

*Inadequate provision for extra vehicles that will be generated and this will create problems with A1101 already a busy trunk road also Peatlings Lane is used as a rat run and this would create more traffic chaos.*

Councillor Keymer

*My objections are 6/5/4 bed three storey properties are not in keeping with surrounding area ,also are these family houses? Or could there be a different use for them*

*With 51 bedrooms there could be a large volume of traffic on Peatlings Lane and A1101 which is a problem road with accidents already”.*

Councillor Burgess

*“Having looked at all the evidence from the various agencies, I still oppose this development. The properties are too big. There is no provision for a recreation area for children. The amount of people dwelling in the houses would, in my opinion, be too many for this site. If they are to be used as HMO's (which seems likely) there would potentially be a parking problem if a lot of the residents had*

*a car. The loss of habitat for the wildlife that (most probably) lives there would be tragic. Also plans do not appear to show any fire escapes from the upper floors. To me that would constitute an unacceptable hazard.*

**Originally commented Jan 2017:**

Object to development in its present form, the site has been partially cleared and it was noted that trees have been removed (TPO exists). The ground is undulating - no levels- with a camber of about 8 feet in places where the two pits were. They fill with water. There is concern re alleged asbestos dumping in the bottom of these pits. Part of the site is the old railway marshalling yard. So there could be soil contamination. Three storey dwellings are totally out of character there is concern that light will be blocked into existing dwellings. Recommended that development needs to be in keeping with 2-storey 3/4 bed dwellings. No green space is shown on the plan and if family dwellings are intended a play area is needed. This would cut down the number of dwellings to a maximum of 8 homes thus alleviating the need for affordable housing, There is poor drainage in this area. Highways infrastructure is very poor. For access onto the A1101 into Leverington residents have to turn left then right into Harecroft Road before they can turn left. The proposed Peatlings Lane exit/entrance is on a steep incline and is a blind exit with over hanging trees on a bend. From the previous planning decision notice, no vegetation should be removed between March and August of any year. This area needs development but careful consideration must be given to carrying out specified instructions they must not be ignored.

**5.2 CCC (Lead Local Flood Authority)**

*June 2018: Given that some time has passed since our response, I wanted to write with an update from the LLFA. Whilst our response remains largely the same, we are now working much more closely with IDBs in the area to ensure drainage strategies satisfy all water management authorities. I understand the North Level IDB has some concerns over the proposal to land raise on the site and they also have valid concerns over the time of year the soakaway testing was undertaken.*

*We would therefore like to update one of our requested conditions (see below) to take account of potential differences in winter percolation test results. It should also be noted that an IDB watercourse is located along Leverington Road to the south of the site which may present an alternative discharge solution for the site.*

Condition

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

The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy prepared by MTC Engineering (ref: 1833 - DS Rev A dated November 2016) and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- b) Full details of the proposed storm water control measures including any measures required to mitigate the risk of surface water flooding emanating from off-site

- c) Where infiltration forms part of the drainage system, the results of soakage tests undertaken in the winter months (carried out in accordance with BRE digest 365)
- d) Full details of the maintenance/adoption of the surface water drainage system;
- e) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options set out 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.

**January 2007:** *We have reviewed the submitted documents and whilst as Lead Local Flood Authority (LLFA) we **have no objection in principle** to the proposed development, we would like to highlight the risk of flooding from surface water. Within the southern-central part of the site there is a significant area of surface water flood risk. During a high risk event (1 in 30 / 3.3%), a small area is shown on the Gov.uk 'Flood Risk from Surface Water' map to flood to a maximum depth of 900 mm. During a medium risk event (between 1 in 30 and 1 in 100 / 3.3% and 1%) the area of flooding to such a depth is shown to be larger. It is within this area that a proposed dwelling is located. Appropriate measures to mitigate this risk must be implemented (including the provision of an appropriate surface water drainage scheme and the setting of finished floor levels above the level of any predicted flooding).*

*The applicant has demonstrated that surface water can be dealt with on site by using infiltration as the means of disposal. The applicant proposes to use a combination of permeable paving and soakaways with no above ground flooding expected in up to the 1% Annual Exceedance Probability (AEP) critical storm event.*

*We recommend the following conditions are imposed requiring the following details:*

#### Condition (updated by June 2018 comment)

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

The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy prepared by MTC Engineering (ref: 1833 – DS Rev A dated November 2016) and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- b) Full details of the proposed storm water control measures including any measures required to mitigate the risk of surface water flooding emanating from off-site
- c) Full details of the maintenance/adoption of the surface water drainage system;
- d) Measures taken to prevent pollution of the receiving groundwater and/or surface water;

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

#### Reason

To ensure 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.

#### Condition

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

Reason- To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

### **5.3 North Level Internal Drainage Board (June 2018)**

*Following consultation with the lead local flood authority I am now able to support their response as a joint response in that I still have concerns over the proposal to land raise and this must not impact on existing properties.*

*I am happy to support the proposal to condition the application as set out in the amended response from the lead local flood authority as follows:-*

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;*
- b) Full details of the proposed storm water control measures including any measures required to mitigate the risk of surface water flooding emanating from off-site;*
- c) Where infiltration forms part of the drainage system, the results of soakage tests undertaken in the winter months (carried out in accordance with BRE digest 365);*
- d) Full details of the maintenance/adoption of the surface water drainage system; and*
  
- e) Measures to prevent pollution of the receiving groundwater and/or surface water.*

*Conditional upon the above, I am able to remove my objections to the application.*

### **5.4 Arboricultural Officer (FDC) (March 2018)**

*The latest layout for this site includes a number of replacement trees within the site, plot 1 now has a greater separation from a mature tree and plot 8 has moved west requiring the removal of an additional category B tree, plots 9 and 10 have been moved west and further away from the perimeter trees.*

*There remains the question of shading of plots 3, 4 and 5 by the perimeter trees and I still consider this likely to be a cause of future problems between the residents and the retained trees. The change in layout will require the tree protection plan is updated to reflect those changes. However, recommendation is to grant permission.*

## 5.5 Natural England

Statutory nature conservation sites - no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

## 5.6 PCC Wildlife Officer

*I am pleased to note that this application is accompanied by a Preliminary Ecological Appraisal Report (July 2015) and am satisfied with the report's assessment of impacts on protected species. Based on the information provided I have the following comments to make with regard to protected species:*

**Bats:** *The ecology report has identified numerous trees with bat roosting potential throughout the site. The site is also likely to be used by foraging bats. I would therefore request that:*

- *No trees are felled until a full bat inspection has been carried out by a suitably qualified ecologist; should any roosts be found, full details of mitigation be provided to the LPA for approval prior to bat licence being obtained*
- *Provision of a range of bat boxes and bat tiles to be incorporated into the new dwellings to provide suitable bat roosting habitat, as per details set out in Section 9 of ecology report*
- *Roofs of new dwellings to be lined with Type 1F Bitumen Felt and not breathable roofing membrane (BRM) to avoid bat mortality*
- *External lighting to be designed to be baffled downwards away from the boundary features*
- *Bat-friendly landscape planting be incorporated into the site layout*

*The above detail should be provided by the applicant which would be acceptable via a suitably worded condition.*

**Reptiles:** *I note that a reptile presence/ absence survey has been carried out with no evidence of reptiles found, although there are anecdotal reports of reptile sightings and there is suitable habitat present. I would therefore support the precautionary approach described in the ecology report and would request that a suitably worded condition is imposed requiring that works are implemented in accordance with the non-licensed method statement set out in section 7 of the Report to include:*

- *Prior to site clearance the vegetation to be carefully cut short under supervision of an ecologist;*
- *site to then be checked for presence of reptiles prior to soil stripping again under ecological supervision.*
- *All rubble piles, brash and tall vegetation be removed under careful supervision of an ecologist.*
- *Reptile exclusion fencing to be installed around all retained habitat and any reptiles found to be moved into these areas; fencing to then be removed upon completion of site works.*
- *Reptile hibernacula to be constructed within suitable retained habitat on site as well as creation of additional habitat piles utilising logs from site clearance works.*

**Nesting Birds:** *The proposal involves the removal of a number of trees and shrubs which are likely to support nesting birds during the nesting season (1st March to 31st August). I would therefore recommend that a suitably worded condition be attached requiring the avoidance of such site clearance works during this period, or where this is not possible, that a suitably qualified ecologist first*

carries out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.

I would also request that a range of bird nest boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

**Hedgehogs:** Suitable habitat is present within the application site to support hedgehogs which are a UK Biodiversity Action Plan priority species and listed as a Species of Principle Importance under s41 of the NERC Act 2006. It is therefore recommended that any potential nesting areas be handsearched by a suitably qualified ecologist prior to site clearance. In addition it is recommended that impenetrable barriers are avoided by allowing adequate gaps to be retained under any new fencing. The above may be secured via a suitably worded condition.

**Site design & landscaping:** I would recommend that all boundary hedgerows/trees are retained and strengthened with the use of additional native species planting. Those plant species (bat friendly planting) listed in Appendix 4 of the Ecology Report should also be incorporated into the landscaping scheme. Full landscaping details may be provided via a suitably worded condition.

**Recommendation:**

I have no objection to the granting of planning permission subject to the use of appropriate conditions as set out above. I can advise that subject to my recommendations being fully incorporated into the approved scheme the development will in my opinion result in no net loss to biodiversity.

## 5.7 Cambs CC S106 Officer/ PCC S106 Officer

**CC Officer:** The following education contributions have been requested:

Early Years: £25,102

Primary Need: £97,868

Secondary Need: £115,000

Monitoring Fee: £150.

**PCC Officer:** It is accepted that there are viability issues preventing the delivery of policy compliant requirements, therefore the offer of the applicant to provide a payment of £20,000 to mitigate the impact of the development is welcomed. FDC and CCC will liaise to apportion the £20,000 and draft a S106 Agreement accordingly.

## 5.8 FDC Scientific Officer (Land Contamination)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. However given the neighbouring land use the unsuspected contamination condition should be imposed.

## 5.9 Designing Out Crime Officers

The comments made by this office in December 2016 are still relevant. I have completed a crime analysis for the area around the proposed development. In the last year in the general Leverington area there have been recorded 8 house burglaries and 10 shed burglaries and in that regard I would consider this to be an area of medium to high risk of crime. I have noted that the homes are to have alarms fitted and windows and doors and lighting to be secure design. Also noted that Secured by Design homes is being considered. This appears to be an acceptable layout regarding crime and the fear of crime.

## 5.10 Anglian Water

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

*The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.*

*From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority 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.*

#### **5.11 Cambridgeshire County Council Highways Authority**

*Further to the submission of plan reference 01 rev N, I have no highways objections subject to the following conditions;*

1.) The buildings shall not be occupied until 'The Chase' vehicular access has been constructed in accordance with the approved plans.

2.) Prior to the first occupation of the development visibility splays of 2.0m x 2.0m shall be provided each side of the vehicular accesses (The Chase and Peatlings Lane) measured from and along the back of the footway. Such splays shall be thereafter maintained free from obstruction exceeding 0.6m above the level of the footway.

3.) Notwithstanding the attached plan and prior to the first occupation of the development, visibility splays shall be provided each side of the Peatlings 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 43mm, 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 exceeding 0.6m above the level of the highway carriageway.

4.) The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works of improvement to:

- The Peatlings Lane site access. Details provided should include an access gradient no steeper than 1:20 for a distance of 4m from the highway boundary and then no greater than 1:12 into the site, sealed and drained.
- Details of a 1.8m wide footway along Peatlings linking the development site access with existing footway along West Parade. Details submitted should include geometry, kerbing, levels, drainage, methods of construction and street lighting.
- Peatlings lane carriageway widening to a minimum width of 5m along the development site frontage. Details should include geometry, kerbing, levels, drainage and methods of construction.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or behalf of the Local planning authority.

5.) Prior to the commencement of the development hereby approved adequate temporary facilities (details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority) shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

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

### **5.12 Housing Strategy (FDC)**

*On this application I would expect an affordable housing contribution equivalent to three dwellings in accordance with the local plan policy.*

### **5.13 Environment Agency**

We have reviewed the information provided and have no further comments to our letter dated 19<sup>th</sup> January 2017 which stated:

*We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below.*

#### Condition

1.The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for proposed development at 55 The Chase, Leverington by Geoff Beel Consultancy ref: GCB/Swann Edwards dated December 2016 and the following mitigation measures detailed within the FRA:

Finished floor levels will be set between 4.30m AOD and 5.0m AOD.

The dwellings will be two storeys.

Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme to be agreed, in writing, by the Local Planning Authority

2.Prior to the commencement of any development the proposed finished floor levels of each individual dwelling shall be submitted to and agreed in writing by the Local Planning Authority and the Environment Agency.

To reduce the risk of flooding to the proposed development and future users.

### **5.14 County Development, Minerals & Waste Planning Group**

*The proposed residential site lies in the Transport Safeguarding Area (TSA) for Wisbech Port. This TSA is designated by Policy SSP T2H of the adopted Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals Plan 2012, in accordance with Policy CS23 Sustainable Transport of Minerals and Waste of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy 2011. Within a TSA there is a presumption against any development which could prejudice the existing or potential use of the protected*

*transport zone for the transport of minerals and / or waste; in this case the potential use of Wisbech Port for this purpose. However, in this instance I note that the site benefits from a previous consent for residential development and that the development site is immediately adjacent to residential development. There is also an existing industrial estate between the site and the River, with Corporation Quay situated on the eastern side of the River. It is considered unlikely that the proposed development would have a prejudicial effect on any future use of the transport zone for the above purposes; and therefore no objection is raised to the proposed development in this context.*

### **5.15 Environment & Leisure (FDC) (Refuse Collection)**

*In broad principal I have no objection to this development, however, the following concerns require addressing before the application could be agreed from our perspective. It looks unlikely from the drawing that it is expected that service vehicles would use the access road as there is no turning facility included in the development and this would be required. If the access road is not provided to an adoptable standard an alternative solution for waste and recycling provision will need to be considered at the entrance to the development.*

*Although it looks as if each property will have individual bins to accommodate our 3 wheelie bin waste and recycling scheme, the bins would have to be presented at the curtilage of the Public Highway on the day of collection. They will not be collected from the properties. It would appear from drawing No 1 that individual bins will be placed at the site entrance points to await collection. As the development access roads do not meet the specification for up to 26 tonne payloads and is not to an adoptable standard for service vehicles to access this is an acceptable solution. New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.*

*Residents should not be expected to pull or carry waste for a distance of more than 30 metres. Refuse and recycling bins will be required to be provided as an integral part of the development.*

### **5.16 Local Residents/Interested Parties**

Five letters of objection and eight letters of support have been received.  
Comments include:

Objections (Nos 5, 33, 49 and 53 The Chase; and No 1 Christopher Drive)

*Out of character/not in keeping with the area*

*Visual Impact of the height of the dwellings*

*Increased Traffic on The Chase and also onto Leverington Road/ two blind bends*

*30mph speed limit is not adhered to*

*Affects the setting of a Historic Building.*

*No 53 objects to plot 6 due to overlooking*

*The Chase is a mixture of two storey detached dwellings and bungalows dating predominantly from the 50s and 60s.*

*Concerns about the piecemeal approach to this site.*

*The sewerage system on The Chase is already inadequate being pushed to its limits during certain weather conditions .We are concerned that by putting these extra large dwellings onto the existing system it will cause severe problems.*

*As it will be necessary for the developer to level the ground raising it between 1 to 2 metres higher along the boundary hedge that divides our property from the*

*development site, it is obvious that our garden will be subjected to flooding with surface water after a heavy rain.*

*3 storeys plus the added extra height for flood protection would make the whole development very high and overlooking most of the properties in Christopher Drive,*

*Water supply is low and waste water backs up on Christopher Drive.*

*Plots 5 and 4 be substituted for bungalows, this would also be more in keeping with Christopher Drive and the Chase.*

*Concerns about the protected trees on the site*

*In the 1930s, 40s and 50s it was a refuse tip used by among others the local authority and it is well known that scrap vehicles and industrial waste were deposited in there and is why the centre of the site has sunk.*

*The proposed footpath through the development site onto The Chase is dangerous because cars park on the footpaths along The Chase.*

*Poor road surfacing along The Chase*

Supporting Comments (No 51 and 55 The Chase; Nos 4, 5, 7 and 9 Christopher Drive; 55 Harecroft Road; CEVA Salters Yard)

*Completion of the site would be advantageous to all residents in the surrounding area. The quality of housing proposed, will bring in added revenue to all local businesses, and ensure the standard for the existing community, will be maintained.*

*I have lived at this address for about twenty six years, and have seen many changes in the area. Our house backs up to the site in question, and over the years has become dilapidated and run down. This has led to undesirable people living rough there, and drug taking. At one point there was a victim of suicide, about five metres from our fence. It would be nice to see the site turned into a pleasant luxury estate, and I give it my full backing. I sincerely hope that the dividing fence as planned, will be permanently retained, to prevent the site being used as a short cut, or "rat run".*

*It is hard to find a home for large families within the town. The development will improve the area as well as providing high quality housing. The plans make excellent use of the site.*

*Dividing the site helps keep any additional traffic that may result to a minimum, and is a good idea.*

## **6 STATUTORY DUTY**

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

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

## **7 POLICY FRAMEWORK**

**National Planning Policy Framework (NPPF)**

**National Planning Practice Guidance (NPPG)**

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

Para 10. - Presumption in favour of sustainable development

Para 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 9 - Promoting sustainable transport

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

Chapter 15. Conserving and enhancing the natural environment

#### **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

LP8 – Wisbech

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

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

Cambridgeshire Flood & Water SPD (2016)

RECAP CCC Waste Management Design Guide SPD (2012)

## **8 KEY ISSUES**

- **Principle of Development**
- **Highways**
- **Refuse Collection**
- **Trees/ ecology**
- **Levels/ Flood Risk/ Drainage**
- **Amenity/ Heritage**
- **Affordable Housing and S106 Contributions**
- **Other**
- **Conditions**

## **9 BACKGROUND**

In 2009 outline permission was granted for residential development on the site (F/YR08/0442/O), including the demolition of the existing dwelling. All matters were reserved. However, a layout showing 16 detached dwellings with an access to serve all 16 provided off The Chase was submitted.

A S106 Agreement was drawn up based on the 16 dwellings and submitted layout. Contributions were to be made for education and off site play areas. As the development was to be phased, no actual figures were committed on signing. 35% affordable housing was to be provided on site.

In 2010, a Deed of Variation was signed committing the following sums:

Education- £3000 per dwelling;

Public Open Space-£500 per dwelling; and

£6,500 per dwelling off site affordable housing contribution.

In 2013, approval was given to extend the expiry date of the 2008 permission (F/YR12/0591/EXTIME). This has now expired.

The two plots to the front of the site were built out under separate approvals namely F/YR14/0036/RM (Plot 1) and F/YR11/0253/F (Plot 16). Neither was built out in accordance with the respective approvals. A retrospective application to regularise these dwellings was approved in 2016 (F/YR16/1169/F).

## **10 ASSESSMENT**

### **10.1 Principle of Development**

Outline planning permission was initially granted on this site for 'residential development' in 2009 and an extension of time was subsequently granted in 2013. All matters were reserved at the outline stage however the indicative drawings showed a layout comprising 16 dwellings. The principle of residential development on the site within the urban framework of Wisbech was considered acceptable at that time. Although the Local Plan was adopted in 2014, this would not result in a different conclusion.

### **10.2 Highways**

Policy LP15 looks to provide safe and convenient access to all. Two accesses are to be provided into the site one from Peatlings Lane to the north and also from The Chase to the south. This is different from the 2008 approval where only one access from The Chase was to be provided to serve all 16 dwellings. With this application and to prevent this being used as a rat run, the two accesses are not connected and each will serve only 5 new dwellings.

10.3 The Highways Officer has requested various amendments/ further detail to confirm that the Peatlings Lane access is achievable as this part of the site and the Lane is higher than the rest of the site. Visibility splays must also be achievable. In addition the Highways Officer has requested that the applicant widens part of Peatlings Lane and provides a footpath link to West Parade, which is shown on plan reference 01 Rev N.

10.4 The comments of the objectors are noted but the Highways Officer is now in a position to recommend approval, subject to the suggested planning conditions. The proposal is therefore considered to comply with LP15.

### **10.5 Refuse Collection**

The roads within the suite will not be adopted and therefore the refuse vehicles will not enter the site to empty the waste bins. In some cases the travel distance to the proposed bin collection point will be up to 90m. It is unlikely that the occupants would be willing to move the bins such a distance and the comments of the Environment & Leisure Officer are noted.

10.6 However, recent planning appeals have shown that this issue should not be considered as a reason for refusal. The proposed dwellings are very large executive properties and one option could be to engage a private contractor. A suitably worded condition requiring the submission of a refuse collection strategy is considered appropriate in this instance.

### **10.7 Trees/ Ecology**

LP19 seeks to protect or enhance the natural environment. The 2008 permission allowed for the removal of a number of the protected trees, along with subsequent

planting. With this proposal, the proposed number of dwellings was reduced from eleven to ten to allow for the retention of a protected tree. Although the Tree Officer suggests there may be pruning pressure from some of the plots, his recommendation is now for approval. The trees mentioned will be protected by the TPO order. Therefore the LPA will still retain control over the trees. A revised tree protection plan has been submitted, but a suitably worded condition will serve to protect the TPO'd trees.

10.8 The Wildlife Officer has no objection to the development subject to the inclusion of several conditions to protect/ enhance the biodiversity interest throughout the site. The proposal is considered to comply with LP19.

#### 10.9 **Levels/ Flood Risk/ Drainage**

There is noticeable change in levels across the site as mentioned by the objectors, the Highways Officer, the EA, LLFA and North Level IDB. Following consultation with the LLFA, North Level IDB is now able to support a joint response in support of the application. The LLFA has updated one of their requested conditions to take account of potential differences in winter percolation test results. It should also be noted that an IDB watercourse is located along Leverington Road to the south of the site which may present an alternative discharge solution for the site.

10.10 But the IDB still have concerns over the proposal to land raise and this must not impact on existing properties. The applicant states that a limited amount of land raising is required within the lower areas of the site to facilitate construction but no higher than adjoining land levels with no increase in surface water run-off onto neighbouring sites. MTC have prepared an initial design for a drainage attenuation system which could be finalised and dealt with as a pre-commencement planning condition.

10.11 A detailed surface water drainage scheme for the site, based on sustainable drainage principles is therefore required to be submitted prior to the commencement of development, including levels and gradients.

10.12 The EA do not object to the development subject to the development being carried out in accordance with the submitted Flood Risk Assessment. They also require finished floor levels to be set between 4.30m AOD and 5.0m AOD and prior to the commencement of any development the proposed finished floor levels of each individual dwelling shall be submitted to and agreed in writing by the Local Planning Authority and the Environment Agency.

10.13 The EA has also requested that prior to the start of the development the finished floor level of each new dwelling be agreed. With the above in mind it is considered that there is enough control being imposed by way of planning conditions to alleviate the concerns of the relevant parties and immediate neighbours.

#### Sequential Test (ST)

10.14 The applicant has prepared a ST. FDC's **Flood Risk Sequential Test Informal Guidance** states:

*About one half of Wisbech currently falls within flood zones 2 and 3. For the re-development of sites for residential purposes (Use Class C3) within these areas it may not always be possible to pass the Sequential Test. The council recognises the need to prevent widespread areas suffering blight from flood risk restrictions, and seeks to ensure that Wisbech retains its constituency and vibrancy.*

*As a result it will normally be the case that for sites within the existing built up urban area of the town which fall within flood zones 2 and 3 and where the proposal is for the redevelopment of a site last used for Use Classes A, B C or D the council accepts that the Sequential Test will normally be passed.*

*The council also accepts that normally the first part of the Exception Test will be considered to have been passed if the re-development of an existing site within the urban area will be in accordance with the council's sustainability objectives and be sufficient to outweigh flood risk where pre-development flood hazards in the Level 2 SFRA do not represent danger to most or all.*

- 10.15 The application site was previously garden land to No 55 The Chase prior to its demolition (Use Class C3). Therefore it is accepted that the ST has been passed. Similarly, as the site falls within Flood Zone 2, no exception test is required. (Table 4.3 of the Cambridgeshire Flood and Water SPD 2016.

### **Amenity/ Heritage**

- 10.16 Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of neighbouring users. The proposal includes 5 x 2 storey and 5 x 3 storey dwellings. The 2-storey dwellings are located adjacent to the neighbouring properties in Christopher Drive and the long rear garden of No 53 The Chase. The separation distance between the existing properties along Christopher Drive and the new 2 storey dwellings will be between 30m and 45m. In addition a number of retained trees will provide added screening.
- 10.17 The occupants of No 53 originally raised concerns with regard to the impact of Plots 1 and 6 on their amenity. The scale and height of these proposed dwellings has been reduced during the processing of the application. No first floor windows are proposed to the western elevation of Plot 1. The rear elevation of Plot 6 will be approximately 47m from No 53 which is considered to be an acceptable distance to protect their amenity, although the occupants remain concerned. However, the distance between Plot 1(front elevation) and No 53a (rear elevation) is 18m. Notwithstanding this, on balance the proposal complies with LP2 and LP16.
- 10.18 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area and LP18 seeks to protect heritage assets. The 3-storey properties are located within the site either backing onto the industrial building or fronting onto Peatlings Lane. The trees lining the Lane are to be retained except where the new access punches through. The widening of the Lane and new footway link will also alter the character of the Lane in this location where there are a number of listed buildings.
- 10.19 Leverington House is set back from the Lane and well screened by trees. Malvern House, Westwood and Roseville are located on the back edge of the pavement, all to the north of the Lane. Provided that the majority of the tree belt along the southern side of the Lane is retained, the proposal would not have a significant impact on the listed properties, especially bearing in mind the intensive industrial use nearby and the proximity of the industrial buildings. The proposal is considered to comply with LP18.
- 10.20 Representations received welcome the redevelopment of the site which is currently overgrown. However, Leverington Parish Council remains concerned about the size of the dwellings, their impact on the area, whether there is a demand for such large properties, and suggests they could be converted to HMO's. With regard to the last point, the owners of a dwelling house have certain permitted development

rights which allow its use as a small HMO. The LPA has no control over this as any impacts are considered to be equivalent where it is occupied by a single family or for example, 6 individuals. However, anything larger would require the benefit of planning permission.

- 10.21 That said, the LPA must consider the application before them. The applicant has stated that there is a need for large executive homes within Wisbech. With regard to the impact of the larger dwellings, the requirement of the EA to set a minimum for the finished floor levels could potentially increase the visual impact of the larger 3 storey homes on the area.
- 10.22 The applicant has prepared a Street Scene drawing to help to illustrate the layout and height of the dwellings across 4 sections of the site. It should be noted that the EA has requested to approve the finished floor level of each dwelling via a pre-commencement condition.
- 10.23 In summary, the size of the proposed dwellings would in some cases be considerably larger than some properties within the immediate vicinity. However, it has been concluded that residential amenity would not be significantly reduced and any impact on the listed buildings would also not be significant. Therefore, subject to finalisation of the finished floor levels, the proposal is not considered to be detrimental to the character of the area and complies with LP16.

#### **Affordable Housing and S106 Contributions**

- 10.24 A S106 Agreement was drawn up based on the previous approval for 16 dwellings and submitted layout in 2008. Contributions were to be made for education and off site play areas. As the development was to be phased, no actual figures were committed on signing. 35% affordable housing was to be provided on site.
- 10.25 In 2010, a Deed of Variation was signed committing the following sums:  
Education- £3000 per dwelling;  
Public Open Space-£500 per dwelling; and  
£6,500 per dwelling off site affordable housing contribution.
- 10.26 A Viability Assessment has been provided. The S106 Officers have reviewed the viability appraisal and while this demonstrates that at a 15% profit level there are no monies available for contribution, the applicant is willing to make a contribution of £20k for the development (£2k per plot) towards infrastructure provision. Officers have contacted the Head of Leisure Services to ascertain infrastructure requirements in the locality with the suggestion that the money goes towards a small MUGA to be located on the Leafere Way recreation area, which is circa 1.7 miles (2.736 km) from the site; the committee will be updated should there be an alternative proposal which better suits the Leisure Strategy for the area.

#### **Other**

- 10.27 With regard to the Parish Council and objector's other concerns, the applicant has demonstrated to the satisfaction of the Highways Officer that the visibility splays can be achieved, and that highway safety will not be compromised. The proposed widening of the Lane and new footway is considered to be a benefit from the development.
- 10.28 The Environmental Health Officer considers that an unsuspected contamination condition to be appropriate.

#### **Conditions**

10.29 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).

10.30 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 applicant's agent being received.

10.31 The proposed conditions are as follows:

- Surface water drainage (2)
- Ecology (5, 8, 11)
- Access (16)
- Construction management Plan (17)
- Levels (20)
- Trees (23)

## **11 CONCLUSIONS**

11.1 The proposal is a full application for the erection of 10 dwellings on garden land within the urban area of Wisbech.

11.2 The concerns of the Parish Council and objectors have been carefully considered. 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), it is concluded that the development would not lead to any unacceptable harm.

11.3 In relation to Section 106 matters the scheme has been through a viability exercise. It is accepted that there are viability issues preventing the delivery of policy compliant requirements. Notwithstanding this, the applicant has offered to provide a payment of £20,000 to mitigate the impact of the development.

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

## **12 RECOMMENDATION**

1. That the Committee delegates authority to finalise the planning conditions and terms of the S.106 agreement to the Head of Development, and

2. Following completion of the S106 obligation to secure the £20,000 towards infrastructure which will be divided between FDC and the County Council, as detailed in this report, application F/YR16/1168/F 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 4 months, or on the grounds that the applicant is unwilling to complete the obligation necessary.

The proposed conditions are as follows;

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

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

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

The scheme shall be based upon the principles within the agreed Sustainable Drainage Strategy prepared by MTC Engineering (ref: 1833 - DS Rev A dated November 2016) and shall also include:

- a) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- b) Full details of the proposed storm water control measures including any measures required to mitigate the risk of surface water flooding emanating from off-site
- c) Where infiltration forms part of the drainage system, the results of soakage tests undertaken in the winter months (carried out in accordance with BRE digest 365)
- d) Full details of the maintenance/adoption of the surface water drainage system;
- e) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options set out 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.

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

Reason- To ensure the satisfactory maintenance of unadopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

4. No development above slab level shall proceed until trade descriptions of the external facing and roofing materials to be used in the construction of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason- To ensure that the new materials are in keeping with the surroundings in accordance with Policy LP16 of the Fenland Local Plan 2014.

5. Prior to the commencement of development a full bat inspection shall be carried out by a suitably qualified ecologist of the trees to be felled. Should any roosts be found, full details of the proposed mitigation shall be submitted to and approved in writing by the LPA prior to any bat licence being obtained and prior to any trees being felled.

Reason- To safeguard the ecological interest on the site in accordance with LP19 of the Fenland Local Plan 2014.

A pre-commencement condition is necessary in order to ensure that the ecological interests within the site are protected.

6. A range of bat boxes and bat tiles shall be incorporated into the new dwellings to provide a suitable bat roosting habitat, as per the details set out in Section 9 of the submitted Ecology Report. The roofs of the new dwellings shall be lined with Type 1F Bitumen Felt and not breathable roofing membrane (BRM) to avoid bat mortality. Any external lighting shall be designed to be baffled downwards away from the boundary features.

Reason- To safeguard the ecological interest on the site in accordance with LP19 of the Fenland Local Plan 2014.

7. No development above slab level shall proceed until details of the proposed bat-friendly landscape planting and if appropriate, reptile hibernacula and additional habitat piles utilising logs from the site clearance works, shall be submitted to and approved in writing by the LPA. The planting and habitats shall be built out in accordance with the approved plans.

Reason- To safeguard the ecological interest on the site in accordance with LP19 of the Fenland Local Plan 2014.

8. As set out in Section 7 of the Ecology Report, prior to any site clearance the vegetation shall be carefully cut short under the supervision of an ecologist; the site shall then be checked for presence of reptiles prior to soil stripping again under ecological supervision. All rubble piles, brash and tall vegetation shall be removed under careful supervision of an ecologist. Should any reptiles be discovered, reptile exclusion fencing shall be installed around all retained habitat and any reptiles found to be moved into these areas. This fencing shall not be removed upon completion of the site works.

Reason- To safeguard the ecological interest on the site in accordance with LP19 of the Fenland Local Plan 2014.

A pre-commencement condition is necessary in order to ensure that the ecological interests within the site are protected.

9. No site clearance of any trees or shrubs shall be undertaken during the bird nesting season (1st March to 31st August). Where this is not possible, then a suitably qualified ecologist shall first carry out a survey to establish that nesting birds are not present or that works would not disturb any nesting birds.

Reason- To safeguard the ecological interest on the site in accordance with LP19 of the Fenland Local Plan 2014.

- 10 Prior to the occupation of any part of the development hereby approved, a range of bird nest boxes shall be installed on the site that cater for a number of different species such as House Sparrow, Starling & Swift. The details regarding numbers, designs and locations shall be submitted to and approved in writing by the LPA. The boxes shall be installed on site in accordance with the approved details.

Reason- To safeguard the ecological interest on the site in accordance with LP19 of the Fenland Local Plan 2014.

- 11 Prior to the site clearance and commencement of development any potential hedgehog nesting areas shall be hand searched by a suitably qualified ecologist. Impenetrable barriers on site shall be avoided by allowing adequate gaps to be retained under any new fencing.

Reason- To safeguard the ecological interest on the site in accordance with LP19 of the Fenland Local Plan 2014.

A pre-commencement condition is necessary in order to ensure that the ecological interests within the site are protected.

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

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

- 13 The buildings hereby approved shall not be occupied until the relevant vehicular access (either The Chase, Peatlings Lane or both) has been constructed in accordance with the approved plans.

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

- 14 Prior to the first occupation of the development pedestrian visibility splays of 2.0m x 2.0m shall be provided each side of the relevant vehicular access ( either

The Chase, Peatlings Lane or both) measured from and along the back of the footway. Such splays shall be thereafter maintained free from obstruction exceeding 0.6m above the level of the footway.

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

15. Prior to the first occupation of the development, vehicular visibility splays shall be provided each side of the Peatlings Lane 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 exceeding 0.6m above the level of the highway carriageway.

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

16. The development authorised by this permission shall not begin until the local planning authority has approved in writing a scheme for:
  - The Peatlings Lane site access. Details provided should include an access gradient no steeper than 1:20 for a distance of 4m from the highway boundary and then no greater than 1:12 into the site, sealed and drained;
  - Details of a 1.8m wide footway along Peatlings Lane linking the development site access with existing footway along West Parade
  - The Peatlings Lane carriageway widening to a minimum width of 5m along the development site frontage.

The occupation of the development shall not begin until the above works have been completed in accordance with the approved details and approved in writing by the local planning authority as having been satisfactorily completed.

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

A pre-commencement condition is necessary in order to ensure that the new access from Peatlings Lane is achievable within the parameters set by the local highways authority.

17. No development shall commence 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:
  - Temporary facilities provided for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.
  - hours of operation for the construction
  - noise and dust mitigation measures
  - method of prevention of mud being carried onto highway
  - pedestrian and cyclist protection
  - Traffic management and associated signage

Reason- In the interests of residential amenity in accordance with Policy LP16 and the safe operation of the highway in accordance with Policy LP15 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.

18. Prior to the first occupation of the development the proposed on-site parking /turnings associated with the relevant part of the development (either The Chase, Peatlings Lane or both) shall be laid out in accordance with the approved plan and thereafter retained for that specific use.

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

19. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for proposed development at 55 The Chase, Leverington by Geoff Beel Consultancy ref: GCB/Swann Edwards dated December 2016 and the following mitigation measures detailed within the FRA:

Finished floor levels will be set between 4.30m AOD and 5.0m AOD.

The dwellings will be two storeys.

Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme to be agreed, in writing, by the Local Planning Authority.

Reason-To reduce the risk of flooding to the proposed development and future users in accordance with LP14 of the Fenland Local Plan 2014.

20. Prior to the commencement of any development the proposed finished floor levels of each individual dwelling, and the general land levels shall be submitted to and agreed in writing by the Local Planning Authority and the Environment Agency.

Reason-To reduce the risk of flooding to the proposed development and future users in accordance with LP14 of the Fenland Local Plan 2014.

A pre-commencement condition is necessary in order to ensure that the finished floor levels/ flood risk and drainage can be controlled across the site.

21. No development above slab level shall proceed until a scheme for hard and soft landscaping, including new tree planting, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason- To ensure the environment of the development is improved and enhanced in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.

22. All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of

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

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

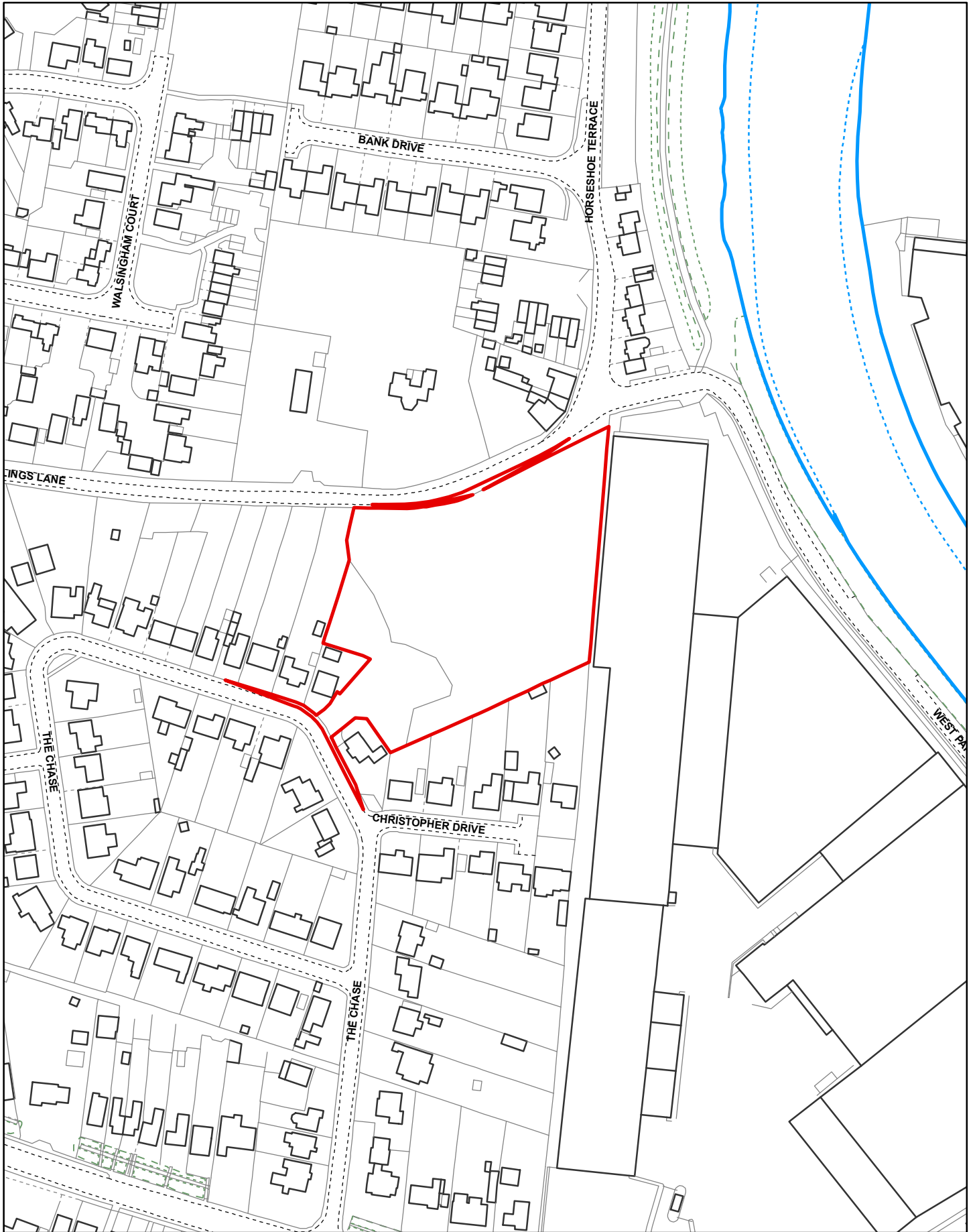
23. Prior to the commencement of development hereby approved details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread and Root Protection Areas (RPA) [as defined in BS 5837 (2005)] of the retained trees on the site and on land adjacent to the western boundary shall be submitted to and approved in writing by the local planning authority. This should include details of the specification and position of fencing and of any other measures to be taken for the protection of the tree as shown on plan reference 2990 Rev B.

Reason -To ensure the wellbeing of the protected trees maintaining and enhancing the quality and character of the area in accordance with Policies LP16 and LP19 of the Fenland Local Plan 2014.

24. No part of the development shall be occupied until a Refuse Collection Strategy has been submitted to and approved in writing by the local planning authority.

Reason - In order to ensure adequate facilities for the storage, sorting and collection of waste in accordance with policy LP16(f) of the Fenland Local Plan 2014, and RECAP CCC Waste Management Design Guide SPD (2012)

- 25 Approved Plans



Created on: 23/12/2016

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**F/YR16/1168/F**

Scale = 1:2,000



**General Notes**  
 1. This drawing shall not be scaled, figured dimensions only to be used.  
 2. The dimensions will show in millimetres unless otherwise stated.  
 3. The drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.  
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 5. Any discrepancies are to be brought to the designer's attention.

**AREA SCHEDULE**

**TYPE A - Plot 3**

Ground Floor Area	= 154sqm2
First Floor Area	= 131sqm2
Total Floor Area	= 285sqm2

**TYPE B - Plots 1 & 2**

Ground Floor Area	= 88sqm2
First Floor Area	= 88sqm2
Total Floor Area	= 177sqm2

**TYPE C, 4 & 5**

Ground Floor Area	= 110sqm2
First Floor Area	= 110sqm2
Total Floor Area	= 220sqm2

**TYPE D - 7 & 8, 10**

Ground Floor Area	= 113sqm2
First Floor Area	= 113sqm2
Total Floor Area	= 226sqm2

**TYPE E - Plot 6**

Ground Floor Area	= 103sqm2
First Floor Area	= 103sqm2
Total Floor Area	= 206sqm2

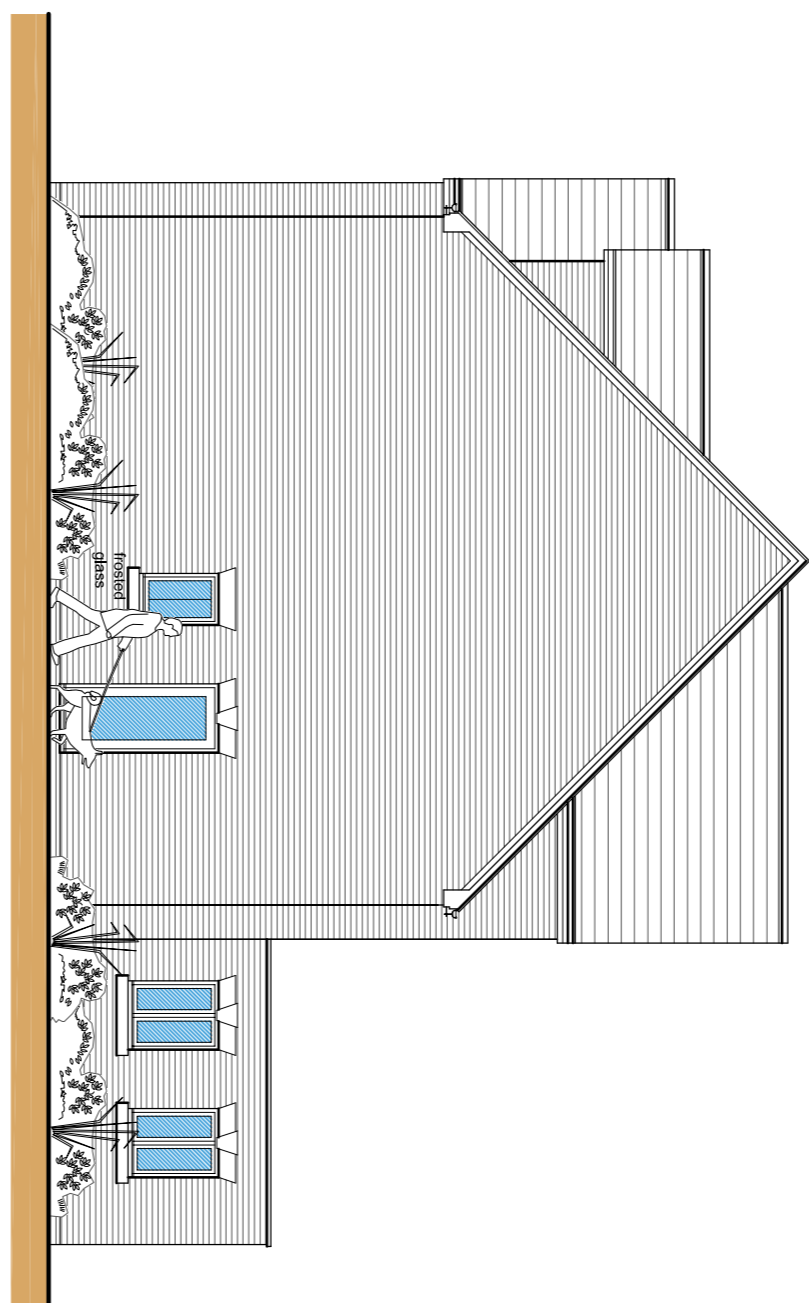
**TYPE F - Plot 9**

Ground Floor Area	= 103sqm2
First Floor Area	= 124sqm2
Second Floor Area	= 91sqm2
Total Floor Area	= 218sqm2

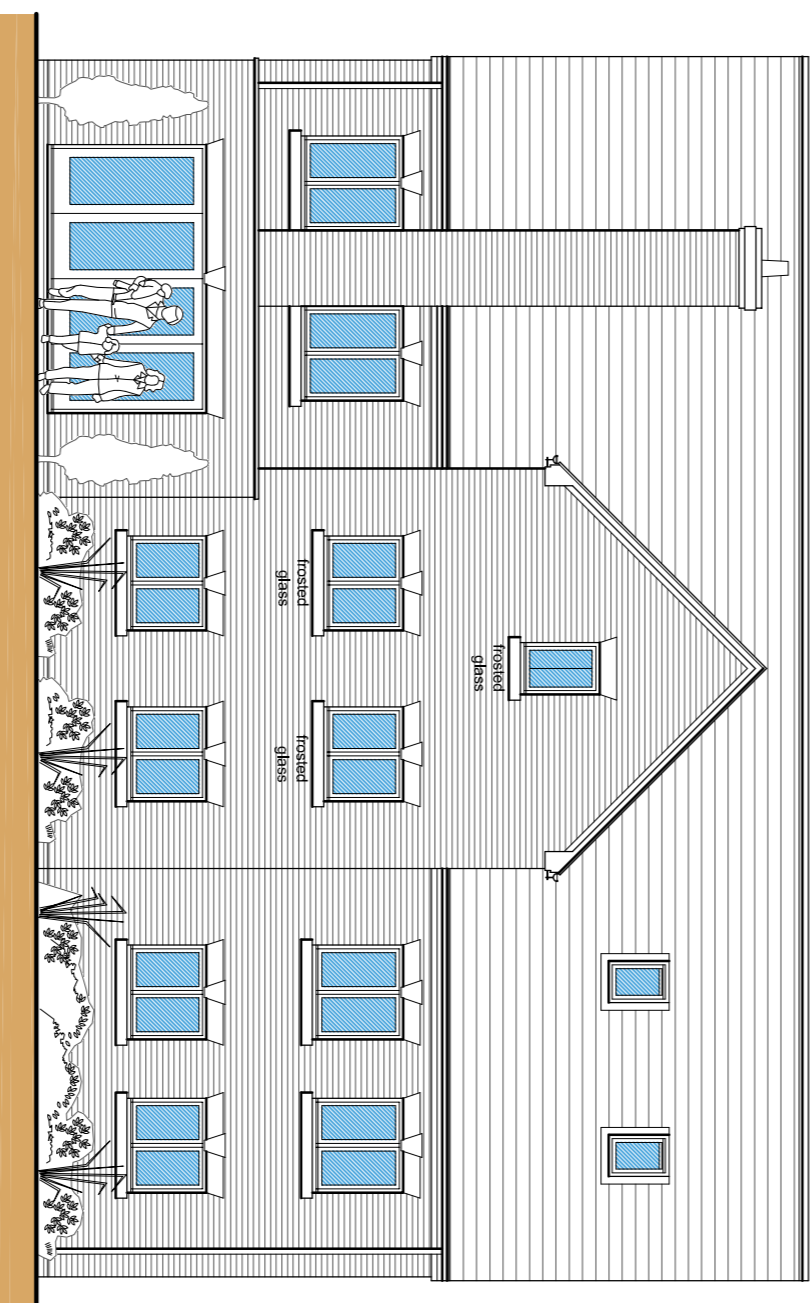
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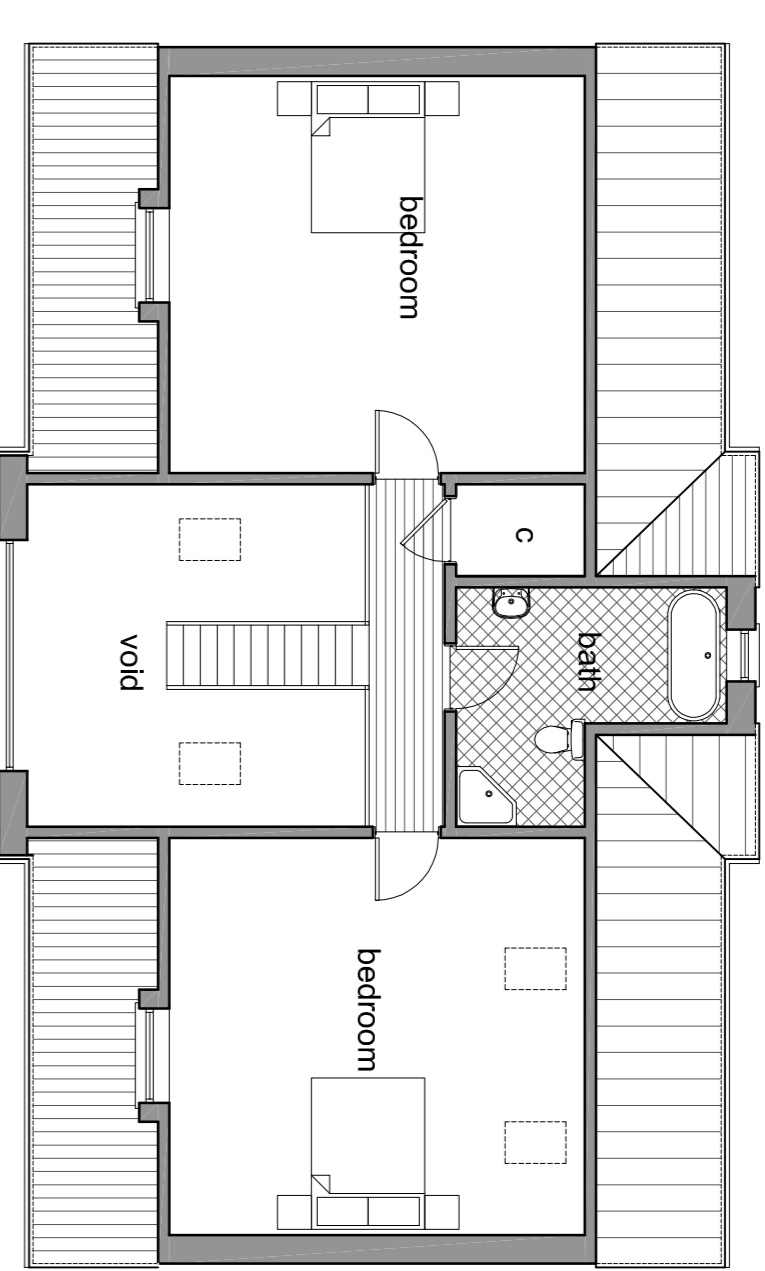
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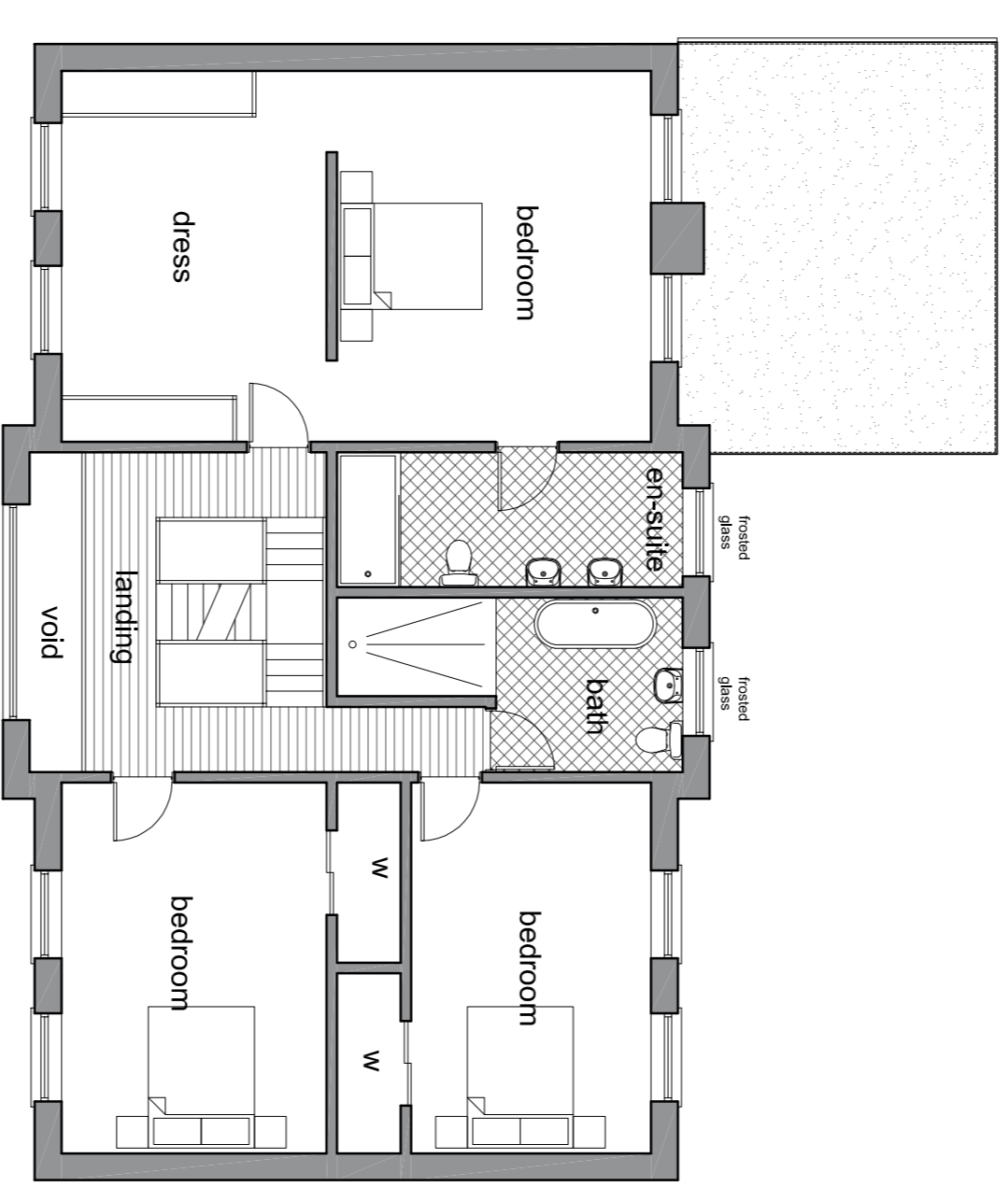
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**Second Floor Plan**  
 Scale: 1:100



**First Floor Plan**  
 Scale: 1:100



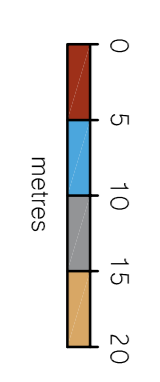
**Ground Floor Plan**  
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**SITE PLAN KEY**

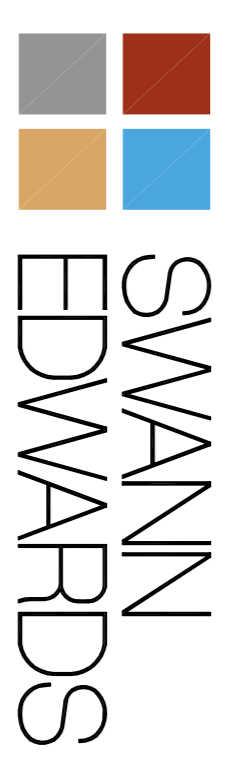
- Indicates terrace cross over to County Council Standards
- Indicates proposed patting - shrubs and ground cover
- Indicates that box in accordance with ecologists details
- Indicates permeable block paving (overlay)
- Indicates proposed native hedgerow
- Indicates that box in accordance with ecologists details
- Indicates gravel drive
- Indicates proposed trees
- Indicates proposed 1.8m wide footpath (to West of Plot 10)
- Indicates permeable paving
- Indicates proposed lawn
- Indicates existing trees and planting
- Indicates existing hedgerow to be retained
- Indicates existing buildings
- Indicates existing buildings

**Site Plan**  
 Scale: 1:500



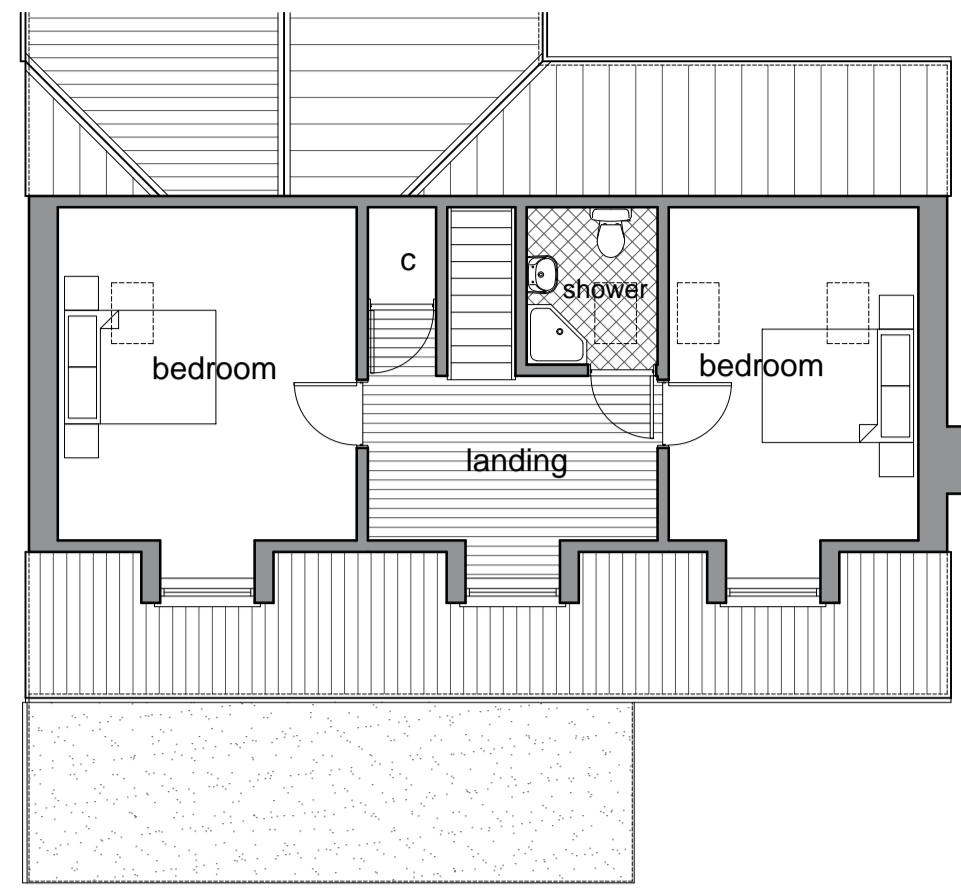
**FOR APPROVAL**

Revisions	Description
A	April 2016: Site Plan Updated & Floor Plans Added for Client Approval
B	May 2016: Updated following Client Meeting
C	May 2016: Updated following Consultant Input
D	Dec 2016: Updated following FRA Consultant Input
E	Jan 2017: Boundary to 1 Christopher Drive Updated
F	Feb 2017: Updates Following Highway's Comments
G	May 2017: Updated Site Plan for Draft Discussions with Planning and Tree Officer
H	June 2017: Updated Site Plan following Planning Officers comments 05-06-17
I	June 2017: Updates following meeting with J Thomas as highlighted
J	Oct 2017: Site Section Lines Added Plots 3, 4, 9, 10 Fashion Altered
K	Nov 2017: Updates Following Officer Comments
L	March 2018: Updates Following Highway Comments
M	April 2018: Updates Following Highway Comments
N	May 2018: Updates Following Highway Comments



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 T 01945 450844 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title: **Architect**  
 Date: **Sep 2016**  
 Scale: **As Shown**  
 Drawing No: **SE-429**  
 Site Plan & Floor Plans & Elevations  
 Rev No: **01**  
 Drawn by: **JB**  
 Revision: **N**



Second Floor Plan  
(Part) Scale: 1:100



Front Elevation  
Scale: 1:100



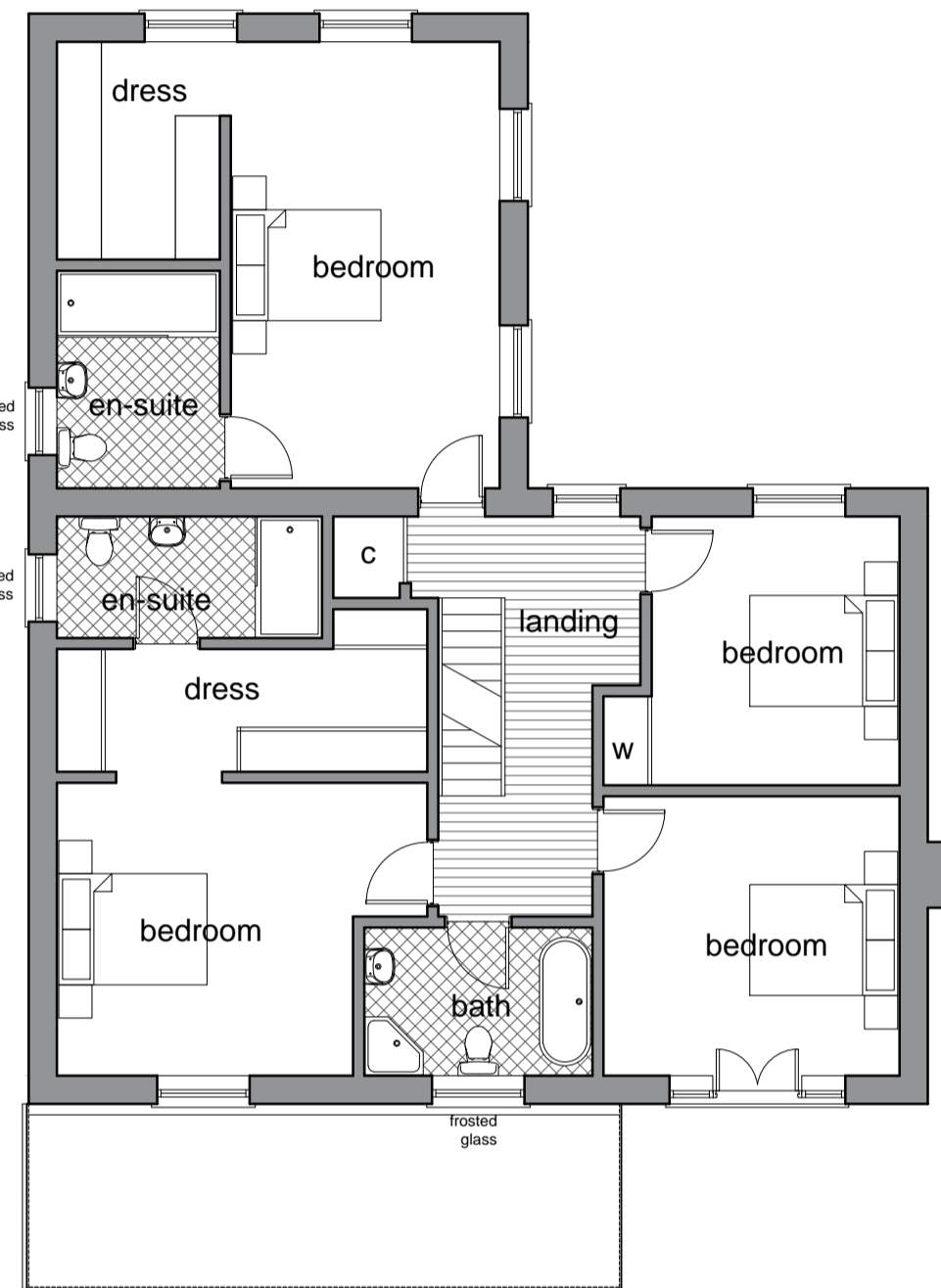
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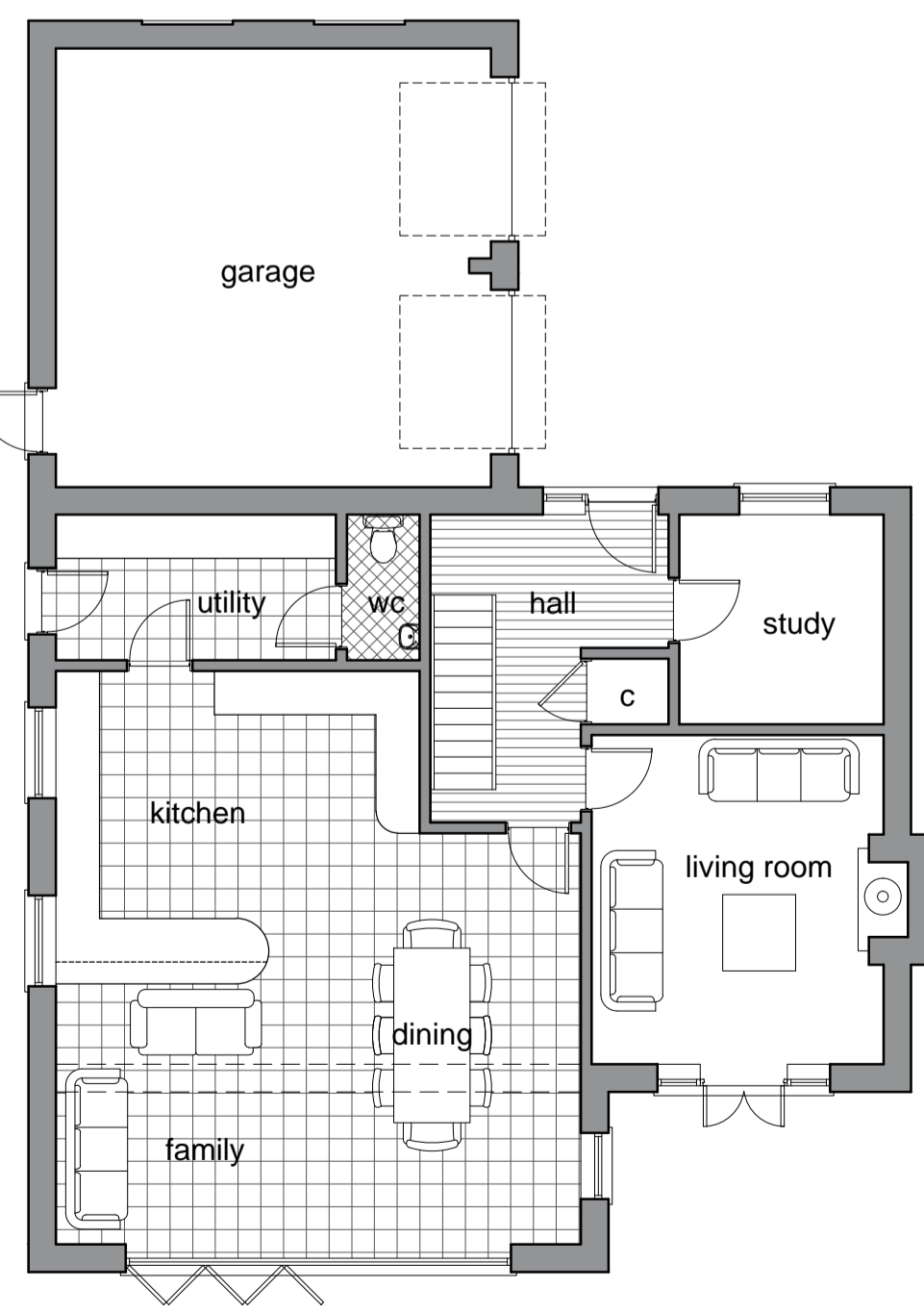
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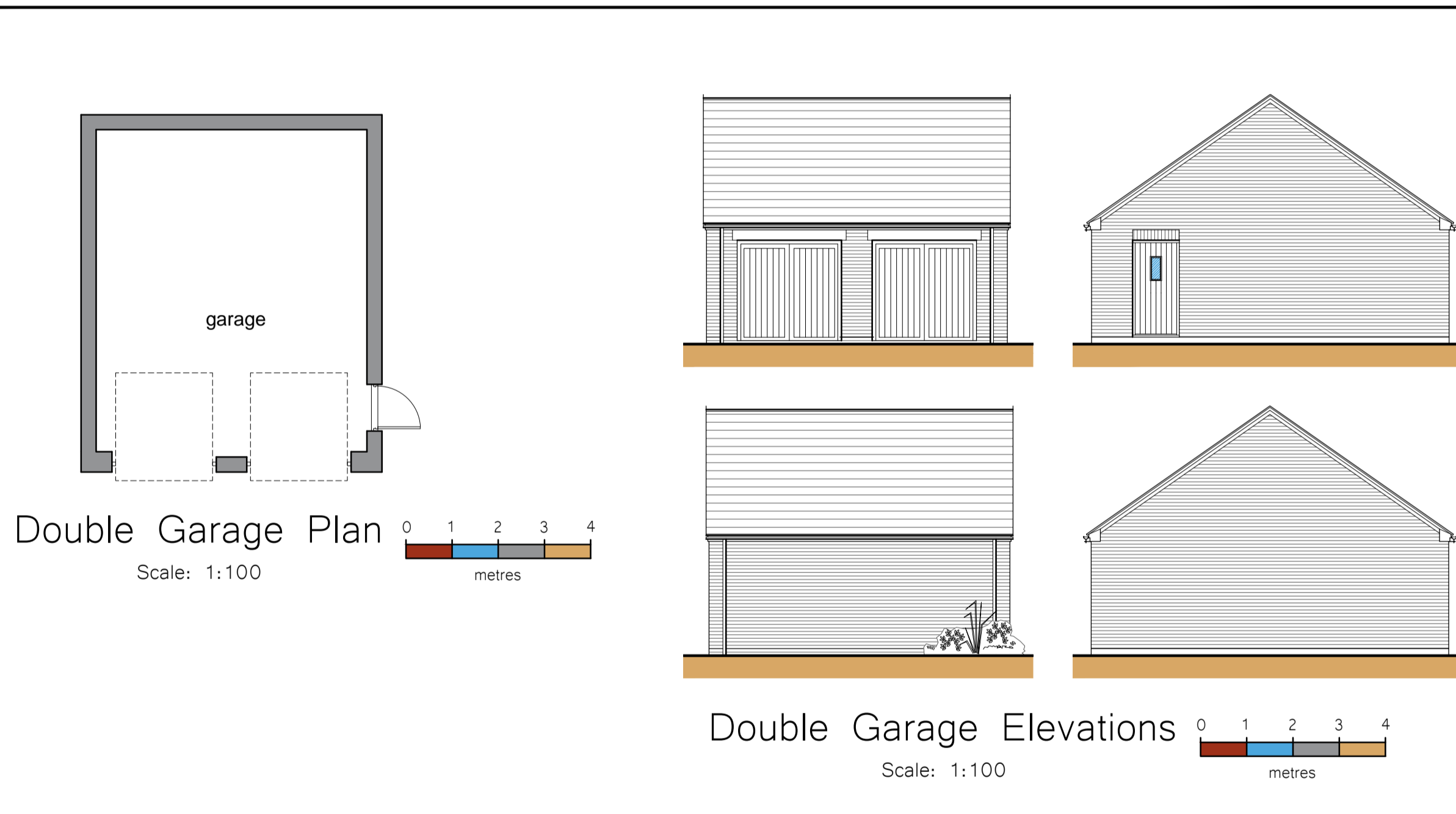
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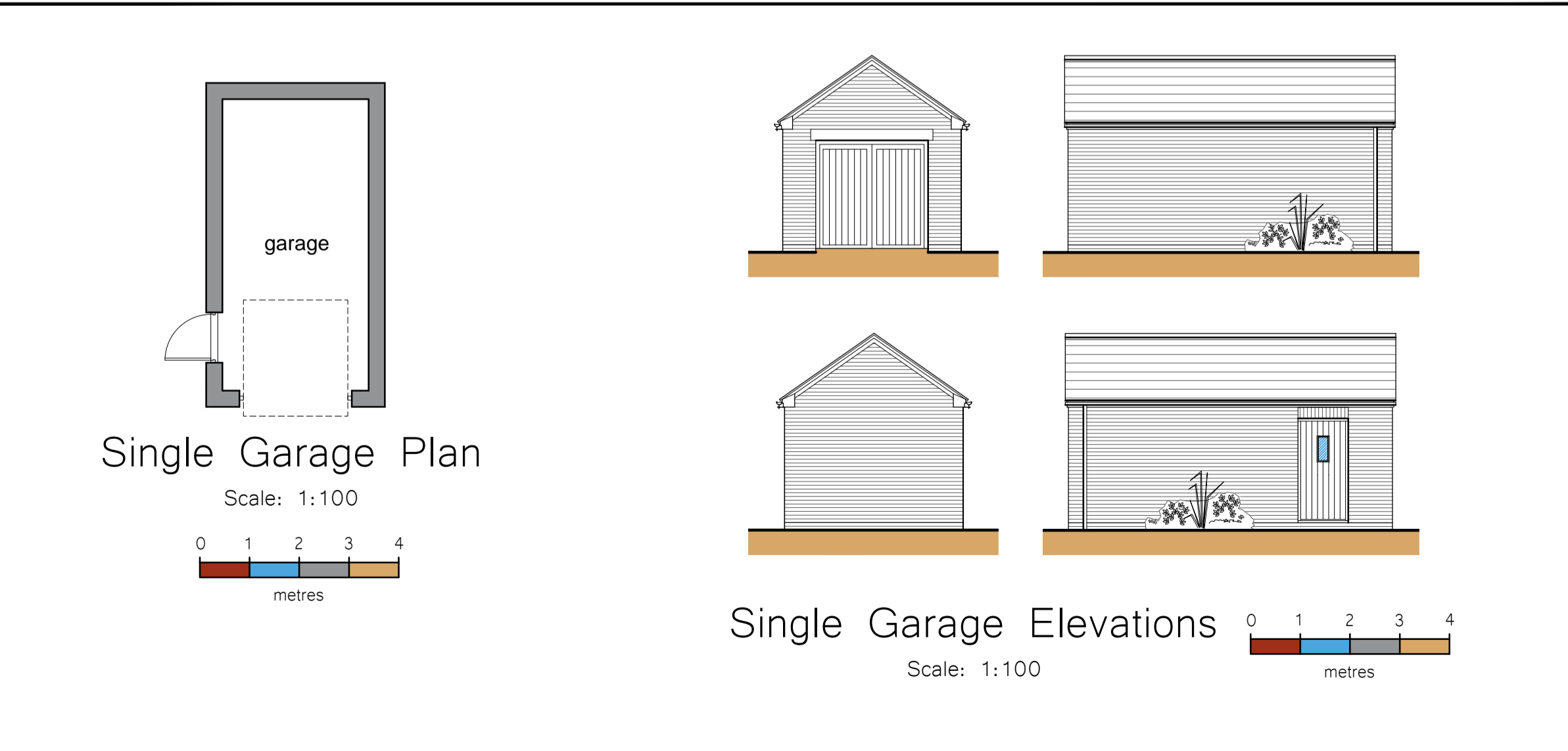


Ground Floor Plan  
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Double Garage Plan  
Scale: 1:100

Double Garage Elevations  
Scale: 1:100



Single Garage Plan  
Scale: 1:100

Single Garage Elevations  
Scale: 1:100

- General Notes
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  4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  5. Any discrepancies are to be brought to the designers attention.

Revisions		
A	Sept 2016	Front Bedroom Windows
B	Oct 2016	Garage Drawings Added
C	June 2017	Updated Site Plan following Planning Officers comments 05-06-17
D	Oct 2017	Updated Site Plan following Planning Officers comments 26-09-17
E	Nov 2017	Updates Following Officer Comments

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title	Date	Scale
Proposed Residential Development The Chase, Leverington, Wisbech East Anglian Developments Ltd	Sep 2016	As Shown Sheet Size A1
Drawing Title	Job No.	Drawn by
Planning Drawing Type F Floor Plans & Elevations	SE-429	JB
	Dwg No.	Revision
	04	E

TYPE F



Front Elevation  
Scale: 1:100



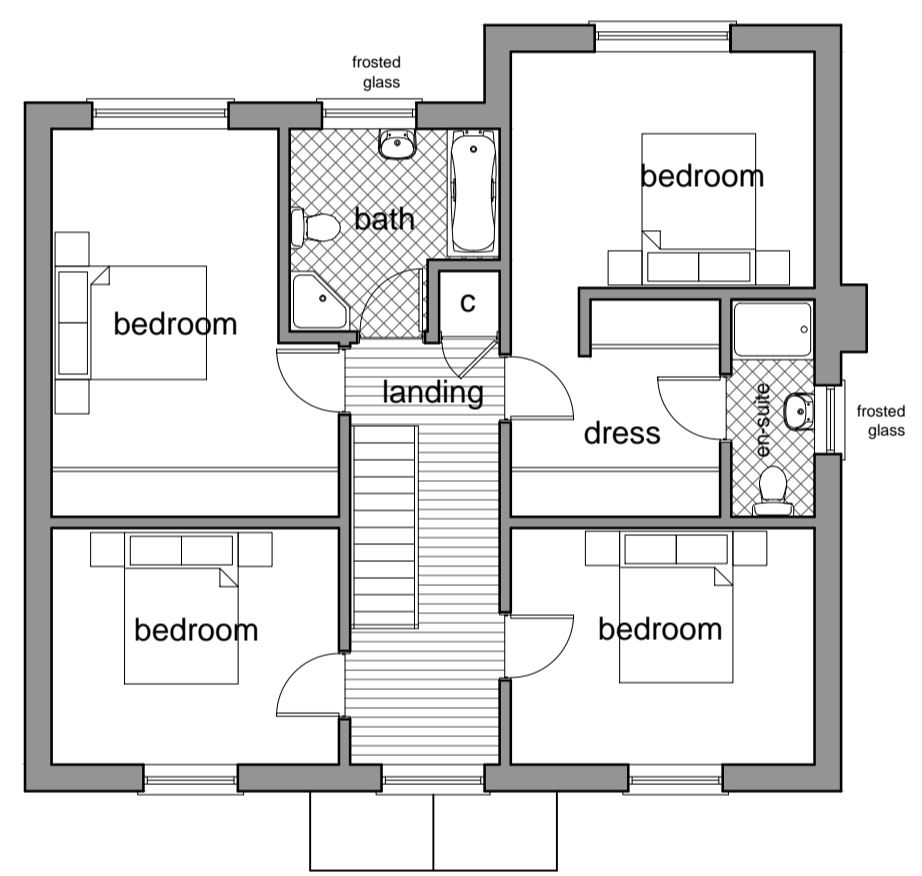
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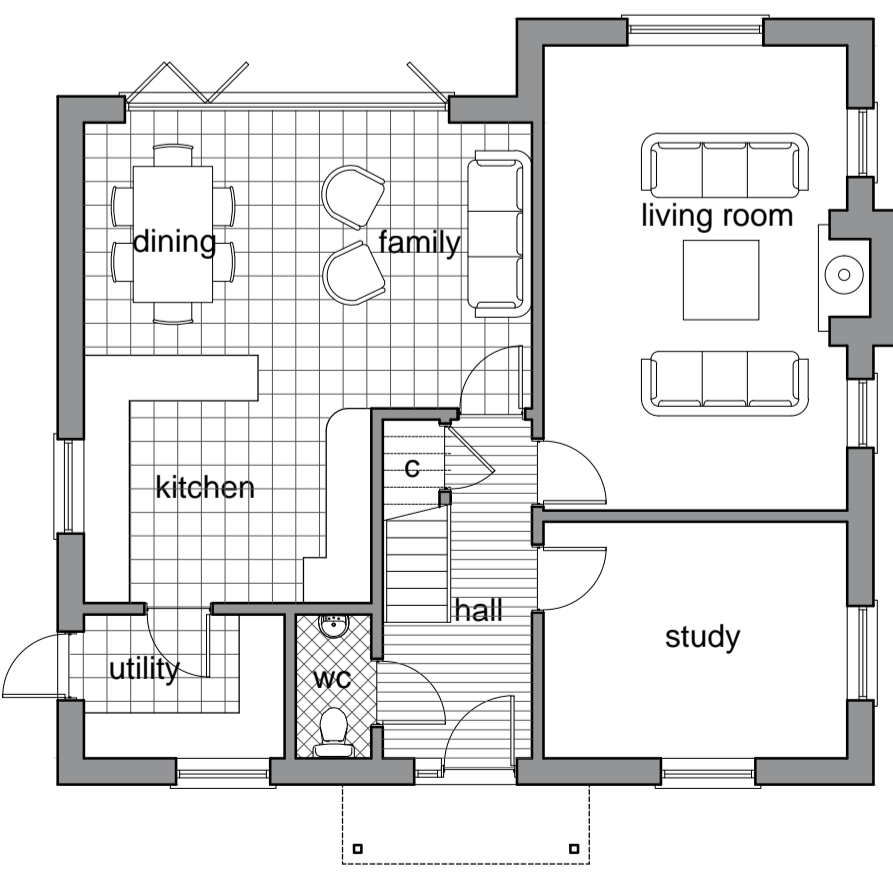
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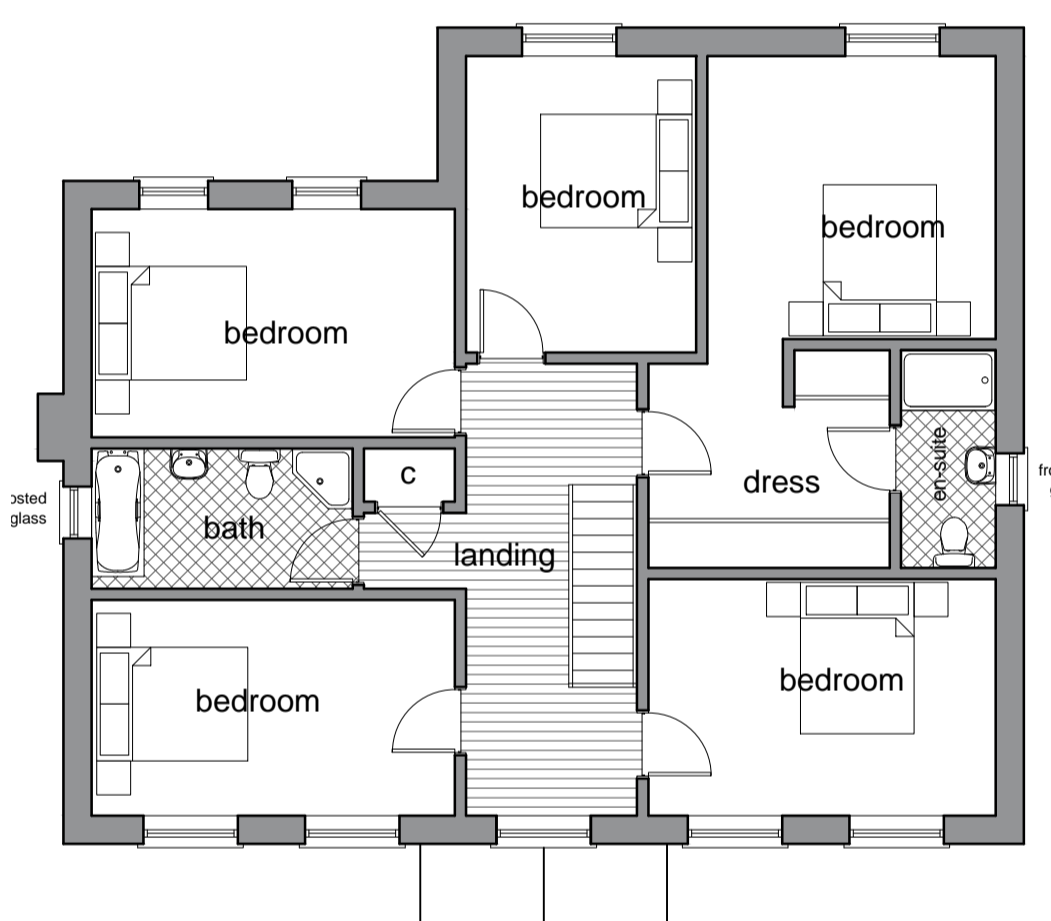
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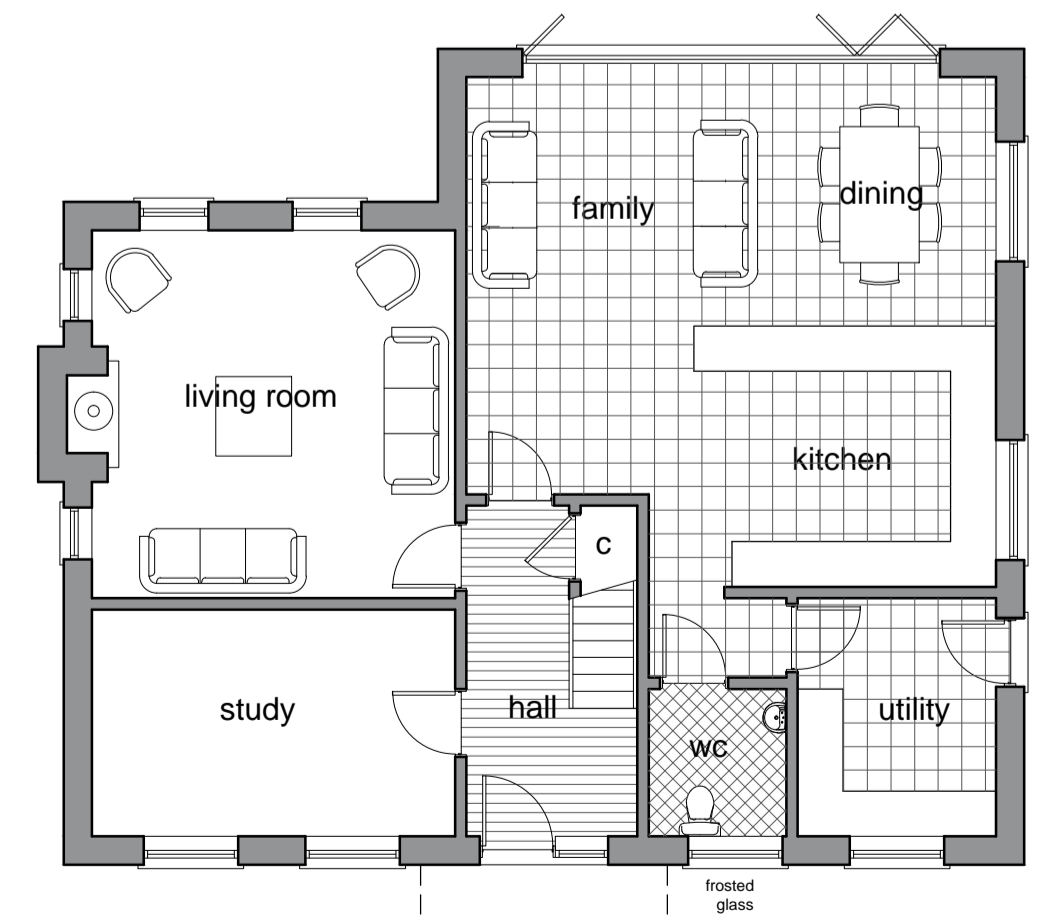
First Floor Plan  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100



First Floor Plan  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100



Front Elevation  
Scale: 1:100



Side Elevation  
Scale: 1:100



Rear Elevation  
Scale: 1:100



Side Elevation  
Scale: 1:100

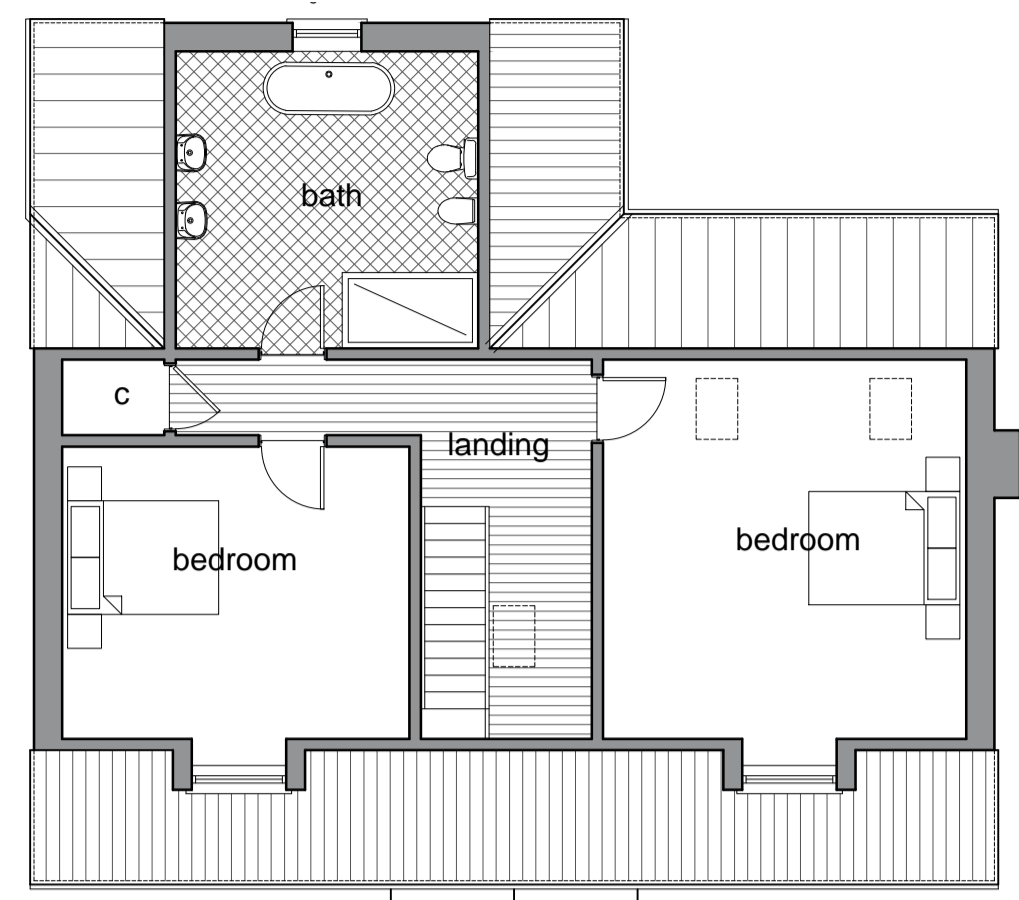
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Revisions	
A	May 2016 Updated Following Client Meeting
B	Nov 2017 Updates Following Officer Comments

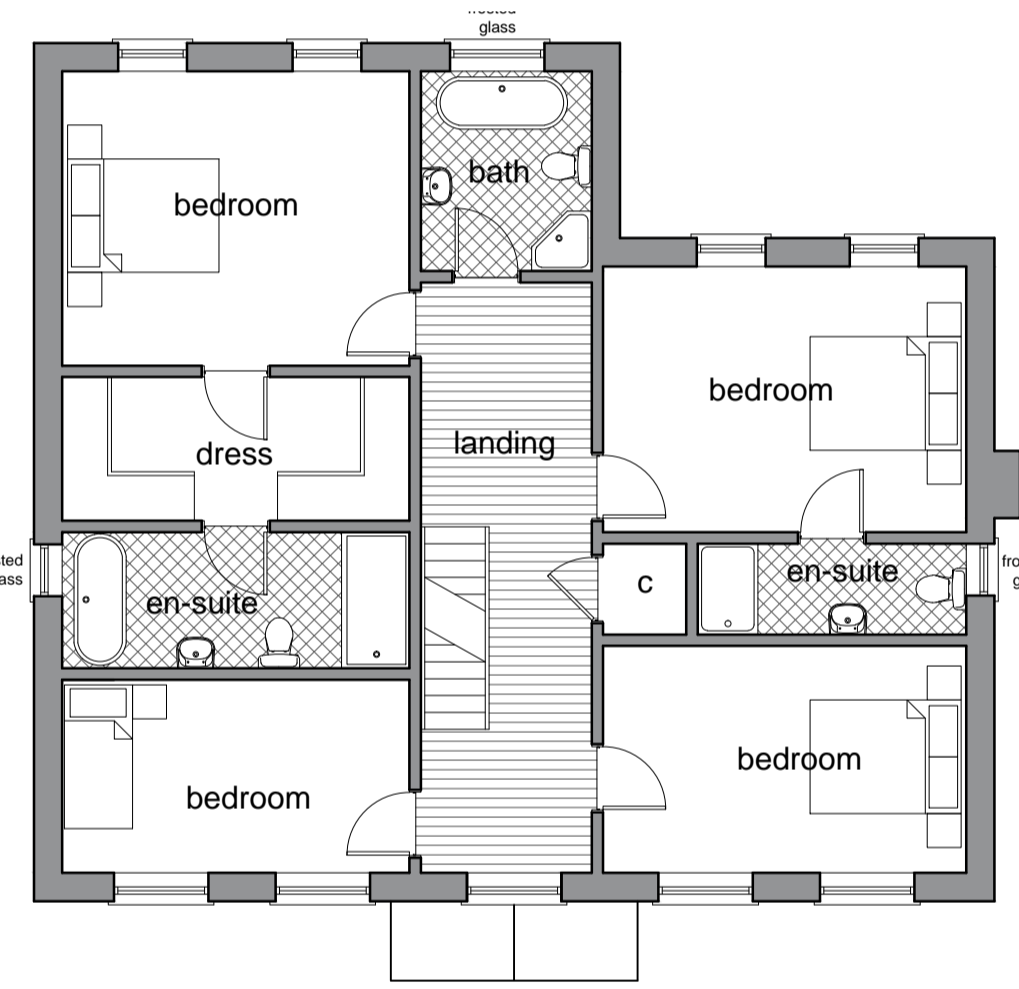
Status  
**FOR APPROVAL**

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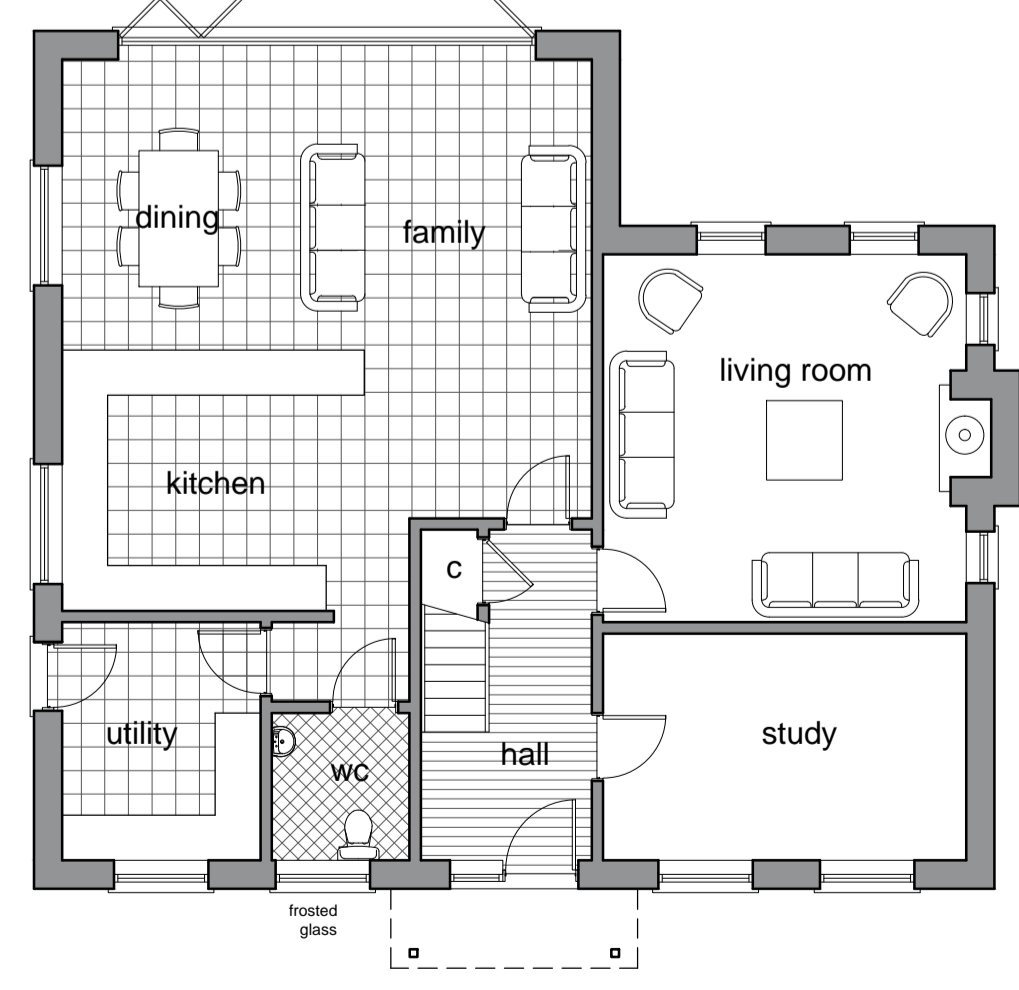
Job Title	Date	Scale
Proposed Residential Development The Chase, Leverington, Wisbech East Anglian Developments Ltd	Sep 2016	As Shown Sheet Size A1
Drawing Title	Job No.	Drawn by
Planning Drawing Type B & C Floor Plans & Elevations	SE-429	JB
	Dwg No.	Revision
	02	B



Second Floor Plan  
Scale: 1:100



First Floor Plan  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100



Front Elevation  
Scale: 1:100



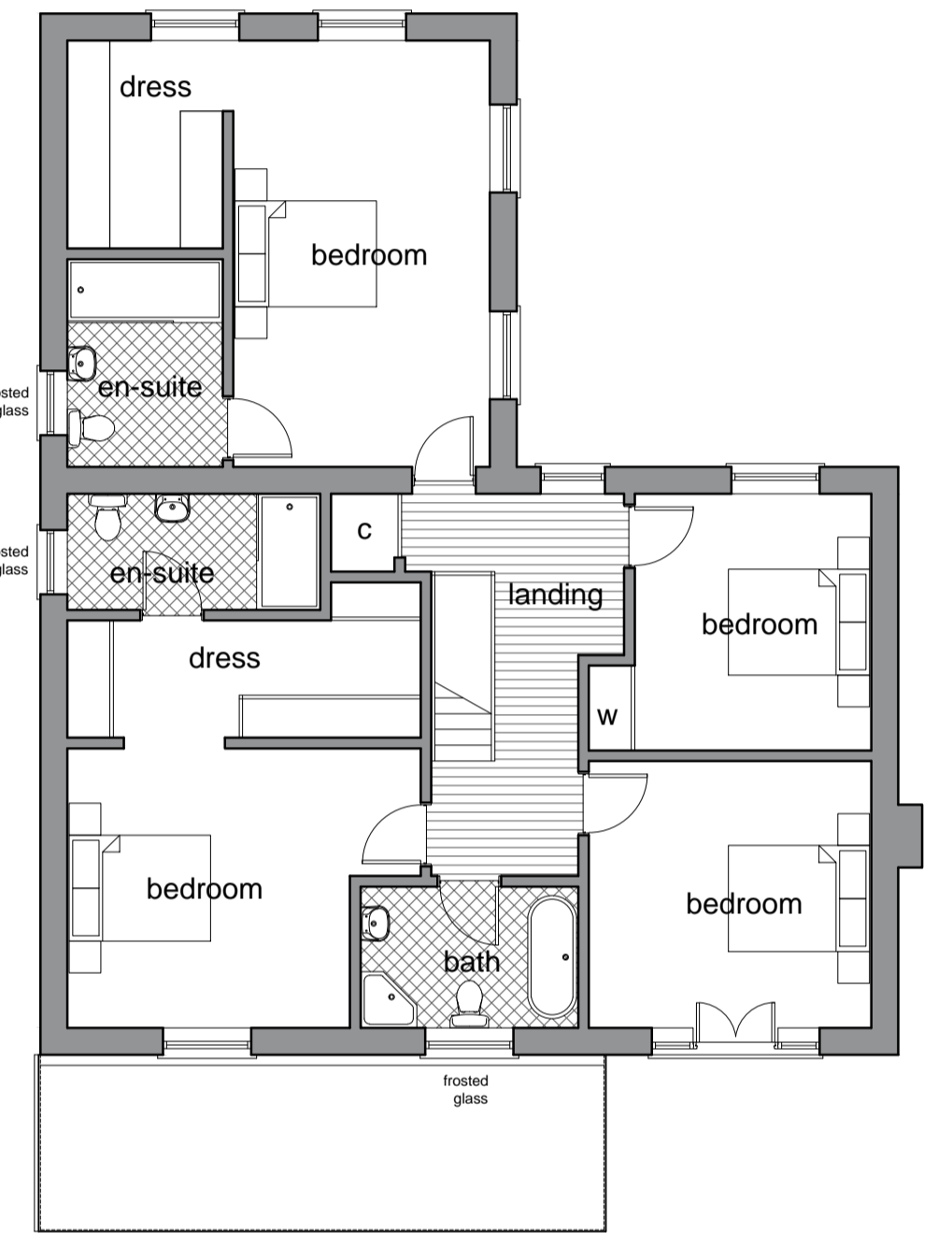
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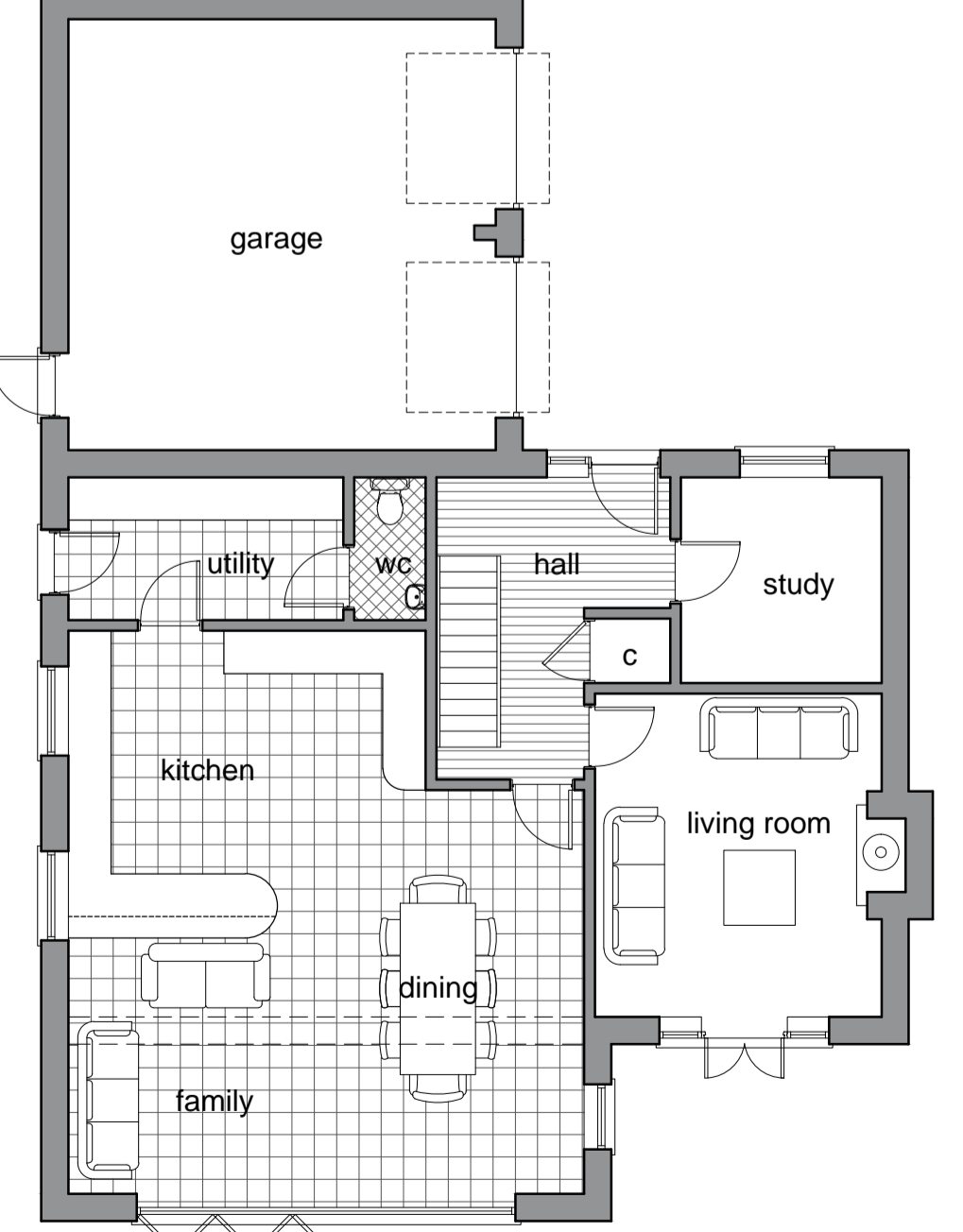
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Side Elevation  
Scale: 1:100



First Floor Plan  
Scale: 1:100



Ground Floor Plan  
Scale: 1:100



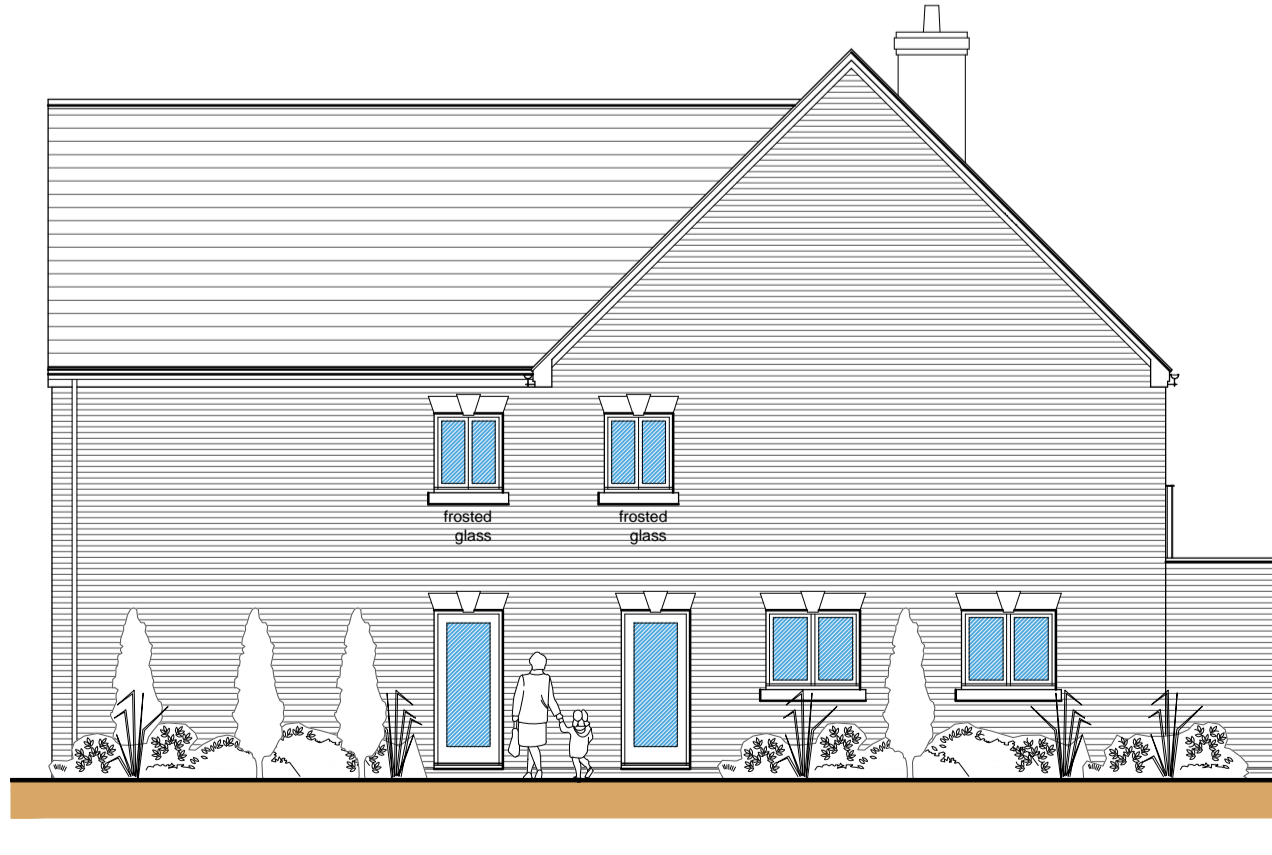
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Side Elevation  
Scale: 1:100



Rear Elevation  
Scale: 1:100



Side Elevation  
Scale: 1:100

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

Revisions		
A	Dec 2016	Updated for Planning Validation
B	Jan 2017	Plot 7 Second Floor Removed
C	Nov 2017	Updates Following Officer Comments

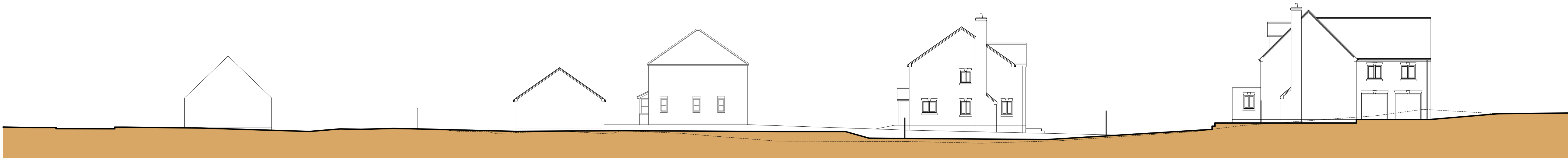
Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

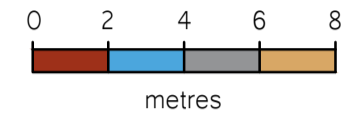
Swann Edwards Architecture Limited, Elveden House, Gull Road, Guyhirn, Wisbech, Cambs, PE13 4ER  
1 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Date	Scale
Proposed Residential Development	Sep 2016	As Shown
The Chase, Leverington, Wisbech		Sheet Size
East Anglian Developments Ltd		A1
Drawing Title	Job No.	Drawn by
Planning Drawing	SE-429	JB
Type D & E		Revision
Floor Plans & Elevations	03	C

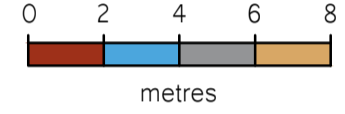
- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
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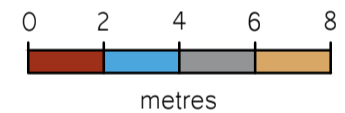
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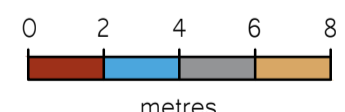
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Section C-C  
Scale: 1:200



Section D-D  
Scale: 1:200



Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

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Job Title	Date	Scale
Proposed Residential Development The Chase, Leverington, Wisbech East Anglian Developments Ltd	October 2017	As Shown Sheet Size A1
Drawing Title	Job No.	Drawn by
Planning Drawing Site Sections	SE-429	CR
	Dwg No.	Revision
	08	

F/YR16/1170/O

**Applicant: Mr J Blake**

**Agent : Mr Grahame Seaton  
Grahame Seaton Design Ltd**

**CFC Disposals Limited, Upwell Road, Christchurch, Wisbech**

**Erection of up to 16no dwellings (Outline with matters committed in respect of access)**

**Reason for Committee: The Officers recommendation is contrary to Christchurch Parish Council's.**

---

## 1 EXECUTIVE SUMMARY

The application seeks outline planning permission for the residential development of the site for up to 16 dwellings. The application is in outline with only access committed.

The site lies in the settlement of Christchurch and comprises a brownfield site currently in use for the recycling of 'white goods'.

The site is considered capable of being developed without harming neighbouring residential amenity subject to careful design at reserved matters stage and subject to contaminated land remediation. In addition, the development would remove a non-conforming use of the land when considered against the adjacent residential uses.

The development would place burdens on local infrastructure which would be required to be mitigated through financial contributions and the provision of affordable housing or a contribution towards off-site delivery. The applicant has not entered into a S106 agreement to mitigate the impacts of the development and no justification has been provided for this by way of a viability assessment.

Whilst there are clear benefits that weigh in favour of the scheme in terms of housing delivery and removal of a non-conforming use, the unmitigated infrastructure demands arising from the development, contrary to LP5 and LP13, weigh against the development.

It is considered that the benefits do not outweigh this policy conflict and the application is therefore recommended for refusal.

## 2 SITE DESCRIPTION

- 2.1 This application relates to a 0.8 hectare site located on the eastern side of Upwell Road on the northern edge of the village of Christchurch. The site is currently occupied by CFC Disposals who refurbish and recycle various 'white Goods'. There is existing vehicular access off Upwell Road serving the business activity. There are a variety of 6 commercial buildings on the site with considerable amount of open storage. The site is considered to be a brownfield location. To the south is a detached dwelling known as 'Richden.' To the north and east of the site is open countryside.

### 3 PROPOSAL

- 3.1 The application is in outline for up to 16 dwellings and the position of an access off Upwell Road. Matters of layout, scale, appearance and landscaping are reserved for future consideration. The application includes an indicative plan that seeks to demonstrate that 16 dwellings could reasonably be accommodated on the site.
- 3.2 The application includes the following supporting documents:
- Design And Access Statement;
  - Flood Risk Assessment
  - Amended Surface Water Strategy
  - Ground Condition Desk Study and Risk Assessment.
- 3.3 Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

F/YR07/0292/F	Stationing of a residential caravan (renewal of planning permission F/YR04/3008/F)	Granted	05/01/2007
F/YR04/3008/F	Continued use of land for stationing of a residential caravan	Granted	13/04/2004
F/95/0557/F	Erection of 2-storey building for ground- floor retail and offices and first-floor dwelling; cladding and elevational alterations to existing storage/repair building and associated works to forecourt	Granted	24/01/1996
F/92/0091/F	Use of land and buildings for Use Classes A1 (Shops) B1 (Business) B2 (General Industrial) B4(c) (recovering metal from scrap) and B8 (Storage) including recovery of CFCs from redundant refrigerators/freezers	Granted	15/09/1992
F/0566/84/F	Erection of a Volvo tractor servicing and sales building with associated vehicle sales storage and display areas		23/08/1984

### 5 CONSULTATIONS

#### 5.1 Christchurch Parish Council

Does not object but highlights concern regarding the indicative plan indicating houses forward of the building line, and refer to some existing trees on the site. Also highlights issues of street lighting and recreational infrastructure needs.

#### 5.2 The Environment Agency

Refers to its advice regarding contamination which is included as an informative. The agency has no objection.

#### 5.3 CCC Lead Flood Authority (LLFA)

Originally objected but following updated information submitted by the applicant demonstrating the approximate required attenuation storage volumes and an indicative location for attenuation the LLFA no longer objects subject to conditions.

#### 5.4 Cambridgeshire Fire and Rescue,

Requests adequate provision for Hydrants via a legal agreement.

### 5.5 **FDC Environmental Services Waste Management**

Highlights the need to provide appropriate waste collection facilities and a planning condition is attached.

### 5.6 **FDC Housing**

Considers an affordable housing contribution equivalent to four dwellings in accordance with the Local Plan policy.

### 5.7 **CCC Local Highways Authority (LHA).**

Advises that the new access road should be constructed to an adoptable standard. The road should be a minimum of 5m wide with 2m wide footways either side. Alternatively the access road should be a 5.5m wide shared surface road with 0.5m wide margins. With this arrangement the access should be in accordance with appendix 7 of Cambridgeshire County Councils Housing Estate Road Construction Specification 2013.

Requests that a 30mph speed limit throughout the application site potentially by legal agreement.

Vehicle to vehicle visibility splays should be detailed on the plan as 2.4m x 120m with no obstruction over 0.6m at the intersection with Upwell Road.

### 5.8 **Cambs Police**

Raises no objection. Considers this to be an area of low vulnerability to crime. Advises they would be happy to discuss Secured by Design and measures to mitigate against crime and disorder should the application be successful.

### 5.9 **Local Residents/Interested Parties**

No comments received

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### 7.1 **National Planning Policy Framework (NPPF)**

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

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

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

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

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

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

## 7.2 National Planning Practice Guidance (NPPG)

Viability

## 7.3 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

LP19: The Natural Environment

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

## 8 KEY ISSUES

- Principle of Development
- Highway Safety
- Ground Contamination
- Residential amenity
- Economic Growth
- Infrastructure Contributions

## 9 ASSESSMENT

### Principle of Development

- 9.1 Policy LP3 considers Christchurch to be a 'Small Village' where development will be considered on its merits but will normally be of a very limited nature normally limited in scale to residential infilling. A development of 16 dwellings is not small in scale or of an infilling nature. However this development is brownfield in character and will result in the redevelopment of something of a discordant element in this otherwise quiet rural village. Development of this site will not result in a change to the settlements built footprint, and will not lose green fields or agricultural land and replace a somewhat unsightly piece of land. It is considered that a satisfactory design is likely to enhance the character of the area capable therefore of according with LP16(d). Therefore the merits of this proposal are considered to outweigh considerations of scale and accord with sustainable objectives set within the NPPF.

### **Highway Safety**

- 9.2 The key details are required to be provided by condition. The point of access is considered to be acceptable located on a straight section of Upwell Road. The applicant has confirmed that the appropriate visibility can be provided.
- 9.3 The request for a 30 mph speed limit to a cul-de-sac approximately 150 in length is not considered to be reasonable. Built up areas that have no other speed limits are assumed to be 30mph. To require a legal agreement is not considered necessary which therefore fails the test contained within the CIL Regs.
- 9.4 The Highway Authority raises no other objection. The proposal is therefore considered capable of complying with Policy LP15.

### **Ground Contamination.**

- 9.5 The site has a history of commercial uses including use of petrol pumps therefore underground storage tanks, and has recently stored white goods with potential contamination issues. The applicant has submitted a desktop study and risk assessment considered acceptable by the Council's Environmental Health Officer. However a more detailed invasive survey is required including soil tests and identification and mitigation of any underground fuel tanks, to ensure the site is safe for occupation. This is included by planning condition prior to commencement of the development. Subject to the findings appropriate mitigation will be required. Therefore the scheme is considered capable of according with policy LP16(l).

### **Residential amenity**

- 9.6 There is a single detached dwelling abutting the site. There is a commercial building that currently abuts the side boundary with the house in a perpendicular juxtaposition. Any development of houses will need to address the relationship as regards impact on privacy particularly the immediate rear garden of the existing house. The indicative layout suggests rear gardens of only 7 metres in this area. It maybe that a detailed submission would benefit from single-storey properties in this position in order to negate any overlooking issues. However this would be a matter for detailed consideration. It is considered that the site is capable of providing 16 dwellings in a satisfactory manner and therefore is capable of complying with Policy's LP2 and LP16(e).

### **Economic Growth**

- 9.7 A development of this nature is likely to result in some short term economic benefits during construction.

### **Infrastructure contributions.**

- 9.8 The applicant is required to provide the following:
- 9.9 Open space contributions taken from FDC's Supplementary Planning Document, Developer Contributions.

• Neighbourhood Parks	£ 3,200
• Childs Play	£ 3,200
• Natural Greenspace Total	£ 4,000
• Allotments	£ 800
• Outdoor sports	£ 6,400
<u>Total</u>	<u>£17,600</u>

- 9.10 Following the Parish Council comments it is considered that contributions can be towards some extra equipment. It therefore seems entirely appropriate to combine Childs Play and outdoor sport towards Christchurch Parish Council's upgrade of play/sports equipment.
- 9.11 A Secondary School contribution £38,333 per child. The proposal, if built to 16 dwellings, would result in 4 places.
- 9.12 Affordable housing, can either be provided as 4 dwellings, (3 rented, 1 shared ownership) based on 16 houses, or as an off-site contribution of 55% of Open Market Value (OMV) for a rented dwelling and 65% of OMV for a shared ownership dwelling.
- 9.13 The applicant has advised that they do not consider that the site is viable to provide any infrastructure contributions in view of the costs involved in remediating the site in preparation for a residential use.
- 9.14 Policy LP13 states that planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development. Developers will either make direct provision or make a contribution towards this infrastructure.
- 9.15 The Council expects development to deliver affordable housing in-line with the targets set out in LP5 but will negotiate with developers is an accurate viability assessment indicates these cannot be met in full.
- 9.16 The matter of viability is a material consideration in the determination of a planning application and the LPA recognises the need to balance infrastructure viability issues with the benefits of bringing forward development. However, paragraph 57 of the NPPF sets out that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs.
- 9.17 The Officers have worked proactively with the applicant in providing time to undertake a viability assessment of the scheme and submit this for the Council to appraise. However, the applicant has not provided any such assessment and therefore Officers are unable to apportion any weight to the viability issues the applicant claims.

## **10 CONCLUSIONS**

- 10.1 This application is for the principle of up to 16 dwellings and the point of access only. The site is within the built settlement of Christchurch a Small Village in the Council's Settlement Hierarchy where only small scale development is normally permitted. The proposal is not a small scale or infilling development. However it will result in development of a brownfield site and is considered capable of having no detriment to the character of the settlement.
- 10.2 The site is considered capable of being developed without harming neighbouring residential amenity although careful design on properties abutting the existing neighbour needs to be given.

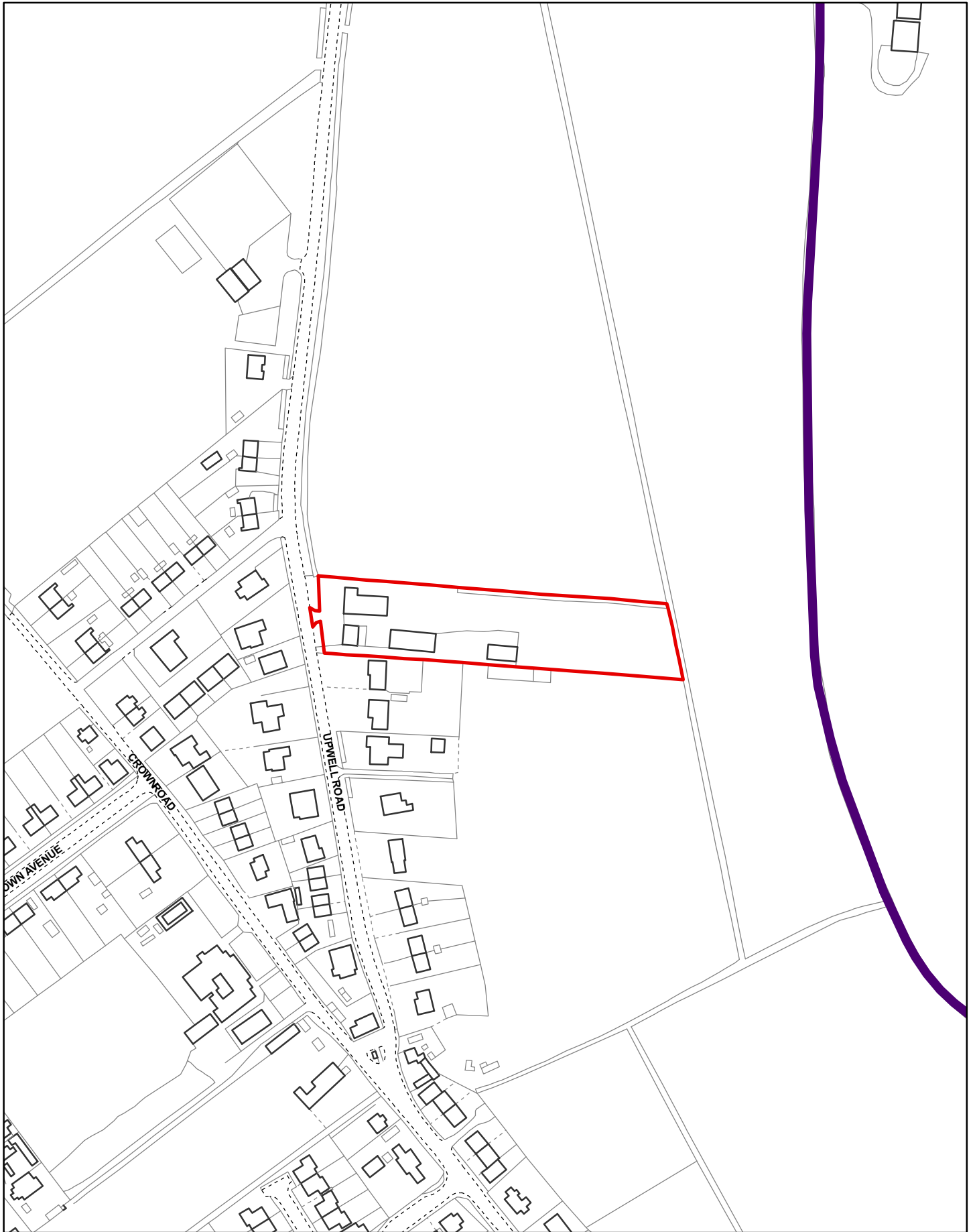
- 10.3 This site has potential for contaminated land and a condition requiring an invasive survey be completed prior to any development takes place. This may require the identification and mitigation of any underground fuel tanks.
- 10.4 The development would place burdens on local infrastructure which would be required to be mitigated through financial contributions and the provision of affordable housing or a contribution towards off-site delivery. The applicant has not entered into a S106 agreement to mitigate the impacts of the development and no justification has been provided for this by way of a viability assessment.
- 10.5 Whilst there are clear benefits that weigh in favour of the scheme in terms of housing delivery and removal of a non-conforming use, the unmitigated infrastructure demands arising from the development, which is contrary to LP5 and LP13 weigh against the development. It is considered that the benefits do not outweigh this policy conflict and the application is therefore recommended for refusal.

## **11 RECOMMENDATION**

### **Refuse for the following reason;**

1. Policy LP5 requires development of 10 or more units to secure affordable dwellings or in exceptional circumstances, financial contributions towards such provision. LP13 requires development to mitigate its impacts through necessary infrastructure contributions.

A planning obligation to ensure the provision of necessary infrastructure and mitigation has not been agreed and completed with the Local Planning Authority. In the absence of such an obligation, the development would be contrary to policy LP5 and LP13 of the Fenland Local Plan, 2014 and paragraph 57 of the NPPF.



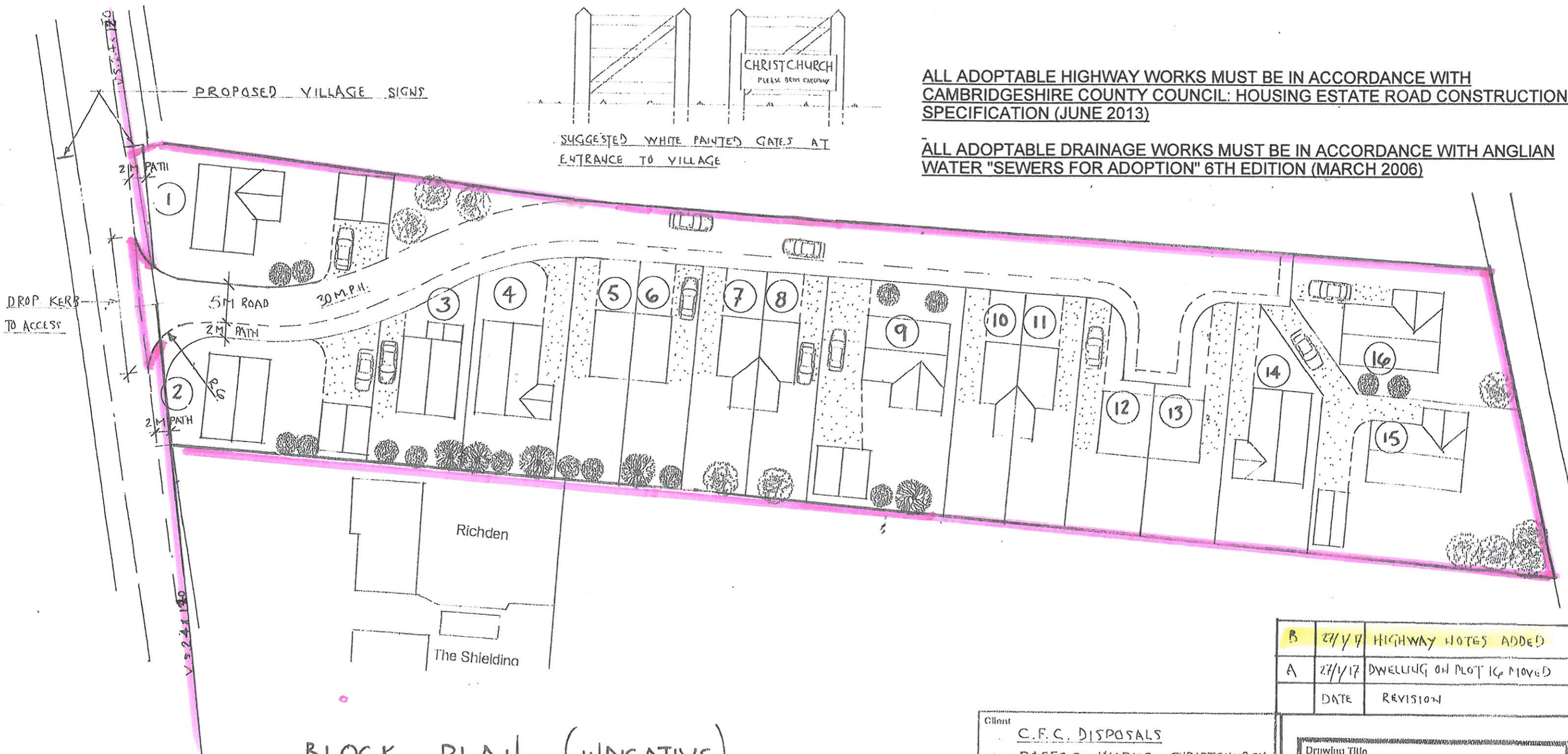
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**F/YR16/1170/O**

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ALL ADOPTABLE HIGHWAY WORKS MUST BE IN ACCORDANCE WITH CAMBRIDGESHIRE COUNTY COUNCIL: HOUSING ESTATE ROAD CONSTRUCTION SPECIFICATION (JUNE 2013)

ALL ADOPTABLE DRAINAGE WORKS MUST BE IN ACCORDANCE WITH ANGLIAN WATER "SEWERS FOR ADOPTION" 6TH EDITION (MARCH 2006)

BLOCK PLAN (INDICATIVE)

PLOT	TYPE	PLOT	TYPE
1	4 BED HOUSE	9	4 BED HOUSE
2	4 BED HOUSE	10	3 BED SEMI
3	3 BED BUNGALOW	11	3 BED SEMI
4	3 BED BUNGALOW	12	2 BED SEMI
5	2 BED SEMI	13	2 BED SEMI
6	2 BED SEMI	14	3 BED BUNGALOW
7	3 BED SEMI	15	3 BED BUNGALOW
8	3 BED SEMI	16	3 BED BUNGALOW

Client  
C.F.C. DISPOSALS  
ROFCO WORKS, CHRISTCHURCH

Job Title  
RESIDENTIAL DEVELOPMENT  
AT ROFCO WORKS,  
CHRISTCHURCH.

Grahame Seaton Design Limited  
 Design & Planning Consultant  
 New Build Domestic & Commercial

67 St. Peters Road, Upwell, Wisbech, Cambs PE14 9EJ  
 Telephone/Fax (01945) 772632 Mobile (07799) 833359  
 Email: gas@grahamseaton.co.uk  
 Directors: G A Seaton M.B.Eng. A.C.I.O.P. B J Seaton

DATE	REVISION
B 27/1/17	HIGHWAY NOTES ADDED
A 27/1/17	DWELLING ON PLOT 16 MOVED

Drawing Title  
BLOCK PLAN  
INDICATIVE

Scale 1:500  
 Date DEC 2015 Drawn by *ASM*

Drwg No. 15/12/1963/2 Rev. B

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F/YR18/0159/O

**Applicant: Mr Goodale**

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

**Land East Of, Stow Lane, Wisbech, Cambridgeshire**

**Erection of up to 28no dwellings (outline application with matters committed in respect of access)**

**Reason for Committee: The Officer's recommendation is contrary to the comments of Wisbech Town Council**

## 1 EXECUTIVE SUMMARY

The application seeks outline planning permission for the residential development of the site for up to 28 dwellings. The application is in outline with only access committed.

The site lies within the East Wisbech strategic allocation which proposes residential development on approximately 73 hectares of land providing for around 1,450 dwellings on the site together with associated infrastructure including a local centre, primary school, open space and drainage. The site proposes a vehicular and pedestrian access leading off a small formalised extension to Stow Lane and a pedestrian route out onto Stow Lane/ Quaker Lane and Meadowgate Lane.

Fenland District Council (FDC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN), alongside landowners and other stakeholders, have developed a Broad Concept Plan (BCP) for East Wisbech. The BCP was approved by Fenland's Planning Committee on 23rd May 2018 and by King's Lynn and West Norfolk's Cabinet on 29th May 2018.

Policy LP7 identifies the importance of planning and implementing strategic allocations and broad locations for growth in a coordinated way, through an overarching BCP that is linked to the timely delivery of key infrastructure.

The proposal in itself raises no technical issues in respect of highways, ecology, drainage or ground contamination and includes pedestrian/ cycle links to enable more sustainable modes of transport to access services and facilities in the centre of Wisbech. However the site is isolated from the wider site allocation and provides no certainty that in the future, it could be served by links to the BCP area to improve permeability. The development therefore offers limited opportunity to link into the wider strategic allocation thereby restricting the ability to minimise the distance needed to travel to access services within the BCP area in the future e.g. schools, leisure and community facilities or to increase the options available to undertake such journeys contrary to the aims of LP7, LP8 and LP15 of the Fenland Local Plan.

## 2 SITE DESCRIPTION

- 2.1 The site comprises 1.3Ha of agricultural land located at the eastern side of Wisbech. The site is overgrown and relatively unmaintained at present.

- 2.2 The site lies within the East Wisbech strategic allocation which proposes residential development on approximately 73 hectares of land providing for around 1,450 dwellings on the site (at least 550 within the King's Lynn and West Norfolk area), together with associated infrastructure including a local centre, primary school, open space and drainage.
- 2.3 The site abuts the south eastern edge of Stow Lane, a public byway (266/14) or Public Right of Way (PRoW) - public byway (266/14) which connects Stow Lane at Stow Gardens (north) to Meadowgate Lane (south). The site is separated by a dense belt of trees and hedgerow along its border with Stow Lane with no existing formal access. A drain runs along the extent of the southern and eastern boundary. The site lies in Flood Zone 1.

### 3 PROPOSAL

- 3.1 The application seeks outline planning permission for the residential development of the site for up to 28 dwellings.
- 3.2 The application is in outline with only access committed. Matters of layout, scale, appearance and landscaping are reserved for future consideration. Notwithstanding this, the applicant has provided an illustrative layout plan to indicate how the 28 dwellings could be arranged within the site.
- 3.3 The access is proposed to be located off the unmade public byway at Stow Lane at the north of the site and includes widening a 60m stretch of the byway to link it to the made highway to upgrade this to adoptable highway.
- 3.4 The indicative layout plan denotes a main route through the site leading north to south, with secondary accesses spurring off to serve some dwellings. An area of open space is proposed to the north adjacent to Stow Lane. A pedestrian access is indicated at the south of the site leading onto the intersection of Stow Lane/ Quaker Lane and Meadowgate Lane.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/0998/89/O	Residential development (1.28 ha) Land Rear Of 23 - 29 Quaker Lane Access Via Stow Lane Wis	Refused	14/12/1989
F/0426/88/O	Residential development (1.28 ha) Land to the rear Of 29 Quaker Lane Access Via Stow Lane Wi	Refused	08/11/1988
F/0260/84/O	Erection of a detached dwellinghouse North of The Old Gate House Meadowgate Lane Wisbech North Of The Old Gate House Meadowgate Lane Wisbech	Granted	17/05/1984
F/0474/82/O	Residential development Land off Stow Lane, Wisbech	Refused	08/12/1982

### 5 CONSULTATIONS

#### 5.1 Wisbech Town Council

Application is supported.

**5.2 Cambridgeshire County Council (Growth & Economy)**

Requests contributions towards pre-school facilities at Peckover School; primary schools facilities at Nene Infant and Ramnoth Junior and secondary facilities at Thomas Clarkson Academy and libraries and lifelong learning.

**5.3 Kings Lynn & West Norfolk Borough Council**

Holding Objection is raised on the grounds of prematurity until the BCP for the overall allocation is finalised, as the development in isolation could prejudice the implementation of that overall plan.

**5.4 Kings Lynn Drainage Board**

Offers standing advice relating to byelaws and Board's consents.

**5.5 Cambridgeshire County Council Highways Authority**

Raises concerns over whether the access can be delivered through the Stow Lane extension as proposed. Notes that the public right of way has an unspecified width and therefore the applicant could be reliant upon third party land to deliver the access. Provides the following recommendation based on an assumption that the red edge site curtilage is correct and the applicant has the available land to deliver the access as indicatively proposed, subject minor amendments to be agreed prior to commencement.

Considers that the development forms part of the East Wisbech BCP area and therefore this site should be considered as part of the wider BCP. This is to ensure the proposed development is integrated with the BCP and does not preclude any access opportunities for the BCP area. This is matter for FDC to consider from a policy compliance viewpoint rather than a matter of highway safety.

Advises that the site access infrastructure in geometry terms is very tight and is not conducive to CCC road adoption requirements. Recommends the access layout is resubmitted to achieve a more generous kerb radii, noting that 7.5m radius kerbs do not exist and therefore 8m kerb radii should be applied. Satisfied acceptable details can be submitted at a later stage and that this can be controlled by condition.

The crossing point will need to be moved to the tangent point which will mean that the footway will need extending slightly. Tactile paving should be detailed as being installed across Stow Road.

Advises that the location of the access influences the alignment of the estate road into the site. The first bend on the development access road is also too tight and is not conducive to CCC road adoption requirements, by virtue of it not being suitable to support two way traffic. A more generous kerb swept with localised widening should be applied to this bend.

Whilst the LHA accepts this is a matter relating to layout that could be addressed at reserve matters stage, the access and layout in this particular case are intrinsically linked. It is for this reason it's deemed appropriate to impose a pre-commencement condition that requires resubmission of the access details should permission be granted.

From a policy point of view, the LHA recommends the application is refused due to the unknown implications this development could have on the deliverability of the East Wibech BCP.

If FDC are minded to grant, the following conditions are required;

1. Prior to commencement of development full details of;
  - a) The layout of the site, including roads, footways, cycleways, buildings, visibility splays, parking provision and surface water drainage.
  - b) The siting of the building(s) and means of access thereto.
  - c) Visibility splays
  - d) Parking provision
  - e) Turning Area(s)

Prior to commencement of development full details of;

-The widening to 5.5m and extension of Stow Lane (as indicatively detailed on submitted [access] plan. Details submitted shall include road widths (including alignment geometry and kerbing), footways, visibility splays, street lighting, surface water drainage and construction details.

-Details of the layout of the proposed means of vehicular access (including alignment geometry and kerbing), footways, visibility splays, street lighting, surface water drainage and construction details.

The occupation of the development shall not begin until those works have been completed in accordance with the local planning authority's approval and have been certified in writing as complete by or behalf of the Local planning authority.

#### **5.6 CCC Public Rights of way (PRoW)**

Stow Lane is recorded on the Definitive Map and Statement as Byway Open to All Traffic No. 14 Wisbech. As a Public Byway, the public have the right to pass and repass long the whole route on foot, bicycle, horse, horse-drawn carriage and motorised vehicles, including agricultural vehicles. The developer should be made aware that the County Council does not own the byway. The highway rights are simply vested in the County Council as Highway Authority. The County Council does not know who the owner of the subsoil is and the developer will need to satisfy themselves as to this.

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

There is no legally defined and recorded width for this byway, and we are not able to advise what it would be. As the dimensions are not known, we cannot guarantee that the applicant would be able to improve the byway to secure a road and footway to an adoptable standard that may be required by the Local Planning Authority (LPA). An applicant therefore would proceed with any development that might affect the highway at their own risk.

It may be necessary to undertake minor works just to improve the surface of the track of the byway, but it would remain a byway. The applicant would need to discuss this further with the Highway Authority (HDM) if they wish to proceed.

Requests a pre-commencement condition requiring an access scheme for the design of the PRoW improvement/ alteration to accommodate the development.

#### **5.7 FDC Scientific Officer (Land Contamination)**

Raises no objections to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Contaminated land is not considered an issue.

#### 5.8 **Cambs Police**

Raises no objections at this stage.

Has reviewed Police incidents over the last six months. Considers the area around Stow Lane is low to medium in regards to vulnerability to crime.

Advises they would be happy to work with the developer regarding layout and design and lighting for the site.

#### 5.9 **Anglian Water Services Ltd**

AW has assets within or close to the development and requests an informative.

Foul drainage has capacity in the West Walton Water Recycling Centre.

Surface water disposal does not affect AW assets and therefore unable to comment. The EA should be consulted if the drainage system discharges into a watercourse.

#### 5.10 **Housing Strategy (FDC)**

25% affordable housing requirements on sites over 11 dwellings.

An off-site contribution could be agreed calculated in accordance with the mechanism provided in the Local Plan policy.

#### 5.11 **CCC Lead Local Flood Authority (LLFA)**

Confirm that they have no objection in principle - the applicant has demonstrated that sufficient attenuation can be accommodated within the site layout to attenuate flows to 1.9l/s. However attenuation basin could be better located to the south of the site.

Requests conditions requiring drainage scheme prior to commencement.

#### 5.12 **Environmental Services - waste**

No objection to this development, however, the following issues should be addressed before the application could be agreed from our perspective:-

A swept path plan should be provided to demonstrate an 11.5m refuse vehicle can access and turn on the public highway (as per section 5.2 in Transport Report).

Provides RECAP guidance on layout regarding wheeled bin collection

#### 5.13 **Senior Archaeologist (CCC)**

Records indicate that this site lies in an area of archaeological potential, on the eastern perimeter zone of the higher ground forming the Fen island.

Requires a pre-commencement condition to agree a written scheme of investigation for the site.

#### 5.14 **PCC Wildlife Officer**

Following submission of reptile survey raise no objection subject to the provision of a range of bat and bird boxes and/or bat tiles and exterior lighting control measures. Requests a minimum of 5m undeveloped habitat buffer to be retained both during and post construction.

#### 5.15 **Local Residents/Interested Parties**

##### **Objectors**

7 objections received raising the following concerns/ matters;

- precedent leading to piecemeal applications on adjoining land
- Increase in traffic – highway safety
- Inappropriate access location
- construction vehicles/plant routes damaging property
- Devaluing property
- The development should be made to provide an improved access for properties at Four seasons
- Outlook and views compromised
- Loss of privacy
- Noise/ disturbance
- loss of wildlife habitat
- Increase in crime/ ASB
- removal of trees on 3rd party land

### **Representations**

2 representations received raising the following matters;

- contrary to LP7, - 'cherry picking profitable elements' while not adding to the overall scheme.
- could have an effect on the density, connectivity, open space, SuDs etc. of the whole BCP
- May prejudice the delivery of the East Wisbech BCP
- Concerned over location of access serving the development

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

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

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

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

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

Paragraphs 124-132: Requiring good design

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

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

### **7.2 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  
LP7: Urban extensions  
LP8: Wisbech (east Wisbech strategic allocation)  
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  
LP19: The Natural Environment

### 7.3 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)
- The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) which includes the RECAP CCC Waste Management Design Guide SPD (2012)

## 8 KEY ISSUES

- Principle of Development
- Access & Highways
- Biodiversity & Ecology
- Impact on the character and appearance of the area
- Flood Risk & Drainage
- Planning Obligations
- Resident Comments

## 9 BACKGROUND

- 9.1 Fenland District Council (FDC) and the Borough Council of King's Lynn and West Norfolk (BCKLWN), alongside landowners and other stakeholders, have developed a Broad Concept Plan (BCP) for the East Wisbech strategic allocation.
- 9.2 The BCP was approved by Fenland's Planning Committee on 23rd May 2018 and by King's Lynn and West Norfolk's Cabinet on 29th May 2018.
- 9.3 The BCP sets out the aims and visions for the site taking into account opportunities and constraints for delivering housing and supporting infrastructure along with access routes into and around the BCP area and was informed by various studies including transport, ecology, drainage and landscape assessments.
- 9.4 The BCP therefore forms the basis for which the east Wisbech urban extension will develop. Work is currently underway by an applicant to undertake an Environmental Impact Assessment (EIA) for the BCP area prior to submitting a planning application(s) for more detailed matters. Future applications should accord with the principles and aims detailed within the approved BCP.

- 9.5 Full details of the East Wisbech BCP can be found via the following link;  
<http://fenland.gov.uk/eastwisbechBCP>

## 10 ASSESSMENT

### Principle of Development

- 10.1 Policy LP3 identifies Wisbech as being a focus for growth given its sustainable links to services and facilities. LP7 sets out the LPA's aims in achieving a majority of the growth in the main market towns through strategic allocations and broad areas for growth. Policy LP8 identifies East Wisbech (in which the application site lies) as being a strategic allocation accommodating around 900 dwellings in the Fenland area and 550 dwellings in the KLWNBC area.
- 10.2 LP7 identifies the importance of planning and implementing these locations for growth in a coordinated way, through an overarching BCP that is linked to the timely delivery of key infrastructure. LP7 goes on to state that, with the exception of inconsequential very minor development, proposals for development within the growth locations which come forward prior to an agreed BCP will be refused.
- 10.3 Whilst the application was originally submitted prior to the adoption of the East Wisbech BCP, since submission a BCP for the area has now been adopted and as such, in principle the proposal is considered to comply with the requirements of LP7 and the aims of LP3 insofar as proposing housing in a designated area for growth.
- 10.4 However, LP7 continues that where a BCP is approved in principle by the Planning Committee, subsequent planning applications are expected to adhere to the BCP. As such, the principle of development within the East Wisbech strategic allocation LP7 is subject to compliance with the principles of the approved BCP.

### Compliance with the BCP

- 10.5 This application was submitted prior to the approval of the BCP scheme. The applicant in their Design and Access Statement acknowledges that at that time the BCP was emerging but considers that the site is detached from the main BCP area due to the run of existing drains around its boundary, which as a result, it will not be able to benefit from access from the wider allocated land and instead will need to provide its own access.
- 10.6 The applicant considers that since the application site can be serviced completely independently and will not encroach in a piecemeal manner on the wider allocated land, it can be considered as inconsequential development in this instance as it will not compromise the sustainable delivery of the East Wisbech Strategic Allocation.
- 10.7 The Vision for East Wisbech sets out that a strong walking and cycling network is a key element of the BCP. This includes identifying new opportunities within the site and also maximising links to existing routes where they are available. East Wisbech is located a short distance from the town centre and the southern employment area and near to secondary and further education facilities. Walking and cycling are therefore very strong travel options and a very strong focus for the BCP. LP8 states that;

*“...all Wisbech development proposals, and especially the urban extensions ..., must have an exceptionally strong focus on the provision of deliverable measures which should result in a modal shift to sustainable transport modes for residents and workers of both the new development themselves and, where possible, for existing communities.”*

- 10.8 This supports the aims of LP15 which seeks to create a more sustainable transport network in Fenland, the main vision being;

*“...to deliver an integrated approach to transport in Fenland that is sustainable, facilitates growth, links town and country, encompasses cross boundary transport issues and improves accessibility for everyone by all modes of travel. An overarching aim of the Council is to reduce the need to travel, but, where travel is necessary, to minimise the distance needed to travel and increase the options available to undertake such journeys... All development proposals are expected, in proportion to the size and impact of the development being proposed, to contribute to the delivery of this Vision.”*

- 10.9 The ‘baseline summary’ section of the BCP report identifies the existing street network particularly to the south-west of the site comprises a number of cul-de-sacs with available cut-throughs for pedestrians and cyclists which provide good access to Quaker Lane and Meadowgate Lane and permeability to and from the site. The ‘movement and transport framework’ section of the BCP report states that;

*“Good opportunities therefore exist for walking and cycling routes to key facilities such as to the town centre, College of West Anglia (CWA) and the employment area in south Wisbech and these will need to be maintained and enhanced.”*

- 10.10 In addition the ‘movement and transport framework’ section of the BCP report notes that there are a number of existing Public Rights of Way (PRoW) around the edge and within the BCP site that are important to retain and enhance for use as main movement routes for pedestrians and cyclists and states;

*“Stow Lane in particular is already well used and should be safeguarded and enhanced where possible to ensure that pedestrians and cyclists can continue to use this route safely and conveniently for north-south movement on the west side of the BCP site. Connectivity with existing access points and to the wider walking and cycling network beyond the site, including the PRoW network to the east of the A47, should be recognised and maximised.”*

- 10.11 It is noted that the illustrative plan denotes a pedestrian walkway at the southwest corner of the site enabling pedestrian access to Meadowgate Lane. This accords with the aims of the BCP and would enable pedestrian access to the wider pedestrian network towards the centre of Wisbech.

- 10.12 The site relies on access from Stow Lane which is proposed to be widened in order to accommodate traffic flows into and out of the site. This will result in formalising a 60m stretch of Stow Lane which is currently unmade track into an adoptable highway. The baseline summary section of the BCP report identifies Stow Lane as “

*“a quiet enclosed country lane well used by pedestrians and cyclists.”* Page 69

- 10.13 The BCP seeks to safeguard Stow Lane for pedestrian and cyclists and identifies it as being rural in character. As such, the formalising of the road through widening and metalled surfacing to accept an increase in motor vehicle traffic would not result in an enhancement to the country lane appearance of Stow Lane and would not safeguard the lane for pedestrian and cyclists. Therefore the proposal in this regard is not considered to accord with the aims of the BCP and is therefore contrary to policy LP7, LP15 LP16(d) of the FLP.
- 10.14 Furthermore, the application has not come forward as part of any wider BCP scheme and therefore does not provide any details, or any guarantees of connectivity to the wider BCP site. To achieve this at a later time would be a matter of land owners' private agreement which the LPA has no control of. In the absence of a master planned approach, it is uncertain how the scheme would integrate into the BCP area thereby enabling an effective access network for future occupiers of the application site and the wider BCP to access services and facilities within the BCP area e.g. schools as well as the wider settlement of Wisbech. This uncoordinated approach would likely lead to additional access points along Stow Lane whereas were the site to connect to the wider BCP area, this could be better coordinated.
- 10.15 This emphasizes the importance of a master-planned approach to strategic sites, in order to ensure effective connectivity with existing access points and to the wider walking, cycling and general transport network beyond the site.
- 10.16 The applicant considers that as the drains are a necessary infrastructure, this prevents connectivity of the site to the wider BCP as it is unlikely that infilling the existing drains would be acceptable. However, given the existing location and network of drains across the BCP area, it is inevitable that some engineering over drains will be required in order to achieve the cross-site connectivity and sustainable transport links through the site. As such this point raised can be given little weight.
- 10.17 It is considered therefore that the application fails to take opportunities to provide effective and sustainable access and permeability for future occupiers of and visitors to the BCP area contrary to LP7, LP8 and LP15 of the FLP.

### **Access & Highways**

- 10.18 The LHA has raised no objection to the proposal on highway safety grounds but acknowledges the issue of the development and its relationship with the wider BCP area.
- 10.19 Whilst the LHA has raised the point that 7.5m kerb radii are not readily available, they could be sourced and would provide an appropriate access splay. Notwithstanding this, it is likely that should the development progress to design stage, at that point the specifics of highway geometry would be agreed through S278 highways process. Notwithstanding this, the LHA has requested further details, secured via a pre-commencement condition and linked to the wider layout of the site secured via reserved matters. Following amendments to the layout plan to demonstrate that a standard refuse vehicle can access the site, the proposed access is considered in principle to be acceptable, subject to final design. In this regard the proposal raises no concerns over its ability to provide safe and effective access to the site in accordance with LP15 of the FLP.
- 10.20 The County Council's PRow Officer has raised a concern that the recorded Page 70

width in the Definitive Map and Statement (the legal records of Public Rights of Way) of the byway at Stow Lane is not fully known. This may result in insufficient land within the ownership of the Highways authority being available to achieve the required road widths. In other words there may be a requirement for the developer to acquire third party land in order to deliver a sufficient access route from Stow Lane.

- 10.21 The process for establishing the extent of highways land in these circumstances can be time consuming and uncertain, particularly in cases where land does not fall under any recorded ownership.
- 10.22 The PRoW Officer has suggested a condition requiring full details of an access scheme for;
- i. the design of public rights of way routes and their surfacing, widths, gradients, landscaping and structures, and
  - ii. any proposals for diversion and closure of public rights of way and alternative route provision.
- 10.23 The details would need to be agreed prior to the commencement of development. The design of the works would need to be in accordance with the County Council's Housing estate road construction specification.
- 10.24 Whilst it is of some concern that the physical extent of land available to achieve the required works to Stow Lane is unknown at this time, the burden would be on the developer to ensure that adequate land is obtained to undertake the works prior to commencing any development. The risk is therefore with the developer to ensure that they can progress the scheme to the satisfaction of the LHA and be able to deliver this within land under their ownership or agreed with a third party. Given that the works to Stow Lane is fundamental to deliver the development, it is considered appropriate to require full details as requested by the LHA and PRoW team in advance of any development commencing on the site.

### **Biodiversity & Ecology**

- 10.25 With the exception of the hedgerow at the point of the proposed access off Stow Lane, the application proposes to retain a significant majority of the trees and hedgerow along Stow Lane which is identified as an important landscape buffer in the BCP report (Figure 7 – features of landscape importance)
- 10.26 In addition, the applicant has provided additional and revised details in respect of Reptile & Water Vole Survey data in addition to the Preliminary Ecological Appraisal Report. The Council's Wildlife Officer has confirmed that they are satisfied with the information provided subject to securing suitable mitigation via planning condition.
- 10.27 It is considered that the development accords with the aims of LP16(b) and LP19 of the FLP.

### **Impact on the character and appearance of the area**

- 10.28 The application is in outline at this time with matters of layout, scale and appearance and landscaping reserved. As such these matters would be subject to consideration at a future time. The BCP identifies the site as an area for development and therefore it is implicit that there would be some impact on the area.

- 10.29 Figure 7 of the BCP 'features of landscape importance' identifies a key view across the site to the south towards the shelter belt and woodlands on the southern boundary of the BCP area. As such careful consideration over the protection of these views would be required at design stage.
- 10.30 At this time however, there is no evidence to suggest that the proposal in outline would amount to severe harm on these important views and that the development of the site, subject to final design, would likely be characteristic to the wider area which is allocation primarily for residential use.
- 10.31 As such there is no evident conflict with LP16(d) of the FLP.

### **Flood Risk & Drainage**

- 10.32 The application is supported by a Flood Risk Assessment notwithstanding that the site lies in flood Zone 1. The LLFA has reviewed the assessment and raises no objection in principle acknowledging that the applicant has demonstrated that sufficient attenuation can be accommodated within the site layout to attenuate flows acceptable discharge rates. The applicant proposes to discharge surface water into existing IDB controlled infrastructure.
- 10.33 A detailed surface water drainage scheme for the development is required prior to the commencement of development. Given that the layout of the site should be informed by the necessary SuDS infrastructure, it would be expected that this detailed scheme would come forward in advance of or concurrently with the submission of reserved matters for layout and landscaping.
- 10.34 As such the development at outline stage accords with the aims of LP14 of the FLP.

### **Planning Obligations**

- 10.35 Policy LP5 of the FLP seeks to secure appropriate housing to meet the needs of the district including affordable housing as well as meeting the particular needs of all sectors of the community. Policy LP13 sets out the Council's approach to securing appropriate infrastructure to mitigate the impact of development and a growing district. LP15 seeks to ensure that all development contributes to the delivery of transport related infrastructure. LP16(g) seeks to ensure that development provides publicly accessible open space and access to nature.
- 10.36 Officers have carried out consultation with Cambridgeshire County Council's Education, Waste and Transport teams, and the Council's Housing team along with the Developer Contributions SPD; which amongst other things sets out open space and outdoor sports contributions.

#### *Affordable housing*

- 10.37 LP5 sets out that developments of 10 or more dwellings would require 25% of housing within that development to comprise affordable housing – therefore 7 units for this development of 28 dwellings. It's currently understood from the Council's Housing team that schemes of less than 10 affordable units on site are unlikely to attract registered providers. As such a commuted sum would be sought based on the calculation detailed under LP5.

#### *Education*

- 10.38 Cambridgeshire County Council has identified that mitigation is required for the development in respect of Early Years, Primary and Secondary education where

all are at capacity and projects have been identified. They have confirmed that a contribution towards Libraries and Lifelong learning is also required but a waste contribution will not be sought in this instance due to there already being 5 x S106 contributions pooled against identified projects. The education contributions are as follows;

#### Early Years

Project: New pre-school facility at Peckover Primary School. The total cost of the project is £ £753,052 and contributions will be sought on the basis of £12,551 per place (£753,052/60 places).

Therefore a contribution of **£87,857** is sought as the development is expected to generate 7 places.

#### Primary Education

Project: Expand Nene Infant and Ramnoth Junior and increase the capacity by 300 places towards primary provision. The total cost of the project is £7,340,000 and contributions will be sought on a basis of £24,467 per place (£7,340,000/300 places).

Therefore a total contribution of **£293,604** is sought as the development is expected to generate 12 places.

#### Secondary Education

Project: New secondary school in Wisbech to provide 600 secondary education places. The total cost of the project is £22,000,000 and contributions will be sought on a basis of £36,333 per place (£22,000,000/ 600 places).

Therefore a total contribution of **£256,662** is sought as the development is expected to generate 7 places.

#### *Libraries and Lifelong learning*

10.39 The Libraries and Lifelong learning contributions are as follows;

Project: modify the layout of the library to enable us to increase the number of shelving units – both adult and junior, extra resources for the above units to provide an adequate service for the existing and new customers of Wisbech Library and extra study tables and chairs.

Contributions will be sought on a basis of £ £42.12 per resident. Therefore a total contribution of **£2,948** is sought as the development is expected to generate 7 places.

#### *Open Space & Sports*

10.40 In accordance with Developer Contributions SPD 2015 the open spaces and sports obligations can be broken down as follows: (site area is 2.73 hectares)

- Neighbourhood Park – **£ 5,200** off site contribution
- Natural greenspace – **£ 6,500** off site contribution
- Allotments – **£ 1,300** off site contribution
- Outdoor Sports contribution – **£ 10,400** off site contribution
- \*Children's Play – either 0.05Ha of land allocated with the site or **£5,200** off-site contribution

10.41 \*In respect of Children's Play, the SPD would usually require play equipment to be provided on-site for a development of this scale. However, given the size of the site and the adjacent BCP area which may ultimately provide for an equipped play area, the LPA may wish to secure an off-site contribution to go towards improving/ enhancing play equipment off-site. The development would **£5,200**

expected to provide an area of amenity greenspace to enable free-play which would be considered at reserved matters stages.

10.42 These above contributions/ obligations are all considered to meet the statutory tests under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 as they are required to mitigate the impacts of this development i.e. to make the development acceptable.

10.43 The applicant has not provided a draft heads of terms nor have they indicated that there are viability issues with the scheme. As such it is assumed that the scheme could viably achieve the contributions/ obligations as set out above.

### **Resident Comments**

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

#### *Construction vehicles/plant routes damaging property*

10.45 A Construction management plan could be secured via planning condition which would secure details of construction traffic routes and compound locations etc. to minimise the impact of the construction phase of the development

#### *Devaluing property*

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

#### *The development should be made to provide an improved access for properties at Four seasons*

10.47 Statutory tests set out in the Community Infrastructure Regulations 2010 require that planning obligations must be necessary to;

- make the development acceptable in planning terms,
- directly related to the development and
- fairly and reasonable related in scale and kind to the development.

Obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.

Having regard to the tests, securing an obligation to improve an area of private land not associated with the development would fail the CIL tests.

#### *Outlook and views compromised*

10.48 The planning system operates in the public interest and there is no right to a private view within planning legislation. However matters of outlook are a material consideration but are not considered as part of this outline application. They would instead be considered at design submission stage under reserved matters.

#### *Loss of privacy*

10.49 As with outlook, matters of privacy would be considered at design submission stage under reserved matters

#### *Noise/ disturbance*

10.50 Noise and disturbance from construction processes could be minimised through an agreeable Construction management Plan which could seek to secure a scheme for operating hours, sensitive receptors and mitigation measures etc. The site forms part of the wider strategic allocation which primarily seeks to

secure residential development. Notwithstanding this, the impact of future buildings and associated activities on existing occupiers would be considered at detailed design stage under future reserved matters.

*Increase in crime/ ASB*

- 10.51 The Police have been consulted on the application and has raised no objection to the proposals. The Police would be consulted on future reserved matters submissions with an approach to designing out crime.

*Removal of trees on third party land*

- 10.52 The granting of a planning permission does not convey the right to affect land under the ownership of a third party. In this regard private agreements would need to be secured.

## **11 SUMMARY AND CONCLUSIONS**

- 11.1 The site lies within the strategic allocation for East Wisbech as laid out under LP8 of the FLP. Policy LP7 identifies the importance of planning and implementing strategic allocations and broad locations for growth in a coordinated way, through an overarching BCP that is linked to the timely delivery of key infrastructure. A BCP has been approved for the area.
- 11.2 The proposal in itself raises no technical issues in respect of highways, ecology, drainage or ground contamination. Furthermore, the proposal would likely include pedestrian/ cycle links to enable more sustainable modes of transport to access services and facilities in the centre of Wisbech. However the site is isolated from the wider site allocation and provides no certainty that in the future, it could be served by links to the BCP area to improve permeability. The development therefore offers limited opportunity to link into the wider strategic allocation thereby restricting the ability to minimise the distance needed to travel to access services e.g. schools, leisure and community facilities or to increase the options available to undertake such journeys contrary to the aims of LP7, LP8 and LP15 of the Fenland Local Plan. It is considered that the benefits of the proposal do not outweigh the policy conflict.
- 11.3 In view of the issues raised and the identified policy conflict, a S106 draft heads of terms has not been progressed. As such, no agreement has been reached between the LPA and the applicant on the planning contributions being sought. At this time therefore the proposal also conflicts with Policy LP5 and LP13 of the FLP as the development fails to contribute towards the necessary affordable housing and infrastructure expected with development of this nature and scale.

## **12 RECOMMENDATION**

### **Refuse**

1. Policy LP7 identifies the importance of planning and implementing strategic allocations and broad locations for growth in a coordinated way. In doing so this should facilitate a modal shift to sustainable transport modes for residents and workers of both the new development and, where possible, for existing communities by minimising the distance needed to travel and increase the options available to undertake such journeys as identified under policies LP8 and LP15.

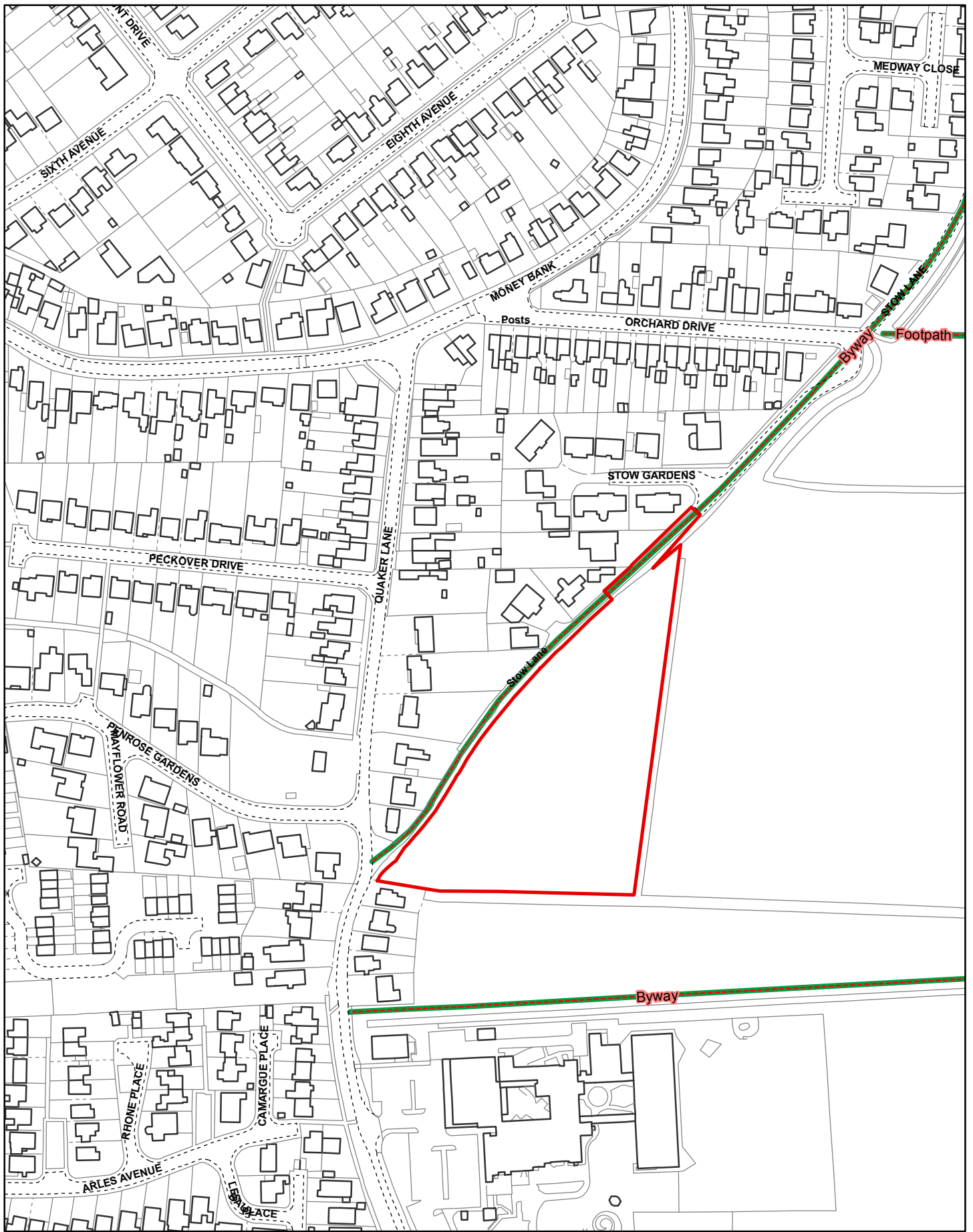
The site is isolated from the wider site allocation by and provides no links to the wider site allocation to improve permeability and enhance links to the future expansion of Wisbech. The development therefore offers limited opportunity to link into the wider strategic allocation thereby restricting the ability to minimise the distance needed to travel to access services in this location e.g. schools, leisure and community facilities or to increase the options available to undertake such journeys contrary to the aims of policies LP7, LP8 and LP15 of the Fenland Local Plan, 2014.

2. Policy LP15 requires development to deliver robust, well maintained and promoted networks and facilities for walking and cycling to encourage more sustainable modes of transport. Policy LP16(d) requires development to make a positive contribution to the local distinctiveness and character of the area. The Broad Concept Plan for East Wisbech approved under policy LP7 seeks to safeguard and enhance Stow Lane for pedestrian and cyclists and identifies it as a quiet enclosed country lane.

The application proposes to formalise a section of Stow Lane road through widening and metalled surfacing to accept an increase in motor vehicle traffic which would not constitute a positive contribution to the local distinctiveness and character to the country lane appearance of Stow Lane and would not safeguard and enhance the lane for pedestrian and cyclists. Therefore the proposal in this regard is not considered to accord with the aims of policies LP7, LP15, LP16(d) of the Fenland Local Plan, 2014.

3. Policy LP5 requires development of 10 or more units to secure affordable dwellings or in exceptional circumstances, financial contributions towards such provision. LP13 requires development to mitigate its impacts through necessary infrastructure contributions.

Notwithstanding refusal reasons 1 and 2, a planning obligation to ensure the provision of necessary infrastructure and mitigation has not been agreed and completed with the Local Planning Authority. In the absence of such an obligation, the development would be contrary to policies LP5 and LP13 of the Fenland Local Plan, 2014.



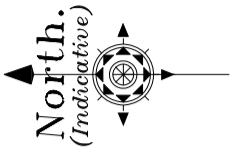
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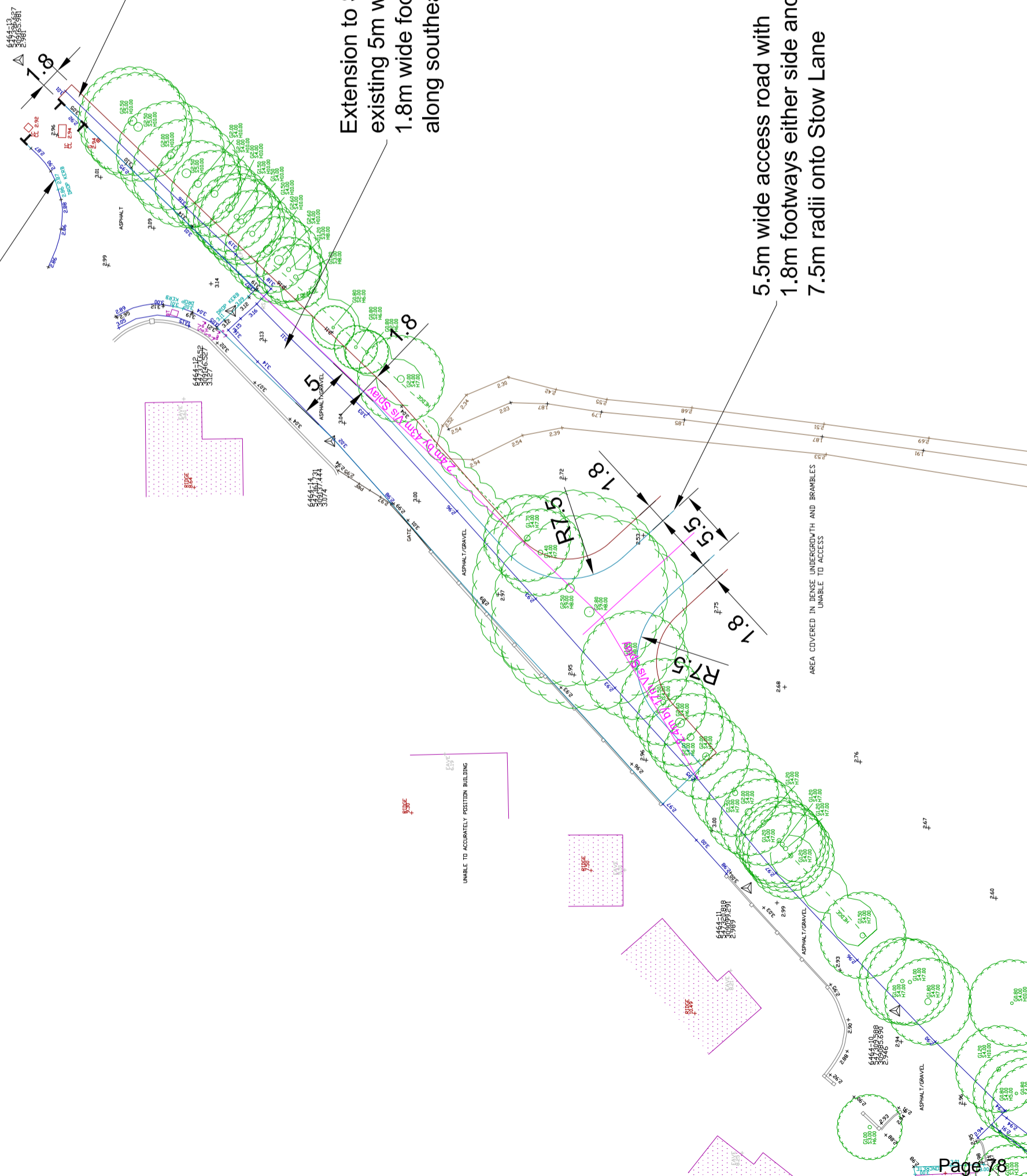


Existing dropped kerb crossing lengthened

1.8m wide footway extended past northeastern side of Stow Lane/Stow Gardens junction with dropped kerb crossing provided to existing footway on opposite side of Stow Lane

Extension to Stow Lane with existing 5m width extended and 1.8m wide footway provided along southeastern side

5.5m wide access road with 1.8m footways either side and 7.5m radii onto Stow Lane



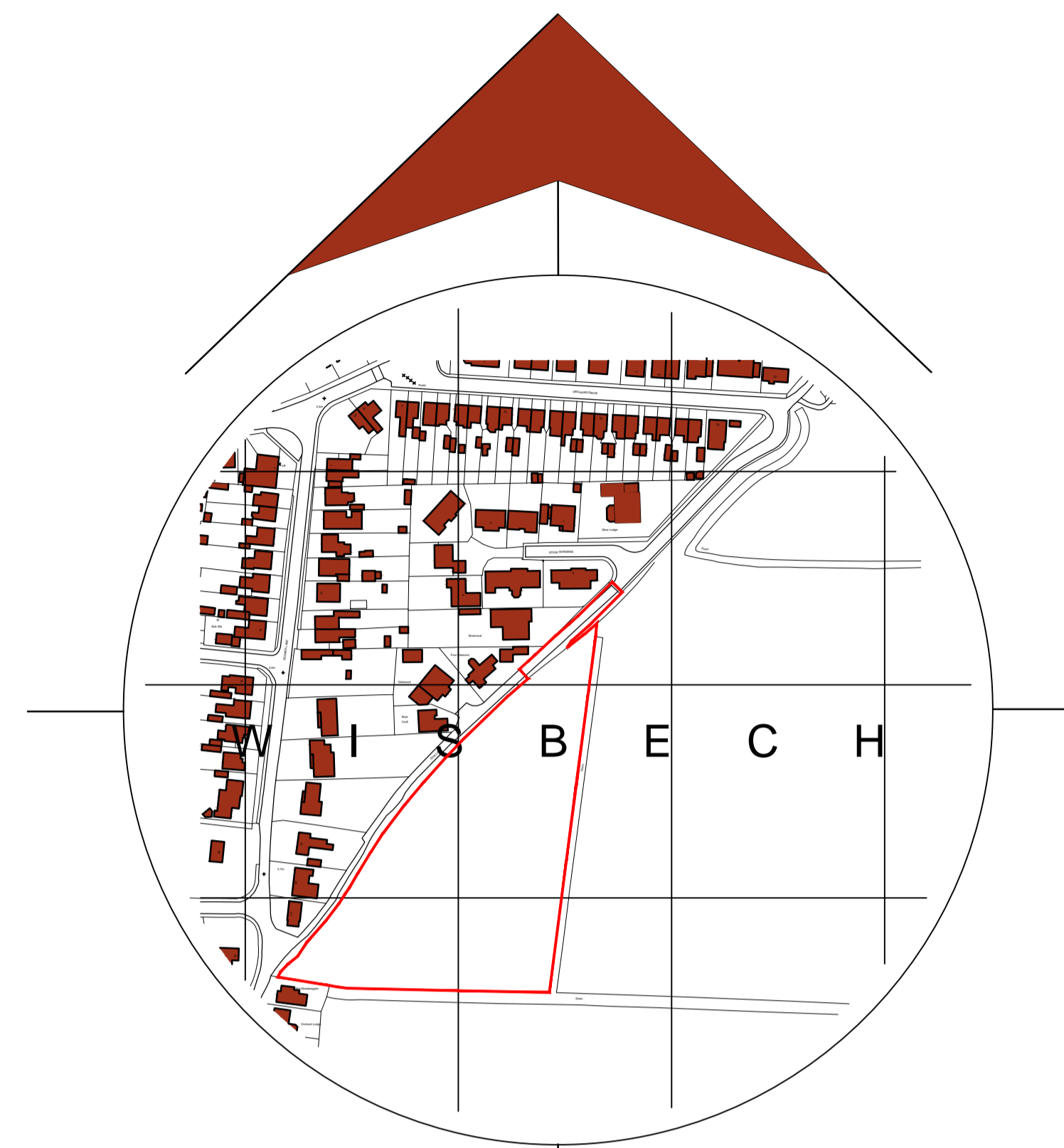
UNABLE TO ACCURATELY POSITION BUILDING

AREA COVERED IN DENSE UNDERGROWTH AND BRAMBLES UNABLE TO ACCESS

REV	DATE	DESCRIPTION/REASON FOR ISSUE	APPR

 <b>MTC ENGINEERING</b> MTC Engineering (Cambridge) Ltd. Ground Floor, 24 High Street Witterford, Cambridgeshire, CB32 4LT Tel: 01438 810000 Email: <a href="mailto:office@mtcengineers.co.uk">office@mtcengineers.co.uk</a>			
<b>TITLE</b> LAND SOUTH OF STOW LANE AND EAST OF QUAKER LANE, WISBECH PROPOSED SITE ACCESS AND WIDENING TO STOW LANE			
ORIG	M.J.B	DATE	07-02-18
CHKD		SCALE	1:200
APPR		DRAWING NO	2030-04
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- General Notes**
1. This drawing shall not be scaled, figured dimensions only to be used.
  2. All dimensions are shown in 'mm' unless otherwise stated.
  3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  5. Any discrepancies are to be brought to the designers attention.

**SITE PLAN KEY**

- Indicates proposed dwellings
- Indicates parking spaces and access
- Indicates existing neighbouring dwellings
- Indicates proposed trees
- Indicates proposed site boundary with natural hedging and trees
- Indicates proposed adoptable road and footpath
- Dotted line indicates existing objects to be removed
- Indicates proposed bin collection point
- Indicates existing trees
- Indicates proposed swept path for 11.5m Refuse Vehicle

House Type Schedule				
Plot Number	Beds	Garage	Parking	Dwelling Type
1	3	0	2	Houses
2	3	0	2	Semi Detached
3	3	0	2	Semi Detached
4	3	0	2	Houses
5	3	1	2	Houses
6	3	1	2	Houses
7	4	1	2	Houses
8	4	1	2	Houses
9	3	1	2	Houses
10	3	1	2	Houses
11	3	0	2	Houses
12	3	0	2	Houses
13	2	0	2	Houses
14	3	0	2	Semi Detached
15	3	0	2	Semi Detached
16	3	0	2	Houses
17	3	0	2	Houses
18	3	0	2	Semi Detached
19	3	0	2	Semi Detached
20	3	1	2	Houses
21	3	1	2	Houses
22	3	1	2	Houses
23	3	1	1	Houses
24	3	1	1	Houses
25	3	0	2	Semi Detached
26	3	0	2	Semi Detached
27	2	0	2	Semi Detached
28	2	0	2	Semi Detached

Revisions

A	Sept 2018	Refuse vehicle turning added
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Status  
**FOR APPROVAL**

**SWANN EDWARDS ARCHITECTURE**  
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Job Title Proposed Residential Development Stow Lane / Quaker Lane Wisbech, Cambs Mr Goodale	Date December 2017	Scale Various Sheet Size A1
Drawing Title Outline Planning Drawing Site & Location Plans	Job No. SE-824	Drawn by G.E.
	Dwg No. 01	Revision A

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F/YR18/0165/F

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

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

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

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

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

## **1 EXECUTIVE SUMMARY**

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

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

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

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

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

Consequently, the proposed development complies with Local and National Policies

and is therefore recommended that planning permission is granted subject to S106 and suggested conditions.

## **2 SITE DESCRIPTION**

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

## **3 PROPOSAL**

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

## 4 SITE PLANNING HISTORY

Pertinent planning history identified in the table below:

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

## 5 CONSULTATIONS

### March Town Council

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

### Cambridgeshire Country Highways

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

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

- 5.3 *Defer for additional information.*

- 5.4 Following further information, County Highways commented:

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

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

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

## **Environmental Health Service**

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

## **Design Out Crime Officer**

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

## **Anglian Water**

### Wastewater Services

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

### Foul Sewerage Network

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

### Surface Water Disposal

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

### **Operations Manager (FDC)**

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

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

5.16 Following further information, the Operations Manager commented:

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

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

### **Housing Strategy Officer (FDC)**

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

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

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

### **Lead Local Flood Authority**

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

**Condition**

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

**NHS Property Services**

- 5.28 No consultation comments received.

**Cambridgeshire County Growth and Infrastructure**

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

**Development Manager Transport**

- 5.30 No consultation comments received.

**Arboricultural Officer (FDC)**

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

#### **Middle Level Commissioners**

- 5.35 No consultation comments received.

#### **Open Space and Landscape Manager (FDC)**

- 5.36 No consultation comments received.

#### **Wildlife Officer (PCC)**

##### ***Protected Species:***

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

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

**Landscaping/ Site layout:**

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

**Recommendation:**

- 5.42 *I would advise that prior to determination the LPA requests that a Bat Survey of the building proposed to be demolished is carried out as set out above. I therefore **object** to the granting of planning permission at this moment in time with regard to this application.*
- 5.43 *The LPA has a duty under s.40 of the Natural Environment & Rural Communities (NERC) Act 2006 to have regard to biodiversity, including the above species as listed under s.41 of the NERC Act and as stated in the Council's Core Strategy (Policy CS19 The Natural Environment) and I consider that the Council is not currently in a position to be confident that this duty has been adequately discharged.*
- 5.44 *Following submission of the bat survey, the Wildlife Officer commented:*
- 5.45 *I'm satisfied that no evidence of bats was found in the bungalow proposed for demolition, and I therefore have no objection, subject to securing a condition to provide bat boxes to be installed on the new building prior to first occupation. Please also continue to refer to my previous comments re provision of bird nest boxes and landscaping details to be secured by condition.*

**Cambridgeshire County Archaeology**

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

**Local Residents/Interested Parties**

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

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

## 6 STATUTORY DUTY

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

## 7 POLICY FRAMEWORK

### **National Planning Policy Framework 2018 (NPPF)**

Para 11 – Presumption in favour of sustainable development

Para 47 – Decisions should accord with the development plan

Para 54 – Use of conditions and planning obligations

Para 55 – Conditions test

Para 59 – Delivering a sufficient supply of homes

Para 80 – Building a strong, competitive economy

Para 91 – Promoting health and safe communities

Para 102 – Promoting sustainable transport

Para 117 – Making effective use of land

Para 127 – Good design

Para 148 – Meeting challenge of climate change

Para 155 – Flood risk

Para 170 – Conserving and enhancing the natural environment

Para 184 – Conserving and enhancing the historic environment

### **Fenland Local Plan 2014 (FLP)**

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP5 – Housing

LP14 – responding to Climate Change and Managing Flood Risk

LP15 – Transport Network

LP16 – Delivering and Protecting High Quality Environments

LP17 – Community Safety

LP18 – Historic Environment

LP19 – Natural Environment

### **March Neighbourhood Plan 2017 (MNP)**

H2 – Windfall Development

H3 – Local Housing Need

## 8 KEY ISSUES

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

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

## **9 BACKGROUND**

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

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

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

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

## **10 ASSESSMENT**

### **Principle of Development**

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

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

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

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

### **Character and Appearance**

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

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

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

## **Residential and Private Amenity**

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

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

## **Highways**

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

## **Drainage**

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

## **Natural Environment**

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

### **Historic Environment**

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

### **Refuse Collection**

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

### **Community Safety**

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

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

### **Section 106 Provision**

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

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

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

### **Other Considerations**

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

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

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

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

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

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

## 11 CONCLUSIONS

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

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

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

## 12 RECOMMENDATION

### **Grant, subject to S106 and the following conditions:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Prior to the first occupation of the development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall be installed prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. the statement of significance and research objectives;

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

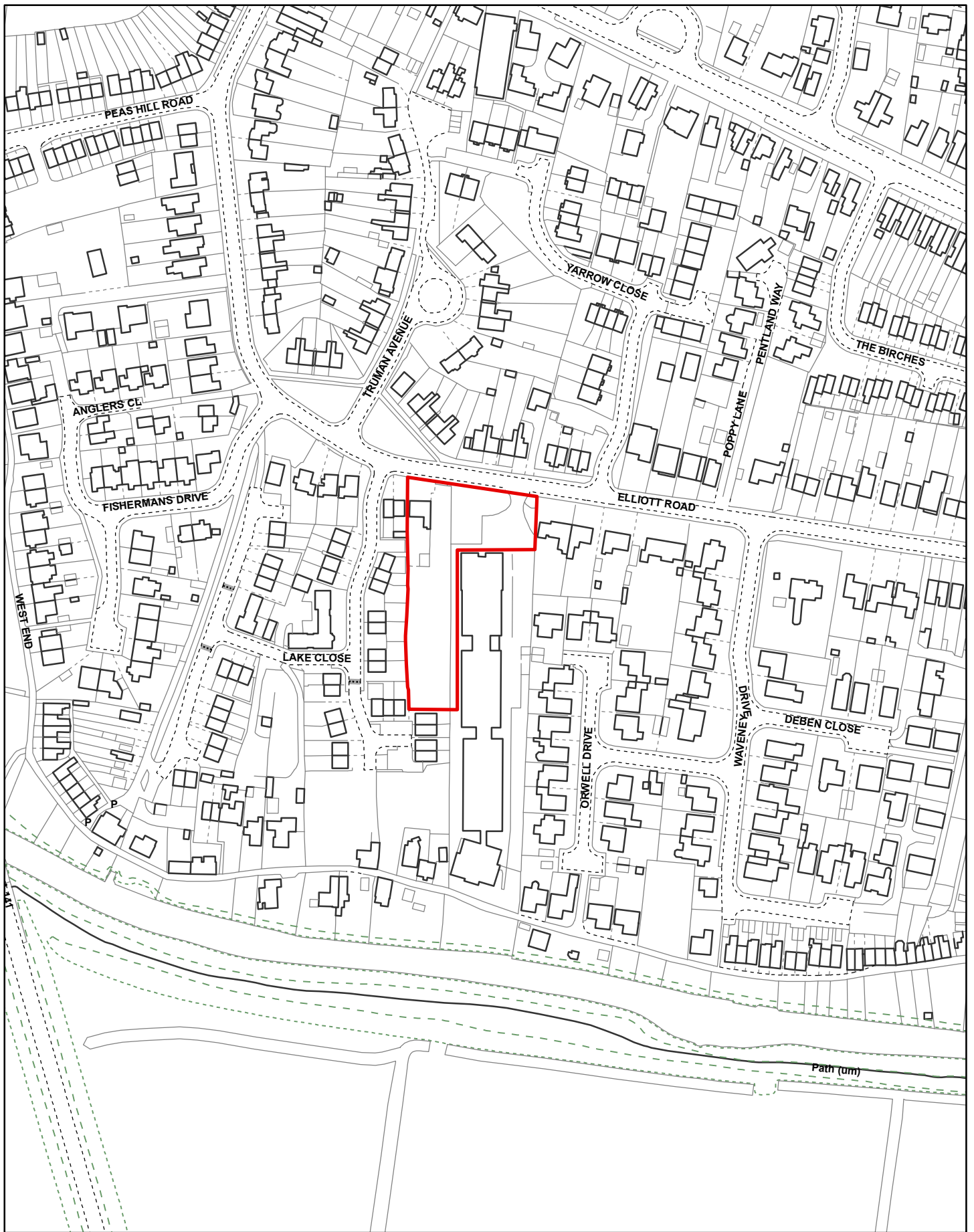
C. The programme for post-excavation assessment and subsequent analysis, reporting, publication & dissemination, and deposition of resulting archive. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

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

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





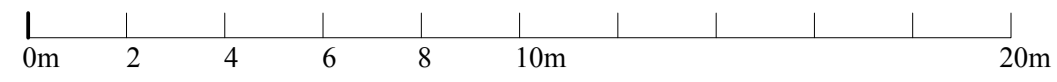
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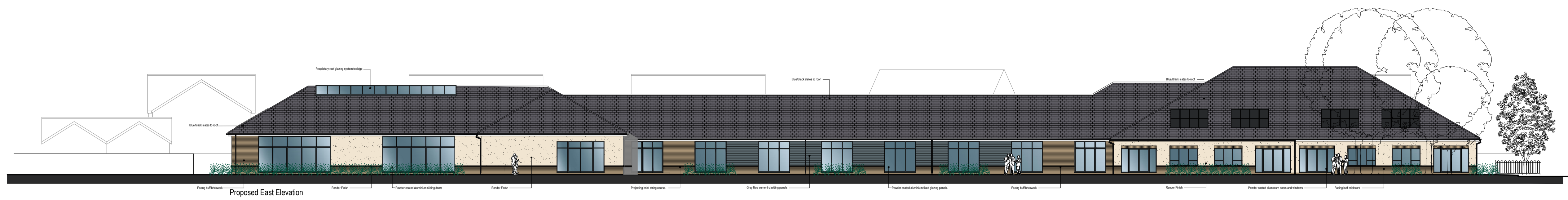


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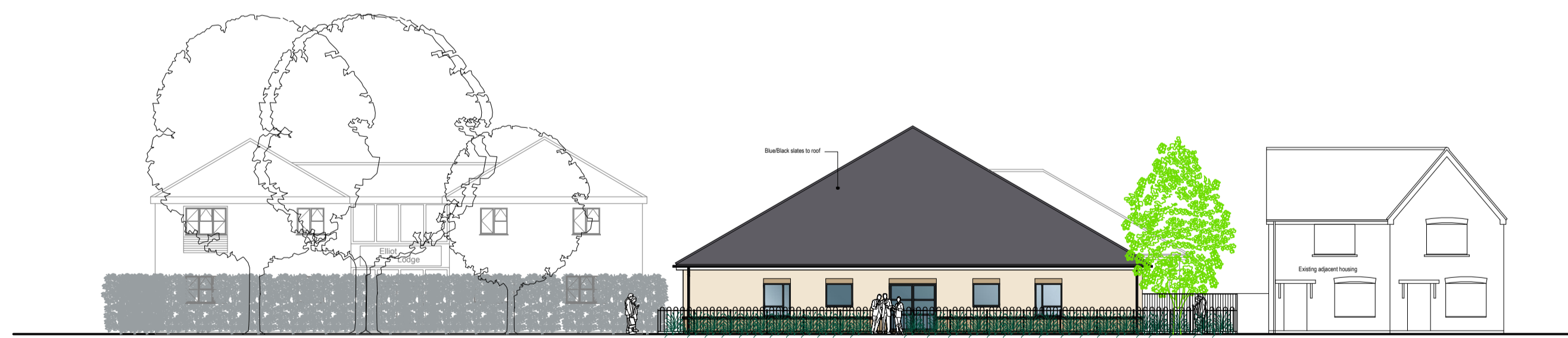
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Proposed East Elevation



Proposed West Elevation



Proposed North Elevation



Proposed South Elevation

- Rev B Feb. 18 Final amendments.
- Rev A Oct. 17 Revised to suit client comments.



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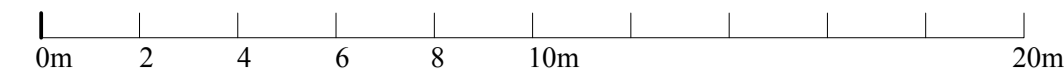
DRAWING STATUS	PRELIMINARY	PLANNING	CONSTRUCTION
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

CLIENT  
**Snowmountain Enterprises Ltd**

PROJECT  
Elliott Park, Elliott Road, March  
Cambridgeshire.

DRAWING TITLE  
Proposed Elevations

SCALE	DATE	DRAWN	CHECKED
1:200 @ A1	Sept. 2017	LB	
DRAWING NUMBER	REVISION		
CH17/LBA/426/FP-1-202	B		



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**Legend**

- 1 Bedroom Flats
- Plant Room
- Circulation
- Stores
- Community Space
- W.C
- Kitchen

- Rev E Jan 18 Final amendments.
- Rev D Oct 17 Revised to suit client comments
- Rev C Oct 17 Revised to suit client comments
- Rev B Sept 17 Amended to suit discussions with planning officer as part of pre-application enquiry.
- Rev A Aug 17 Revised to suit client comments

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DRAWING STATUS: PRELIMINARY  PLANNING  CONSTRUCTION   
 CLIENT: **Snowmountain Enterprises Ltd**  
 PROJECT: **Elliott Park, Elliott Road, March Cambridgeshire.**  
 DRAWING TITLE: **Proposed Floor Plan**

SCALE	DATE	DRAWN	CHECKED
1:200 @ A1	July 2017	LB	
DRAWING NUMBER	REVISION		
CH17/LBA/426/FP-1-201	E		

F/YR18/0386/O

**Applicant: Mrs M Symonds, Mrs L  
Goodger & Ms J Plumb**

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

**Land West Of Sunset Rooms, Station Road, Wisbech St Mary, Cambridgeshire**

**Erection of up to 3 x dwellings (Outline with matters committed in respect of access)**

**Reason for Committee: Due to the level of objections received and given that the officer recommendation is at variance to that of the Parish Council**

## **1 EXECUTIVE SUMMARY**

**This site is within the settlement of Wisbech St Mary which is identified as a growth village in terms of the settlement hierarchy outlined in Policy LP3 of the Fenland Local Plan. Whilst the scheme has generated some local objection, predominantly on the grounds of residential amenity impacts and highway safety, due regard has been given to the planning history of site and the level of impact arising from the development.**

**Whilst the development of the site will change the outlook from adjoining residents the impacts of the proposal, subject to detailed design and layout - which would be considered at reserved matters stage, are not considered to so significant as to render the scheme unacceptable.**

**Similarly concerns regarding the access to serve the development, when viewed against the backdrop of its historic use to serve the former Sunset Rooms, are such that it would not be reasonable to withhold consent on the grounds of highway safety. Some betterment of the access is achievable through enhancements to existing surfacing; this will be to the benefit of both residential amenity and highway safety.**

**It is considered that there are no planning grounds on which consent should be withheld and accordingly the scheme, on balance, must receive a favourable recommendation.**

## **2 SITE DESCRIPTION**

- 2.1 The site is located to the east of Station Road in Wisbech St Mary and comprises land associated with the former Sunset Rooms which following a period of vacancy and an intervening alternative use has now reopened as a sports hall. Immediately to the east of the site is an area of car park associated with the leisure use; this area has been cleared and gravelled and a fence erected between it and the application site under consideration.**

- 2.2 The site itself is vacant and overgrown in parts. Access to the site is via a track leading from Station Road. There are dwellings to the south (Blundell Terrace and Beechings Close) and the east (Station Road). To the north there are some dwellings positioned sporadically surrounded by agricultural land.
- 2.3 The existing community centre and sports field are positioned to the west, accessed from Beechings Close. The site is within flood zone 1.

### 3 PROPOSAL

- 3.1 This application seeks outline planning permission for the erection of 3 dwellings, whilst an illustrative scheme has been submitted this seeks only to demonstrate how the site could potentially be developed and layout, design, landscaping and external appearance are reserved for later consideration
- 3.2 The scheme proposals do however seek to commit access and identifies that the first 10 metres of the vehicular access from Station Road shall be hard surfaced sealed and drained away from the highway for a minimum width of 5 metres.

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/YR17/0259/F	Erection of a single-storey 4-bed dwelling and detached garage with playroom above	Granted 15/05/2017
F/YR16/0922/F	Erection of 4 x 3-storey dwellings comprising of 2 x 5/6 bed with detached double garage with playroom above; 1 x 5-bed with detached double garage with playroom above and 1 x 5-bed with attached hovel	Refused 12/02/2016
F/0166/81/F	Amendments to design deletion of conditions 3 and 4 and amendments to conditions 1 and 2 of planning permission F/0461/79/F	Granted 21/08/1981
F/0461/79/F	Erection of a functions room (amendments to design approved under F/0373/76/F)	Granted 17/08/1979
F/0373/76/F	Erection of a functions building	Granted 23/07/1975

### 5 CONSULTATIONS

- 5.1 **Parish Council:** Recommend Refusal - over development and insufficient access
- 5.2 **FDC Scientific Officer (Land Contamination):** Note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. However given nearby land use the unsuspected contamination condition should be imposed.

- 5.3 **Cambridgeshire County Council Highways Authority:** Originally commented that the access intersection with the public highway will need to be sealed and drained away from the highway 5m wide for the first 10m. I will also need to see vehicle to vehicle visibility splays commensurate with the posted speed limit at the access intersection. The footway should also be extended across the access intersection to create a dropped kerb crossover access and 2m x 2m vehicle to pedestrian visibility splays should be detailed on the plan.

Following receipt of supplementary information notes that the dwellings remove parking for the 'Sunset Rooms' therefore the related planning consent will need to be regularised prior to consent being granted for this application. This will prevent the Sunset Rooms from being opened again with a shortfall of parking.

Subject to the above being addressed I would have no highways objections subject to conditions. Please re-consult for conditions once the above has been regularised

**Following additional clarification regarding the current use of the Sunset Rooms as a sports hall and the existence of a planning consent for one dwelling on the same site currently under consideration the LHA advise that:**

*No highways objections subject to a condition relating to the hard-surfacing of the access and informatives relating to highway works; whilst also noting that: If all planning consents were to be fully implemented/utilised for the 'Sunset Rooms' etc there would be a parking shortfall that would then be reliant upon kerb side parking. FDC should therefore consider how this could have an effect on public amenity.*

- 5.4 **North Level Internal Drainage Board:** No objections in principle to the above application however draw the applicant's attention to the riparian drain forming the northern boundary and the maintenance responsibilities for the drain will rest with the purchasers of the proposed properties.
- 5.5 **Local Residents/Interested Parties:** 9 letters have been received in objection from 6 objectors/5 households; these may be summarised as follows:

Access and Highways

- Concern regarding vehicular access remains the same the revised layout will not make any difference to the access/exit which will remain narrow and allowing only one vehicle entrance and exit onto a busy road which has been recently downgraded and the central lines removed which encourages traffic at present to drive at speed in the centre of the road
- Poor visibility on this busy turning
- The Sunset Rooms have recently been renovated and is now an activity centre, this has increased traffic all day until late at night, this is especially noisy due to the gravel track
- Recent weeks have seen traffic driving all the way from the car park which serves the football club
- All summer tractors which maintain the playing field have been using the track and noise has been terrible
- Will add to the existing access problems in the area which have not been properly addressed in 10 years plus

- Concern re access requirements for the properties with a narrow access road and the Sunset Rooms at the bottom of the road this could potentially be a high risk area for the fire department and ambulance access
- Query as to why the access improvements requested by the Highways Department not implemented for the Sunset Rooms?

#### Residential and visual amenity

- Unacceptable over development; consider any further development would be excessive for the area
- Properties will back onto existing houses and will result in a loss of privacy and loss of open views
- Beechings Close is already crowded with the only privacy being to the rear, scheme will have a detrimental impact on privacy
- Overshadowing/ loss of light
  - Visual Impact
- Disagree with the comments of FDC Environmental Health team and consider the proposal will increase noise from the rough bumpy gravel track

#### Other matters:

- Devaluation of Property
- Concerns regarding construction traffic
  - Scheme will have a negative impact on the self-catering holiday let next door, resulting from narrow access, visibility and increased noise; noise is already making life intolerable for holiday clients and if it continues would have to close it down after many years
- Loss of agricultural land
- Drainage has always been an issue for the existing properties and this will only add to the problems; additional properties will potentially add further strain to the system
- Environmental concerns, light pollution, trees
- Noise and disturbance, waste/litter
- Proximity to property
- Wildlife concerns; the land has owls and Muntjac deer
- There is a lot more undeveloped land in Wisbech St Mary that would be more suitable without affecting the lives of existing residents
- It is believed that the land has become land locked with past over development
- Was planning permission required for the change of use of the Sunset Rooms, previously it was a store for new kitchens with very limited increase of vehicles during the week and none at the weekends
- Concerned that the proximity of these new properties to existing orchards will affect spraying
- Local schools/services will be unable to cope with development
- Refuse collection will not be possible as a refuse vehicle could not access to collect bins and there is no room on Station Road to store bins pending collection.

## **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.

Paragraph 47: Determine applications in accordance with development plan

Paragraphs 54-56: Planning Conditions and Obligations

Section 5: Delivering a sufficient supply of homes.

Paragraph 109 - development should only be prevented or refused on highway grounds if there would be any unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

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**
- **Village Thresholds**
- **Character and Appearance**
- **Residential Amenity**
- **Risk of flooding and drainage**
- **Highway Safety**
- **Other matters**

## **9 BACKGROUND**

9.1 The site has the benefit of a planning approval for a single dwelling under planning reference F/YR17/0259/F. It is noted that an earlier scheme for 4 x 3-storey dwellings was refused under F/YR16/0922/F; the reasons for which this scheme was refused are summarised as follows:

- (i) Contrary to policy LP16 (e) poor relationship between Plot 4 and the existing dwelling at 40 Beechings Close, i.e. scale and location of the proposed dwelling and garage would result in an overbearing impact on the rear garden of 40 Beechings Close
- (ii) Contrary to policy LP16 (d) as dwellings would have an overall height and scale that would be out of character with the adjoining residential dwellings

and as such would result in an development that is out of keeping with the existing form and character of this part of Wisbech St Mary

- (iii) Contrary to Policy LP15 by reason of the failure to provide adequate access width from the access to the site, failing to satisfy highway safety principles, likely to result in the disruption to the free flow of traffic and safety on the public highway

9.2 With regard to the highway considerations the agent has provided further background with regard to the previous use of the access and the relevant planning history associated with this earlier usage:

*'The site is also the former car park for the Sunset Rooms, which was in the ownership of the applicant's father. The site had a planning approval under planning reference F/0166/81/F, which required the site to have 25 parking spaces at the front of the site and a further 100 spaces which was to be accommodated mostly on the proposed site that is the subject of this application.'*

*The former Sunset Rooms building still exists and has over the years been used for several uses, it has been a nightclub, storage building and at present is being used as a sports hall in association with the village community centre. All these uses have utilised the existing access we propose to use, and the current use still utilises the access road but has limited car parking in its control and can only provide car parking spaces for approximately 20 vehicles.*

*The level of visibility and width of the entrance has been the same for all the various uses of the site and it is not possible to make any improvements as the applicant does not own any additional land.'*

9.3 It is evident on site that the car parking area now associated with the sports hall use is distinctly separate from the application site and as indicated above the two areas are under separate control.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 Policy LP3 of the FLP sets a hierarchy for new development and reflects the guidance contained with the NPPF in prioritising new development to the most sustainable locations. This policy identifies Wisbech St Mary as a growth village, where development will be appropriate either with the existing urban area or as a small village extension.
- 10.2 The application site is well related to the existing pattern of development in the settlement, is considered to be sustainable and benefits from an extant approval for one dwelling. As such the development is considered to be acceptable in principle and complies with the provisions of LP3.
- 10.3 Notwithstanding the above there remain other policy considerations with regard to character and form, highway safety, residential amenity and flood risk. The policy framework pertinent to these considerations being outlined in Policies LP12, LP14, LP15 and LP16. Policy LP12 also identifies the need to ensure that village growth is appropriate and that local communities are engaged in the planning process through consultation.

## **Village Thresholds**

- 10.4 Policy LP12 identifies that if a proposal is within or on the edge of a village and would, in combination with other development built since April 2011 and committed to be built (i.e. with planning permission), increase the number of dwellings within the village by 15 % it should have demonstrable evidence of clear local community support for the scheme, Such support should be generated by a thorough and proportionate community consultation exercise.
- 10.5 Wisbech St Mary has exceeded this growth threshold with the latest figures indicating a threshold of 85 dwellings and a committed figure of 116 dwellings (11.09.2018); in addition to these committed dwellings there is a resolution to permit a further 26 dwellings within the settlement. Whilst it would normally be expected for the scheme to be accompanied by evidence of support due regard must be given to a recent appeal decision which indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.

## **Character and Appearance**

- 10.6 Policy LP16 of the FLP seeks to promote good design that is in keeping with the character of the area. Whilst this submission is in outline format and does not seek to commit layout and design the illustrative details serve to evidence that the site has the potential to accommodate the amount and scale of development proposed subject to detailed design; which would be secured under any subsequent reserved matters approval.
- 10.7 The earlier approval highlighted that whilst the proposal could be considered to represent back land development within the context of the surrounding area and mindful of adjoining developments it could also be argued as an infill of the area between the existing sports hall and No. 40 Beechings Close.
- 10.8 In terms of scale and form the illustrative details do indicate larger dwelling footprints than the dwellings within Beechings Close, however considering the wider site context it is noted that there is a mix of scale, size and character within the locality. As such it may be accepted that the development, subject to detailed design, has the potential to comply with Policy LP16 in terms of form and character.

## **Residential Amenity**

- 10.9 The comments of neighbours are noted with regard to the form of development and the likely noise and disturbance arising from additional usage of the access roadway. As the site is currently vacant land there will of course be some impact arising from its development; however from a planning perspective whilst it is necessary to safeguard residential amenity it would be necessary to demonstrate significant harm arising in order for the scheme not to comply with local and national planning policy. Against this backdrop it is noted that:
- The properties positioned to the north of dwellings in Beechings Close and as such there are no issues of overshadowing to reconcile
  - The properties are illustrated as achieving a minimum separation distance (wall to wall) of circa 18 metres (maximum 28 metres)

- Earlier concern regarding the relationship of the development with No 40 Beechings Close has been resolved through the reduction in numbers from 4 to 3 and the placing of the garden area to Plot 3 to its side.
- A more modest two-storey development is also proposed, with the illustrated dwellings having a maximum ridge height of 7.2 metres. The refused scheme proposed 3-storey dwellings with a ridge height of
- The dwellings may be designed in such a way as to ensure that any overlooking is minimised, this would be the subject of the detailed reserved matters submission.

10.10 As identified in the background section above historically the access intended to serve these three dwellings was consented to serve a car parking area, associated with the Sunset Rooms, which comprised circa 100 spaces. This area has been substantially reduced given subdivision of the site and it would therefore not be reasonable to withhold consent on the grounds of noise and disturbance.

10.11 It is a highway requirement that the first 10 metres of the access be hard surfaced, sealed and drained which will in part reduce the potential for noise and disturbance. It is further noted that the approved scheme for 1 dwelling (F/YR17/0259/F) contained the following condition:

*Before the development hereby permitted is occupied the access shall be surfaced with an appropriate material and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.*

*Reason - In the interests of highway safety and in order to ensure that adequate vehicular and pedestrian access is provided for waste management requirements.*

It is considered entirely reasonable to impose a similar requirement on the current proposal, especially given the increased number of dwellings.

10.12 Whilst it is appreciated that the current submission is in outline format with only matters of access committed it has been demonstrated that a scheme could be delivered which would be acceptable in terms of residential amenity impacts subject to detailed design considerations. Accordingly the scheme would comply with Policies LP2 and LP16 of the FLP (2014) and may be favourably recommended.

### **Risk of flooding and drainage**

10.13 The site is within a Flood Zone 1 location, albeit within a flood warning area. As an area of lowest flood risk there are no grounds to resist the scheme in terms of Policy LP14. It is proposed to dispose of foul water to the mains sewer with surface water being disposed to soakaways, which will be subject to Building Regulations approval. The North Level Internal Drainage Board have raised no objections in principle to the scheme and whilst they wish the applicant's attention to be drawn to the riparian drain forming the northern boundary and the maintenance responsibilities relating to that drain; which will duly rest with the purchasers of the proposed properties this is a conveyancing issue outside the planning considerations of the scheme.

### **Highways and access**

- 10.14 As indicated in the background section above and reflected in the Agent's submission and the comments of the LHA the land which is the subject of this application was historically car parking for the Sunset Rooms. Save for the issues of ownership such a use could be resurrected at any time without the need of planning consent. The use of the wider area for car parking has the potential to generate a much higher level of usage than the vehicle movements associated with the reduced car parking area combined with those of three dwellings. Against this backdrop there would be no case to withhold consent on the grounds of highway safety.
- 10.15 Furthermore the agent has stated that *'the original use required the access to be used for the parking of 125 vehicles, whereas the car park being utilised by the existing building can only now accommodate 20 vehicles. Even if the proposed dwellings had four parking spaces that would still see a reduction of 93 parking spaces from the site which will greatly reduce the vehicle movements to and from the site that utilise the same access and drive it has always used. The type of vehicle using the drive will now be of a type that you would associate with residential properties and not as the previous uses of the site which has had HGV's, coaches and mini buses utilise the same drive and access. The vision and widths achieved by the access is the same as the previous uses so will see a greatly reduced amount of vehicle movements and vehicle sizes, which should be seen as a planning gain for local residents.'*
- 10.16 Due consideration has also been given to the comments of the LHA in respect of the loss of car parking associated with the former 'Sunset Rooms' and the likely impact that this may have on public amenity should additional kerb side parking be generated through a greater utilisation of the facilities contained therein. In this regard it is noted that:
- (i) The change from entertainment venue to sports hall is not considered to be a material change in terms of The Town and Country Planning (Use Classes) Order 1987 (as amended). Whilst the consultation responses indicate an intervening use may have occurred the LPA is unaware as to the full extent and nature of this change and in terms of planning history it is contended that no change of use has occurred.
  - (ii) The loss of car parking to serve the Sunset Rooms through the sub-division of the site is regrettable however in considering the condition wording which required the provision of car parking it is concluded that the condition, which dates back to 1981, is structured in such a way as to preclude the LPA pursuing non-compliance as it is not significantly precise to ensure longer term compliance; indeed it is considered that the absence of a requirement to retain such provision 'in perpetuity' there is no redress open to the LPA in terms of securing additional parking.
  - (iii) Based on the consultation responses received it is contended that the current sports hall use appears to be served by sufficient parking at this present time; noting the absence of any specific complaints relating to lack of parking or on-street parking within the consultation responses received.

### **Refuse collection**

- 10.17 This submission indicates that refuse collection would be the subject of private collection arrangements; as per the earlier scheme for one dwelling. It is noted

in respect of the earlier scheme that the physical constraints of the site were such that the proposal had no potential to comply with RECAP guidance for waste collection by the Council, with the access way being approximately 95 metres long and unable to accommodate a bin storage area within 30 metres of the highway as required by RECAP.

- 10.18 Whilst accepting private management arrangements with regard to refuse collection in respect of the single dwelling scheme it was considered necessary to secure a scheme for the hard surfacing of the access to afford occupiers easier movement of bins along the access way; ultimately providing more convenient access to roadside collection; this remains a reasonable and proportionate requirement when considering the development impacts.
- 10.19 However it is also clear from the consultation responses received and the on-site situation in terms of the area available at kerbside that a roadside collection may not be a reasonable prospect for more than a single dwelling. As such it is considered appropriate to secure full details of the refuse collection strategy for the site as a condition of any consent issued.
- 10.20 Accordingly it is considered subject to suitable conditions the scheme whilst not achieving full compliance with Policy LP16 in terms of refuse collection arrangements would not represent significant amenity harm. Furthermore mindful of the existing consent in place and the availability of a mechanism to address the shortfall in this regard via condition it is considered that on balance the scheme may be accepted.

## Other Considerations

- 10.21 **Ecology and habitats:** Whilst a neighbour has indicated that the site has value as a habitat for deer and owls there are no particular features that would warrant further investigation in this regard. Within the submission it is stated that the site has been the subject of a number of walk overs by the agents for the scheme who note that 'at no point has there been any evidence of bats, owls or nesting birds. This is also the case for newts, badgers, dormice and other reptiles.' In addition the agent notes that the 'applicants have confirmed that they are not aware of the presence of any of the above on site.' It is further noted the grant of planning permission does not dispense with the need for the development of the site to comply with Section 1 of the Wildlife and Countryside Act.
- 10.22 **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). One such exemptions allowed for under these regulations is in respect of outline planning approvals and as such it has not been necessary to gain the agreement for the applicants representatives in respect of the pre-commencement conditions identified.

## 11 CONCLUSIONS

- 11.1 This site is within the settlement of Wisbech St Mary which is identified as a growth village in terms of the settlement hierarchy outlined in Policy LP3 of the Fenland Local Plan. Whilst the scheme has generated some local objection,

predominantly on the grounds of residential amenity impacts and highway safety, due regard has been given to the planning history of site and the level of impact arising from the development.

10.2 Although the development of the site will change the outlook from adjoining residents the likely impacts of the proposal, are not considered to so significant as to render the scheme unacceptable. Similarly concerns regarding the access to serve the development, when viewed against the backdrop of its historic use to serve the former Sunset Rooms, are such that it would not be reasonable to withhold consent on the grounds of highway safety. Some betterment of the access is achievable through enhancements to existing surfacing; this will be to the benefit of both residential amenity and highway safety.

11.3 It is considered that there are no planning grounds on which consent should be withheld and accordingly the scheme, on balance, must receive a favourable recommendation.

## 12 **RECOMMENDATION: Grant subject to conditions as follows:**

1 Approval of the details of:

- (i) the layout of the site
- (ii) the scale of the building(s);
- (iii) the external appearance of the building(s);
- (iv) the 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 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 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

Reason - To safeguard the residential amenity of neighbouring occupiers, in accordance with policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.

- 5 Prior to occupation of the development hereby approved a refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority. The refuse collection shall accord with the agreed details and thereafter be retained in perpetuity unless otherwise agreed in writing.

Reason - To ensure a satisfactory form of refuse collection and compliance with Policy LP16 of the Fenland Local Plan, adopted May 2014.

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

Reason - To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with policy LP16 of the Fenland Local Plan

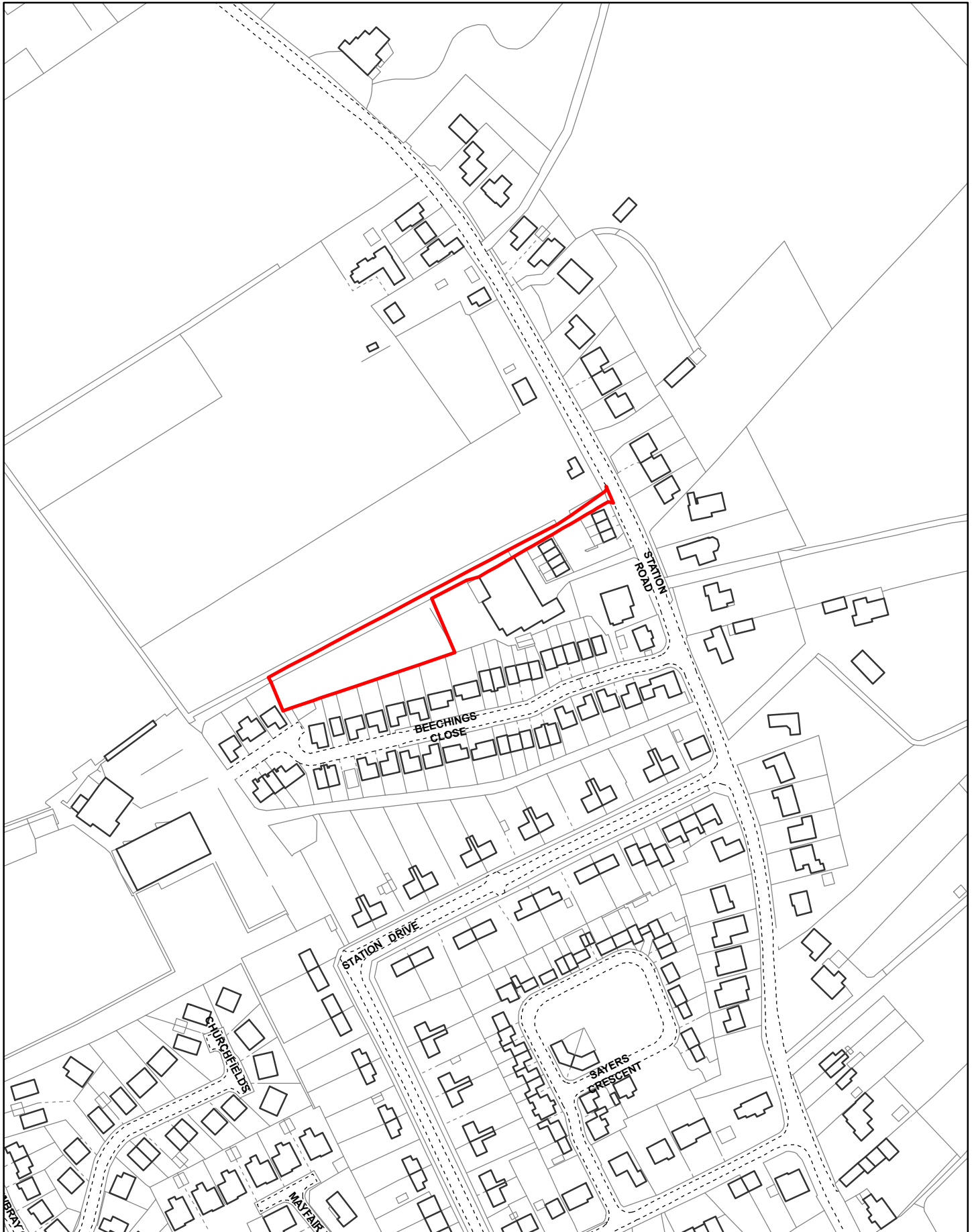
- 7 Before the development hereby permitted is occupied the vehicular access from Station Road shall be hard surfaced, sealed and drained away from the highway for a minimum width 5m and a minimum length of 10m from the back edge of the existing carriageway, in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety in line with Policy LP15 of the Fenland Local Plan (May 2014).

- 8 Before the development hereby permitted is occupied the access shall be surfaced with an appropriate material and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety, and residential amenity and in order to ensure that adequate vehicular and pedestrian access is provided for waste management requirements.

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



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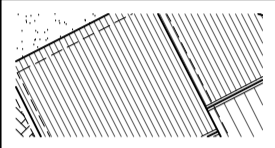
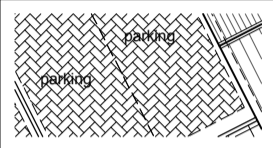
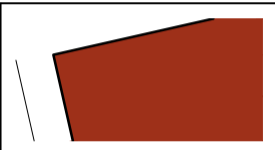
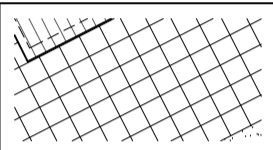
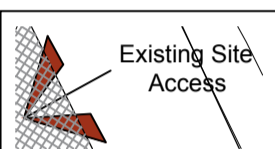
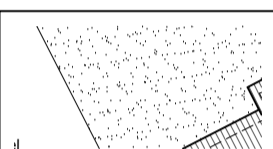
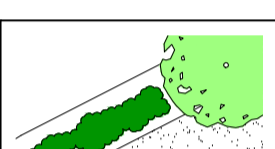
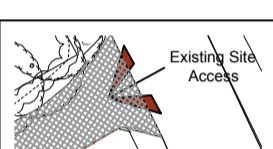
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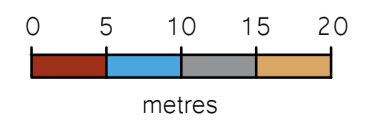
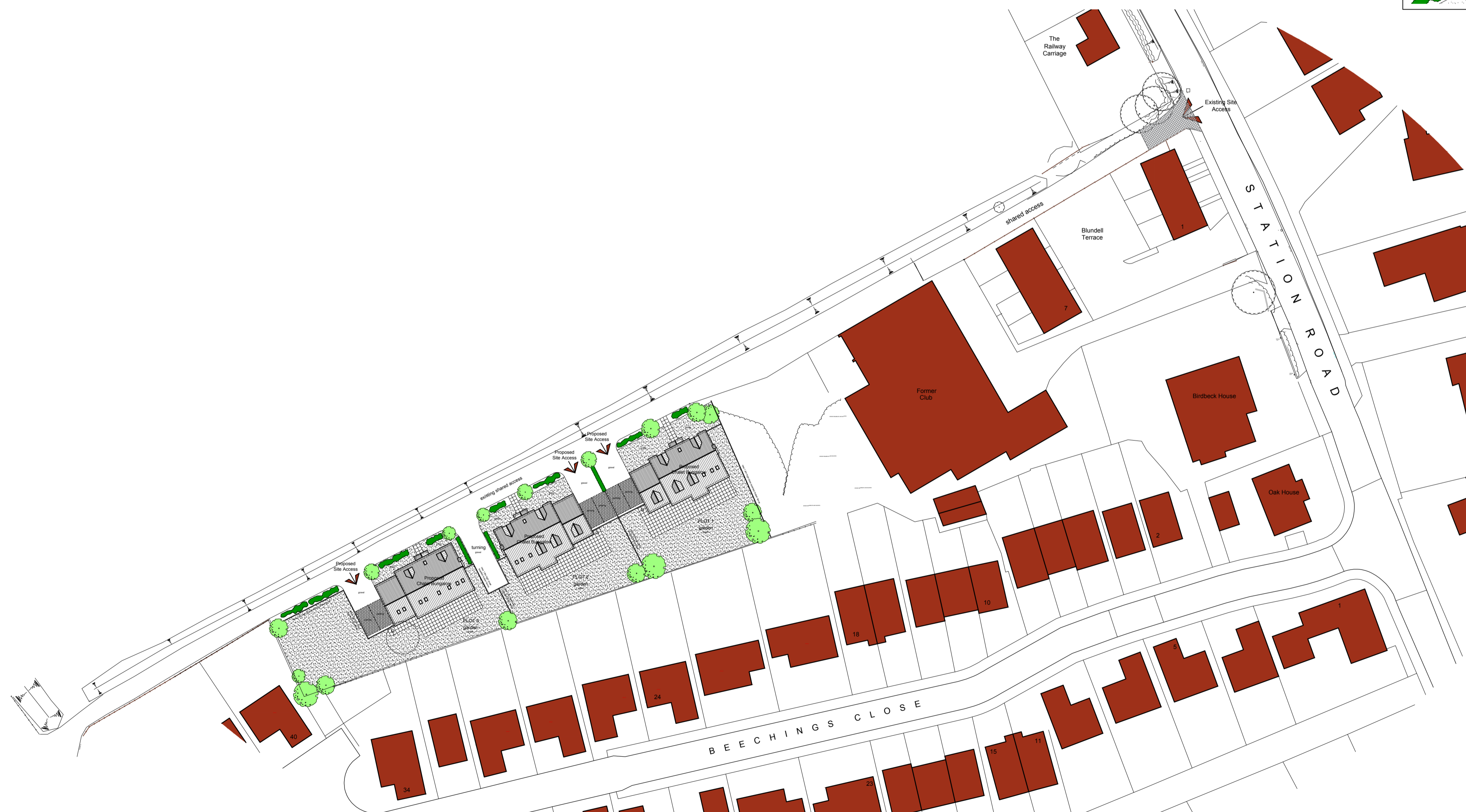
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- General Notes
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  3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
  4. This drawing is to be read in conjunction with all relevant engineers and specialist sub-contractors drawings and specifications.
  5. Any discrepancies are to be brought to the designers attention.

SITE PLAN KEY

	Indicates proposed dwellings		Indicates block paving parking spaces
	Indicates existing structures taken from O.S. map		Indicates patio slabs
	Indicates site access points		Indicates areas to be grassed
	Indicates tress and shrubs		Indicates 10.0m sealed and drained access constructed to CCC Construction Specification



Indicative Site Plan  
Scale: 1:500

Revisions	
A	August 2018 Access Revised for Highways

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
ARCHITECTURE

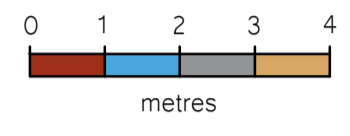
Swann Edwards Architecture Limited, Swann Edwards Architecture, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Three Dwellings Wisbech St Mary For: Symonds, Plumb & Goodger	Date April 2018	Scale 1:500 Sheet Size A1
Drawing Title Planning Drawing Complete Site Plan	Job No. SE-874 Dwg No. 03	Drawn by G.E. Revision A

General Notes  
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 2. All dimensions are shown in "mm" unless otherwise stated.  
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.  
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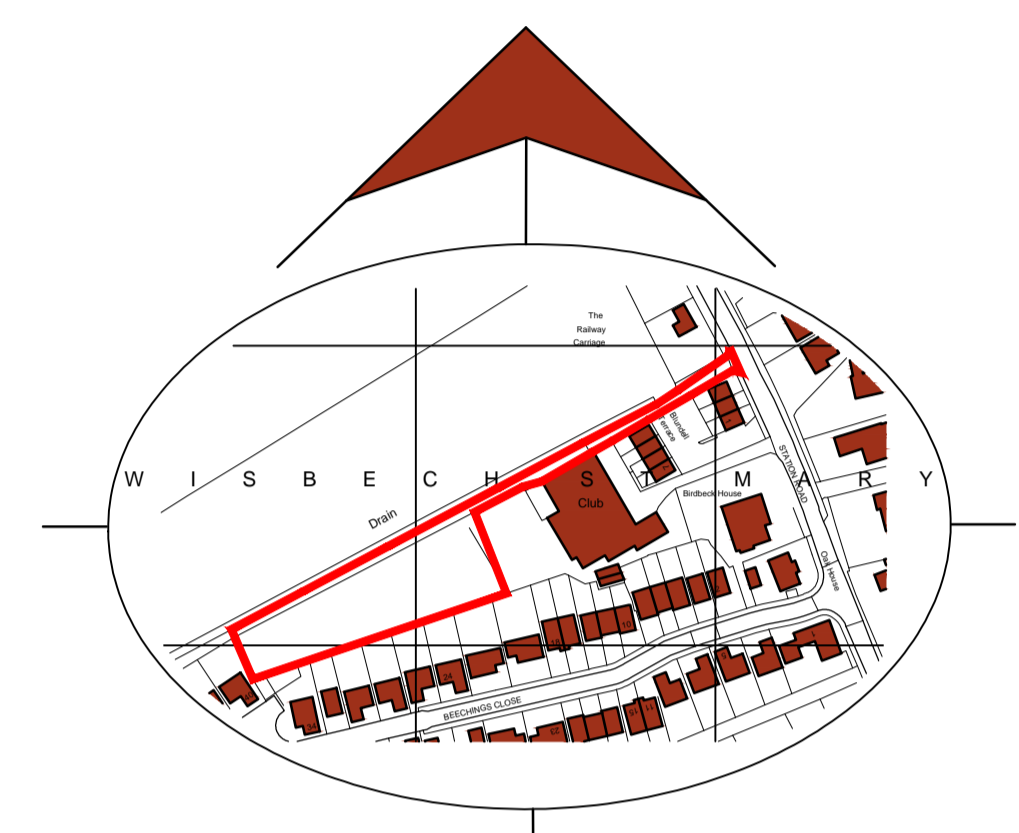
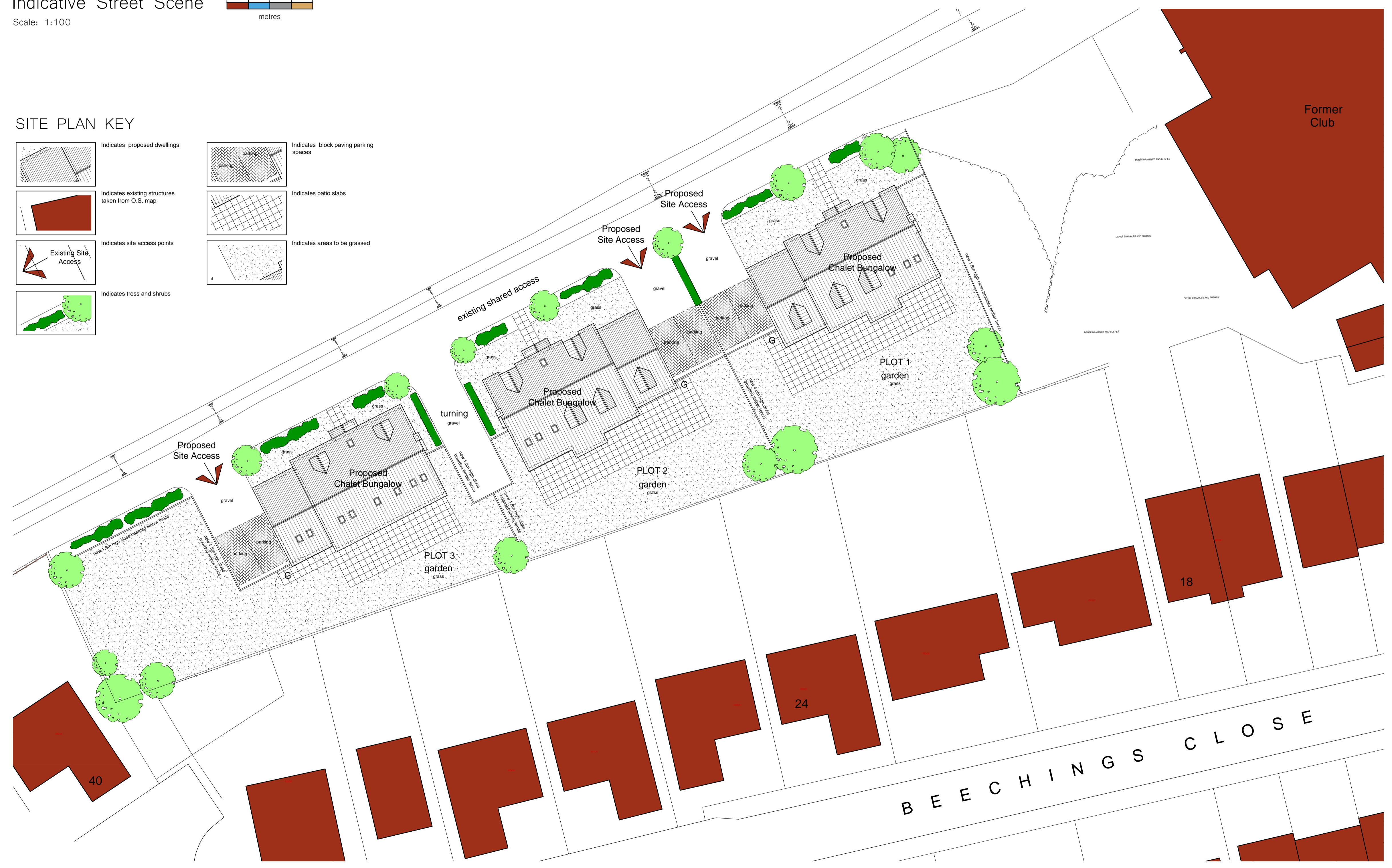
Indicative Street Scene



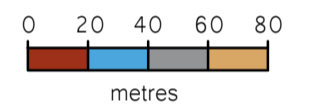
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SITE PLAN KEY

	Indicates proposed dwellings		Indicates block paving parking spaces
	Indicates existing structures taken from O.S. map		Indicates patio slabs
	Indicates site access points		Indicates areas to be grassed
	Indicates tress and shrubs		

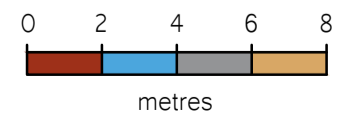


Location Plan



Scale: 1:2500

Indicative Site Plan



Scale: 1:200

Status  
**FOR APPROVAL**

**SWANN EDWARDS**  
 ARCHITECTURE

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Job Title Proposed Three Dwellings For: Symonds, Plumb & Goodger	Date February 2018	Scale As Shown Sheet Size A1
Drawing Title Planning Drawing	Job No. SE-874 Dwg No. 02	Drawn by G.E. Revision

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**F/YR18/0496/PLOBBA**

**Applicant: M Baker  
Axiom Housing**

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

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

**Modification of Planning Obligation attached to planning permission F/YR14/0183/O (entered into on 18/02/2015) relating to affordable housing, tenure mix and schedule and financial contributions relating to Pre-School Education, Secondary Education, Fenland Rail Contribution, Libraries and Lifelong Learning, County Waste and public open space**

**Reason for Committee: The original outline planning permission (which included a Planning Obligation) was determined by the Planning Committee as was the reserved matters submission relating to this scheme.**

## **1 EXECUTIVE SUMMARY**

This application seeks to modify the existing Section 106 dated 18/02/2015 attached to outline planning permission F/YR14/0183/O to reflect the agreed tenure mix and schedule as agreed under the Reserved Matters Application.

A viability assessment of the scheme has been considered by the Council's S106 Officers. This assessment demonstrates that the scheme which Axiom seek to deliver on the site; which proposes a significantly higher level of affordable housing than that required to achieve policy compliance, is unviable even when making contributions solely in respect of the market homes to be delivered.

The County Council have indicated that they consider the scheme is unviable solely on the basis of the level of affordable housing provision, and that a higher level of funding from other agencies would potentially enable a fully policy compliant scheme come forward which from their perspective should see contributions in respect of all units.

These comments are noted however mindful of the FDC Developer Contributions SPD (adopted February 2015) it is recommended that the principle of a Deed of variation is accepted in so far as it relates to:

- i) Varying the tenure outlined in the S106, and
- ii) Revising the S106 contributions payable to relate solely to the market units on a pro-rata basis.

## **2 SITE DESCRIPTION**

- 2.1 The site currently forms a vacant area of land which was formerly used as a nursery site. The site is on Peterborough Road to the western side of Whittlesey. The site adjoins the main settlement core and sits adjacent to some residential

development along the frontage of Peterborough Road, a car garage. The Kings Dyke Nature Reserve adjoins the rear boundary of the site (to the north). The front boundary with Peterborough Road is largely screened by existing dwellings although there are two areas of land which are open and may facilitate access.

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

### 3 PROPOSAL

- 3.1 This application seeks to modify the existing Section 106 dated 18 February 2015 attached to outline planning permission F/YR14/0183/O
- 3.2 Full plans and associated documents for this application can be found at:

### 4 SITE PLANNING HISTORY

F/YR18/0557/F	Erection of 18 x 2-storey dwellings (Phase 2) comprising of 5 x 2-bed and 13 x 3-bed	Pending
F/YR18/0128/RM	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	Granted 16.08.2018
F/YR17/3124/COND	Details reserved by conditions 6, 9, 13, 15, 16, 17, 18, 19 and 20 of F/YR14/0183/O	Withdrawn
F/YR14/0183/O	Erection of 68no dwellings (max)	Granted 19/02/2015

### 5 CONSULTATIONS

- 5.1 **Town Council:** We cannot object to this application but are very disappointed at the loss of community benefit.
- 5.2 **Housing Strategy (FDC):** *Axiom Housing have submitted a reserved matters application on the above Outline planning application (F/YR18/0183/O). The application proposals include for a much larger percentage of affordable housing (85% affordable housing), with the aim of delivering much needed affordable housing in the area.*

*There is significant demand for new affordable housing in Fenland and the provision of 58 affordable homes will go some way to addressing this. There are currently 2600 applicants on the Fenland Housing Register and a large number of residents registered with the Help to Buy Agents seeking affordable housing in Fenland. Coupled with the significant demand for affordable housing there has been a very limited supply of new affordable homes completing with only 2*

*completions during 2017/18 and only 39 projected to complete during 2018/19. It is imperative that FDC maximises opportunities for RP's to deliver more affordable homes and access grant funding.*

*With evidence from the DAT, I support the proposal for the removal of the financial contribution which would apply to those affordable homes which are being provided in excess of the S106 affordable dwellings. This application is proposing to over provide affordable housing in the area when applied to the requirements of the Local Plan and Policy LP5.*

### 5.3 **Section 106 Services (FDC):** Commercially sensitive information removed

Further to the viability appraisal that has been submitted for Former Westhaven Nursery, Peterborough Road, Whittlesey please see my summary of the details submitted.

- The appraisal demonstrated that there are viability issues preventing the delivery of policy compliant S106 Contributions. The submission includes the delivery of £36,020 S106 contributions.
- The anticipated revenue for the Open Market dwellings was established utilising comparable new build evidence with additional information sought from the Agent to justify the values.
- The appraisal includes an Affordable Housing Grant to deliver the 58 Affordable Dwellings.
- The adopted Bank interest is an acceptable assumption.
- Design & Professional Fees of 10% have been adopted; up to 10% is considered within an acceptable range.
- The build costs specified are in accordance with figures published on BCIS TPI webpages for the types of properties proposed re-based for Fenland.
- Evidence was provided supporting the Abnormal Costs and External works which were benchmarked against similar schemes within Fenland. In addition a contingency of 2% was included which is within an acceptable range for this type of scheme.
- The submission includes 20% profit of the Gross Development Value of the Open Market Dwellings. 20% profit is considered the minimum amount that a developer would usually require for a site of this nature.
- The submission has been reviewed by Cambridgeshire County Council who have advised that they accept the proposed scheme cannot support the required level of S106 contributions. CCC have advised that although they accept the reduced levels of S106 contributions are relatively modest advice from Senior Management is required before agreeing to the proposed reductions, to date I have not been advised if this has been granted.

5.4 **CCC Growth and Development:** The modification of the S106 is being sought to remove the financial contribution on the basis of viability. The site has outline planning permission for 68 dwellings which is subject to 25% affordable housing and a range of relatively modest financial contributions when compared other development costs and the impact of affordable housing on viability.

The reserved matters seeks approval of details, including a tenure mix comprising 85% affordable housing which clearly has a significant negative impact on scheme viability. Based on the submitted development mix the financial contribution towards County Council infrastructure totals £90,000. The applicant recognises this and states that the delivery of a viable scheme will be dependent on additional grant from Homes England and/or the Combined Authority.

[...] The viability position on this scheme is largely self-inflicted and could be avoided or at least minimised if the consented rate of 25% was adopted. It will be necessary for the HE/CA to provide circa £3,600,000 of grant in order for the current viability appraisal to show a surplus and it is evident that without this level of additional income the scheme will be unviable regardless of the modest S106 contributions. The issue therefore is not whether the S106 contributions will prevent the development coming forward, rather to what extent they determine the level of grant funding.

The NPPF states that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. In this case it is the impact of the 85% affordable housing, not the financial contributions that are threatening viability. To agree to the removal of the contributions would in effect be subsidising other grant making public authorities and therefore on the basis of the evidence provided, and notwithstanding the specific comments made on the viability assessment above, there is no compelling reason for the County Council to agree to the modification of the Section 106. As the contributions are necessary to make the development acceptable they should be retained.

Following receipt of further information; comment as follows (16.08.2018):

*I am satisfied that this information adequately supports the conclusions arrived at in the viability assessment, i.e. that the development cannot support the agreed level of s106 contributions.*

*I am conscious the development remains heavily dependent on social housing grant or equivalent to be viable regardless of S106 contributions. The applicant is seeking a modification to the S106 to remove contributions on the affordable housing element (58 dwellings). This is a concern to me as it means the County Council is being asked to subsidise another public authority's grant to this development. My view is that the rate of grant should reflect the funding deficit taking into account the full development costs, including S106.*

*Whilst the sums are relatively modest in relation to the amount of grant require I need to take a further steer from senior management before I can agree to the proposed reduction in S106. I will feedback further.*

5.5 **Local Residents/Interested Parties:** No consultations undertaken as scheme relates to the legal agreement

## **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)**  
Paragraphs 54 – 57: Planning Conditions and Obligations.
- 7.2 **National Planning Practice Guidance (NPPG)**  
Viability and decision taking  
Planning obligations
- 7.3 **Fenland Local Plan 2014**  
LP13 - Supporting and Mitigating the Impact of a Growing District
- 7.4 **Developer Contributions SPD (adopted February 2015)**

## **8 BACKGROUND**

- 8.1 Axiom Housing are seeking to remove the financial contributions included in the existing Section 106 agreement from the 58 affordable housing units included in the Reserved Matters application. This includes all 5 financial contributions (Pre-School Education, Secondary Education Contribution, Fenland Rail Contribution, Libraries and Lifelong Learning Contribution, County Waste Contribution) included in the second schedule of the agreement and the public open space contribution included in the fourth schedule.
- 8.2 Axiom Housing would also like the modified S106 to reflect the agreed tenure mix and schedule as highlighted on the Proposed Site Plan included in the Reserved Matters Application and included in the supporting information for this application.
- 8.3 Axiom Housing have submitted a Reserved Matters application on the above Outline planning application (F/YR18/0183/O) [which has subsequently been approved by Committee at its August Meeting]. The application proposals include for a much larger percentage of affordable housing (85% affordable housing), with the aim of delivering much needed affordable housing in the area. A proposal supported by the local authority's housing team. Financially, this over provision of affordable housing cannot be delivered alongside the existing financial contributions included in the S106 agreement.
- 8.4 A Viability assessment (Using the HCA DAT format) has been completed by Axiom housing, and is included in this application. The viability assessment demonstrates the above. Below is accompanying text from Axiom Housing regarding the Viability Assessment and its result.

*“The HCA DAT has been completed as best we can given the proposed 68 unit scheme is predominately (85%) affordable housing to be developed by a non-profit making housing association. The inputs accurately reflect the development in terms of tenure, on costs, timings and the build contract budget identified by our contractor, Lindum Group. As an RP, Axiom assess viability taking into account*

initial sales receipts, rental income, grant and scheme borrowing capacity over an extended cash flow period; usually 30-40 years. The significant deficit shown as an output will be met by a combination of loans and grant income for the 41 additional affordable units over and above existing s106 requirement for 17 affordable homes. The final grant income (and therefore residual borrowing requirement) has yet to be confirmed but is likely to be either Homes England AHP funding or Combined Authority Grant subject to the bidding and approvals process.

We believe that as a multi-tenure scheme this development will deliver much needed affordable housing for Fenland DC well above planning policy compliant levels to meet a wide range of local housing needs. With the scheme's reliance on grant and self-funding for viability, s106 contributions for the 58 affordable units are neither affordable nor appropriate" – Mel Baker, Axiom Housing.

## 9 ASSESSMENT

9.1 The original S106 Planning Agreement secured the following:

Item	Amount	FDC/CCC
<b><u>Education Contributions</u></b> <ul style="list-style-type: none"> <li>• Pre-school education, and</li> <li>• Secondary Education Contribution</li> </ul> <i>(calculated as per IMP2)</i>	<b>£71,400</b> , and  <u>Maximum Contribution Primary and Secondary as per IMP2:</u> <ul style="list-style-type: none"> <li>• 2-bed dwellings = £500</li> <li>• 3-bed dwellings = £2,000</li> <li>• 4-bed or more dwellings = £3,000</li> <li>- amount quoted per unit</li> </ul>	<b>CCC</b>
<b>Fenland Rail Contributions</b>	£48,571.71	FDC
<b>Libraries and Lifelong Learning Contribution</b>	£6,874	CCC
<b>County Council Waste Contribution</b>	£373.32	CCC
<b>Public Open Space Contribution</b>	Calculated in accordance with the schedule included within	FDC
<b>Monitoring costs</b>	£2500	-
<b>Provision of Public Open Space</b>	20 square metres per dwelling to be provided on site including an equipped play area with 5-8 pieces of play equipment	Scheme specific
<b>Affordable Housing at 25%</b>		

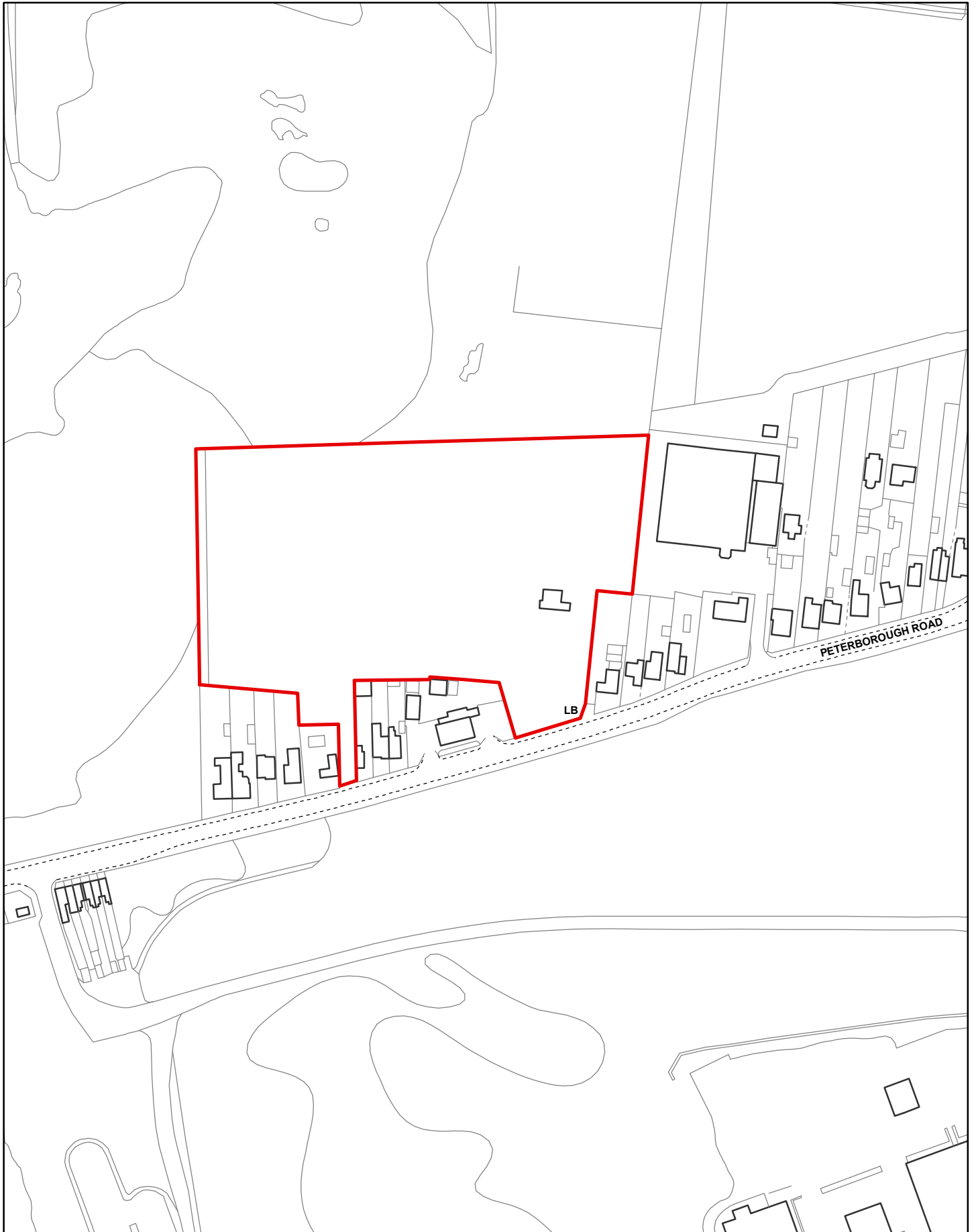
9.2 It is intended that the revised S106 will pro-rata the above contributions making them payable solely on the basis of the 10 market dwellings to be delivered, i.e. the remaining 15% of the development once the 85% has been discounted

9.3 The S106 Officers and Cambridgeshire County Council's Growth and Economy team have reviewed the viability assessments and have agreed the detail contained therein. However CCC have indicated strong concern that the scheme is unviable solely due to the choices made by the intended developer.

The LPA have sympathy with this argument however should the scheme have come forward, post April 2015, on the basis of 85% affordable from the outset the LPA would only have sought contributions in line with the *Developer Contributions SPD (adopted February 2015)*; this document identifies that *'most planning permissions will include one or more conditions on the decision notice. However, not all permissions will be required to be accompanied by a S106 planning obligation.*

*Of the examples given in this regard the SPD includes 'affordable housing (other than the provision of the affordable homes themselves)'*

- 9.4 As such only 10 of the units identified in the current scheme proposals would attract contributions, and this is proposed by the applicant within the DAT as submitted. In addition, on balance, it is considered that the provision of an increased level of affordable housing on the site, given the housing issues in the District (as outlined by the Strategic Housing Officer), should carry significant weight in that to refuse planning permission on the basis of reduced S106 contributions would not be reasonable or sustainable.
- 10 CONCLUSIONS:** The application has been given due consideration and accordingly it is recommended to accept the principle of a Deed of Variation in respect of the above, i.e. amended to reflect agreed tenure and adjusted to require pro-rata contributions which reflect the number of market units provided, i.e. 10 dwellings.
- 11 RECOMMENDATION:** GRANT subject to the completion of a Deed of Variation. It is recommended that a Deed of Variation be accepted as per Section 11 above



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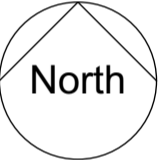
**F/YR18/0496/PLOBBA**

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- A Revised to client comments 31.07.2017
- B Mix changed to client comments 01.11.2017
- C POS Trees Removed 03.11.2017
- D Site layout revised as per client comments 16.11.2017
- E Mix changed to client comments and POS increased 06.12.2017
- F Mix changed to client comments and layout amendments 20.12.2017
- G Plot 37 amended 08.01.2018
- H Type layout amended to project meeting 08.01.18 09.01.2018
- J Fence lines and schedule amended, plots swapped as per client discussions and sheet renamed 12.01.2018
- K Parking revised for plots 58 & 68, 3 spaces for 4 beds shown, visitor space for 12.01.2018
- L Note re future development added, bin collection points added 25.01.2018
- M Layout amended as per highway engineer's comments 26.02.2018
- N Tenure mix amended as per client's comments 14.03.2018
- P Tenure mix shown as per comments and boundary amended as per revised land registry 14.03.2018
- Q Shared access drives amended as per updated tracking information 26.03.2018
- R Gates added to northern boundary & extra bin storage added 20.04.2018
- S Site entrance wall detail moved clear of vehicle visibility 23.04.2018
- T 8.5m biodiversity buffer zone added to western site boundary. Layout amended accordingly and private drives that adjoin public open space reduced in size 04.07.2018



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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Site Layout - Phase 1

Ref: 41083/ 001T

Scale: 1:500 @ A2

Date: 25.07.2017

Drawn: YS Checked: RAW

ACCOMMODATION SCHEDULE							
41083 - Peterborough Road, Whittlesey							
HOUSE TYPE	Beds	NUMBER	SQM	SQM Total	SQFT	SQFt total	%
A	2b4p	20	64	1280	688.90	13777.92	29.4%
B	3b5p	4	83	332	893.41	3573.65	5.9%
C	3b5p	28	80	2240	861.12	24111.36	41.2%
C1	3b5p	10	80	800	861.12	8611.20	14.7%
D	4b6p	2	110	220	1184.04	2368.08	2.9%
E	1b2p	4	48	192	516.67	2066.69	5.9%
<b>Total</b>		<b>68</b>		<b>5064</b>		<b>54508.90</b>	<b>100.0%</b>
<b>Total Site Area:</b>		<b>2,644</b>				<b>Hectares</b>	
<b>Total Site Area:</b>		<b>6,533</b>				<b>Acres</b>	
<b>Site Density:</b>		<b>25.72</b>				<b>DPH</b>	

- Tenure
- Affordable Rent
  - Rent to Buy
  - Shared Ownership
  - Private Sale

All dimensions to be checked on site. This drawing is the copyright of the Architect, and not to be reproduced without their permission. Ordnance Survey map information reproduced with permission of HMSO Crown Copyright reserved. rg+p Ltd. Trading as rg+p.

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F/YR18/0626/F

**Applicant: Mr & Mrs Cross**

**Agent : Morton & Hall Consulting Ltd**

**29A Maple Grove, March, Cambridgeshire, PE15 8HT**

**Erection of a part 2-storey/single-storey side/rear extension and porch to front of existing dwelling**

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

---

## **1 EXECUTIVE SUMMARY**

The prevailing character of the area consists of regularly sited dwellings with spacing between, however it is noted that there are a couple of exceptions to this due to unfortunately designed side extensions eroding the spacing between dwellings to the detriment of the visual amenity of the area. This does not justify further loss of character and should encourage high quality design to future developments to enhance visual amenity.

It is acknowledged that there will be some impact on neighbouring properties, however this is not considered to be significantly detrimental.

The scheme does incorporate an integral garage, however this is not considered to be of sufficient dimensions to enable a car to be accommodated and the scheme is considered to be contrary to Policy LP15 and Appendix A due to lack of useable on-site parking.

The proposal is not considered to create a significant detrimental impact in relation to residential amenity and there are no issues to address regarding flood risk. The scheme is nevertheless considered to be unacceptable; its juxtaposition with the neighbouring extension and lack of separation between the dwellings is considered to have a significant detrimental impact on the streetscene and character of the area, creating an incongruous feature in particular due to the proximity and discordant design of extensions, in addition to the lack of well designed, useable, on-site parking provision.

## **2 SITE DESCRIPTION**

The host property is a semi-detached, 2-storey dwelling constructed in buff multi bricks to the front elevation and red multi to the remainder with a pantile roof, there are single-storey extensions to the rear of the property. To the front of the site is a low level close boarded fence enclosing a gravel garden area, concrete drive/parking area and paved footpath to the front door. To the rear of the site is a timber decked area with balustrading, shed and garden area laid to lawn with landscaping.

### 3 PROPOSAL

3.1 The application seeks full planning permission for a part 2-storey, part single-storey side/rear extension and a porch to the front. The 2-storey element measures 2.8m x 6.6m and 7.4m in height. The single-storey element measures a maximum of 5.5m x 4.8m and 3.7m high. There are porches proposed to the front of the garage and front door which are 3m in height and block paving is proposed to the front of the site in place of the existing tarmac and gravel.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PBCKZ5HE01U00>

### 4 SITE PLANNING HISTORY

TP5695	Erection of a pair of houses	Granted 20/11/1956
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### 5 CONSULTATIONS

5.1 **Parish/Town Council**  
*Recommend Approval*

5.2 **Local Residents/Interested Parties**  
None received as a result of consultations.

17 letters of support have been received via the agent following them being advised of the recommendation being one of refusal; these are in template format, advising that they have no objections and would support the application.

### 6 STATUTORY DUTY

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

### 7 POLICY FRAMEWORK

**National Planning Policy Framework (NPPF)**  
**National Planning Practice Guidance (NPPG)**  
**Fenland Local Plan 2014; LP2, LP14, LP15, LP16**  
**Delivering and Protecting High Quality Environments in Fenland; DM3**  
**March Neighbourhood Plan 2017**

There are no specific policies relating to developments such as this, however the visions, aims and objectives of the Plan is that the quality of the built and natural environment is improved.

## 8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking**
- **Flood Risk**

## 9 ASSESSMENT

### **Principle of Development**

- 9.1 The principle of development is acceptable subject to no adverse issues arising relating to visual and residential amenity. Consideration should also be given to the provision of parking and flood risk.

### **Design considerations and visual amenity of area**

- 9.2 The prevailing character of the area consists of regularly sited dwellings with spacing between, however it is noted that there are a couple of exceptions to this due to unfortunately designed side extensions eroding the spacing between dwellings to the detriment of the visual amenity of the area. This does not justify further loss of character and should encourage high quality design to future developments to enhance visual amenity.
- 9.3 The proposed 2-storey extension whilst being slightly set back and minimally lower in height is located further forward of the neighbouring extension and located only 0.8m from this (it should be noted that there is also an eaves overhang to No.29 reducing this further); the resulting building and its juxtaposition with the neighbouring extension and lack of separation between the dwellings is considered to have a significant detrimental impact on the streetscene, creating an incongruous feature particularly due to the proximity and discordant design of the extensions.
- 9.4 The single-storey element to the rear features both mono-pitched and dual pitched roofs which is not considered to be ideal and an attempt has been made to regularise the design, however this has not been forthcoming, nevertheless this is to the rear and therefore not visible from the streetscene.
- 9.5 The proposal features a mono-pitched porch above the proposed garage door (bringing this in line with the original host dwelling) and front door. Porches such as this are not a feature of the area, most properties having inset front doors removing the need for them. The proposal seeks to infill the existing porch area and then provide an external porch, this is not preferable due to the impact on the character of the area, however it is noted that this is likely to be permitted development (or would be in respect of the garage if the extension has been constructed) hence is unlikely to be resisted.
- 9.6 The scheme proposes block paving to the front which would improve the appearance as this presently consists of a number of differing materials, however would result in the loss of the front boundary fence which is regrettable given that the area is characterised by low level front boundary treatments.

### **Residential Amenity/Health and wellbeing**

- 9.7 To the front of the site is the end terrace property of 20 Maple Grove and detached dwelling of 1 Hawthorne Grove the rear garden of which runs along Maple Grove as this is a corner plot located at the junction of both. The proposed 2-storey extension is located approximately 16m from the boundary of the

dwellings and features a bedroom window at first-floor level, as such there would be some additional overlooking as a result of the proposal, however given the existing situation this is not considered to create a significantly detrimental impact.

- 9.8 To the east of the site is the semi-detached dwelling of 29 Maple Grove, which has been substantially extended and as a result is in close proximity with the boundary of the host property. There is an en-suite window in the side elevation facing in the direction of the proposal which will experience a loss of light as a result of the 2-storey element being in such close proximity, however this is obscure glazed so outlook is not considered an issue and the window does not serve a habitable room. There is a first-floor bathroom window and garage to the front of No 29 and the proposed extension is forward of this neighbouring dwelling, nevertheless the projection is not significant, the window does not serve a habitable room and the garage and associated drive are not considered to be significantly affected. To the rear of No.29 is a first-floor bedroom window and rear opening to the garage, this is set further back than the host property hence only 1.5m of the proposed single-storey rear extension would extend beyond the neighbouring dwelling; the extension is 0.8m from the boundary and at 3.7m in height would create a tunnelling effect on the area directly outside the rear of the garage as this would be sandwiched between 2 extensions, nevertheless there is sufficient amenity space over and above this to enable the garden to be enjoyed and as such this is not considered to be significantly detrimental. The proposed extension introduces 2 first-floor windows to the rear, these serve an en-suite and as such would be obscure glazed and would therefore not create any overlooking of No.29, even if these were not obscure glazed overlooking would not be significant due to the location of the neighbouring 2-storey extension hence a condition ensuring that these remain obscure glazed would not be required.
- 9.9 To the rear of the site are 35a and 37 Westwood Avenue, the proposed 2-storey extension is some 33m from the boundary with these dwellings and single-storey element 27.5m, as such the proposed development is not considered to have a significant adverse impact.
- 9.10 To the west of the site is the adjoining semi-detached dwelling of 31 Maple Grove; the proposal is located on the opposite side of the site beyond the existing dwelling and rear extension, the proposal introduces 2 first-floor windows to the rear, these serve an en-suite and as such would be obscure glazed and would therefore not create any overlooking of No.31, as such the proposed development is not considered to have a significant detrimental impact on this neighbouring dwelling.

### **Parking**

- 9.11 The host dwelling would become a 4-bed dwelling as a result of the proposal and as such Policy LP15 and Appendix A of the Fenland Local Plan require a minimum of 3 parking spaces to be provided on site.
- 9.12 The scheme does incorporate an integral garage, however this is not considered to be of sufficient dimensions to enable a car to be accommodated and would not comply with requirements of Appendix A in terms of size or set back within the site, as this would not be able to accommodate a vehicle clear of the public highway and the opening of the door.

- 9.13 The proposed site plan details 2 parking spaces, however the space in front of the garage is only just 5m which would result in a car abutting the garage to clear the highway. It has been requested to set the extension further back within the site however this has not been forthcoming. The second space whilst of sufficient dimensions would only have a maximum of 4m behind in which to manoeuvre, 6m would be required to enable a useable space. The scheme is therefore contrary to Policy LP15 and Appendix A due to lack of useable on-site parking.

#### **Flood Risk**

- 9.12 The application site lies within flood zone 1 and issues of surface water will be considered under Building Regulations; accordingly there are no issues to address in respect of Policy LP14.

### **10 CONCLUSIONS**

The proposal is not considered to create a significant detrimental impact in relation to residential amenity and there are no issues to address regarding flood risk. The scheme is nevertheless considered to be unacceptable; its juxtaposition with the neighbouring extension and lack of separation between the dwellings is considered to have a significant detrimental impact on the streetscene and character of the area, creating an incongruous feature in particular due to the proximity and discordant design of extensions, in addition to the lack of well designed, useable, on-site parking provision.

### **11 RECOMMENDATION**

#### **Refuse**

- 1 Policy LP16 of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments SPD seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area, enhances its setting, responds to and improves the character of the local built environment, reinforces local identity and does not adversely impact, either in design or scale terms on the streetscene, settlement pattern or landscape character of the surrounding area.

The proposal, by virtue of its juxtaposition with the neighbouring extension and lack of separation between the dwellings is considered to have a significant detrimental impact on the streetscene and character of the area, creating an incongruous feature in particular due to the proximity and discordant design of extensions. The development is therefore considered to be contrary to Policy LP16 of the Fenland Local Plan 2014 and DM3 of the Delivering and Protecting High Quality Environments SPD

- 2 Policy LP15 and Appendix A of the Fenland Local Plan 2014 seek to ensure that schemes provide well designed car parking appropriate to the amount of development proposed and meet the Council's defined parking standards.

The proposal does not provide sufficient, well designed, usable on-site car parking and as such is contrary to Policy LP15 and Appendix A of the Fenland Local Plan 2014.



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**F/YR18/0626/F**

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MAPLE GROVE

MAPLE GROVE

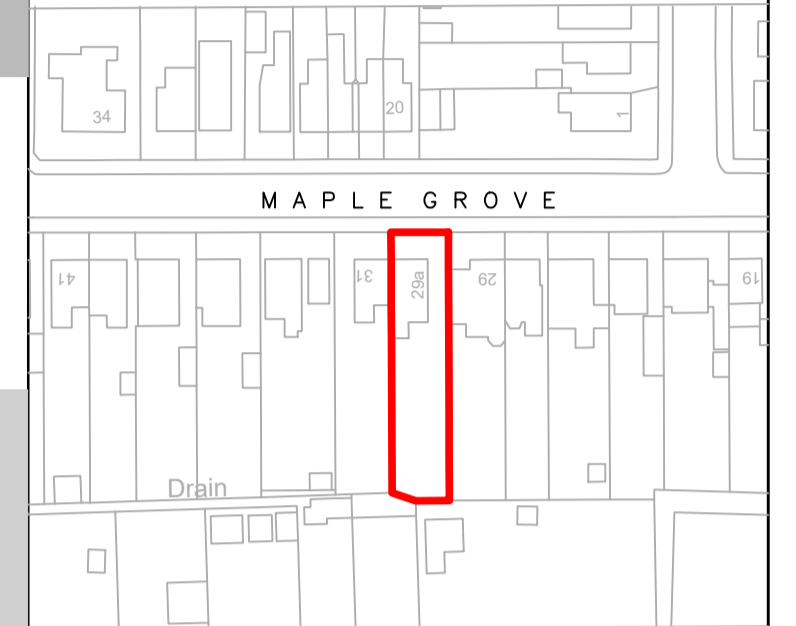
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 Please read, if in doubt ask. Change nothing without consulting the Engineers.  
 Contractor to check all dimensions on site before work starts or materials are ordered. Do not scale, if in doubt ask. All dimensions are in mm unless stated otherwise.  
 Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with all British Standards and COTIA standards with, where appropriate, BS or EC marks.  
 All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
 The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
 All finishes, insulation and damp-proofing to architect's details

No. 31

No. 29

No. 31

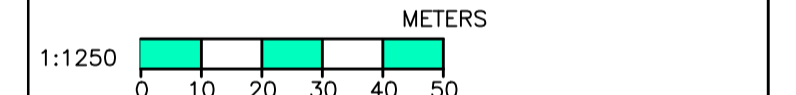
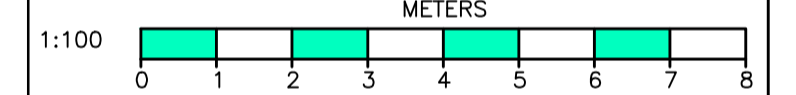
No. 29



LOCATION PLAN  
 (1:1250)  
 LICENSE NO: 100022423

**SITE PLAN KEY**

	PERMEABLE BLOCK PAVING (NON SLIP)		WATER COURSE
	CONCRETE SLABS (NON SLIP)		SITE ENVELOPE
	GRASS		PAVEMENT
	VEGETATION		TARMAC
	GRAVEL		EXISTING DWELLINGS



B	PLANNERS COMMENTS	AUG 18
A	PLANNERS COMMENTS	JULY 18
	REVISIONS	DATE

**MORTON & HALL CONSULTING LIMITED**

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Fenland District Council  
 Building Design Awards  
 winner

CLIENT  
 Mr and Mrs Cross

PROJECT  
 29A Maple Grove  
 March  
 Cambs  
 PE15 9HT

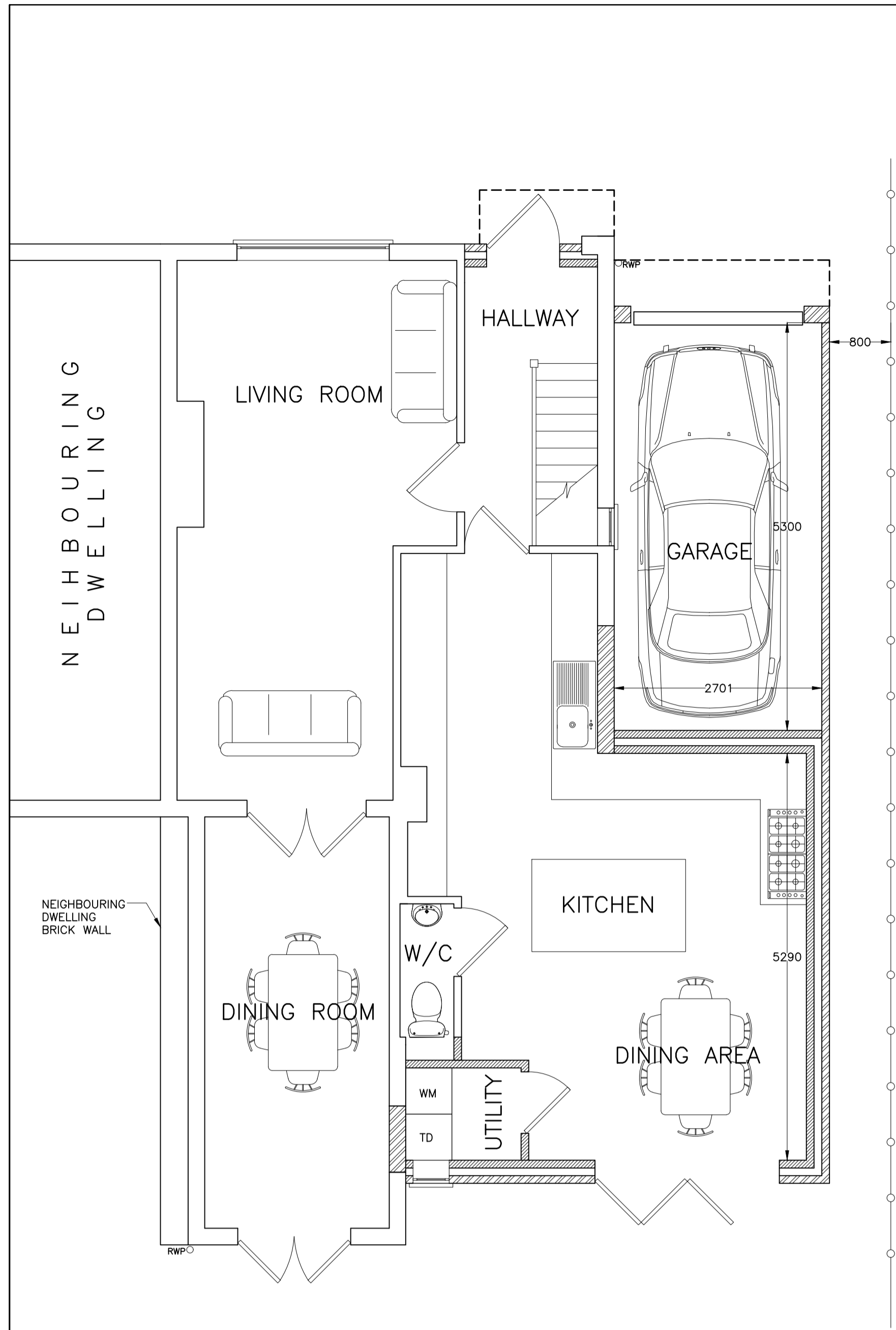
TITLE  
 Existing and Proposed Site Plans with Location Plan

DRAWN	M. Hainshaw	DATE OF ISSUE	
CHECKED		DRAWING NUMBER	H5300/00B
DATE	June 2018		
SCALE	As Shown		

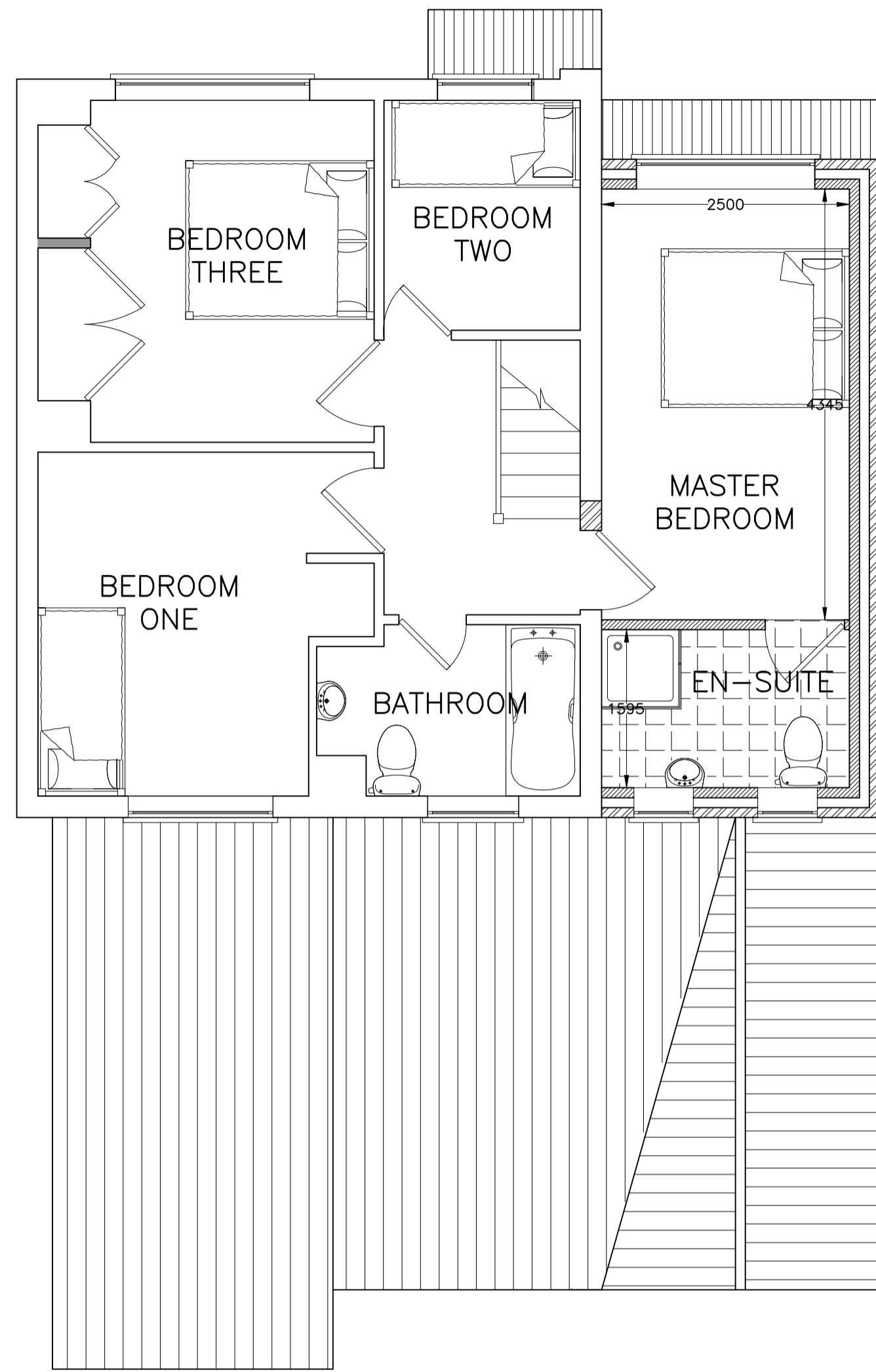
12m HIGH SILVER BIRCH TREE  
 8m HIGH CONIFER TREE

EXISTING SITE PLAN  
 (1:100)

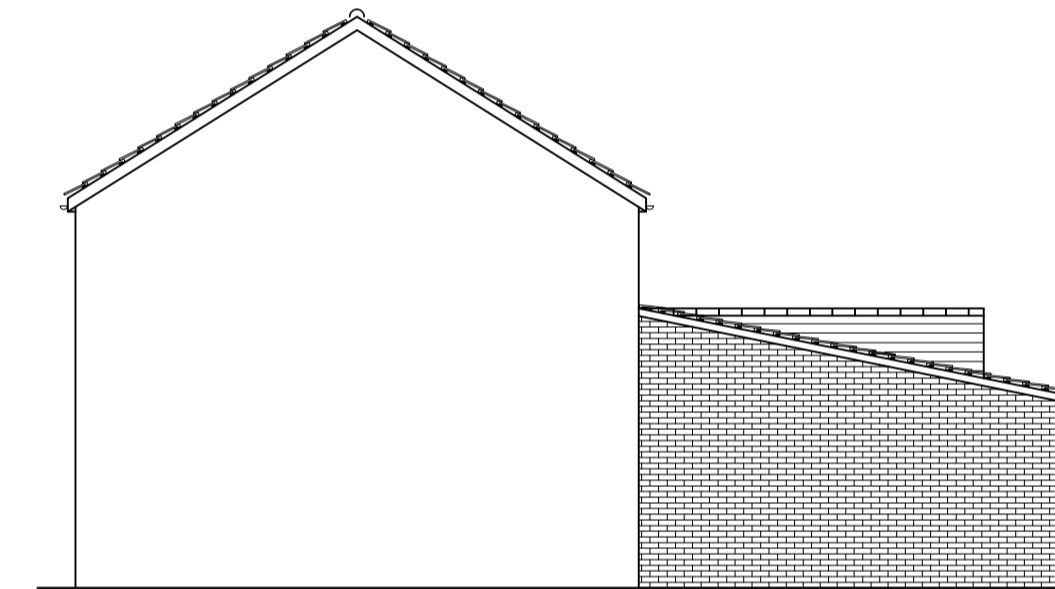
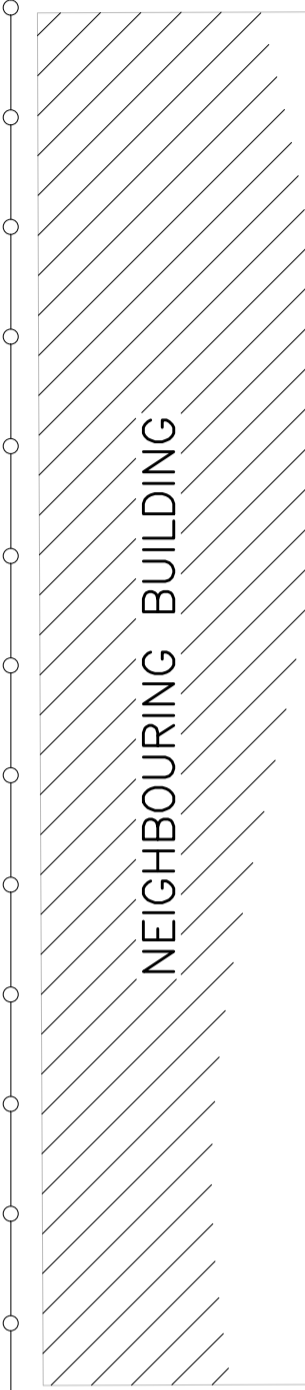
PROPOSED SITE PLAN  
 (1:100)



PROPOSED GROUND FLOOR PLAN  
(1:50)



PROPOSED FIRST FLOOR PLAN  
(1:50)

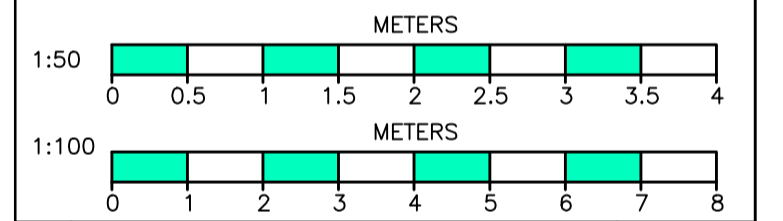


PROPOSED RHS ELEVATION  
(1:100)

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Please read, if in doubt ask. Change nothing without consulting the Engineers.  
Contractor to check all dimensions on site before work starts or materials are ordered. Do not scale, if in doubt ask. All dimensions are in mm unless stated otherwise.  
Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.  
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer.  
All finishes, insulation and damp-proofing to architect's details

PLAN KEY

- EXISTING WALLS
- PROPOSED 100mm BRICKWORK
- PROPOSED 100mm BLOCKWORK
- PROPOSED 100mm STUDWORK
- PROPOSED 100mm INSULATION
- PROPOSED VELUX WINDOW



G	PLANNERS COMMENTS	AUG 2018
F	CLIENTS COMMENTS	JUL 2018
E	CLIENTS COMMENTS	JUL 2018
D	CLIENTS COMMENTS	JUL 2018
C	CLIENTS COMMENTS	JUL 2018
B	CLIENTS COMMENTS	JUN 2018
A	CLIENTS COMMENTS	JUN 2018

REVISIONS	DATE
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**MORTON & HALL CONSULTING LIMITED**

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LABC Fenland District Council Building Design Awards winner Building Excellence in Fenland

CLIENT  
Mr and Mrs Cross

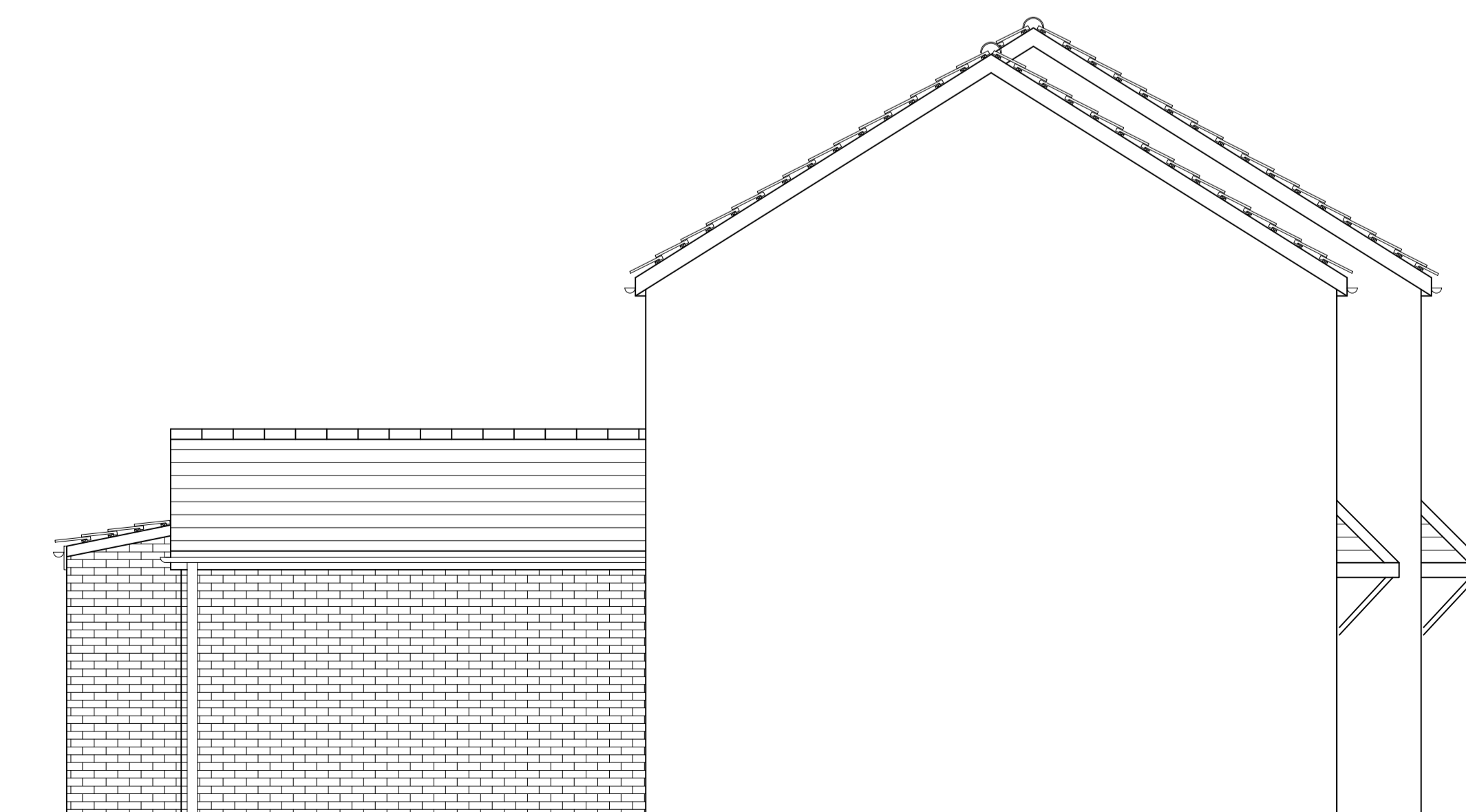
PROJECT  
29A Maple Grove March Cambs PE15 9HT

TITLE  
Proposed Plans and Elevations

DRAWN M. Hainshaw	DATE OF ISSUE
CHECKED	
DATE June 2018	DRAWING NUMBER H5300/02 <sub>G</sub>
SCALE As Shown	



PROPOSED REAR ELEVATION  
(1:50)



PROPOSED LHS ELEVATION  
(1:50)



PROPOSED FRONT ELEVATION  
(1:50)

F/YR18/0648/F

**Applicant: Biocow**

**Agent : Mr S Smith  
RSK ADAS**

**Anaerobic Digestion Plant, Somerset Farm, Cants Drove, Murrow**

**Formation of a digestate lagoon with a 4.5m high surrounding earth bund and a 1.2m high chain-link fence**

**Reason for Committee: Level of objections received and officer recommendation being at variance to that of the Parish Council**

## 1 EXECUTIVE SUMMARY

The scheme proposes the construction of an additional digestate lagoon to serve the established Biocow enterprise operating at Cants Drove, Murrow.

The additional lagoon is required to provide seasonal storage of liquid digestate which arises as a product of the AD process, which also occurs on the site.

The NPPF supports a prosperous rural economy and highlights that decisions should enable sustainable growth and expansion of all types of business in rural areas, including the development and diversification of agricultural and other land-based rural businesses. Similarly the need to increase the use and supply of renewable energy sources is also supported by the NPPF and as the digestate is a by-product of such an activity it may be inferred that the scheme also achieves policy compliance in this regard.

Whilst the concerns identified by local residents have been duly considered the NPPF is clear that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.

In land use planning terms there are no grounds to withhold consent. Odour management has been fully considered within the submission and there are appropriate safeguards in place through environmental protection legislation.

## 2 SITE DESCRIPTION

2.1 The site is located off Cants Drove to the south of Murrow off the B1187 (Murrow Bank). The total site area is 2.5 hectares. Access to the site is via Cants Drove. The access to Somerset Farm from the public highway will remain unchanged. However, a new access track on site (within the red line boundary) will be developed along the eastern site boundary.

2.2 The existing lagoon is situated circa 240 metres south of Cants Drove which is characterised by sporadic dwellings and agricultural fields and structures.

Visually the lagoon sits comfortably in the landscape and whilst the bund is apparent from views from the highway it is not unduly dominant and located against the backdrop of the anaerobic digester and structures associated with the farming operation and the Biocow offices.

### 3 PROPOSAL

- 3.1 The proposal itself consists of a single digestate lagoon measuring 125 m x 112 m with a maximum depth of 6m. It is adjacent to an existing lagoon of the same dimensions. An earth bund 4.5m in height is proposed to provide a level of landscaping around the lagoon with a 1.2 m chain-link fence.
- 3.2 The earth bund and fence dimensions are the same as the existing lagoon. The lagoon lining and cover will also be of the same materials,
- 3.3 The proposed lagoon is intended to provide seasonal storage of liquid digestate which arises as a product of the AD process. This digestate has value as a fertiliser and for crop irrigation. Currently, such materials are spread seasonally on the applicant's own land, and by sale to neighbouring land-owners. Spreading can typically only take place during the drier months of the years and therefore some form of digestate storage is required during the wetter, winter months. The proposed lagoon is designed to provide this function.
- 3.4 Supporting information included within the application notes that the proposed lagoon is designed to provide this storage function, and it would be filled during the autumn and winter by pipeline from the adjacent AD plant and emptied for spreading on the land during spring and summer on an annual basis. Spreading of the digestate will be by a tractor and tanker(s), which will access the lagoon through the AD plant. The tanker(s) will be filled from the lagoon by suction, and once filled will then leave by the same route and travel directly to the point of spreading.

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 (most recent)

F/YR16/0583/F	Variation of condition 1 of planning Permission F/YR14/0964/F to allow continued siting of mobile homes until 7 July 2019	Granted 01/09/2016
F/YR14/0970/F	Erection of a 2-storey building for office use	Granted 29/01/2015
F/YR14/0964/F	Variation of condition 3 of planning permission F/YR14/0397/F relating to occupation of caravans and flood warning and evacuation plan	Granted 23/01/2015
F/YR14/0397/F	Change of use of land and siting of 5 no mobile homes for use by farm workers	Granted 07/07/2014

F/YR13/0868/F	Formation of a dirty water storage lagoon with 1.2 metre high chain link fence/gates and extension of existing access roadway	Granted 25/02/2014
F/YR12/0838/F	Installation of 2 x dirty water storage tanks and extension to existing 2.0m high earth bund	Granted 21/12/2012
F/YR12/0397/AG1	Erection of an agricultural storage building	Further Details Not Required 09/08/2012
F/YR12/0381/F	Erection of an agricultural storage building	Granted 10/07/2012
F/YR11/2011/CCC	Screening Opinion: Proposed anaerobic Digestion plant	Further Details Not Required 07/12/2011
F/YR11/2015/CCC	Installation of 500kW agricultural anaerobic digester and associated infrastructure comprising primary and secondary digester; digester storage tanks; silage pit; CHP unit; effluent store; solid separator; internal roadways and hardstanding loading and turning area	Raise no objection 24/10/2011

## 5 CONSULTATIONS

- 5.1 **Parish Council:** *Recommend Refusal: The noise/smell/pollution generated has been detrimental to residents. Substandard vehicular access - existing roads are incapable of carrying increased traffic without suffering damage resulting in noise/pollution. Cumulative impact - The existing operation has been detrimental to the environment and lives of local residents due to noise/smell/pollution and damage to roads, the number of vehicle movements must be limited in number and restricted to day time hours. Any expansion is recommended for refusal.*
- 5.2 **Cambridgeshire County Council Highways Authority:** Originally commented that *'The applicant will need to provide a trip generation assessment for the existing use vs the proposed use. The applicant should also provide details of the construction traffic, i.e. numbers of vehicles to and from site, route to and from site etc.'*

Following the submission of additional information the LHA confirm that:

*Based on the agent comments [...] regarding vehicle movements, it is evident that once the secondary lagoon has been constructed, there will be a reduction in vehicle movements and a lesser impact on the highway network. I can therefore raise no highway objection to this application.*

- 5.3 **Designing Out Crime Officers:** Comment that *'this is an area of low vulnerability to crime and there have been no incidents reported in relation to*

*this location. This is proposed to be designed the same as the previous lagoon in relation to perimeter security - I therefore have no objection or other comment at this stage and support the application',*

- 5.4 **FDC Scientific Officer (Land Contamination):** *'The main issue concerning the proposed application is off site odorous material having adverse impact on residential properties around the application site. The applicant has submitted an impact appraisal based on the Institute of Air Quality Management (IAQM) guidance that sets out various parameters for odour impact at sensitive receptor location for planning purposes. The report considers a variety of source in the context of source partway receptor and concludes that possibility of adverse odour impact is 'low' We agree with this assessment, however it is recommended that any approval given considers the precautionary odour management measures recommended in page 7 of the report by means of a planning condition if necessary.*

*In terms of potential noise impact, agrees with statement contained within the Design and Access statement that loss of amenity by reason of noise disturbance is unlikely as it is considered that the nearest noise sensitive receptor is at considerable distance from any noise generating process at any location of proposed development.*

*Lastly, the applicant may require an Environmental Agency Permit which can be applied for directly by them.'*

- 5.5 **CCC (Lead Local Flood Authority):** Originally raised objection to the grant of planning permission for the following reason:

The Design and Access Statement refers to 'a new drainage outlet constructed around the lagoon'. This 'outlet' is not identified on the submitted plans and further explanation of the functionality of this outlet is required. Details about the location, depth and potential discharge rate are required.

They go on to note that *if the applicant provides the above information we will look to review our response*, in addition they note that the site falls within the NLIDB district.

Following re-consultation on amended details now indicate that as *Lead Local Flood Authority (LLFA) [they] we have no objection in principle to the proposed development*. Noting that the submitted documents demonstrate that there will be no discharge of surface water into the adjacent watercourse. Request conditions relating to implementation of surface water drainage scheme and informatives relating to IDB and Land Drainage Act 1991.

- 5.6 **North Level Internal Drainage Board:** Identify that *'My Board's number 6 drain forms the southern boundary of the site and our byelaws therefore prohibit any structure to be constructed within 9 metres of the brink of this watercourse. Provided this is adhered to my Board will have no objections to the proposal.'*
- 5.7 **Environment Agency:** *The site is situated within Flood Zone 3 (high risk) of the Environment Agency's Flood Map. According to the National Planning Policy Framework, the proposal is considered as 'less vulnerable'. Therefore, we have no objection to the planning application.*

*We have reviewed the submitted proposal against tidal and designated main river flood risk sources only. The site is located within a North Level Internal Drainage Board district and the Drainage Board should be consulted with regards to flood risk associated with their watercourses and any surface water drainage proposals.*

#### Pollution Prevention

- *The operator should construct the earth-banked lagoon to the standards specified by CIRIA 126 'Farm waste storage guidelines'.*
- *Any liners that are used to make the lagoon impermeable should be carefully selected to ensure that they are suitable for the intended use.*
- *A freeboard of 750mm must be in existence at all times from the top of the lagoon.*
- *We strongly advise that leak detection systems are installed as part of the initial design.*
- *The proposal must adhere to the Silage, Slurry and Agricultural Fuel Oil (SSAFO) Regulations 2010 and as amended 2013 when constructing the earth-banked lagoon.*
- *Appropriate spill containment and capture should be in place near to any transfer pumps which are used to remove digestate for onward transport.*
- *A program of inspection and maintenance should be established once constructed to prevent critical failures.*
- *Odours should be kept to a minimum by ensuring appropriate pre-treatment in the AD plant and ensuring the cover remains intact and in place at all reasonable times.*
- *The operator should check with the Environment Agency whether the existing AD permit will require a variation to cover this proposed additional lagoon.*

5.8 **PCC Wildlife:** Recommend that further information is provided by the applicant in relation to potential air quality impacts to the Nene Washes, as requested by Natural England, prior to determination. Notwithstanding the above issue being satisfactorily addressed, I would likely have no objection subject to the use of appropriate conditions. Detailed comments below:

#### Designated Sites:

*The Nene Washes International Site is located in relative close proximity to the site and I note that Natural England has requested that further information is submitted in relation to air quality. This assessment should be provided by the applicant, setting out any necessary mitigation measures prior to determination of the application.*

#### Protected Species:

*Due to the nature of the site being predominantly arable farmland, I consider that impacts to protected species are unlikely. There is a water course located to the south of the site which has the potential to support water voles, however provided that a minimum 9m undeveloped buffer is provided (as required by the IDB), I am satisfied that no further measures would be required in relation to protected species.*

#### Landscaping:

*I would recommend that the proposed earth bund is sown with an appropriate native wild-flower seed mix, the detail of which may be provided via a suitably worded condition.*

5.9 **Natural England:** *The application site is within ~3km of the Nene Washes European designated site (also commonly referred to as Natura 2000 sites) and therefore has the potential to affect the interest features of this site. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The Nene Washes is also listed as a Ramsar site<sup>1</sup> and is notified at a national level as Site of Special Scientific Interest (SSSI).*

*Further information required to determine impacts to the Nene Washes internationally designated site. As submitted, the application could have potential significant effects on the Nene Washes Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:*

*Consideration of potential air quality impacts on the above site and details of any mitigation measures required to address adverse impacts.*

Following receipt of further information notes that:

*The letter from ADAS (5 September 2018) confirms that the proposed lagoon will be covered by a high density polyethylene (HDPE) liner, designed to be airtight so that there is no exchange of gas between the lagoon surface and the external atmosphere. We note that the gas generating potential of the digestate is extremely minimal and that this is verified by the experience of the existing lagoon on site, where typically only very low quantities of nitrogen are observed to collect under the cover and this is trapped within the cover to allow it to be reabsorbed into the natural fertiliser. We trust that monitoring data is available to demonstrate this.*

*On this basis, Natural England accepts the statement from ADAS that there will be no fugitive emission of gas from the lagoon surface and hence no impact to statutorily designated sites, including the Nene Washes SAC, SPA and Ramsar site. We are satisfied that no further assessment of emissions to air is required and we have no objection to the proposed development.*

5.10 **CCC Archaeology:** *The Anaerobic Digestion Plant is positioned within a network of roddons (infilled tidal creeks) visible on surface modelling data and on LiDAR imagery (2015), where differential erosion leaves strips of drier land raised out of the fens and which frequently attracted settlement along their length. The proposed digestate lagoon lies 250m to the north-west of an extensive area of settlement features including enclosures, trackways and ring-ditches of probable Romano-British date which are visible as cropmarks in open land on both sides of Gull Drove (Cambridgeshire Historic Environment Record references 03900, 09436). Evidence of another area of Romano-British settlement exists to the north of the application area north of Cants Drove (09441) and these settlements may have formerly related to an upstanding earthwork complex beside the River Nene to the south (MCB17827) which is cut by the former course of Mortons Leam. The earthwork complex pre-dates Mortons Leam (MCB17919 - constructed c. 1490) and was subject to topographical survey and trial trench evaluation and interpreted as a possible small inland harbour site of late Iron-Age or Romano-British date, consistent with the date of the settlement cropmarks to the north (ECB546, ECB2065). I am also concerned that the digestate lagoon proposed under current application*

*ref F/YR18/0648/F appears to be located directly to the east of another similar lagoon feature for which I cannot see an associated planning reference on the portal. There is one earlier application ref F/YR13/0868/F which overlaps it but this appears to be for a substantially smaller red line area.*

*Collectively these two large lagoons/reservoirs (existing plus proposed) extend the digestive plant - for which we raised no objection against earlier app ref F/YR11/2015/CCC - substantially (c.500m) closer to the cropmark networks to the south-east as detailed above.*

*We therefore do not object to development from proceeding in this location but consider that the proposed new lagoon site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG:*

**5.11 Local Residents/Interested Parties:** 8 letters of objection have been received which may be summarised as follows:

Residential amenity:

- Proximity to property
- Noise
- Smell: the facility has a track record of producing grossly offensive and intrusive smells (the subject of complaints to Fenland DC last summer)
- Stench from lagoon when disturbed and field spraying, invade house and makes washing put out to dry smell so it has to be washed again
- Creation of a similar lagoon in addition to that in place will inevitably increase the potential for further smells causing a nuisance to nearby properties
- question whether adequate measures are presently in place to minimise the escape of odours, and whether the proposals are in themselves adequate; is the liner double membrane?
- If permission is allowed a double membrane should be conditioned
- Air is polluted from the stench of BioCow and possibly dairy farm on A47 in summer are unable to enjoy life outside or have windows open
- Lived in Bedford as a child and if the wind was in the wrong direction they had the smell of the sewage works, 'now in the twilight of my life I seem to have come full circle
- Appreciate facility has permission but hope that the existing air pollution could be reduced by retrospective improvements
- Prevalence of flies
- When the slurry is being agitated the smell is quite sickening, have had to leave house on several occasions
- Was a resident before BioCow

Traffic or Highways

- Property lies on a single access track not designed for repetitive use by heavy traffic
- Present lagoon stores sufficient waste to keep up to 30 tankers busy on a a daily basis
- Once this lagoon is built who knows how many tankers will be needed to empty it
- Regular damage to the road surface, dips, pot holes and eroded surfaces; vibrations and reported damage cracks to adjacent properties
- Tankers speed along Front Road Murrow leaving a smell and shaking their property

- When originally planned they were told no more than 16 vehicle movements per day; 24 now is the norm - add the tractors transporting slurry and this can amount to nearer 50 per day; 7 days per week - 364 days a year from before 6am to after 8pm
- Whilst the staff are thoughtful and respectful the contract drivers speed and have 'your worst nightmare motorway lorry driver attitude'
- This is an industrial operation using an unsuitable access road
- Creation of a duplicate lagoon with double potential for traffic, which is already at unacceptable levels and inexplicably is allowed to traverse Cants Drove towards Guyhirn rather than making use of the A47
- If permission is allowed it should be conditioned that traffic use the A47
- Grass triangle at the junction of Cants Drove and B1187 has only just been refurbished due to damage from tankers and bulkers
- There was a horrific accident when a cattle float overturned in May 2018 killing cattle
- Tankers pull in using property frontages as passing places disturbing residents and pets and causing deterioration of grass verges etc
- Younger drivers have no regard for residents or other road users; have had conversations with the farm re vehicle speeds to no avail
- Passing points are no longer usable
- Traffic weight restriction should be placed on Gull Road end of Cants Drove
- Cants Drove should be renamed Pot Hole Road

#### Other Matters:

- Visual impact
- Strongly opposed to any further development at the farm
- Queried the original PP for the AD and was told the person they spoke to at CCC seemed to think traffic would reduce and didn't appear interested
- Most houses down this drove are suffering some sort of damage, one house has serious subsidence; damage to underground water supplies from constant heavy traffic
- Building work started before notice of application which makes me think this is a foregone conclusion
- Devaluation
- Environmental Concerns
- Think a public meeting should be held for affected residents, stakeholders, the farm, the Council and Local MP
- When fertilising land the pipes are run along the edge of the drove and a pipe crossed the drove covered by ramps with no warning signage
- Would like the farm to think of its neighbours and its impact on everyone

In respect of the re-consultation two further letters have been received which may be summarised as follows:

- Umbilical pipes are challenging, how far from the road will they be positioned . Have been instances of pipes splitting and covering part of the road with waste product. Also concerns regarding frequency of use and impact on road use, closeness to residential properties and closeness of farm machinery to residential properties.
- Suggest face to face discussions held
- At a loss re the further details, as far as I can see, it doesn't matter that the road is wrecked, our lives blighted by the noise of the traffic and smell from the effluent being sprayed everywhere - in fact as far as the "expert" is concerned there will

only be a small increase in traffic & the lagoon doesn't smell - The expert is lucky he doesn't live here.

- Is the increase in traffic just one way; from my observations what goes to the farm, comes back, therefore doubling the traffic increase.
- The road is not fit for purpose and was not built to take that sort of traffic.
- Smell - one of the tankers stopped outside my house for a few minutes - the smell was awful.
- Notes that stench from tractors spraying in the field opposite my house blows straight into my house by the wind and make me ill. It is not acceptable that at a time when most families are sitting down to an evening meal they should be subjected to this sort of pollution.
- The smell is unbelievable and nothing like what "normal" fertiliser smells like.
- I still ask that the application is declined.

## **6 STATUTORY DUTY**

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

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

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

Paragraph 10 - Presumption in favour of sustainable development.

Paragraph 47 - Planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

Chapter 6 - Supporting a strong, competitive economy

Para 83 - supporting a prosperous rural economy

Chapter 9 - Promoting sustainable transport

Para 108 - in assessing specific applications it should be ensured that (a) appropriate opportunities to promote sustainable transport modes can or have been taken up, given the type of development and its location (b) safe and suitable access can be achieved for all users (c) any significant impacts from the development on the transport network (in terms of capacity or congestion), or on highways safety can be cost effectively mitigated to an acceptable level.

Para 109 - development should only be prevented or refused on highway grounds if there would be any unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 111 - all developments that will generate significant amounts of movement should be required to provide a travel plan, and applications should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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

Chapter 15 - Conserving and enhancing the natural environment

Para 180 - Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Para 183 - the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Chapter 16 - Conserving and enhancing the historic environment

## 7.2 National Planning Policy 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

LP6 - Employment, Tourism, Community facilities and retail

LP12 - Rural Areas Development Policy

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

LP15 - Facilitating the creation of a more sustainable transport network in Fenland

LP16 - Delivering and Protecting High Quality Environments across the District

LP18 - The Natural Environment

LP19 - The Historic Environment

## 8 KEY ISSUES

- **Background**
- **Principle of Development**
- **Character and visual amenity**
- **Residential amenity**
- **Transport and access**

## 9 BACKGROUND:

- 9.1 A 500kW agricultural anaerobic digester and associated infrastructure comprising primary and secondary digester; digester storage tanks; silage pit; CHP unit; effluent store; solid separator; internal roadways and hardstanding loading and turning area was granted planning permission by the County Council as Waste Planning Authority on 5<sup>th</sup> January 2012. In granting the consent the County Council noted that:

*‘The principle of the proposed anaerobic digestion plant accorded with both government policy and policies in the development plan. It was considered that the land use planning impacts of the proposed plant will [would] be minimal and that any potential amenity issues such as noise or odour pollution will [would] be controlled by an environmental permit for the site.*

*The proposal was compliant with policies CS18 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011) as the development will [would] facilitate agricultural waste recycling.*

*Initial objections to the proposal on flood risk and surface water disposal were resolved and the proposal was therefore compliant with PPS25. Policy CS39 of*

*the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2-11) and Policy PU1 of the Fenland District Wide Local Plan (1993)'.*

- 9.2 Following on from the installation of the anaerobic digester planning permission was granted for a digestate lagoon on the site; it has been noted that the lagoon as constructed does not reflect the planning permission in terms of the size and positioning of the lagoon, albeit there is an overlap. Discussions with the operator indicate that following the grant of planning permission other permitting considerations required revisions to the lagoon design; it was an oversight on their part to not refer the matter back to the LPA as they believed securing the Environment Agency consent regularised it in planning terms also. It has been indicated that they are to take steps to regularise this through the submission of a retrospective planning application.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The NPPF supports a prosperous rural economy and highlights that decisions should enable sustainable growth and expansion of all types of business in rural areas, including the development and diversification of agricultural and other land-based rural businesses, albeit caveated under Para. 84 with the need to ensure that proposals do not have an unacceptable impact on local roads.
- 10.2 The need to increase the use and supply of renewable energy sources is also supported by the NPPF and as the digestate is a by-product of such an activity it may be inferred that the scheme also achieves policy compliance in this regard.
- 10.3 Whilst significant weight may be given to the above factors, consideration must also be given to the likely impacts on the environment in terms of visual amenity and any potential harm arising from the proposal in terms of residential impact. However it is clear from the NPPF that the planning considerations should not seek to replicate other legislation or indeed seek to address issues for which other control measures and permitting processes are in place.

### **Character and visual amenity**

- 10.4 The lagoon will be sited some distance from the main highway adjacent to the existing facility. It is evident, from viewing the existing installation that the additional lagoon will have any adverse impact on the character of the area. In glimpse views from the main road it will appear slightly higher than the existing landform but it will not be unduly prominent and will sit amongst the established Biocow enterprise. Accordingly there are no issues to address with regard to Policy LP16 of the Fenland Local Plan (2014).

### **Residential amenity**

- 10.5 The submission notes that it is proposed that the lagoon will be covered with a floating reinforced "plastic" sheeting material to prevent the ingress of rainwater and also to exclude other materials such as leaves, branches etc. Prevention of water ingress will prevent dilution of the digestate with water and will thereby help minimise the vehicle movements. The cover sheeting will also have material benefits from an odour perspective by preventing surface "evaporation" and wind stripping of odours from the lagoon surface.

- 10.6 The neighbour consultation responses all indicate issues with odour from the facility however these appear largely to relate to the associated activities of spreading slurry and there is nothing to indicate that the lagoon itself is the source. As indicated in the policy framework section above the planning considerations should be restricted to the land use considerations, whilst residential amenity is a factor it is clear that there are environmental control mechanisms available through other legislation. There has been no objection raised by the FDC Environmental Health team, and the odour statement and further supporting information has been accepted by Natural England. Against this backdrop there would be no grounds for the LPA to withhold consent on the grounds of residential amenity.
- 10.7 In light of the level and nature of complaints received from residents relating to odour, noise and traffic disturbance there has been further engagement with the Environmental Health team who have advised that there
- 'have been complaints dating from 2012 to recent times relating to odour and noise as a result of muck spreading, noisy machinery and tanker arrivals/departures at early hours and throughout the day. Officers have written to the complainants, giving them diary sheets to fill in but it would appear little or no response has been received. Somerset Farm apparently held a land-spreading permit and a mobile plant permit for spreading waste (permit no EPR-PB3833DD), which was historically used for spreading digestate produced by the AD plant on the farm. However, in 2015 it was determined the feedstocks going into the AD plant (farm yard manures and crop residues) were not considered to be waste matter along with the digestate, and so this material is not spread under the permit.*
- 10.8 It is clear therefore that whilst there is anecdotal evidence of complaints being received this has not translated into formal complaints which would be the precursor to appropriate action. In the absence of substantiated complaints the Local Planning Authority is unable to give significant weight to the residential amenity concerns highlighted during the consultation process. Notwithstanding this there remains the mechanism to deal with nuisance under Environmental Protection legislation.

### **Transport and access**

- 10.9 It is noted that the original consent for the anaerobic digester did not place any obligation on the operators in terms of routing or deliveries; with the supporting transport statement submitted with the application stating that
- Based on the present level of traffic, there will be a decrease in vehicular movements associated with the installation of an Anaerobic Digester. Traffic levels will fall as the use of manure and other products produced on site through the rearing of cattle will be used to create bio-gas with over 100 fewer movements required to takeaway manure to other sites.*
- 10.10 Whilst it is clear that residents are experiencing issues relating to the use of the highway network the supporting information appears to indicate that there will be reduction in vehicle numbers as a result of the additional lagoon; the reasoning behind this is contained within the following supporting information submitted by the applicant's agent:

*' the reason for the forecast reduction in vehicle numbers is that the new lagoon in combination with the construction of additional tanks forming part of the approved development will allow for more of the site-sourced cattle manure and bedding to be treated through the digesters. At present a proportion of this material is exported from the site by road, it is the displacement of these movements that provides the forecast long-term reduction in traffic as detailed. Whilst there still is a need for spreading of digestate, the volumes are reduced in comparison with the untreated manure due to removal of the gas content and the liquid form of the digestate allows for umbilical spreading directly from the lagoon, further displacing the need for road transport.*

*A secondary factor is that the limited storage capacity provided by the existing lagoon means that it is frequently necessary to empty by tanker to regulate the levels. The construction of the new lagoon will provide greater seasonal buffering of capacity allowing emptying and spreading to be planned further in advance. This in turn will allow greater use of umbilical spreading.'*

It is clear that issues of capacity within the existing lagoon dictate the need to spread the digestate more intensively and that building in additional capacity will enable more flexibility in terms of the timings of distribution of the digestate. It is noted that some concern has been raised by neighbours regarding the use of umbilical spreading and the placement of the pipes over the drove; however this is an operational issue that would be resolved through police intervention as required and is best addressed to the owners or the relevant agencies. There is no mechanism under the planning system to control how the digestate is delivered.

- 10.11 The agent subsequently provided details of the average vehicle movements per week relating to the construction phase, the operation - lagoon emptying; lagoon inspection and maintenance and the removal of cattlemen bedding and manure. These details indicated that there would be an increase of 21 two-way movements per week during the construction phase and an additional 42 two-way movements per week in respect of lagoon emptying; however there would be a reduction of 95 two-way movements per week as manure and bedding would be utilised within the new digestors.
- 10.12 Further detail was sought with regard to how the reduction in movements would be arrived at and following clarification in this regard the LHA have confirmed that *'based on the agent [...] comments regarding vehicle movements, it is evident that once the secondary lagoon has been constructed, there will be a reduction in vehicle movements and a lesser impact on the highway network. I can therefore raise no highway objection to this application.'* Against this backdrop it is considered that the scheme demonstrates compliance with Policy LP15 of the FLP (2014)

## **Drainage**

- 10.13 Whilst initially the LLFA raised concern regarding the potential of surface water contamination their initial objection has been resolved given that it has been demonstrated that there will be no discharge of surface water into the adjacent watercourse.
- 10.14 Given that the scheme has no implications in terms of flood risk and in light of no formal objections being received it is established that the scheme achieves compliance with Policy LP14 of the FLP (2014).

## Consenting Processes

- 10.15 Paragraph 183 of the National Planning Policy Framework is clear that in considering development proposals the focus should be on whether the proposed development is an acceptable use of land, rather than seeking to control processes or emissions (where these are subject to separate pollution control regimes). The NPPF clearly identifies that planning decisions should assume that these regimes will operate effectively.

## Other considerations

- 10.16 **Archaeology:** It has been identified that collectively the two large lagoons/reservoirs (existing plus proposed) extend the digestive plant substantially (c.500m) closer to the cropmark networks to the south-east. Whilst the CCC Archaeology team do not object to development from proceeding in this location they consider that the proposed new lagoon site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition. This will ensure that the heritage impacts of the proposal are fully explored in accordance with Policy LP18 of the FLP.
- 10.17 **Biodiversity:** The Nene Washes are less than 3km from the application site however Natural England have clearly indicated that there will be no impact to this, or indeed other statutory designated sites within the area. Furthermore the Wildlife Officer recommends that recommend that the proposed earth bund is sown with an appropriate native wild-flower seed mix, the detail of which can be secured by condition.

## Conditions

- 10.18 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).
- 10.19 The applicant has been consulted on the proposed conditions their agreement in writing is anticipated. Therefore, should the application be approved and the consent granted with the proposed conditions after 1<sup>st</sup> October 2018, it is considered that the requirements of section 100ZA(5) have been met.
- 10.20 The proposed conditions are as follows:
- Archaeological investigation (Condition 4)

## 11 CONCLUSIONS

- 11.1 In land use planning terms there are no grounds to withhold consent. Odour management has been fully considered within the submission and there are appropriate safeguards are in place through environmental protection legislation. Similarly the spreading of the digestate and the procedures to do this do not fall within the planning considerations of scheme; if there are issues relating to the placement of umbilical pipes for spreading and the use of the

road network these fall outside the planning consideration of the installation of a further lagoon at the site.

- 11.2 In the absence of any material considerations which would indicate otherwise the scheme may be recommended favourably in light of its policy compliance.

## **12 RECOMMENDATION: Grant**

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

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

- 2 The surface water drainage scheme shall be constructed and maintained in full accordance with the Figure 3: Cross Sections and Elevations, Rev 01, prepared by RSK consulting, dated 4th July 2018

Reason - To prevent an increased risk of flooding and protect water quality

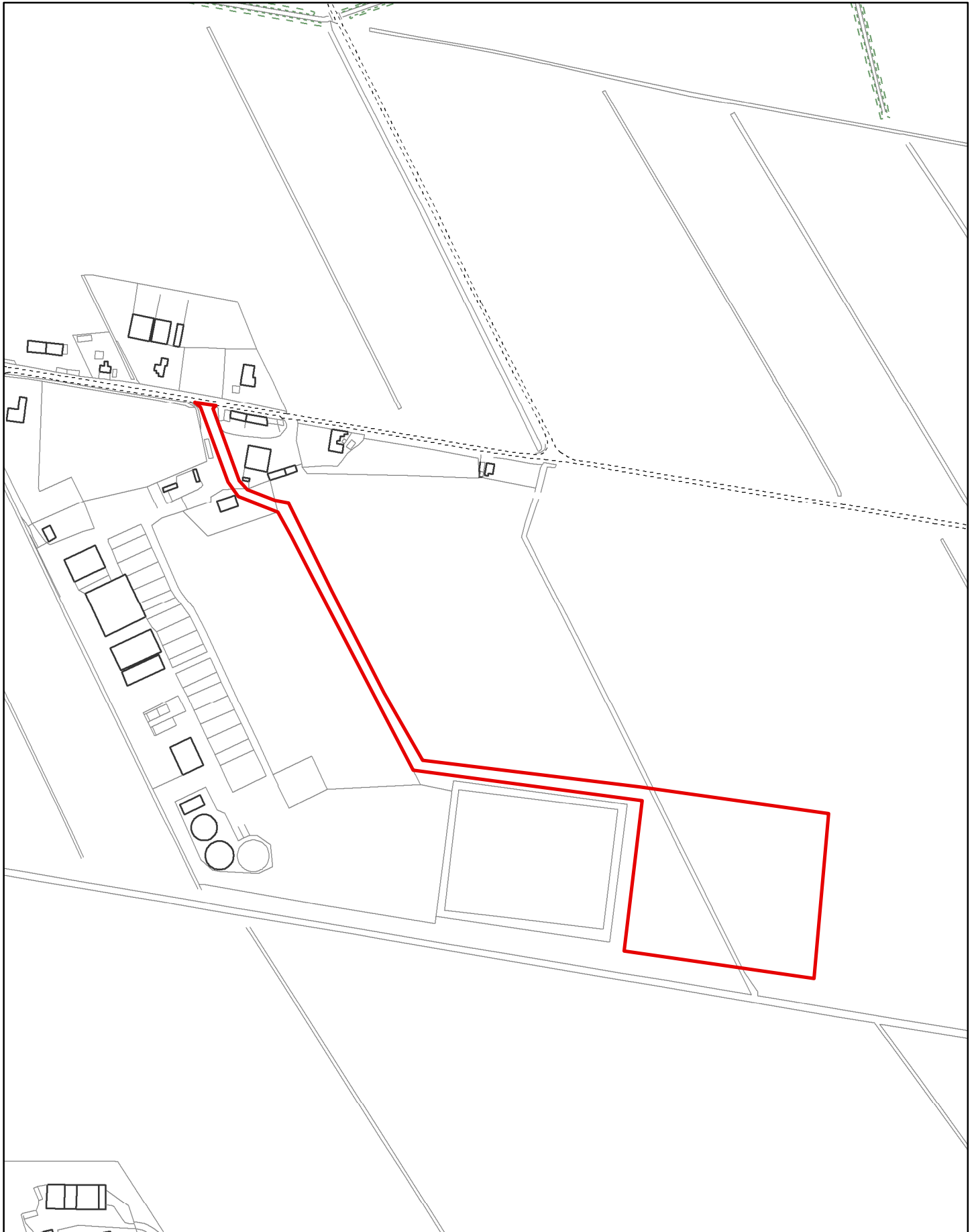
- 3 Prior to the first use of the development a landscape plan which includes landscaping details for the bund area to comprise a native wild-flower seed mix shall be submitted to and approved in writing; the scheme shall then be carried out in the first available planting season following commissioning of the lagoon.

Reason - To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policy LP19 of the Fenland Local Plan (2014).

- 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 threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan.

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



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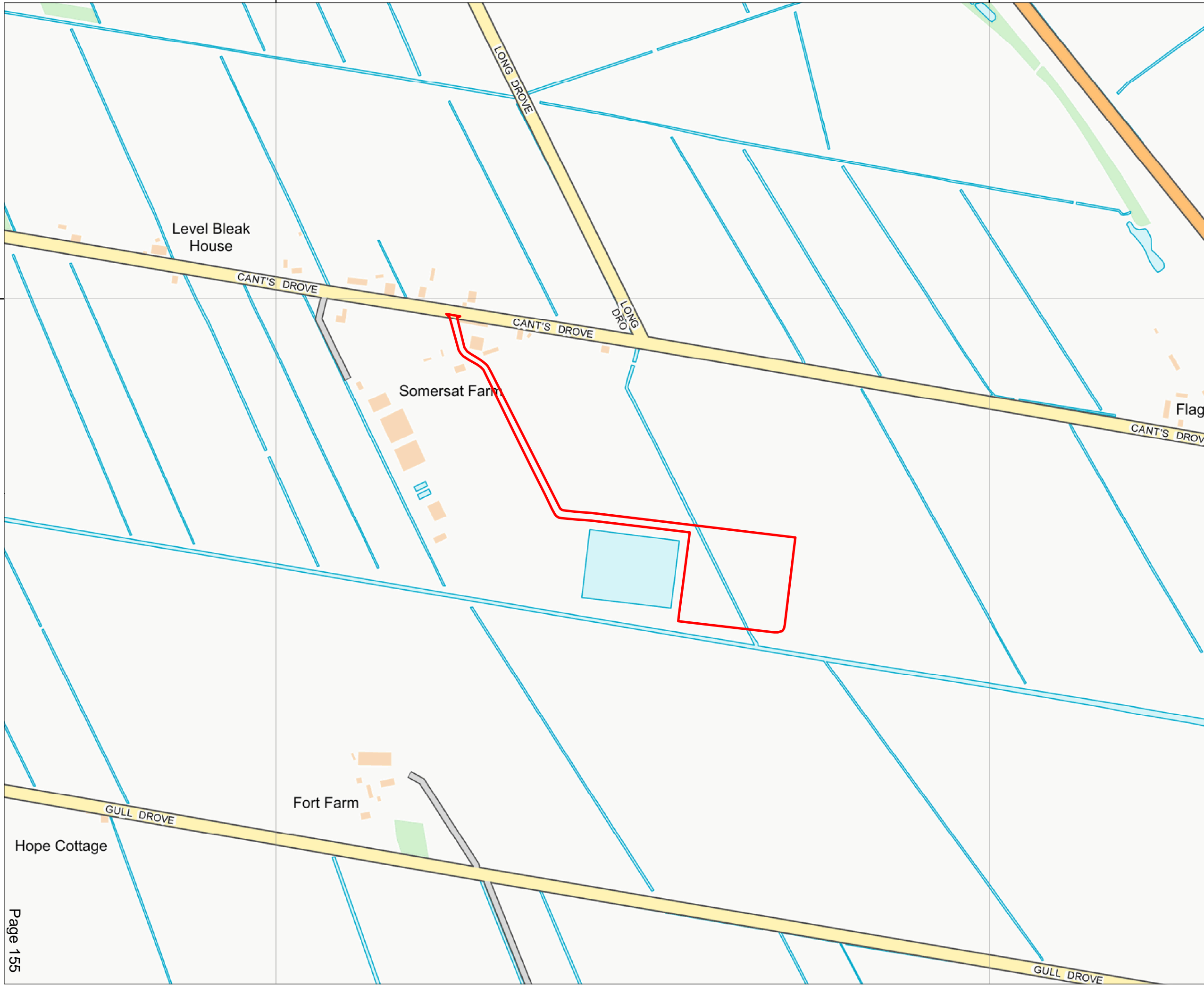
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Legend:  
 Planning Application Boundary

Coordinate System: British National Grid  
 Projection: Transverse Mercator  
 Datum: OSGB 1936  
 Units: Meter

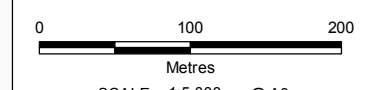


Rev	Date	Description	Drn	Chk	App
00	29/05/2018	First Draft	NH	RE	RE

**Somerset Farm - BioCow**



TITLE: Figure 1:  
Site Location Plan



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Legend:

- Planning Application Boundary
- Proposed Lagoon
- New Chain Link Fence
- Cross-section Lines

Coordinate System: British National Grid  
 Projection: Transverse Mercator  
 Datum: OSGB 1936  
 Units: Meter

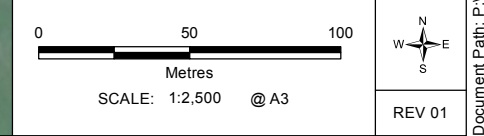


Rev	Date	Description	Drn	Chk	App
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00	29/05/2018	First Draft	NH	RE	RE

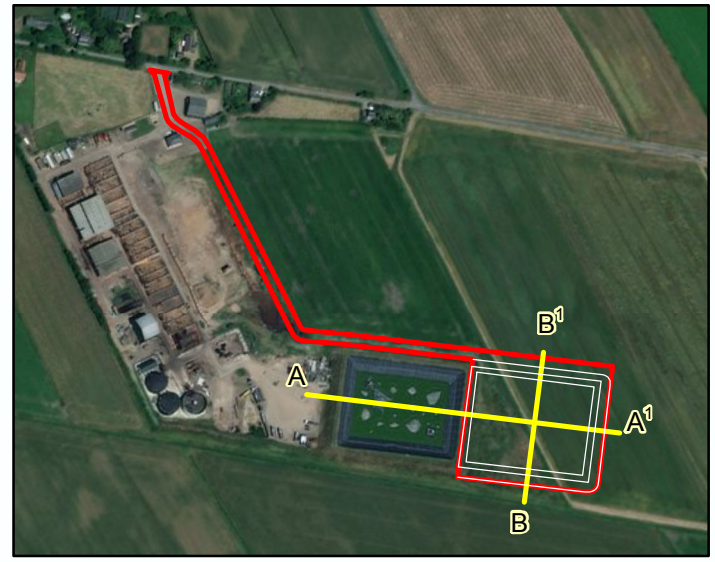
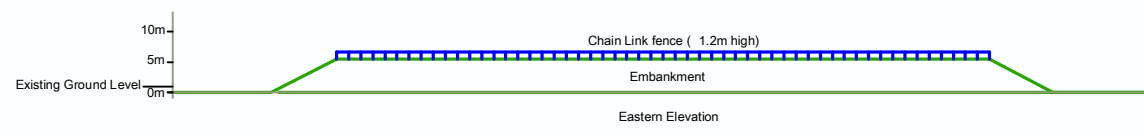
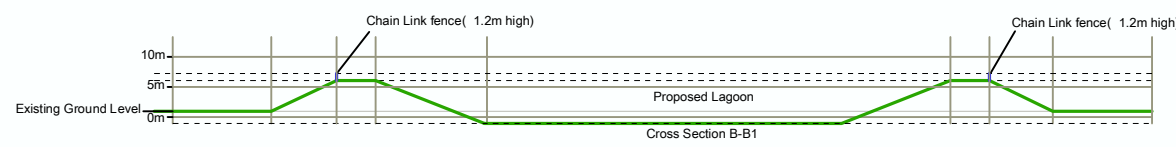
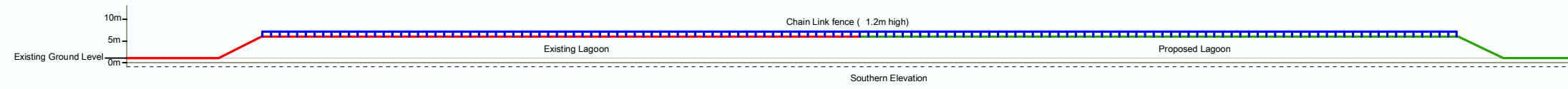
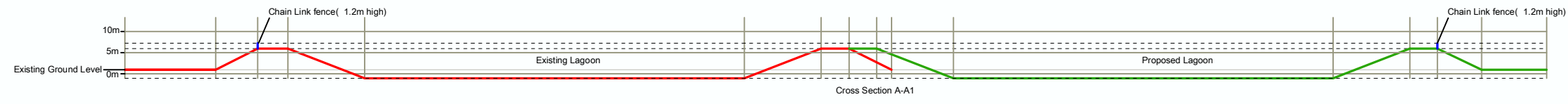
**Somerset Farm - BioCow**



TITLE: **Figure 2:  
Site Layout Plan**



Legend:



Coordinate System: British National Grid  
 Projection: Transverse Mercator  
 Datum: OSGB 1936  
 Units: Meter

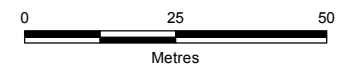


Rev	Date	Description	Drn	Chk	App
01	04/07/2018	Section B-B' edits	NH	RE	RE
00	29/05/2018	First Draft	NH	RE	RE

Somerset Farm - BioCow



TITLE: Figure 3:  
 Cross Sections and Elevations



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