

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 9 JANUARY 2019

1.00 PM

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

Committee Officer: Jo Goodrum
Tel: 01354 622285
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 16)

To confirm and sign the minutes from the previous meeting of 5 December 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/YR18/0294/F
Land East of Biggins Farm, Fallow Corner Drove, Manea

Erection of 2-storey 4-bed dwelling with attached garage and farm office, including vehicular access, culverting of ditch and raising of site levels (Pages 17 - 32)
- 6 F/YR18/0899/F
Site of former DRP Vehicle Services , Fallow Corner Drove, Manea

Erection of 2x2-storey, 3 bed-dwellings and 1x2-storey, 4-bed dwelling (Pages 33 -

44)

7 F/YR18/0902/A
Poundstretcher, Fenland Way, Chatteris

Display of 1x internally illuminated fascia sign to shop front and 1x non illuminated fascia sign to shop side (Pages 45 - 56)

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

PLANNING COMMITTEE



WEDNESDAY, 5 DECEMBER 2018
1.00 PM

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

APOLOGIES: Councillor S Court,

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

P47/18 **PREVIOUS MINUTES**

The minutes of the meeting of 7 November were confirmed and signed.

David Rowen read out a statement in relation to minute item P42/18, which relates to F/YR16/1168/F, Land North East of 53 The Chase, Leverington. One of the questions raised by Councillor Sutton at that meeting related to the open space contribution and information provided at the time from members of the audience confirmed that the open space in Burcroft Road was within the Leverington Parish area, however, further clarification has shown that the open space is actually located just outside of the parish boundary.

David Rowen confirmed that the open space in Burcroft Road is the nearest to the application site and, therefore, remains the most appropriate location for the use of the financial Section 106 contribution arising from the development.

Councillor Sutton added that it is important that the Parish Council for the area should be able to decide where the financial contributions can be put to best use within their Parish. He added that whilst he appreciates that the open space in question is the nearest to the development, it excludes any input from the local Parish Council and he would still like to see the funding for the open space be placed under the control of the Parish Council.

Nick Harding clarified with Members that it is not the intention for any monies to be handed to the Parish Council directly. The proposed Section 106 contributions would be received by the District Council who in turn will install a Multi Use Games Area (MUGA) on the open space at Burcroft Road. He added that if a MUGA cannot be added to that site then alternative play and recreation facilities will be included or the monies will be utilised within the Parish of Leverington.

Councillor Sutton added that whilst he welcomes Nick Harding's comments, it does not give the Parish Council any input into the Section 106 and, in his opinion, he feels that it should.

David Rowen stated that the National Planning Practice Guidance states that any obligations should be as closely associated to the development as possible. The Chairman added that the distance of Burcroft Road open space to the development site is approximately half a mile, whereas the area in Leverington is actually 1.62 miles.

Following a request to the Chairman from Councillor Sutton to allow members of the Parish

Council to have some input into the discussion, the Chairman consulted with the Legal Officer. The Chairman stated that following legal advice, the planning application has been determined and the intervention from the Parish Council would not be beneficial. He added that the Section 106 is yet to be signed off and conditions can be added to the financial agreement where the Parish Council can have an input.

P48/18 **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

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

David Rowen presented the report and update to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Parish Councillor Graham Stokes in objection to the application.

Councillor Stokes stated that he is aware that Fenland District Council now has the necessary 5% in the 'land bank' and the Parish Council now hope that planning applications will be dealt with in line with Section 12 of the Local Plan. He stated the village of Elm is classed as a village of limited growth and is over 200% in excess of the target threshold, with this application having no community support and the Parish Council has consistently raised objections to applications on the proposed site.

Councillor Stokes referred to the original 2003 Section 106 Agreement, where one acre of land was gifted to the community, and a quarter of that land has now been taken by the developer, with there being no offer of compensation and whilst the Parish Council is aware of the legal position in relation to the community land, local residents will not be aware of the background history. He expressed the view that there is no community facility for the residents of Elm, since the closure of the village hall 10 years ago and, therefore, proposed that if the committee grant approval for the application the developer may wish to consider a contribution towards a community centre.

Members asked Councillor Stokes the following questions:

- Councillor Mrs Laws asked for clarification in that the Parish Council want the application to be refused, however, they would also wish for the developer to gift a community facility. Councillor Stokes stated that ideally they would like the application to be refused, but if Members were minded to grant the proposal then they would request a condition be added that the developer kindly donates a sum towards a community centre as a gesture of goodwill.
- Councillor Connor asked Councillor Stokes whether any dialogue had taken place between Elm Parish Council and the developer concerning the parcel of land. Councillor Stokes confirmed that there had been no conversation.

Members received a presentation in accordance with the Public Participation Procedure, from James Griffiths, the Agent.

Mr Griffiths explained that Kier has owned the land concerned with this application site for a number of years. He stated that, in order to make better use of the land, and to take into consideration the housing market, smaller dwellings, without garages, are proposed in order to be able to house an additional 7 dwellings, to incorporate a 9 metre easement which was requested

by the Internal Drainage Board and provide a larger open space.

Mr Griffiths explained, with regard to access, consideration has been given to the existing residents and, therefore, this has been included in the original development's Section 106 Contributions, which shows an access turning into the site to serve any future development. He advised that the road will be a private road and it will be the intention to set up a Management Company to ensure future maintenance of the road in perpetuity, with all of the 2 and 3 bedroomed houses having 2 off road parking spaces and there will be the provision for 5 visitor spaces.

Mr Griffiths stated that should the application be approved, Planning Officers have suggested a construction management condition be added as well as a considerate contractors approach between residents and Kier, with the Site Warden ensuring that minimal disruption will be caused during the construction period. He referred to the proposed Section 106 Agreement, with a contribution of £42,569 being agreed and the developer is happy for it all to go to the village of Elm for their community enhancements. He made the point this amount is more than they would normally be obliged to pay and if the Community Hall does not have open space then consideration may be given with regard to the use of some of the open space which is to the south of the site.

Mr Griffiths mentioned that, with regard to the open space which was referred to earlier by Parish Councillor Stokes, Kier have been trying to transfer the land since 2009, however, all of the open space in the earlier development phase is linked to the transfer and there have been issues with regard to the contamination of the existing ponds, which have had to be drained and restocked with fish, but has now been resolved. He stated that the scheme does provide an amount of amenity land on the western boundary.

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

- Councillor Mrs Davis said she has concerns over the application and stated that if you consider the wording as stated in LP12 where it mentions Parish Council support, there is no support connected with the application being considered today. David Rowen stated that although that is what Policy LP12 states Members will recall the appeal decision concerning a site at Manea where an application was solely refused on Policy LP12 and the Inspector allowed the appeal stating that it was not a substantive reason for refusal in its own right without any identified planning harm alongside it.
- Councillor Sutton stated that he has the upmost respect for all Parish Councils, but after reviewing the Local Plan and the NPPF he cannot find a material planning reason to refuse the application other than Policy LP12. Councillor Sutton asked whether the developer could increase the Section 106 contributions to £50,000.
- Councillor Sutton stated that contained within the update report it mentions that a contribution of £17,600 for public open space has been identified; however he would ask that the other amount of £24,969 go to the Elm Community Hall Project. David Rowen stated that it is Members decision if the whole sum of money goes towards the village hall, with a caveat to include a period of time as to when the monies need to be spent and if the monies are not spent on the village hall then they will need to be spent elsewhere within the Parish. Councillor Sutton agreed that there needs to be appropriate wording added with a realistic timescale.
- Councillor Mrs Laws stated that the developer has the skills and professionalism and as an additional contribution for the community may wish to assist with plans and architectural drawings for the hall.
- Councillor Sutton mentioned that Elm Parish Council purchased land from the County Council, which has a covenant attached to it, and discussions are underway to get the covenant lifted and once this has been overcome, discussions can commence with Kier.
- Councillor Mrs Laws stated that community engagement is important and it brings life to a village.
- Nick Harding stated that with regard to Kier assisting the community that goes above and

beyond what can be included within the Section 106 Agreement and would need to be a private arrangement between the Parish Council and Kier.

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

(Councillor Sutton registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters that he had been lobbied on this application)

P49/18

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

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

David Rowen presented the report and update to members.

Members received a presentation, in accordance with the Public Participation Procedure, by Robert Jays, the Applicants Agent.

Mr Jays explained that this is the third application for this site, taking the opportunity of providing members with an update on the progress made to date; Natural England have now provided licences for the badgers and newts enabling mitigation and measures to ensure no harm for both protected species. He explained that the development is for 18 additional market sale dwellings on the western side of the development and the complete development will see 58 out of the 84 units being affordable homes, which equates to 69% of the total dwellings being affordable.

Members asked Robert Jays the following questions:

- Councillor Connor commented that he sees no provision for a cycle way and questioned whether any consideration had been given to one. Mr Jays stated that there have been no concerns regarding a cycleway raised during the planning application process, a detailed viability assessment was submitted as part of the bigger part of the scheme, which highlighted that the Section 106 Contributions were difficult to achieve and the introduction of a cycle way would involve a fairly significant sum impacting on the delivery of the affordable housing.
- Councillor Sutton asked whether it would be possible for the development to include some bird boxes to try and attract swifts which are on the decline? Mr Jays stated that as part of the planning application submission a great deal of ecological survey information had to be provided and as far as he is aware the site is not currently used by swifts, however, as part of the ecological mitigation bat and bird boxes are included on the site.
- Councillor Mrs Laws commented that she congratulates the agent and developer for the obstacles that they have had to overcome which have been challenging.

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

- Councillor Sutton asked whether as an informative on the application that bird boxes be included on the development? Nick Harding stated that as part of the report there is a condition to cover ecological mitigation, which states that 50% of the new dwellings will have bird and bat boxes included.

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

(Councillors Miscandlon and Mrs Laws stated that they are members of Whittlesey Town Council, but take no part in planning matters and registered, in accordance with Paragraph 2 of the Code of Conduct on Planning Matters, that they had both been lobbied on this application)

P50/18

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

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

David Rowen presented the report and update to members.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure, from Gareth Edwards, the Applicants Agent.

Mr Edwards explained that the application before members follows another application being approved for the adjacent site, with the proposed site being behind a high hedge, is in the extended garden of Dove Cottage and become overgrown. He expressed the view that there have been a number of developments in Gull Road over recent years mostly on the other side of the road and some of them have been for 8 or 9 dwellings.

Mr Edwards stated that the proposal has the support of the majority of standard consultees, which includes the Parish Council and the Environment Agency and if approved contact will be made with the North Level Internal Drainage Board to address their concerns. He expressed the opinion that additional housing in Guyhirn would bring additional children to the village school and by having dwellings on both sides of the road would lead to improved highway safety, hopefully reducing the speed in the village from 40mph to 30mph.

Mr Edwards stated that the proposed dwellings will be raised to be consistent with the road level of Gull Road, however, the gardens will be at a lower level, with five of the dwellings being in flood zone 1 and the other 2 in flood zone 3. He made the point that there is a proposed footpath linking to the access and the village of Guyhirn is a sustainable location serviced by bus links.

Mr Edwards noted the requirement of the Parish Council requesting a contribution for village amenities and stated that as this is an outline application he would be happy to accept this as a condition of the Section 106 Agreement.

Members asked Gareth Edwards the following questions:

- Councillor Mrs Bligh, referred to the suggestion of reducing the speed limit from 40mph to 30mph within the village, expressing the view that the Police will not approve a speed reduction as there are no reduction measures in place and a Section 106 could assist with the funding of chicaning along the road. Mr Edwards confirmed he would be prepared to attend the Parish Council to discuss this further.

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

- Councillor Connor mentioned that there had been no sequential test carried out, there is only one dwelling less than the previous application and questioned what else was different? David Rowen stated that Councillor Connor was correct and the only difference was that there was

one house less than in the previous submission.

- Councillor Mrs Bligh expressed the opinion that the proposal is in a perfect location, brings growth to the village, it has pavements, is on the X1 bus link and any improvements with regard to the reduction of speed in the village would be welcomed.
- Councillor Mrs Hay confirmed that a sequential test has not been carried out and, in her view, without a sequential test the Officers recommendation must be respected. David Rowen stated that the flood risk assessment was submitted with the application and without a sequential test the application is not policy compliant.
- Councillor Murphy stated that this application has been refused once, there have been no changes in this new submission, it is contrary to Policies LP3, LP12 and LP16, part of the site is located in flood zone 3, and the proposal does not meet the requirements of Section 14 of the NPPF and Policy LP14 of the Fenland Local Plan.
- Councillor Sutton stated that he has no objection to any development on both sides of Gull Road as it would have huge benefits to the village and although the application may not be supported today when the Local Plan is reviewed the classification of Guyhirn should be considered.
- Councillor Mrs Laws stated that she agrees with Councillor Murphy and added that she is very mindful of flood zone 3, with the Environment Agency and the Internal Drainage Boards existing for a reason.

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

**P51/18 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**

This item has been withdrawn.

**P52/18 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**

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 accordance with the Public Participation Procedure, from Mrs Theobald in objection to the application

Mrs Theobald explained that she has resided at the property next door to the application site for the past 34 years and the proposal if approved will have a huge detrimental effect on her life and outlook. She stated that, in her opinion, the proposal is gross overdevelopment, is far too close to her property extending to almost the complete length of the garden reducing the amount of sunlight, be overbearing, have an impact on privacy and will also be an issue with regard to noise disturbance.

Mrs Theobald added that any construction work, especially piling could damage her property and

foundations. She added that the frontage of Langley Lodge will be impaired following the demolition of the annexe and the proposed extension will not be in keeping with the existing house and neighbouring properties.

Mrs Theobald stated that parts of the lawn are due to be removed to provide parking spaces, which will mean that the area will become a car park resulting in a business property in a residential area which, in her view, will be totally out of character. She added that cars are regularly parked on the highway in front of her property and with the increase of visitors to Langley Lodge it will increase the congestion on the road.

Mrs Theobald stated that when the change of use from private house to a rest home was originally granted conditions were added to ensure the interest of other users of land in the vicinity be safeguarded, to ensure that visually the development accords with the general character of the neighbouring area and to park clear of the public highway. She expressed the view that all of the conditions are being ignored and that there are at least 12 other neighbours who are very worried having also voiced their objections against the proposed development, which will only provide an additional 6 bedrooms.

Members received a presentation, in accordance with the Public Participation procedure, by Councillor Steve Tierney in objection to the application.

Councillor Tierney explained that the residents of Kingsley Avenue and Queens Road are not unreasonable people and do understand the need for a rest home for elderly people, however, the problem with the proposal is that it is overdevelopment and the walls will be far too close to the residents properties. He asked Members to consider the objection from Wisbech Town Council on the grounds of overdevelopment.

Councillor Tierney referred to the Officer's report, where it mentions that additional vehicles will be able to park in Somers Road Car Park, making the point that parking in this car park often proves to be very difficult and, therefore, there will be an increase in on street parking adding to the parking problems that already exist in Queens Road, which is already a dangerous road. He stated that the Planning Committee had previously refused this application and the solutions that are contained in the proposal before Members today have not overcome the issues raised.

Councillor Tierney expressed the opinion that the site is a large plot and it would be easy to develop the plot in a different way, which would not be objected to by the residents.

Members asked Councillor Tierney the following questions:

- Councillor Mrs Laws asked whether the developer engaged with the residents regarding the plans? Councillor Tierney stated that not that he was aware of.

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

- Councillor Mrs Hay commented that the report states that the existing building to be demolished is currently used as a living room and kitchen area on the ground floor and 2 bedrooms on the first floor and asked for clarification as to whether the replacement will have a first floor? David Rowen confirmed that it will be a single storey extension. Councillor Mrs Hay commented that this will reduce the blockage of light as there will no longer be a first floor. David Rowen highlighted on the overhead presentation that the current height is greater than the proposed extension.
- Councillor Mrs Laws asked for clarification on the distance between the boundaries? The closest point of the building is approximately 2 metres from the boundary and the dimension of eaves is 2.6 metres and to the highest point is approximately 4.9 metres at its optimum height.
- Councillor Connor expressed concern, in relation to the piling, about the proximity of

neighbouring properties. David Rowen stated that at this stage of the process, the applicant maybe unsure as to whether piling would be needed and should planning permission be decided it would be the builder's decision as to the most appropriate solution to comply with building regulations. How something is to be constructed is not a material planning consideration.

- Councillor Sutton stated that whilst it is not a material planning consideration, there are methods of piling which would have no impact on the adjacent properties, adding that there is a need for this type of property and whilst he appreciates that comments of Mrs Theobald with regard to the loss of sunlight; he made the point that on the site visit the hedge between the two properties was actually higher than the proposed dwelling.
- Councillor Mrs Bligh stated that she cannot see how visually the adjacent property will be affected. She notes the need for extra facilities for the aging population and will be supporting the application.
- Councillor Benney asked what the distance is between the adjacent house to the boundary? David Rowen stated that he did not have the exact measurement, however, would suggest it would be a similar distance to that of the extension to the boundary. Councillor Mrs Hay stated that it mentions in the report that the proposed extension will be 2.5 metres from the joint boundary and 5.65 metres from the side wall of 24 Queens Road.
- Councillor Mrs Davis expressed concern in relation to the whole length of the adjoining property at number 24 being bordered by a building and although the hedge is there now it could be removed. She added that whilst she appreciates the demand for accommodation for the elderly, she does not necessarily agree with confining another property and the road outside Langley Lodge will also have a solid line of cars due to parking issues.
- Councillor Mrs Laws expressed the opinion that the distance between the garden of the existing building and the fact that the proposal will stretch along the complete length does not fit with the building and the design could be looked at, although Langley Lodge is a lovely building and additional accommodation is needed.
- Councillor Mrs Hay expressed the view, with regard to parking, it will be an issue when visitors come to visit and it was to be noted that the entrance to Langley Lodge is only 130 metres from the first available parking space in Somers Road car park, which has 280 car parking spaces.
- Councillor Murphy commented that the extension that goes down the side is not against the neighbouring property and he cannot see how it can be classed as a detriment to the garden space.

Proposed by Councillor Mrs Hay and seconded by Councillor Mrs Bligh, and with the use of the Chairman's casting vote, that the application be APPROVED as per the officer's recommendation.

P53/18

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)

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

David Rowen presented the report and update to Members.

Members received a presentation, in accordance with the Public Participation Procedure, by Mr Gareth Edwards, the Applicants Agent.

Mr Edwards explained that the proposal is for 4 infill dwellings in Mill Lane, Newton, with the site being between two properties in this small village complying with Policy LP3 of the Local Plan. He

made the point that there have been recent planning approvals for 2 dwellings on land opposite which, in his view, shows that Mill Lane is capable of development and the Highways Authority and Environment Agency have no objection, with the application being supported by a number of local residents and there being no other plots for sale in Newton.

Mr Edwards stated that the comments from Cambridgeshire Archaeology have been seen and noted and he will be happy to accept the condition required. He expressed the opinion that the village of Newton has limited community facilities; however, the neighbouring villages of Tydd St Giles, Gorefield and Leverington have facilities which can be utilised.

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

- Councillor Mrs Laws expressed concern that the applicant has failed to pass the sequential test and exceptions test and whilst she accepts it is a small village development and may come forward again in the next Local Plan, she agrees with Officers that the application is against Policies LP12 and LP14.
- Councillor Mrs Hay mentioned that the Highways Authority have stated that 4 dwellings would generate enough pedestrian trips to justify having a footpath installed, but question if one could be installed due to whether the development can be considered as sustainable and policy compliant and for those reasons alone she will support the Officers recommendation.
- Councillor Connor stated that there is no sequential test, the site lies in flood zone 3 with no footpaths and partly in the open countryside, and he will be refusing the application.

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

(Councillor Clark registered, in accordance with Paragraph 14 of the Code of Conduct on planning matters, that she had been lobbied on this application)

P54/18 **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**

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 from Parish Councillor Ruth Hufton from Doddington Parish Council in objection to the application.

Councillor Hufton explained that Doddington Parish Council object to this application for a number of reasons; the applicant has already completed the building associated with the application and are already conducting a business from the premises; the area is a residential area close to the church and is a quiet lane where many people walk; the premises are very close to the conservation area and the business will have a detrimental impact on the feel of that particular part of the village, and the premises are situated on a sharp corner where Church Lane becomes Eastmoor Lane and any cars parked in the area could constitute a hazard.

Councillor Hufton stated that the application applies for a change of use from residential to residential and importation, breeding and selling of tropical fish, which is called a hobby business, but, in the view, of the Parish Council it should be classed as a business. She made the point that

the applicants supporting statement, which is on the Fenland District Council website, declares that the business started as a hobby, which, in the Parish Council's view, confirms that it is no longer a hobby but is actually a business.

Councillor Hufton added that the Parish Council have no wish to stop new businesses opening in the village, however, the area which is being used is unsuitable for any business as it will disturb the peace and quiet, with there being more suitable locations within Doddington and Manea which have small business units already built. She commented that the Parish Council also have concerns over the flushing of the fish tanks on a regular basis, whilst they are aware that the application states that soakaways will be used, the area on the corner of Church Lane and Eastmoor Lane adjacent to the property is already known to flood when there is heavy rainfall and properties on Eastmoor Lane have already been known to have suffered water damage in the past, and should the application be granted the Parish Council would ask that adequate drainage be installed to alleviate this problem.

Members asked Councillor Hufton the following questions;

- Councillor Mrs Laws asked, with regard to the flooding of Eastmoor Lane, whether the flooding incidents have been reported or recorded with Anglian Water or the Environment Agency? Councillor Hufton stated that they have been reported and a certain amount of works have been carried out, however, in times of heavy rainfall the road slopes towards 2 properties who have suffered flooding.

Members received a presentation, in accordance with the public participation procedure, from Mr Snowdon in objection to the application.

Mr Snowdon explained that since January a property has been transformed into an operational fish farm without planning permission and without checks with regard to drainage and water egress. In his view, the application and officer's report contain errors and the application title for a change of use states to include the breeding of tropical fish, however, in the supporting statement of 28 August the applicant has stated he does not breed fish.

Mr Snowdon stated that the officer's report refers to the vicinity being commercial/residential and this statement is wrong as it is a residential area. He further referred to the report stating that the fish farm will create minimal economic benefit and, in his opinion, this is incorrect as there is no economic benefit or employment created, but inconvenience caused due to the increase in the amount of traffic and the issues surrounding the water, drainage and sewerage problems, which all actually pose an economic, social and environmental cost to the village.

Mr Snowdon expressed the view there is no demand for a fish farm locally and it is only beneficial to the applicant and a market external to the village, with the applicant mis-understanding the requirement for the permissions needed to operate a business. He highlighted that the officer's report states that the parking area will be used by both visitors and the courier van, however, he has submitted photographs to the Planning Department showing parking not on the hard standing.

Mr Snowdon expressed the view that the fish farm also brings with it associated issues, such as smell, cleanliness, drainage and environmental impact and whilst the applicant has stated that he has not seen any indication of flooding, properties suffered from flooding in 2014. He advised that the Highway Authority have expressed their concerns over the boundary wall which encroaches on the highway and this still needs to be resolved.

Mr Snowdon asked that if the committee are minded to approve the application then the height of the boundary wall must be added as a condition for it to be lowered making the point that when works commenced on the building in January, local residents contacted the District Council to raise their concerns, but no enforcement action took place. He expressed the opinion that the applicant

has made no attempt to comply with the law and the application offers nothing positive to the community, it is highly unlikely that the applicant will comply with the requirements within the impact assessment and would not monitor accurately the number of visitors.

Mr Snowdon expressed the view that even to grant the application on a temporary basis would not be agreeable as by default it would become permanent and he would ask that the Committee refuse the application, requiring it to be returned to its original state as a residential property.

Members asked Mr Snowdon the following questions:

- Councillor Mrs Davis asked if he could elaborate on the photos he has? Mr Snowdon stated that he had submitted photographs of the courier van. David Rowen stated that the issue that had been raised in his presentation of the report was that no evidence had been provided to demonstrate a substantive harm on amenities and not that there had been no photographic evidence submitted.

Members received a presentation, in accordance with the Public Participation Procedure, by Mr Hu, the Applicant.

Mr Hu explained that it is a hobby business, he has kept tropical fish over many years and due to the expertise in the subject he started a business operating from home. He stated that when he moved to Doddington he was unaware it was a Conservation Area and when he was made aware that there was an issue and that there was a need to apply for planning permission, all building works stopped.

Mr Hu referred to a number of complaints concerning the hard standing area regarding couriers attending the property and parking on the main road, making the point that the driveway is only half completed because an objection has been raised, but the driveway will have enough space to park 8 or 10 cars. He stated that he is specialist tropical fish importer, he is not a breeder, but sometimes there are personal callers to the house in connection with fish, however, most of the business is carried out on line via Facebook and the website.

Mr Hu stated that a courier visits the property 2 or 3 times a week and once the driveway is completed there will be no parking issues. He added that the Local Authority have already approved the premises for a pet licence and the property is connected to the main drainage system.

Members asked Mr Hu the following questions:

- Councillor Mrs Davis asked for clarification on whether he is a breeder? Mr Hu stated that he is a discus fish keeper and not a breeder.
- Councillor Connor asked for confirmation on whether he has planning permission? Mr Hu confirmed he has not. Councillor Connor asked whether he did not realise that he would need planning permission from the Local Authority? Mr Hu stated that where he resided before in London he did not require it and when he contacted Fenland District Council, he was advised for a small extension it would not be required. Councillor Connor stated that, in his opinion, wherever you reside you would need planning permission. Mr Harding clarified that if somebody contacts the local authority with regard to whether planning permission is required the authority would not respond to a verbal enquiry and would request it in writing, which also includes an associated fee. Upon receipt of this, a formal reply is given. Certain developments can be undertaken without planning permission, but the authority would also give the advice to a customer to put their enquiry in writing, providing the address and exact nature of the proposal.
- Councillor Mrs Hay asked if when Mr Hu initially contacted the authority to question whether planning permission was required did he detail what the extension was for? Mr Hu stated that

he did explain.

- Councillor Mrs Laws asked for confirmation on whether he is a breeder and it is a business? Mr Hu confirmed it is a business and he is not a breeder.
- Councillor Mrs Laws asked whether he works full time? Mr Hu confirmed that he works from home and Councillor Mrs Laws continued by saying that he operates a business that is really a hobby. Mr Hu stated that most of the business is carried out on line. Councillor Mrs Laws stated that she is trying to understand the proposal as it is a residential area where a business is being operated from a home address which is perceived to be a hobby, which has couriers and visitors at all hours. Mr Hu stated that 95% of the business is carried out on line and couriers attend the property between 14.30pm and 16.00pm, three times a week at the most.
- Councillor Mrs Davis stated that she is confused as Mr Hu is saying that it is his hobby not his business.
- Councillor Mrs Hay asked whether he carries out any other form of work from his home address and where his main income comes from? Mr Hu confirmed that it is from the fish business.
- Councillor Connor asked how the contaminated water is disposed of? Mr Hu confirmed that it goes down the drain adding that the water is also recycled as part of a filtration system.
- Councillor Connor referred to an Anglian Water email from November 2016 which stated that Doddington and Wimblington do not have the capacity for any more water effluent as it is backing up and currently tankers are taking effluent and waste from Eastmoor Lane and Cooks Green to March as the local treatment plant cannot cope.
- Councillor Benney stated that it has been established that Mr Hu is running a business in a residential area and asked whether he has considered moving to a business area? Mr Hu stated that he is a small business operating on line.

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

Mr Gittoes explained that he is a friend of Mr Hu and knew him when he resided in London. He added that Mr Hu had no issues with regard to running a business in a residential street in the middle of London, he is very well respected in the Discus Fish business and you cannot stop fish from breeding.

Mr Gittoes expressed the opinion that there is no noise from running a tropical fish business and once the driveway is completed there will be no issue with regard to parking on the highway.

Members asked Mr Gittoes the following questions:

- Councillor Connor thanked Mr Gittoes for his honesty and for clarifying that Mr Hu is running a business.

Mr Harding highlighted to members that there has been confusion over the nature of the proposal, but the application form makes it quite clear that it is for a change of use from a residential property to a mixed use of residential and business, and part of that business use is for the breeding of fish, so if the applicant chooses not to breed the fish, but is granted the planning permission that is what he can do subsequently.

Mr Turnbull, the legal representative, highlighted to members that it has been raised that Mr Hu did not, but should have, applied for planning permission in advance and his failure to do so is not material in the decision by the committee on the planning merits of the application.

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

- Councillor Mrs Laws stated that she is concerned with regard to the drainage issues and the fact that properties have already been flooded acknowledging the impact this can have on the residents. She added that although highways do not consider the off road parking area to

provide suitable parking to cater for the business element, they state that there is unrestricted kerbside parking available within the vicinity. On the site visit, the turning does not have good visibility which is also a concern. Councillor Mrs Laws added that she is mindful that this is retrospective planning permission; however, she is concerned where this could lead, being in a residential area and the business could expand going forward.

- Councillor Mrs Newell stated that in the officer's report it states that the Environmental Health officers have great concerns and it mentions a pumping machine which will be used to run the facility. David Rowen clarified that within section 5.3 of the report it states that environmental health have made further comments on 2/11/18 stating that they have no further comments to make, are now satisfied and are not raising any objection to the proposal.
- Councillor Mrs Davis referred to planning officers sending an email on 22/6/18 to Mrs Russet which states that, following a site visit with Environmental Health, it considered that the business being run from the property constituted a material change of use and would require planning permission and, therefore, she would like to know what had changed since that time. David Rowen stated that it related to an application which was submitted earlier on in the year which has been withdrawn and officers now feel that the screening that is around the building and the potential to get the building painted in a more sympathetic colour now addresses the issue.
- Councillor Sutton stated that he read through the withdrawn application, the officer's report and also visited the site again reviewing both National and local policies quoting from point 127 and 130 of the National Planning Policy Framework. He expressed the view that historically the triangle area in Doddington never suffered from any flooding.
- Councillor Sutton added that he has met many businesses over the years, with a view to attracting them to the area, and ,therefore, he questions whether the business aspect of the application outweighs his concerns of the visual aspect feeling on this occasion it does not. He highlighted that within Manea and Chatteris there are workplace homes and there is no shortage in Fenland of places where this business could and should operate. He expressed the view that the proposal detracts from the character of the area and the applicant and Mr Gittoes have said that the car parking hard standing area will be completed soon; however, the parking area is not fit for purpose. He feels the application does not fit with the policy on visual impact and character of the area and he cannot support it.

Proposed by Councillor Sutton and seconded by Councillor Clark and decided that the application be REFUSED against the officer's recommendation.

Members did not support the officer's recommendation of grant of planning permission as they felt that the proposed extension does comply with the Local Plan Policy LP16, does not make a positive contribution to the appearance and character of the area, the proposed extension is detrimental to the area and the size and scale of the building is also considered harmful to the character of the host dwelling.

(Councillors Connor and Councillor Mrs Davis, registered in accordance with Paragraph 14 of the Code of Conduct on Planning Matters, that they were members of both Doddington and Wimblington Parish Council but take no part in planning matters)

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

4.06 pm

Chairman

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F/YR18/0294/F

**Applicant: Mr J Hawes
Westfield Farms (Manea) Ltd**

**Agent : Mr Ken Elener
KL Elener Architectural Design**

Land East Of Biggins Farm, Fallow Corner Drove, Manea,

**Erection of 2-storey 4-bed dwelling with attached garage and farm office,
including vehicular access, culverting of ditch and raising of site levels**

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

1 EXECUTIVE SUMMARY

The application seeks full planning permission for a detached, 2-storey, 4-bed dwelling with attached garage and farm office with stores above, involving the formation of an access, culverting of the ditch, removal of some vegetation and the raising of land levels by a maximum of 1.7m for flood mitigation purposes.

The application site is located just outside the settlement of Manea, it is located on the south side of Fallow Corner Drove and whilst the settlement extends along the northern side of the road this is not the case for the south which remains largely undeveloped and consists of agricultural buildings and a single farm house. As such it is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.

Advice provided to the Council by Sanham Agricultural Planning Limited confirms that as *'the farming enterprise is purely arable, and crops are on land not all of which is closely related to Biggins Farm, there is no clearly established essential/functional need for a full time worker to be readily available at most times.'* As no essential/functional need has been established the proposal is contrary to Policies LP3 and LP12 of the Fenland Local Plan and in addition due to the lack of need for a dwelling in this location the scheme would also fail on flood risk grounds, contrary to Policy LP14 and paras 155-163 of the NPPF.

Flood mitigation measures require the ground level to be raised by 1.7m in some places, significantly increasing the prominence of the proposed dwelling in what is presently an open landscape, this coupled with the substantial scale of the proposal is considered to have a significant detrimental impact on the character and visual amenity of the area creating an incongruous and overly prominent feature in this peripheral and open location.

2 SITE DESCRIPTION

The application site is at present open land on a prominent corner location to the east of Biggins Farm, Fallow Corner Drove, Manea. To the east of the site is a public right of way/bridleway which runs along the boundary of the site. To the north a ditch forms the boundary with hedging/trees, the south of the site is open with an existing informal access track. The site is located outside the settlement of Manea, however is not an isolated location due to the presence of other dwellings, these are in the main located on the north side of Fallow Corner Drove where the settlement is considered to conclude. The southern side remains largely undeveloped with open fields before the agricultural buildings at Biggins Farm are reached and Witcham Farm/Witcham Farm Cottage to the east of the site (addressed as Purls Bridge Drove). Hence whilst in close proximity to the settlement of Manea being located on the southern side of Fallow Corner Drove the site is considered to be located outside. This section of Fallow Corner Drive is single track and there are no footpaths. The site falls within Flood Zone 3 (highest risk of flooding).

3 PROPOSAL

- 3.1 The application seeks full planning permission for a detached, 2-storey, 4-bed dwelling with attached garage and farm office with stores above. The proposal measures 27.5m x 13.2m and 8.5m in height and access from Fallow Corner Drove involving the culverting of the ditch and removal of some vegetation and the raising of land levels by a maximum of 1.7m for flood mitigation purposes.
- 3.2 Full plans and associated documents for this application can be found at:

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=P586HLHE03000>

4 SITE PLANNING HISTORY

F/97/0625/O	Erection of an agricultural dwelling and Offices	Refused 04/12/1997
F/96/0847/O	Erection of 1 no. detached house and office	Refused 14/05/1997
F/96/0578/O	Erection of 1 no. detached house and office	Withdrawn

5 CONSULTATIONS

5.1 Definitive Map Team

Public Bridleway No. 14 Manea runs along the eastern boundary of the application site.

Whilst the Definitive Map Team has no objection to this proposal, the applicant should be aware of the presence of the public bridleway.

To ensure the Public Bridleway is protected as part of the development, the County Council's Definitive Map Team requests the following conditions be applied to any permission granted.

o No fencing shall be erected on or within 1m of the current or any proposed public rights of way.

Reason: In the interests of the amenity of the public.

o No planting shall be erected on or within 2m of the current or any proposed public rights of way.

Reason: In the interests of the amenity of the public.

Furthermore, we would like to draw your attention to the informatives below which are required to be adhered to at all times.

Informatives

Should you be minded to grant planning permission then we would also be grateful that the following informatives are included:

- Public Bridleway No. 14 Manea must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
- Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
- The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).

5.2 Cambridgeshire County Council Highways Authority

Further to receiving the attached plan, I have no highway objections subject to the following conditions;

1.) Prior to the first occupation of the development the proposed on-site parking /turning shall be laid out in accordance with the approved plan and thereafter retained for that specific use. Reason - To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.

2.) The building shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and to ensure satisfactory access into the site.

3.) Prior to first occupation of the development hereby approved, visibility splays shall be provided as shown on the approved plan and shall be maintained thereafter free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason - In the interests of highway safety.

4.) Prior to the first use of the vehicular access onto Fallow Corner Drove, all vegetation shall be cut back to the ownership boundary along the frontage of Fallow Corner Drove and maintained in perpetuity.

Reason - To ensure adequate access visibility onto the public highway and to achieve compliance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2017.

5.) *Prior to the commencement of the development, the vehicular crossing of the ditch / watercourse along the frontage of the site shall be constructed in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority, in consultation with the Drainage Authority and the Highway Authority.*

Reason: To ensure construction of a satisfactory culvert access.

5.3 Environment Agency (10/4/2018)

Thank you for referring the above application which was received on 26 March 2018.

*We **object** to the proposed development as submitted on the below grounds.*

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. Our flood risk standing advice reminds you of this and provides advice on how to do this.*

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 our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test.

Review of Flood Risk Assessment (FRA) *In the absence of an acceptable Flood Risk Assessment (FRA) we **object** to the grant of planning permission and recommend refusal on this basis for the following reasons: The FRA submitted does not comply with the requirements set out in paragraph 102 to 103 of the NPPF. Therefore the FRA prepared by Geoff Beel Consultancy, dated March 2018, reference GCB/ELENER does not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. In particular:*

The FRA fails to demonstrate that the proposed development will be safe for its lifetime, taking into account the effects of climate change.

The FRA states that the site could flood between depths of 0.25 to 0.50 metres of floodwaters on the building line as a result of a breach for a 1% AEP event, plus climate change.

However, it appears the FRA is referring to the Fenland Hazard Mapping which estimates the consequences for the 1% AEP event, without climate change. This mapping indicates that the site could flood up to a depth of 1.0 metres on the proposed building line. This increases to the south-east end of the site where it could flood up to a depth of 2.0 metres.

An allowance for climate change has only been incorporated into the modelling for a limited number of breaches, which are based on a 20% increase in flows. As such, these modelling extents do not reach this site.

Overcoming our Objection *If the applicant wishes to pursue an application for a residential dwelling at this site the mitigation measures provided must ensure that*

the development and its occupants will be safe for the development's lifetime (considered to be 100 years for residential). You can overcome our objection by:

- Updating the FRA with the most recent Fenland Hazard Mapping, taking into consideration the impact of climate change using appropriate climate change allowances;*
- Identifying appropriate mitigation measures for the proposed dwelling.*

If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal reconsultation. Our objection will be maintained until an adequate FRA has been submitted.

Further advice was also provided in respect of the Exception Test, resistance and resilience measures and flood warning.

5.4 Environment Agency (4/7/2018)

Thank you for referring the above application which was received on 14 June 2018.

We wish to withdraw the objection we made in our previous letter AC/2018/126913/01-L01 dated 10 April 2018.

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. Our flood risk standing advice reminds you of this and provides advice on how to do this.

*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 our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test. **Review of Flood Risk Assessment (FRA)** We have **no objection** to this application, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared by Geoff Beel Consultancy, dated June 2018, reference GCB/ELENER are adhered to. It states:*

- Finished floor level (FFL) will be raised 1.00 metres above ground level at a minimum of 1.85 metres aOD.*
- Flood resilient construction shall be incorporated up to 300 mm above FFL.*

Further advice was also provided in respect of the Exception Test, resistance and resilience measures and flood warning.

5.5 Natural England (17/4/2018)

Thank you for your consultation on the above dated 10 April 2018 which was received by Natural England on 10 April 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the

benefit of present and future generations, thereby contributing to sustainable development.

***The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2017***

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

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

Further guidance was also provide in respect of protected species standing advice, local sites and Sites of Special Scientific Interest Impact Zones, no comments were provided by Natural England in respect of these.

5.6 Natural England (25/6/2018)

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 17 April 2018

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.

5.7 Arboricultural Officer (FDC)

The proposed development has little impact on site vegetation and the proposed landscaping would significantly increase the number of trees/hedges on site.

The hedge to the front of the site is shown mainly retained although this will require management to ensure the visibility splays are maintained.

5.8 FDC Scientific Officer (Land Contamination) (28/3/2018)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development, as it is unlikely to have a detrimental effect on local air quality or the noise climate. Due to the fact that this is adjacent to a farm yard I would recommend that the unsuspected contamination condition is imposed.

5.9 FDC Scientific Officer (Land Contamination) (26/6/2018)

Further to the above planning consultation, I have no further comments to add to our previous comments in respect of the application dated 28th March 2018.

5.10 Parish/Town Council

Support

5.11 Peterborough City Council Wildlife Officer

Protected Species:

Nesting Birds: *The proposal involves the removal of vegetation which may support nesting birds. I would therefore recommend that a standard bird nesting Informative be attached should the scheme be approved.*

To mitigate for the loss of potential nesting habitat, I would request that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & House Martin. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

Site design & landscaping:

I would recommend that the roadside hedgerow is retained and any removal of shrubs (e.g. to create access) is minimised.

The landscaping details including planting of a hawthorn hedgerow and Betula pendula (silver birch) trees appears acceptable, however I note that the silver birch planting is proposed to taken place outside of the red line application boundary.

Recommendation:

I have no objection to the proposal subject to the use of appropriate conditions as set out above.

I can advise that subject to my recommendations being fully incorporated into the approved scheme the development will in my opinion result in a net gain in biodiversity.

I trust that this is helpful, please do not hesitate to contact me if I can be of further assistance or you have any outstanding ecological concerns.

5.12 Local Residents/Interested Parties

2 letters of objection have been received in relation to the following:

- Application site is an open Fenland feature
- Flood risk/sequential test
- The location of the building gives no view/control of vehicles or visitors to the farm
- Introduce security fencing
- CCTV can be recorded/monitored and provide warnings
- Deliveries/collections can be controlled
- Better security and monitoring can prevent poaching
- Does not provide a positive contribution or take into account the surrounding area/out of character/visual impact
- Loss of privacy
- Light pollution
- Access has poor visibility
- Removal of hedge/biodiversity
- Set a precedent

15 letters of support have been received in relation to the following:

- Change in working practices, including 'just in time' deliveries impacting time of collections/deliveries collections outside normal hours/prevent visits by drivers to other properties when there is no-one at the farm/HGV's blocking the road if unable to access the yard.
- Irrigation of crops, breakdowns can have a devastating effect
- Farm security/increasing crime/poachers and fish theft/hare coursing/fly-tipping
- Run business more efficiently
- Welfare of family due to long hours

- Enable quick reaction to changing weather conditions
- Enhance view/effort been made to reduce the visual impact
- Mitigates flood risk
- Availability of workforce on site
- Benefit to customers

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014; LP1, LP2, LP3, LP12, LP14, LP15, LP16, LP17, LP19

Delivering and Protecting High Quality Environments in Fenland SPD; DM3

8 KEY ISSUES

- **Principle of Development**
- **Design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking/Highways**
- **Flood Risk**
- **Biodiversity**

9 ASSESSMENT

Principle of Development

- 9.1 The application site is located just outside the settlement of Manea, it is located on the south side of Fallow Corner Drove and whilst the settlement extends along the northern side of the road this is not the case for the south which remains largely undeveloped, with open fields before the agricultural buildings at Biggins Farm are reached and Witcham Farm/Witcham Farm Cottage to the east of the site (addressed as Purls Bridge Drove). Hence whilst in close proximity to the settlement of Manea the site, being located on the southern side of Fallow Corner Drove is considered to be located outside. LP12 describes the developed footprint of the village as the continuous built form of the settlement and excludes individual buildings and groups of dispersed, or intermittent buildings, that are clearly detached from the continuous built-up area of the settlement and agricultural buildings and associated land on the edge of the settlement. As such is identified within Policy LP3 of the Fenland Local Plan 2014 and the settlement hierarchy as an 'Elsewhere' location. Development elsewhere will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and any such development will be subject to a restrictive occupancy condition.
- 9.2 Policy LP12 – Part D of the Fenland Local Plan refers to Policy LP3 as being the overarching policy for considering proposals for new dwellings in areas away from the market towns and villages. To determine such proposals, an applicant should provide supporting evidence as part of the application and to explain the following areas listed as items a-e; expert advice has been sought by the Council from Sanham Agricultural Planning Limited in respect of this and where relevant

is quoted below (full comments can be viewed on the Council's website via the link provided in section 3 above)

- 9.3 a) **The existing functional need for the dwelling**
Statements submitted in support of the application advise that the dwelling is required for the following reasons:
- Mr B Hawes who lives nearby and is presently the majority worker is due to retire
 - Long hours required due to crop cutting
 - Deliveries/collections at all hours of the day
 - Irrigation – long hours, checks and breakdowns
 - Spraying at the right time
 - Storage monitoring/temperature controlled buildings
 - Security
 - There was a previous dwelling on site
- 9.4 Advice provided to the Council by Sanham Agricultural Planning confirms that as *'the farming enterprise is purely arable, and crops are on land not all of which is closely related to Biggins Farm, there is no clearly established essential/functional need for a full time worker to be readily available at most times.'*
- 9.5 In addition an objector suggests that remote monitoring systems, CCTV and organisational processes can be used to overcome the issues raised; no evidence has been forthcoming to counteract this. The business has been in existence since 1977 and there has not been a dwelling on site during this time. Mr B Hawes (current managing director and majority shareholder) and Mr H Hawes before him living nearby further towards the village. There has historically been a dwelling on site and the demolition of the previous dwelling (date of demolition unclear) and removal of the agricultural occupancy condition (F/YR16/0816/F) and subsequent sale of 4 Fallow Corner Drove indicating that there was no need for an additional dwelling. The site is not isolated, hence there is natural surveillance from surrounding dwellings and Mr Jonathan Hawes, the proposed occupier already lives within the village of Manea.
- 9.6 Potential future enterprises or livestock cannot be taken into consideration as the need is required to be 'existing' and these may never come into fruition.
- 9.7 b) **The number of part time and full time workers(s) to live in the dwelling**
Advice provided to the Council by the Agricultural Consultant *'as the farm has a standard labour requirement for five full-time persons and there is no essential/functional need for a person to live on site, I consider that this criteria has not been satisfied.'*
- 9.8 c) **The length of time the activity has been established**
According to the information submitted to support the application Westfield Farms (Manea) Ltd was established in 1977. Biggins Farm was purchased in 1986 and there has not been a dwelling on site during Westfield Farm's ownership. Planning applications were made in 1996 and 1997 for a dwelling on site and both were refused, for among other reasons the lack of 'need'.
- d) **The availability of other suitable accommodation on site or in the area**

- 9.9 The application site is located in close proximity to the settlement of Manea and Mr Jonathan Hawes who is to reside in the proposed dwelling already lives within the village. Westfield Farms is currently run in the main by Mr B Hawes who lives at Fallow Corner Drove, he is due to retire in March 2019 with the business being taken on by his sons Mr Jonathon Hawes and Mr James Hawes.
- 9.10 The supporting information submitted advises that the build cost for the proposed dwelling would be approximately £400,000 and online search for properties with a minimum of 4 bedrooms revealed 17 properties for sale in Manea with asking prices of between £399,995 and £225,000. The entire village is approximately a 1.6mile radius of the site and therefore no more than a 5 minute drive.
- 9.11 Advice provided by the agricultural consultant states *‘as the application site is close to the village of Manea and there are dwellings available on the market for sale within the village, I consider that a dwelling in the village would be capable of fulfilling any limited essential/functional need which may exist.’*
- 9.12 There has been reference in both the supporting information and agricultural consultants comments of the potential fall-back position of an existing agricultural building being converted to a dwelling under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015, however since there has been no application submitted in respect of this there is no such fall-back position and the requirements of the legislation cannot be assessed, hence this is attributed little weight in the determination of the application. Moreover the conversion of an agricultural building on site would somewhat undermine the argument for the proposed dwelling.
- e) **How the proposed size of the dwelling relates to the viability of the enterprise**
- 9.13 The proposed dwelling is substantial and considerably larger than the other dwellings in the area. Information provided to the Council from the agricultural consultant advises that *‘although no accounts have been submitted with the application the applicant has quoted the turnover and profit for 2015, 2016 & 2017, and all three years show a profit, two of which capable of sustaining the cost of a new farm dwelling.’* Nevertheless this does not clarify that the size of the dwelling relates to the viability of the enterprise and no further information has been sought in this regard as it is felt that the proposal fails other requirements as detailed above.

Design considerations and visual amenity of area

- 9.14 The area is mainly characterised by detached dwellings, located on the northern side of Fallow Corner Drove which become more sporadic as the road extends further from the village towards the application site, there are a number of farm buildings and the area where the proposal is located is open agricultural land with fields beyond.
- 9.15 The proposed dwelling is substantial in scale and larger than those in the vicinity, it is noted that there is also a farm office proposed which results in the single-storey element to the side being larger than it otherwise would be, however there is an existing farm office within the yard at Biggins Farm which is utilised at

present and the office element of the proposal represents only a small proportion of overall scheme.

- 9.16 Due to the site being located within Flood Zone 3 (highest risk) the finished floor level is required to be at a minimum of 1.85 aOD. Options provided by the agent were to raise the height of the dwelling, which would require the provision of steps/ramps and an increase in the bulk of the dwelling or to raise the height of the land to achieve the required finished floor level, the latter being the preferred option. Nevertheless this requires the existing ground level to be raised by 1.7m in some places significantly increasing the prominence of the proposed dwelling on what is presently an open landscape, this coupled with the substantial scale of the proposal is considered to have a significant detrimental impact on the character and visual amenity of the area creating an incongruous and overly prominent feature in this peripheral and open location, contrary to Policy LP16 of the Fenland Local Plan and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD, which seek to avoid adverse impacts and ensure that proposals make a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform the layout, density, proportions, scale, orientation, materials and features.
- 9.17 The brick proposed is Hoskins Old Farmhouse and roof tile Traditional Brick and Stone Medium Blend which are considered to be acceptable given the variety of materials in the vicinity.

Residential Amenity/Health and wellbeing

- 9.18 The proposed dwelling is located a minimum of 30m from the nearest dwelling and as such is not considered to have a significant detrimental impact on the residential amenity of neighbouring dwellings.
- 9.19 The proposal is located on a large plot and as such has in excess of a third of the plot for amenity space, albeit not all of this area would be considered private due to the low level fence and the public footpath to the east which would allow users views of the rear garden. Residents of the proposed dwelling are also likely to experience noise and disturbance due to the proximity of the farm yard, however the proposal is in association with this.

Parking/Highways

- 9.20 The proposal includes the formation of a new access from Fallow Corner Drove, which involves the culverting of the ditch to enable this; full details of the culverting have not been provided, however these can be confirmed by way of a condition. Highways have no objections to the proposed scheme, subject to conditions in relation to provision of the parking/access and visibility splays.
- 9.21 The proposal incorporates an attached garage which whilst short of the 7m internal depth required by Policy LP15 and Appendix A would be able to accommodate 2 vehicles and the large driveway has capacity for at least 3 vehicles, as such the site is able to provide in excess of the minimum requirement of 3 parking spaces.

Flood Risk

- 9.22 The application site is located within Flood Zone 3, the highest risk of flooding. Policy LP14 requires all development proposals to adopt a sequential approach to flood risk from all types of flooding to ensure that development is steered away from those areas at highest risk. Dwellings are considered to be 'more

vulnerable' within the flood risk vulnerability and flood zone compatibility table, as such both sequential and exception tests apply to this development. Due to the lack of need for a dwelling in this location evidenced at paras 9.3 - 9.14 above, the sequential and exception tests would need to be passed in order for the proposal to be considered acceptable in flood risk terms.

- 9.23 The Flood Risk Assessment submitted notes at 3.5 that the sequential and exception tests would need to be applied by the Local Planning Authority, however the Cambridgeshire Flood and Water Supplementary Planning Document clearly states (para 4.4.6) that it is for the applicants to undertake the sequential test.
- 9.24 The site is considered to be located in a 'elsewhere' location, being located outside the settlement of Manea and as such the search area in respect of the sequential test is District wide. No formal sequential test has been submitted, hence the proposal fails in this regard and due to the District wide search area it is highly unlikely that a formal assessment would indicate that there are no alternative sites available at a lesser risk of flooding, not least as the village of Manea itself is located almost entirely in Flood Zone 1.
- 9.25 Concerns were raised regarding the potential for displacement of water due to the rise in ground levels required, however para 8.5 of the submitted Flood Risk Assessment advises that displacement of water from the site will not affect any adjoining land and properties as future run-off will be to sustainable soakaway drainage.

Biodiversity

- 9.26 The application is accompanied by an Extended Phase 1 Habitat Survey Report which was requested due to the culverting of the ditch. The Wildlife Officer has been consulted on this and has no objections to the proposals subject to a condition to ensure that the loss of vegetation is mitigated by the provision of nesting boxes.

10 CONCLUSIONS

The application site, is located in an 'elsewhere' location, being located outside of the settlement of Manea, here development is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services. An assessment of the requirements under Policy LP12 (Part D) reveals that there is no essential/functional need for a dwelling in this location and as such the proposal would also fail in flood risk terms due to the lack of a sequential test (it is unlikely that this could be passed in any event due to the District wide search area). In addition the scale of the proposal and flood risk mitigation measures resulting in an increase in ground levels of up to 1.7m results in a significant detrimental impact on the character and visual amenity of the area creating an incongruous and overly prominent feature in this open location.

11 RECOMMENDATION

Refuse

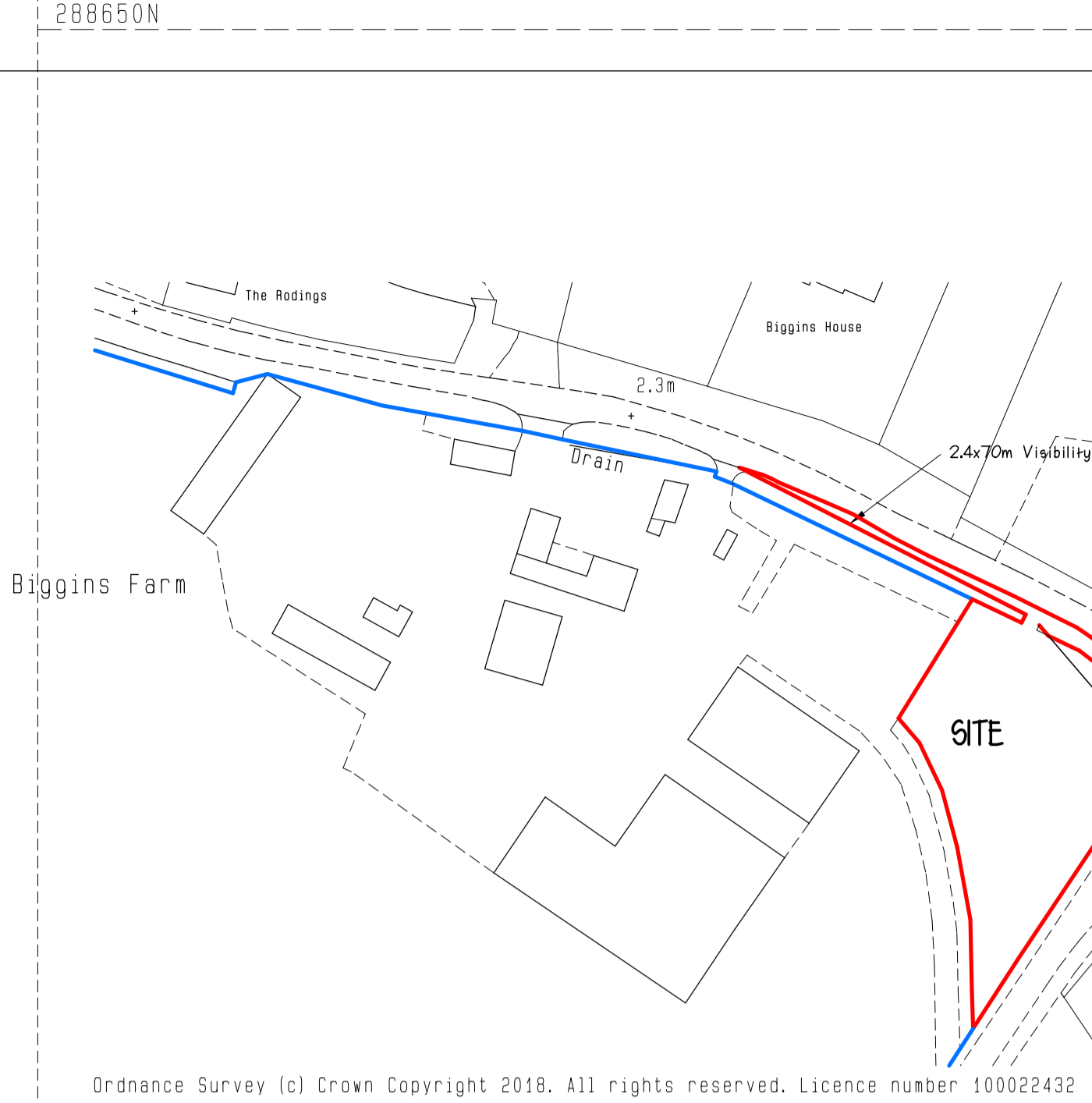
1. Policies LP3 and LP12 of the Fenland Local Plan 2014 seek to restrict development in elsewhere locations, such as the application site, to that which is demonstrably essential to be so located, and to ensure that any

such applications are accompanied by robust evidence of the need and suitability of the development.

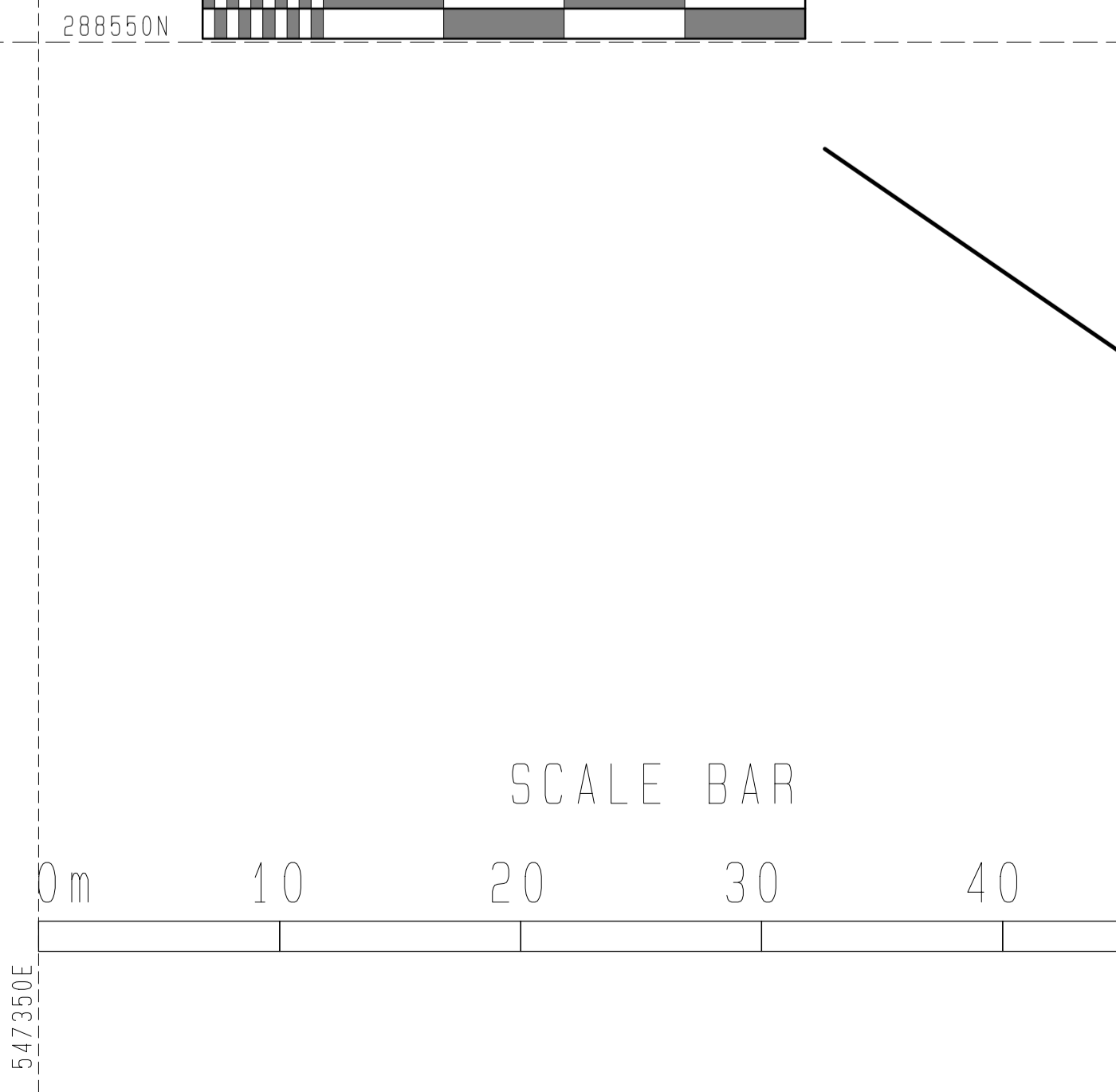
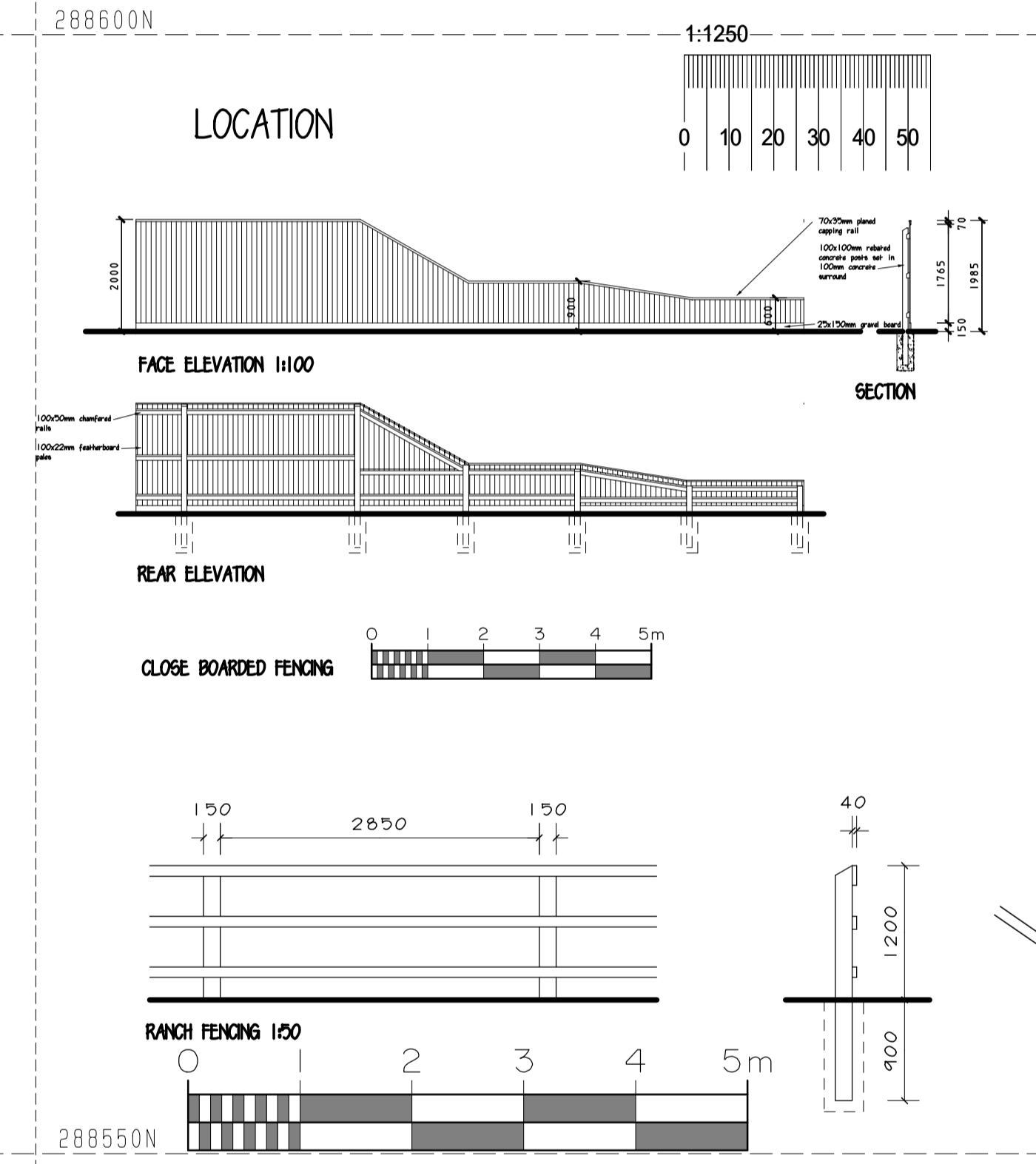
The proposal is for the construction of a new dwelling in association an existing agricultural business, there is no clearly established essential/functional need for a full time worker to be readily available at most times; no dwelling has existed on site since the farm was purchased by Westfield Farms Ltd and there are dwellings available within the settlement of Manea, where the intended occupant presently resides, which could provide suitable accommodation and no evidence has been put forward to justify such a substantial dwelling. As such the proposal is contrary to Policies LP3 and LP12 of the Fenland Local Plan 2014.

- 2 Policy LP14 of the Fenland Local Plan 2014 and paragraphs 155-163 of the National Planning Policy Framework (NPPF) 2018 require development proposals to adopt a sequential approach to flood risk from all forms of flooding and seek to steer development to areas at the lowest risk of flooding. The application site is located in Flood Zone 3, the highest risk of flooding, there is no essential/functional need for a dwelling in this location and as such the sequential and exception tests would be applicable. The sequential test to establish if there are any sequentially preferable sites has not been undertaken and is unlikely to be passed due to the elsewhere location of the site and search area being District wide. As such the proposal fails to comply with Policy LP14 of the Fenland Local Plan 2014 and paragraphs 155-163 of the NPPF 2018.
- 3 Policy LP16 (d) of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014 seek to ensure that development makes a positive contribution to the local distinctiveness and character of the area, that the character of the landscape, local built environment and settlement pattern inform the layout and scale and that proposals do not adversely impact the streetscene or landscape character of the surrounding area.

The proposed dwelling is substantial in scale and significantly larger than those in the vicinity, due to flood mitigation the finished floor level is required to be a minimum of 1.85 aOD which results in the ground levels being raised by 1.7m in some places, significantly increasing the prominence of the proposed dwelling on what is presently an open landscape, this coupled with the substantial scale of the proposal is considered to have a significant detrimental impact on the character and visual amenity of the area creating an incongruous and overly prominent feature in this countryside location, contrary to Policy LP16 of the Fenland Local Plan and DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD



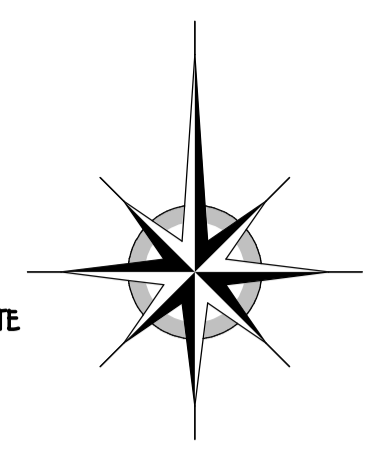
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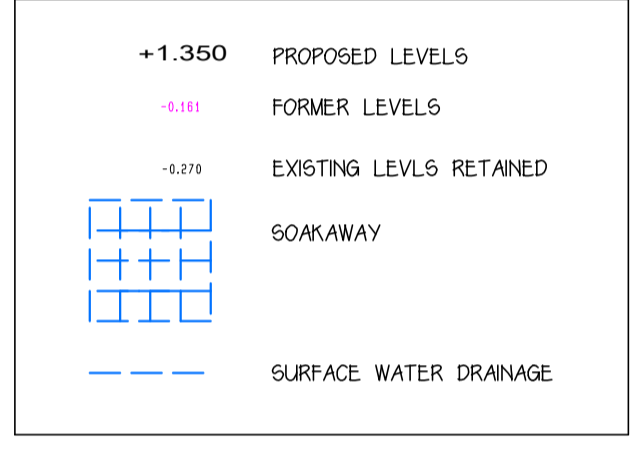
Page 30



- MATERIALS**
- BRICK: HORSING OLD FARMHOUSE
 - STONE HEADS AND CILLS: NATURAL LIMESTONE
 - TILES: TB6 HAMPSHIRE MEDIUM BLEND
 - DOORS AND WINDOWS: CREAM
 - FRONT ENTRANCE DOOR: NATURAL OAK COMPOSITE
 - PAVING: INDIAN SANDSTONE
 - SHINGLE DRIVE: PINK GRANITE GRAVEL



Vehicular access to be constructed to Cambridgeshire County Council Highways specification. From the edge of the Highway owned land the private drive laid to fall away from the Highway and to be solid paved for the first 10m. Culvert formed to Cambs CC Drainage Authority requirements. All vegetation requiring removal within Highway Boundary to be at Applicant's expense.



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Rev.	E	x	x
Rev.D	24.10.18	sw drainage added	
Rev.C	6.6.18	FFL ADDED TO PLAN	
Rev.B	13.4.18	visibility splays and access	
Rev.A	5.4.18	front door and frames colours	

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Project
 FOUR BEDROOM HOUSE
 BIGGINS FARM
 FALLOW CORNER DROVE
 MANEA
 CAMBS

Client
 WESTFIELD FARMS (MANEA) Ltd

Title
 SITE AND LOCATION

Ref
 H3465-11

Rev A B C
 Sheet A1
 Scale: 1:250, 1250 Date: FEB 2018

SURFACE WATER DISCHARGE: To be to a rainwater soakaway situated in position shown and to comprise Wavin Aquacell units installed in strict accordance with the manufacturers specification. The size of the soakaway should be calculated by carrying out a percolation test, as set out below. The test chamber should be formed as a catch pit with a minimum 300mm deep sump for the collection of debris and to facilitate cleaning.

PERCOLATION TEST METHOD: A hole 300mm square should be excavated to a depth 300mm below the proposed invert level of the effluent distribution pipe. Where deep drains are necessary the hole should conform to this shape at the bottom, but may be enlarged above the 300mm level to enable safe excavation to be carried out. Fill the 300mm square section of the hole to a depth of at least 500mm with water and allow it to seep away overnight. Next day refill the test section with water to a depth of at least 300mm and observe the time, in minutes, for the water to seep away from 75% full to 25% full (i.e. a depth of 150mm). Divide this time by 150mm. The answer gives the average time in seconds (Vp) required for the water to drop 1mm. NOTE: The test should be carried out at least three times with at least two trial holes. The average figure from the tests should be taken. The test should not be carried out during abnormal weather conditions such as heavy rain, severe frost or drought.





**FINISHED FLOOR LEVEL
OF NEW DWELLING 1.85 AOD**



THE PRINCIPAL CONTRACTOR IS TO CHECK ALL DIMENSIONS ON SITE BEFORE COMMENCING WORK AND REPORT ANY DISCREPANCIES TO THE DESIGNER. ALL SETTING OUT DIMENSIONS SHOULD BE CHECKED AGAINST THE CORRESPONDING FLOOR PLAN

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Rev.E		
Rev.D		
Rev.C		
Rev.B	24.10.18	heights added
Rev.A		

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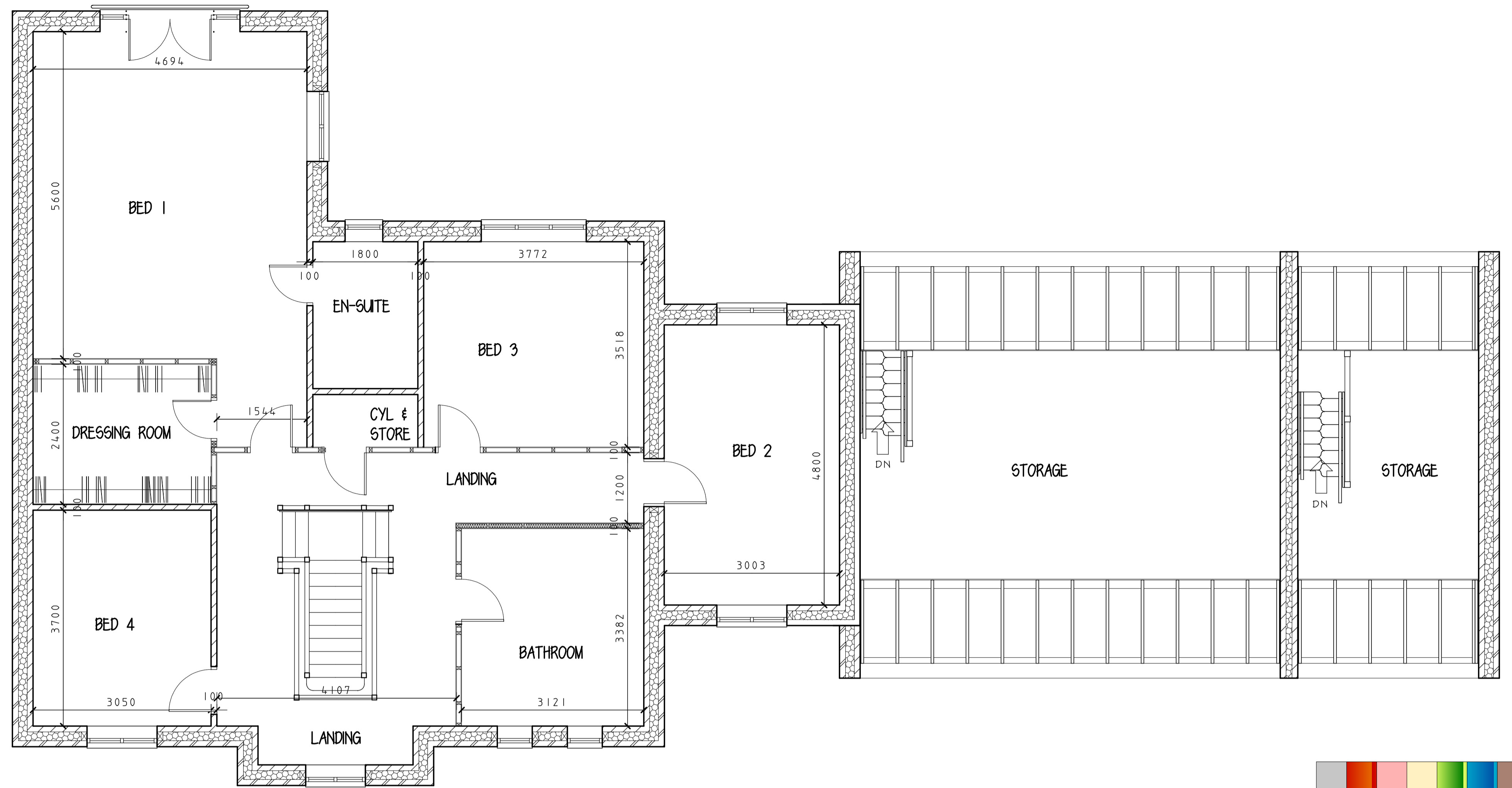
Project
 FOUR BEDROOM HOUSE
 BIGGINS FARM
 FALLOW CORNER DROVE
 MANEA

Client
WESTFIELD FARMS (MANEA) Ltd

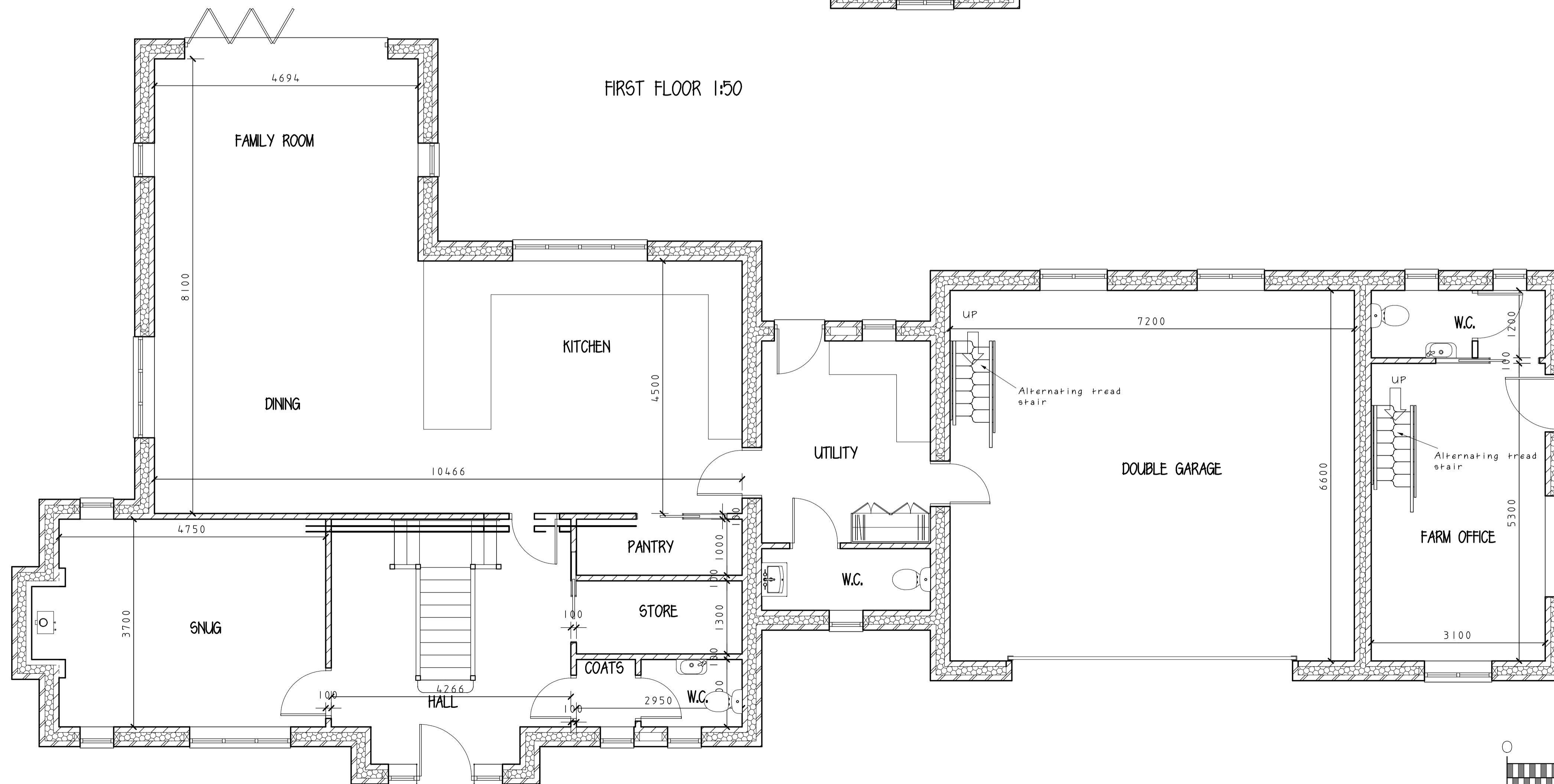
Title
ELEVATIONS & LEVELS

Ref
H3465-7

Rev	A	B							
Sheet A2									
Scale: 1:200					Date: MAY 2018				



FIRST FLOOR 1:50



GROUND FLOOR 1:50

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Rev. E	x	x
Rev. D	x	x
Rev. C	x	x
Rev. B	x	x
Rev. A	19.12.17	revised for client

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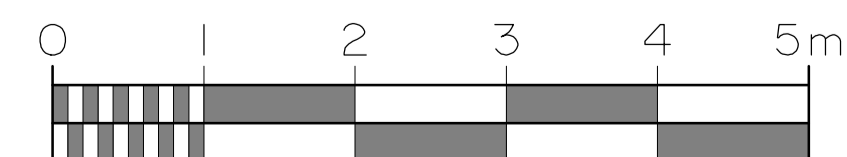
Project
FOUR BEDROOM HOUSE
BIGGINS FARM
FALLOW CORNER DROVE
MANEA

Client
WESTFIELD FARMS (MANEA) LTD

Title
FLOOR PLANS

Ref
H3465-6

Rev. A
 Sheet A1
 Scale: 1:50 Date: JAN 2018



F/YR18/0899/F

Applicant: Mr Fred Simpson

**Agent : Mr Ian Gowler
Gowler Architectural**

Site Of Former DRP Vehicle Services, Fallow Corner Drove, Manea,

**Erection of 2 x 2-storey, 3-bed dwellings and 1 x 2-storey, 4-bed dwelling
involving demolition of existing building**

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

1 EXECUTIVE SUMMARY

The site is in flood zone 3 considered an area at the highest risk of flooding. The development is required to pass the Sequential and Exception Tests. The application is considered to fail and is therefore contrary to Policy LP14 of the Fenland Local Plan, the Cambridgeshire Flood and Water SPD and Paragraphs 158 and 160 of the NPPF.

The development of three large houses on this site results in an unduly cramped form of layout leading to inadequate parking, pedestrian access to the dwellings and poor levels of private amenity space for future occupier of Plot 3. The proposal is therefore contrary to Appendix A of and to Policy's LP2, LP15 and LP16 of the Fenland Local Plan.

The recommendation is therefore to refuse the application.

2 SITE DESCRIPTION

- 2.1 The application relates to an existing vehicular garage and photo studio/office site located on the southern side of Fallow Corner Drove off West Field Road on the western edge of Manea. The garage is a brick and metal clad building, which remains actively in use. The photo studio is a small modular building. To the north is a recently constructed dwelling. There is a brick-built barn attached on the eastern side. The site is within Flood Zone 3 an area at highest risk of flooding.

3 PROPOSAL

- 3.1 The application is for three two-storey detached dwellings, two with three bedrooms and one with four bedrooms. The dwellings have raised floor levels which requires ramped accesses to each dwelling. No ground levels are indicated on the layout plan although sections suggest sloping levels. The four bed house has an 'L' shaped footprint and has a rear gable with a rear 'Juliette' balcony. It has eaves at approximately 6 metres and a ridge at 8.6metres from the street level. At the narrowest point the rear garden is only 4.5 metres deep (approximately half the

width of the garden) the remainder being 7.5 metres deep. The two three bed dwellings are of simple pitched roof and gable construction.

- 3.2 The four bed house has a parking area which appears to provide four parking spaces, however two of those spaces abut the gable of Plot 2 and are narrowed to a width of 2.1 metres. The area includes a 1 metre paved area for pedestrian access. No definition of which areas serve which property, however it is not clear that the property is capable of providing more than two spaces.
- 3.3 The three bed houses plots 1 and 2 have similarly narrowed parking spaces constrained by the side porch entrances and ramp. It is not considered that these spaces are reasonably accessible.
- 3.4 The application includes a Flood Risk Assessment which proposes raising the floor level by 1 metre.

Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PG9Y15HE0D800>

4 SITE PLANNING HISTORY

Proposal: Erection of 2 x 2-storey, 3-bed dwellings and 1 x 2-storey, 4-bed dwelling involving demolition of existing building

Reference	Description	Decision	Date
F/YR18/0314/F	Erection of 3 x 2-storey 4-bed dwellings involving demolition of existing building Site Of Former DRP Vehicle Services Fallow Corner Drove Ma	Withdrawn	27/04/2018
F/YR04/4339/O	Erection of 2-3 detached dwellings involving demolition of existing workshop and offices Land South Of Fallow Corner Drove Manea March Cambridges	Withdrawn	21/01/2005
F/95/0948/F	Erection of single-storey sales office and extension to existing workshop including elevational alterations Old Weighbridge Works Fallow Corner Drove Manea March Ca	Granted	21/05/1996
F/95/0646/F	Change of use of part of site to sale of agricultural machinery Old Weighbridge Works Fallow Corner Drove Manea March Ca	Granted	18/04/1996
F/91/0805/O	Erection of 2 dwellings The Old Mill Fallow Corner Drove Manea March Cambridgeshir	Granted	26/02/1992
F/1628/89/O	Erection of 2 houses Site Of Grain Store The Old Mill Fallow Corner Drove Manea M	Dismissed by Sec of State	04/10/1991
F/91/0177/O	Erection of 2 houses (siting and means of access committed at this stage) Site Of Grain Store The Old Mill Fallow Corner Drove Manea M	Refused	14/08/1991
F/0803/84/F	Change of use from mill to general industrial Old Weighbridge Works Lavender s Mill Fallow Corner Drove Manea Old Weighbridge Works Lavender s Mill Fallow Corner Drove		15/11/1984

5 CONSULTATIONS

- 5.1 The Environment Agency has no objection and has the following comments:

- *In accordance with the National Planning Policy Framework (NPPF) paragraph 158, 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.*
- *Although we the EA raised no objection on flood risk grounds this should not be taken to mean that the EA considers the proposal to have passed the Sequential Test.*
- *The FRA states that the floor level of the properties will be raised 1m above the existing carriage way level. This should reduce the risk of internal flooding happening to the site.*
- *Due to the high flood risk at this location your Authority may wish to append a condition for the provision of a Flood Plan for the development, which should include an appropriate method of flood warning and evacuation to ensure the safe use of the development in extreme circumstances.*
- *The LPA must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.*

5.2 CCC Highways is concerned and has the following comments:

The applicant hasn't considered any of my comments from the previous application.

- *The LHA will not accept permeable paving within the public highway. This should be constructed as a hard surfaced, sealed and drained away from the public highway (Tarmac). Private water should not discharge onto the public highways and vice versa.*
- *The red line is still incorrect. This should be drawn to the back of the highway boundary.*
- *Vehicle to vehicle visibility splays should be detailed in accordance with the posted speed limit and vehicle to pedestrian visibility splays should be detailed as 2m x 2m with no obstruction over 0.6m.*
- *Parking spaces should be dimensioned and be a minimum of 2.5m x 5m. Without out this requirement occupants are unlikely to use the vehicle spaces and the LHA will end up with kerb side parking within the area. FDC should be mindful of this point when determining this application and how this is likely to have an effect on public amenity.*

The applicant appears to seek too much development onto a small parcel of land. It would be better to lose a plot in favour of being able to accommodate suitable parking and turning on site.

5.3 FDC Environmental Health has no objection but states the following:

Details submitted in support of the application is a phase I and II Geo Environmental Assessment dated 13th March 2017. The report was submitted in response to application made under F/YR14/0168/F. This was subsequently discharged via Environmental Health in dated 17th May 2017. However remaining part of the suite of contamination condition needs to be imposed on any approval given to ensure remediation works are undertaken. Additional information required should include remediation strategy, completion /

verification statement / report confirming the remediation objectives, methods, results and conclusions of all remediation works are to the highest standards. Imported soils used for the landscaped / garden areas should be of correct quality and free from any contaminant, placed to the correct depth. All gas protection measures should be installed in accordance with specification stated in the recommendation section of the report.

5.4 Manea Parish Council has no objection.

5.5 Representations

2 letters of objection were received from the occupier of Amber Cottage opposite the site refer to the following:

- The close proximity of the dwellings to an already congested roadway that is subjected to heavy haulage traffic and continual movement of large items of agricultural equipment exaggerated once the Lavender Mill Development is completed.
- the absence of any street lighting, combined with there no speed restrictions at Fallow Corner Drove will be a Road Safety issue.
- Once high kerbstones are installed to the new development surface rainwater will be corralled and is likely to cause localised flooding to the grounds of Amber Cottage despite the assurances from the Water Authorities that soak a ways will be employed to take away the surface water.
- That the rural aspect and outlook from Amber Cottage be retained.
- Density/Over development
- Devaluing property
- Loss of view/Outlook
- Overlooking/loss of privacy
- Proximity to property
- Shadowing/loss of light
- Visual Impact
- Concerns of misrepresentation of the position of Amber Cottage,

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Paragraph 8: The three dimensions to sustainable development.

Paragraph 11: Presumption in favour of sustainable development.

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

Paragraph 102-107: Promoting sustainable transport

Chapter 5: Housing land supply

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.

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
LP6: Employment, Tourism, Community Facilities and Retail
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

7.4 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.

7.5 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 The applicant withdrew a previous application for three dwellings. He was informed of the need to pass the sequential test and concern was raised regarding the cramped nature of the site for three large dwellings.
- 8.2 The neighbouring detached dwelling to the north was granted planning permission in 2014. A previously refused scheme in 2013 referred to an inadequate FRA but did not refuse the scheme on the grounds of a failed Sequential test. Subsequently the Council considered that in the 2014 instance the sequential test had been passed. Also that scheme raised the floor level by only 300mms from the ground level. The Flood Authorities did not object and therefore the dwelling was built at that level. The current application includes an FRA which considered it necessary to raise the floor by 1 metre, subsequently supported by the Flood Authorities.

Therefore this explains fundamental differences between the existing house and the current application.

9 KEY ISSUES

- **Principle of Development**
- **Character of the Area**
- **Impact on Residential Amenity**
- **Economic Growth**
- **Flood Risk**
- **Other (delete as appropriate)**

10 ASSESSMENT

Principle of Development

- 10.1 Manea is a Growth Village within the Settlement Hierarchy as defined by Policy LP3 where development may be appropriate albeit of a more limited scale than the Market Town areas. Manea has exceeded its threshold as defined by Policy LP12 and therefore the policy seeks demonstration of clear local support. However following a recent appeal decision where an inspector advised not to refuse applications only on this lack of support, little weight has been given by the Council to this aspect. It is therefore considered subject to compliance with criteria a-k of policy LP12, it is possible that the principle of development could be acceptable.

Character of the Area

- 10.2 Policy LP16(d) considers the impact of development upon the character of the area. This proposal seeks to redevelop the existing employment premises with three large houses, each having raised floor levels due to flood concerns highlighted in the applicant's Flood Risk Assessment. This results in buildings elevated by 1 metre. They will face bungalows on the northern side of Fallow Corner Drive. Such large facades positioned near to the highway boundary will appear unduly prominent and over-dominant when viewed in the context of the street scene where across the road all dwellings are single-storey and largely set back from the highway. It is considered therefore the proposed houses would unbalance the street scene and is therefore out of keeping. Therefore it is considered that the substantial scale together with the cramped form of the development would result in significant visual harm to the character of the area and therefore is contrary to policy LP16(d).

Impact on Residential Amenity

- 10.3 The nearest neighbour across the road is orientated towards the recently built dwelling. The southern corner of the bungalow measures approximately 14.5 metres to the front façade of Plot 1 which will have an eaves height of 5.5 metres and a pitched roof ridge height of approximately 7.9 metres. Such a relationship across a road is not considered unusual, and the harm in terms of privacy, loss of light or over-dominance, in such a front-to-front juxtaposition (and the front window aspect of the bungalow is not directly facing Plot 1) is not considered sufficient to sustain a reason for refusal.
- 10.4 The proposal does not provide reasonably accessible parking spaces, and plots 1 and 2 have insufficient width of parking immediately next to the ramped access to the entrance doors. A car parked would result in the inability of pedestrians to pass the car in order to access the ramp. Added to this is concern regarding insufficient garden space for Plot 3. The rear garden has a rear depth of only 4.5 metres in front of the rear gable and is approximately 31.4% of the entire plot.

This is below the minimum 1/3rd identified in Policy LP16(h). In this instance the dwelling is a large 4 bedroom house capable of accommodating a large family. That garden area will also have part of the gable of the existing barn almost abutting the side boundary. Therefore the private rear garden space proposed is not considered likely to provide adequate levels of amenity for future occupiers of Plot 3. The proposal is therefore considered contrary to policies LP16(e) and LP16(h).

Economic Growth

- 10.5 Policy LP6 seeks to retain high quality land and premises in use for B1/B2/B8 employment purposes and gives a criteria for assessment 1-9 which includes the size of settlement, physical constraints, character and setting and flood risk. The premises are not considered to be the highest in quality. However they are not considered to be in a poor or dilapidated condition. Officers considered that the garage appeared to be well used providing an employment facility and service for the village. Therefore although the retention of the premises is not considered a reason on which to refuse the application, it does not follow that the site as it stands represents an eyesore or a non-conforming activity from which the Village would benefit from its redevelopment.

Flood Risk

- 10.6 The applicant's Flood Risk Assessment states the following:

The site is currently a redundant commercial premises.

The Sequential Test and Exception Test will require to be applied by the Local Planning Authority, but the development may be permitted as the site is protected against the 1 in 100 year return period fluvial event, meeting the requirements of NPPF. The development is for 3 dwellings to replace commercial premises at a site with a known flood risk but with flood mitigation measures incorporated to reduce the flood risk and ensure the safety of the inhabitants.

The FRA proposes raising the finished floor levels by 1 metre.

- 10.7 At the time officers visited the site the garage appeared fully operational and officers were informed that the photo studio retained some business activity. Therefore the statement regarding a redundant commercial premises was incorrect. Furthermore, the premises does not appear to be in a poor state of repair. As the building appears to be an effective employment facility serving the village, in this instance it does not appear necessarily desirable for the facility to be removed.
- 10.8 The Application provides no supporting evidence regarding the sequential or exceptions test and makes no reference to the County Council's Flood and Water SPD. From a brief viewing of property marketing web-sites it is evident that land in Manea larger than the application site, but with extant planning permission and located in Flood Zone 1, is currently available. Therefore it is considered that the proposal fails the sequential test.
- 10.9 In circumstances where the Sequential Test has not been passed the Exception Test would not be applied. The only reference to the exceptions test is the development be that of a commercial premises and that due to flood mitigation proposed this is an enhancement. However, a commercial premises as detailed in the Cambridgeshire SPD is not such a vulnerable use as housing. There is currently no housing supply shortfall in Fenland and the premises appears to be

an active employment operation. Therefore it is not considered that in this instance the need for development does not 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.

- 10.10 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.

Other Considerations

- 10.11 The neighbour's representation regarding incorrect detailing of their dwelling on the eastern side of the highway therefore misrepresenting the impact of the proposal is not considered significantly misleading.

11 CONCLUSIONS

- 11.1 The proposal is within Flood Zone 3 an area considered to be of high risk. There are sequentially preferable sites available in Manea. It is considered that the proposal fails to pass the sequential and exceptions test and is therefore contrary to Policy LP14, paragraphs 158 and 160 of the NPPF and the Cambridgeshire Flood and Water SPD. The proposed layout is considered unduly cramped and fails to provide adequate pedestrian access, off street parking and rear private amenity space. The proposal is therefore contrary to Policies LP2, LP15 and Appendix A, and LP16(e and h) of the Fenland Local Plan 2014. Also the proposed houses are of such scale and prominence they will appear out of keeping with the street scene and due to scale and design will adversely impact on the character of the area contrary to Policy LP16(d) of the Fenland Local Plan 2014.

12 RECOMMENDATION

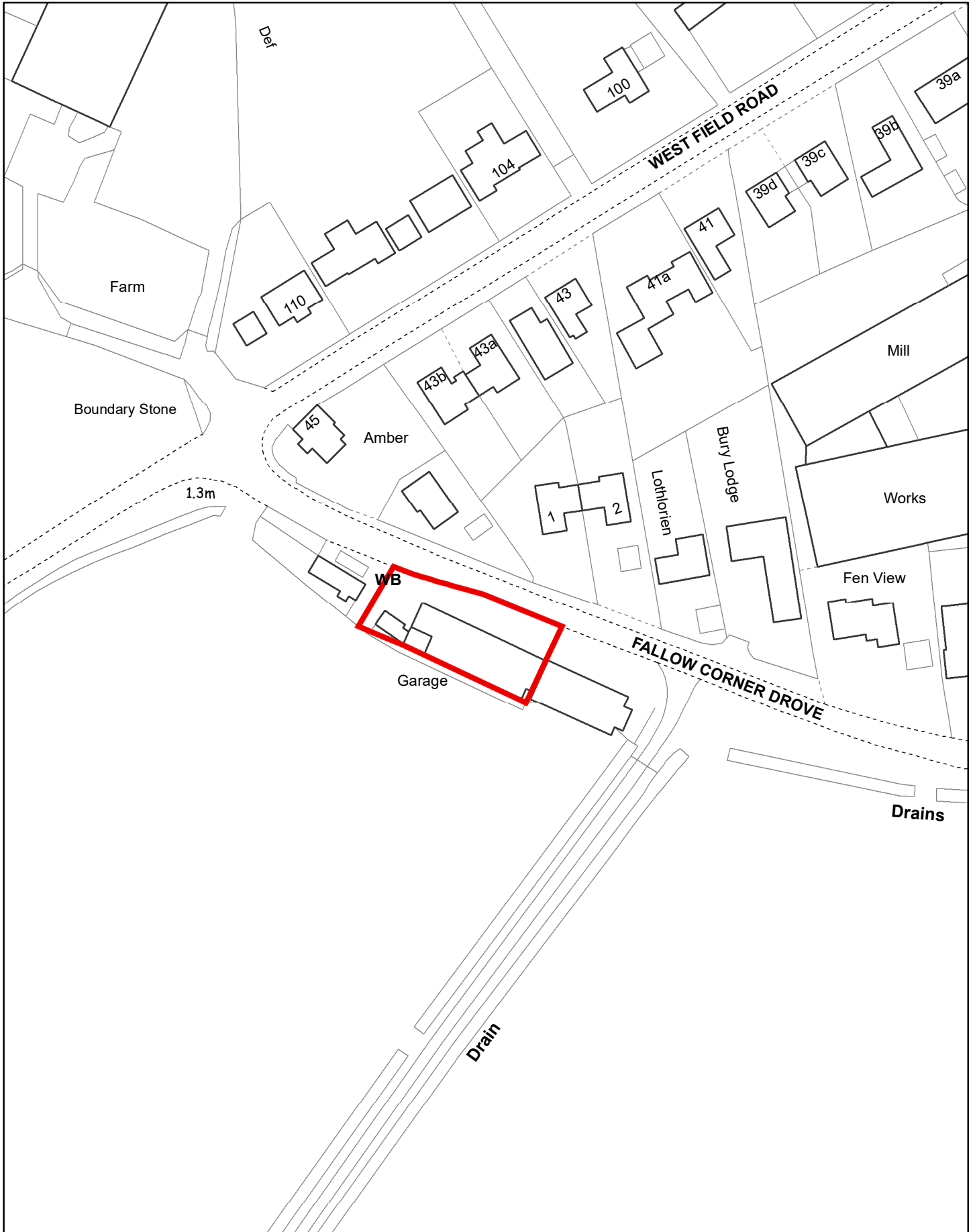
Refuse

- 1 The site is located within Flood Zone 3 an area of highest 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 1.1 metres 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.

2. The proposed layout results in an unduly cramped form of development leading to inadequate parking and poor pedestrian access considered contrary to Appendix A and Policy LP15 of the Fenland Local Plan 2014, Furthermore the unduly cramped form of development is considered likely to result in poor levels of amenity for future occupiers due to inadequate off street parking, cramped pedestrian access to the dwellings and poor level of private amenity space for the occupiers of Plot 3. The proposal is therefore considered contrary to Policy LP2, LP15 and Appendix A and LP16(e and h) of the Fenland Local Plan 2014.

3. The proposed houses by reason of scale and position in the street will result in unduly prominent visual impact unbalancing the appearance of the street scene particularly in relation to smaller surrounding buildings nearby. It is therefore considered that the proposal fails to make a positive contribution to local distinctiveness and is out of keeping with the character of the area which is predominantly of buildings of modest scale. The proposal therefore results in adverse impact in design and scale on the street scene and would therefore not meet the requirements of Section 12 of the NPPF that seeks to achieve well designed places and in particular para 127, and being contrary to Policy LP16(d) of the Fenland Local Plan 2014 (2014).



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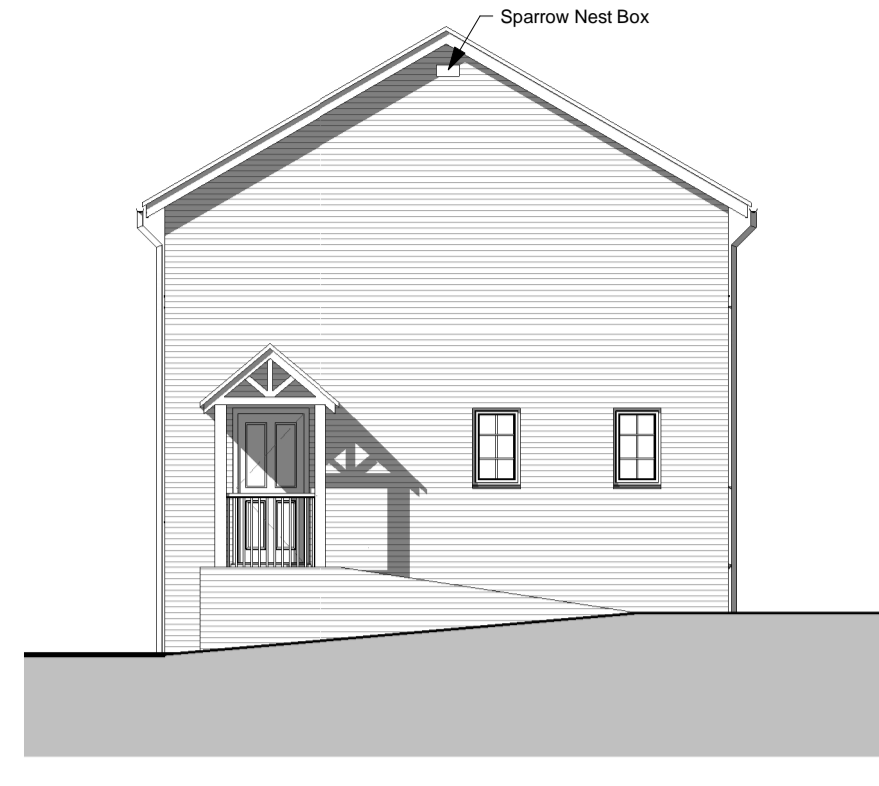
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 Any discrepancies to be brought to attention of Author as soon as possible.
 All dimensions shown in "mm" unless otherwise shown.
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.
 Do not scale from this drawing.



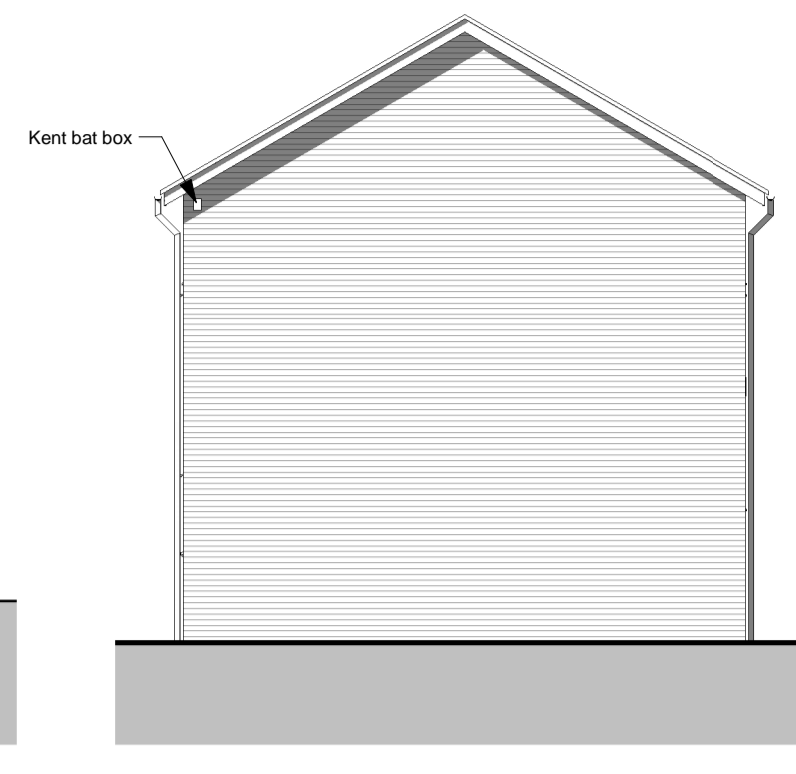
Plots 1 and 2 Front Elevation
 Scale 1 : 100



Plots 1 and 2 Rear Elevation
 Scale 1 : 100



Plots 1 and 2 Side Elevation (north west)
 Scale 1 : 100



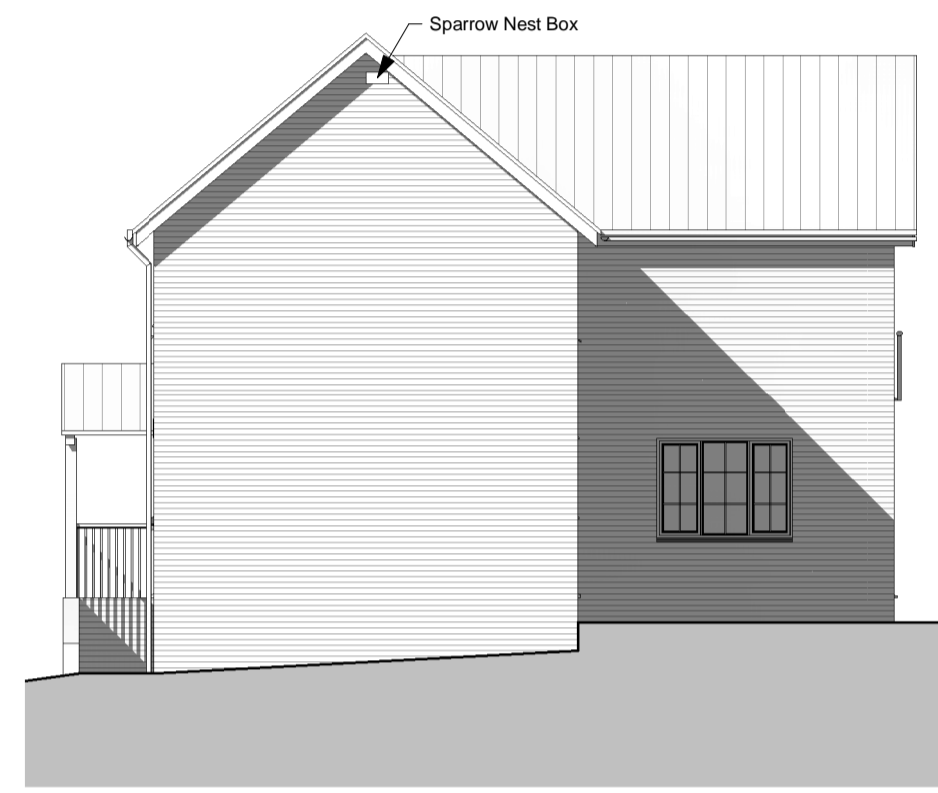
Plots 1 and 2 Side Elevation (south east)
 Scale 1 : 100



Plot 3 Front Elevation
 Scale 1 : 100



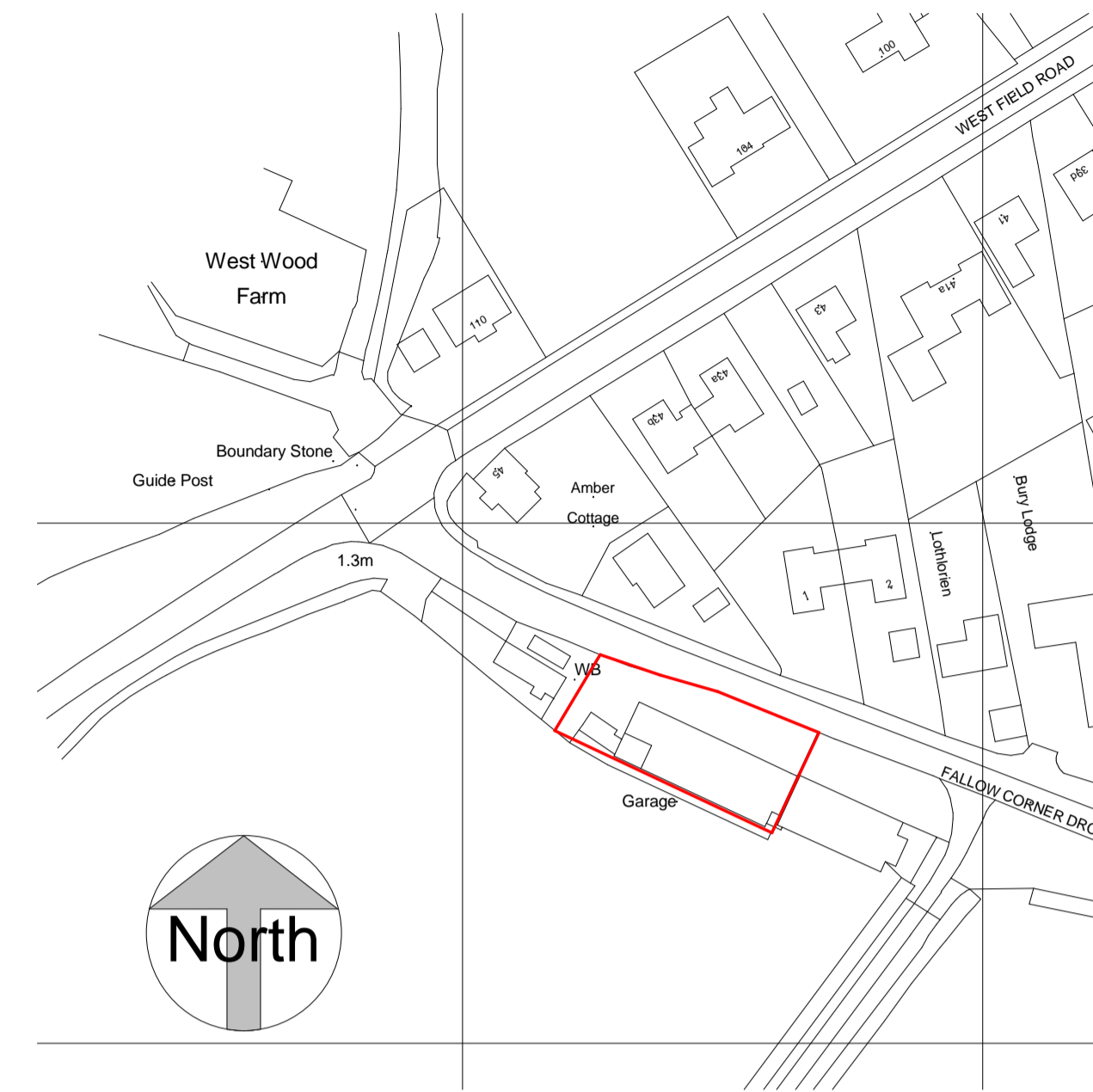
Plot 3 Rear Elevation
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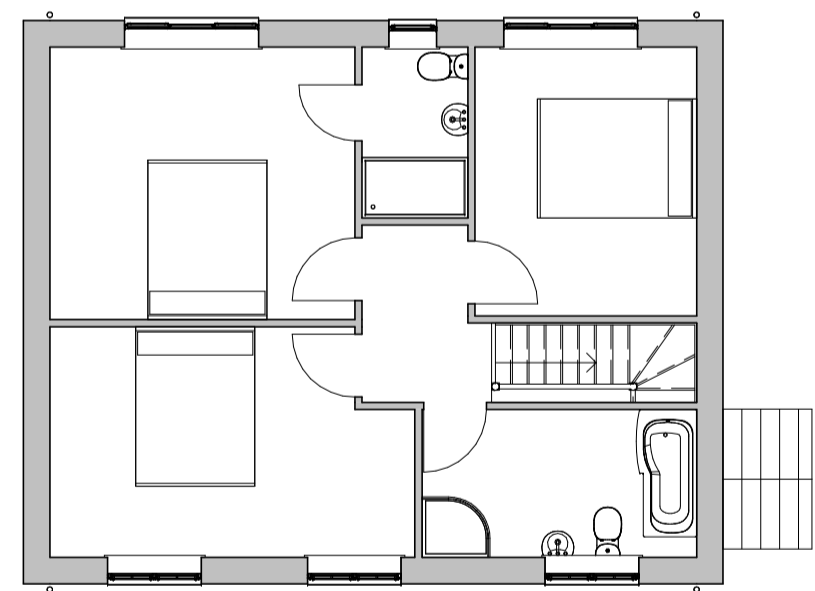
Plot 3 Side Elevation (north west)
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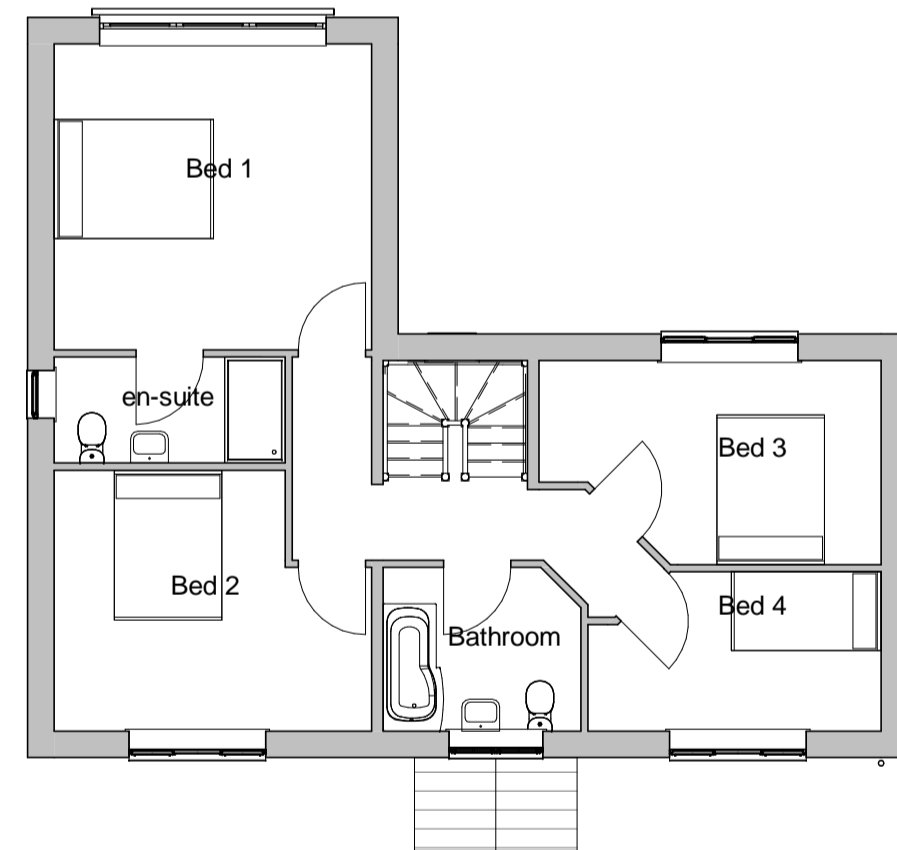
Plot 3 Side Elevation (south east)
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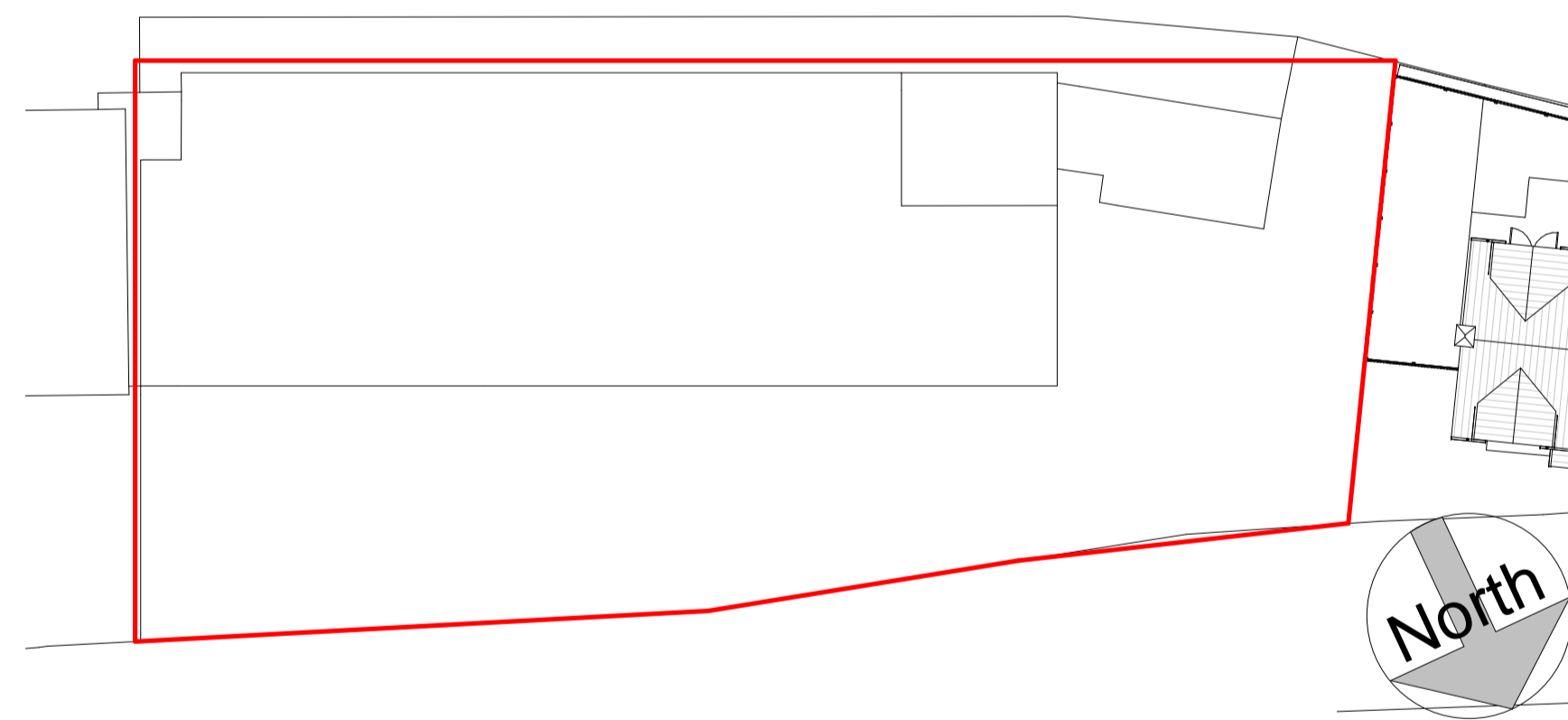
Planning Location Plan
 Scale 1 : 1250



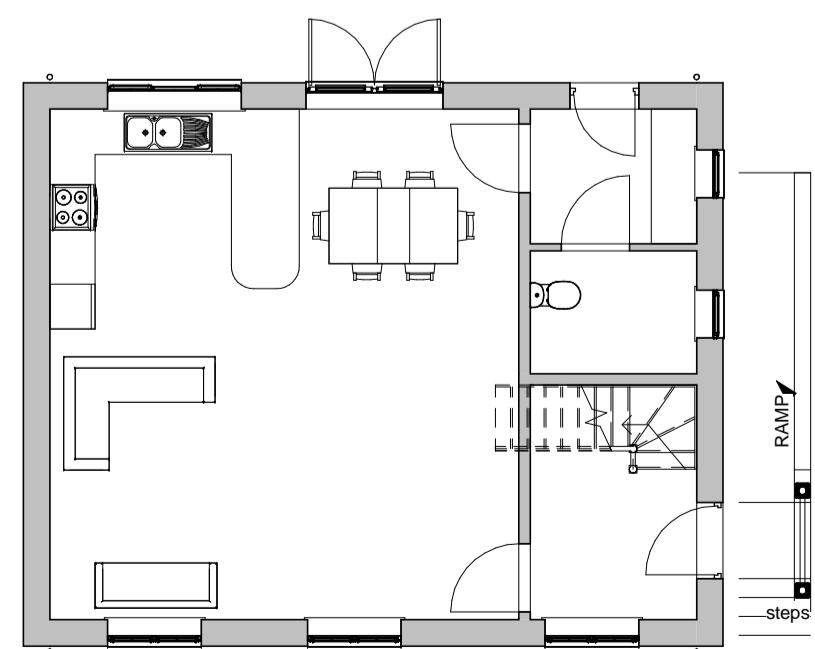
Plot 1 and 2 First Floor
 Scale 1 : 100



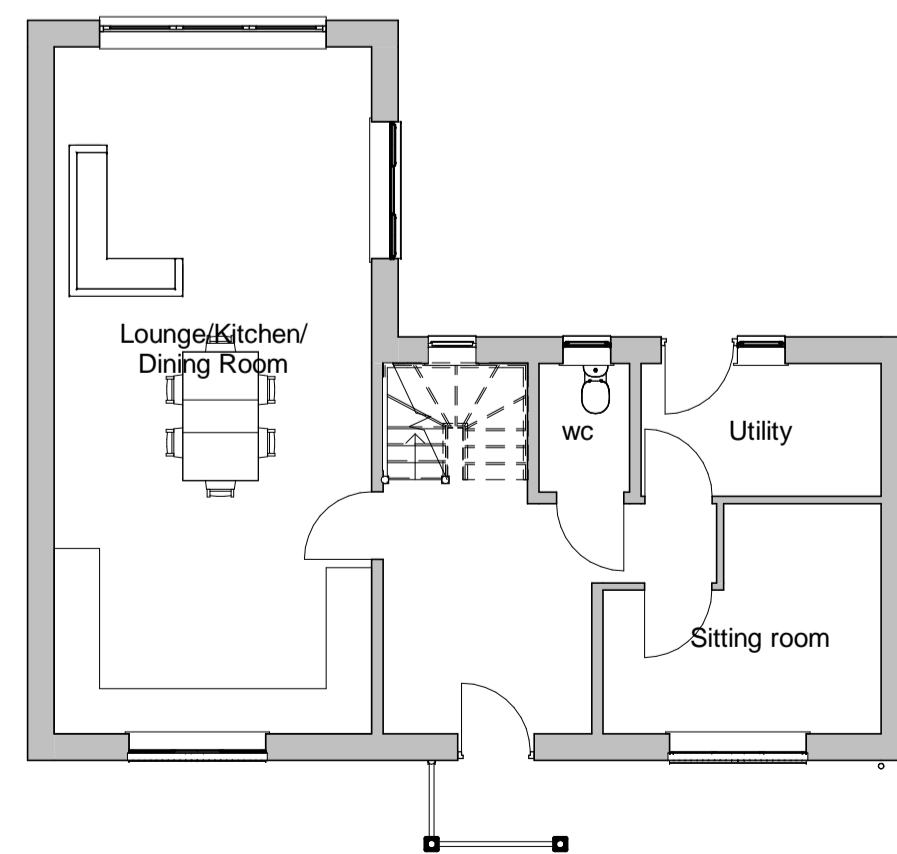
Plot 3 First Floor
 Scale 1 : 100



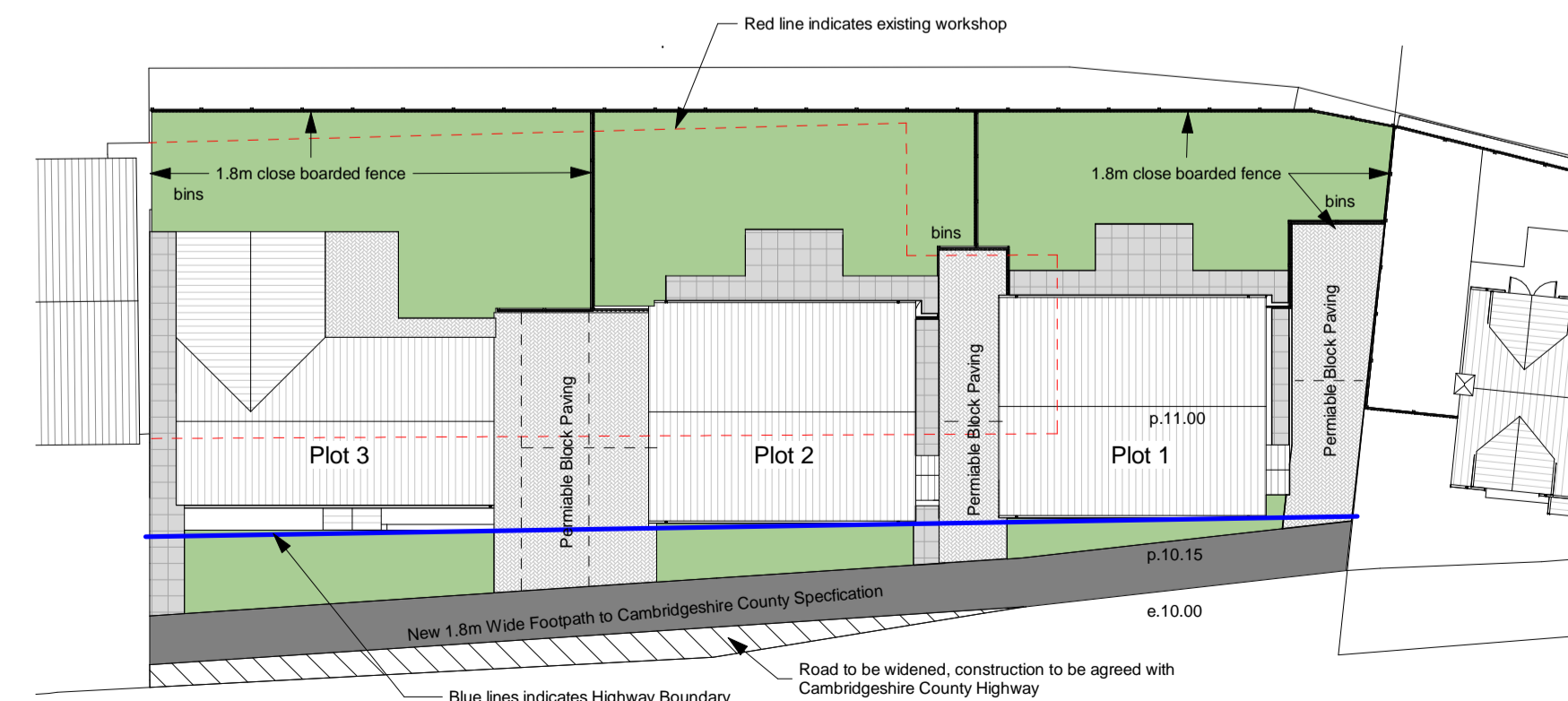
Planning Existing Site Plan
 Scale 1 : 250



Plot 1 and 2 Ground Floor
 Scale 1 : 100



Plot 3 Ground Floor Plan
 Scale 1 : 100



Planning Site Plan
 Scale 1 : 250

B	Site Plan Amended	18-10-18
A	North Points Added, Plot numbers added	9-10-18

Ian Gowler Consulting Ltd
 Architectural and Domestic Energy Consultant
 Grove House, 22 Primrose Hill, Dodington, Cambs, PE15 0SU
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

3 Proposed Dwellings at The Weighbridge, Fallow Corner Drive, Manea for Mr F Simpson

Planning Drawing

date created	scale	drawing no.	rev
18-09-18	As indicated @ A1	225 - P05	B

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F/YR18/0902/A

Applicant: Mrs G Peck

Agent :

Poundstretcher, Fenland Way, Chatteris, Cambridgeshire

Display of 1 x internally illuminated fascia sign to shop front and 1 x non-illuminated fascia sign to shop side

This application is an 'other' application.

Reason for Committee: More than 5 letters of objection received which is contrary to officer's recommendation.

1 EXECUTIVE SUMMARY

The application seeks advertisement consent for the display of 2 signs at the Poundstretcher store on Fenland Way, Chatteris. The signage has already been erected and both signs were originally proposed to be illuminated. However, following comments from residents and the Council's Environmental Protection team regarding the level of illumination to the side signage and the adverse impacts this could cause, the proposal has been amended to remove the illuminated element to the side signage. As such, only the shop front signage is now proposed to be illuminated.

The application has been considered in accordance with the development plan and full regard has been had to the comments received. The proposed advertisements are considered to be acceptable in respect of their design, scale and location and would not result in unacceptable harm on amenity or safety.

The application is therefore recommended for approval.

2 SITE DESCRIPTION

- 2.1 The site lies to the west of Chatteris, to the north of the Honeysome Road industrial estate and opposite the residential estates of Larham Way and Gipson Close – separated by the A141 (Fenland Way).
- 2.2 The site comprises a large retail store and car park area. The store has recently been sub-divided into 2 retail outlets. This application relates to the outlet adjacent to the A141 – currently occupied by the discount store, Poundstretcher.

3 PROPOSAL

- 3.1 The application seeks advertisement consent for the installation of 2No. fascia signs. The signage is already in place (erected around March 2018) and an application has been submitted following intervention by the Council's Planning Enforcement Team.

- 3.2 One sign is located above the shop entrance (facing north) and one sign is located on the side of the premises fronting the A141 (facing east). Both signs measure 6.1m in width by 2.0m in height. The shop front signage is positioned 2.8m from floor level and the side signage is positioned 4.2m above the adjacent footpath.
- 3.3 The signs are rectangular comprising a mixture of red and white background to display the company logo.
- 3.4 Both signs were originally proposed as internally illuminated. However, since the submission of the application and following concerns raised by residents and the Council's Environmental Protection team regarding the level of illumination to the side signage and the adverse impacts this could cause, the proposal has been amended to remove the illuminated element to the side signage. As such, only the shop front signage is now proposed to be illuminated.
- 3.5 Following this amendment, the application has undergone a further round of consultations with residents and the Environmental Protection team (see section 5 below).
- 3.6 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR16/1101/F	Variation of condition 2 of planning permission F/YR14/0400/NONMAT (Non-material amendment: Amendment to design etc) involving changes to subdivide building to form two retail units which include variations to Unit 1 only of a new customer entrance to north elevation; concrete ramp to service yard and double door to south elevation and single door to double doors on east elevation Land North Of Honeysome Industrial Estate Fronting Fenland	Withdrawn	18/10/2017
F/YR16/1062/F	Variation of Condition 13 and 18 of planning permission F/YR12/0483/F (Variation of Conditions 13 and 15 of Planning Permission F/YR11/0661/F - Erection of foodstore (A1) and petrol filling station builders merchants (B8) with external storage area associated car parking and highway works and re-alignment of part of Fenton Lode Twenty Foot drain and associated engineering works) to increase maximum retail floorspace subdivide building to form two retail units changes to elevations and installation of concrete ramp in service yard Land North Of Honeysome Industrial Estate Fronting Fenland	Granted	08/08/2017
F/YR14/0675/A	Display of 1 internally illuminated sky sign above canopy and 1 internally illuminated double sided gantry sign Land North Of Honeysome Industrial Estate Fronting Fenland	Granted	10/08/2014
F/YR14/0400/NON	Non-material amendment: Amendment to design of windcatchers and addition of walkway on roof; relocation of door on west elevation; insertion of additional door roof ladder and external staircase on south elevation; alterations to lobby and service yard relating to planning permission F/YR12/0483/F (Variation of Conditions 13 and 15 of Planning Permission F/YR11/0661/F - Erection of foodstore (A1) and petrol filling station builders merchants (B8) with external storage area associated car parking and highway works and re-alignment of part of Fenton Lode Twenty Foot drain and associated engineering works) Land North Of Honeysome Industrial Estate Fronting Fenland	Approved	23/06/2014
F/YR13/3096/CON	Details reserved by condition 15 of planning permission F/YR12/0483/F (Variation of Conditions 13 and 15 of Planning Permission F/YR11/0661/F) Land North Of Honeysome Industrial Estate Fronting Fenland	Approved	28/01/2014

F/YR13/3050/CON	Details reserved by Conditions 2 4 5 6 7 8 and 9 of Planning Permission F/YR12/0483/F (Variation of Conditions 13 and 15 of Planning Permission F/YR11/0661/F) Land North Of Honeysome Industrial Estate Fronting Fenland	Approved	19/12/2013
F/YR13/0389/NON	Non-material amendment: Amendment to location of electricity substation relating to planning permission F/YR12/0483/F (Variation of Conditions 13 and 15 of Planning Permission F/YR11/0661/F - Erection of foodstore (A1) and petrol filling station builders merchants (B8) with external storage area associated car parking and highway works and re-alignment of part of Fenton Lode Twenty Foot drain and associated engineering works) Land North Of Honeysome Industrial Estate Fronting Fenland	Approved	21/06/2013
F/YR12/0483/F	Variation of Conditions 13 and 15 of Planning Permission F/YR11/0661/F (Erection of foodstore (A1) and petrol filling station builders merchants (B8) with external storage area associated car parking and highway works and re-alignment of part of Fenton Lode Twenty Foot drain and associated engineering works) to remove the restrictions on convenience and comparison goods and supplement with a Net Sales Area total and to enable works (other than highway works) to commence Land North Of Honeysome Industrial Estate Fronting Fenland	Granted	18/10/2012
F/YR12/3057/CON	Discharge of Condition 2 of planning permission F/YR11/0661/F (Erection of foodstore (A1) and petrol filling station builders merchants (B8) with external storage area associated car parking and highway works and re-alignment of part of Fenton Lode Twenty Foot drain and associated engineering works) Land North Of Honeysome Industrial Estate Fronting Fenland	Approved	13/08/2012
F/YR11/0661/F	Erection of foodstore (A1) and petrol filling station builders merchants (B8) with external storage area associated car parking and highway works and re-alignment of part of Fenton Lode Twenty Foot drain and associated engineering works Land North Of Honeysome Industrial Estate Fronting Fenland	Granted	27/04/2012

5 CONSULTATIONS

Chatteris Town Council

- 5.1 Supports the proposal but only if the sign is switched off when the store stops trading. Advises there have been many complaints from local residents about the light glaring through their windows at night.

FDC Environmental Protection

5.2 *Initial proposal*

Advises that the proposal does not meet the current guidance; the levels specified are too high for this type of area.

Following the amendments;

Notes the amended plans and description. Advises that the current proposal should not result in unacceptable harm to the amenity of the area and as such Environmental Health has no objections.

CCC Highways (LHA)

- 5.3 Notes that as the signs are internally illuminated they have no highways objections.

Local Residents/Interested Parties

5.4 Objectors

8 letters of objection received at initial round of consultation raising the following concerns;

- Illuminated sign can be seen from rear of property
- There was never resident consultation for the Jacks sign which is very bright
- Shines through bedroom windows – had to purchase black-out blinds
- Light pollution affects sleeping
- Causes distress to those living in close quarters to the bright Poundstretcher lights
- De-valuing property
- Interferes with the use and enjoyment of home
- Visual impact
- Anti-social
- Will leave precedent for another oversize illuminated sign for Jacks to be added alongside it.
- Questions why the signage is necessary

- 5.5 Whilst 8 letters of objection have been received; some residents have raised no specific objection to the store front signage – only to the side signage front signage.

Two residents raise no objection to the side signage subject to this being switched off during non-daylight hours.

5.6 Other contributions

No letters of support of other representation have been received.

- 5.7 No comments have been received from residents following a re-consultation to notify about the removal of the illuminated element to the side signage.

6 STATUTORY DUTY

- 6.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require a Local Planning Authority to exercise its powers in the interests of amenity and public safety taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Amenity can, for example, include general characteristics of the locality. Safety grounds also include highway safety. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Fenland Local Plan 2014 (FLP):
LP15: Highways & Transport
LP16: High quality environments

8 KEY ISSUES

- **Principle of Development**
- **Amenity impacts**
- **Safety impacts**
- **Other matters – resident comments**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP16 supports the principle of advertisements subject to acceptable impacts of the proposal on design, safety and amenity grounds as detailed under criteria (a) to (o) of LP16.

Amenity impacts

- 9.2 Policy LP16 seeks to promote high levels of residential amenity, avoiding adverse impacts through matters such as overshadowing, overlooking, loss of light, light pollution. The NPPF recognises that the quality and character of places can suffer when advertisements are poorly sited and designed.
- 9.3 The signage is located on a building set within an area for retail use and sited directly on the associated building. The signage is therefore seen in the context of the associated retail use.
- 9.4 The building itself is large and the signage is considered to be proportionate to the scale of the building and not out of keeping with the general character of this area. In this regard, the appearance of the signage is acceptable.
- 9.5 As noted, the applicant has amended their proposal following concerns raised by residents and the Council's Environmental Protection team leading to the removal of the illuminated element of the side signage. As such, the following assessment is made for each sign;

Shop front signage

- 9.6 This sign is set above the entrance to the store and set underneath a canopy. It faces north, onto the car park in front. Beyond this to the north is undeveloped land extending approximately 450m until the land becomes developed (Fenland Way, Caravan Site). Due to the distance separation between the site and the caravan site and existing boundary treatments, it is concluded that the advertisement would not adversely harm the amenity of these residents.
- 9.7 To the west and north-west the land comprises open countryside and a solar farm. To the east is residential development which backs onto the A141. It is considered that some views would be achieved from the rear windows of

properties in this location; however, given the distance separation and the signage facing due north, the views of the signage are at oblique angles and therefore do not result in direct light into the rear of these properties.

- 9.8 A resident has commented that the signage for the adjoining retailer, 'Jacks' is bright. The 'Jacks' store incorporates an over-entrance illuminated fascia sign similar to that proposed here and a post-mounted one near to the roundabout. The cumulative impacts of signage must also be considered in terms of their impact on amenity. In this instance, it is concluded that the locations and design of the signage when considered cumulatively with that now proposed would not result in a cluttered appearance or amount to amenity harm through the illuminated aspect. As such, the cumulative impacts of the signage are acceptable.
- 9.9 The same resident also raises concerns in their comments that they were not consulted on the advertisements for 'Jacks'. This is not a material consideration for the purposes of determining this application. Notwithstanding this, a check of the Council's database indicates that the Council followed its statutory duty in respect of consulting on the application.

Shop side signage

- 9.10 Following the amendments, the Council's Environmental Protection team raises no objection to this sign. It is considered that whilst the signage will be clearly seen from the rear of properties, most notably from those directly opposite at Gipson Close and Larham Way, it will be seen in the context of the retail store and would not result in harm to the living conditions of those occupants or those nearby, particularly following the removal of the illuminated element from the scheme.

Safety impacts

- 9.11 The LHA has raised no objection to the proposal and Officers have no reason to believe that the advertisements would compromise highways safety. Furthermore, the location and fixing of the signage does not indicate that the signage would pose a risk to public safety. Notwithstanding this, it would ultimately be the owner's responsibility to ensure that the signage was securely fixed at all times and this is controlled via planning condition as standard with all advertisement applications.

Other matters – resident comments

- 9.12 Whilst it is considered that most resident comments have been addressed above, the following require attention;
- 9.13 *De-valuing property*
The planning system does not exist to protect private interests such as value of land or property and as such no weight can be afforded to this concern.
- 9.14 *Anti-social*
It is not certain whether the comments refer to the advertisement being anti-social or could lead to anti-social behaviour. It is considered however that due to the limited harm the signage will cause on residential amenity, this would not lead to social issues.

9.15 *Will leave precedent for another oversize illuminated sign for Jacks to be added alongside it.*
 Each application is considered on its own merits. As stated above, the principle for displaying advertisements is accepted under LP16, subject to certain criteria being met. As such it is not considered that granting these advertisements would set any precedent.

9.16 *Questions why the signage is necessary*
 Paragraph 132 of the NPPF states that:

“Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

As such, Officers interpret this to mean that it is not the role of the LPA to question the rationale or necessity for specific adverts, but instead to consider their physical impacts on amenity and public safety.

10 CONCLUSIONS

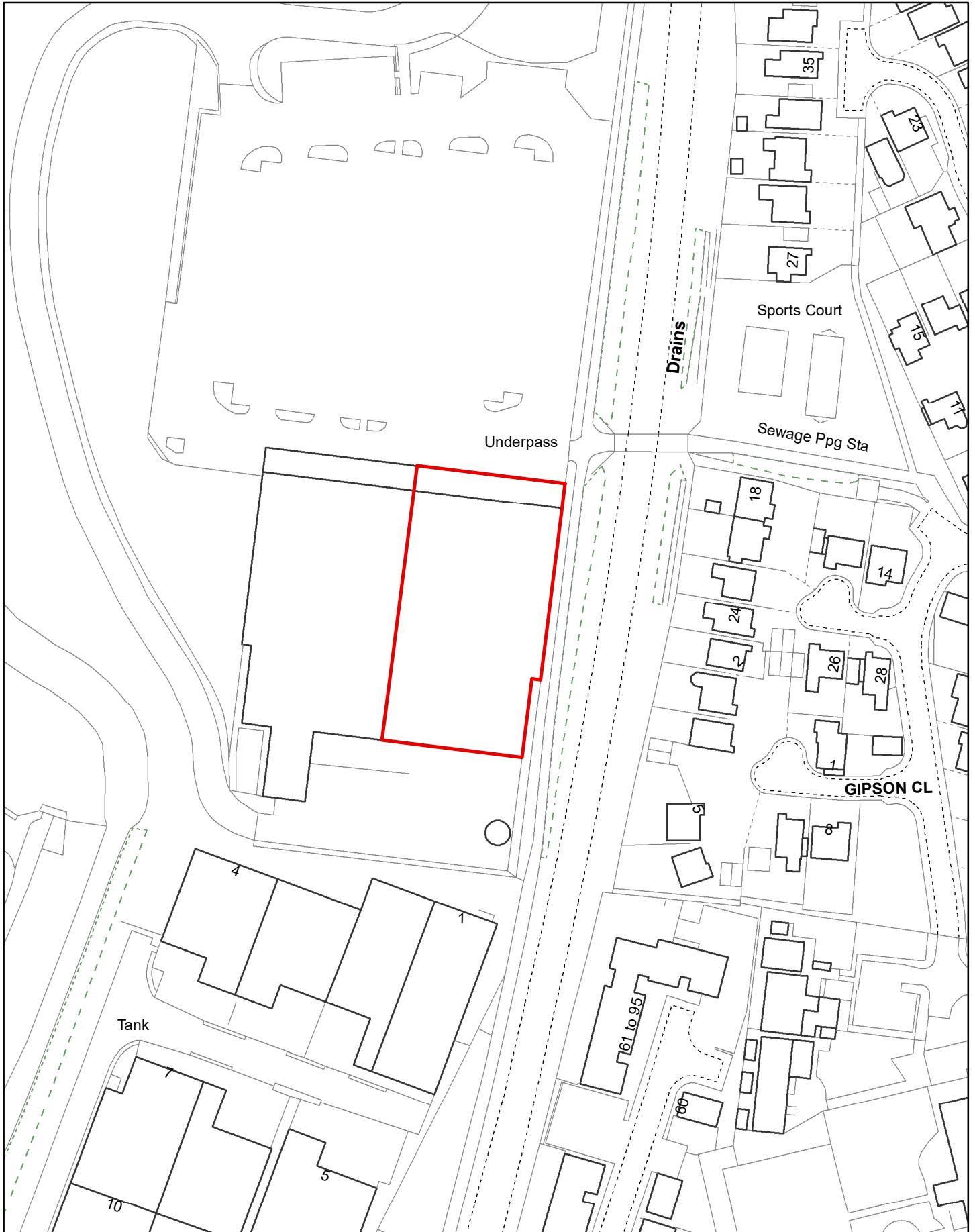
10.1 The application has been considered in accordance with the development plan and full regard has been had to the comments received. The advertisements are considered to be acceptable in respect of their design, scale, location and would not result in unacceptable harm on amenity or safety. As such, the application is recommended for approval.

11 RECOMMENDATION

Grant subject to the following conditions;

1.	<p>The advertisement(s) permitted shall only be displayed for a period of 5 years from the date of this consent. On or before the expiry of this period the advertisement(s) shall be removed unless a further application for renewal is submitted prior to that date.</p> <p>Reason - To ensure compliance with Regulation 15 (2) of the Town and Country Planning (Control of Advertisements) Regulations 2007.</p>
2.	<p>1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.</p> <p>2. No advertisement shall be sited or displayed so as to -</p> <ul style="list-style-type: none"> a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of speed of any vehicle. <p>3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.</p>

	<p>4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.</p> <p>5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.</p> <p>Reason - To safeguard the visual amenity of the area and highway safety in accordance with Policy LP15, LP16 and LP18 of the Fenland Local Plan 2014.</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the approved plans and documents.</p>



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FRONT SIGN

6100mm



SIDE SIGN

6100mm

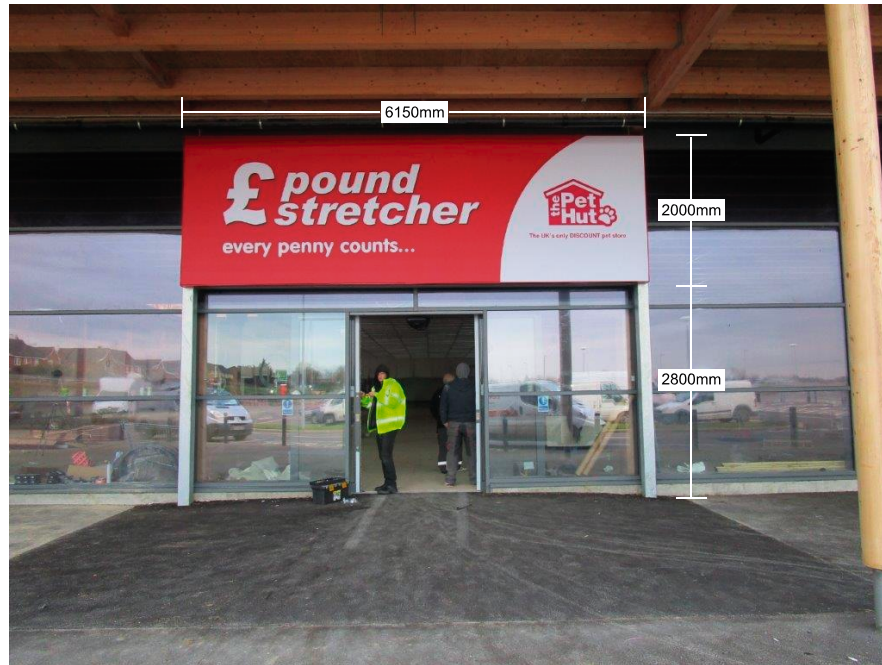


FULLY-ILLUMINATED FLEX BOX



NON-ILLUMINATED FLEX BOX

Shop front



Shop side



135mm Deep flex face light box
Constructed from aluminium extrusion
painted red RAL3020
large format digitally printed flex face
WHITE 0.72w led modules (82 lumens per module)

-135mm deep flex face box
-Constructed from aluminum extrusion
-painted red RAL 3020
-large format digitally printed flex face
-non-illuminated