

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 5 DECEMBER 2018

1.00 PM

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

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

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 10)

To confirm and sign the minutes from the previous meeting of 7 November, 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/YR18/0320/F
Land West of Cedar Way, Accessed from Grove Gardens, Elm

Erection of 27x2-storey dwellings, comprising of 15x2 bed, 8x3 bed and 4x4 bed with associated parking and landscaping (Pages 11 - 38)
- 6 F/YR18/0557/F
Westhaven Nursery, Peterborough Road, Whittlesey

Erection of 18 x 2 storey dwellings (Phase 2) comprising of 5 x 2 bed and 13 x 3 bed

(Pages 39 - 60)

7 F/YR18/0956/O

Land South East of Dove Cottage, Gull Road, Guyhirn

Erection of up to 7no dwellings and the formation of 4no vehicular access involving the demolition of existing outbuildings (Pages 61 - 72)

8 F/YR18/0780/F

Land West of 327 Norwood Road, March

Erection of 1x single storey 3 bed with garage and 2 x 2 storey 3 bed dwellings (Pages 73 - 82)

9 F/YR18/0527/F

Langley Lodge Rest Home, 26 Queens Road, Wisbech

Erection of a single storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2 storey building and removal of swimming pool (Pages 83 - 100)

10 F/YR18/0888/O

Land North of Tewinbury House, Mill Lane, Newton-In-The-Isle

Erection of up to 4 x dwellings involving the formation of 3 x accesses (outline application with matters committed in respect of access) (Pages 101 - 110)

11 F/YR18/0781/F

15 Church Lane, Doddington

Change of use from residential to residential and importation, breeding and selling of tropical fish and erection of a detached outbuilding (Pages 111 - 122)

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,

PLANNING COMMITTEE



WEDNESDAY, 7 NOVEMBER 2018 - 1.00 PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor Benney, Councillor D Connor, 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,

APOLOGIES: Councillor S Clark (Vice-Chairman) and Councillor S Court,

Officers in attendance: Chris Gordon (Legal Officer), Nick Harding (Head of Shared Planning), Izzi Hurst (Member Services & Governance Officer) and David Rowen (Development Manager)

P41/18 PREVIOUS MINUTES

The minutes of the meeting of 10 October 2018 were confirmed and signed, subject to the following comments;

- Councillor Mrs Bligh stated that in relation to the declaration noted in minute P37/18, she is not a member of Wisbech St Mary Parish Council but had attended the meeting.

P42/18 F/YR16/1168/F LAND NORTH EAST OF 53 THE CHASE, LEVERINGTON, CAMBRIDGESHIRE ERECTION OF 10 DWELLINGS

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

David Rowen presented the report and update to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by James Burton (the Applicant's Agent).

James Burton explained that the scheme had evolved throughout the pre-application and application process and had carefully considered all comments raised by residents and the Parish Council. He confirmed that they had worked closely with officers and the consultees to ensure the proposal complied with all policy requirements. As a result of this, they have received no objections from consultees and have officer's support on the application. The site has a positive planning history and is located within the urban development area of Wisbech. The site sits predominately in Flood Zone 2 with a marginal area along The Chase in Flood Zone 3; however the proposed dwellings are all located within Flood Zone 2 and the Sequential and Exception tests have been deemed satisfactory.

James Burton said the proposed scheme comprises of 10 dwellings with a mixture of 4-6 bedroom family homes split over 2 to 2.5 storeys. This is a reduction from the 16 dwellings approved with outline planning permission in 2009 and as a result, allows for a high-quality scheme that retains trees, green spaces and habitats throughout the site. He confirmed that the site had been configured to ensure the 2.5 storey dwellings will be positioned away from neighbouring properties to ensure that the amenities on these residents is not impacted. In addition, the 2.5 storey

dwellings will be screened from view by trees.

James Burton highlighted that the proposed layout technically splits the site in half, this has been a conscious decision to ensure the impact on the Highway is minimised. He reminded members that the Highways officer is happy with the proposed access point for the site and confirmed that Topographical and Level surveys have been submitted with the application. He said throughout the process they have listened to any comments or concerns and as a result there has been a reduction from 11 to 10 units, a reduction in scale of the buildings and an updated site layout to give greater distance between neighbouring boundaries. Following work with Highways, the Local Lead Flood Authority (LLFA), North Level Internal Drainage Board and Tree and Wildlife officers, they have managed to design a scheme that has achieved an officer's recommendation for approval.

He concluded that the proposed dwellings will provide high-quality family homes in a sustainable location within the urban area of a primary market town and asked members to support the application today.

Members had no questions for James Burton.

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

1. Councillor Mrs Laws confirmed that any concerns she had in relation to consultee's comments had been satisfied by the proposed conditions.
2. Councillor Mrs Laws asked if Highways are satisfied with the proposal. David Rowen confirmed that the Highways Authority had been involved in several reiterations of the scheme and they are now happy with the proposal.
3. Councillor Mrs Davis said it was disappointing that only £20,000 had been offered as part of the Section 106 (S106) contribution and said it seemed disproportionate for a scheme of this size.
4. Councillor Connor agreed with Councillor Mrs Davis and said the amount seemed minimal for a site of executive homes.
5. Councillor Mrs Bligh asked if the money allocated in the S106 agreement would be given to Leverington Parish Council. David Rowen confirmed that the money will be used to fund a Multi-Use Game Area in Burcroft Road.
6. Councillor Mrs Bligh said that whilst she is in support of the scheme, she has concerns over the impact of increased traffic the development will add to Peatlings Lane and asked if Highways had carried out a study on this. David Rowen said he is not aware of the surveys Highways carry out during their assessment however they have given no feedback to suggest the application should be refused.
7. Councillor Sutton asked for confirmation that Burcroft Road is located within Leverington Parish and if not, asked why the S106 money is not going to Leverington Parish Council. It was confirmed that Burcroft Road is located within the parish of Leverington.

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

(Councillor Mrs Laws declared that she had received an email querying the consultation process for this application and had responded clarifying this process)

P43/18

F/YR18/0526/F

LAND WEST OF 114-116 ELM ROAD, WISBECH, CAMBRIDGESHIRE

ERECTION OF UP TO 10 X 2 STOREY DWELLINGS, COMPRISING OF 8X4 BED WITH GARAGES AND 2X3 BED, DETACHED BINSTORE.

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

David Rowen presented the report and update to members.

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

1. Councillor Connor said he was shocked to see that as a result of the viability assessment, there were no S106 contributions on a site of this size.
2. Councillor Sutton said as a satisfactory viability test has been carried out, members must accept this. He added that in an ideal world every scheme would receive contributions however unless the Committee question each viability assessment, it must be accepted as correct. Chris Gordon confirmed that this would be outside of the Planning Committee's remit to question viability assessments.
3. Councillor Mrs Laws highlighted that the application had gone through the planning process successfully and members are not in a position to comment on the viability assessments and must accept the expert's opinion.
4. Councillor Murphy said he could not see any reason to refuse this application.

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

**P44/18 F/YR18/0606/O
CROWSON MOTORS, 13-16A ROMAN BANK, LEVERINGTON,
CAMBRIDGESHIRE**

ERECTION OF UP TO 4XDWELLINGS

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

David Rowen presented the report to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by James Burton (the Applicant's Agent).

James Burton introduced the scheme and highlighted that the proposal for outline planning permission is recommended for approval by officers. He explained that the application had been referred to Planning Committee due to Leverington Parish Council's concerns about the development not being in-keeping with the area and concerns that the two access roads into the site are excessive for the number of dwellings. He confirmed that whilst the application is for up to four dwellings, these will be subject to detailed design and plans being submitted at reserved matters stage.

As part of the application, James Burton highlighted that there had been no objections from the statutory consultees and Highways had raised no concerns regarding the two access roads into the site. The scheme proposes the demolition of the existing industrial building on site and the site is located in a built-up residential area. He informed members that the business currently operating on site is relocating locally and will remain in the village.

He stated that the site is located in Flood Zones 1 & 3 and Sequential and Exception tests have been submitted and deemed satisfactory. He said the proposal will result in the removal of a non-conforming unit from a residential area and contribute up to 4 dwellings in a sustainable location. He explained that the illustrative layout has demonstrated that 4 dwellings can comfortably be accommodated on site and will have no adverse impact on neighbours. He concluded by asking

members to support the application today.

Members had no questions for James Burton.

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

1. Councillor Mrs Hay said she was pleased to hear that the current business on-site is relocating locally and felt the proposed development will be a good use of the land. She added that she believes the scheme will improve the area.
2. Councillor Mrs Bligh said that she cannot see any reason why the application should not be approved as it sits comfortably within the building line.
3. Councillor Mrs Laws said the site visit showed a mixture of bungalows and houses within the area and therefore the proposal will not be out of keeping with the area.
4. Councillor Murphy said he believed the development would improve the look of the existing site and could see no reason to refuse the application.

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

P45/18

F/YR18/0759/O

LAND NORTH WEST OF 12 KNIGHTS END ROAD, MARCH, CAMBRIDGESHIRE

ERECTION OF UP TO 9 DWELLINGS, INVOLVING DEMOLITION OF EXISTING BUILDINGS.

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

David Rowen presented the report to Members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by Andrew Hodgson (the Applicant's Agent).

Andrew Hodgson said he was pleased with the officer's recommendation to approve the application and highlighted that there were no technical objections to the application. He said he was happy to answer any specific questions members had in relation to the scheme.

Members asked Andrew Hodgson the following questions;

1. Councillor Mrs Laws asked if a flood risk assessment had been submitted with the application. Andrew Hodgson confirmed that a surface water assessment had been submitted with the application. David Rowen clarified that as the site is located in Flood Zone 1, there was no requirement for this.

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

1. Councillor Connor said he could see no issues with the proposal as the site sits amongst residential dwellings and there are no planning reasons to refuse the application.
2. Councillor Mrs Laws said the site is in a good location and cannot see any reason to refuse the application.
3. Councillor Mrs Hay agreed and said once the agricultural buildings are demolished, the area will be enhanced.
4. Councillor Mrs Bligh agreed and believes the proposed development will fit in with the local area and improve the outlook for residents in neighbouring streets.

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

**P46/18 F/YR18/0839/F
6 PAPWORTH ROAD, MARCH, CAMBRIDGESHIRE
CHANGE OF USE OF LAND FOR DOMESTIC PURPOSES AND ERECTION OF A
WOODEN SHED.**

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

David Rowen presented the report to Members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by Councillor Jan French.

Councillor Mrs French explained that the application is for retrospective planning permission as the applicants had been unaware that planning permission was required when they erected the shed. She confirmed March Town Council and local residents are in favour of the application, with a petition attracting over 100 signatures of support also. She said during her 19 years as a Councillor, she cannot recall any other occasion where a planning application for a shed has gained so much public support.

Councillor Mrs French explained that that Highways comments in the report are incorrect as the access has not been moved. She explained that the applicant has owned the property for 13 years and the dropped kerb was in situ when they purchased the property. The property was originally owned by Fenland District Council and the dropped kerb had been installed during this period of ownership. The report states that the application undermines Local Plan Policy 16 (LP16) however Councillor Mrs French said the shed does make a positive contribution to the area as the owners have greatly improved the property. She asked members to approve the application as refusing it would send the wrong message out to local residents trying to improve their properties.

Members asked Councillor Mrs French the following questions;

1. Councillor Connor asked if all of the letters received in support of the application were from local residents. Councillor Mrs French confirmed all letters of support were received by residents who live within the vicinity of the property.
2. Councillor Connor asked if the petition had been signed by local residents only. Councillor Mrs French confirmed all signatories were local residents and added that the Applicant had visited neighbouring properties to seek support for the application.
3. Councillor Connor thanked Councillor Mrs French for confirming the level of public support.

The Chairman thanked Councillor Mrs French for her presentation.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, by Mark Mueller (the Applicant).

Mark Mueller thanked members for giving him to opportunity to speak today and made it clear that it was never his intention to deceive the Council by not obtaining planning permission. He confirmed that he had purchased the property from Roddons Housing Association and the restrictive covenants attached to the property included; restrictions that prevented the land being used for anything other than garden land, restrictions on signage being displayed at the property and restrictions on erecting any other building or structure on-site except a single garden shed. Based on this, he said he was unaware that he would need to do seek any further approval for the shed. He explained that the shed had been built by a professional timber company for a cost of

£2,000. He reiterated that he had never meant to deceive the Council and contravene the rules and asked members to take a common sense approach when considering this application.

Members asked Mark Mueller the following questions;

1. Councillor Mrs Laws said on the site visit, she had noticed a sign in the window advertising the applicant's business which contravenes the restrictive covenants he mentioned. Mark Mueller confirmed that he had discussed this with the Enforcement officer and he had received confirmation that no further action would be taken on this.
2. Councillor Mrs Laws asked for confirmation that the applicant runs their business from the property. Mark Mueller confirmed that they did.
3. Councillor Mrs Laws asked what the purpose of the shed is. Mark Mueller confirmed it is solely for domestic storage, as per the requirements of the covenant.
4. Councillor Mrs Davis asked if Mark Mueller had any intentions to run his business from the shed. Mark Mueller confirmed that he and his wife had no intentions of running the business from the shed as this would be in breach of the covenant.

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

1. Councillor Mrs Bligh said she disagrees with enforcing the removal of the shed as it is very well made and the petition highlights the support the Applicants have received. She highlighted that this application is an example of where members of the public must be vigilant when making changes to their properties without seeking advice from the Council.
2. Councillor Mrs Laws said whilst she appreciates policy, she was impressed with the aesthetics of the building and genuinely believes the applicant did not intend to deceive. She highlighted that both local residents and March Town Council support the application. She said due to the nature of the application, there are times where the Committee must consider the 'spirit of planning' and move away from policy and on this occasion, she supports the application.
3. Councillor Mrs Bligh agreed and said common sense must prevail and confirmed that she too supports the application.
4. Councillor Mrs Hay disagreed and said although the shed is well-made and built in good faith, this is not a good enough reason to go against planning policy. She highlighted that the shed is large and not located on garden land as per the covenant mentioned and approving the application would set a precedent for other similar scenarios in the area. She agreed with officer's recommendation to refuse the application.
5. Councillor Connor agreed that common sense should prevail as the applicant has not intended to deceive the Council and has a lot of local support. He asked if members approved the application whether a condition could be added stating that the shed must not be used for business purposes.
6. Councillor Sutton said unfortunately common sense does not apply to planning policies. He reminded members that the number of signatures on the petition should not sway members to undermine planning policies. Whilst he has no doubt that the Applicants are genuine and they did not intend to do anything wrong, that does not make the shed right. He highlighted that the shed is built in front of the building line of the road and does have a visual impact on the street scene. He agreed with officer's recommendation to refuse the application based on the visual impact and the precedence approving the application would set.
7. Councillor Benney said prior to visiting the site, he believed there would be an impact on the street scene however changed his opinion as the shed does not obstruct the adjacent junction. He said the property is well maintained and in good order and as elected representatives, members should 'stick up for the little man' and approve planning permission.
8. Councillor Mrs Hay reiterated that she is concerned approving the application would set a precedent for other similar applications.
9. Nick Harding said the decision is based on the subjective matter of whether the appearance

of the shed is acceptable to the street scene or not. Officers have made their recommendation and believe that it does not have a positive contribution on the street scene however members may disagree about whether it contravenes policy or not. In relation to Councillor Connor's comments, he explained that it would not be possible to add a condition in relation to not using the shed for business use (to the same extent as is being operated elsewhere at the property) as the current business operation does not require planning permission.

10. Councillor Connor said each planning application is judged on its own merits so there should be no concern in relation to setting a precedent.
11. Councillor Mrs Davis agreed that it is a subjective issue as if she was a local resident; she would have no concerns with the shed either. The property is well looked after and the application should be judged on its own merits. She believes members should approve the application.
12. Councillor Mrs Laws agreed and said based on the subjective nature of the application, planning permission should be approved.
13. Councillor Mrs Newell disagreed and said whilst the shed is of good quality that does not change the fact it is outside of planning policy. She highlighted that there is no point in having policies if planning permission is granted to applications that do not comply with them.
14. Councillor Benney said members should not be concerned about going against policy if they believe it is the correct thing to do.

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

2.10 pm

Chairman

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F/YR18/0320/F

**Applicant: Mr J Griffiths
Kier Living Ltd**

Agent :

Land West Of Cedar Way Accessed From, Grove Gardens, Elm, Cambridgeshire

Erection of 27 x 2-storey dwellings comprising of: 15 x 2-bed, 8 x 3-bed and 4 x 4-bed with associated parking and landscaping

Reason for Committee: Level of objection and Officer recommendation being contrary to that of the Parish Council.

1 EXECUTIVE SUMMARY

- 1.1 The scheme proposes 27 dwellings on a site which benefits from previous planning approvals for 20 dwellings (across two applications). The proposal has generated significant local interest with both the Parish Council and local residents objecting to the increase in units.
- 1.2 Notwithstanding the local concern the scheme has been assessed against both local and national planning policy and there are no significant issues which would preclude the application receiving a favourable recommendation.
- 1.3 As part of the submission a viability assessment has been provided, the detail of which has been assessed and found to be suitable robust in terms of the assumptions made and as such this otherwise policy compliant scheme may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site lies to the west of Cedar Way and south of the Oaks and west of Atkinson's Lane, Elm. At present the land is fenced off from the adjacent housing estate with gates in place where the shared surface driveway serving Nos 18-21 Grove Gardens currently terminates. The land is laid to grass. Within the site is post and rail fencing
- 2.2 Atkinson's Lane, which is a single width rural track, runs to the north and west of the site and along its western boundary is a grass verge and drain, beyond which is a drain. The site is relatively featureless excepting for some overgrown earth mounds which are a legacy of the estate development to the north and east; there is limited planting on site.
- 2.3 Cedar Way/Grove Gardens comprises a residential estate of detached, semi-detached and terraced properties predominately two storey dwellings (only one single storey dwelling) of varying styles and designs, there is a central area of open space which serves the development.

- 2.4 An area of land was identified for community use, directly to the south of this site and partially included within the current application site area; this was included within the S106 agreement relating to the 2003 consent however during the site inspection it was noted that there is no access to this land

3 PROPOSAL

- 3.1 Whilst initially the scheme proposed 20 dwellings the agent revised the scheme early in the evaluation of the application and it was agreed that amended plans could be submitted to encompass the design changes; with full consultations and publicity being undertaken in respect to the additional units.
- 3.2 The access arrangements/road layout is similar to that originally approved, albeit the layout incorporates several private drive areas off the main spur road. The dwellings are a mix of detached, semi-detached and terraced properties and do not have garages, although each dwelling will have off-road parking. A comprehensive materials schedule accompanies the submission.

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

4 SITE PLANNING HISTORY

F/YR16/0335/F	Erection of 9 x 2-storey dwellings	Granted 16/11/2016
F/YR15/0907/F	Erection of 11no 2-storey 4-bed dwellings with garages	Granted 16/12/2016
F/YR15/0514/F	Erection of 5 x 2-bed and 15 x 4-bed 2-storey dwellings with garages	Refused 09/10/2015

**Decision appealed; but appeal withdrawn following a resolution by Planning Committee to grant planning permission*

F/YR03/1149/F	Erection of 26 dwellings comprising 2 x 4-bed detached houses with integral garages, 9 x 4-bed terraced houses with integral garages, 10 x 3-bed semi-detached houses, 1 x 4-bed detached house, 4 x 2-bed terraced houses and garages (The Oaks)	Granted 14/01/2005
F/YR03/0379/F	Erection of 7 dwellings comprising; 1 x 4-bed detached house, 1 x 3-bed detached bungalow, 2 x 3-bed semi-detached houses and 3 x 2-bed terraced houses. (nos 1-15 Maple Road)	Granted 15.05.2003
F/YR02/0372/F	Erection of 45 houses and garages comprising 7 x 6-bed detached; 26 x 4-bed detached; 4 x 3-bed detached and 8 x 3-bed semi-detached Together with public open space estate roads and 0.4 ha. for community use	Approved 20/05/2003

5 CONSULTATIONS

- 5.1 **Parish Council:** Resolved that the application could not be supported due to the number of houses already approved and/or built in Elm far exceeding limits set in LP12. Concerns were expressed at to the effect on the roads and infrastructure. In addition the Council received a number of comments from residents who are not supportive of the application.
- 5.2 **Cambridgeshire County Council Highways Authority:** Originally made representations regarding the required carriageway widths and margins, i.e. a 5.5m wide shared surface carriageway with 0.5m wide margins should be detailed throughout the development and noting that the turning square/head was not acceptable to be adopted by the Local Highways Authority. However following discussions between the applicant and given the applicant's intention to keep the main access road private, the LHA raise no objections to the application.

They do however go on to note that 'The development proposes a greater number than 5 dwellings served by a private drive. Your Authority [FDC] must consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road(s) together with refuse collection.'

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

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the principle of the proposed development. The proposal is unlikely to have a detrimental effect on local air quality, it is noted that the development will be connected to the main sewer. Due to the number of proposed dwellings and their proximity to existing residential dwellings the effects of construction noise and dust upon existing dwellings will be needed and any measures to control or mitigate these issues provided.

5.4 **Anglian Water Services Ltd:** Comment as follows -

- Request the following Informative: '*There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water request informative*'.
- *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.*
- *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. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole*

connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency. We request that the agreed strategy is reflected in the planning approval

Anglian Water would therefore recommend a planning condition requiring the submission of a surface water management strategy and a requirement that no hard standing areas should be constructed until the drainage works have been undertaken.

- 5.5 **CCC (Lead Local Flood Authority):** Originally raised objection as latest climate change allowances (published 19 February 2016) had not been used to inform the surface water drainage strategy and greenfield runoff rate calculations had not been provided to support the figures stated in the surface water drainage proforma. In addition it was considered that the final discharge rate could be lowered and that the drainage strategy should be amended to ensure that there was no surcharging in anything lower than a 3.3% AEP rainfall event.

Following receipt of update information the Lead Local Flood Authority (LLFA) now have 'no objection in principle to the proposed development and our previous comments have been addressed. The above documents demonstrate that surface water from the proposed development can be managed through the use of an attenuation basin, restricting surface water discharge to 2l/s'.

The Lead Local Flood Authority have request conditions regarding submission of a surface water drainage scheme for the site based on sustainable drainage principles, including a range of specified details and also requests informatives regarding when the calculations should be sourced and the need to gain IDB consent

- 5.6 **Housing Strategy (FDC):** On this application, I would expect the affordable housing requirement to be in accordance with Policy LP5. The consultation response also acknowledges that *'FDC is aware that some developers have struggled to secure Registered Providers to take on the affordable housing on smaller sites. Accordingly, in view of this exceptional circumstance it has been decided that the affordable housing planning requirement on sites submitted for planning between 1st April 2016 and 31st March 2019 can be discharged by way of a financial contribution rather than on site provision. This will apply to all applications which are for 37 dwellings or fewer.'*

- 5.7 **NHS England (East) NHS England Midlands And East (East):** *Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.*

- 5.8 **Head of Environmental Services (Refuse):** *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:-*

o A swept path plan should be provided to demonstrate that an 11.5m refuse vehicle can access and turn on the public highway.

o Dwellings serviced by a shared private driveway will require shared bin collection points at the boundary of the public highway (plots 1-2, 5-7, 8-9 & 11-15 will require shared collection points).

o Residents will be expected to present waste and recycling bins for collection at the curtilage of the property, where it meets the Public Highway on the day of collection.

o New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.

o Refuse and recycling bins will be required to be provided as an integral part of the development.

- 5.9 Designing Out Crime Officers:** Originally commented that *'there is no section or mention within the Design and Access statement in relation to security or crime prevention. I have completed a crime and incident search covering the Elm area for the last 12 months and would consider this to be an area of low risk to the vulnerability of crime at present. While this would appear to be an acceptable layout in relation to crime and the fear of crime I would like to see the lighting proposals for the development particularly in relation to the parking areas to the front of plots 10 - 15 and the rear of plots 8 and 9. We recommend that all adopted, un-adopted roads and parking areas are lit by columns to BS5489:1 2013.'* Further notes that *'This office would be happy to consult with the applicant in relation to a Secured by Design application and measures to mitigate against the vulnerability to crime and the fear of crime.'*

On review of the revised scheme comment as follows: *'I have reviewed updated documents regarding the addition of 7 more units on this development. I am reinforcing the comments made by our office earlier this year regarding parking areas and I am concerned that in some areas residents do not have clear views of their vehicles and this could lead to them parking outside of parking court areas and causing issues for other residents.'*

This could be somewhat mitigated by a Condition regarding all external lighting on the site, which I could comment on to ensure that parking courts have appropriate lighting. I would also like to see boundary treatments which overlook rear parking courts reduced in height to 1.5m with 300mm trellis (or similar) topping to improve visibility.

This amendment has been secured and the DOCO is supportive of the changes made.

- 5.10 Local Residents/Interested Parties:** 11 letters of objection were received in respect of the original 20 dwelling scheme; along with a solicitors letter reiterating comments made by his client.

Following re-consultation 6 of the earlier contributors wrote to reiterate/expand their earlier concerns with one of the residents writing twice. 17 new objections were also received with three of these contributors writing in twice.

Lack of supporting Infrastructure/Impact on village:

- Village already struggles with infrastructure, shops, health and dentist provision, schools, leisure, with new development and this proposal this will impact more
- 80 homes have already been granted (Gosmoor and Henry Warby) should see the impacts of these on the village before we do irreversible damage to village and its residents
- Village is limited growth village for a reason and has already gone over LP12 policy by a massive percentage

- Village has accepted 20 homes on this site it would be a foolish idea to build more and if it was considered the community would fight this development as illegal
- Existing open space will be oversubscribed, such areas are at a premium in Elm
- All further development in Elm needs to cease
- Bought house in peaceful village if they wanted noise traffic pollution and anti-social behaviour would have bought in town
- Power outages will worsen with increased demand
- Public transport has worsened

Visual impact and amount of development

- Out of character/not in keeping with area; small crammed in houses
- Elm will lose its identity as a village and be just another part of Wisbech which would be a travesty.
- Kier justify the development as 'logical rounding off of development of a site'; they ignore that the site can be used as a natural area thus 'achieve a logical rounding off of a development site.'
- Is there really a need to increase the amount of properties within a small area that will impact on the village and its residents
- Elm cannot cope with another 10 homes let alone 27 homes.

Residential Amenity

- Loss of privacy, shadowing and loss of light, loss of view/outlook, proximity
- Impact during construction

Access, Traffic, Highways, Parking

- Extra traffic generated by new homes would impact on highways safety; there are already a lot of children on the estate and traffic has increased locally.
- Speed restrictions in place due village becoming too busy
- Proposal will mean a loss of our driveway and garden if the access is through Grove Gardens; the roadway outside our property in our deeds states that it is a private driveway, potential for it to be damaged through increase use and loss of privacy
- Parking arrangements; a concern from both a health and noise perspective - the 8 car parking spaces adjacent their rear garden boundary will be within 1 metre of their fence, possibly closer. Lights will shine into their property and bedrooms.
- Suggest alternative access, i.e. road straight off of Main Road, utilised
- Insufficient parking will cause on street parking and obstructions in the road
- Black Horse Lane has inadequate drainage and numerous potholes and often floods after moderate rain. It is often used by traffic accessing the current housing in the Grove Gardens estate.
- Propose that the number of homes be reduced to 10 and the access road is taken from Begdale Road into the site or even adopting the farm track that leads from the Sportsman to the Oaks this is already being used many times a day. Then having a no through section in Cedar Way to eliminate a rat run and possible endangerment to children playing.

Flooding

- Part of the reason why Kier have had to change the design of the development is because of flooding concerns. There will always be flooding issues and will be

made worse if houses are built on this land. More sewage going into an already overloaded system

-

Other:

- Why do you feel the community would agree a further 7 dwellings when there were so many objections to 20, scheme should not have been amended. FDC should listen to residents.
- Kier want to take away some of the community land for drainage.
- How many houses need to be built before the government decides we are full
- Moved on the basis that only 20 houses had been agreed, previous design did not have a major impact
- Density/Over development/Backfill, loss of agricultural land
- Increased anti-social behaviour, noise, smell, waste and litter and light pollution
- Doesn't comply with policy, outside DAB, will set a precedent
- Environmental concerns, wildlife concerns, Trees
- Devaluing property
- Antisocial behaviour; extra properties may lead to anti-social behaviour - notes crime issues in the locality extra housing can only increase risks
- Will make parking at the local shop worse
- The effects on the environment and current living conditions should be assessed independently
- Development should be focused on town centre.
- FDC LP12 policy seems to be worthless as the village is already over the agreed percentage of homes allowed to be built in a limited growth village.
- We are all aware that this application will probably be granted. Although objections are raised by residents, it's usually a tick box exercise .We can see this from the developments that have already taken place in Elm or have been approved
- Planning needs to start listening to residents and working together to ensure that they live up to "SHAPING FENLAND'S FUTURE TOGETHER" or stop using it in your PR !

Civil and legal issues:

- Easement over front lawn not explained
- Concern re who will own the boundary fence; how can the developer just attach a gate to their fence and expect us to maintain it
- Believe existing drainage runs under our property. Naturally I would expect in line with current jurisdiction someone will be courteous to discuss at some point.

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

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 34: Development Contributions
Paragraph 47: Determine applications in accordance with development plan
Paras 54-57: Planning conditions and obligations; including viability
Section 5: Delivering a sufficient supply of homes.
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change.

7.2 Planning Policy Guidance

7.3 Fenland Local Plan

LP1 – A Presumption in Favour of Sustainable Development;
LP2 – Facilitating Health and Wellbeing of Fenland Residents;
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside;
LP4 – Housing;
LP5 - Meeting Housing Need
LP12 – Rural Areas Development Policy
LP13 - Supporting and Managing 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
LP18 – The Historic Environment
LP19 - The Natural Environment

8 KEY ISSUES

- **Background**
- **Principle of Development**
- **Village thresholds**
- **Character of the area**
- **Residential amenity**
- **Highways and parking**
- **Flood risk and drainage**
- **Open space**
- **Viability**
- **Other matters**

9 BACKGROUND

9.1 Only 41 houses were constructed under 02/0372 as four plots were lost to facilitate access through to the 26 dwellings delivered under 03/1149 (The Oaks); 7 further plots were delivered as affordable housing under F/YR03/0379/F. F/YR02/0372/F included 0.4 Ha of open space for community use, in addition to a central area of open space, the Oaks development S106 included a contribution in lieu of open space.

9.2 Two separate planning permissions have been granted for the current application site; these total the provision of 20 units across the combined area. The agent notes in support of the current submission that the built form coverage of the approved scheme (20 units) totals 18,843 square feet whilst the present scheme for 27 units would result in built form coverage of 12,466 square foot. This Page 18

reduction is attributable to the garages and larger houses actually generate a much higher built form coverage compared to the smaller units (a 34% reduction in coverage). The agent also notes that there is also a larger provision of POS due to the 9m drainage easement.

- 9.3 F/YR15/0907/F required financial contributions in respect of public open space and affordable housing

10 ASSESSMENT

Principle of Development

- 10.1 The principle of residential development on this site has been firmly established through the earlier grant of planning permission; as there is an extant consent for 20 dwellings it is the largely the impact of the additional 7 dwellings that should be evaluated. Elm is identified as a limited growth village in the Fenland Local Plan. Therefore, the principle of development may be acceptable, subject to consideration against Policy LP12 Part A.
- 10.3 Policy LP12 Part A sets out that any proposal will need to satisfy all of the criteria (a) - (k). The proposal is considered to comply with these criteria because the site adjoins the main settlement, would not result in coalescence with neighbouring villages, would not have an adverse impact on the surrounding countryside, is of a scale and in a location in keeping with the surroundings and would not extend any linear features of the settlement or result in ribbon development.
- 10.4 It is also necessary to consider the highway, heritage, flooding and infrastructure implications of the development to assess whether there are any aspects which would lead individually or cumulatively to significant harm.

Village Thresholds

- 10.5 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a limited growth village by 10% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the relevant Parish Council.
- 10.6 The most recent village threshold figures (26th October 2018) show that Elm had capacity for 73 additional dwellings before the 10% threshold was breached. Since April 2011 there have been 154 dwellings committed to be built/built and therefore the village threshold has clearly been exceeded (noting that the 154 dwelling figure includes the 20 units already consented on this site).
- 10.7 It is clear that the scheme is not able to evidence the clear local community support required to comply with Policy LP12, nor has it attracted a favourable recommendation from the Parish Council. However an appeal decision in 2017, post local plan preparation, questioned this aspect of the policy with the Planning Inspector noting that the failure to achieve community support should not render an otherwise acceptable scheme unacceptable and allowed the appeal.

10.8 Against this backdrop it would not be appropriate to withhold consent solely on these grounds; although it is recognised that should the exceeded threshold limits manifest themselves in actual and significant harm when the scheme is viewed against other policies these material considerations would stand in their own regard.

Character of the Area

- 10.9 The area of land is relatively featureless and benefits from planning consent for housing development, as such the principle of development is firmly established as both these consents; save for the drainage matters highlighted below, being capable of implementation.
- 10.10 In terms of the built form now proposed whilst there will be an increase in numbers the scale and extent of development will reduce in terms of floor space; as illustrated at 9.2 above. The development maintains a similar access arrangement to the earlier scheme however it will utilise spur roads from the main access which will result in the orientation of the plots being varied; such an approach is not dissimilar to that evident on the wider developed estate.
- 10.11 Whilst comments made by local residents with regard to the impact on the character of the area are noted it is clear that the development will not extend the settlement any further than that which has been previously accepted by virtue of the earlier grant of planning permission. The development site is clearly contained by the drain that runs along Atkinson's Lane and the western boundary will not encroach any further in this direction than 'The Oaks' or indeed Abington Grove to the south of the site.
- 10.12 As the scheme will represent a continuation of the existing two-storey development in the vicinity it is considered that continued compliance with Policy LP12 (a) to (f) is achieved and that there are no grounds to withhold consent based on increased numbers.

Residential amenity

- 10.13 The layout shown makes appropriate provision for parking and amenity space to serve the proposed households; it is noted that it is necessary to agree the location of bin collection points to serve those properties accessed via private drives and whilst these details are outstanding at this time they may be secured via condition. Similarly the recommendations of the FDC Refuse team may be incorporated into a refuse collection strategy focused on informing future residents of the arrangements.
- 10.14 With regard to access arrangements and the comments received from householders directly affected by the proposed access to the site, i.e. those who are served from the private drive/shared surface leading from Grove Gardens (nos. 18 - 21), these relate largely to noise and disturbance, devaluation, lack of privacy and matters of ownership. Looking firstly at lack of privacy and noise and disturbance it must be highlighted that these matters will have been previously assessed as part of the approved submissions and the delivery of a 20 unit scheme accessed solely from this point has been accepted. Therefore it is only the impacts of the seven additional units that may be considered; in this regard it is not considered that the additional traffic movements generated by the scheme now under consideration would be so significant as to render the proposal unacceptable.

- 10.15 The second issue highlighted, relating to land ownership, is a civil matter and therefore outside the planning considerations of the scheme proposal. That said the applicant has provided a land registry extract which details that the land shown for access is not under the ownership/control of the households that front onto this area. Whilst the current site layout is such that the gardens and gravelled driveways extend up to the block paved access road this does not appear to correspond with the land conveyance extract.
- 10.16 Matters of overlooking, overshadowing, loss of privacy and visual dominance have been considered and it is noted that the new development will lie to the west of Grove Gardens and Cedar Way with a separation distance of at least 10 metres between Plot 22 and Nos 5 & 7 Cedar Way as such it is not considered that any significant overshadowing will occur. Whilst there is the potential for some late afternoon shadowing to the bottom of these gardens this would not be so significant as to render the scheme proposals unacceptable. Similarly whilst there may be an element of overlooking resultant from the development the separation distances and layout of the development is such that this would not render the scheme proposals unacceptable. The landing windows serving Plots 17 & 22 will be conditioned as obscure glazed to mitigate against any perceived loss of privacy.
- 10.17 The comments made regarding noise and disturbance with particular reference to the construction phase have again already been considered and evaluated as acceptable by virtue of the earlier grant planning consent; and specific safeguarding conditions relating to construction management may be brought forward to any subsequent approval.
- 10.18 Against the backdrop of the earlier extant planning permissions the scheme currently under consideration is not considered to raise any significant issues in terms of residential amenity and compliance with Policy LP16 is maintained.

Highways

- 10.19 Access to the scheme is derived from the existing shared driveway which serves Nos. 18 - 21 Grove Gardens; this is as proposed and accepted under the combined approvals for 20 dwellings; albeit the road design was not explicitly detailed and was to be the subject of further detailed plans (required by condition). Nonetheless the provision of a suitable access would always have been in the form now shown. In highway terms there are no highway safety issues arising from this scenario - residential amenity considerations are dealt with in the preceding section of this report.
- 10.20 During the consultation phase of the scheme the LHA identified that the road should be block paved, as is the CCC standard for shared surfaces within Cambridgeshire. However the applicant, noting the earlier approvals and scheme viability, indicated that their preference was to deliver the roadway in tarmac with a single footpath as is prevalent elsewhere on the scheme. The LHA have discussed this directly with the applicant, and as indicated in the consultation response above, have accepted the scheme proposals on the basis that the roadway will not be adopted and will retain the access as a private road with management company maintenance.
- 10.21 Whilst not ideal there would be no reasonable planning reason to withhold consent solely on the grounds that the road is not offered for adoption. A

safeguarding condition may be imposed regarding road management and maintenance. Para 109 of the NPPF clearly indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Flood risk and drainage

- 10.22 The site lies within Flood Zone 1 and benefits from extant consent(s) accordingly it is a sequentially preferable site and accords with both local and national planning policy framework.
- 10.23 The scheme proposals have been accompanied by a completed surface water proforma document and a drainage statement which have been accepted by the statutory consultees. In response to the scheme the LLFA and Anglian Water Services whilst requiring the submission of a surface water management strategy have raised no objection. AWS have also indicated that no hard standing areas should be constructed until the drainage works have been carried out.
- 10.24 Whilst formal comments have not been received from the Internal Drainage Board the submission clearly indicates that detailed discussions have been held between the developer and the IDB in respect of the earlier scheme approvals. At this time it became apparent that the IDB would not support the discharge of the drainage planning condition without the scheme providing a 9m easement from the top of embankment of the brook which is adjacent to the site. The requested easement was to enable the IDB to undertake drainage works to the ditch if necessary and has been incorporated into this current submission.
- 10.25 It is considered that subject to conditions being imposed as per the recommendation the proposed scheme is acceptable and meets the requirements of both the NPPF and FLP policy LP14

Community Land

- 10.26 It has been noted by local residents that part of the land included within the current application site formed part of a parcel of land that was gifted to the community as part of the original application for the Grove Gardens estate (Ref: F/YR02/0372/F); with this obligation forming part of the Section 106 relating to this consent. However it was not part of the formal open space required as part of the development. The area of gifted land is not shown on the plans as being developed, however a SUDs feature is shown to be located on the northern end this land, this situation is as per the earlier approval F/YR15/0907/F.
- 10.27 The S106 indicates that the community space should be laid out as grassed and fenced with 1200mm Newmarket fencing and maintained for a period of two years at which time the land would be offered in writing to the District Council, and should this offer be accepted then transferred along with a commuted sum for maintenance. It is noted that there have been issues with the transfer of the land to date, largely outside the control of the developer, and whilst it is still the intention to transfer the land and a commitment to do so has been expressed by the developer this has not occurred to date. For insurance and management reasons the land is not yet available for public use, however it is clearly the intention of the developer to fulfil this obligation.

10.28 It is further noted that the SUDs feature shown is to be shallow grassed depression which will not prevent the use of the open space once the developer is in a position to hand it over and it is considered that this feature would therefore be compatible as part of the open space. It is considered however that the new Section 106 Agreement should refer to this element of the 2003 agreement for clarity though.

Viability

10.29 The combined planning permissions for the site both had Section 106 obligations attached; details as follows:

F/YR15/0907/F	Affordable Housing contribution: £26,346 POS contribution: £9,680
F/YR16/0335/F	Affordable Housing contribution: £21,574 POS contribution: £7,920

10.30 This scheme, accepting that a financial contribution for affordable housing would be appropriate on this site given the number of units proposed, would attract contributions as follows:

Affordable Housing: Based on 27 houses can either be provided as 5 rented and two shared ownership on site or as an off-site contribution of 55% of Open Market Value for rented dwelling and 65% of OMV for a shared ownership dwelling.

POS Contribution: £17,600

Education: No contributions have been requested

With regard to POS it would be necessary to identify appropriate projects to deliver.

10.31 A DAT viability assessment has been submitted in respect of the scheme proposals; this has been assessed by officers and the following 'headlines' established:

- *There would be a deficit at the completion of the project with no Affordable Housing Contribution, based on a 15% Profit (including overheads) of Gross Development Value with a sum of £42,569 available for Public Open Space.*
- *The anticipated revenue for the scheme is a realistic expectation of value.*
- *The adopted bank interest is 4.5% which is an acceptable assumption.*
- *Design & Professional Fees of 6% have been adopted, up to 10% is considered within an acceptable range.*
- The build costs assumptions are in accordance with Mean figures published on BCIS TPI webpages for the types of properties proposed rebased for Fenland.
- A contingency of 2.5% is included which is reasonable for this type of proposal.
- Evidence was provided supporting the External works which were benchmarked against similar schemes within Fenland.
- The submission includes 15% profit of the Gross Development Value. 20% profit is considered the minimum amount that a developer would usually require for a site of this nature.
- The applicant has confirmed that a sum of £42,569 will be provided through a S106 Agreement for Public Open Space.

Based on the evidence submitted the Senior Planning Obligations Officer at PCC accepts that there are viability issues preventing the delivery of an Affordable Housing Commuted Sum or any other S106 contributions other than the POS contribution.

Other Matters:

Crime and Safety

10.32 A common theme of the consultation responses received has been that of anti-social behaviour and crime; no such concerns have been raised by the Designing Out Crime Officer with their recommendations relating solely to the site specific design aspects of the proposal. These recommendations have been incorporated into the proposal in so far as they relate to fencing and surveillance within the area and will be conditioned with regard to external lighting. Accordingly it is considered that the scheme represents no issues in terms of Policy LP17 of the FLP.

Conditions

10.33 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).

10.34 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 1st October 2018, it is considered that the requirements of section 100ZA(5) have been met.

10.35 The proposed conditions are as follows;

- (2) Surface water drainage scheme
- (3) Construction Management Plan
- (12) Site levels

11 CONCLUSIONS

11.1 It is considered that the scheme, on balance, achieves compliance with national and local planning policies and may be favourably recommended.

11.2 The Viability Assessment is outstanding and will be reported to the committee and this will inform the scope of the S106.

12 RECOMMENDATION: Grant subject to:

- (i) Prior completion of a Section 106 with regard to public open space contribution. Should the obligation referred to not be 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.**
- (ii) Conditions as follows:**

Conditions

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

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

- 2 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed Drainage Statement (ref: PK/17449/B1), Prepared by Woods Hardwick, Dated 7th August and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
- b) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- d) Full details of the proposed attenuation and flow control measures
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- f) Full details of the maintenance/adoption of the surface water drainage system;
- g) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

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

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased 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 No works shall commence on site until such time as a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not exclusively), the following:
 - Haul routes to and from the site;
 - Hours of on-site working;
 - Parking, turning and loading/unloading areas for all construction/contractors vehicles;
 - Site compounds/storage areas;
 - Temporary access points;

- Wheel cleansing facilities capable of cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site during the period of construction;
- A noise management plan including a scheme for the monitoring of construction noise;
- A scheme for the control of dust arising from building and site works;
- Details of remedial measures to be taken if complaints arise during the construction period;
- Details of a construction phase plan, including a construction methodology for the access off Grove Gardens and how access will be maintained to Nos. 19 - 21;
- Pedestrian and cyclist protection; and
- Any proposed temporary traffic restrictions.

Thereafter the details shall be implemented in accordance with the approved plan.

Reason - In the interests of highway safety and residential amenity in accordance with Policy LP15 and LP16 of the Fenland Local Plan 2014. This condition is pre-commencement as it is necessary to have such mitigation in place at the start of development.

- 4 Before the development hereby permitted is occupied the vehicular access from Grove Gardens shall be hard surfaced, sealed and drained away from the highway for a minimum width of 5m and minimum length of 5m from the back edge of the existing footway, 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 to ensure compliance with Policy LP15 of the FLP (2014).

- 5 Prior to the first occupation of each respective dwelling the proposed on-site parking for that dwelling shall be laid out in accordance with the approved plan and thereafter retained for that specific use. The visitor spaces annotated on the approved site layout plan 422-SK-02 Rev E shall be laid out in accordance with the approved plan on completion of the final dwelling.

Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety and to ensure compliance with Policy LP15 of the FLP (2014).

- 6 No development shall commence in respect of the carriageway construction until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies LP15 and LP16 of the FLP (2014)

- 7 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and satisfactory development and to ensure compliance with Policy LP15 of the FLP (2014).

8. Prior to commencement of the relevant part of the development and notwithstanding the submitted plans, a scheme shall be submitted and approved in writing by the Local Planning Authority detailing surface finish, levels, drainage and construction of the development access link between the development access road and Grove Gardens estate road and footways. The approved scheme should then be implemented in strict accordance with the approved plans and fully constructed prior to first occupation of the development.

Reason: In the interest of Highways safety and to ensure compliance with Policies LP15 and LP16 of the FLP (2014)

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

Reason: To prevent environmental and amenity problems arising from flooding and to ensure compliance with Policy LP14 of the FLP.

10. No works shall proceed beyond slab level until such time as 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) Hard surfacing and other hard landscape features and materials;
- b) Existing trees, hedges or other soft features to be retained;
- c) Planting plans, including specifications of species, sizes, planting centres number and percentage mix;
- d) Details of planting or features to enhance the value of the development for biodiversity and wildlife;
- e) 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 in accordance with Policies LP16 and LP19 of the Fenland Local Plan, 2014.

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

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

- 12 No development shall commence on site until such time as details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.

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

A pre-commencement condition is necessary in order to ensure that dwelling heights are compatible with the adjoining development in the interests of the visual appearance of the development.

- 13 Prior to the first occupation of the development a refuse strategy shall be submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented in full upon first occupation of the dwellings and thereafter retained in perpetuity.

Reason: To ensure a satisfactory form of refuse collection in accordance with Policy LP16 of the Fenland Local Plan, 2014.

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

Reason: In the interests of the safety of the occupiers and to ensure there are available public water mains in the area to provide for a suitable water supply

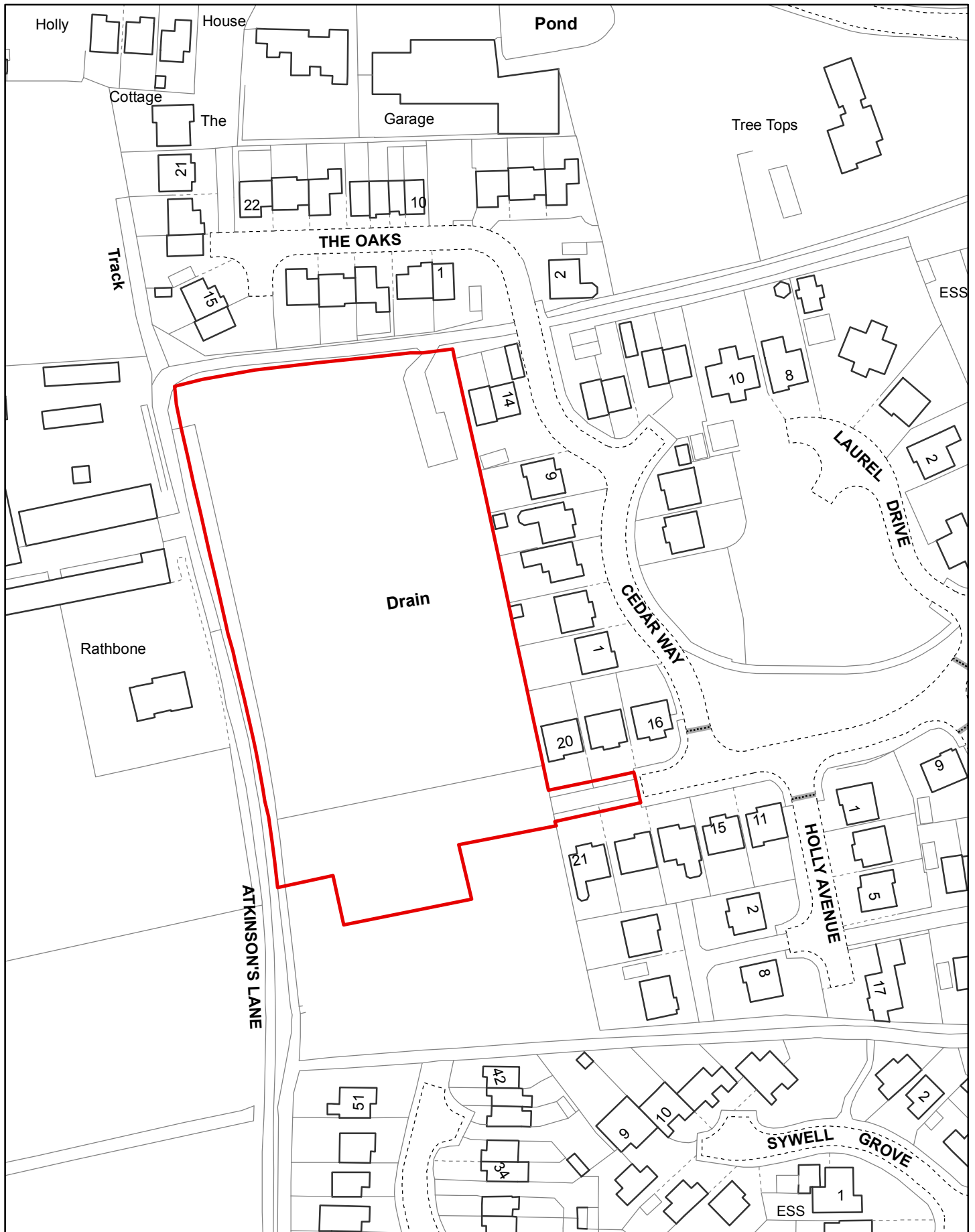
- 15 The hall/landing windows in the eastern elevations of Plots No. 17 and 22, hereby approved, shall be glazed with obscure glass and so maintained in perpetuity thereafter.

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.

- 16 Within 6-months of the commencement of development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented 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 achieves compliance with Policies LP16 and LP17 of the FLP (2014)

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



Created on: 06/04/2018

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F/YR18/0320/F

Scale = 1:1,250



PLOT SCHEDULE			
	BED	SIZE	No.
H072 - Femberton	2	727	15
H094 - Hopwood (Bluebell)	3	928	6
H095 - Maywood (Bullington)	3	947	2
H104 - Stableford	4	1041	4
TOTAL			27
GRAND TOTAL			27



Revisions:
 E. 17/09/18 Highway amendments.
 D. 13/09/18 Highway amendments.
 C. 12/09/18 Highway amendments.
 B. 27/07/18 Minor client amendments.
 A. 24/07/18 Minor client amendments.

LMC - Architect Limited
 87 Main Street, Lyddington,
 Rutland, LE15 9LS

Tel/Fax 01572 820185
 Mobile 07985 943743

Client:
Kier Living Limited

Title:
**Land Off
 Grove Gardens
 Elm**

Drawing:
Planning Site Layout

Scales:	Sheet Size:	Date:	Drawn:
1:500	A2	08/02/18	LMC
Drawing Number:	Rev:		
422-SK-01	E		

Do not scale off or measure from this drawing.
 All discrepancies should be reported to the architects. This drawing should
 be read in conjunction with the specifications and standard details.
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MQB1:100			
MQB1:200			
MQB1:500			
MQB1:1250			
MQB1:2500			



FRONT ELEVATION

SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION



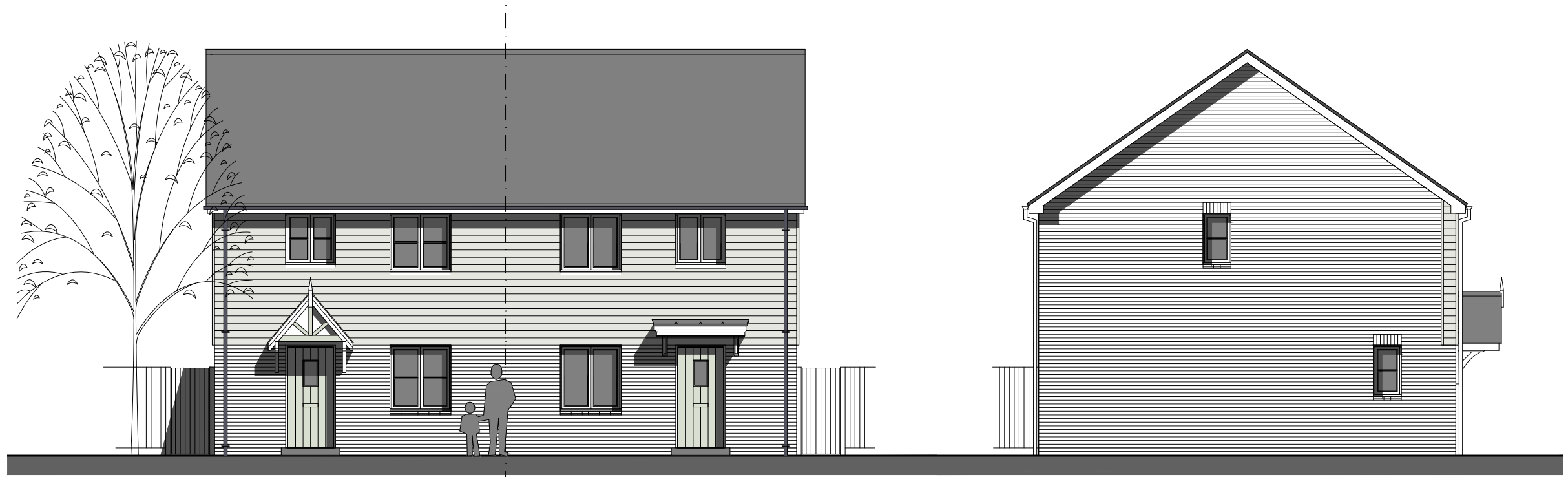
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SIDE ELEVATION



REAR ELEVATION

SIDE ELEVATION



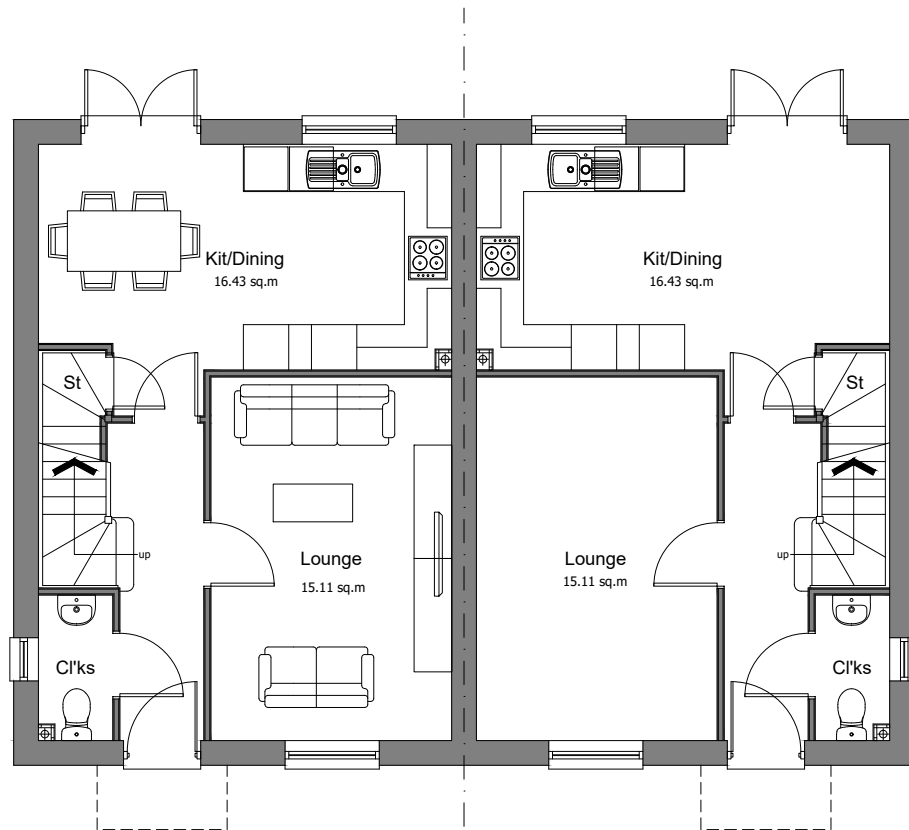
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SIDE ELEVATION

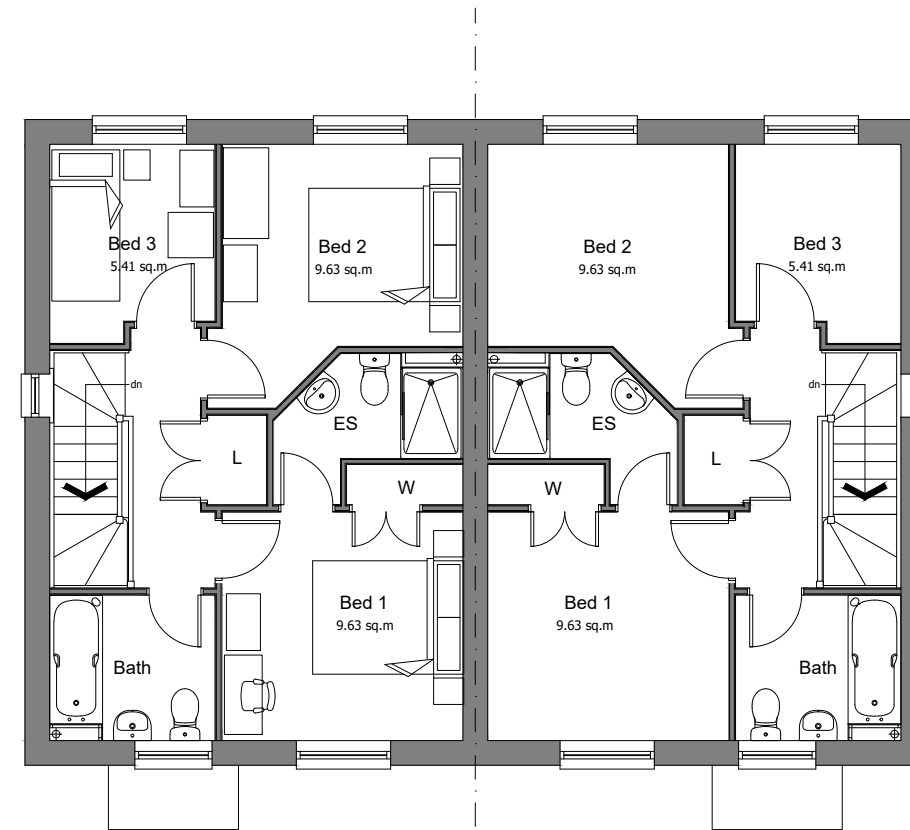


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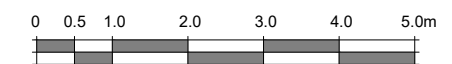
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GROUND FLOOR PLAN



FIRST FLOOR PLAN





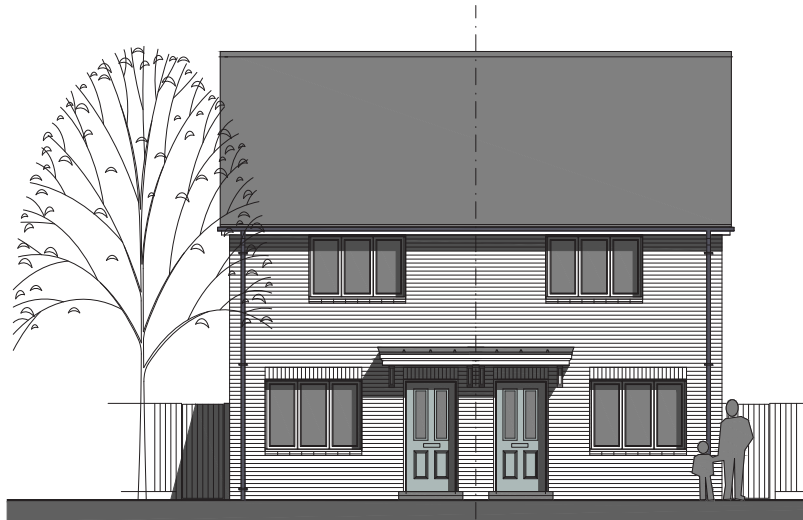
FRONT ELEVATION



REAR AND SIDE ELEVATION



SIDE ELEVATION



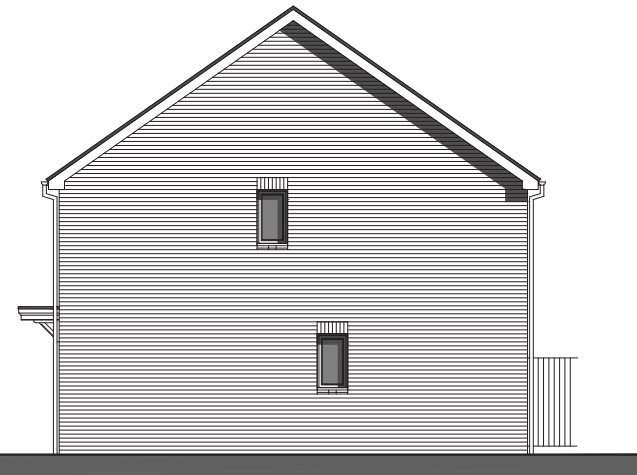
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SIDE ELEVATION



REAR ELEVATION

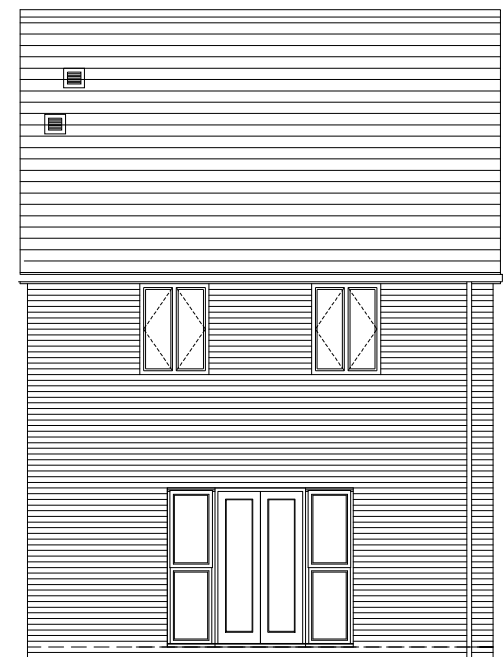


SIDE ELEVATION

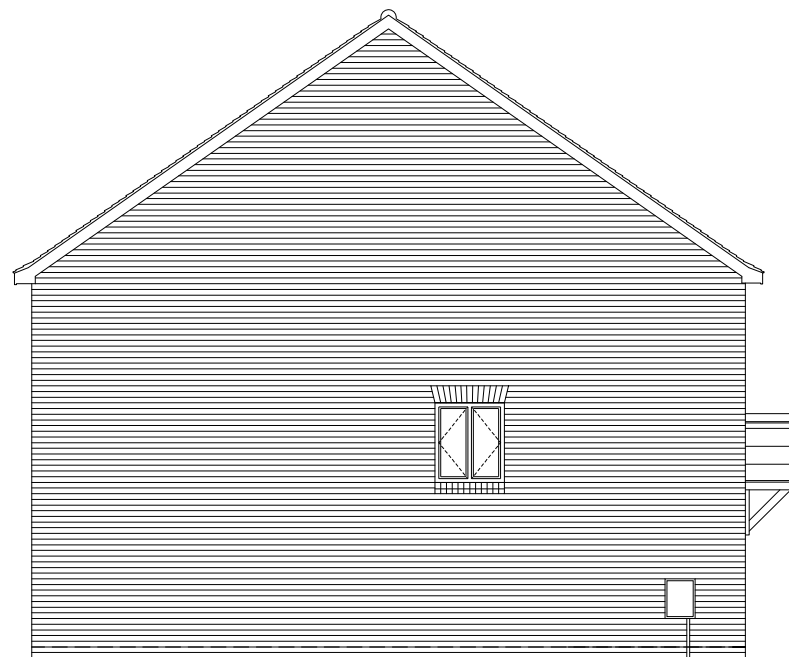
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FRONT ELEVATION



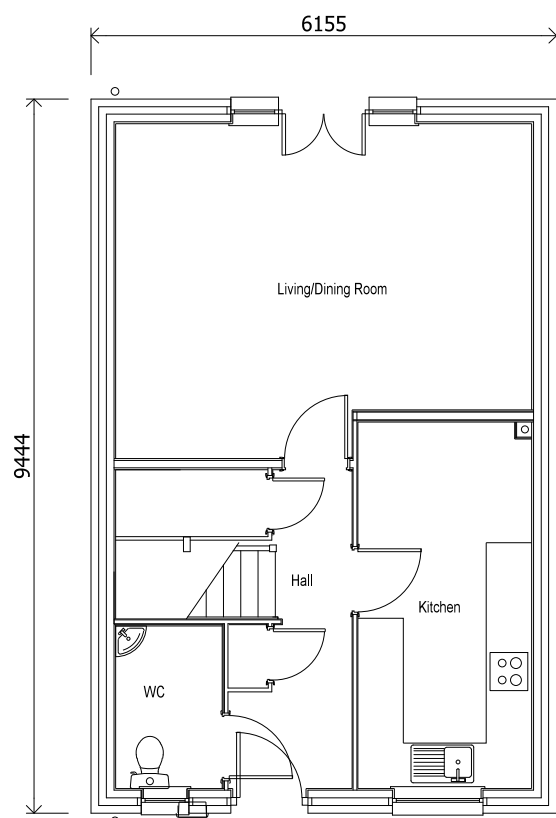
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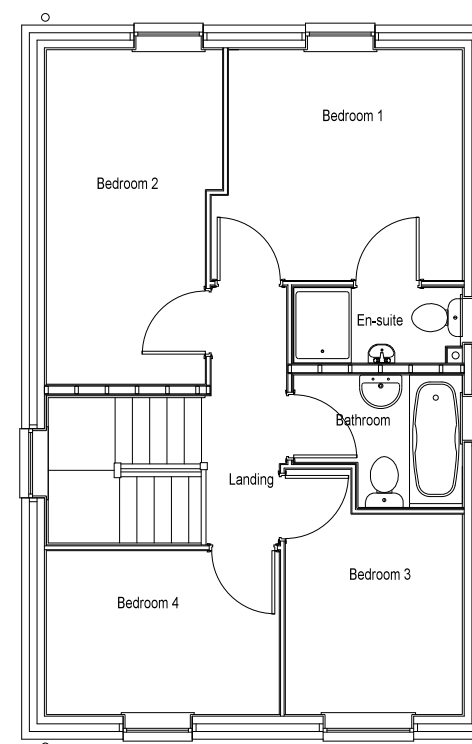
SIDE ELEVATION



SIDE ELEVATION



Ground Floor



First Floor

Rev	Details	Date	By
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Kier Living Limited
 Lysander House
 Tempsford Hall
 Sandy
 Bedfordshire
 SG19 2BD
 Tel: 01767 355500 Fax: 01767 355501

Project: **House Type
 Stableford v1**

Drawing:
**Planning Drawing
 4 bed 2 storey house 1041 sqft**

Drawing File Location:

Drawn by: -	Date: 18/06/18
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Scale: 1@100	COINS code: ----
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 All dimensions to be checked on site.
 Any discrepancies to be reported to
 the Architect immediately.
 This drawing should not be scaled.

Drawing no: H104v1-01	Revision:
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F/YR18/0557/F

**Applicant: Mr M Baker
Axiom Housing**

**Agent : Mr Robert Jays
Lindum Group**

Westhaven Nursery, Peterborough Road, Whittlesey, Cambridgeshire

Erection of 18 x 2-storey dwellings (Phase 2) comprising of 5 x 2-bed and 13 x 3-bed

Reason for Committee: 6 or more representations have been received contrary to the recommendation.

1 EXECUTIVE SUMMARY

The principle of residential development on this sustainably located site has been accepted by virtue of the earlier grant of outline planning permission and subsequent approval of reserved matters. Whilst this application proposes additional units over those agreed under the outline approval there are no 'principle' issues with this per se.

Revisions have been secured during the evaluation of the scheme which have established the proposal as compliant with relevant planning policy, excepting issues of viability which have been proven, and accordingly the scheme may be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The site currently forms the eastern section of a wider area of vacant land 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 is adjacent to residential development fronting Peterborough Road and a commercial 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 scheme proposes the erection of 16 dwellings on land which is shown as 'species-rich grassland' on the reserved matters submission for the wider site
- 3.2 Access is derived from Peterborough Road, and forms part of a road network which will serve the wider estate which is the subject of a separate reserved matters submission.

- 3.3 The proposed dwellings are a mix of semi-detached two-storey 2-bed and 3-bed units which address the estate road.

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/YR18/0496/PLOBBA	Modification of Planning Obligation attached to planning permission F/YR14/0183/O (entered into on 18/02/2015) relating to affordable housing, tenure mix and schedule and financial contributions relating to Pre-School Education, Secondary Education, Fenland Rail Contribution, Libraries and Lifelong Learning, County Waste and public open space.	Pending
F/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	Approved 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 18/02/201

5 CONSULTATIONS

- 5.1 **Town Council:** *The Town Council recommend approval as it finalises the plans for this site and allows FDC and other agencies to view and consider the whole site. Without this application the viability of affordable housing is questionable.*
- 5.2 **Cambridgeshire County Council Highways Authority:** *The kerb radii details are usually dictated by the tracking alignment. Whilst the majority of the access geometry is detailed on plan numbers P17090-10-04 and P17090-10-03 (kerb radii, carriageway widths etc) details of footway widths are required and should be shown on the plans. The tracking details provided show that an 11.5m long refuse vehicle can pass a motor vehicle throughout the development and turn within the turning head at the end of the development. In addition there is no real need for the ramp detailed between plots 78-82 as there is sufficient horizontal deflection without the need to provide vertical features.*

As previously mentioned though the LHA will not entertain adopting the estate roads/drainage with the methods proposed - CCC will not accept/adopt any infiltration/soakaway drainage system on this site.

The development therefore proposes a greater number than 5 dwellings served by a private drive. FDC should therefore consider the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road together with refuse collection.

The footway dimensions have been provided and the LHA confirm that they have no highways objections, recommending that all highways conditions from application number F/YR18/0128/RM should be appended to any granted consent.

This recommendation is again caveated with statements regarding adoption the long-term implications of permitting such development in terms of construction, future maintenance, lighting and surface water drainage of the access road together with refuse collection as above..

- 5.3 **FDC Scientific Officer (Land Contamination):** *No objection to the proposed application. The previously submitted contaminated land report submitted under Phase 1 of outline planning permission F/YR14/0183/O for the entire site should cover for the Phase 2 scheme. The previously submitted intrusive investigation showed the presence of localised contamination. A remediation strategy needs to be submitted and approved together with completion / verification report / report confirming the objectives, methods, results and conclusions of all remediation works have been undertaken to the required standards.*
- 5.4 **Designing Out Crime Officers:** *I have viewed all relevant documents and especially noted the Section on Security (5.5) in the Design and Access Statement. I am happy to fully support and at this stage have no further comments as I believe if the development follows the layout and design principles it would adhere to the principles of Secured by Design and could qualify for a Gold Standard if the developer choose to submit an application.*
- 5.5 **Environment Agency:** *We have reviewed the information provided and have no comment to make on this application.*
- 5.6 **CCC (Lead Local Flood Authority):** *Following receipt of revised details the LLFA advise that they 'have no objection in principle to the proposed development. The [...] documents demonstrate that surface water from the proposed development can be managed through the use of permeable paving.*

The applicant proposes to manage surface water via permeable paving which provides suitable water quality treatment for this residential use, in line with the CIRIA SuDS Manual C753. Concerns regarding groundwater have been addressed, and no groundwater was encountered during any of the ground investigations. Infiltration testing demonstrated low rates, however these rates are considered the minimum acceptable for permeable paving. Based on the hydraulic calculations provided, the drainage strategy is appropriate to suitably manage the surface water on site, without increasing flood risk. Requests conditions regarding the implementation of the SW drainage scheme in accordance with the submitted details and agreement of the long term maintenance arrangements for the SWD system.

- 5.7 **Anglian Water Services Ltd:** *Notes that there are no assets owned by Anglian Water or subject to an adoption agreement within the development site boundary. Comment that the foul drainage from this development is in the catchment of Whittlesey Water Recycling Centre that will have available capacity for these flows and that the sewerage system at present has available capacity for these flows via*

a gravity discharge regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. In addition AWA advise that 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.

- 5.8 **Housing Strategy (FDC):** *This application is linked to the other recent application in for approval (F/YR18/0496/PLOBBA) for the site at Westhaven Nursery, North Peterborough Road, Whittlesey with a combined total of 84 dwellings across both applications. As far as I understand this site will be providing 58 affordable homes for affordable rent, shared ownership and rent to buy dwellings which is in excess of the requirements in Policy LP5 of the Fenland Local Plan.*

There is significant need for affordable housing in Whittlesey and therefore I am happy to support this application. There is very little affordable housing delivery in Fenland due to scheme viability which means that S106 affordable housing is often not provided and RPs also struggle to develop sites for AH due to viability. Therefore I have been working closely with Longhurst on this scheme. They are proposing to over-provide the level of AH to meet the pressing need for AH and intend to bid to either the Combined Authority or Homes England for grant funding. I would encourage you to support this application.

- 5.9 **NHS Property Services:** *Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.*

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

- A swept path plan should be provided to demonstrate that an 11.5m refuse vehicle can access and turn on the public highway.

- New residents will require notification of collection and storage details by the developer before moving in and the first collection takes place.

- Refuse and recycling bins will be required to be provided as an integral part of the development.

- Please refer to the useful supplementary planning guidance for Cambridgeshire and Peterborough available in the RECAP Waste Management Design Guide

- 5.11 **PCC Wildlife Officer:** *Makes the following observations, noting the close interaction with the adjacent application site F/YR18/0128/RM:*

- Satisfied that the revised Construction Ecological Mitigation Plan (July 2018 version) sets out an acceptable approach towards dealing with protected species*

including reptiles, great crested newts, badgers, bats, nesting birds and hedgehogs.

- The proposal, if approved should therefore be carried out in strict accordance with the details set out in this CEMP document.
- In addition, full details of all external lighting should be provided; ensuring that disturbance to foraging bats is avoided, particularly along the northern and western site boundaries. This may be secured by condition.
- Revised site layout plan appears broadly acceptable, and includes a 10m wide biodiversity buffer along the northern boundary which ties in with the adjacent development site. However no detailed landscaping scheme has been provided. I would advise that such a scheme should be carefully designed to accord with that proposed for the adjacent site, including use of native plant species, management of the buffer area, and full details of bird and bat boxes.
- Pleased to note that the Boundary Plan and Boundary Types Plan have been revised to reflect recent discussions with the applicant to ensure that an effective boundary treatment is provided in relation to protected species and the adjacent nature reserve.
- Full details of landscaping including maintenance, as well as bird and bat box details, to accord with the adjacent development, should be secured by condition.

The application site is located immediately adjacent to King's Dyke Nature Reserve County Wildlife Site and I consider that this proposal has the potential to result in adverse impacts upon the being in place. I would therefore request that (in addition to the above measures) effective pollution control measures in relation to drainage and ground water are secured by condition, both during and post construction, to accord with that required for the adjacent development site.

I would have no objection to the proposal subject to the development being implemented in strict accordance with the revised CEMP and site layout plan, whilst full details of external lighting, bird and bat boxes, landscaping and drainage/ ground water protection measures should be secured by condition.

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.

5.12 Natural England: *The proposed development is unlikely to impact statutorily designated sites hence we have no objection to the proposed development and are unable to offer detailed comments. However, the proposal is located directly adjacent to King's Dyke Nature Reserve and County Wildlife Site hence development could have an adverse impact on the special ecological features of this site. Consequently we advise that, before issuing any permission for this scheme, your Authority must be satisfied that there is sufficient detail to ensure that the proposed habitat buffer zone is of appropriate size and quality to ensure:*

- *no net loss of biodiversity at the site (especially relating to great crested newts);*
- *that fencing and boundary arrangements are suitably robust to prevent ecological impacts to the adjacent Kings Dyke Nature Reserve and County Wildlife Site; and*
- *sufficient detail is received regarding the financial commitments for management and maintenance of on-site habitat and boundary treatments*
- *adequate surface water drainage arrangements and pollution control measures, sufficient to demonstrate no adverse impact to the natural*

environment including the adjacent nature reserve, are agreed and delivery secured through planning conditions.

Under regulation 9(3) of the Habitats Regulations, competent authorities (in this instance the local planning authority) must have regard to the requirements of the Habitats Directive when exercising any of their functions, including whether or not to grant planning permission. This includes having regard to whether the development proposal is likely to negatively affect any European Protected Species (EPS) etc

In respect of the revised proposals NE comment as follows:

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

- 5.14 **Managers of Kings Dyke Nature Reserve:** Originally commented that *'the addition of 18 houses will only serve to exacerbate the impact of the wider development scheme on Kings Dyke Nature Reserve. As such, we would recommend that the matters raised in our comments [...] are addressed prior to further consideration of this application.'*

Following discussions on site the scheme proposals were revised and the following comments have been received in respect of the revisions made:

[...] pleased to see that the developers have finally provided for a buffer on the western margin, although the buffers are still significantly smaller than should ideally be provided. [...] re-iterate that the conifers which form an important setting to the reserve and visual buffer when viewed from the west should be retained intact and protected either by a Tree Preservation order or an appropriate Section 106 Agreement.

[...] pleased also that the developers have now provided a more robust people and cat proof fence design and that the Housing Association will be responsible for the maintenance of this fence in perpetuity – this should be written in as part of the Section 106 Agreement.

The one issue we continue to have severe concerns over is the management of road drainage water through soakaways. We identified at an early stage that the groundwater in the area sits within the gravels over the top of the clay, at a shallow depth. Therefore, there is significant potential that either the soakaways will not work in periods of heavy rainfall and there is potential for contamination of that ground water which then feeds a number of the pools in the nature reserve (highlight similar concerns have been raised by the County Highways Authority and note that the LLFA have requested further ground investigations are undertaken to determine groundwater levels on site)

Go on to note that the Kings Dyke Nature reserve recently hosted Chris Packham as part of his national Bioblitz campaign (with) Over 1100 species of wildlife were recorded at the reserve over a 24 hour period, more than any other of the other 50 sites visited across the United Kingdom. Many of these species (including a very large population of great crested newts, stoneworts and many of the invertebrates present) depend on the purity of the water. Any contamination of this water either through pollutants reaching the ground water or surface run-off from the

development site would be catastrophic. This fact has been re-iterated in Buglife letter dated 22nd June 2018 and the letter from Natural England dated 26th June 2018 which states "the council should secure implementation of a surface water management plan that is sufficient to demonstrate no adverse impact to the water environment".

Highlight that [...] planning permission should not be granted until this has been addressed. [...] (and that) any approved surface water management plan MUST include an assessment of the current water quality of the pools within the reserve, an impact assessment of the potential for the development to impact on these, an appropriate monitoring scheme and outline mitigation scheme to remedy any impacts that could be anticipated. This scheme must be maintained in perpetuity and secured by a Section 106 agreement.

Following on from the above a further objection highlighting the continued concern [...] over the potential for surface and ground water pollution to negatively impact the water quality within nature reserve's water bodies via impact pathways from the proposed development. Although the Cambridgeshire County Council Local Flood Authority have now withdrawn their objection, we re-iterate our previous comments that the ground water is relatively shallow in the area. This can be confirmed by monitoring of the local water table undertaken by Forterra and the ground level of ponds within the nature reserve. It is of great concern that the developer's consultant's latest report (EPS dated 6th July 2018) still does not make reference to the correct water regime within the nature reserve. It references the main lake as the nearest water body, when there are a large number of ponds much closer than this. I can confirm that at no time has anyone accessed the site to inspect these ponds. Accordingly, this latest EPS report still makes no reference to any potential impacts on the water regime within the nature reserve.

Furthermore, we note that the Local Highways Authority maintain their concerns as to the proposed methods of soakaway drainage (email from Rikki Parsons dated 31st July 2018) and as such will not adopt the proposed drainage.

Our major remaining concern is that there is no scheme in place for monitoring of any potential hydrological impacts on the nature reserve and no remedial strategy to address any identified impacts. You stated that there were no conditions attached to the outline planning permission that would allow you to require this under the detailed permission.

However, we note that Condition 6 of the outline permission requires the provision of a scheme to deal with the "contamination of land and/or groundwater"

Of particular note, part d) requires "Provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-time monitoring and pollutions linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the local Planning Authority".

The purpose of the condition is "To control pollution or water in the interests of the environment and public safety in accordance with Policy LP16 of the fenland Local Plan 2014".

As the scheme to satisfy these conditions was withdrawn, this clearly still needs to be satisfied. As one of our concerns is that pollutants from the proposed soakaways will enter the groundwater and find their way into the water bodies

within the nature reserve, any scheme submitted cannot be considered as satisfactory unless these potential impacts have been taken into account and a suitable monitoring scheme proposed.

5.15 Cambridgeshire Fire and Rescue: Request that adequate provision be made for fire hydrants

5.16 Local Residents/Interested Parties: 28 letters of objection have been received which may be summarised as follows:

Ecology

- Environmental and Wildlife concerns
- Earlier concerns regarding impacts on reptiles and great crested newts and hydrological resources have not been addressed/ potential for contamination of ground water
- Inadequate buffer zone
- Light pollution and noise from houses in the development will have an adverse effect on wildlife
- Damage to the nature reserve boundary, long term maintenance of any boundary fence will be near impossible to guarantee
- No provision for suitable cat and people proof fence
- Concerned that development in the locality will devalue and damage the nature reserve
- It is inevitable that building near the reserve will result in both noise and chemical pollution and this will adversely and irreversibly affect the wildlife
- A European Protected Species licence from Natural England is required before the development can begin, and without a 20m buffer zone along both boundaries it is unlikely that the necessary licence will be granted
- The reserve has provided sightings of rare animals and birds and once the habitat is disturbed some these creatures may leave and never return. Others may perish with the change in environment from changes in water level and pollutants.
- KDNR was recently visited by Chris Packham who praised the management of the reserve, its uniqueness and its splendid bio-diversity, it should not be ignored by FDC and should be heralded as a wonderful amenity and given protection and prominence.

Traffic and Highways

- Any scheme should see major road improvement as a prerequisite, A605 cannot sustain any more traffic
- Egress on to the busy A605 will be problematic
- Concern re lack of parking per plot

General concerns

- Loss of view, Outlook, Out of character/not in keeping with the area, Visual impact
- Noise, Waste/Litter, Smell
- Proximity to property
- Concern re 'backhanders'
- Whittlesey has already exceeded its quota of planned housing which has affected local services, local infrastructure unable to cope.

- Density/Over development; extension to original application greatly increases density and will exacerbate any issues
- Anti Social behaviour
- Does not comply with policy

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) July 2018

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

Paragraph 11: Presumption in favour of sustainable development.

Section 5: Delivering a sufficient supply of homes.

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

Achieving appropriate densities paras. 122 - 123

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.

LP5: Meeting Housing Need.

LP11: Whittlesey

LP13: Supporting and Managing the Impact of a Growing District.

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

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

LP19: The Natural Environment.

8 KEY ISSUES

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

- Principle of Development
- Design and layout
- Transport and Highways
- Drainage
- Biodiversity and Mitigation
- S106
- Conditions

9 BACKGROUND

- 9.1 This application relates to the delivery of a further 16 market dwellings to support the predominantly affordable housing scheme proposed to be constructed on the site, under the umbrella of the original outline. The further application for 16 market sale dwellings is necessary in order to deliver the levels of affordable housing proposed on the wider site with the additional homes being offered as market dwellings to make the whole scheme viable.

The agents also highlight that a policy compliant scheme would deliver 25% affordable homes; however the exact on site provision will be 58 affordable units, i.e. 85% of the 68 dwelling and 69% of the total 84 units proposed. The agent for the scheme considers this to *'represent a significant benefit of the scheme and should be given considerable weight in the decision making process'*.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of residential development on this site has been established through the grant of outline planning permission and the subsequent grant of reserved matters approval. Although the outline granted was restricted in numbers there is a clear recognition that this is a sustainable site in one of the key market towns of the district and as such compliant with Policy LP3.
- 10.2 It is however also necessary to assess the impacts of the development with regard to design, layout, residential amenity; flood risk, access and highway considerations. Given the relationship of the site to the established Kings Dyke Nature Reserve it is also necessary to give full consideration to any biodiversity impacts of the scheme; specifically ecological mitigation.

Design and layout:

- 10.3 The design and layout, which has been revised during evaluation of the scheme to accommodate an 8.5 metre western biodiversity buffer, in addition to the 10 metre biodiversity buffer to the north, is acceptable in the context of the site. The individual units are afforded appropriate levels of separation, private amenity space and parking which is provided in accordance with the FDC adopted standards.
- 10.4 Similarly there are no residential amenity issues arising and adequate separation exists between the new build proposed and the existing dwellings along the Peterborough Road frontage.
- 10.5 The original scheme proposed a density of just over 26 dwellings per hectare and it should be noted that delivering 84 units on the site represents a density of just under 33 per ha. As acknowledged by the agent the original scheme proposed a mix of 2-5 bedroom houses whilst the combined reserved matters and full planning submissions has a concentration of 2 and 3-bedroom units, with only 2 four bedroom dwellings being delivered on the site. These smaller dwellings in essence follow the original design principles shown on the original illustrative layout albeit more units would be delivered.
- 10.6 A detailed materials schedule accompanies the application; this proposes a mix of yellow and red brick properties some with render, some with a projecting band

of blue brick and some with a mixture of both the projecting band and render. Roof tiles will be a smooth light grey. This palette of materials will offer variety within the streetscape and will contribute to a sense of place and links with that proposed on the wider site.

- 10.7 The scheme details are acceptable in the context of policies LP2 and LP16 of the Fenland Local Plan.

Transport and Highways

- 10.8 The principle of development has been accepted by virtue of the original outline. Whilst this full planning application proposes additional units within the site this has no implications with regard to acceptability in highway terms as the road geometry, tracking and turning etc. (subject to clarification of footway widths and the deletion of the ramp feature in the locality of Plots 78-82) is acceptable.
- 10.9 With regard to highway drainage, specifically infiltration, CCC have advised that if the proposals do not meet CCC Housing Estate Roads Construction (CCC HERC) specification then the road will not be suitable for adoption.
- 10.10 In response to the impasse between the agents and the LHA regarding site drainage and infiltration the developer/their agents now propose a Private Drainage System for the site with the main access roads, private driveways and parking areas being of a permeable (infiltration) pavement system that will be privately maintained by a management company employed by applicant in perpetuity. This will be a private road system that is not proposed for adoption by the County Council. Whilst not ideal there would be no reasonable planning reason to withhold consent solely on the grounds that the road is not offered for adoption. A safeguarding condition may be imposed regarding road management and maintenance.

Drainage

- 10.11 The site lies within a Flood Zone 1 area; although issue has been raised with regard to levels of infiltration, specifically relating to the highway adoption requirements. Whilst the LLFA originally raised objection to the scheme the submission of further details has resulted in them removing this objection, for the reasons outlined in their consultation response.
- 10.12 It is considered that subject to conditions being imposed as per their recommendation the proposed scheme is acceptable and meets the requirements of both the NPPF and FLP policy LP14.

Biodiversity and Mitigation

- 10.13 Both this scheme and the earlier reserved matters submission have prompted strong concern relating to the likely impacts of the proposal on the adjacent Nature Reserve. This scheme has been revised following input from relevant biodiversity champions and stakeholders and it is considered that the key points relating to fencing and biodiversity buffers have been satisfactorily addressed.
- 10.14 The issue of ground water quality and monitoring in the KDNR does remain a cause for concern for the local stakeholders and the Managers at the reserve consider that there is *'significant potential that either the soakaways will not work*

in periods of heavy rainfall and there is potential for contamination of that ground water which then feeds a number of the pools in the nature reserve.'

- 10.15 The consultation response received from the LLFA identifies that the permeable paving proposed provides suitable water quality treatment for this residential use, in line with the CIRIA SuDS Manual C753. They have also clarified that their earlier concerns regarding groundwater have been addressed, and that no groundwater was encountered during any of the ground investigations. Whilst they have acknowledged that infiltration testing demonstrated low rates, the rates were considered the minimum acceptable for permeable paving. Based on the hydraulic calculations provided, the drainage strategy has been accepted by the LLFA as appropriate to suitably manage the surface water on site, without increasing flood risk.
- 10.16 Against the above backdrop and mindful of the existing outline planning permission for the site the LPA is unable to substantiate a condition which places an obligation on the developers to undertake the ground water quality monitoring required by the KDNR, and recommended by the Wildlife Officer. In essence the LPA needs to consider whether the impacts of the additional dwellings when considered in conjunction with the approved scheme would warrant such a condition, i.e. would the pollution risks of the 84 units combined be more acute than those of the 68 dwellings approved. Having sought further advice from the Wildlife Officer it is noted that it is unlikely that the extra units would make a significant difference and as such it is contended that the condition would not therefore be 'reasonable', one of the key tests outlined in Para. 56 of the NPPF (2018).
- 10.17 Mindful of the above, and having given full consideration to the comments received, the LPA is unable to impose the condition relating to ground water quality monitoring. Conditions requiring the development to be implemented in strict accordance with the revised CEMP and site layout plan; and those requiring the submission of further details in respect of external lighting, bird and bat boxes and landscaping do however meet the tests outlined in Para, 56 and may therefore be imposed.

S106

- 10.18 There were issues of scheme viability with regard to the outline planning approval and subsequent reserved matters submission, even when factoring in the additional market homes proposed by this full planning application. This has previously been accepted and a request to modify the original section 106 was accepted by Planning Committee on 10th October 2018; the relevant legal process is now underway in this regard.
- 10.19 Based on the developer contributions that would be required for this scheme the agent/applicant asserts that even with the sales income from the additional plots the scheme continues to show a significant deficit which would make the scheme unviable for a speculative developer. Under the circumstances it is argued that a lower level of contributions is applicable. Again, the over provision of affordable housing is the justification of this position, and whilst not at the level shown for the 68 units (85%) there is still a very significant over provision of affordable units (69%) across the combined 84 units proposed.
- 10.20 The viability appraisal submitted in respect of this proposal has been assessed by by officers and the following 'headlines' established:

A deficit is shown on completion of the project with 58 of the 84 dwellings being Affordable Housing including 20% Profit (including overheads) of Gross Development Value of the Market Dwellings.

- The anticipated revenue for the Market Dwellings is based on comparable new build evidence and is a realistic expectation of value.
- The adopted bank interest is 6.5% which is an acceptable assumption.
- Design & Professional Fees of 10% have been adopted; up to 10% is considered within an acceptable range.
- The build costs quoted are in accordance with figures published on BCIS TPI webpages for the types of properties proposed rebased for Fenland and are lower than anticipated costs for a scheme of this nature.
- A contingency of 2% is included which is reasonable for this type of proposal.
- Evidence was provided supporting the External works which were benchmarked against similar schemes within Fenland.
- The submission includes 20% profit of the Gross Development Value for the Market Dwellings. 20% profit is considered the minimum amount that a developer would usually require for a site of this nature.

Based on the evidence submitted the Senior Planning Obligations Officer at PCC accepts that there are viability issues preventing the delivery of policy compliant S106 contributions however the scheme will deliver a significant over provision of Affordable Dwellings.

Conditions

- 10.21 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provided 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).
- 10.22 The applicant has been consulted on the proposed pre-development condition below and their response will be reported to committee. Therefore, should the application be approved and the consent granted with the proposed conditions, it is considered that the requirements of section 100ZA(5) will have been met.
- 10.23 The proposed condition is as follows;

Condition 2 - relating to contamination of land/groundwater

- 11 CONCLUSIONS** This application proposes a policy compliant scheme which raises no issues in terms of visual or residential amenity. The developer has provided supplementary technical details and actively engaged with the relevant statutory agencies to respond to issues relating to drainage, biodiversity and highway layout. Whilst it is noted that the on-site surface water drainage situation renders the scheme outside that which the LHA would formally adopt there are measures that can be secured via condition in terms of future management and maintenance of the systems proposed and consent may not be resisted solely on the grounds that the road system does not comply with adoption requirements.

11.2 Whilst it is clear that the proposal initially generated significant concern regarding ensuring that the development of the land does not prejudice the operation, longevity and value of the adjoining Nature Reserve much progress has been made in securing a scheme which goes some way to address the issues of concern; although the matter of ground water contamination has not been addressed to the satisfaction of the KDNR organisation it is considered that the LPA has used due diligence, within the constraints of the original outline, to ensure that this matter has been addressed as far as is possible. Against this backdrop the LPA is satisfied that the scheme has given due regard to the specific ecological constraints and requirements of the site and takes appropriate steps with regard to safeguarding.

11 RECOMMENDATION: Grant subject to the following conditions:

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

Reason

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

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

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

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

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

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

(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.

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

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

investigation shall be submitted to and approved in writing by the Local Planning Authority.

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

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

4. The provision of two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works, together with any requirements for longer-term monitoring and pollutant linkages, maintenance and arrangements for contingency action shall be submitted and approved in writing by the Local Planning Authority.

Reason:

To control pollution of land or water in the interests of the environment and public safety. This a pre-commencement condition as it would not be reasonable to expect the developer to undertake such investigation prior to the grant of consent.

3. The surface water drainage scheme shall be constructed in full accordance with the following documents:
- Typical Permeable Block Paving Contract, P17090-SK40(002), dated 13th July 2018
 - Proposed Drainage Plan Sheet 1 and 2, P17090-10-01 and 02 (002) Rev A, dated 13th July 2018
 - Highway Drainage Calculations (A) (002), P17090 Rev A, dated 13th July 2018

Reason - To prevent an increased risk of flooding and protect water quality

4. 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 drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

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

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

6. Prior to the first occupation of any dwelling the road(s) and footway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the approved details.

Reason: In the interests of highway safety and to ensure compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

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

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

8. The development shall be undertaken strictly in accordance with the Construction Ecology Mitigation Plan (July 2018) which outlines an acceptable approach towards dealing with protected species on the site; in support of the CEMP the following further information shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the relevant parts of the scheme, and shall be retained in perpetuity thereafter in accordance with the agreed details.

- (i) Full details of all external lighting; such details should ensure that any potential disturbance to foraging bats is avoided, particularly along the northern and western site boundaries.
- (ii) Full details of the proposed bird and bat boxes, including numbers, types and locations

9. No works shall proceed beyond slab level until such time as full details of both hard and soft landscape works have been 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: full details of all 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) existing trees, hedges or other soft features to be retained
- b) planting plans, including specifications of species, sizes, planting centres number and percentage mix
- c) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife
- d) 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.

- 10 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.

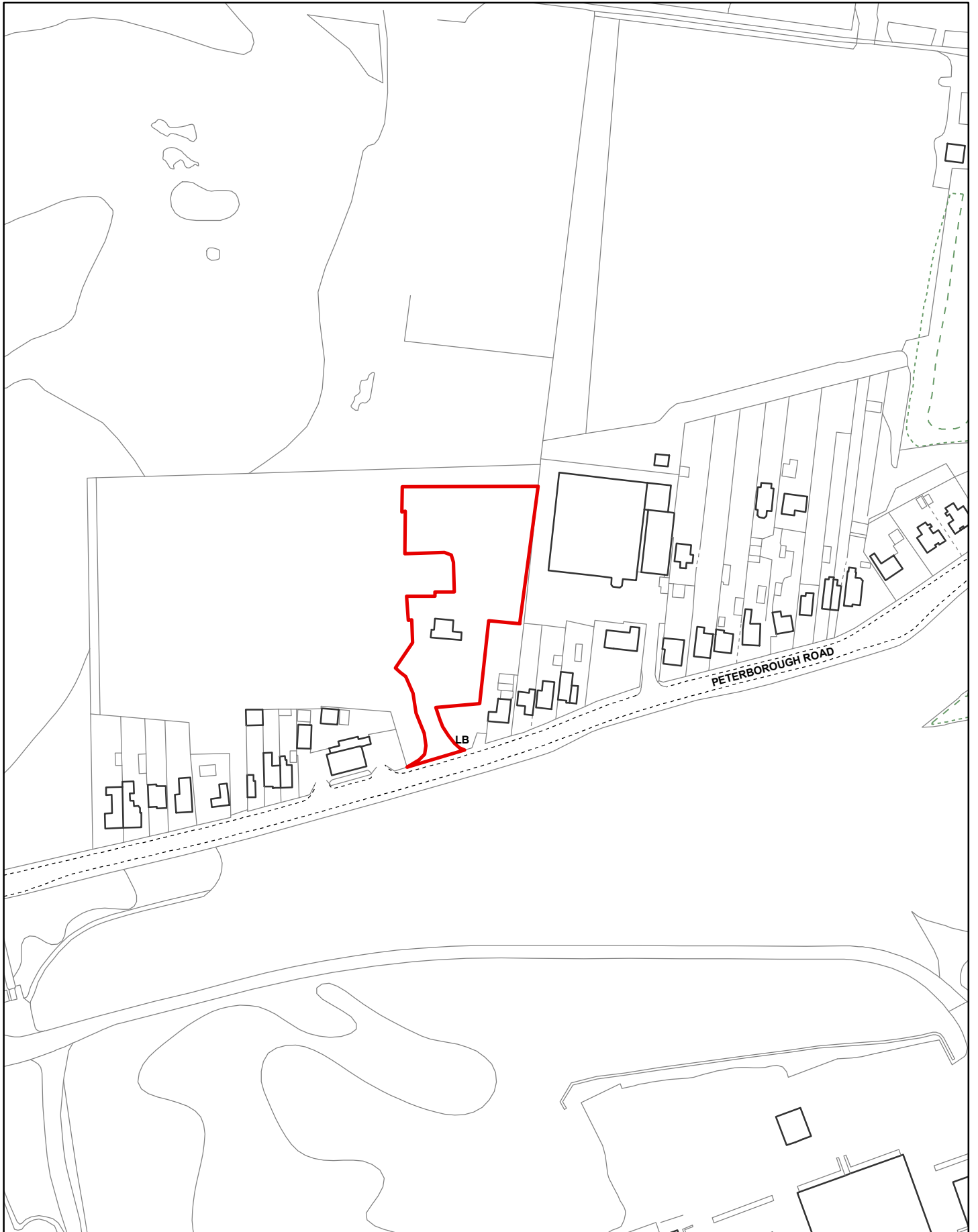
- 11 Prior to the occupation of the development, a landscape management and maintenance plan, including details of measures to protect and enhance existing flora, fauna and habitats within the development site shall be submitted to and approved by the Local Planning Authority in writing. The landscape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

Reason: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site.

- 12 The fencing detailed on the Boundary Plan Phase 2 ref 41083/032 Rev B and Boundary Types drawing 41083/015 rev D shall be erected concurrently with the development and retained thereafter in perpetuity.

- 13 Reason: To ensure that the appearance of the development is satisfactory and the boundary screening does not affect highway visibility in accordance with Policies LP15, LP16 and LP17 of the Fenland Local Plan, adopted May 2014.

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



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F/YR18/0557/F

Scale = 1:2,500





- A Revised to client comments 08.12.2017
- B Fence lines and schedule amended, plots swapped as per client discussions and sheet renamed 12.01.2018
- C Layout amended as per highway engineer's comments 26.02.2018
- D Tenure mix amended as per client's comments 14.03.2018
- E Access road/homezone added between plots 41/42 and 81/82 Tenure mix amended to suit the revised layout and red line boundary amended to suit revised title plan 22.03.2018
- F Layout amended to suit revised site boundary. Tenure key added 26.03.2018
- G General amendments 04.04.2018
- H General amendments 20.04.2018
- J Site entrance wall detail moved clear of vehicle visibility 23.04.2018
- K 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 2
 Ref: 41083/ 004K
 Scale: 1:500 @ A2
 Date: 08.12.2017
 Drawn: YS Checked: JR

ACCOMMODATION SCHEDULE

41083 - Peterborough Road, Whittlesey

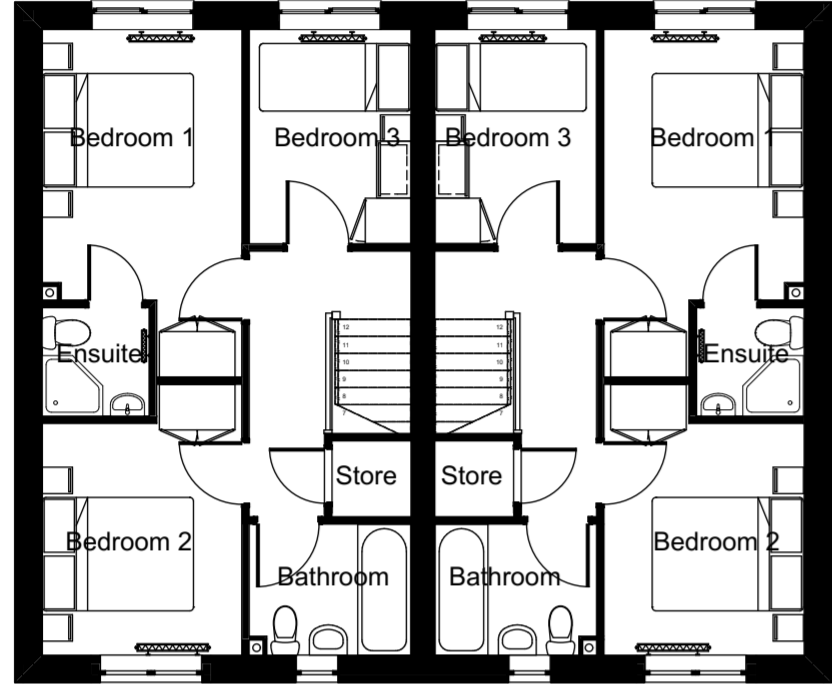
HOUSE TYPE	Beds	NUMBER	SQM	SQM Total	SQFT	SQFT total
A	2b4p	4	64	256	688.90	2755.58
B *	3b5p	4	83	332	893.41	3573.65
C	3b5p	6	80	480	861.12	5166.72
C1	3b5p	2	80	160	861.12	1722.24
L	3b5p	1	86	86	925.70	925.70
M	2b3p	1	56	56	602.78	602.78
Total		18		1314		14143.90
Total Site Area:		0.543			Hectares	
Total Site Area:		1.342			Acres	
Site Density:		33.15			DPH	

* Plots 41 - 42 have already been submitted in a previous reserved matters planning application (reference number F/YR18/0128/RM but will be redesigned as a pair of type Bs.

- Tenure
- Affordable Rent
 - Rent to Buy
 - Shared Ownership
 - Private Sale

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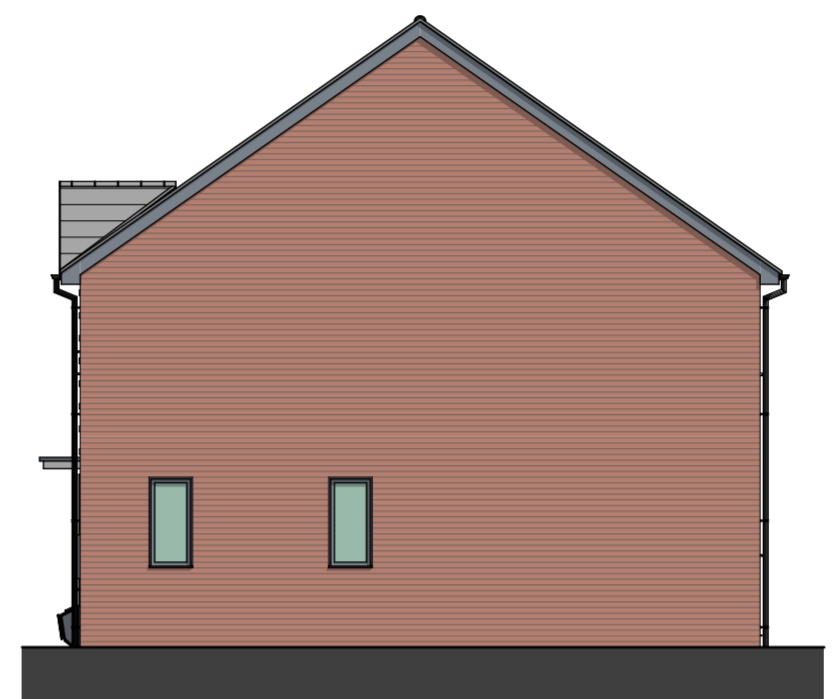
A	Plot numbers amended in accordance with site layout 001Q	11.04.2018	GW
B	Plot numbers amended	05.06.2018	GW



First Floor Plan

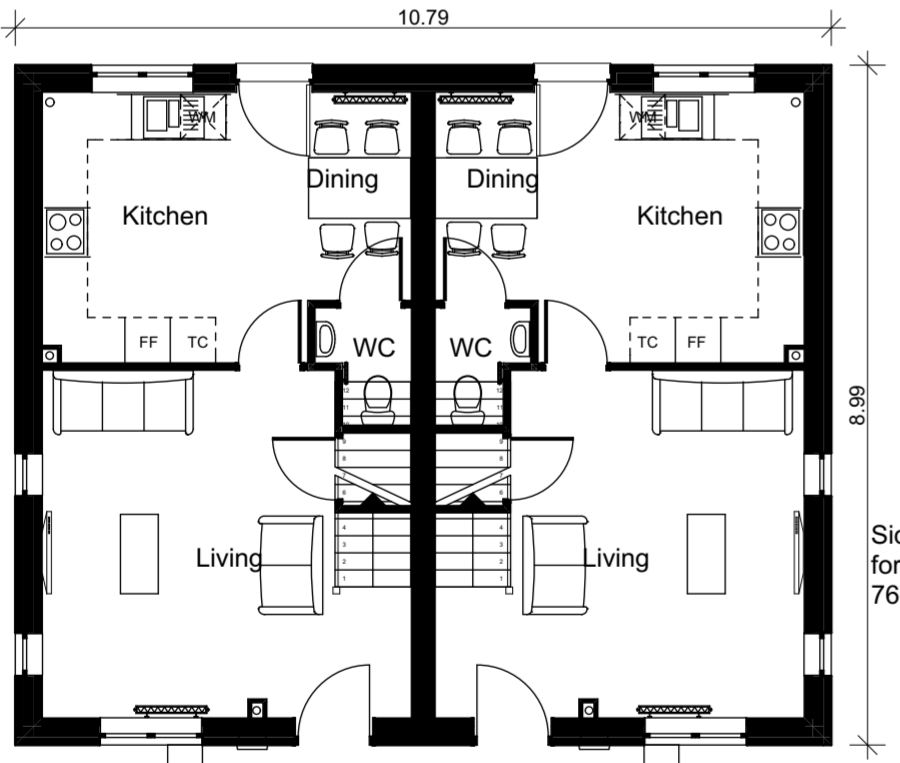


Front Elevation



Side Elevation

Plot Numbers:
69,70,71,72,75,76



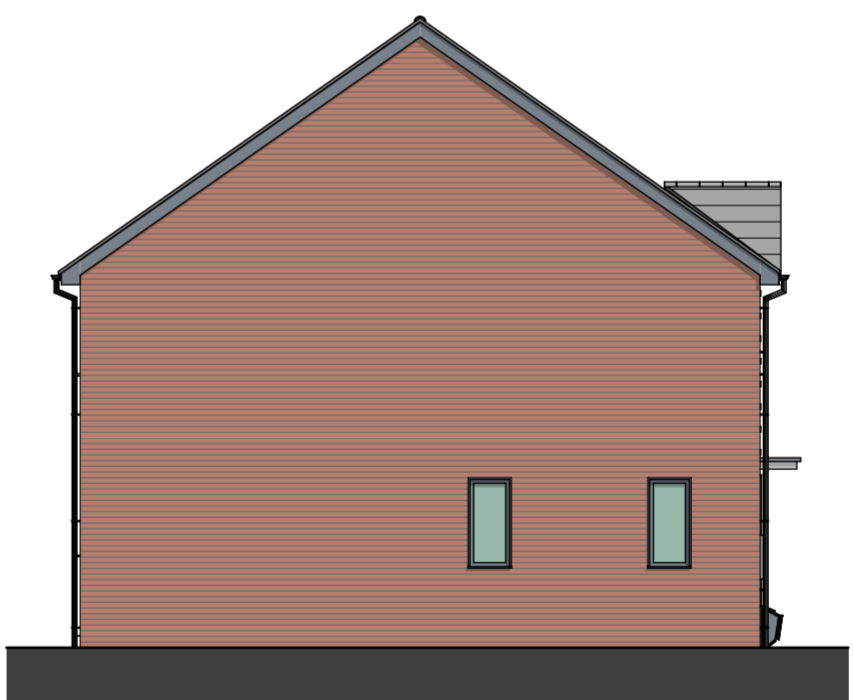
Ground Floor Plan

Side windows for plot 69 only

Side windows for plots 70 & 76 only



Rear Elevation



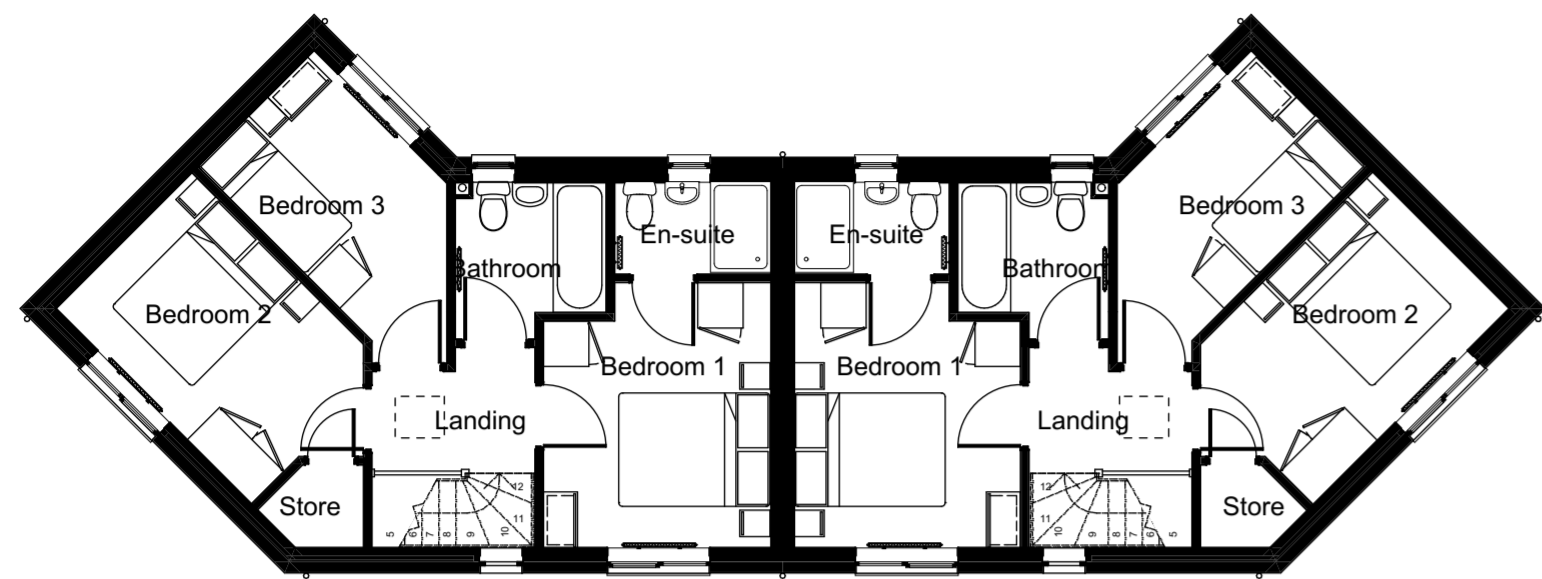
Side Elevation



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Project:	A development at Peterborough Road		
Client:	Longhurst Group		
Sheet title:	Type C (Type 2) Phase 2		
Ref:	41083/ 031B		
Scale:	1:100 @ A2		
Date:	30.04.2018		
Drawn:	GW	Checked:	JR

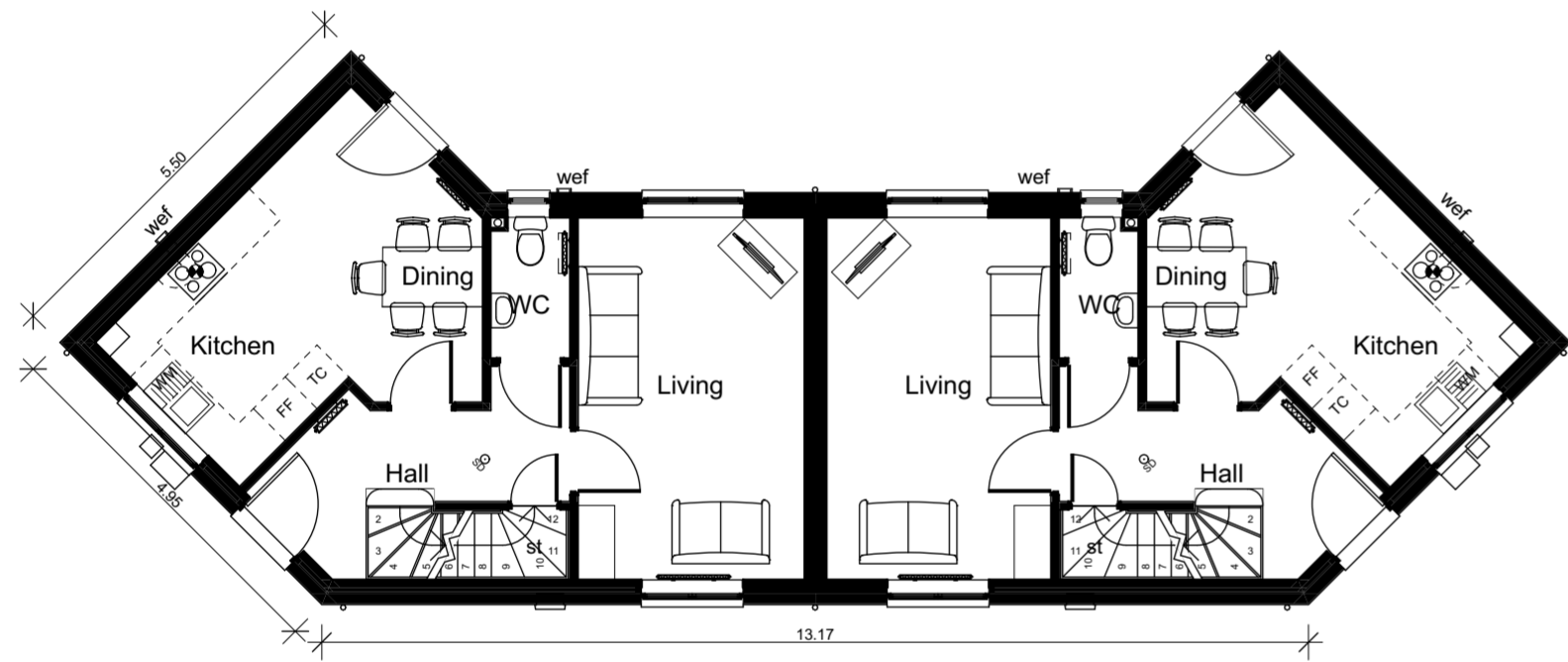
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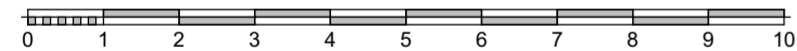
First Floor



Front Elevation 1



Ground Floor Type B



Rear Elevation 1

Plot Numbers:
41,42,81,82



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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type B Phase 2

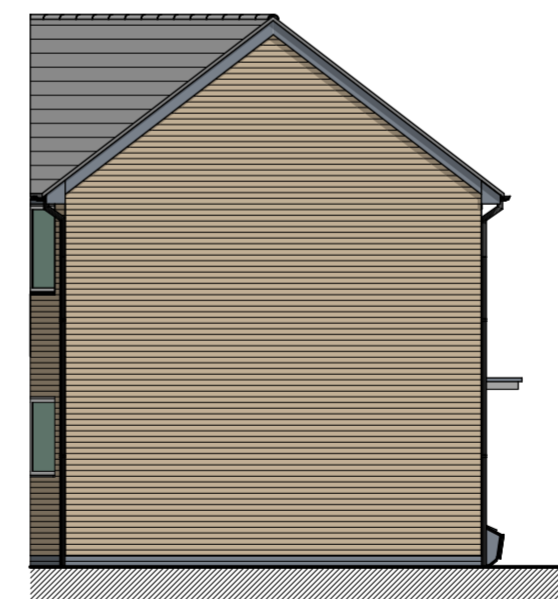
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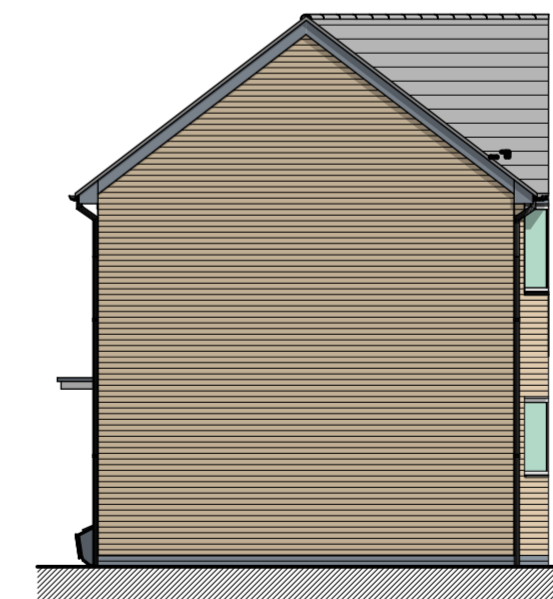
Date: 30.04.2018

Drawn: GW

Checked: JR

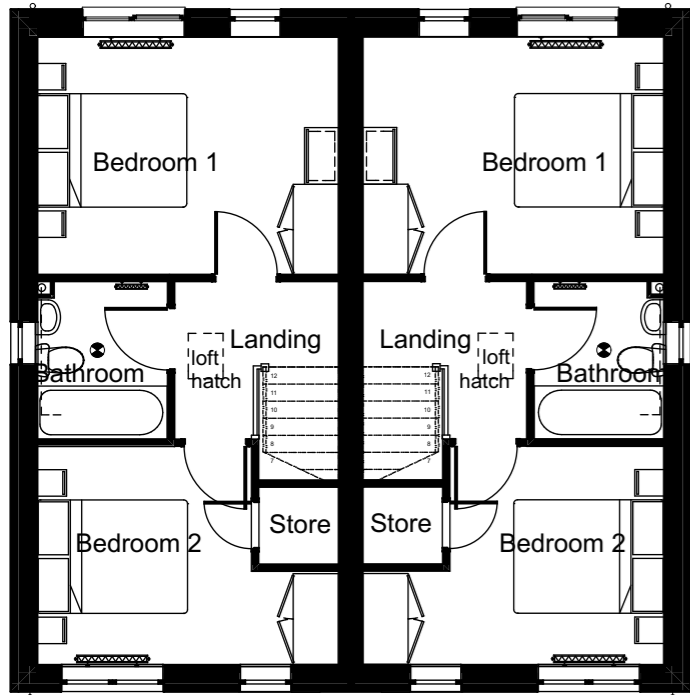


Side Elevation 1



Side Elevation 2

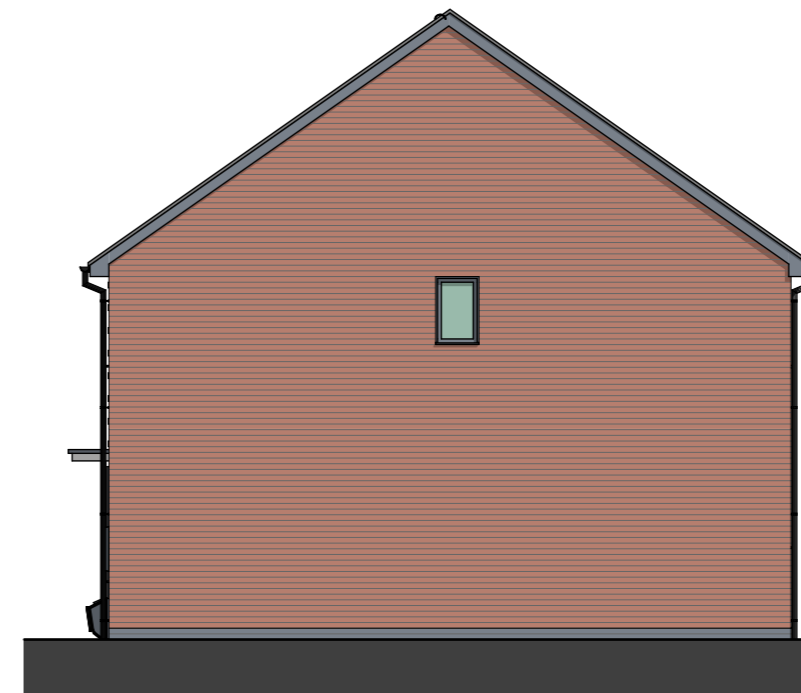
A Plot numbers amended in accordance with site layout 001Q 11.04.2018 GW



First Floor Plan

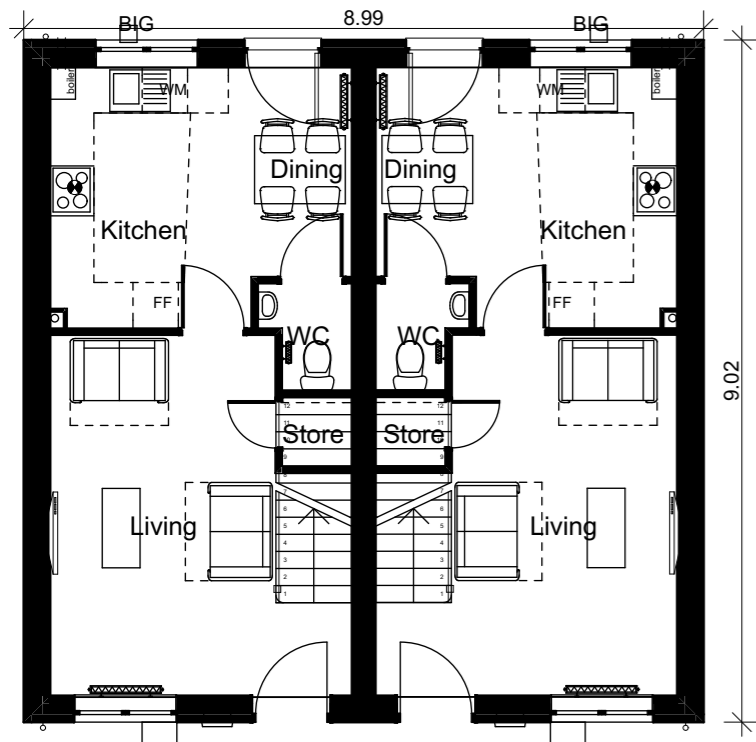


Front Elevation



Side Elevation

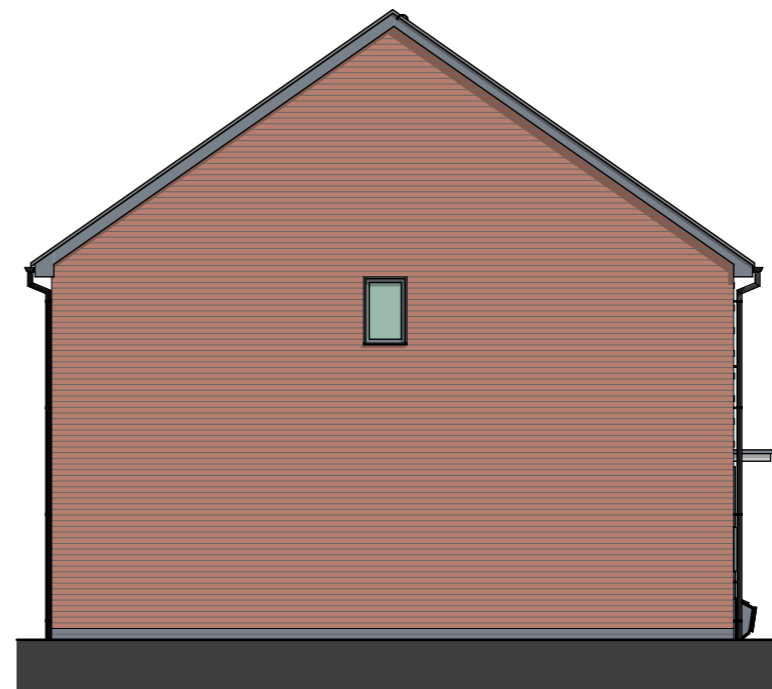
Plot Numbers: 77,78



Ground Floor Plan



Rear Elevation



Side Elevation



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Project: A development at Peterborough Road

Client: Longhurst Group

Sheet title: Type A (Type 2) Phase 2

Ref: 41083/ 028

Scale: 1:100 @ A3

Date: 30.04.2018

Drawn: GW

Checked: JR

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F/YR18/0956/O

Applicant: Mrs Booth

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

Land South East Of Dove Cottage, Gull Road, Guyhirn, Cambridgeshire

Erection of up to 7no dwellings and the formation of 4no vehicular access involving the demolition of existing outbuildings (outline application with matters committed in respect of access)

Reason for Committee: The recommendation is contrary to the view of Wisbech St. Mary Parish Council.

1 EXECUTIVE SUMMARY

The proposal is for up to seven dwellings, (Outline with matters committed in respect of access) on the edge of Guyhirn considered a small village in policy LP3 of the Fenland Local Plan. Policy LP3 considers development in small villages will be considered on its merits but shall normally be limited in scale to residential infilling. This proposal for up to seven dwellings in an area of open countryside. It is not considered to be an infill development or of limited scale. The principle of development of this site is therefore considered contrary to Policy LP3.

Development of seven dwellings elevated 1.5metres above existing ground level on this area of open countryside, is likely to result in additional urbanising impact harming the character of this part of this part of Gull Road and is therefore considered contrary to Policy LP12 and LP16.

Part of the site is in flood zone 3 and the development is required to pass the Sequential and Exception Tests. The application is considered to fail and is therefore contrary to Policy LP14, the Cambridgeshire Flood and Water SPD and Paragraphs 158 and 160 of the NPPF.

The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1 The application site measures approximately 25m by 121m and is located on the eastern side of Gull Road some 500m north of its junction with High Road. The application site is located in open countryside and forms part of or is adjacent to agricultural land and the open countryside alongside. The site's western boundary is marked by mature and dense hedging. The southern boundary adjoins an access road which separates the site from a block of three pairs of semi-detached dwellings, the road leads to a further dwelling (Montrose) with large outbuildings to the east. The northern site boundary is marked by the curtilage of Dove Cottage. Opposite the site and across Gull Road is a further row of detached dwellings. Although the western side of Gull Road is characterised by ribbon development, its

eastern side remains open with the exception of some sporadic development to the north, and the block of three pairs of semi-detached dwellings referred to above.

- 2.2 There is however a site on the eastern side of Gull Road where permission was granted for 4 dwellings by Planning Committee overturning officer recommendation (F/YR16/0194/F). However this has not commenced and the site is currently being marketed. It is noted that only a small element of the proposed garden area in the north-eastern corner was within Flood Zone 3. Furthermore that site did not require the significant raising of floor levels (only 500mm compared to 1500mm on the current application).
- 2.3 The southern part of the current application site which would affect three of the proposed properties on the indicative layout is within Flood Zone 3.

3 PROPOSAL

- 3.1 The application is for outline planning permission for the erection of up to seven dwellings with four points of access (committed) from Gull Road. The proposal relates to an area of land which is double in size to that refused under F/YR12/0546/O which sought planning permission for two dwellings.
- 3.2 The application includes a Flood Risk Assessment (FRA) dated February 2018 and a Design and Access Statement, and a detailed indicative layout which includes details of four points of access, three that would be shared by pairs of dwellings. However the layout is not for determination.
- 3.3 The Flood Risk Assessment and the Design and Access Statement are identical to that submitted with the previous scheme subsequently refused, apart from amending details of the indicative layout and numbers of houses. The previous refusal included a flood risk refusal reason. There is no evidence submitted to indicate how the revised application has overcome the previous reasons for refusal.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=document&keyVal=PGZSP2HE01U00>

4 SITE PLANNING HISTORY

4.1

Reference	Description	Decision	Date
F/YR18/0595/O	Erection of up to 8 x dwellings and the formation of 4 x access involving the demolition of existing outbuildings (outline application with matters committed in respect of access) Land South East Of Dove Cottage Gull Road Guyhirn Cambrid	Refused	03/08/2018
F/YR12/0546/O	Erection of 2 dwellings Land North West Of 1 Gull Road Guyhirn Cambridgeshire	Refused	13/09/2012
F/0435/79/O	Erection of a dwellinghouse Gull Road, Guyhirn Cambridgeshire	Refused	14/07/1979

4.2 Planning permission was refused on the same site for up to eight dwellings (F/YR18/0595/O) for the following reasons:

1 *Development of the site would be detrimental to the character and appearance of the open countryside. It would constitute ribbon development and extension of linear development northwards which would be out of keeping with the open nature of the eastern part of Gull Road. The proposal would therefore be contrary to the provisions of Policy LP12.*

The application site is outside the core shape and form of the settlement and would have an adverse impact on the character and appearance of the surrounding area where the open countryside meets the village. The development proposal would result in an incursion into the open countryside rather than small scale infilling and would result in the urbanisation of this part of Gull Road. Therefore the proposal is considered to be contrary to Policies LP3, LP12 (a, c and d) and LP16(d) of the adopted Fenland Local Plan 2014 and as such represents unsustainable development contrary to the aims and objectives of the NPPF.

2 *The proposal would result in development that would be out of keeping with the rural location and settlement pattern and would result in unacceptable changes to the character of the area which fails to enhance its local setting and adversely impacts on the landscape character of the surrounding area. Visual impact will be exacerbated by the need to raise floor levels to meet the requirements of the Environment Agency and possible loss of frontage planting. The development is therefore considered to be contrary to Policies LP16 & DM3 of the Fenland Local Plan and the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.*

3 *The site is partly located within Flood Zone 3 where there is a high probability of flooding. The Sequential test has not been applied, it has not been demonstrated that there are no alternative sites in the area with a lower probability of flooding. The proposal would therefore not meet the requirements of Section 10 of the NPPF and local policies (LP14 and SPD) on flood risk.*

No appeal was submitted to this decision.

5 CONSULTATIONS

- 5.1 North Level IDB** objects as the proposal abuts an IDB drain and contravenes the IDB bylaws.
- 5.2 Wisbech St. Mary Parish Council** supports the development but requests a Section 106 contribution to Village amenities.
- 5.3 CCC Highways** does not object but has the following requirements:
- The proposed footway should continue through the accesses as dropped kerb footways.
 - Shared accesses should be dimensioned 5.0m wide for first 10m sealed and drained.
 - Single accesses should be sealed and drained for the first 5m.
 - Vehicle to vehicle visibility splays should be detailed on the plan commensurate with the posted speed limit with no obstruction over 0.6m.
 - Vehicle to pedestrian visibility splays should also therefore be detailed 2m x 2m with no obstruction over 0.6m.
 - The driveway gradients should not exceed 1:20 for the first 4m from back edge of footway and then 1:12 beyond.
- 5.4 Natural England** has no objection.

Local Residents/Interested Parties

Objectors

- 5.5** An objection from a nearby resident referred to the following:
- Agricultural land
 - Density/Over development
 - Does not comply with policy
 - Drainage
 - Environmental Concerns
 - Flooding
 - Loss of view/Outlook
 - Parking arrangements
 - Traffic, in particular highway safety concerns
 - Visual Impact
 - The application has not altered from the previous refusal and therefore the previous reasons to refuse remain.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 2 & 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

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

Paragraphs 155-165

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

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

National Planning Practice Guidance (NPPG)

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

LP12: Rural Areas

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

Cambridgeshire Flood and Water Supplementary Planning Document (SPD)

(2016): Section 4 – Sequential and Exception Tests. The SPD gives detailed advice on how Applicant's should undertake the Sequential and Exception Tests for assessment by the Local Planning Authority. It advises that reasonably available sites to be identified include:

- Local Plan Allocations
- Sites with planning permissions for the same or similar development, but not yet developed;
- 5 year land supply
- Housing and Economic Land Availability Assessments Local Property listings
- Historic windfall rates where appropriate

The SPD also states that reasonably available sites will include a site or combinations of sites capable of accommodating the proposed development. Developers should list the reasonably available sites considered and where they obtained the information within the report.

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

Policy DM3 – making a Positive Contribution to Local Distinctiveness and Character of the Area.

8 BACKGROUND

8.1 Previous similar outline scheme (app ref F/YR18/0595/O) for eight dwellings, was refused by the Council on issues of impact on the character of the area and flood risk grounds. No Appeal was submitted regarding that decision.

8.2 An Appeal decision recently received on Dale Cottage, Mouth Lane, Guyhirn (ref: F/YR17/1237/F) is considered relevant to this application. This was a decision taken after the amendments made to the NPPF in July. The appeal was submitted via the

agents responsible for this planning application. The application was for a single dwelling. It was refused on two grounds, flood reasons and harm to the character of the area. The following extracts from the Inspectors decision are highlighted due to similarities in context to the application. That inspector referred amongst other things to the following, firstly on the issue of Flood Risk:

- *Developers should agree an area of search in order to carry out the Sequential Test to steer development to areas at low risk.*
- *The presence of existing defences should not be taken into consideration when undertaking the Sequential Test as the maintenance of those defences may change over time.*
- *To pass the exceptions test wider sustainability benefits must be demonstrated and the site specific flood risk assessment must demonstrate that the development would be safe from all sources of flood risk.*
- *The FRA recommends that the floor levels should be higher than ground level and all sleeping accommodation should be at first floor level. Although this may protect future occupiers from inundation it does not address issues of access to or escape from the dwelling if the surrounding land was flooded. Policy LP14 requires development in flood zones should set out a positive approach to flood management without reliance on emergency services.*
- *LP14 requires where the Sequential and Exception Tests are passed, there is a need for development to demonstrate that it meets an identifiable need. There is no overarching benefit to the wider community, to offset the flood risk to future occupiers, other than the limited benefits arising from sustainable construction. Nor is there an imperative to build on this particular site.*
- *The development would fail to comply with local policies or national guidance in respect of flood risk*

8.2 The Inspector also considered the impact of the single dwelling on the character of the area and stated the following:

- *The presence of extensive areas of flat open land opposite and behind the site gives the site and its locality a predominantly open rural character.*
- *this development (one dwelling) would be of a size and scale to cause a significant loss of openness and increased urbanisation in this rural environment, the development would fail to respond to the scale and form of its context, the development would fail to significantly enhance its immediate setting, or be sensitive to the defining characteristics of the local area.*
- *the development would not comply with LP Policy LP16 (d) which requires development to reinforce local identity and enhance its local setting.*

9 KEY ISSUES

- **Principle of Development**
- **The Character of the Area**
- **Residential Amenity**
- **Flood Risk**
- **Highway Safety**
- **Other**

10 ASSESSMENT

Principle of Development

10.1 Policy LP1 of the Local Plan sets out the overall strategy for sustainable growth, the

spatial strategy is based on Policy LP3 which focuses growth around a settlement hierarchy which identifies Guyhirn as a 'small village' where development "will normally be of a very limited nature and normally be limited in scale to residential infilling...". Policy LP4 states that the criteria set out by Policy LP12 for assessing housing proposals in or around villages should apply.

- 10.2 Policy LP12 is criterion based and supports new development providing the wide, open character of the countryside is not harmed, in particular development should not:
- Adversely impact on the character and appearance of the countryside.
 - Is in keeping with the core shape of the settlement.
 - The existing linear features are not extended, or result in linear development.
 - Loss of important spaces.
 - Loss of agricultural land.
- 10.3 The proposal which is a width of 121 metres, cannot be considered to be compliant with Policy LP3 in that it is not of a limited nature, and does not constitute residential infilling. Assessed against the criteria of Policy LP12 the site lies beyond the established settlement of Guyhirn within open countryside. No justification has been provided to support the development of housing within open countryside and the principle of development would therefore be contrary to rural restraint policy (in particular Part D of Policy LP12).
- 10.4 Development of the site would encroach onto open countryside north of the settlement which would adversely affect the character and appearance of the land. It would constitute ribbon development and extension of linear development northwards and as such is contrary to the Fenland Local Plan Policy LP12(e).
- 10.5 In addition Policy LP16 and the SPD (Protecting High Quality Environments) seek to deliver or protect high quality environments. Development of land in the open countryside would adversely affect the settlement pattern and landscape character of the surrounding area and would therefore not accord with the objectives of Policy LP16 and the SPD.
- 10.6 It should be noted that planning permission has previously been refused for dwellings on the southern part of the current application site. The reasons for refusal included unjustified residential development in the open countryside outside the settlement boundary, would detract from the open and rural character of the area precedent. Arguably, these concerns have greater amplification where the site area has now doubled in size. It is not considered that the principle of development is acceptable and the proposal is contrary to Policy LP3.

The Character of the Area

- 10.7 Policies LP12 a, c and d and LP16(d) consider the impact of this development on the rural character and the wider character of the area. Whilst it has been shown on the indicative layout plan that the site maybe capable of accommodating the development as proposed (subject to detailed assessment on residential amenity referred to in section 10.3) the development would appear out of keeping with this rural location.
- 10.8 The indicative layout is for large dwellings on sizable plots. The 'executive' nature of the development may reflect modern development opposite the site and to the west of Gull Road. Whilst the detail of scale is not submitted for determination, nevertheless in this instance due to the Flood Risk Assessment requirements for dwellings to be raised 1.5 metres higher than the existing ground level, and that they

must include first floor accommodation for flood safety reasons, it is considered likely that properties with some height will inevitably have to be proposed. Taken together with the likely reduction of the existing prominent hedgerow fronting Gull Road, such development is considered likely to be somewhat prominent on the eastern side of this part of Gull Road and when viewed from or against the open countryside. Therefore it is considered likely to lead to an urbanising impact to the surrounding area.

- 10.9 The development of the site would result in unacceptable changes to the area, changes which would be magnified by the need to mitigate against flood risk, which would fail to enhance its local setting and adversely impact on the landscape character of the surrounding area contrary to the requirements of Policies LP12 a, c and d and LP16(d).

Impact on Residential Amenity

- 10.10 The detailed layout is not for consideration. However the site only abuts the side garden boundary of Dove Cottage (owned by the applicant). The indicative layout indicates a dwelling (which by reason of flood risk requirements would be required to include first floor accommodation raised 1.5 metres above ground level. It could therefore be possible that a high side gable or flank wall may be located close to this garden with possible over-domination of the garden and outlook from the side of Dove Cottage. However this issue would need to be addressed at the point of submission of details.

Flood Risk

- 10.11 The objection from the IDB regarding its byelaws is not considered to be a material planning matter.
- 10.12 The southern part of the site is located within Flood Zone 3 as defined by the Environment Agency flood maps. Flood Zone 3 is an area of high risk of flooding. The NPPF requires a Sequential Test to steer new development to areas with the lowest probability of flooding. Policy LP14 and the Cambridgeshire Flood and Water Supplementary Planning Document (2016): Section 4 Flood Risk, recommend that all development proposals be considered against this requirement. The SPD requires the applicant to provide the evidence. However no evidence, either within the submitted Flood Risk assessment (FRA) or via other submissions by the applicant, indicates that this has taken place. The FRA states that the Sequential Test is met as there is no other available land in Guyhirn village at lower risk of flooding. The applicant fails to refer to the SPD which has been adopted by Fenland since December 2016.
- 10.13 Fenland District Council proposed a draft approach to the Sequential Test for housing (in the report to Planning Committee in February 2018). It stated the following:

'Area of Search'

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

A) Developments in the countryside – The whole of the rural area

B) Developments in towns & villages – The town/villages that the proposal would sustain.'

- 10.14 The proposal is considered to be contrary to the local plan objectives as described above, therefore the search area for the purposes of this application should cover

the district. Given the relatively small scale of the development it would be reasonable to conclude that there will be other reasonably available sites in Flood Zones 1 and 2 within the district which can accommodate seven dwellings.

- 10.15 However even if the area of search was accepted as being in the settlement of Guyhirn, a search of property for sale and the four for-sale boards nearby indicate permitted land for four houses in Guyhirn. When taken together with extant permitted schemes as yet undeveloped in Guyhirn more than seven plots are identifiable. Therefore despite the applicant's lack of evidence, the Council has carried out its own sequential test. Currently it is considered that the development of the part of site within Flood Zone 3 does not pass the Sequential Test, and has added nothing new in seeking to overcome the previous Flood Risk reason to refuse the application.
- 10.16 In circumstances where the Sequential Test has not been passed the Exception Test would not be applied. Nevertheless the applicant's contention of the passing of the Exception Test, because it provides housing to meet the council's shortfall, is not accepted by the council, as there is not a shortfall in Fenland. Furthermore the applicant's assumption appears at odds with the recent appeal at Dale Cottage in considering there to be no identifiable need for development that outweighs releasing land in areas of high flood risk. Therefore the Exceptions Test is also not considered to be passed and in that respect is contrary to the requirements of the NPPF (paragraph 158 and 160 and local policies LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD.
- 10.17 In summary, it is concluded that the proposed development would cause undue harm to flood risk. The proposal would not comply with national and local planning policy which seeks to steer new development away from areas at highest risk of flooding and be contrary to both Policy LP14 and the NPPF.

Highway Safety

- 10.18 The Local Highway Authority has detailed requirements for the access points. It is considered that these requirements could be achieved via suitable planning conditions. Therefore there are no highway reasons on which to refuse this application and the proposal is capable of according with Policy LP15.

Other Considerations

- 10.19 Whilst all applications are dealt with on their merits the Dale Cottage Appeal decision taken after the changes to the NPPF indicates how Planning Inspectors currently assess developments similar to the proposal from the viewpoint of impact on the character of the area and Flood Risk.
- 10.20 The current application appears to have failed to demonstrate or argue how the application has overcome the previous reasons for refusal or addressed issues raised on similar sites addressed by an inspector on land nearby. The only material difference to the application appears to be the replacement of three dwellings by two larger units on the indicative layout and the reduction of the number from eight to seven, neither of these changes appears to address the council's reasons to refuse the previous similar proposal. Such a failure to address this may be considered to be unreasonable. To be a sound decision in such a circumstance the decision-maker in granting permission should demonstrate how the proposal has overcome the previous refusal reasons.

11 CONCLUSIONS

11.1 The application has failed to address the previous reasons on which the previous scheme for eight dwellings was refused by Fenland District Council. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The reasons identify that the development does not accord with the Fenland Local Plan on both the impact to the character of the area and on Flood Risk issues. The previous three reasons have been condensed into two but have included elements regarding the exceptions test in accordance with the recent appeal decision.

12 RECOMMENDATION

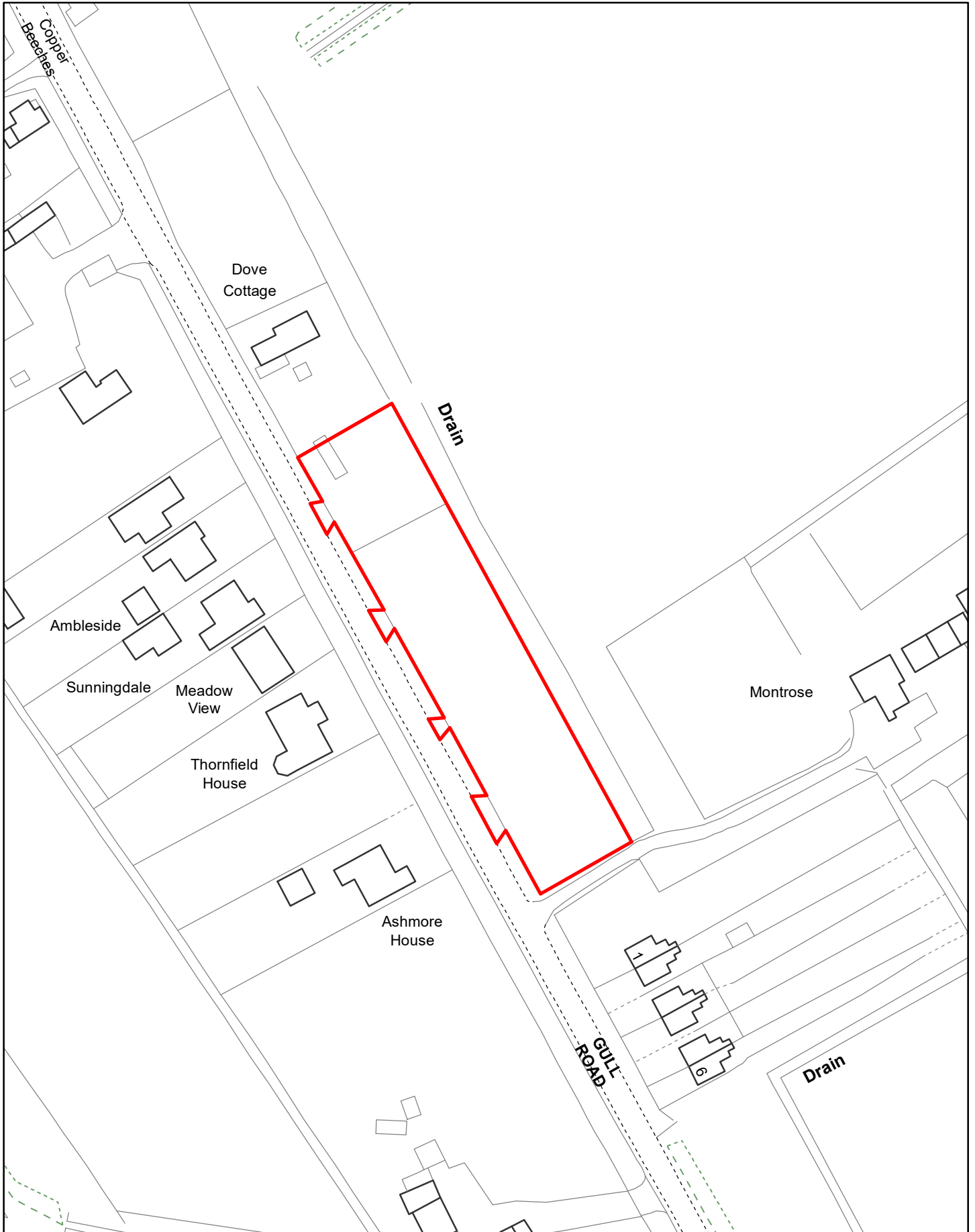
Refuse for the following reasons:

- 1 It is considered that the development would constitute ribbon development resulting in an extension of linear development northwards on this part of Gull Road. The application site is outside the core shape and form of the settlement and would have an adverse impact on the character and appearance of the surrounding area where the open countryside meets the village. Furthermore the proposal is not considered to represent small scale infilling and would result in an incursion into the open countryside. The visual impact of the proposal will be exacerbated due to the raising above existing ground levels by 1.5 metres as detailed in the Applicant's Flood Risk Assessment likely to lead to unduly prominent development. For the above reasons the proposal is considered to result in unacceptable urbanisation of this part of Gull Road and the surrounding area.

Therefore the proposal is considered to be contrary to Policies LP3, LP12 (a, c and d) and LP16(d) of the adopted Fenland Local Plan 2014 and Policy DM3 of Delivering and Protecting High Quality Environments in Fenland SPD, and the aims and objectives of the NPPF.

- 2 The site is partly located within Flood Zone 3 an area of high flood risk. The Local Planning Authority has considered the development in accordance with guidance detailed in the Cambridgeshire Flood and Water Supplementary Planning Document in that it is considered there are reasonably available alternative sites in sequentially preferable locations. Therefore it is considered that the development fails to pass the Sequential Test. Also it is not considered that the Exceptions Test has been passed in that it has not been demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk. Whilst the application proposes the raising of the floor level to 1.5metres above ground level and provides safe refuge at first floor levels, it does not demonstrate a positive approach to reducing flood risk in terms of access during flooding without reliance on emergency services contrary to Policy LP14(d).

The proposal would therefore not meet the requirements of Section 14 of the NPPF (paragraph 158 and 160 and local policies LP14 of the Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD.



Created on: 30/10/2018

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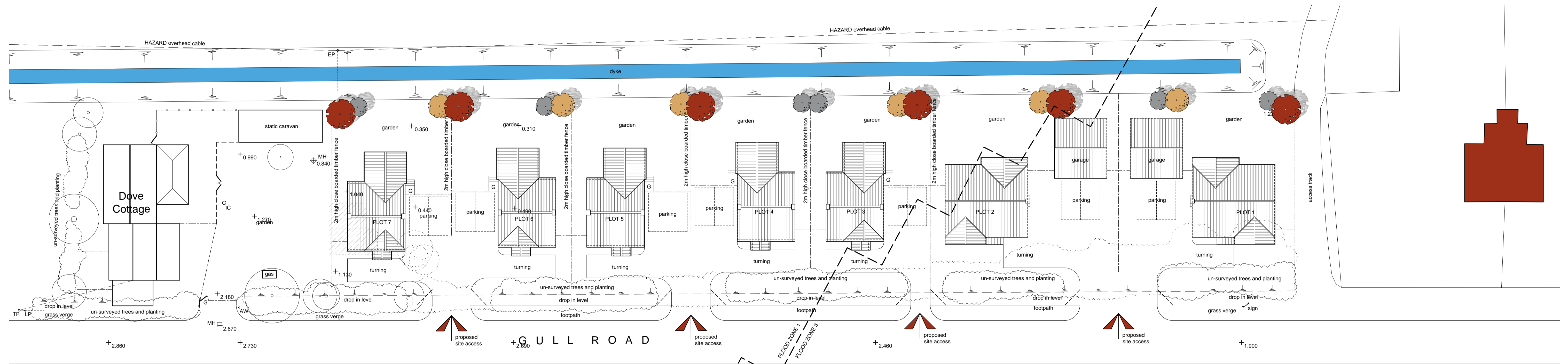
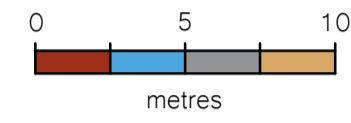


- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be 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.



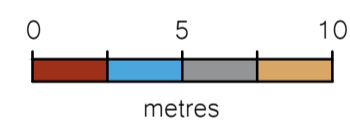
Indicative Street Scene

Scale: 1:250



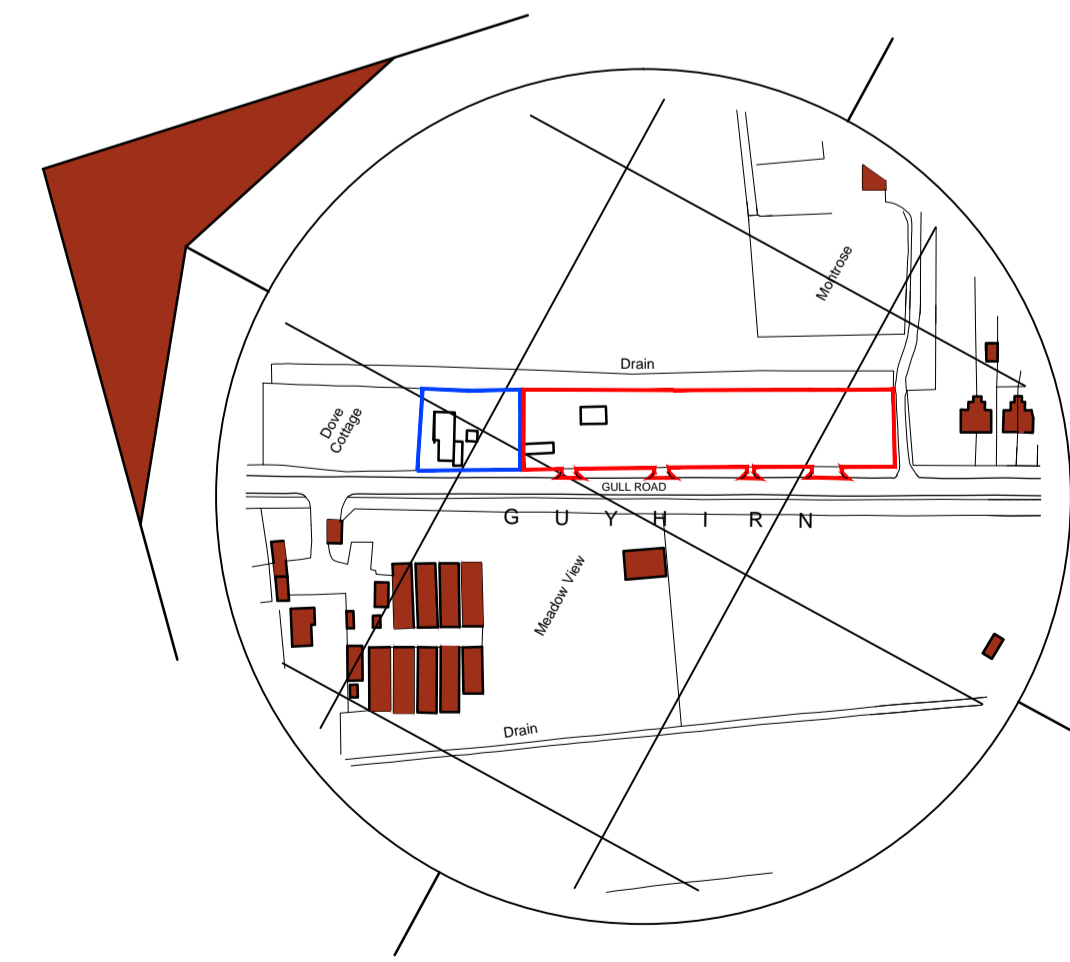
Indicative Site Plan

Scale: 1:250



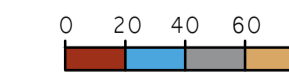
SITE PLAN KEY

- Indicates proposed buildings
- Indicates trees and planting to be removed
- Indicates buildings from OS Maps
- Indicates proposed trees and planting
- Indicates existing site levels
- Indicates flood zone line
- Indicates existing trees and planting to remain
- Indicates water in dyke
- Indicates 2.0x2.0m vision splay
- Indicates proposed access with 10.0m of sealed and drained into site access to Cambs CC Highways design
- Indicates proposed 2.0m footpath to Cambs CC Highways specification



Location Plan

Scale: 1:2500



Revisions	
A	Oct 2018 Revised for planning application

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

Swann Edwards Architecture Limited, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA
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Proposed Residential Development Dove Cottage, Gull Road Guyhirn For: Mrs Booth	Job Title Date 2018	Scale As Shown Sheet Size A1
Outline Planning Drawing	Job No. SE-919 Dwg No. 10	Drawn by SH Revision A

F/YR18/0780/F

Applicant: Mr D Creese

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

Land West Of 327, Norwood Road, March, Cambridgeshire

Erection of 1 x single-storey 3-bed with garage and 2 x 2-storey 3-bed dwellings

Reason for Committee: Officer recommendation is contrary to the comments of the Town Council

1 EXECUTIVE SUMMARY

The proposal is a full application for the construction of three dwellings on the land.

The site is located within March, on land designated as being at the lowest risk of flooding, and involves the development of a currently empty plot of land.

The proposal is to be accessed from an existing private drive and the intensification of the use of this access is considered to be contrary to planning policy.

The scheme includes the construction of two-storey properties in an area where single-storey development is a key characteristic. The scheme is considered to result in harm to the character of the area contrary to planning policy.

The proposal is recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The application site is currently scrub grassland located to the rear of 325-329 Norwood Road, surrounded on three sides by existing closeboard timber fencing, with an existing store/stable on the fourth side. To the north of the site is a bungalow accessed from Smiths Chase, which faces out over the site from two existing windows (bedroom and living room), located approximately 1.5 metres from the site boundary.
- 2.2 The fence on the southern boundary of the site is supplemented by an evergreen conifer hedge located within the gardens of the adjacent properties, approximately 3m in height.
- 2.3 On the opposite side of Prospect Road to the west are three further bungalows accessed directly from the private road.
- 2.4 The site is located in Flood Zone 1.

3 PROPOSAL

- 3.1 The proposal is for the construction of three new dwellings on the site, one single-storey and two 2-storey (utilising through-eaves dormers) semi-detached dwellings. All three properties are to be accessed from Prospect Road following revisions to the scheme, with parking provision made on the basis of two spaces per dwelling in line with the required parking standards. All three dwellings would have rear gardens compliant with the one third requirement of policy LP16. The design and access statement submitted alongside the application indicates that brick and interlocking tiles will be the primary materials of construction of the dwellings.

4 SITE PLANNING HISTORY

F/YR05/0680/O	Erection of 5 dwellings involving demolition of existing dwelling	Granted 28/7/05
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5 CONSULTATIONS

5.1 **March Town Council**

Recommend approval

5.2 **Cambridgeshire County Council Highways Authority**

Original scheme: Geometric access details required for both proposed connections to the public highway network. Request additional details.

Revised scheme: Concern over access point between Prospect Road and Wisbech Road, which is likely to result in obstruction of the free flow of traffic on Wisbech Road and create conflict between pedestrians and vehicles. It may also result in service/delivery vehicles reversing along Prospect Road and out onto Wisbech Road. The applicant should reduce the number of plots served off Prospect Road and provide the details previously requested, or the application should be refused.

5.3 **FDC Environmental Health**

Request unsuspected contamination condition and a construction management plan, otherwise no objections.

5.4 **Local Residents/Interested Parties**

14 separate objections were received in relation to the original proposal from eight separate residences, raising the following concerns in relation to the scheme.

- Impact on privacy (during construction and after occupation)
- Devaluation of adjacent properties
- Increased noise impact in the area
- Possible ecological value of the site (nesting birds, bats, dormice etc)
- Broken domestic appliances have been buried on the land
- Japanese Knotweed is in evidence on the site
- Will not make a significant difference to local housing need
- Concern regarding pedestrian safety in relation to school routes
- Highway safety concerns
- Access alongside 327 will cause amenity issues and hamper access to meter boxes on the adjacent dwelling.
- Prospect Road is unsuitable for the additional traffic.
- Loss of light to adjacent dwellings.

- Could block access to rear parking areas for other dwellings.
- Views from garden will be spoilt.
- Parking provision may not be sufficient for need.
- Services provision, no gas available, is there sufficient foul capacity.
- Prospect Road is private and access across it is not granted. 327 Norwood Road does not have the right to access the land from the west.
- Proposal will result in more flooding in the area.
- Difficult for fire service vehicles to access the site.
- Site is at medium-high risk of surface water flooding.

5.5 Following the revisions to the scheme and the re-consultation, seven further objections from four properties, all of which had responded to the original proposal, were received. The matters identified in the objections are the same as those received in relation to the original proposal, except for the removal of concerns over the Norwood Road access.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Para 11: Presumption in favour of sustainable development

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

Para 127: Well-designed development

Para 130: Permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area.

7.2 National Planning Practice Guidance (NPPG)

Determining a planning application

7.3 Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

7.4 March Neighbourhood Plan 2017

H2 – Windfall development

8 KEY ISSUES

- **Principle of Development**
- **Design and amenity**
- **Highway safety**
- **Flood risk**

- **Other matters**

9 BACKGROUND

- 9.1 The site has been subject to a preliminary enquiry in relation to development of the site for residential purposes. That enquiry provided two options for development, one of which was indicated as having the potential to gain a positive recommendation (proposing two new dwellings both accessed from Prospect Road), whilst the second was indicated as being unlikely to gain support, (also for two dwellings but both accessed between the existing host dwelling and 329 Norwood Road).
- 9.2 The current proposal increases the number of dwellings proposed on the site to three, initially proposing access to two of them along the route indicated at the pre-application stage as not being supported, although the revised drawings amend the point of access of all three properties to Prospect Road.

10 ASSESSMENT

10.1 Principle of Development

- 10.2 The application site is located within the town of March, identified in the Fenland Local Plan (2014) as being one of two primary market towns within the district, and one of the settlements within which the majority of the District's new housing is to be provided.

- 10.3 The site is within flood zone 1 and there are no historic or ecological designations that would indicate a presumption against the principle of residential development here.

10.4 Design and amenity

- 10.5 The dwellings to the south and east along Norwood Road and Wisbech Road are mainly two-storey properties, and represent the historic development along these routes. The more recent infill development to the rear of these roads is almost exclusively single-storey by contrast, including the existing dwellings accessed from Prospect Road and Smiths Chase, which are most closely associated with the application site.
- 10.6 Policy LP16 requires proposals to deliver high quality environments, listing several contributory elements to meeting this requirement, which include (amongst other things) making a positive contribution to the local distinctiveness and character of the area, and not adversely impacting on the amenity of neighbouring users.
- 10.7 Although the proposed two-storey dwellings on the site would be located adjacent to the boundary of other two-storey properties to the south, those dwellings would be located in excess of 20 metres from the site, with the proposed properties more closely associated with the single-storey dwellings opposite instead. In that setting, the two dwellings would appear incongruous and out of place, overwhelming the street scene with a combination of the overall height (5 metres to the eaves and approximately 8.5 metres to the ridge) and the relatively limited space between the dwellings and Prospect Road (approximately 5.5 metres). Whilst this type of relationship may be acceptable in other areas, the lack of two-storey dwellings accessed from Prospect Road and the general low level of the properties that are already in existence leads to plots 2 and 3 having a harmful effect on the character of their immediate

surroundings contrary to policy LP16. Plot 1 is more sensitively designed in this respect, retaining a single-storey height more sympathetic to the dwellings around it however the layout proposed shows the bedrooms for the dwellings located facing onto the road, set back by approximately 2 metres, which would lead to a poor privacy relationship between the dwelling and Prospect Road.

- 10.8 The proposed designs for plots 2 and 3 also show an internal layout with a landing window in the gable ends of the properties, from which it would be possible to view into the adjacent dwellings, in particular directly down the garden of the dwelling immediately to the south of the site. As a non-habitable room it would be reasonable to require this window to be obscure glazed and non-opening should the scheme be recommended for approval as there would be the potential for unacceptable overlooking of the neighbouring property if that were not the case. Although a similar window exists in the gable of plot 2 facing northwards, the impact of this is less due to the design of plot 1, although some overlooking would still be possible between the dwellings.
- 10.9 The access to plots 2 and 3 originally had the potential for a detrimental impact on neighbouring amenity in relation to the scheme, however the revisions have amended this access to address these concerns.
- 10.10 **Highway safety**
- 10.11 The proposed dwellings utilise an existing access into the wider road network, however there are substantial concerns regarding the practicality of that access and its impact on the relationship between vehicular and pedestrian traffic. Policy LP15 of the Fenland Local Plan (2014) requires development schemes to provide well-designed, safe and convenient access for all.
- 10.12 The plans originally submitted showed two separate accesses for the properties within the scheme, plots 2 and 3 to be accessed along the side of 327 Norwood Road along its existing private driveway, whilst plot 1 would gain access from Prospect Road. Revisions to the scheme show access to all three properties from Prospect Road, which is an unadopted private drive. Comments submitted alongside the application indicate that the owner of the site does not have permission to access the site from Prospect Road, however this is not a matter that is material to the planning decision reached on the site and is instead a matter for private negotiation between developer and owners.
- 10.13 That being said however, the application indicates access for the additional dwellings along Prospect Road, and the comments of the highways authority indicate that such an access will be required to be 5m in width for the first 10m, however such dimensions are not physically achievable on the site as it is at present. No details have been provided in relation to the dimensions of the proposed access however in light of the wider consideration of the scheme, detailed dimension plans have not been required at this time.
- 10.14 There are currently three dwellings gaining vehicular access from Prospect Road to the west of the site, and therefore an additional three dwellings gaining vehicular access at this point would result in more than five properties being accessed from the private drive, which is normally considered to be the maximum. The additional highways comments received following the revisions to the scheme set out clearly the increased impact as a result of the proposal and make it clear that the scheme does not comply with policy LP15. There is no scope to widen Prospect Road sufficiently within the current land ownership

to provide the width requested by the Highways Authority and therefore it is concluded that the scheme is unacceptable in highways terms.

10.15 Flood risk

10.16 The site is noted as being within Flood Zone 1 and therefore there is no 'in principle' opposition to its development for residential purposes. The Environment Agency website does note however that the site is at a medium to high risk of flooding from surface water; however no surface water drainage strategy accompanies the application. Given the identified risk, it would be appropriate to require such detail should permission be granted.

10.17 Other matters

10.18 Several other matters have been raised for consideration during the course of the application, which are considered as follows:

10.19 Devaluation of surrounding property and the presence of Japanese Knotweed are not material to the planning merits of the proposal, nor are the spoiling of views across the site from other properties, or the right of access along Prospect Road (which could potentially be negotiated in the event of permission being granted).

10.20 Ecological value – there is no evidence to suggest that protected species are present on the site, however should consent be granted then an appropriate survey and mitigation strategy could be required to be undertaken.

10.21 Burial of domestic appliances on the land – as a matter of principle this does not affect the granting of permission, however as per the request of the Environmental Health team during the consultation process, a condition to require an appropriate response should any unsuspected contamination be found on the site would be appropriate if the scheme is granted.

10.22 Services provision – there is no requirement for a property to have a connection to mains gas, and there is no indication that there is insufficient capacity for foul drainage within the public sewer at this location.

11 CONCLUSIONS

11.1 The relevant planning policies from the Fenland Local Plan note that the principle of residential development is to be supported in this area, and there are no specific designations on the land that indicate that this approach should be discarded and the site refused as a matter of principle. However, the proposed design of the scheme and its impact on its surroundings are detrimental to the area contrary to the relevant policies of the development plan and there are no material considerations that justify the approval of the scheme contrary to those policies.

12 RECOMMENDATION

12.1 **Refuse** for the following reasons:

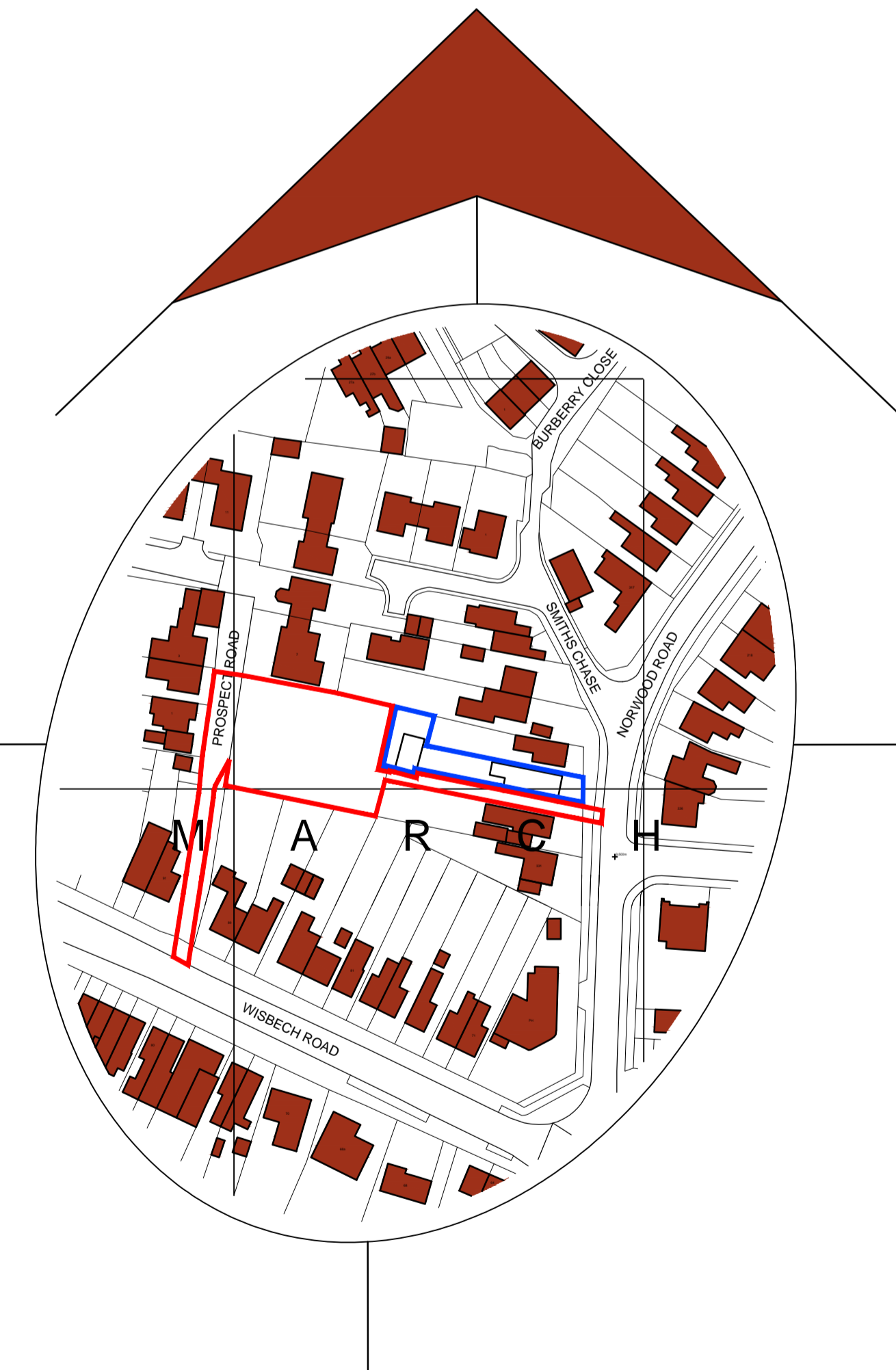
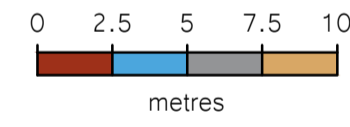
1. Policy LP16 (d) of the Fenland Local Plan (2014) requires development proposals to deliver high quality environments within the District, including making a positive contribution to the local distinctiveness and character of the area. The proposal is for three dwellings, two of which are two-storey and the third a single-storey, within an area predominantly comprised of

single-storey properties. The two storey element of the development would appear incongruous in this context and therefore not in keeping with its surroundings, to the detriment of the character of the area. On that basis, the proposal would fail to comply with the requirements of policy LP16 (d) of the Fenland Local Plan

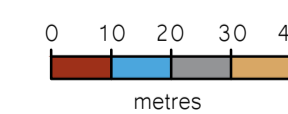
2. Policy LP16 (e) of the Fenland Local Plan (2014) requires development proposals to deliver high quality environments within the District, not adversely impacting on the amenity of neighbouring users. The scheme would be in close proximity to neighbouring residential properties and the proposed dwellings would impact on the outlook from and light received by windows to habitable rooms in those dwellings. On that basis, the proposal would be contrary to the provisions of policy LP16 (e) of the Fenland Local Plan (2014).
3. Policy LP15 of the Fenland Local Plan (2014) requires development to provide well-designed, safe and convenient access for all. The proposal involves the use of a private road to access the proposed dwellings and there is insufficient space to allow the road to be upgraded to allow two-way vehicle flow at its access. The scheme would therefore result in obstruction of traffic flow and conflict between vehicles and pedestrians. On that basis the proposal fails to provide a safe and convenient access for all and has a detrimental impact on highway safety and is therefore contrary to the requirements of policy LP15 of the Fenland Local Plan (2014).



Site Plan
Scale: 1:250

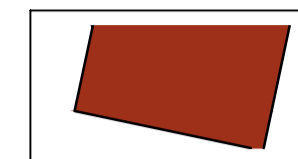
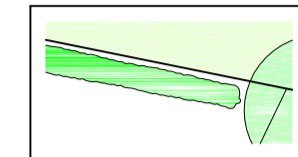
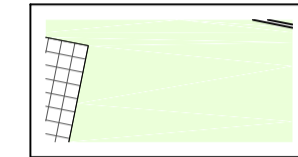
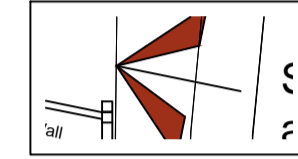
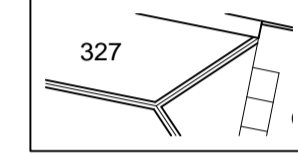


Location Plan
Scale: 1:1250



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SITE PLAN KEY

-  Un-surveyed OS buildings
-  Existing trees and vegetation
-  Proposed grass
-  Site access
-  Existing buildings surveyed

Revisions

A	Aug 2018	Clients Amendments
B	Oct 2018	Revised for planning

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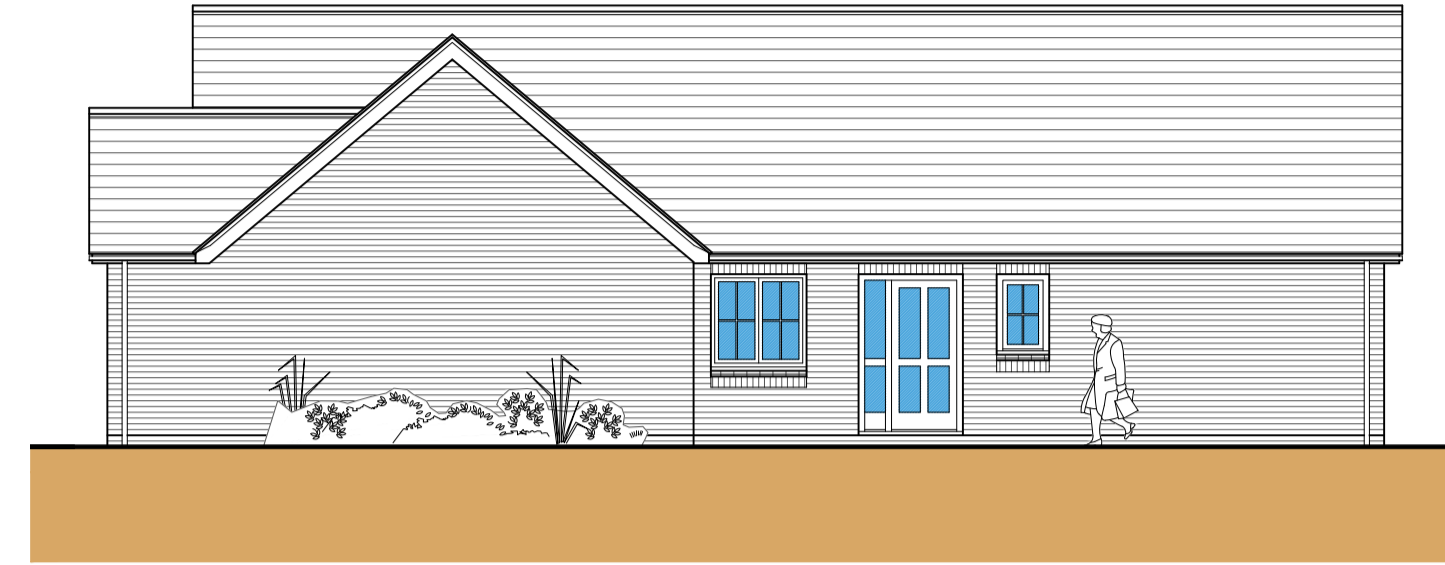
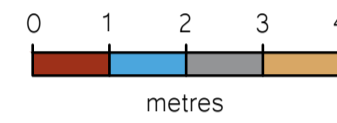
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Drawing Title Site Plan & Location Plan	Job No. SE-864 Dwg No. 20	Drawn by M.N. Revision B

Plot 1



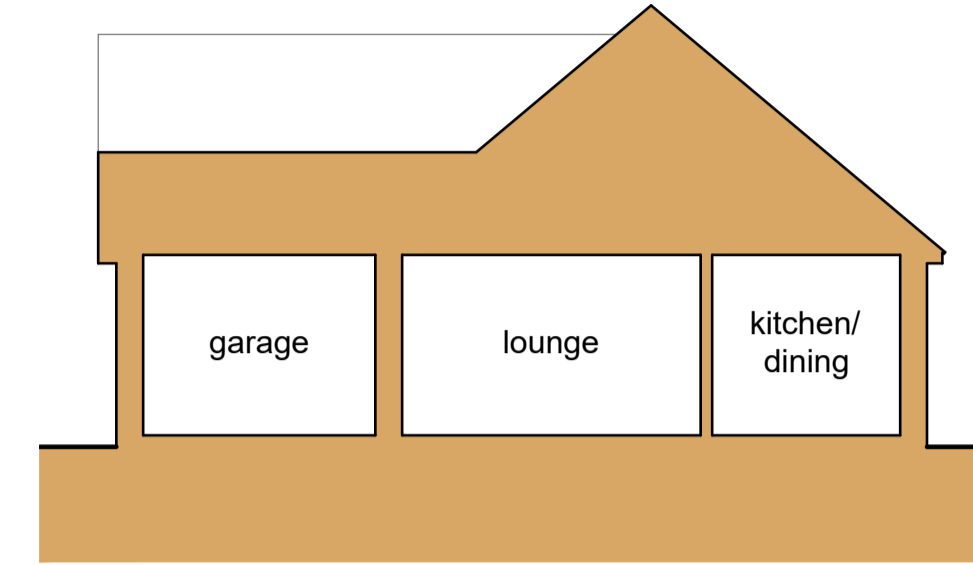
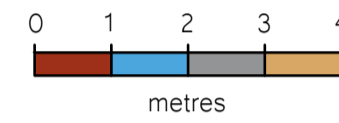
Front Elevation

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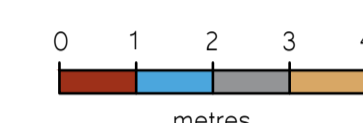
Side Elevation

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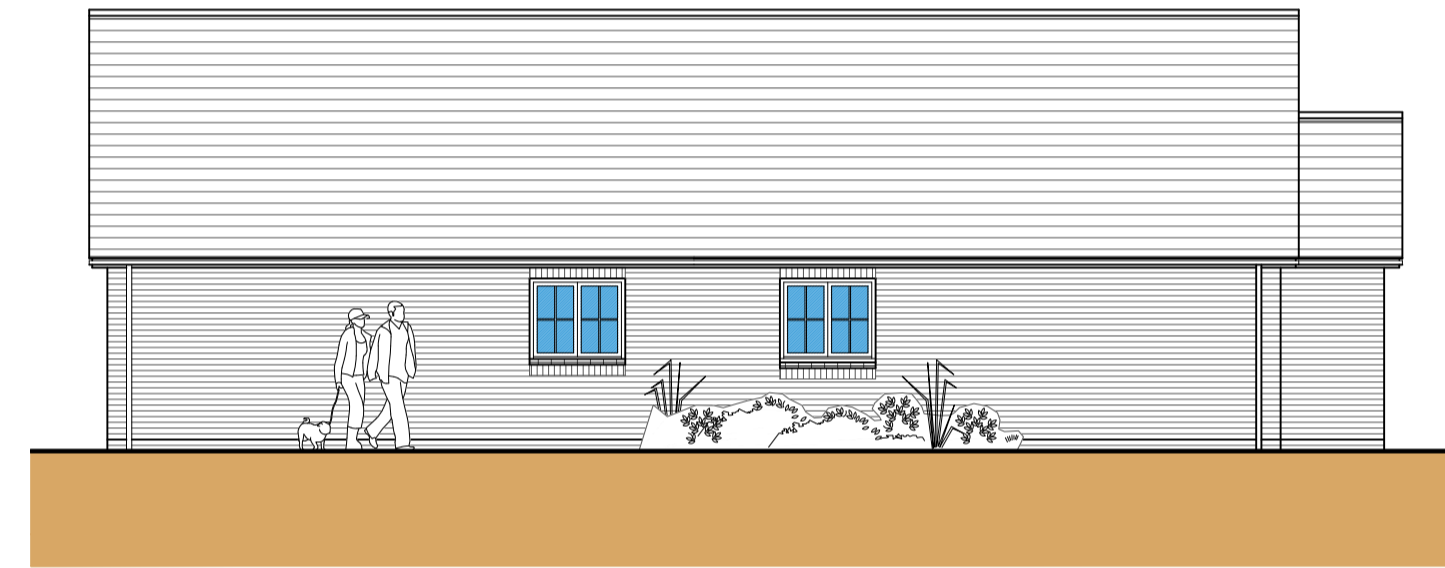
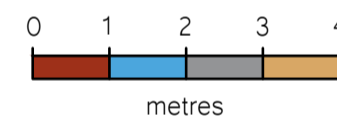
Section A-A

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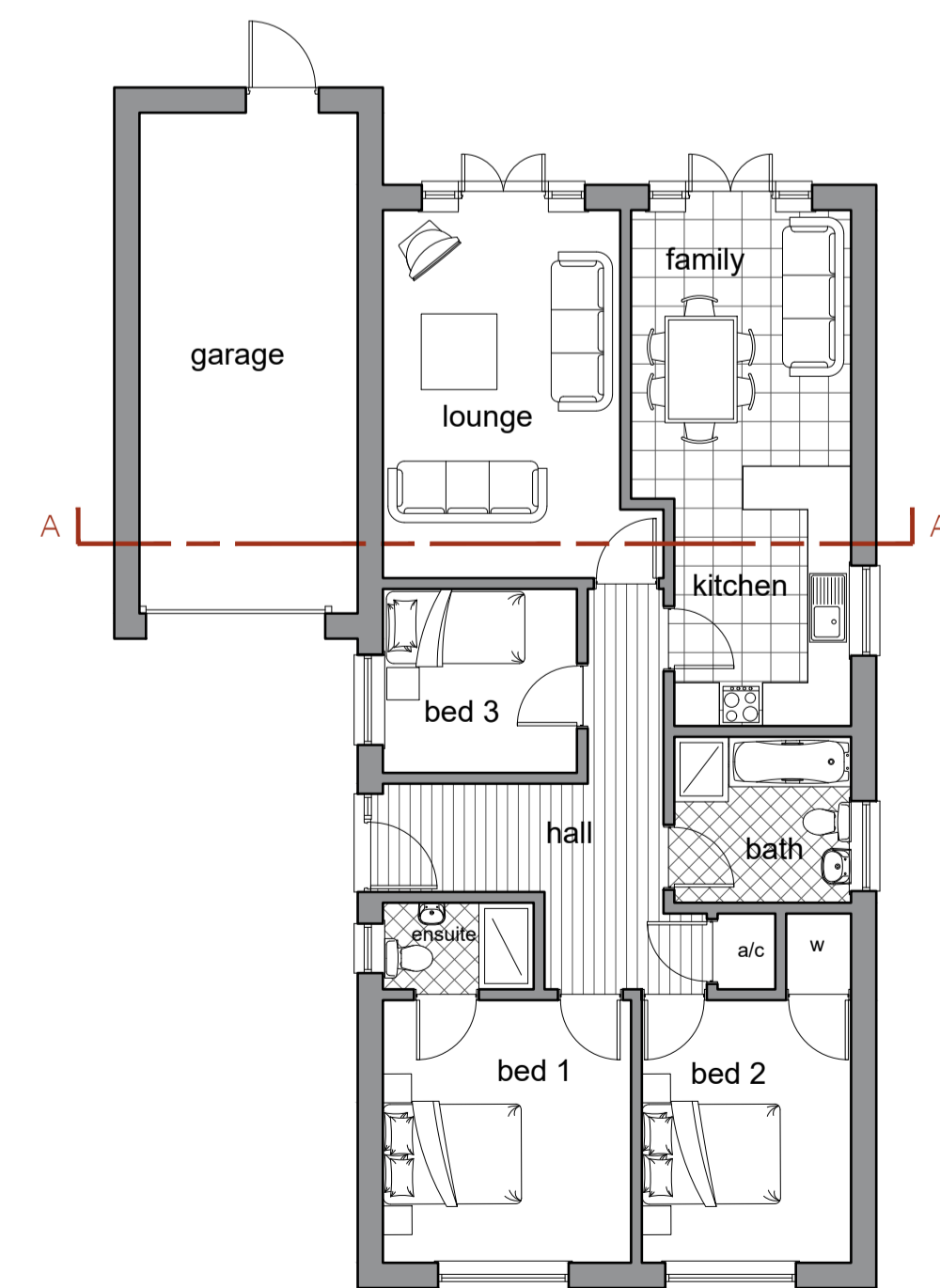
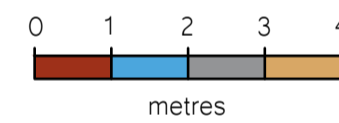
Rear Elevation

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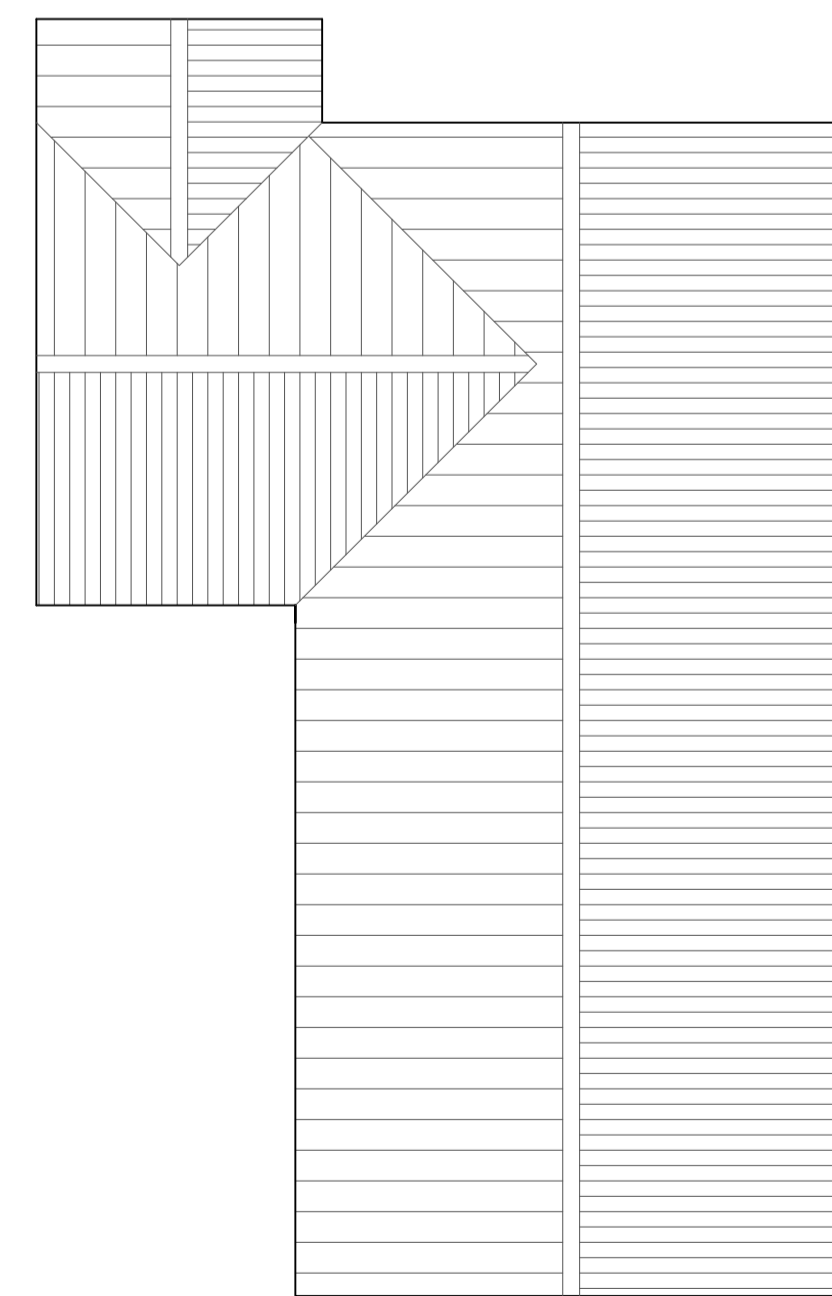
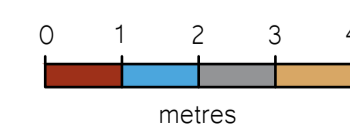
Side Elevation

Scale: 1:100



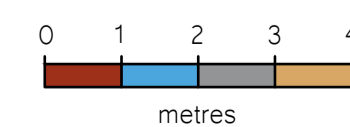
Ground Floor Plan

Scale: 1:100



Roof Plan

Scale: 1:100



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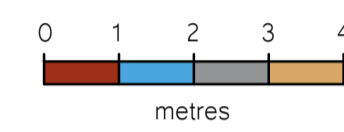
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Drawing Title Planning Drawing Plot 1 Floor Plans, Elevations & Section	Job No. SE-864	Drawn by M.N. Revision
	Dwg No. 21	

Plot 2 & 3



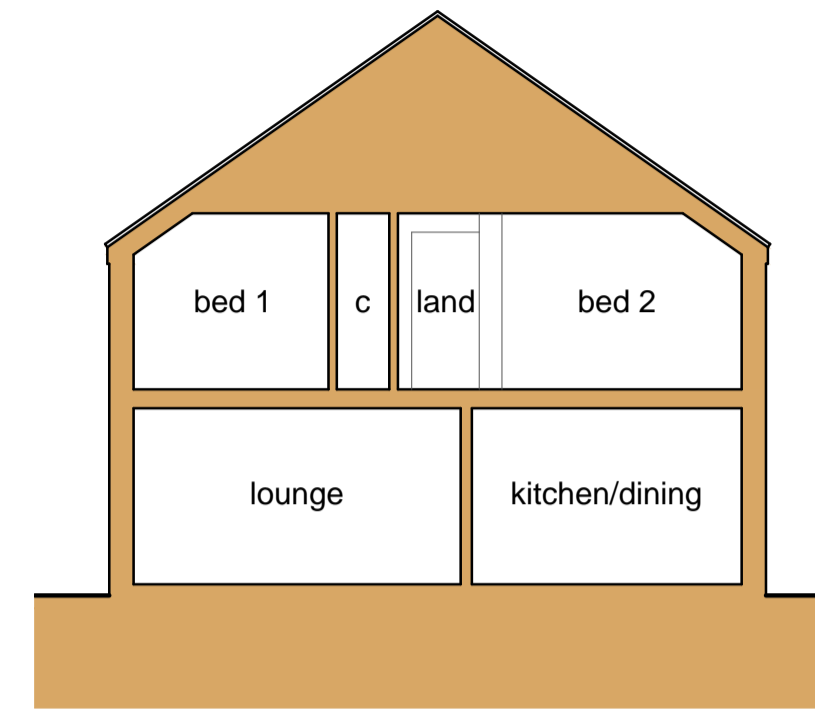
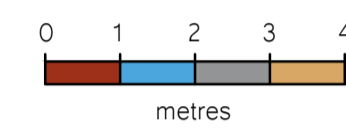
Front Elevation

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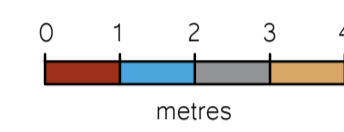
Side Elevation

Scale: 1:100



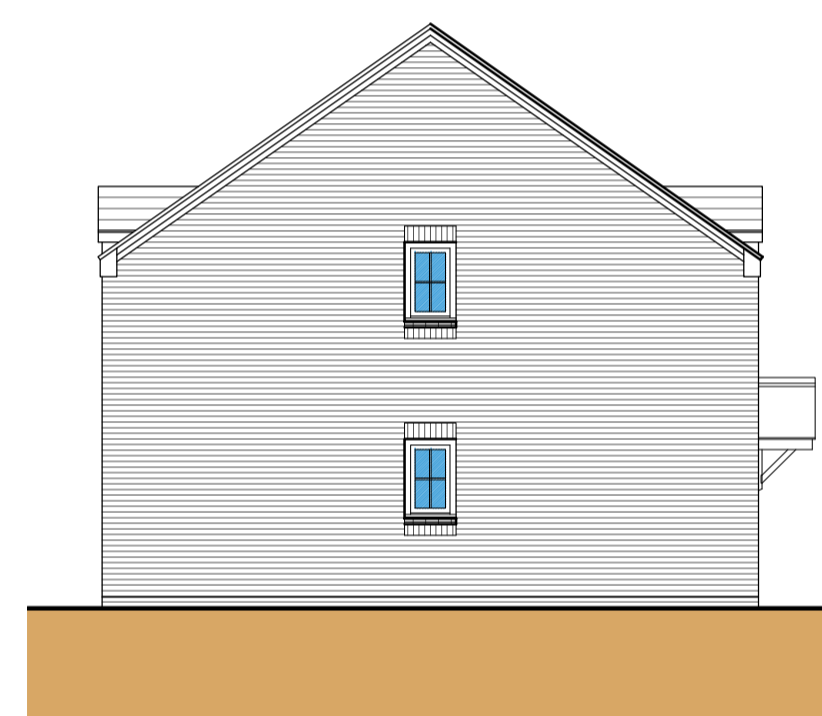
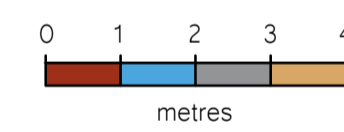
Section A-A

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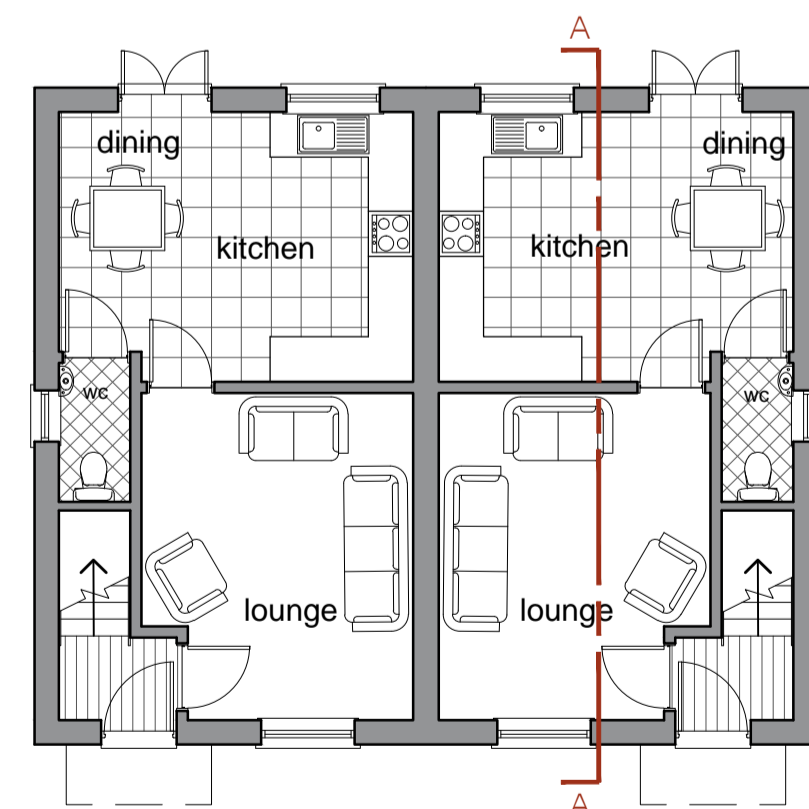
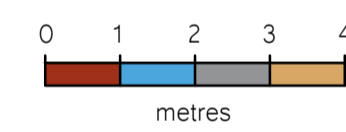
Rear Elevation

Scale: 1:100



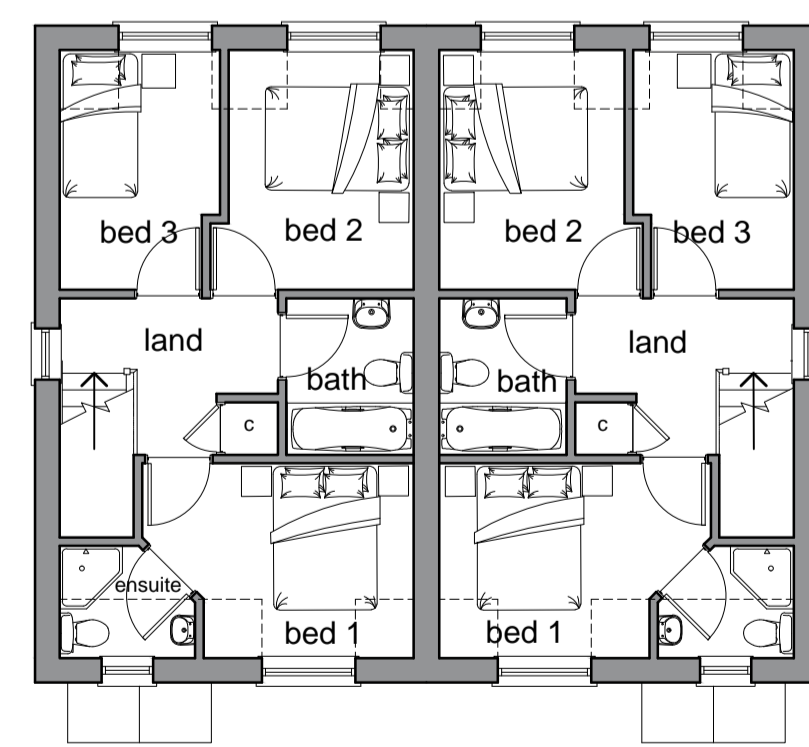
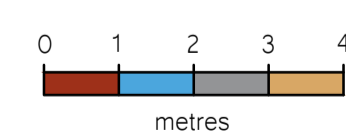
Side Elevation

Scale: 1:100



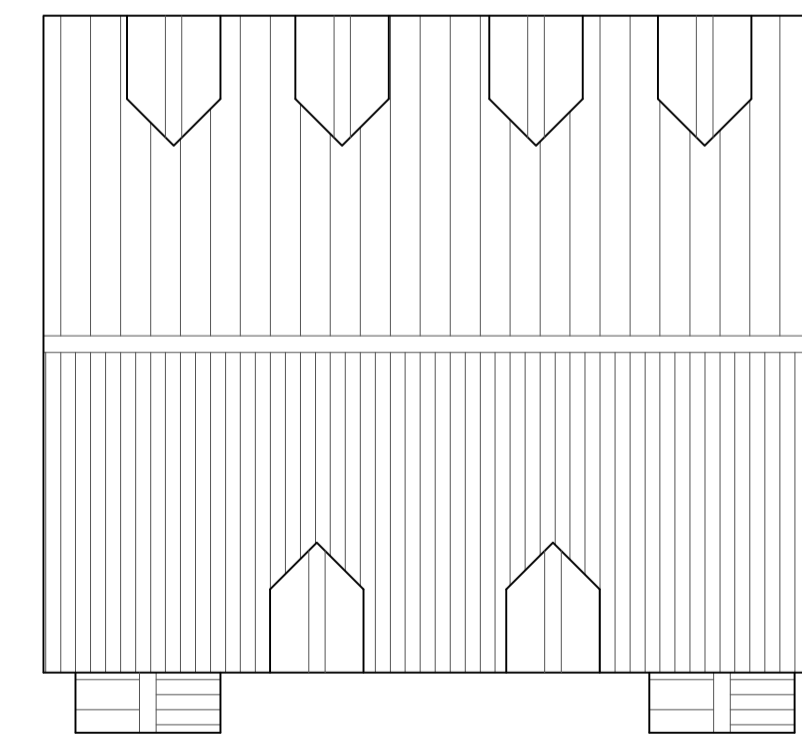
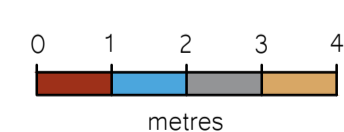
Ground Floor Plan

Scale: 1:100



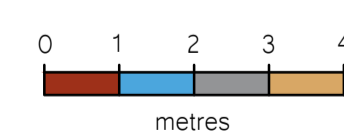
First Floor Plan

Scale: 1:100



Roof Plan

Scale: 1:100



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Revisions		
A	Oct 2018	Revised for planning

Status
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Job Title Proposed Residential Dwellings Norwood Road, March For Creese Homes Ltd	Date June 2018	Scale As Shown Sheet Size A1
Drawing Title Planning Drawing Plot 2 & 3 Floor Plans, Elevations & Section	Job No. SE-864 Dwg No. 22	Drawn by M.N. Revision A

F/YR18/0527/F

Applicant: Mr Ben Mauremootoo

**Agent : Mr Paul Sharman
Sharman Architecture**

Langley Lodge Rest Home, 26 Queens Road, Wisbech, Cambridgeshire

Erection of a single-storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2-storey building and removal of swimming pool

The application is before the committee due to 6 or more representations received contrary to officer recommendation.

1 EXECUTIVE SUMMARY

The application for full planning permission seeks the erection of a single-storey side and rear extension to an existing care home to create a further 8 bedrooms together with the formation of additional car parking to the front of Langley Lodge. The proposal also involves the demolition of an existing extension on the north west side of Langley Lodge.

Comments made by those objecting to the proposal have been considered, but the conclusion is that the development will not adversely harm the character or appearance of the area or the amenity of nearby residents. There is both adequate distance between buildings and sufficient screening due to the mature trees and hedges growing along the north west boundary to sufficiently mitigate the impact of development and to safeguard residential amenity.

The application is considered to accord with Policies LP2, LP14, LP15 and LP16 of the Fenland Local Plan 2014.

2 SITE DESCRIPTION

- 2.1 Langley Lodge was constructed in the 1920's and is of some architectural and historic merit , although it is not listed, in a Conservation Area, or protected by an Article 4 Direction. It is a two storey building with some accommodation in the roof space.
- 2.2 The building is situated within an established residential area, close to the centre of Wisbech. Dwellings along this part of Queens Road are detached or semi-detached, and built fronting Queens Road. Langley Lodge is set further back into the site than other properties along Queens Road, and was built to be a larger, more visually significant town house. There is a crescent shaped drive which provides a separate entrance and exit. A medium sized hedge is adjacent the highway, and the side boundaries have walls or fencing screened with tall trees and shrubs. Two storey dwellings along the rear boundary which front Hillburn Road can be seen from the rear of Langley Lodge, but are partially screened by a brick boundary wall and some trees which grow along the rear boundary.

From the front grounds of Langley Lodge, the side of 24 Queens Road can be seen. The ground floor windows are screened by the boundary trees and shrubs, and part of the upper windows can be seen. However, only the roof can be seen when viewed from the rear of the application site.

- 2.3 The application site is located within Flood Zone 3 of the Environment Agency's Flood Risk maps.

3 PROPOSAL

- 3.1 The applicant seeks full planning permission to expand the existing care home facilities. There are currently 14 single rooms and 3 double rooms. The development would provide 8 single bedrooms with en-suite facilities, a laundry room, manager's office, a lounge, storage and waiting areas, and a large conservatory area.
- 3.2 The expansion is to be provided through the provision of a side and rear single storey extension and would include the demolition of an existing two storey attached building to the north-west corner of Langley Lodge which is currently used as a living room, kitchen and office to the ground floor, and two bedrooms to the first floor and the removal of the disused swimming pool to the rear garden.
- 3.3 The proposed development would lead to a net gain of 6 single bedrooms.
- 3.4 The proposed single-storey extension running along the north-west boundary of the site has a total length of 37 metres and has a stepped appearance to maintain an acceptable distance between Langley Lodge and the boundary of 24 Queens Road. No part of the extension will be closer than 2 metres from the boundary fence/hedge.
- 3.5 The existing building to be demolished has a ridge height of 6 metres, and the proposed ridge height of the new extension is 5.2 metres. The proposed building would also be 1.9 metres closer to the boundary with number 24 Queens Road. The finished floor level has also been increased to 1 metre above ground level which has led to the inclusion of a ramp to the rear of the extension to the side of the proposed conservatory.
- 3.6 Materials would match the existing.
- 3.7 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?keyVal=P9HW79HE01U00&activeTab=summary>

4 SITE PLANNING HISTORY

F/YR16/1180/F	Erection of a part 2-storey/single storey side/rear extension and formation of car parking to front of existing care home involving demolition of existing 2-storey building and removal of swimming pool	Withdrawn 15/02/2017
---------------	---	----------------------

F/YR04/3388/F	Use of property as a care home for adults with learning disabilities without complying to condition 01 of planning permission F/0769/81/F (use solely for the elderly and for no other purpose)	Withdrawn 24/06/2004
F/90/0365/F	Erection of a single-storey conservatory to the rear of retirement home	Granted 09/07/1990
F/1458/88/F	Extension to private Rest Home	Granted 15/12/1988
F/0664/84/F	Conversion of outbuilding to residential accommodation Langley Lodge 26 Queens Road Wisbech	Granted 19/10/1984
F/0769/81/F	Change of use from private dwellinghouse to private home for the elderly	Granted 18/01/1982

5 CONSULTATIONS

Wisbech Town Council

Has object to the proposal, on the basis that:

- *Approval of the proposal, given its mass and scale, would have a detrimental impact upon the amenities of occupiers of neighbouring residential properties in terms of overshadowing, loss of light and a sense of enclosure*
- *There is insufficient provision of onsite parking facilities for staff and visitors.*

Environment Agency

The Environment Agency initially objected to the proposals in the absence of an acceptable Flood Risk Assessment (FRA). An amended FRA was submitted which took into account the Environment Agency's recommendation of 1 metre above ground level with flood resilient construction. These requirements would also be added as a condition.

The plans show the FFL incorporated into the design on dwg. no's LL/19/D and LL/20/F which show the front and side elevations.

Highways

Highways has raised no objection to the proposals. They did state that Fenland District Council would need to consider whether there are any shortfalls in parking requirements when compared to the Local Plan 2014 Parking Standards in Appendix 1. This will be addressed during the assessment.

Two conditions were requested regarding on-site vehicle parking and turning which shall be laid out in accordance to approved plans, and details of cycle parking facilities to be approved.

Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. However, the applicant needs to submit a Demolition and Construction method statement, stating measures it

will take to control the effect of dust and other pollution during the proposed works .

Designing Out Crime Officers

I have reviewed the updated documents in regards to the revised proposals. I am happy to support as have no concerns regarding community safety and vulnerability to crime

Councillor Tierney:

The Councillor has objected on the grounds that the proposals constitute overdevelopment, and would be too close to the neighbour's fence becoming 'a visual obstacle and' would 'detract from their use and enjoyment of their property'.

Local Residents/Interested Parties

Objectors:

There have been 13 letters of objections received from occupiers of neighbouring dwellings. Points raised are summarised as follows:

- the roof line of the proposed extension should mirror the extension to the opposite side of the building;
- would be out of character / proportion with rest of the building / area;
- there would be extra strain on the mains drainage system;
- will generate additional traffic with extra visitors and carers, resulting in additional on-road parking, and blocking visibility along Queens Road ;
- will cause overshadowing, overlooking and will be overbearing as it extends the full length of the shared side boundary;
- will cause unacceptable construction noise;
- will lose garden area and open space which residents currently enjoy;
- Lounge to the rear would be visible from Hilburn Road;
- Overdevelopment, should be on a smaller scale;
- Will generate noise from laundry room, and conservatory;
- Doesn't safeguard the interests of other users of the land, provide adequate parking or accord with the general character of the area.

After the amended plans were submitted, no objections were removed, but 7 objectors wrote further letters reiterating highways and drainage issues, but with some additional concerns:

- Does not comply with the original conditions when the change of use was granted to a care home;
- The front lawn will become a car park;
- Noises from residents can be heard in the garden and in my home;
- There are no excellent transport links available;
- This is a commercial enterprise in a residential area;
- Pile driving may affect nearby properties;
- Trees at the bottom of the garden need preserving;
- The trees may fall onto another property, or the proposed extension;
- The proposed lounge would be visible to residents of Hilburn Road, removing their privacy;
- Will affect the privacy of the adjacent dwelling;
- Will be built too close to the adjacent property;
- Will provide a poor outlook;
- Will spoil the front elevation of Langley House due to an unbalanced appearance and would alter its character;

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Paragraph 3 – The Framework should be read as a whole.

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

Paragraph 54 – LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions'

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

Paragraph 117 – effective use of land in meeting housing need

Paragraph 124 – the creation of high quality buildings and places is fundamental to what planning and the development process can achieve.

Paragraph 127– planning decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character and history.

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

LP15 – Facilitating the creation of a more sustainable transport network in fenland

LP16 – Delivering and protecting high quality environments across the district.

8 KEY ISSUES

- **Principle of Development**
- **Scale, Layout and Appearance**
- **Residential amenity**
- **Highways Issues and parking**
- **Flood Risk and Drainage**
- **Health and wellbeing**
- **Economic Growth**
- **Trees**
- **Other considerations**

9 BACKGROUND

- 9.1 Langley Lodge became a care home for the elderly in 1981, and was extended in 1988. The single storey conservatory was added in 1990. The first application for a two storey extension (reference F/YR16/1180/F) was withdrawn in 2017 on the basis that a more suitable application could be made for a single storey extension.

The applicant has therefore brought the current planning application forward for consideration. The proposal is now reduced in size by the removal of the first floor from the plans and re-arranging the internal layout. The ground floor extension was revised in order to accommodate the needs of Langley Lodge as a care home while appearing more acceptable in relation to nearby residential amenity.

- 9.2 The existing building to be demolished, which is currently used as a living room, kitchen and office to the ground floor, and two bedrooms to the first floor, is of a height of 6 metres, and is hipped at either side to reduce the visual impact. The building sits to the rear of the main dwelling but is linked. The width is 6.5 metres along the frontage, but the full width is 9 metres as it sits slightly behind the main building. The length is 6.4 metres.
- 9.3 The drawings for a larger extension originally submitted were inappropriate in their scale and form due to the height and width proposed. Amended plans were requested and received showing a reduced roof height and a set back into the site in line with the opposite wing. The reduction in roof height was required to reduce any significant impact on the amenity of 24 Queens Road.
- 9.4 However, due to the Environment Agency's concern regarding flood risk, the finished floor level (FFL) of the extension needs to be raised to 1 metre above ground level. Amended plans were again received to address this requirement and the roof height was again amended with a resultant roof height of 5.2 metres.

10 ASSESSMENT

Principle of Development

- 10.1 Local Plan Policy LP3 identifies Wisbech as a principal Market Town within the District. It is within the market towns that the majority of new housing, employment growth, retail growth and wider service provision should be directed.
- 10.2 The site is within the main built up area of Wisbech, so is in an established urban area. The principle of extending the existing care home facility is therefore supported within Local Plan Policies so long as the relevant policy criteria are met.
- 10.3 Local Plan Policy LP16(d) requires development to make a positive contribution to the local distinctiveness and character of the area. The rear elevation has already lost its original character, and only the frontage has a visual quality worth preserving.

Scale, Layout and Appearance

- 10.4 Langley Lodge sits centrally within a large plot. The property is not listed and does not sit within the Wisbech Conservation Area. It has previously been extended along the south east boundary with an extension approximately 29 metres long.
- 10.5 The existing building to be demolished on the north-west side is set back from the front elevation by 13 metres, while the new extension would be set back by only 1 metre. However given the set back of the existing extension on the south east boundary this extension will appear balanced within the visual context of the site and is therefore acceptable. The proposed extension would also be wider than

the existing north-west extension it replaces but again is not out of context with the character of the site.

- 10.6 The new extension will have a width along the frontage of 8.5 metres with a length along the north west side boundary of 38 metres. The height of the extension will be 5.2 metres, and will attach to the side of the main building. The proposed extension will be located approximately 1.9 metres closer to the joint boundary with 24 Queens Road than the existing extension but still retain a separation distance of 2.5 metres at its closest point. The new extension will also be approximately 17 metres from the rear south west boundary.
- 10.7 The fact that the proposed extension is to be set back from the front elevation and includes sufficient gaps between buildings preserves the character and appearance of the original building sufficiently and therefore complies with LP16(d) of Fenland Local Plan 2014.

Residential amenity

- 10.8 A number of concerns have been expressed by neighbouring occupiers which include overlooking, overshadowing, and overbearing impacts on residential amenity, the potential for generation of noise from the laundry room and conservatory, and it will cause additional noise from additional residents as their living space will be sited closer to the joint south west boundary of the site.
- 10.9 The neighbouring properties along Queens Road are set further forward in their plots than Langley Lodge so that their rear elevations are roughly in line with the front elevation of the care home. The main dwelling to be impacted would be 24 Queens Road as this property would be immediately adjacent the proposed extension. The rear elevation of number 24 and the front elevation of Langley Lodge would marginally overlap. To the side of Langley Lodge along the joint boundary, there are mature trees which create a tall hedge.
- 10.10 The plans first submitted for this current application consisted of 9 bedrooms. The proposed extension was located further forward and set back from the main elevation by only 500mm. However due to a potential impact on neighbouring dwellings, amended plans were submitted to reduce the size of the extension proposed, and by removing a bedroom, the applicant was able to set the extension back by a further 500mm from the front elevation in order to maintain the character of the building.

Overlooking

- 10.11 The side of the proposed extension would be 2.5 metres from the joint boundary and 5.65 metres from the side wall of 24 Queens Road. It is therefore considered that there is an adequate distance between the two properties, and that there would be little likelihood of overlooking from the proposed extension due to the mature hedge along the north-west boundary.
- 10.12 Due to the need to raise the floor level to ensure there is no unacceptable flood risk, the proposed extension would have a wall height of 2.5 metres with an overall height of 5.2 metres. However, the pitched roof slopes away from the boundary, and although it extends along the north west boundary by 37 metres, it would be mostly hidden from view by mature trees and hedges with only the roof visible from the adjacent garden.

- 10.13 It is acknowledged that the occupants of number 24 would see part of the proposed extension, particularly from the windows of the nearest bedroom which look down into the grounds of Langley Lodge. The neighbouring views of the extension, although it would extend along the boundary, would be softened by the existing hedge and trees and result in no overbearing impact on the neighbouring properties.
- 10.14 Properties along Kingsley Avenue have their rear elevations facing towards the side of the application site while properties in Hilburn Road are positioned to the rear of the site.
- 10.15 The properties along Kingsley Avenue are hidden from view when standing in the rear garden of Langley Lodge due to the mature trees along the north west boundary. Trees along the rear boundary, however, are sparser, and rear windows can be glimpsed of the properties which front Hilburn Road. However, these properties are located over 22 metres from the proposed extension and would therefore not be considered to overlook or be overlooked by the proposed development. There are concerns by some residents of Hilburn Road that the building would create a poor outlook. However, the building is of a good design, and is distanced by open space and trees to soften the appearance of the proposed extension overall.

Overshadowing

- 10.16 The house and garden of 24 Queens Road is to the north of the proposed extension, so would not be overshadowed significantly by the proposed development. The additional height would cause some loss of light to part of the bottom of the garden due to the roof level proposed. The garden is, however, wide enough so that it will not be completely overshadowed by the proposed development.
- 10.17 It is therefore considered that the visual impact of the proposal from surrounding gardens would not cause significant harm.

Noise issues

- 10.18 It is acknowledged that there may be some impact of noise from the proposed development due to the level of occupation of the rooms and the proximity to the north west boundary. However, the impact of noise has been addressed in the design proposals by creating a bigger distance from the boundary than originally proposed and also the presence of existing landscaping will also help reduce any potential noise impacts. Therefore, although we acknowledge that more noise may be heard as a consequence of development, it is not expected that this will result in significant harm to residential amenity. Environmental Health has not expressed any concern.

Overbearing

- 10.19 This is not a concern as the roof height of the proposed development would be set back from the boundary, the slope inclining away from the boundary, and would be offset by the boundary landscaping.
- 10.20 When assessed against LP16, it is considered that the application does not adversely impact the residential amenity of neighbouring properties.

Highways issues and car parking:

- 10.21 The existing frontage has a separate entrance and exit within a half-circle driveway which accommodates 3 parking spaces to the front of the building. The

driveway is wide enough to accommodate more than one car width. The applicant is willing to provide 8 additional car parking spaces creating 11 car parking spaces in total on site.

- 10.22 Highways have no objections to the proposals, although they point out that the council should '*consider if there is any shortfall in parking compared to their Local plan and how this may have an impact on kerbside/residential amenity*'.
- 10.23 Parking standards within the Local Plan suggest there should be 1 resident and 1 visitor parking space per 4 residential units plus 1 space per resident member of staff. Therefore with 17 residential units existing plus 10 staff, there should already be 20 car parking spaces. Should permission be granted to add another 6 bedrooms (taking into account the 2 to be lost on the first floor), then there should be 22 spaces required altogether. This is normally a minimum requirement. It should therefore be considered that there is a shortfall of 11 spaces as only 11 spaces can be provided without removing more of the lawn area to the frontage.
- 10.24 In mitigation, the applicant has confirmed that none of the current residents own a car, and of the 10 staff, there are only 6 on site at any one time due to hours worked and shift patterns. Of these 6, only 3 have a car. Therefore, staff parking needs only require 3 parking spaces for the current staff. Delivery vans park for short time periods on the driveway adjacent the entrance door, and not on the roadway. In addition, the Care Home is located in an area close to the town centre. Although there are no bus stops down Queens Road itself, public transport would be within walking distance. In addition, the entrance to Langley Lodge is only 130 metres from the first available car parking space within Somers Road car park. This car park is for the public to use and provides free parking with 280 car park spaces.
- 10.25 Paragraph 109 of the National Planning Policy Framework 2018 states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The application would therefore not be considered as refusable on the grounds of the lack of car parking spaces within the grounds of the care home due to its close proximity to the town centre and a large public car parking area.
- 10.26 It is considered to meet the requirements of LP15 of Fenland Local Plan 2014.

Flood risk and drainage

- 10.27 The Environment Agency objected to the proposal initially on flood risk grounds. The application site is within Flood Zone 3 of the Environment Agency's Flood Map for Planning and is also located close to the tidal River Nene. As such, FFL's are required to be 1 metre above ground level. The Flood Risk Assessment was revised to show the raised floor levels in the recommendation section, and the Environment Agency removed their objection on the basis of the FFL being achievable.
- 10.28 Efforts were made to increase the floor levels to take into account the 1 metre above ground level, without significantly raising the roof height. The average ground level was used in establishing the finished floor level for each section of building, as the ground slopes down to the rear. Therefore the highest roof point from ground level is towards the rear of the conservatory. This method of

application has kept the roof level adjacent number 24 Queens Road at a lower level, while admission into the conservatory now requires a ramp for accessibility.

Health and wellbeing

- 10.29 It is important that there are sufficient homes to meet people's needs in the right location and of the right type of home. There is a nationwide need for care home facilities to help a growing number of older people. The agent has pointed out that Langley Lodge is one of the few remaining independent care homes within Wisbech, the majority being larger corporate businesses. As such, the home boasts a friendly, homely atmosphere that is better suited to Fenland people who prefer normal family settings. Langley Lodge therefore needs to expand to take into account the larger economies of scale that can be achieved in order to remain competitive within the industry.

Economic Growth

- 10.30 The proposal would have a small positive impact in terms of temporary employment opportunities during construction. Residents may make use of local shops and services. Although no additional staff are indicated, the proposal may create one or two additional local employment opportunities to care for additional residents in the future.
- 10.31 It is generally accepted that care homes need to become larger to remain viable and the proposed extension would safeguard jobs and care facilities which are much needed within the community. However, although it has been indicated that the home would benefit from greater economies of scale, no evidence has been produced to suggest that the existing care home is, or is not, viable at this moment in time. Increased facilities would help to sustain profitability into the future.

Trees

- 10.32 None of the trees within the grounds of Langley Lodge are protected, and none of the trees which may be of amenity value to the rear of the site are endangered by the proposed development.
- 10.33 Trees to the front and rear are shown on dwg. no. LL/15H. There is a hedge which runs along the side boundary of number 24 adjacent the proposed extension. There are also a number of trees to the front and rear. Root protection areas are shown for the rear only, and the impact of development does not appear harmful to the trees when taking into account where tree roots would be. However, one tree has its tree protection area adjacent the conservatory building. The impact on trees within the grounds of the care home is minimal and therefore not considered to be harmful. However a condition will be imposed to ensure that existing trees are protected and a landscaping condition will also be imposed to identify all existing trees to be retained and new trees to be planted.

Other Considerations

- 10.34 Concerns from neighbours were also expressed at the loss of garden for residents. However the new extension has been designed to ensure that there is a courtyard area set between the existing rear extension on the south east part of the site and the new extension on the north west of the site. It is considered that there is adequate garden space available for residents.
- 10.35 Construction noise was another issue raised and an appropriate condition will be included to give further information relating to hours of use and details of parking for construction traffic and storage of materials.

11 CONCLUSIONS

- 11.1 It is acknowledged that there would be some impact on the character and appearance of Langley Lodge, and on the residential amenity of the neighbouring properties. These issues have been addressed above and additional consideration has been given to the provision of extra care home places for Fenland residents.
- 11.2 The conclusion is therefore that although there will be some impacts, especially on the amenity of the occupants of 24 Queens Road, the impacts would be less than severe, especially when weighed against the need to provide additional care home places. It is not considered the proposal would cause adverse harm in terms of the principle of development, character and appearance, amenity and parking. The recommendation is therefore to approve as the proposals accord with Policies LP2, LP14, LP15 and LP16 of the Fenland Local Plan 2014.

12 RECOMMENDATION

Grant subject to the below conditions:

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

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

2. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

- Parking of vehicle of site operatives and visitors;
- Areas to be used for the storage of materials and machinery, and
- Hours of operation.

Reason: In the interests of highway safety and residential amenity both during the demolition and construction phase of the development in accordance with policies LP15 and LP16(e).

3. 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 LP16 of the Fenland Local Plan 2014.

4. Notwithstanding the submitted plans, cycle parking facilities shall be provided within the application site prior to the occupation of the development hereby approved. Full details of the cycle parking facilities shall be submitted to and

approved by the Local Planning Authority prior to any occupation of the extension hereby approved and constructed in accordance with the approved plans. The submitted details shall include Sheffield stands and secure sheltered cycle parking. The cycle parking facilities as approved shall then be retained and maintained in perpetuity thereafter.

Reason: In the interests of sustainable travel and in accordance with policy LP15 of the Fenland Local Plan 2014.

5. The development hereby permitted shall be constructed in accordance with the recommendations made within the submitted Flood Risk Assessment (FRA) ref: Geoff Beel/July 2018/GCB/Sharman and especially the following measures:

- Finished floor levels should be set 1m above ground level, with flood resilient construction to a height of 300mm above the predicted flood depth.

These measures shall be incorporated into the development before any occupation of the extension hereby approved.

Reason:

This condition is imposed in accordance with Local Plan Policy LP14 and the principles contained within section 14 of the National Planning Policy Framework 2018.

6. Prior to the first occupation of the development, the proposed on-site parking and turning areas shall be laid out in accordance with the approved drawing number LL/15/G and thereafter retained in perpetuity 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.

7. The development hereby approved shall be finished externally in materials as specified within the Application Form which are as follows:

- Clay face bricks to match the existing,
- Natural slate to the front building and
- Marley Eternit fibre cement slates to the rear.

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

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

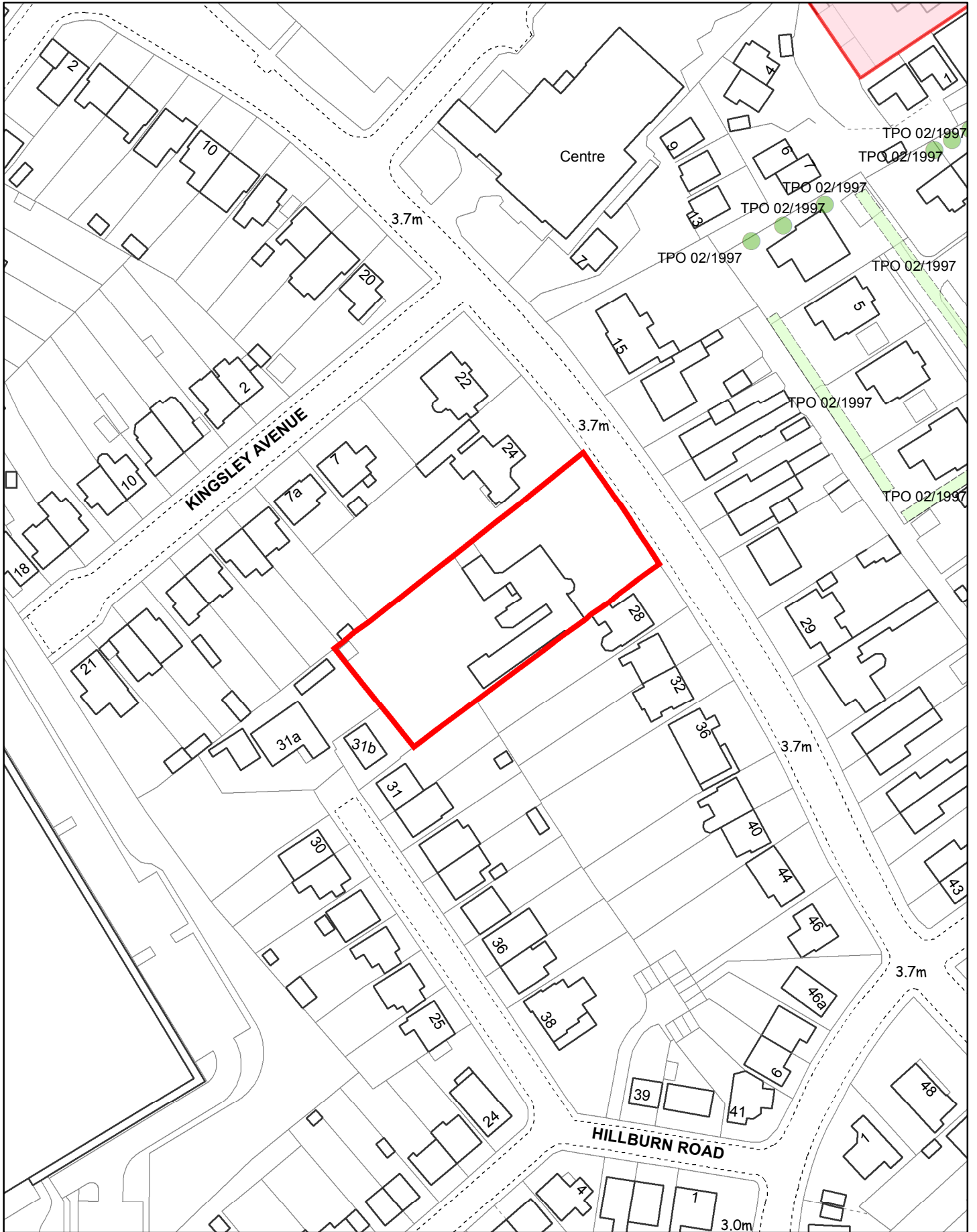
- a) proposed finished levels of any earthworks to be carried out,
- b) existing trees, hedges or other soft features to be retained, and
- c) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife

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

9. The existing hedge along the north west boundary of the site shall not be uprooted or removed and shall not be reduced below a level of 2.5 metres adjacent to number 24 Queens Road, and shall be retained and maintained in perpetuity thereafter.

Reason – To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development are afforded an acceptable measure of privacy in accordance with Policy LP16 of the Fenland Local Plan, 2014.

10. The development to be carried out in accordance with the approved plans and documents.



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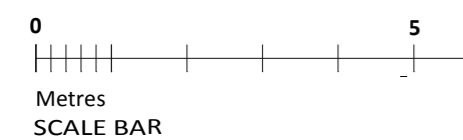
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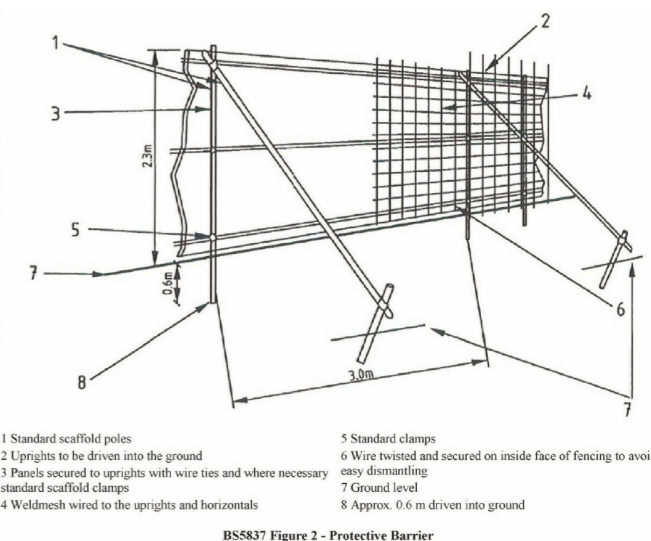


DEVELOPMENT AT LANGLEY LODGE, QUEENS ROAD, WISBECH.
PROPOSED SITE PLAN

- NOTES
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Waste storage bins are to be enclosed in a purpose designed enclosure a minimum of 1800mm high.
Waste bins are Taylor type waste bins and are 1210 wide x 1100 deep x 14127 high



- 1 Standard scaffold poles
 - 2 150mm x 50mm x 3mm steel angle
 - 3 150mm x 50mm x 3mm steel angle
 - 4 150mm x 50mm x 3mm steel angle
 - 5 150mm x 50mm x 3mm steel angle
 - 6 150mm x 50mm x 3mm steel angle
 - 7 150mm x 50mm x 3mm steel angle
 - 8 150mm x 50mm x 3mm steel angle
- BS5837 Figure 2 - Protective Barrier

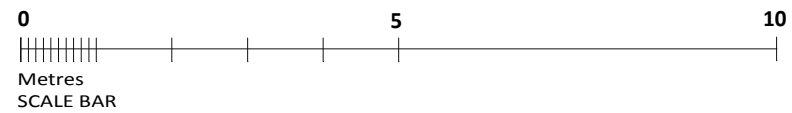
Dashed lines denote the root protection areas for the existing trees. No machinery, plant or construction activities associated with the works to encroach into this area. To ensure the area is protected it is to be shielded as follows. Prior to site works commencing those trees and hedgerows identified for retention should be physically protected from damage by plant, equipment, vehicles, excavations, deposit of excavated materials and any other cause. This shall be achieved by the erection of fixed barriers outside the Root Protection Area or branch spread whichever is the greater, using vertical and horizontal scaffolding poles and 2.1m high Heras type weldmesh panels wired or clamped to the scaffolding frame with the uprights driven into the ground in accordance with Figure 2 of BS5837:2012. Trees in relation to construction - Recommendations unless the local planning authority agrees to any variation. The tree protection barriers shall be maintained for the duration of the development and no operations whatsoever shall take place within the construction exclusion zone without the written approval of the local planning authority. All weather notices shall be fixed on the barriers stating "Construction Exclusion Zone - Keep Out". Protection noted is in accordance with the recommendations of BS 5387:2012.

project LANGLEY LODGE	scale 1:100 at A1	date December 15
title PROPOSED SITE PLAN	revision E 15/05/18 Revised to planners requirements F 18/07/18 Revised to planners requirements G 16/08/18 Revised to planners requirements H 20/10/18 Revised to planners requirements	

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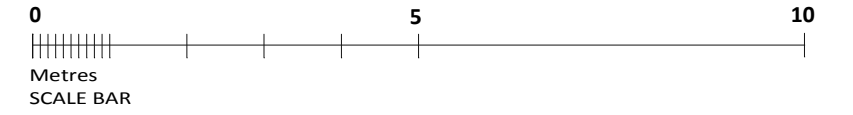
PROPOSED FRONT ELEVATION



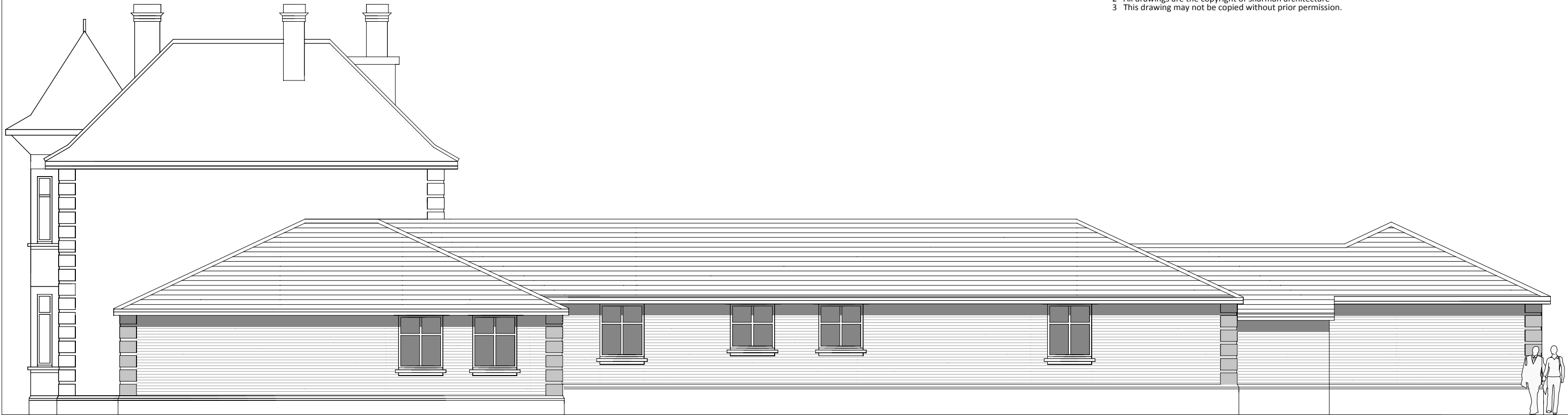
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title PROPOSED FRONT ELEVATION	scale 1:100 at A3	date OCTOBER 2016
contract LANGLEY LODGE. 26 QUEENS ROAD.	revision B 24/04/2018 Extensions revised to single storey C 16/08/2018 Building moved and roof pitch reduced again D 20/10/2018 Drawing revised re roof	

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PROPOSED SIDE ELEVATION 1

title PROPOSED SIDE ELEVATION 1	scale 1:100 at A3	date OCTOBER 2016
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contract LANGLEY LODGE. 26 QUEENS ROAD.	revision C 15/05/2018 Client revisions D 18/07/2018 Roof pitch reduced and omit bedroom E 16/08/2018 Building moved and roof pitch reduced again F 22/10/2018 Roof raised 300 re change in levels
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F/YR18/0888/O

Applicant: Mr & Mrs C Burton

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

Land North Of Tewinbury House, Mill Lane, Newton-In-The-Isle, Cambridgeshire

Erection of up to 4 x dwellings involving the formation of 3 x accesses (outline application with matters committed in respect of access)

Reason for Committee: 6 or more representations have been received contrary to officer recommendation.

1 EXECUTIVE SUMMARY

This application seeks outline planning permission for the erection of four detached houses each with a detached garage and the formation of three accesses directly off Mill Lane. Policy LP3 of the Fenland Local Plan 2014 sets out a settlement hierarchy which seeks to steer new development to those larger places that offer the best range of services and facilities. Newton is identified as a small village where development will be considered on its merits but will normally be of a very limited nature and normally limited in scale to residential infilling or a small business opportunity.

Newton has a particularly limited range of services comprising a post office service one day a week between the times of 10.30 – 12.30 and a village hall. There are no shops in Newton or any other community facilities and a very limited bus service. Therefore Newton is considered to be a particularly unsustainable location.

The erection of four detached houses with detached garages, the formation of new accesses off Mill Lane and the enclosure of the land will result in the loss of a particularly open area of land along Mill Lane. The application site together with the adjoining fields, provides a contribution to the visual quality and the openness of this part of Mill Lane and makes a positive contribution to the character and appearance of the area which would largely be lost by the development and would urbanise the open and undeveloped nature of the site.

The development site would be particularly prominent in this location and visible from a number of vantage points and it is therefore considered that the introduction of these four dwellings and other domestic paraphernalia would adversely harm the undeveloped and open character of the site which contributes to the open rural character of the area.

The site is not served by any safe access provision i.e. a pedestrian footpath, and the dwellings will be located directly off a single track road where the national speed limit applies. There are very few street lights along this road and therefore pedestrian access will be compromised.

It is concluded that the development would result in a harmful effect on the character and appearance of the area contrary to the overall design aims of Policy LP12 which

seeks to ensure that development will not have an adverse impact on the character and appearance of the area and surrounding countryside.

Newton has exceeded its threshold numbers with 33 committed/built since April 2011 and this, coupled with the site located within Flood Zone 3, demonstrates that there is no additional need in Newton and the Local Planning Authority can currently show it has a 5 year land supply.

2 SITE DESCRIPTION

- 2.1 The site is grade 3 agricultural land located on the western side of Mill Lane, Newton. It forms a gap between Woodlands and Tewinbury House. As Mill Lane leaves the village it heads south and is characterised by sporadic development of single houses and farm buildings. Mill Lane (a single track road) relates more to the open countryside than the settlement and is particularly rural in its character and nature with grass verges meeting agricultural land on each side.

The site is bounded to the north and south by fencing/ hedging associated with the two neighbouring dwellings. The site is of a rectangular shape with a site area of approximately 0.3 ha. To the east and west of the site is further agricultural land. The site lies within Flood Zone 3.

3 PROPOSAL

- 3.1 The proposal is in outline with all matters reserved except access, for four detached 2 storey dwellings each with detached garages and the formation of three new accesses to be formed off Mill Lane. A Flood Risk Assessment has been submitted but a sequential test and exception test has not been included.

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/YR18/0085/O	Erection of up to 4 dwellings involving the formation of 3 accesses	Refused 19.4.18
F/YR04/4097/O	Erection of a dwelling	Withdrawn 2.2.05

5 CONSULTATIONS

- 5.1 **Newton Parish Council:** *At our Parish Council meeting on Monday 22 October the comments put forward by the majority of the Councillors was that the building of the four dwellings on land north of Tewinbury House, Mill Lane, would set a precedence for future development in Mill Lane, Newton in the Isle, it was also considered to be outside the village envelope.*

- 5.2 **Cambridgeshire County Council Highways Authority:** *A 4 dwelling development will cumulatively generate enough pedestrian trips to justify having access to a footway that connects to the existing footways within Newton. Mill lane is single track, and subject to national speed limit. In the absence of any footway provision I question whether the development can be considered as sustainable and policy compliant. Should the applicant be willing to deliver a footway, I am not sure if one could be accommodated within the existing highway reserve. Without a footway linking the site with village amenities, it's likely the occupants will be solely reliant upon private motor vehicle, which from a policy viewpoint is unacceptable.*

The accesses proposed should have sealed and drained accesses for the first 5m to prevent gravel and private surface water from discharging onto the highway.

Whilst I do not consider this site to be in a sustainable location, I am unable to demonstrate any unacceptable harm caused to highway safety. Therefore if FDC are minded to grant permission, I recommend highway conditions are imposed.

- 5.3 **Environment Agency:** *We have no objection to the proposed development but wish to make the following comments:-*

National Planning Policy Framework Flood Risk Sequential Test

In accordance with the National Planning Policy Framework (NPPF) paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment

We have no objection to this application however we strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) for residential development at Mill Lane, Newton, Wisbech by Geoff Beel Consultancy dated January 2018 ref: GCB/Swann Edwards are adhered to. The FRA states that:

Finished floor levels of the proposed development will be set no lower than 300mm above Mill Lane carriageway at 2.3mAOD.

Flood resilient and resistance measures will be incorporated into the development.

The development will be two storeys.

The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.

- 5.4 **Local Residents/Interested Parties:** *7 letter of support has been received stating that planning permission has already been granted for two houses on land opposite Woodlands and they can see no reason why this application for four houses should not be approved.*

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 the development plan
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.

Paragraph 157: Inappropriate development in areas at risk of flooding.

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.

LP4: Meeting Housing Need.

LP12: Rural Areas Development.

LP14: Managing the risk of flooding in Fenland.

LP15: Facilitating a more Sustainable Transport Network in Fenland

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

7.4 Cambridgeshire Flood and Water SPD (December 2016)

7.5 Draft Flood Risk Sequential Test Methodology (February 2018).

8 KEY ISSUES

- **Principle of Development**
- **Flood Risk**
- **Highway safety**
- **Impact on the character and appearance of the area**

9 BACKGROUND

- 9.1 In January 2018 an outline planning application was submitted for the erection of four dwellings on this site and subsequently was refused for two reasons, namely, flood risk and the absence of a sequential test being undertaken and secondly the incursion of the development into the open countryside.

- 9.2 The applicant had 6 months to appeal the decision however no appeal has been submitted and the applicant has submitted the same application, including letters of support, which now requires the application to be determined by the Planning Committee in line with the Council's Scheme of Delegation.
- 9.3 There is a relatively new dwelling to the south of the site which was approved in 2005 and has a restrictive condition limiting it to agricultural occupation only which was the justification for its approval. There is no similar justification offered for these four open market dwellings.
- 9.4 In 2012 permission was granted for two new dwellings on land north of The Mount, Mill Lane, which was assessed during the transition from the Fenland District Wide Local Plan 1993 and the then emerging Fenland Local Plan 2014. Consideration was given to its proximity to the village and the less than harmful impact on the character of the area.

10 ASSESSMENT

10.1 Principle of Development

- 10.2 The main policy documents which are relevant to the consideration of this application are the Fenland Local Plan 2014 (FLP), and the NPPF. The weight that should be attributed to these policies and documents are considered below.
- 10.3 With regard to the FLP the scheme would not accord with Policy LP3 which shows Newton as a small village where development will be considered on its merits but will be of a very limited nature and normally be limited in scale to residential infilling or a small business opportunity. It is not considered that the proposed development does not represent small scale infilling.
- 10.4 Policy LP3, together with other policies, steers most new development to those larger places that offer the best access to services and facilities (both now and for the foreseeable future). This can help reduce the need to travel, as well as making best use of existing infrastructure and previously developed land in built-up areas.
- 10.5 It is considered that this part of Newton is very rural in character and relates mainly to the open countryside, with sporadic dwellings only along Mill Lane. As such, the introduction of four dwellings in this location would erode the existing rural character of this part of Newton.
- 10.6 Policy LP12 Part A, highlights that new development will be supported where it contributes to the sustainability of the settlement, and does not harm the wide open character of the countryside. To ensure this there are a number of criteria expressed in this policy, namely (a) - (k). These criteria, in summary, seek to achieve compliance with the settlement hierarchy in terms of amount of development whilst also ensuring that developments respond to the existing built form and settlement character, retain and respect existing features of the site and the locality, respect biodiversity and ecology and provide appropriate servicing etc. Policy LP16 also seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area.
- 10.7 The National Planning Policy Framework 2018 seeks to achieve well designed places (para. 124) that are sympathetic to the local character and landscaping setting (para. 127) and recognise the intrinsic character of the countryside. In

particular para.127 seeks to create places that are safe, inclusive and accessible. Given the unsustainable nature of the location of the development together with the identified harm to the countryside, it is concluded that the development does not accord with the aim of the Framework.

10.8 The proposed development for four dwellings on agricultural land, creating three new accesses onto the highway, is considered to conflict with LP12 Part A as it would compromise the existing settlement character, street scene and core shape. The proposal is therefore also considered to conflict with LP12 A parts a), c), d) and e).

10.9 **Flood Risk**

10.10 The site is located within Flood Zone 3 which is a high risk flood zone. The NPPF and Policy LP14 of the Local Plan aims to steer development to areas at the lowest risk of flooding (Flood Zone 1) and as such the development of this site fails to comply with the Local Plan in flood risk terms. Development will only be permitted in Flood Zone 3 where it can be demonstrated that there are no other sites available in lower risk flood areas (Sequential Test), and if this can be demonstrated the Exceptions test would then need to be passed as detailed in Paragraph 157 of the NPPF.

10.11 The applicant has submitted information to support the acceptability of the site by way of a FRA. The FRA concludes that the residential development on the site is acceptable subject to the finished floor levels being set at a minimum of 300mm above existing Mill Lane carriageway level with a further 300mm of flood resilient construction above finished floor level. There will be no sleeping accommodation on the ground floor.

10.12 However the Environmental Agency puts the onus on the local planning authority to ensure the development would be in accordance with the NPPF paragraph 158, which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

10.13 It is for the local planning authority (LPA) to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. The District Council has adopted the Cambridgeshire Flood and Water SPD (December 2016) which in Section 4.4 sets out the required initial methodology for the Sequential Test such as:

- The geographical area over which the test is to be applied;
- Identification of reasonably available sites

The geographical area of search is to be agreed with the LPA. The District Council has set out in the Draft Flood Risk Sequential Test Methodology (February 2018) that the area of search for residential development in this location would be the settlement of Newton.

10.14 The application is therefore considered to be deficient as a Sequential Test has not been completed. Similarly no exception test has been submitted. Accordingly the proposal fails the Sequential Test and Exception Test so is contrary to Policy LP14 and the Cambridgeshire Flood and Water SPD and paras 157-160 of the NPPF.

10.15 In summary, the principle of development is unacceptable and contrary to Policy LP14 of the Fenland Local Plan 2014 and the National Planning Policy Framework 2018.

10.16 **Highway Safety**

10.17 The site is to be served off Mill Lane which is a single track road subject to the national speed limit. The Local Highway Authority has been consulted and concludes that although the proposal does not include a public footpath, to which no evidence has been supplied as to if a footpath could actually be delivered, the LHA is unable to demonstrate any unacceptable harm to highway safety.

10.18 The LHA recommends the imposition of conditions should the application be approved relating to the provision of visibility splays, surface water drainage, access details, gates and turning areas.

10.19 In accordance with the LHA comments, the Local Planning Authority concur that the site is unsustainable and is not policy compliant.

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

10.21 The application is for outline consent with only access committed and the scale of the development is for consideration at Reserved Matters stage. However in accordance with the details of the FRA and the site being located within Flood Zone 3 it is clear that the development will be 2-storey in nature.

10.22 The site has a particularly rural outlook and whilst there is the presence of a dwelling known as Tewinbury immediately to the south of the site, this dwelling is an agricultural dwelling relating to surrounding land and cannot be considered as setting a precedent of new dwellings in this location.

10.23 The introduction of four dwellings off this rural lane will have a harmful effect on the character and appearance of the site by virtue of their scale and dominance on the landscape character of the area. The proposal is therefore contrary to Policy LP12 of the Local Plan.

11 **CONCLUSIONS**

11.1 This application is a re-submission of a previous refusal on this site for four dwellings which was refused in March 2018. The refusal was not appealed and the current application has resulted in seven letters of support and hence the referral to Planning Committee.

11.2 The site is located within Flood Zone 3 and also in a particularly rural area of Newton. The application has failed to undertake both a sequential and exception test and therefore the proposal fails to comply with Policy LP14 of the Fenland Local Plan and also the requirements of the National Planning Policy Framework.

11.3 Newton has exceeded its targeted growth and coupled with the fact that Fenland can now prove a 5 year land supply, there is no demonstrated need for the provision of four further dwellings located within Flood Zone 3 which will also have a harmful impact on the character of the area.

11.4 The site is considered to be in an unsustainable location due to the lack of any service provision within Newton, i.e. the lack of a shop, public house or any other

community facilities, albeit there is an active village hall where post office services can be used for two hours per week.

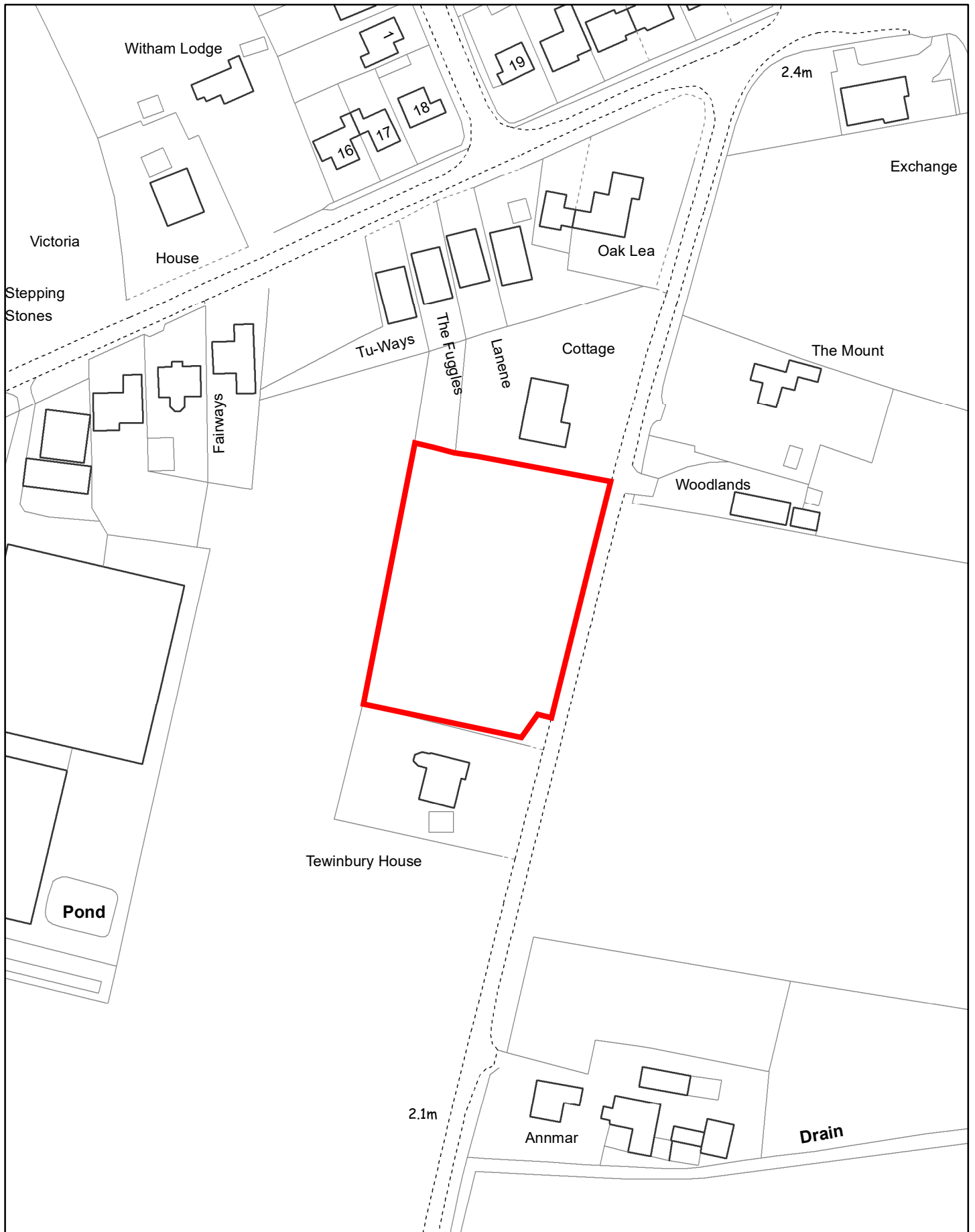
- 11.4 The proposal is therefore considered to be contrary to Policies LP3, LP14, LP15 and LP16 of the Fenland Local Plan 2014 and also guidance contained within the National Planning Policy Framework 2018.

12 RECOMMENDATION

Refuse for the following reasons:

- 1. Policy LP14 of the Fenland Local Plan (2014) and paragraphs 157-160 of the National Planning Policy Framework (2018) seeks to direct development to areas of lowest flood risk. The development is located within Flood Zone 3, the area of highest flood risk and therefore would result in highly vulnerable development being located in the area of highest flood risk. The application has failed to pass a Sequential Test and Exceptions Test to demonstrate there are no sequentially preferable sites reasonably available. Therefore the proposal is considered to be contrary to paragraphs 157-160 of the NPPF (2018), and Policy LP14 of the Fenland Local Plan (2014) and guidance in the adopted Cambridgeshire Flood and Water Supplementary Planning Document (2016).**
- 2. Policy LP12 of the Fenland Local Plan (2014) seeks to ensure that development contributes to the sustainability of that settlement and does not harm the wide open character of the countryside. The application site is considered to be in an unsustainable location due to the limited nature of facilities available in Newton which renders Newton as an unsustainable village and the lack of safe pedestrian access contrary to Policy LP15 of the Fenland Local Plan 2014. The site also constitutes part of a considerable gap between the built form of the village and the where the open countryside meets the village. The development will result in an incursion into the open countryside and by reason of the scale of the development will result in adverse harm on the open undeveloped character of the site which contributes to the open rural character of the area. Therefore the proposal is considered to be contrary to Policies LP3, LP12, LP15 and LP16 of the Fenland Local Plan 2014 and the aims and objectives of the National Planning Policy Framework.**

Case Officer	Team Leader
Date:	Date:



Created on: 08/10/2018

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F/YR18/0888/O

Scale = 1:1,250



- General Notes**
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. The contractor shall be responsible for the construction of all structures.
 3. The contractor shall compare and reconcile the proposed site with 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 sought to the designer's attention.



Revisions	
A	Jan 2018
B	Jan 2018
C	Feb 2018

Neighbouring Property

Indicative

Added

Scale Bar

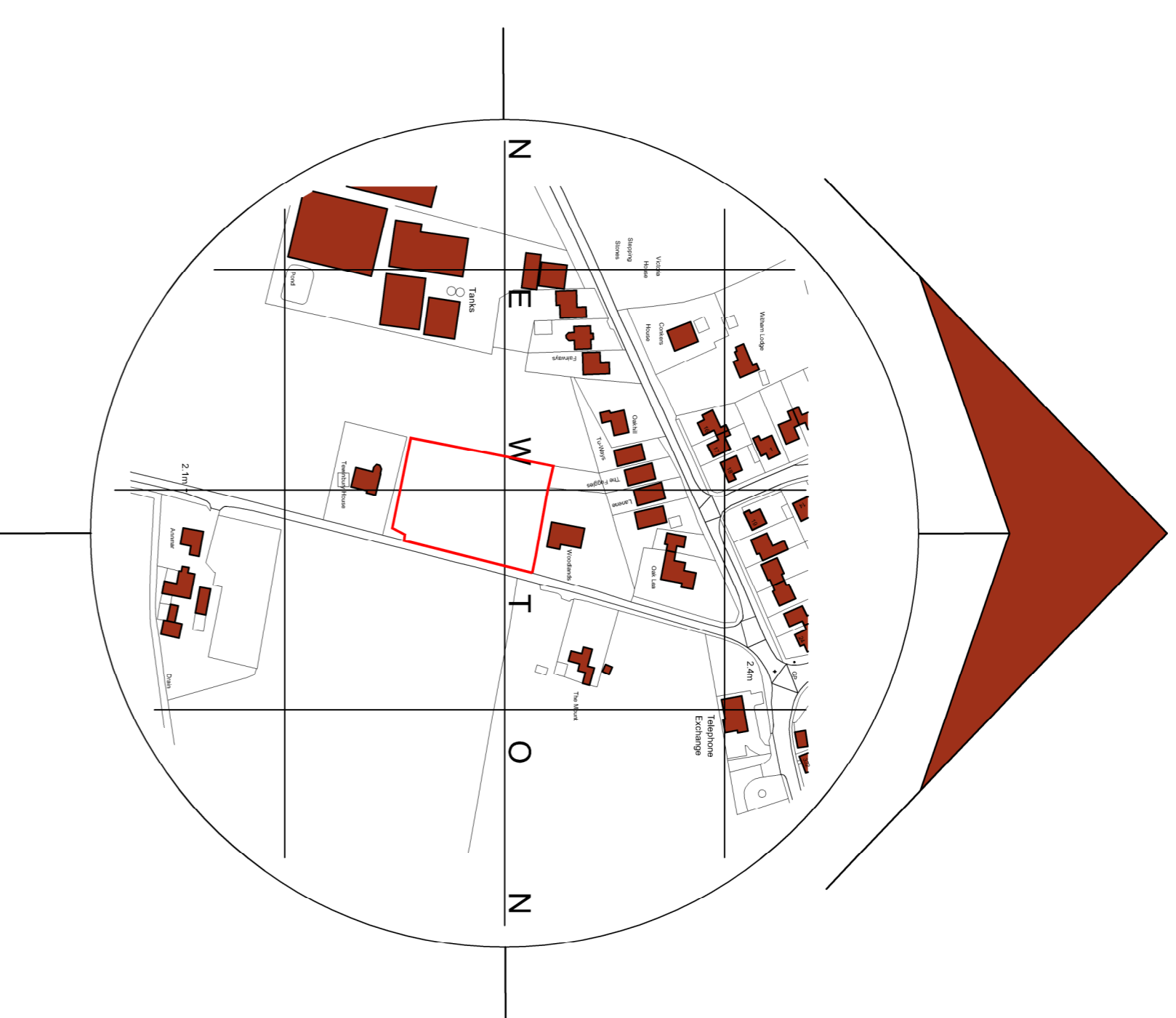
revised

SWANN EDWARDS ARCHITECTURE

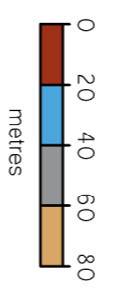
Swann Edwards Architecture Limited, Fen Road, Gaythorn, Wisbech, Cambs, PE13 5AA
 T 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title	Scale
Proposed Development	As Shown
Land Adj. Woodlands	Shiver Size
Mill Lane, Newton, Wisbech	A1
For: Mr Burton	
Job No.	Drawn By
SE-581	CHR
03	Revision
	C

Outline Planning Drawing



Location Plan
 Scale: 1:2500

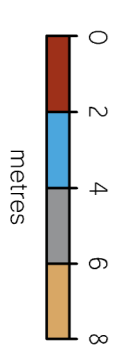


SITE PLAN KEY

- Un-surveyed OS buildings
- Proposed dwellings
- Surveyed trees and planting
- Indicates existing site levels
- Proposed trees
- Proposed planting
- Proposed grass lawn
- Proposed gravel driveway
- Proposed site access



Indicative Site Plan
 Scale: 1:200



F/YR18/0781/F

Applicant: Mr F Hu

**Agent : Mrs Fiona Russek
Artifex Conservation Architects Ltd**

15 Church Lane, Doddington, Cambridgeshire, PE15 0TA

Change of use from residential to residential and importation, breeding and selling of tropical fish and erection of a detached outbuilding (retrospective)

Reason for Committee: Number of representations received contrary to officer recommendation

1 EXECUTIVE SUMMARY

The application seeks (retrospective) full planning permission for a change of use from solely residential to residential and the importation, breeding and selling of tropical fish and erection of a detached outbuilding.

It is acknowledged that there is some detrimental impact on the visual amenity of the area in relation to the outbuilding however this is not considered to be significant and can be mitigated to some degree by the repainting of the outbuilding in a more subtle colour. Whilst the business use would provide a minimal contribution to economic growth, it would enable a pre-existing small-scale business to relocate to the District. The impact of the business on the residential amenity of adjoining dwellings is not considered to be significantly detrimental particularly given the limited number of visiting members of the public and courier collections (Highways have advised that the modest number of vehicle trips will not result in any capacity/highway safety problems), in addition Environmental Health have no concerns regarding the proposal, as such the Officer's recommendation is a positive one.

2 SITE DESCRIPTION

The host property is a detached 2-storey (chalet style) building in mixed use residential/ commercial with an attached flat roofed single-storey element to western side (former garage which has since been converted), conservatory to the rear and flat roofed detached outbuilding to the east (which is partly obscured from the streetscene by the close boarded fence to the side of the dwelling). To the front of the site is a boundary wall (which is to be lowered in height to meet what would be permitted development for this site) and a part finished hardstanding. To the rear is a raised patio and partially completed hardstanding with raised borders and trees to the boundaries. The site is located on a prominent corner plot adjacent to Doddington Conservation Area.

3 PROPOSAL

- 3.1 The application seeks (retrospective) full planning permission for a change of use from solely residential to residential and the importation, breeding and selling of tropical fish and erection of a detached outbuilding. The outbuilding measures 8.3m x 4.5m and 2.5m in height, and is at present painted white. The tropical fish business utilises the new detached outbuilding and converted garage element, the rest of the building remaining residential.

3.2 The supporting information submitted confirms the following:

- The business is mainly run online, with the occasional visiting customer (no more than 5-6 per week).
- Customers park on the driveway.
- Courier collections 1-3 times a week (usually Tuesday, Wednesday or Thursday around 3-5pm) and the van is parked on the driveway.
- Livestock is collected from the airport by the applicant.
- 2 extractor fans are required to the outbuilding (of the type usually installed in bathrooms), there is no extractor required for the fish room in the main house.
- Filtration which recycles water has been installed (this is located within the buildings).
- A license for commercial waste disposal has been obtained.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PC47WJHE01U00>

4 SITE PLANNING HISTORY

F/YR18/0482/F	Erection of a shed attached to side of existing dwelling and a 1.75m high (max height) front boundary wall/railings (retrospective)	Withdrawn
F/0214/79/F	Erection of porch	Granted 23/04/1979
NW/71/31/D	Erection of a 6ft high interwoven fence (retrospective)	Refused 21/6/1971
NW/70/49/D	Erection of a chalet bungalow and garage	Grant 15/9/1970

5 CONSULTATIONS

5.1 Environment Agency

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

5.2 Cambridgeshire County Council Highways Authority

This is a change of use from residential to residential and importation, breeding and selling of tropical fish and erection of a detached shed (retrospective)

I note the concerns raised by some objectors regarding pedestrian safety, however I cannot justify any pedestrian improvements to the highway network for a business selling tropical fish.

The majority of trips attracted to the business will be by motor vehicle and courier three times a week. The modest number of vehicle trips mentioned in the D&A statement will not result in any capacity/ highway safety problems.

I do not consider the off road parking area to provide suitable parking provision to cater for the business element of the application, however there is unrestricted

kerb side parking available within the vicinity of the application site that could be used. This may have a detrimental impact on residential amenity (for LPA consideration), however it is unlikely to result in any highway safety issue. If the LPA were minded to insist on an off road parking arrangement that better catered for the business element of this application, then the site frontage could be opened up to provide a greater amount of forecourt parking and allow for independent movement of vehicle on and off the site frontage.

I have no highways objections. Please re-consult if the parking/access arrangement is altered in any way.

5.3 Environment & Health Services (FDC) (20/9/2018)

Environmental Health note the submitted details and have some concerns as to the proposed scheme. Insufficient information is available to fully consider the impact the proposal (if any) on residents within close proximity to the site. Details contained within the design and access statement paragraph 6 state there will be overnight deliveries/collection from the proposed store room. With significant reduction in background noise overnight, such activity may give rise to noise complaint and it would seem that the applicant has not considered this or given more to assumptions as to why such vehicle movements will not harm the amenity of residents.

The applicant proposes to install and extractor fans claimed to produce 24dB? at what distance?. I note there will some form of 'pumping machine which will be used to run the facility. It will important to have a clearer understanding of the cumulative noise to enable us determine the likely noise impact on residents from these noise sources.

Once further clarity has been provided, further comments will be provided as appropriate.

Environment & Health Services (FDC) (2/11/2018)

The agent's attached email provide further clarity on the concerns raised in our consultation response dated 20th September 2018. Therefore, I have no further comments to make.

5.4 Parish/Town Council

Doddington Parish Council objects to the above planning application on the grounds that this is a change of use from a residential use to a business use. The applicants website www.chensdiscus.co.uk clearly demonstrates that they are running a business. As such this activity is far more than having a personal hobby. We are concerned on the quantity and frequency of contaminated water that goes into the soakaways. That area suffers from drainage issues and experiences localised flooding on occasions. This additional release of water could create further drainage problems.

5.5 Local Residents/Interested Parties

10 objections have been received from 6 sources (households) in relation to the following (planning considerations only):

- The number of vehicles and visitors is greater than indicated by the applicant.
- Drainage/Flooding
- *'The residential area..... is totally inadequate for small business development as the pavements are inadequate or non-existent.....Additional traffic will be a severe danger'*

- Trade waste/effluent
- No Environmental Impact Assessment has been carried out/environmental concerns
- Out of character
- Parking/traffic
- Smell
- Would set a precedent

5.6 In response; a number of comments have been made with regards to the accuracy of the information submitted; the application is being processed on the basis of the description of the development (a business) and no evidence has been put forward to disprove the information provided, hence the application will be assessed on the basis of this.

5.7 Any other licences or legal requirements outside the planning system are not a consideration in the determination of this application.

5.8 The application does not require an Environmental Impact Assessment in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

6 STATUTORY DUTY

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

6.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014; LP1, LP2, LP3, LP6, LP12, LP14, LP15, LP16 and LP18

8 KEY ISSUES

- **Principle of Development and Economic Growth**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking/Highways**
- **Flood Risk/Drainage**

9 BACKGROUND

The previous application (F/YR18/0482/F) was submitted retrospectively following an Enforcement case, this was subsequently withdrawn to enable an application to be submitted for all relevant aspects, as following a site visit it was considered that a material change of use had occurred with the introduction of the tropical fish business.

10 ASSESSMENT

Principle of Development and Economic Growth

- 10.1 Policy LP3 and the Settlement Hierarchy classify Doddington as a Growth Village, where development and new service provision within the existing urban area will be appropriate.
- 10.2 Policy LP6 seeks to increase opportunities to broaden the economy, advising that the rural economy will be supported by allowing appropriate proposals that meet the criteria as set out in Policy LP12.
- 10.3 Policy LP12 advises that for villages, new development will be supported where it contributes to the sustainability of that settlement and does not harm the wide open character of the countryside.
- 10.4 The principle of development is therefore supported subject to no adverse issues arising relating to heritage, visual and residential amenity. Consideration should also be given to the provision of parking, highways and flood risk/drainage.
- 10.5 The proposal relates to development within the boundary and confines of an existing dwelling, in the settlement of Doddington, and introduces a small scale business commensurate with the size of the site in which it is located. The business does not employ any additional staff, as such any contribution towards economic growth is considered to be minimal.

Heritage, design considerations and visual amenity of area

- 10.6 Whilst other alterations have been made to the property, this application relates solely to the change of use and erection of a detached outbuilding, as that is what has been applied for.
- 10.7 The outbuilding has already been constructed, this has a render finish and is at present painted white. It is set back slightly from the front of the dwelling and is obscured to some degree by the existing close boarded timber fence which extends to the side of the dwelling and the trees/fence on the eastern boundary, hence is not considered to be prominent in the streetscene. The flat roofed design is not considered to be ideal particularly as the building is visible from the public realm, however it is reflective of the existing flat roofed element to the west of the main dwelling and it has been agreed with the applicant to paint the render a more subtle colour, similar to the bricks of the existing dwelling (it would be necessary to impose a condition in this regard as details have not been provided). Hence whilst it is noted that there would be some detrimental impact on the adjacent conservation area, visual amenity and character of the area this is not considered to be significant.

Residential Amenity/Health and wellbeing

- 10.8 The outbuilding is located a minimum of 10m from the boundary of surrounding dwellings and as such loss of outlook, light, privacy and overshadowing is not considered to be an issue.
- 10.9 The impact of the business use on the residential amenity of surrounding properties is assessed below:
- 10.10 Following further information being submitted to accompany the application Environmental Health have advised they have no objections to the proposal; issues raised in respect of smell have been passed on, and are being investigated under the Environmental Protection Act. An Environment Agency license for commercial waste disposal has been obtained along with the relevant animal welfare license.
- 10.11 The business is small scale, mainly online and does not employ any additional staff, information submitted advises that there are a maximum of 6 members of the public visiting each week and there are 3 courier collections; this is not considered to be unrepresentative of visitors or deliveries which could occur in a normal residential situation and is therefore not considered to create a significant adverse impact on the neighbouring dwellings.
- 10.12 There are alternative business uses that can be run from a dwelling which are not considered to create a material change of use and therefore do not require the benefit of planning permission. An example of which would be a child minders, which could have up to 6 children being cared for, resulting in up to 12 trips per day to and from the premises, considerably more than in this case. However it is felt necessary, given the nature of the business and potential for sales from the site to limit the hours of for deliveries/collections and the number of visiting public in relation to the business.
- 10.13 Filtration equipment is located within the buildings and the extractors installed are designed for domestic bathrooms hence are not out of keeping in a residential area and are not considered to create a significant detrimental impact in terms of noise. However should there be cause for concern Environmental Protection legislation exists to enable matters of noise and/or smell to be dealt with.

Parking/Highways

- 10.14 There is a large parking area to the front of the site capable of accommodating a number of vehicles, this utilises the existing access. Highways advise that the modest number of vehicle trips '*will not result in any capacity/highway safety problems*'.

Flood Risk/Drainage

- 10.15 Anglian Water, the Environment Agency and Middle Level Commissioners have been consulted on this application, only the Environment Agency have responded, advising they had no comment to make.

10.16 The application site falls within Flood Zone 1 (low risk) and as such does not require the submission of a Flood Risk Assessment or inclusion of mitigation measures. The surface water flood risk map on the Environment Agency's website indicates that there is a low risk of surface water flooding to the site, though some surrounding areas have a higher risk. The outbuilding and business use which this application relates to, are not considered to have a significant impact on surface water flooding.

11 CONCLUSIONS

The proposal is considered acceptable and accords with policies LP1, LP2, LP3, LP6, LP12, LP14, LP15, LP16 and LP18 of the Fenland Local Plan, as whilst it is acknowledged and detailed above that there is some detrimental impact on the visual amenity of the area in relation to the outbuilding, this is not considered to be significant and can be mitigated to some degree by the repainting of the outbuilding in a more subtle colour. Whilst the business use would provide a minimal contribution to economic growth, it would enable a pre-existing small-scale business to relocate to the District and allow for flexible working practices as required by the NPPF (para 81), the impact of the business on the residential amenity of adjoining dwellings is not considered to be significantly detrimental particularly given the limited number of visiting members of the public and courier collections, in addition Environmental Health have no concerns regarding the proposal.

11.1 It is felt necessary, particularly as the business is not yet fully operational to propose a temporary permission only, which would allow sufficient time for the business to become established and enable further assessment based on evidential data collected during this time.

12 RECOMMENDATION

Grant

The proposed conditions are as follows;

- 1 In so far as this permission relates to the business use, this shall be discontinued and the buildings restored to solely residential use; on or before 2 years from the date of this permission; unless a further planning application for renewal or continued use is submitted prior to that date.

Reason - The proposal is not one the Council is prepared to permit other than for a limited period, as the use is not yet fully implemented, in order to assess the impact of the proposed use on the residential amenities of the occupiers of neighbouring dwellings so as to accord with Policies LP2 and LP16 of the Fenland Local Plan 2014.

- 2 Deliveries/collections and visiting members of the public, in association with the business use hereby permitted, shall not occur outside the hours of 08:00 and 18:00 Mondays to Saturdays, and the hours of 10:00 and 16:00 Sundays and Bank/Public Holidays.

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 3 Members of the public visiting in association with the business hereby permitted, shall be limited to a maximum of 10 per week (Monday-Sunday); each visit shall be recorded in a written log (time, date, number of visitors) and be available for inspection upon request by the Local Planning Authority.

Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with Policy LP16 of the Fenland Local Plan 2014.

- 4 Within 3 months of the date of this decision full details of the paint colour to be used for the external walls of the outbuilding shall be submitted to and approved in writing by the Local Planning Authority. The building shall then be repainted within 6 months of the date of this decision, in accordance with the approved particulars, and retained in that colour thereafter.

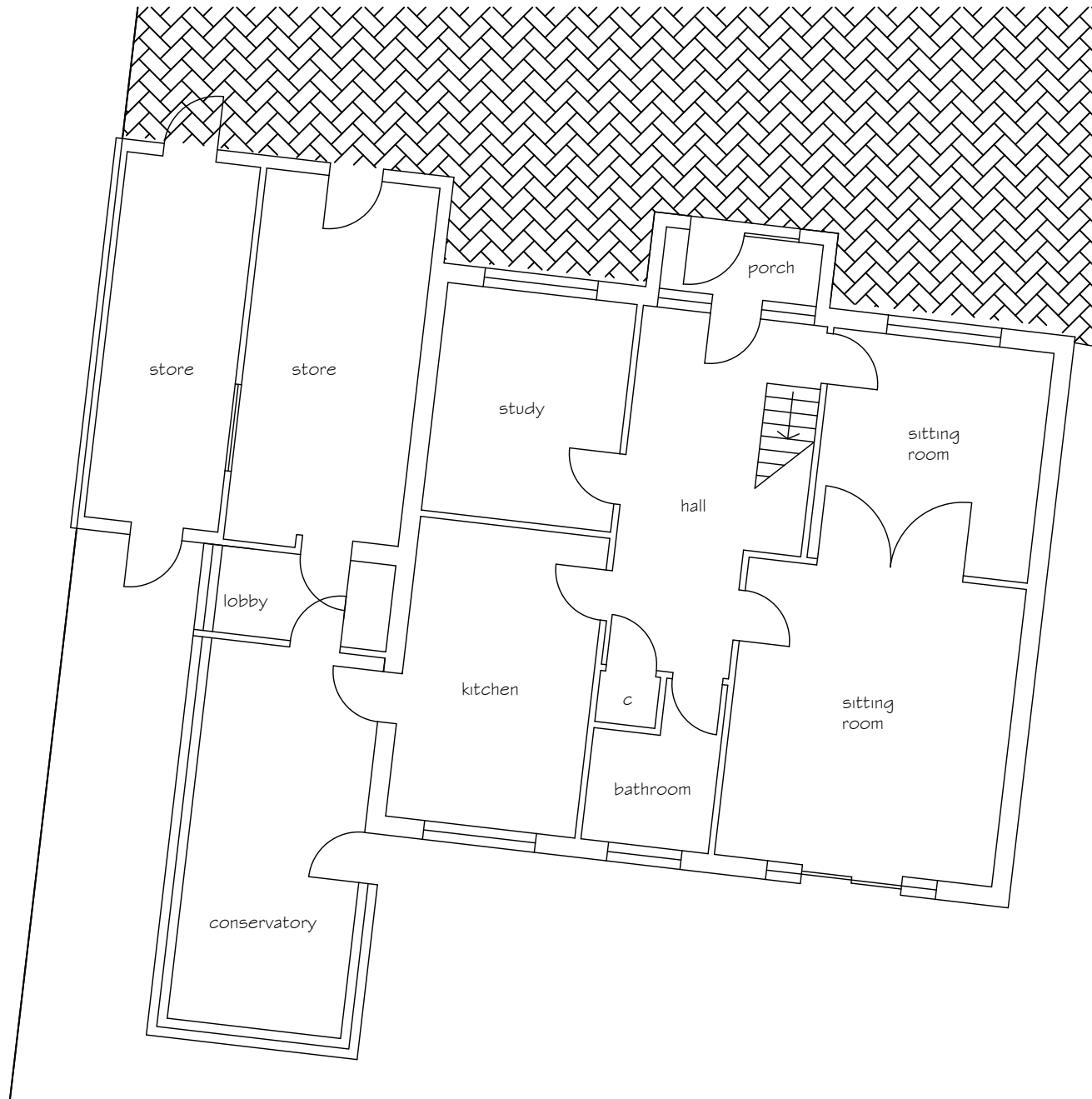
Reason - To safeguard the visual amenities of the area in accordance with Policies LP16 and LP18 of the Fenland Local Plan, 2014.

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

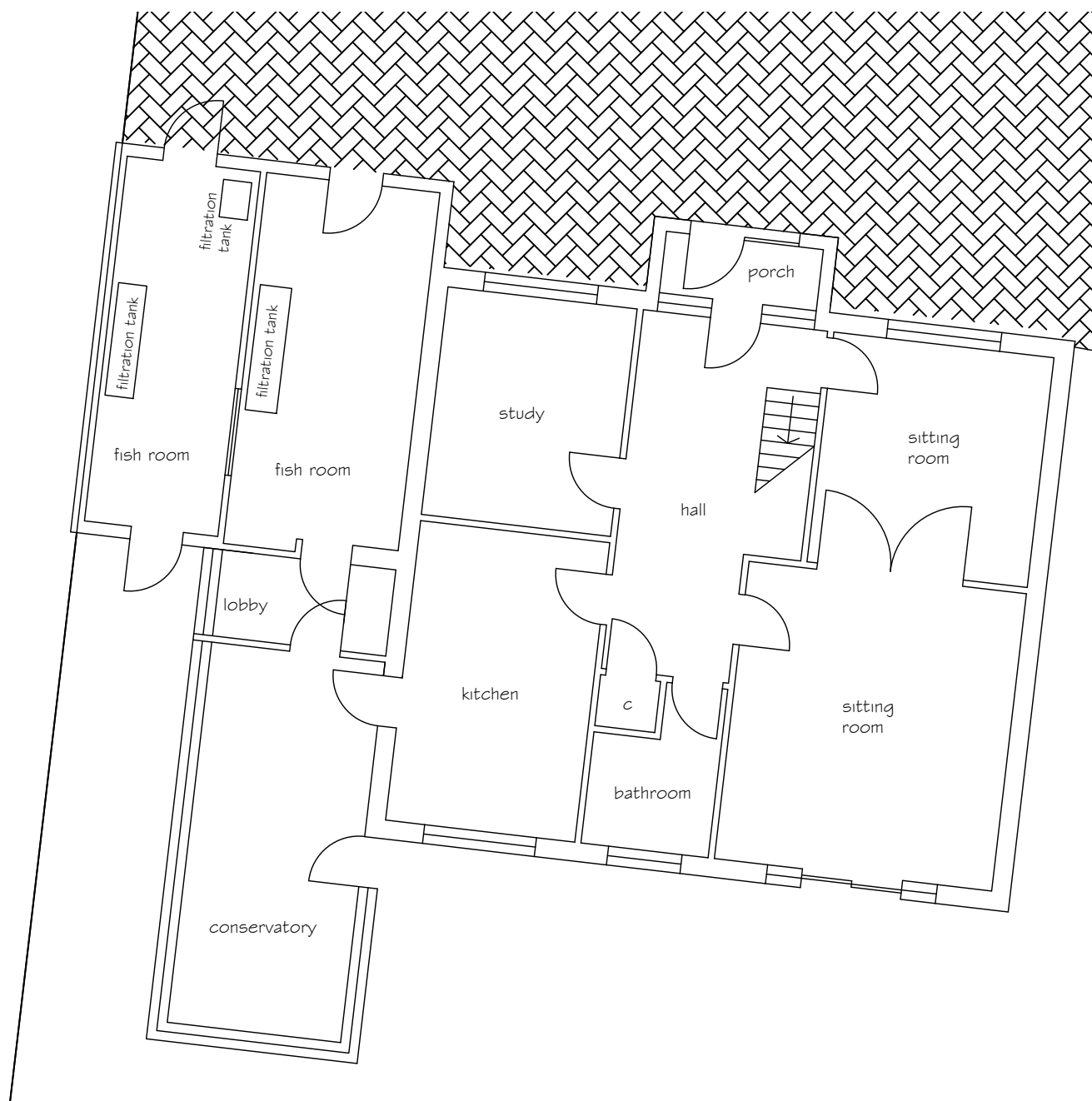
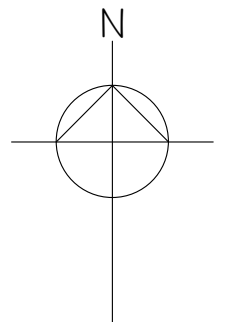
Reference	Title
DD.15CL.PO2	Proposed site plan and floor plans/elevations for outbuilding (revision E)
DD.15CL.P03	Existing and proposed floor plans (revision B)
	Applicants Supporting Statement
DD.15CL.P01	Existing and Proposed Location and Block Plans (revision E)
	Design and Access Statement (revision A)
	Email from agent confirming details of extractor fan dated 07/10/2018
	Email from agent detailing filtration system dated 08/10/2018

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EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

12.10.18 B Filtration tanks added to fish rooms

03.10.18 A Driveway hatched

date	rev.	revision/author/checker

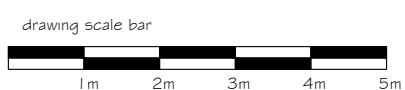
purpose of issue	PLANNING
project	New outbuilding. 15 Church Lane, Doddington
drawing	Proposed plans and elevations

drawing no.	DD.15CL.P03	B
drawn		checked
scale	1/100 @ A3	date August 2018

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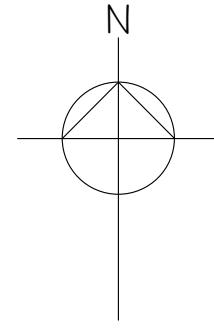
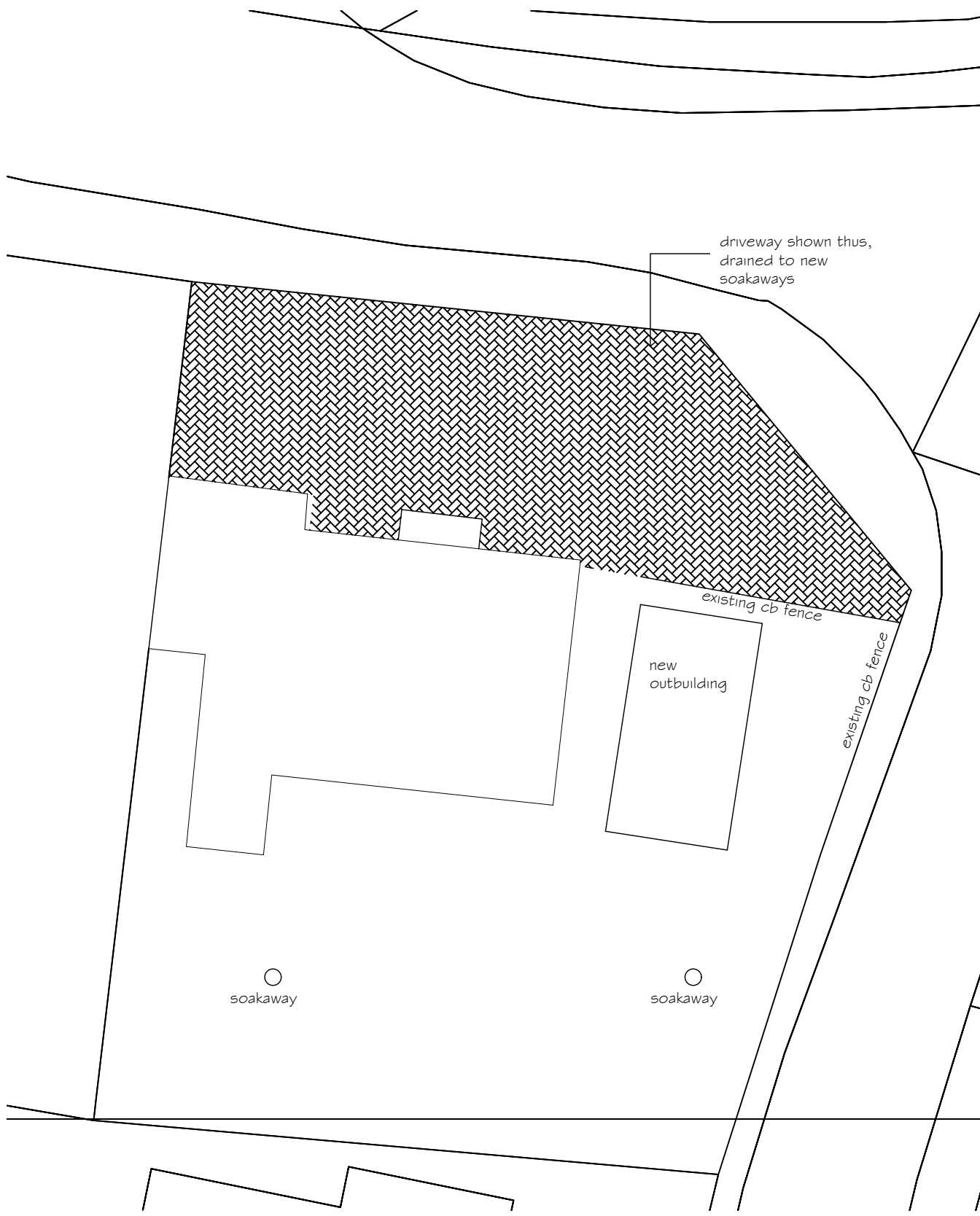
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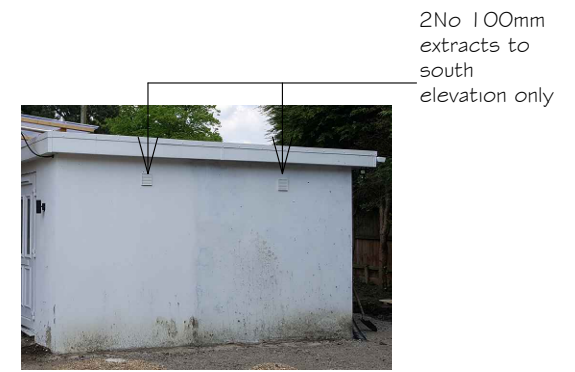


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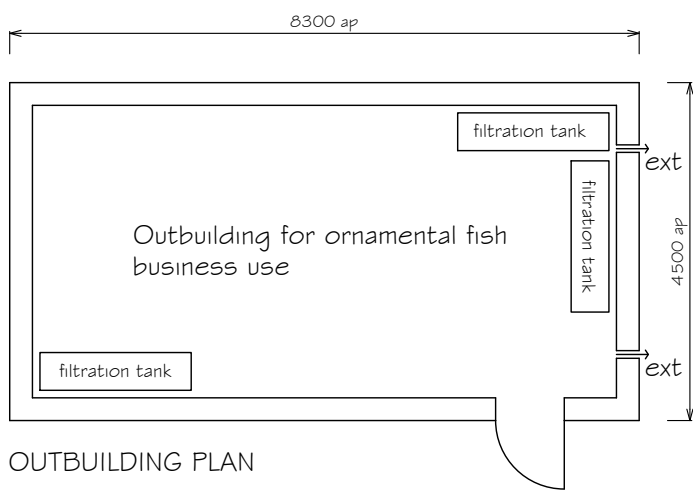
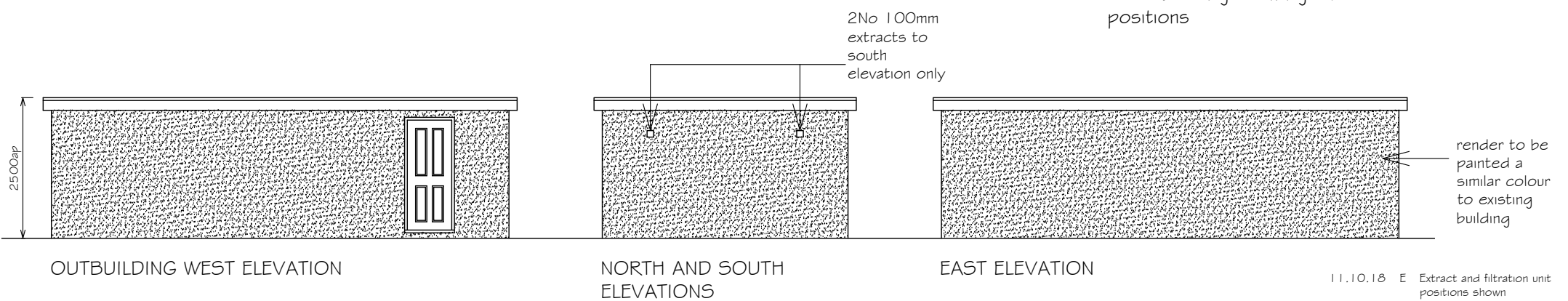


SITE PLAN (1:200 scale)



2 No 100mm extracts to south elevation only

Photograph of south elevation of outbuilding showing extract positions

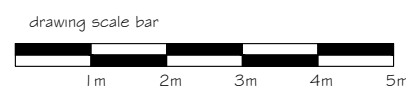
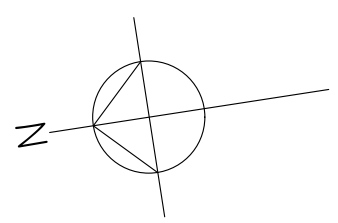


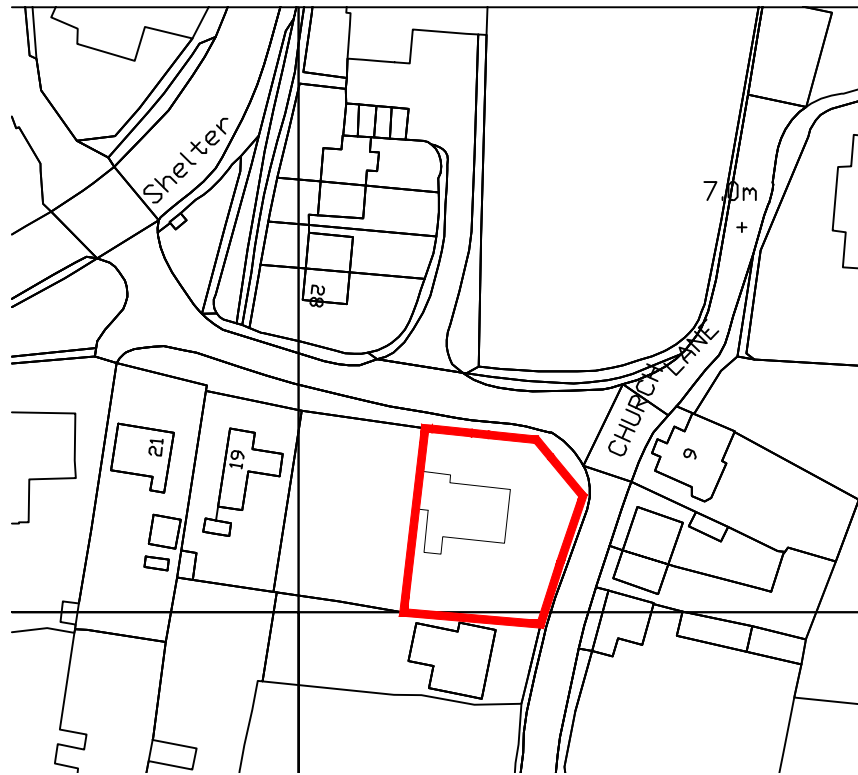
Photograph of outbuilding

- 11.10.18 E Extract and filtration unit positions shown
- 03.10.18 D Driveway hatched
- 19.07.18 C Description amended
- 11.07.18 B Front boundary wall and gates removed
- 25.06.18 A Cover between outbuilding and dwelling removed

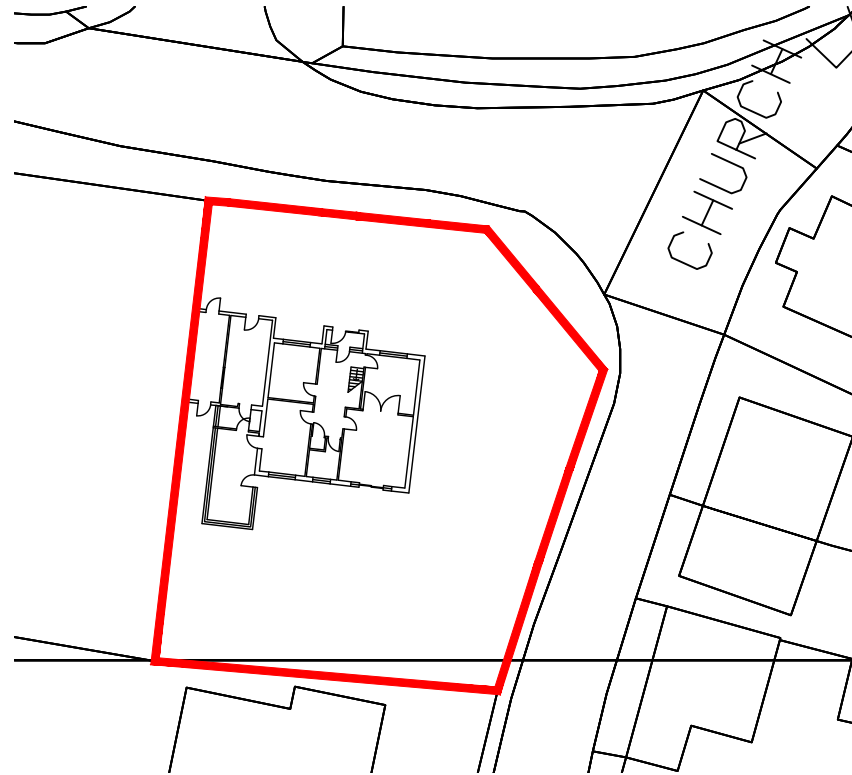
date	rev.	revision/author/checker
purpose of issue		
PLANNING		
project		
New outbuilding, 15 Church Lane, Dodington		
drawing		
Proposed plans and elevations		

drawing no.	DD.15CL.P02	E
drawn	checked	
scale	1/100 @ A3	date May 2018

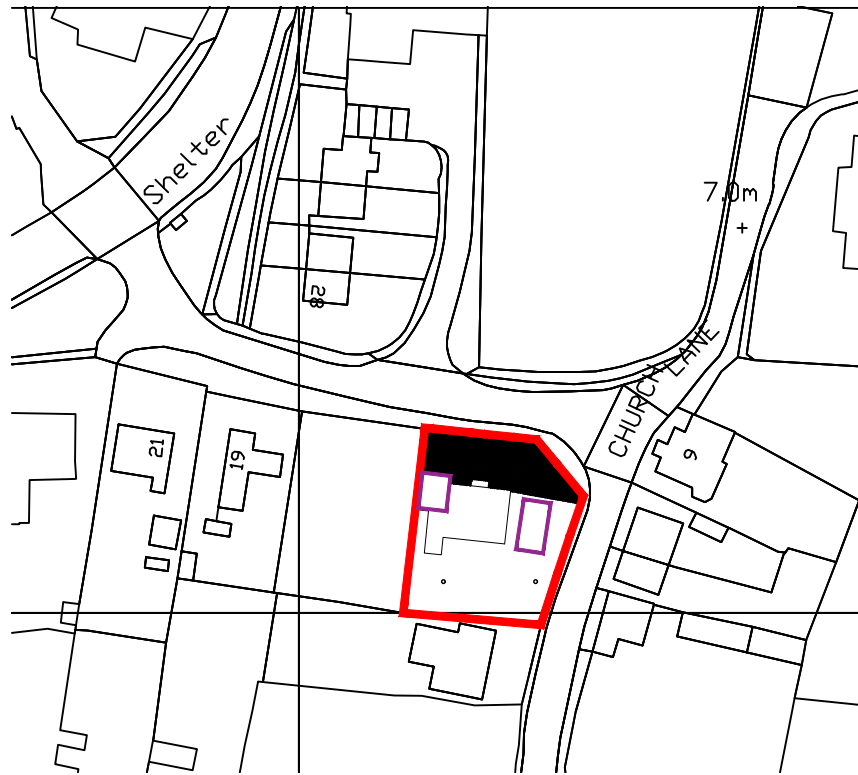




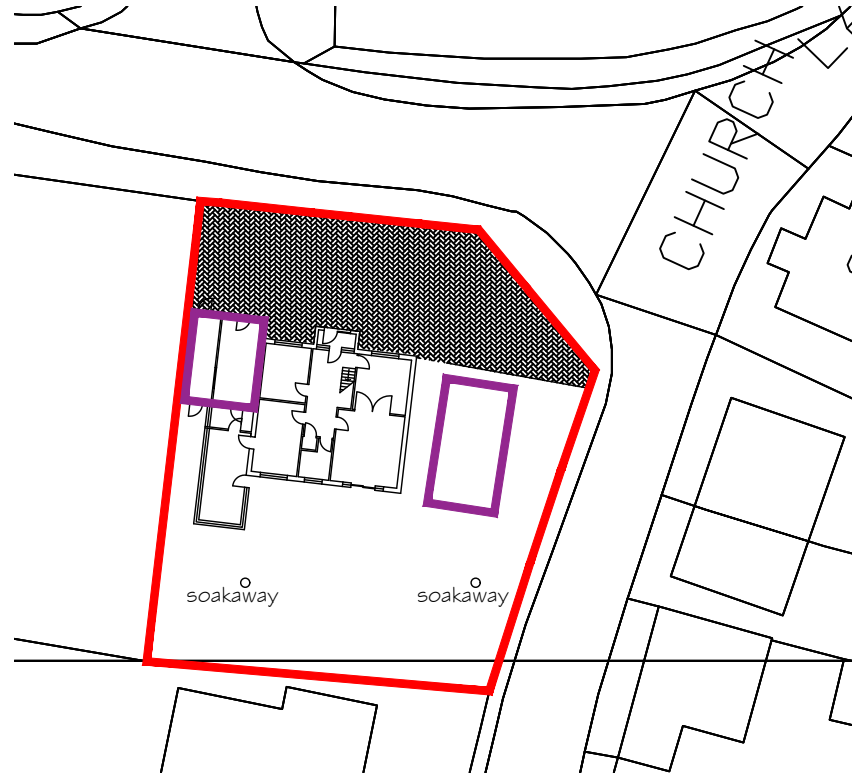
EXISTING LOCATION PLAN
(1:1250 scale)



EXISTING BLOCK PLAN SHOWING GROUND FLOOR LAYOUT
(1:500 scale)



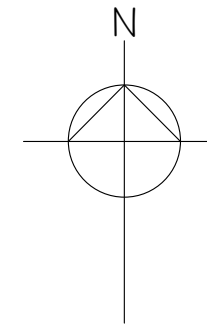
PROPOSED LOCATION PLAN (1:1250 scale)



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- 03.10.18 E Driveway hatched
- 28.08.18 D FDC letter 14.08.18
- 19.07.18 C Description amended, ground floor layout shown, red and blue site boundaries revised.
- 11.07.18 B Front boundary wall and gates removed
- 25.06.18 A Cover between outbuilding and dwelling removed



date	rev.	revision/author/checker
purpose of issue		
PLANNING		
project		
New outbuilding. 15 Church Lane, Doddington		
drawing		
Existing and proposed location and block plans		
drawing no.		E
DD.15CL.P01		
drawn	checked	
scale as shown	date May 2018	

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