

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 27 MARCH 2019

1.00 PM

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

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

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 8)

To confirm and sign the minutes from the previous meeting of 27 February 2019.
- 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/YR18/0919/F
25a High Street, Chatteris

Change of use from retail (A1) to restaurant and cafe(A3) (Pages 9 - 20)

To determine the application.
- 6 F/YR19/0042/F
Land North of 101 and 101A Elm Low Road, Wisbech

Erection of 3x2-storey dwellings, comprising of 2x3 bed and 1x2 bed (Pages 21 - 32)

To determine the application

- 7 F/YR19/0123/O
Land South of 6 Fridaybridge Road, Elm

Erection of up to 6no dwellings (outline application with matters committed in respect of access) (Pages 33 - 48)

To determine the application

- 8 F/YR19/0001/TRCA
2 Claygate, Whittlesey

Fell 1no Silver Birch within a Conservation Area (Pages 49 - 54)

To determine the application

Members: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor I 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 and Councillor Mrs S Bligh,

PLANNING COMMITTEE



WEDNESDAY, 27 FEBRUARY 2019 - 1.00 PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor I Benney, Councillor S Court, Councillor A Hay, Councillor Mrs D Laws, Councillor P Murphy, Councillor W Sutton and Councillor Mrs S Bligh,

APOLOGIES: Councillor D Connor, Councillor Mrs M Davis and Councillor Mrs F Newell,

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

P64/18 PREVIOUS MINUTES

The minutes of the meeting of 30 January 2019 were confirmed and signed.

P65/18 F/YR17/1127/O. NORTH OF THE GREEN AND NORTH OF 145-159 WISBECH ROAD, MARCH, CAMBRIDGESHIRE

118NO DWELLINGS INVOLVING DEMOLITION OF 147A WISBECH ROAD (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 to members and drew their attention to the update report which had been circulated.

Members received a presentation, in accordance with the Public Participation Procedure, from Tim Slater, acting on behalf of the Agent in support of the application.

Mr Slater stated that there is an error contained within the report at 9.3 where it states that no community consultation had taken place, this is incorrect as one took place on 16 November 2017. He added that the layout is indicative only and all matters except access will be subject to reserved matters.

Mr Slater stated that the application is for a sustainable development, in the context of the National Planning Policy Framework (NPPF), and in his view, it is a sustainable and accessible location and is policy compliant.

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

- Councillor Mrs Laws stated that she is very interested in the Section 106 contributions and added that in her opinion suitable housing accommodation is important and required. She added that it is a very healthy proposition of £1.65 million and she would hope that the relevant parties involved with the application adhere to the delivery of their promise.
- Councillor Mrs Bligh stated in her opinion that the site is well placed and the improvements

that are planned to the Peas Hill roundabout in her opinion will be welcomed. She feels the proposal in its outline form meets policy, however the Section 106 Obligations will not come to fruition with a later viability study, adding that whilst Fenland and the town of March need houses there also needs to be contributions towards education and health.

- Councillor Mrs Laws stated that the development would enhance the area and she will be supporting approval of this application.
- Councillor Murphy stated that 12 statutory consultees have raised no objections to this application and, therefore, he cannot see any reason for it to be refused.
- Councillor Sutton asked for clarification with a couple of anomalies within the report. At point 5.9 of the report it mentions that the proposal is for 33 homes for affordable rent and shared ownership, but at 9.46, it states 30 units and he asked for clarity. David Rowen confirmed that the correct figure is 30.
- Councillor Sutton stated that at 5.19 in the officer's report where it mentions the provision of GP surgery needs, it mentions Mercheford House Surgery, and at 9.54, it quotes the Riverside Practice and asked for clarification of whether it is both surgeries or if it is just one. David Rowen agreed that there is a discrepancy, however the main issue for members to consider is that £42,435 will be secured towards GP provision in the vicinity, however, clarification will be sought from the NHS.
- Councillor Sutton commented on the Section 106 contributions and highlighted the financial contribution per plot, stating that, in his opinion, he has serious doubts as to whether the site will be developed based on the figures before members today. He added that it is not affordable to build the site out based on those figures.
- Councillor Court commented that although he is the Ward Councillor for the proposal, he has not been lobbied on the application and having studied the report, his main concern is the access onto Wisbech Road for 118 houses, with Wisbech Road being the main route into March from Wisbech, Peterborough and Kings Lynn and there is a great deal of traffic on the road. He made the point that In 2015, the speed limit on the road was reduced from 40mph to 30mph due to the risk surrounding school children trying to cross the road, the road is already an extremely busy road and to add an additional 118 houses will only add to the risk of road traffic accidents and in his opinion, he feels that a smaller development of 30 homes would be a better option. He also feels that the impact on schools and health provision also needs to be taken into consideration.
- Nick Harding stated that he has reviewed the NHS letter that was received by officers and it mentions both GP practices, so clarification will need to be sought, however, he does have a recollection of a proposed merger between surgeries, but this information will still need to be confirmed.
- Councillor Mrs Laws referred to the comments made by Councillor Court and added that there are no highways objections to the proposal, subject to the provision of the works at Peas Hill roundabout and the financial contribution towards the cycle infrastructure.
- Councillor Mrs Laws agrees with Councillor Sutton's concerns with regard to the Section 106 agreement, and in her opinion, believes a viability study will be undertaken going forward.
- The Chairman added that it has to be accepted that the Section 106 agreement is part of the application and what happens in the future does not form part of the determination before members today.
- Councillor Hay commented that she agrees that the Section 106 has to be accepted as it stands and 118 houses on that site is not, in her opinion, overdevelopment. She added that whilst it will create more vehicular movements, not all traffic will be leaving the site at the same time and there will be the benefit of the improvements to the road leading to the junction, which could ease the existing traffic issues already in existence.

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

P66/18

F/YR18/1126/O.

**LAND EAST OF THE BUNGALOW, IRETONS WAY, CHATTERIS,
CAMBRIDGESHIRE**

**ERECTION OF A DWELLING (OUTLINE APPLICATION WITH MATTERS
COMMITTED IN RESPECT OF ACCESS AND LAYOUT)**

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 and drew their attention to the update report which had been circulated.

Members received a presentation, in accordance with the Public Participation Procedure, from Mr Lee Bevens, the Agent.

Mr Bevens explained that the application may appear straight forward for determination however the current application is a culmination of 2 years work where the applicant has been trying to resolve the issues at the site. He stated that the applicant had previously applied for a certificate of lawfulness on 2 separate occasions with one being refused, which was to establish a permanent dwelling for a mobile home, which would be used by his daughter and family and despite numerous letters of support to confirm that she has lived there for more than ten years it has proved problematic to obtain specific utility bills to prove it was a separate dwelling.

Mr Bevens stated that it was therefore, felt that given the length of time the applicant's daughter and her family had lived at the address, an application for a permanent dwelling would be a more acceptable approach. He explained that if approved, the current mobile home behind the bungalow will be removed and this will improve the visual character.

Mr Bevens made the point that whilst it is accepted that the site falls outside of the settlement of Chatteris, it is not practical to offer justification for an elsewhere location as the proposal has nothing to do with agriculture, forestry or horticulture. He added that mitigation has been offered in proposing a bungalow at the address to remove the long standing mobile home and in respect of policy LP12d, an explanation has been provided to explain why the bungalow should be supported and be treated differently to a typical dwelling in the open countryside.

Mr Bevens expressed the view that he proposed dwelling is in a sustainable location and will mean that the family can all live in the vicinity to provide a support network due to the issues of ill health. He commented that the National Planning Policy Framework has sustainability at its core and the proposal before the committee meets the social objective of sustainable growth, by providing a new home with the dwelling not being an isolated home in the countryside by virtue of it being similar to others in the vicinity and the land will be used effectively ensuring safe and healthy living conditions.

Mr Bevens stated that whilst there has been no request to update the visibility splays, the comments of the Highways Officer can be taken on board and the extra distances can be achieved. He concluded by stating that the proposal has overwhelming local support, and there have been no letters of objection to the scheme, there will be no negative impact on the area and it will not cause harm to the appearance of the surrounding countryside being of a scale and location that is in keeping with the immediate form of development. He asked members to use flexibility against the local plan and policies and grant approval.

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

- Councillor Mrs Laws asked Mr Bevens whether any supporting documentation has been provided to support the medical history problems that he had alluded to? He stated that the medical history concerns have taken place in the last few months and no documentation has been submitted.
- Councillor Mrs Laws asked whether the issue of utility bills has been resolved yet? Mr Bevens stated that when the Certificate of Lawfulness application was produced, whilst there was the local support to confirm that the daughter had lived there for more than 10 years, because the bills for the utility services were addressed to the bungalow, it had proved difficult to justify splitting the bills.
- Councillor Mrs Laws asked whether the bungalow is still paying for all the utilities? Mr Bevens said that as far as he was aware that was the case. Mr Bevens and the applicant added that the electric bills are all separate. Councillor Mrs Laws stated that if the electric bills are separate then there would be an audit trail of information.
- Councillor Sutton stated that on the site visit members saw that there were two static vans on the site. Mr Bevens said that there is a temporary one there at the moment due to the ongoing health issues with another member of the family having moved onto the site temporarily and the mobile home will not remain in situ for the long term.

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

- Councillor Hay asked for clarity with regard to when the original bungalow was built. Her understanding was that one of the conditions was that the static caravan was there to facilitate the building and it would be removed once the dwelling was built. David Rowen advised that in terms of the original permission for the demolition of the original bungalow, no mobile home was included as part of that application, and whether there was a condition as part of the proposal is unknown. He added that the proposal is for a standalone new property to be erected and the presence and history of the mobile home is irrelevant.
- Councillor Benney explained that this is the first committee meeting he has sat on where he knows the applicant, knows the majority of the people who have written letters of support, knows the area and the site well and feels the siting of a bungalow would enhance the area. He added that if the application was approved, he would like to see a condition added that the mobile homes should be removed from the site altogether. He feels that time has proven that the location is sustainable and the existing bungalow is very well kept and maintained. He commended the family for wanting to stay together and in his view the human element should also be considered when determining the application, making the point that that both Chatteris Town Council and Manea Parish Council support this application.
- Councillor Murphy stated that the proposal is outside of all planning policies to add a new bungalow on the site. He added that he can recall when the bungalow was built and the mobile home was put in situ, and, in his opinion, he recalls that the caravan should have been removed when the bungalow was finished and this has never happened.
- Councillor Mrs Laws added that there are policies in place to consult when reviewing applications and whilst she appreciates Councillor Benneys comments, an applicant should supply evidence based documentation to officers, and in this case no medical evidence has been supplied. With regard to proof of ownership and utility bills this evidence has also not been submitted.
- Councillor Benney referred to Councillor Murphy's comments that the application falls outside of the building line, however, after consulting Google maps the development is closer to the centre of Chatteris than another application which was approved.
- Councillor Hay made the point that Cambridgeshire County Council have asked for a deferment for amended plans or refusal altogether because there has been a failure to demonstrate a satisfactory access point.
- Councillor Sutton stated that planning is about the use of land, and whilst he can understand the comments raised by Councillor Benney, and he commends the family for

wanting to reside together, planning law is about land use and planning policy, and if this application was approved it would be inconsistent with previous decisions.

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

(Councillors Benney, Hay and Murphy stated that they are members of Chatteris Town Council, but take no part in planning matters)

(Councillor Benney stated that he has known the applicant for many years and stated that the legal officer has advised that there is no reason why he should not sit on the committee.)

P67/18

F/YR18/1146/F.

LAND WEST OF 327, NORWOOD ROAD, MARCH, CAMBRIDGESHIRE

ERECTION OF 2 X SINGLE-STOREY 3-BED DWELLINGS WITH ATTACHED SINGLE GARAGE

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 and drew their attention to the update report that had been circulated.

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

Mr Edwards explained that the application is for 2 bungalows off Prospect Road in March and has worked closely with the Planning Officer throughout the planning application process. The site is the extended garden of the applicants dwelling, which is 327 Norwood Road, and he advised that the host property will still have adequate amenity space, should the application be approved.

Mr Edwards added that a pre-application on the site has taken place, which received a positive response and has led to the application before the committee today. He stated that the proposal will be for single storey dwellings, will not impact on the neighbouring properties and following the planning officer's comments, both bungalows will be moved further back to increase the distance between the proposal and the existing bungalows on the opposite side of Prospect Road.

Mr Edwards stated that as part of the proposal, a turning area has also been provided for the use of all residents on Prospect Road, which will mean that no vehicle will need to exit the road in reverse.

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

- Councillor Sutton stated that there are no reasons why this application should not be approved. The Agent and the Applicant have worked with the Planning Officers in order to overcome any issues and everything is now in order.
- Councillor Bligh agreed with Councillor Sutton's comments that the Agent has worked well with officers and she will fully support this application.
- Councillor Hay asked whether any amended Highway plans had been submitted following a comment received from Cambridgeshire County Council Highways where they state that Prospect Road does not allow 2 way vehicle flow at the access and stated that it could result in vehicles being stationary on Wisbech Road. David Rowen stated that no amended plans were requested in respect of that comment, as it was considered that Prospect Road

is of a limited width and the addition of 2 properties, although intensifying the use of the access, would not cause any problematic issue. In addition where Prospect Road meets Wisbech Road, there is quite a wide footway and parking area which was considered to provide a refuge if required.

- Councillor Mrs Laws stated that there have been a number of letters of support received, the Agent has worked with the planning officers and the proposal will enhance the area.

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

1.55 pm

Chairman

F/YR18/0919/F

Applicant: H Scarrow

**Agent : Miss Claire Shannon
Cheffins Planning**

25A High Street, Chatteris, Cambridgeshire, PE16 6BG

Change of use from retail (A1) to Restaurant and Cafe (A3)

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

1 EXECUTIVE SUMMARY

The application seeks full planning permission to change the use of the building from retail (A1) to a café (A3) this is purely a change of use and there are no external alterations.

Policy LP6 advises that units within a Primary Shopping Frontage (such as this site) should be retained predominantly for a retail purpose, an assessment of the use of the buildings within the Chatteris Primary Shopping frontage was undertaken in November 2018 and revealed that 55.5% were in retail use, hence the majority of the buildings still remain for this purpose.

The application does not propose any external extraction, as a recirculating extractor is suitable for the type of cooking required for the café; Environmental Health are content that this and the proposed opening hours are suitable and would not present any concerns.

The proposal is considered acceptable and whilst the building is located within the primary shopping frontage, the predominant use within this designation remains to be retail and the site benefits from the fall-back position under Schedule 2, Part 4, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015, which would enable this change of use for up to 2 years. The use and opening hours are not considered to have a significant detrimental impact on adjoining users and as there are no external alterations proposed there is no adverse impact on the streetscene or conservation area in which the site is located, as such the recommendation is to grant the application.

2 SITE DESCRIPTION

The host building has a red brick arch frontage, infilled with herringbone buff brickwork and central entrance door with windows either side (frames painted green). It is presently vacant and has been segregated from the neighbouring shop 'Rainbow Valley', it was previously 1 large retail unit utilised by 'Branching Out' and is one of a block of 4 units with flats at first-floor, located on the eastern side of High Street, within Chatteris Conservation Area, Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage.

3 PROPOSAL

- 3.1 The application seeks full planning permission to change the use of the building from retail (A1) to a café (A3) this is purely a change of use and there are no external alterations.
- 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=PEHI4XHE01U00>

4 SITE PLANNING HISTORY

F/YR07/1035/F	Alterations to existing shop unit to form additional shop unit	Granted 14/11/2007
F/YR05/0798/F	Installation of new shop fronts	Granted 25/08/2005
F/YR01/0044/F	Erection of 2-storey rear extension to form extension to ground floor shops with 2 x 2-bed flats over and 2nd bedroom to existing approved 1-bed flat	Granted 18/09/2001
F/99/0455/F	Internal and external alterations to form 2 shop units and erection of conservatory to rear together with 2 x 1-bed flats and 1 x 2-bed flat over	Granted 26/10/1999
F/0675/82/F	Conversion of existing public house to flats shops office and garage storage	Granted 11/12/1982

5 CONSULTATIONS

5.1 Operations Manager, Environmental Services

I have had a look at the planning statement, there is nothing to stop a business from registering as a waste carrier and taking their waste to a licenced disposal facility. They would however need to obtain a waste transfer notes from the said facility and keep the notes on file to prove they are disposing of their waste correctly.

Business waste cannot be disposed out the recycling centres (as suggested in the statement) or in domestic bins as these are for household waste only and they would not receive waste transfer notes to prove waste they are disposing of waste correctly.

As a business the unit would not automatically be proved with bins, they would have to make arrangements with licenced waste contractor or the local authority to suit the needs of the business. The Branching Out Shop was one of FDC trade customers when they occupied the site and a contract to collect waste and recycling on a daily basis was in place (with a transfer note provided to prove they were disposing of waste correctly).

5.2 Cambridgeshire County Council Highways Authority

The traffic generation for the existing use and proposed use is comparable. No highway objection.

5.3 Environment & Health Services (FDC) (comments summarised)

Due to close proximity of existing residential properties, odour from the cooking process at the application site has the potential to adversely affect the amenity if not controlled with a suitably designed extraction system. Details will be required covering the specifications for the proposed method of extraction and filtration, in addition to hours of opening and noise control measures.

Following the receipt of additional/revised information Environmental Health have advised that they have no objections to the proposal. Based on the information supplied covering delivery times, food to be prepared and hours of intended operation, the intended scheme is unlikely to have a detrimental effect on air quality or the noise climate.

5.4 Parish/Town Council

Support

5.5 Senior Archaeologist (CCC)

We have reviewed the above referenced planning application and have no objections or requirements for this development.

5.6 Principal Licensing Officer (FDC)

Regarding this consultation, could you please remind the applicants that if they are planning to do any of the below then an application for a Premises Licence would be required. Details of this can be found on our website www.licensing.gov.uk/licensing

**serve hot food and/or drink after 11:00pm *Sell alcohol by retail*

5.7 Local Residents/Interested Parties

11 Objections have been received in relation to the following:

- Loss of retail
- Another food outlet is not required/effect on those existing
- Issues with parking/deliveries on High Street/parking for customers
- No formal waste collection contract/bin storage
- Noise
- Smell
- No fire exit
- Hours of opening
- Location next to funeral home
- Decline of the high street
- Pushchairs/motorised vehicles blocking the path

5 supporting comments have been received in relation to the following:

- Good addition and would bring visitors to the town
- Building should be used
- More places to meet

1 representation has been received in relation to the following:

- Café creating somewhere that people socialise could be beneficial
- Retail units are required

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).

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014; LP2, LP6, LP10, LP14, LP15, LP16, LP18

8 KEY ISSUES

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

9 ASSESSMENT

Principle of Development and Economic Growth

- 9.1 The application site is within the settlement of Chatteris, designated within the settlement hierarchy and Policy LP3 as a 'Market Town' where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place.
- 9.2 Policy LP6 advises that units within a Primary Shopping Frontage should be retained predominantly for a retail purpose. The application site is located within Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage and LP6 states that development for a non-retail use (A2, A3, A4, A5) at ground floor level within a Primary Shopping Frontage will be supported provided that the proposal would retain the predominant retail element within the frontage, that there is no impact on the vitality and viability of the centre as a whole and that all other relevant policies in the plan are satisfactorily addressed. An assessment of the use of the buildings within the Chatteris Primary Shopping frontage was undertaken in November 2018 and revealed that 55.5% were in retail use, hence the majority of the buildings still remain for this purpose.
- 9.3 In addition The Town and Country Planning (Use Classes) Order 1987 (as amended) enables the change of use of a building from a cafe (A3) to retail (A1) without the need for planning permission, hence the building could revert back to retail at any time and the retail use does not therefore become entirely redundant. It is not considered that the proposed development would impact on the vitality

and viability of the centre as a whole, given the number of retail and takeaway units along High Street, in addition the scheme enables the reuse of a presently vacant space (though it is noted no marketing information has been provided to support the application). As such the principle of development is considered to be acceptable.

- 9.4 Notwithstanding the above the building has the benefit of the provisions under Schedule 2, Part 4, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015, which enables a building with a use falling within Class A1 (shops) to revert to a flexible use falling within Class A1, A2, A3 (which is being applied for) or B1 for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given on the required notice. As the use has not already commenced on the site this option could still be utilised and as such the building has an unrestrictive fall-back position as the issues required to be assessed by an application for planning permission could not be controlled.

Heritage, design considerations and visual amenity of area

- 9.5 The proposal does not alter the external appearance of the building and as such would have no detrimental impact on the conservation area in which it is located or the character and visual amenity of the area.

Residential Amenity/Health and wellbeing

- 9.6 There are a number of flats in the area, including those located above the building in question which could be affected by the proposed change of use.
- 9.7 The application does not propose any external extraction, as a recirculating extractor is suitable for the type of cooking required for the café; Environmental Health are content that this is suitable and would not present any concerns.
- 9.8 The hours of opening are Monday-Wednesday and Friday 0830-1700, Saturday 0930-1630 and Sunday 1000-1600 which are comparable with a retail use and are not considered to be unsociable or have a detrimental effect on adjoining occupants over and above a retail use. There is to be a bread delivery between 0700 and 1000. It is not felt reasonable to restrict the use to these hours via condition due to the unrestricted fall-back position and the fact that there are other unrestricted uses in the vicinity. Any issues in terms of noise and disturbance would be covered by other legislation.
- 9.9 Noise has been raised as an issue by local residents/interested parties, however again this is considered comparable with the existing retail use and not considered to be significantly detrimental.
- 9.10 The application originally required bins to be stored inside the building as there was no outside space available, following advice from the Council's refuse team an external area has been obtained for trade waste bin storage, which will be collected by a private company. It is not felt reasonable to condition bin storage/collection given the unrestricted fall-back position and any issues would be covered by other legislation.
- 9.11 There is no rear access from the unit as whilst there is a door this leads to a storage area belonging to the flats above, however there is a right of way in an emergency.

Parking/Highways

- 9.12 There is no on-site parking provision available for the proposal, however this is also the case for the existing retail use. The Local Highways Authority have no objections to the proposal, advising that the traffic generation for the existing and proposed uses are comparable; as such there are no concerns to address in respect of Policy LP15 of the Fenland Local Plan.
- 9.13 Issues have been raised regarding delivery vehicles and push chairs/motorised vehicles blocking the pavement, however this is not considered to be worsened by the proposal, would be outside the planning remit and is controllable under separate legislation.

Flood Risk

- 9.14 The application site lies within flood zone 1; accordingly there are no issues to address in respect of Policy LP14.

10 CONCLUSIONS

The proposal is considered acceptable and accords with policies LP2, LP14, LP15, LP16 and LP18 of the Fenland Local Plan as whilst the building is located within the primary shopping frontage, the predominant use within this designation remains to be retail and the site benefits from the fall-back position under Schedule 2, Part 4, Class D of The Town and Country Planning (General Permitted Development) (England) Order 2015, which would enable this change of use for up to 2 years. The use and opening hours are not considered to have a significant detrimental impact on adjoining users and as there are no external alterations proposed there is no adverse impact on the streetscene or conservation area in which the site is located, as such a favourable recommendation may be forthcoming.

11 RECOMMENDATION

Grant

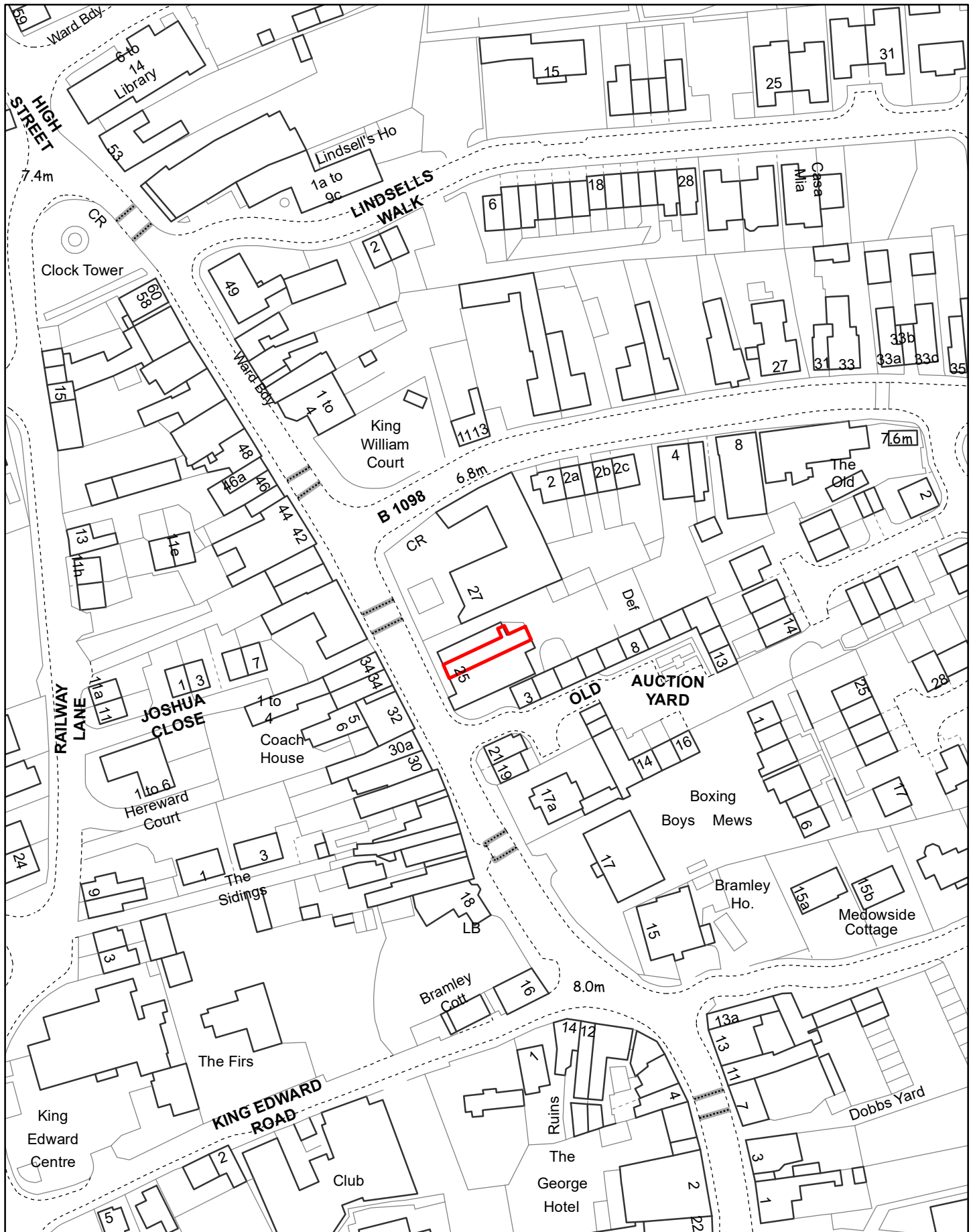
Conditions

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

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

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

Reference	Title
	Planning and Heritage Statement
	Statement regarding ventilation, type of food, music and delivery/collection times
	Email from agent regarding bin storage
	Location Plan
	Floor plans



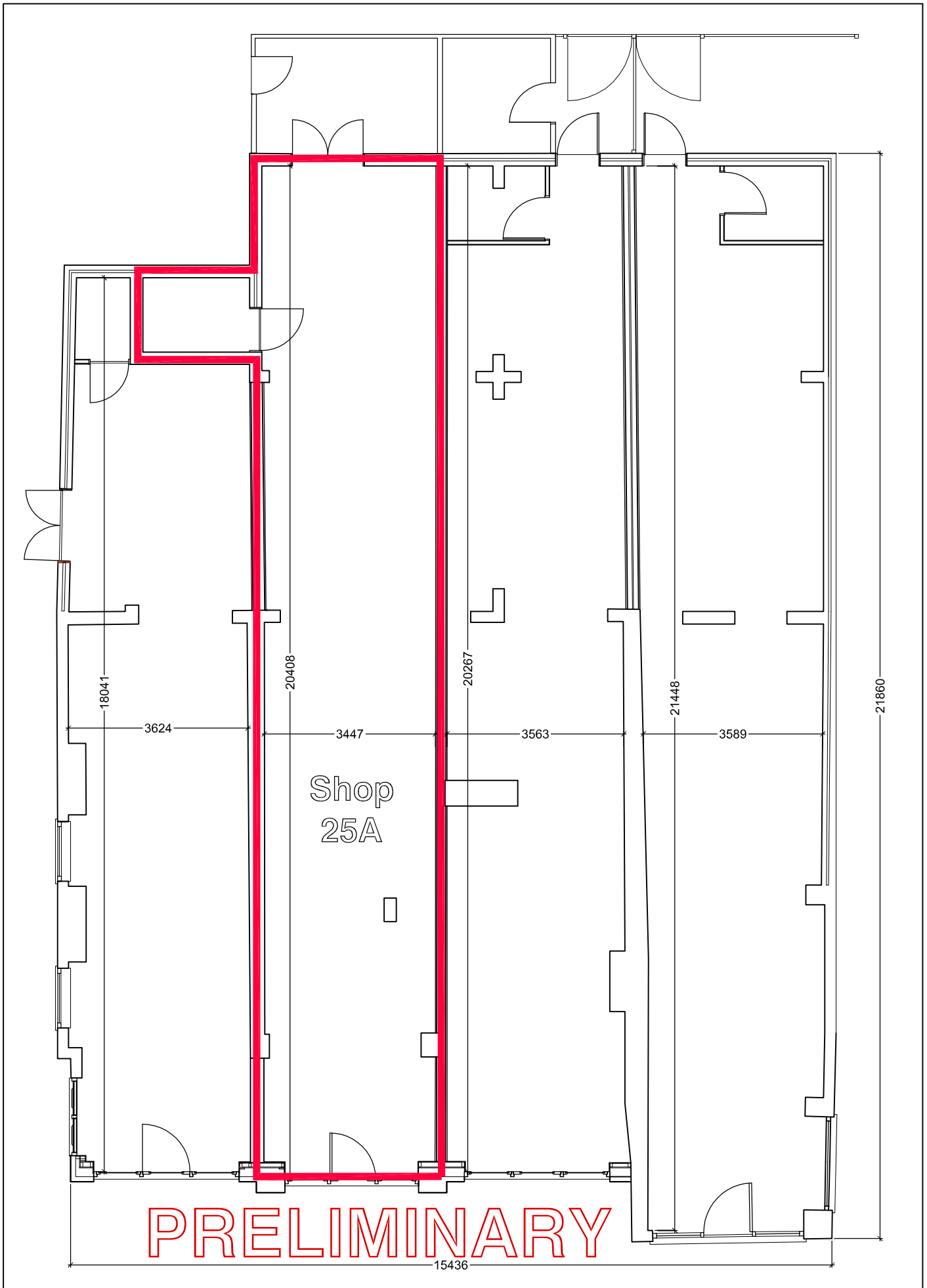
Created on: 22/10/2018

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F/YR18/0919/F

Scale = 1:1,250





Clifton House,
1 & 2 Clifton Road,
Cambridge. CB1 7EA.
Tel : 01223 271985

Project 25 HIGH STREET, CHATTERIS
Drawing Title GROUND FLOOR PLAN SHOP 25A

P&D Ref	Client Haley Scarrow	
Drwg no	**	REV -
Date	Jan 2019	Drawn By MH
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PLANNING COMMITTEE DATE: 27 March 2019

Agenda No: 5

APPLICATION NO: F/YR18/0919/F

SITE LOCATION: 25A High Street, Chatteris, Cambridgeshire, PE16 6BG

UPDATES

1. Update to Primary Shopping frontage Assessment

A further assessment of the Primary Shopping Frontage has been undertaken since the report to Committee was written and this revealed that 66.7% were in retail use, although 5 units are currently vacant. This result updates section 1 and paragraph 9.2 of report.

Resolution:

Recommendation Grant subject to the conditions at section 11 of the Officers report.

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F/YR19/0042/F

**Applicant: J Fenson
J & J Properties Ltd**

**Agent : Mr Nigel Lowe
Peter Humphrey Associates Ltd**

Land North of 101 and 101A, Elm Low Road, Wisbech, Cambridgeshire

Erection of 3 x 2-storey dwellings comprising of 2 x 3-bed and 1 x 2-bed

Reason for Committee: The application is for 3 dwellings and the views of Wisbech Town Council are contrary to the Officer's recommendation.

1 EXECUTIVE SUMMARY

The site lies in the settlement of Wisbech. The application seeks planning permission for the erection of 3 dwellings. The site benefits from an extant planning permission for the erection of 3 dwellings. This application seeks to amend the layout of the development, primarily removing the approved rear courtyard parking area and introducing front driveways for each property.

The development raises no technical issues in respect of highways, drainage or ground conditions and is considered to constitute a sustainable form of development having regard to the access, scale, layout appearance and landscaping proposed and subject to planning conditions deemed necessary to make the development acceptable.

The recommendation is to approve the application.

2 SITE DESCRIPTION

- 2.1 The site lies in the settlement of Wisbech and forms part of a car park serving the adjacent funeral business on the corner of Weasenham Lane. The site has been separated from the car park by a low post and rail fence.
- 2.2 The site is served by an existing access albeit this is not currently in use to serve the funeral business which is served by an access off Weasenham Lane. An access track runs along the southern boundary serving No. 101 Elm Low Road which sits behind 101a which fronts Elm Low Road. Both properties are around 5.5m in height which is the general character of Elm Low Road leading south.
- 2.3 A large established Horse Chestnut tree overhangs the boundary at the rear of the site. The remainder of the site however is generally overgrown with a mixture of unmanaged, immature trees, shrubs and brambles
- 2.4 The site lies in Flood Zone 1. Elm Low Road is an unclassified road. The site is identified as lying close to the disused canal which has since been filled and developed on.

3 PROPOSAL

- 3.1 The application seeks planning permission for the erection of 3 dwellings, arranged as a pair of semi-detached units at the north of the site and a single detached unit at the south. The dwellings measure maximum 8m to the ridge and the northern unit incorporates a projecting rear 2-storey element.
- 3.2 Each property is served by a large rear garden and the main 1st floor habitable windows will face east and west i.e. onto the highway or onto the rear garden and parking areas with the exception of bedroom 3 of Plot 1 which faces north over the car park of the adjacent funeral business. The dwellings are all proposed to be finished externally in red facing brick with clay pantile roof tiles. Each plot is proposed to be enclosed with 1.8m high fence or utilising the existing boundary treatments and each property has access to its garden via a side gate.
- 3.3 The dwellings are each served by a private drive capable of accommodating 2 cars and achieve 1m x 1m pedestrian visibility splays.
- 3.4 The development is proposed to connect to the existing foul mains sewer and soakaways are proposed to treat the surface water run-off from the development.
- 3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR18/0247/F	Erection of 4 x 2-storey 2-bed dwellings Land North Of 101 And 101A Elm Low Road Wisbech Cambri	Withdrawn	04/10/2018
F/YR18/0592/F	Erection of 3 x 2-storey 2-bed dwellings Land North Of 101 And 101A Elm Low Road Wisbech Cambri	Granted	05/09/2018
F/YR16/0956/F	Change of use of Public House (A4) to Funeral Directors (A1) and self-contained 2-bed flat above (C3) including erection of single storey extension and external alterations and installation of 2no air conditioning units involving demolition of existing toilet extension Royal Standard Public House Weasenham Lane Wisbech Ca	Granted	15/12/2016
F/YR16/0948/A	Display of 3no externally illuminated fascia signs; 1no externally illuminated double sided hanging sign and 1no non-illuminated vinyl sign Royal Standard Public House Weasenham Lane Wisbech Ca	Granted	14/12/2016
F/93/0300/A	Display of an externally illuminated hanging sign externally illuminated wall plaque and externally illuminated individual lettering the Royal Standard Ph Elm Road Wisbech Cambs	Granted	18/08/1993

5 CONSULTATIONS

5.1 Wisbech Town Council

Objects – Considers the proposal is overdevelopment of the site. Acknowledged that WTC previously raised no objection to the proposal F/YR18/0592/F but that this proposal was considered by different Members attending the committee.

5.2 Environment Agency

Wishes to make no comment

5.3 **CCC Archaeology**

Initially requested a pre-commencement condition securing a written scheme of investigation including a timetable for implementing investigative works due to archaeological potential. However this was retracted following a review of the site noting that the site benefits from an extant planning permission granted in 2018 whereby an archaeological condition was not requested at that time. As such, no condition is requested with this application.

5.4 **CCC Highways**

Raises no objection subject to conditions securing visibility splays, delivery of access with adequate surfacing and drainage and provision of parking as denoted.

Also seeks to secure an upgraded stretch of footpath the width of the application site.

5.5 **FDC Environmental Protection**

Raises no objection subject to a condition capturing unsuspected contaminated land.

5.6 **Local Residents/Interested Parties**

1 letter of objection received from adjacent dwelling, 101 Elm Low Road raising the following concerns;

- Blocked access during construction
- Devaluing property
- Drainage
- Light Pollution
- Construction Noise
- Overlooking/loss of privacy
- Loss of view/ outlook

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Fenland Local Plan 2014 (FLP);

LP1: A Presumption in Favour of Sustainable Development

LP2: Facilitating Health and Wellbeing of Fenland Residents

LP3: Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4: Housing

LP5: Meeting Housing Need

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

Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)

8 KEY ISSUES

- **Principle of Development**
- **Access and layout**
- **Scale and Appearance**
- **Landscaping**
- **Residential amenity**
- **Drainage**

9 BACKGROUND

- 9.1 This application follows a previous approval for the residential development of the site for 3 x 2-storey dwellings under F/YR18/0592/F which remains an extant permission. The current application differs from the previously approved predominantly in respect of the parking layout which now proposes to provide front driveway parking instead of the rear parking court previously approved.

10 ASSESSMENT

Principle of Development

- 10.1 The site lies with the settlement of Wisbech which is identified under LP3 of the FLP as a sustainable place to live, work and visit. Wisbech is identified through LP3 and LP4 as a focus for housing growth due to its sustainability with Wisbech being targeted to deliver at least 3000 homes within the plan period.
- 10.2 As such the principle of residential development in this location is supported.

Access and layout

- 10.3 The LHA has raised no objection to the proposal and there is no evidence to suggest that the loss of part of the parking area which served the funeral business will compromise the safe access and parking of staff and patrons in the future.
- 10.4 The accesses serving each dwelling are considered to be appropriate for the quantum of development subject to securing 1m x 1m pedestrian visibility and the driveways accommodate a sufficient number of parking spaces in-line with the standards as set out under Appendix A of the FLP and appropriate bin collection points are incorporated into the layout. It is recommended however to impose a condition restricting permitted development rights that could otherwise enable boundary treatments to be erected beyond the principle elevation of the dwellings. This will ensure that users will be able to park and open car doors unrestricted.
- 10.5 The front driveway arrangement is distinctly different to that previously approved and will be notable on the streetscene as a continuous bank of parking across the frontages of all three dwellings. Policy DM3 of the Delivering & Protecting High Quality Environments in Fenland SPD seeks to avoid designs whereby parking is a dominant feature. However, noting the existing character of development along Elm Low Road where several examples of frontage parking and large areas of

hardstanding can be seen in the vicinity, this feature of the development is not considered to be unduly harmful to the character of the area. The driveways are proposed to be surfaced in asphalt. However, in order to add interest and identity to each property, it is recommended to secure the final surfacing detail by condition to explore opportunities of alternative surface treatments for each property.

- 10.6 The rear gardens which serve each property accord with the standards set out under LP16 and will enable a good level of private amenity space.

Footpath upgrade

- 10.7 The LHA has enquired as to whether the existing 1m wide footpath across the frontage of the development could be upgraded to 1.8m in width.

- 10.8 Having regard to the tests of conditions laid out under section 56 of the NPPF, planning conditions must be;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 10.9 A 1m wide footpath already exists from Weasenham Lane, along Elm Low Road – including across the frontage of the site terminating at 103 Elm Low Road to the south. Having regard to the tests, the LHA has not specified that the upgrade to the footpath is necessary to make the development acceptable. Furthermore, if the footpath was widened to 1.8m the lengths of footpath immediately either side of this would narrow to their existing widths c.1m and therefore it is difficult to understand the benefit of this. It is considered that to request such infrastructure would not be fairly and reasonably related in scale and kind to the development given the very limited benefit it would derive.

- 10.10 Therefore, it is considered that securing this infrastructure would not meet the tests.

Scale and Appearance

- 10.11 It is noted that the dwellings to the south of the site are low 2-storey/ single storey in scale and this generally characterises Elm Low Road leading south. Furthermore, the funeral business property is approximately 7.2m in height and as such the proposed dwellings at 8m would be taller than those immediately adjacent. However, dwellings on the approach road to the site, along Weasenham Lane, are predominantly 2-storey and therefore the development would not appear wholly out of character with the area.

- 10.12 The applicant has provided details of levels which denote that the finished floor levels of the properties will be c.200mm above existing ground levels which is acceptable.

- 10.13 The dwellings are proposed to be faced in red brick with clay roof tiles and uPVC windows which would accord with the general character of the area as per the requirements of LP16 (d).

Landscaping

- 10.14 The development proposes to utilise existing wall and enclose the remainder of the site with 1.8m high close boarded fence (dropping to 600mm adjacent to the highway) which is acceptable having regard to the existing arrangement and general character of the area. A suitable soft landscaping scheme is proposed but due to the necessity to secure the front driveways, any soft landscaping opportunities are generally restricted to the rear gardens.
- 10.15 The presence of the large Horse Chestnut at the rear of the site is noted and the applicant has submitted an appropriate tree protection statement to ensure that the root protection area and canopy of the tree is not affected through the development of the site. Notwithstanding this, a planning condition to ensure that the development is carried out to British Standards for tree protection during construction is recommended.

Residential amenity

- 10.16 The development is anticipated to achieve a good level of amenity for future occupiers with a functional layout, adequate privacy and amenity space and good separation from the existing Funeral business to the north.
- 10.17 Having regard to the adjacent properties to the south, the proposed dwellings are located and separated sufficiently so as not to suffer from any significant overshadowing or overbearing impacts from the development. Furthermore, there is no fenestration at 1st floor level on the southern facet of Plot 3 thereby preventing any direct overlooking into the amenity area of existing residences to the south.
- 10.18 The neighbour at 101 Elm Low Road has also raised concerns in respect of loss of view. The planning system operates in the public interest and there is no right to a private view within planning legislation. Matters of outlook are however material considerations but not considered in this instance to be severely compromised as a result of the development
- 10.19 The neighbour has also raised concerns over the impacts of construction, specifically the blocking of their access, dust pollution and construction noise.
- 10.20 It is acknowledged that construction activities will result in some disturbance to existing amenity and this is unavoidable to a degree. However, the relatively small scale of development proposed will likely limit the potential for environmental nuisances. Notwithstanding this however, where such nuisances are experienced, developers are expected to manage and mitigate as is reasonably necessary and the Council's Environmental Protection team would provide guidance and have enforcement powers in this regard if necessary. The matter of inconsiderate parking is not one the Council could strictly control as vehicles would be entitled to park on the highway. Where vehicles are causing an obstruction, this would be a civil matter which should be referred to the Police where necessary.
- 10.21 The resident also raises concern over light pollution but does not expand on this point. Given the nature, scale and location of the development from the neighbouring properties, it is not anticipated that the development would result in severe harm through inappropriate lighting. Again, the Council's Environmental Protection team has legislative powers to deal with this type of nuisance where necessary.

10.22 Finally, the resident raises the matter of the development devaluing their 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.

10.23 In conclusion, it is considered that the development would accord with Policy LP16 (e and h).

Drainage

10.24 The applicant is proposing a SuDS approach to surface water drainage with the inclusion of soakaways. Whilst it is not certain that ground conditions are conducive to this drainage method, the development would need to accord with the latest Building Regulations - Part H, which would require the development to follow a sustainable drainage hierarchy achieving the most sustainable method of drainage based on the ground conditions of the site. In this regard it is considered that the proposal is satisfactory in principle but ultimately to be determined through Building Regulations.

10.25 Likewise, the applicant has proposed to connect directly to mains foul sewer which is the preferred approach under Building Regulations which would need to be satisfied in any case.

10.26 It is considered therefore that the proposed methods of foul and surface water are acceptable in principle but would ultimately be determined via the Building Control. As such it is considered that the development accords with LP14 and LP16 of the FLP.

11 CONCLUSIONS

11.1 The principle of developing this site is supported by Policy LP3 which seeks to ensure that Market Towns are the focus for housing growth. Whilst the differential in scale when compared to existing dwellings is noted, this is not considered to cause sufficient harm to the character and visual amenity of the area to warrant a refusal in this regard, particularly when considered against the benefits the scheme would bring.

11.2 The proposal is considered to provide sufficient private and residential amenity and is not considered to have a significant detrimental impact on the surrounding properties or the local highway. There are no issues in respect of flood risk and the proposal includes appropriate tree protection measures. As such the application is recommended for approval.

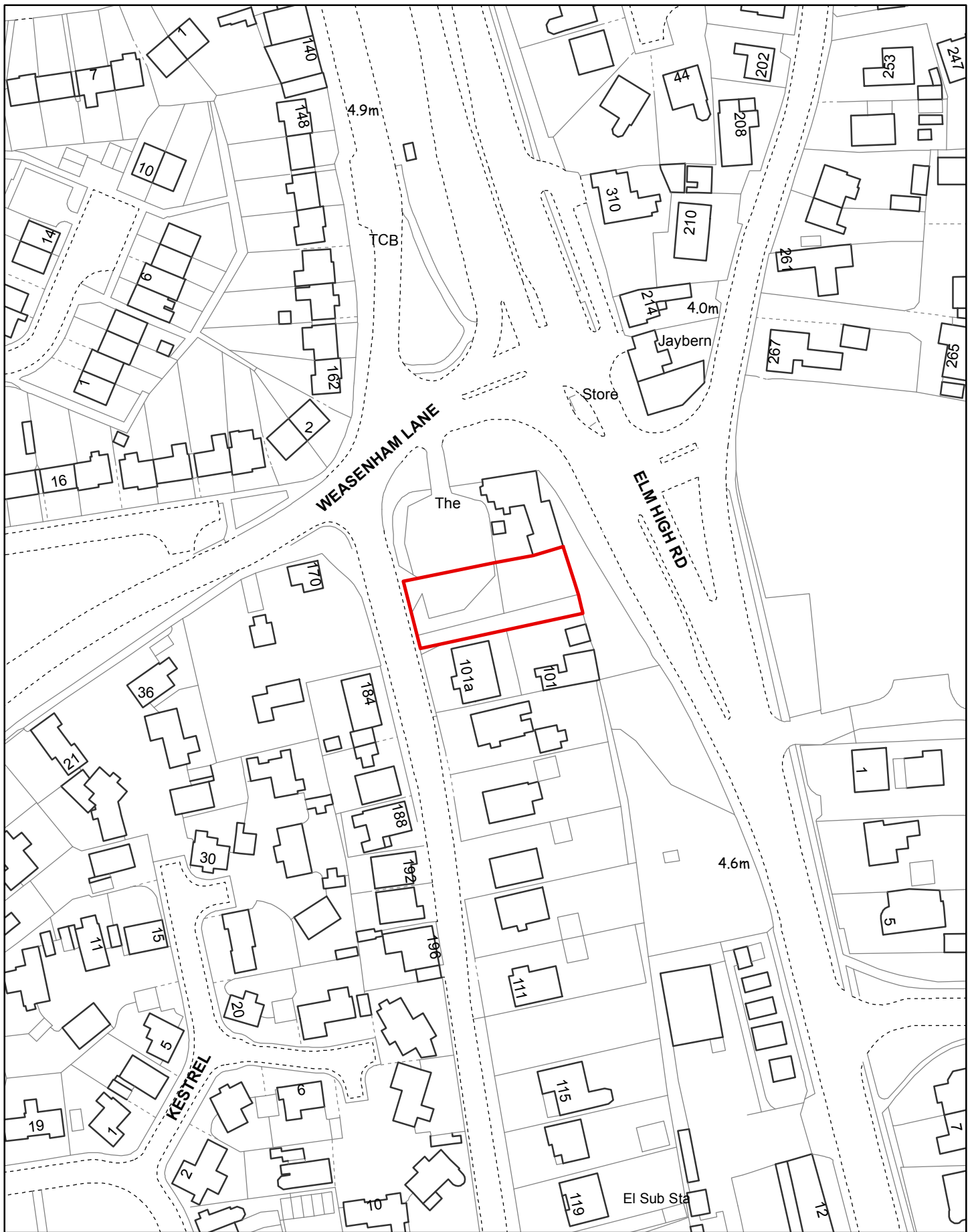
12 RECOMMENDATION

Grant – subject the following conditions;

1.	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
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2.	<p>Notwithstanding the submitted plans, no works shall proceed beyond slab level until a scheme detailing the hard surfacing, demarcation and drainage measures for the driveways of all 3 dwellings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.</p> <p>Reason: In order to ensure that adequate on-site parking is provided and that the development makes a positive contribution to the character of the area in accordance with policy LP15 and LP16 of the Fenland Local Plan, 2014.</p>
3.	<p>Prior to the first occupation of the development hereby approved, the access and parking as denoted on the Site Plan reference 5960 PL03B, shall be laid out, demarcated, surfaced (in accordance with details approved under condition 2) and drained within the site and thereafter retained in perpetuity for no other purpose.</p> <p>Reason - In the interests of Highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
4.	<p>Prior to the first occupation of the development pedestrian visibility splays of 1.0m x 1.0m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall be thereafter maintained free from obstruction exceeding 0.6m above the level of the footway.</p> <p>Reason - In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>
5.	<p>Prior to the first occupation of the development, vehicle visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted site access plan ref: 4948/PL08A. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.</p> <p>Reason: In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan 2014.</p>
6.	<p>Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council Highways construction specification.</p> <p>Reason - In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP15 of the Fenland Local Plan, 2014</p>
7.	<p>The Horse Chestnut Tree on the western boundary as identified on the Site Plan reference 5960 PL03A shall be protected in accordance with BS: 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" throughout the construction of the development.</p> <p>Reason: In order to protect the biodiversity and amenity value of the tree in accordance with policy LP16(b) of the Fenland Local Plan, 2014.</p>
8.	<p>Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.</p> <p>Reason - In the interests of highway safety in accordance with policy LP15 of the Fenland Local Plan, 2014.</p>

9.	<p>Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification), planning permission shall be required for the following developments or alterations:</p> <p>i) the erection of any walls, fences or other means of enclosure to any boundaries forward of the principal elevation of the dwellinghouses (as detailed in Schedule 2, Part 2, Class A).</p> <p>Reason: To ensure that the LPA retains control over means of access and parking within each plot in the interests of highway safety and residential amenity in accordance with policy LP15 and LP16 of the Fenland Local Plan, 2014.</p>
10.	<p>If, during development, contamination not previously identified is found to be present at the site:</p> <p>(i) it shall be reported to the local planning authority within 1 working day;</p> <p>(ii) no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until site investigations have been carried out and a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination will be dealt with;</p> <p>(iii) the remediation strategy shall be implemented as approved;</p> <p>(iv) no occupation of any part of the development identified in the remediation strategy as being affected by the previously unidentified contamination shall take place until:</p> <p>a. the approved scheme has been implemented in full and any verification report required by the scheme has been submitted to and approved in writing by the local planning authority;</p> <p>b. if required by the local planning authority, any proposals for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action have been submitted to and approved in writing by the local planning authority.</p> <p>(v) the long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with LP2 and LP16 of the Fenland Local Plan 2014.</p>
11.	<p>The development shall be constructed in 'Weinerberger Hartford Red Multi' facing brick and 'Imery Double Pantile S Clay' in natural red.</p> <p>Reason: In the interests of visual amenity in accordance with policy LP16 of the Fenland Local Plan, 2014.</p>
12.	<p>The development hereby permitted shall be carried out in accordance with the approved plans.</p> <p>Reason: For the avoidance of doubt to ensure that the development is carried out in accordance with the approved plans.</p>



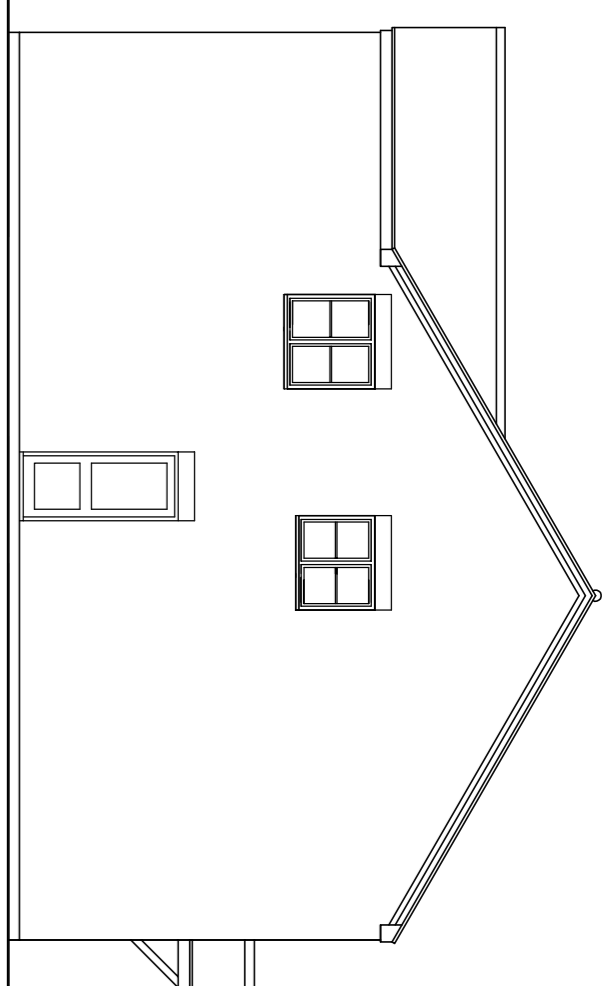
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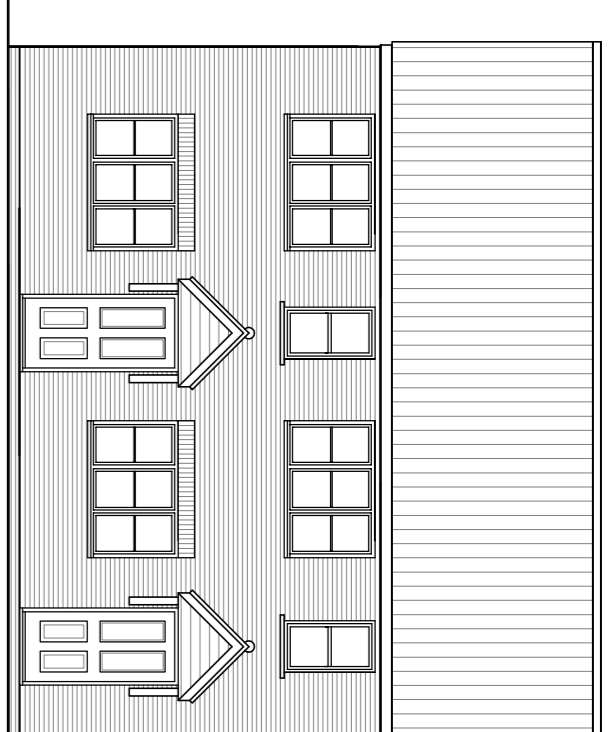
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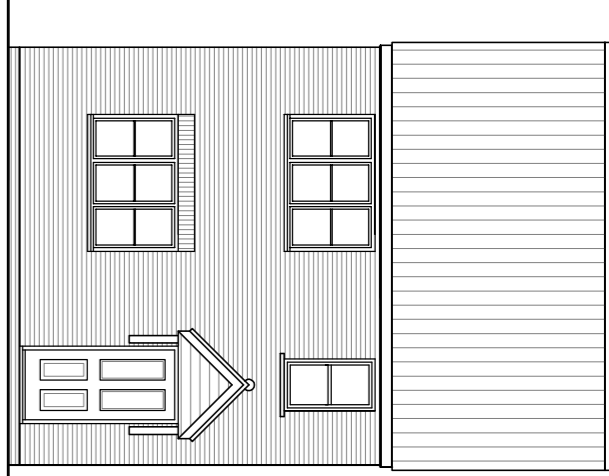




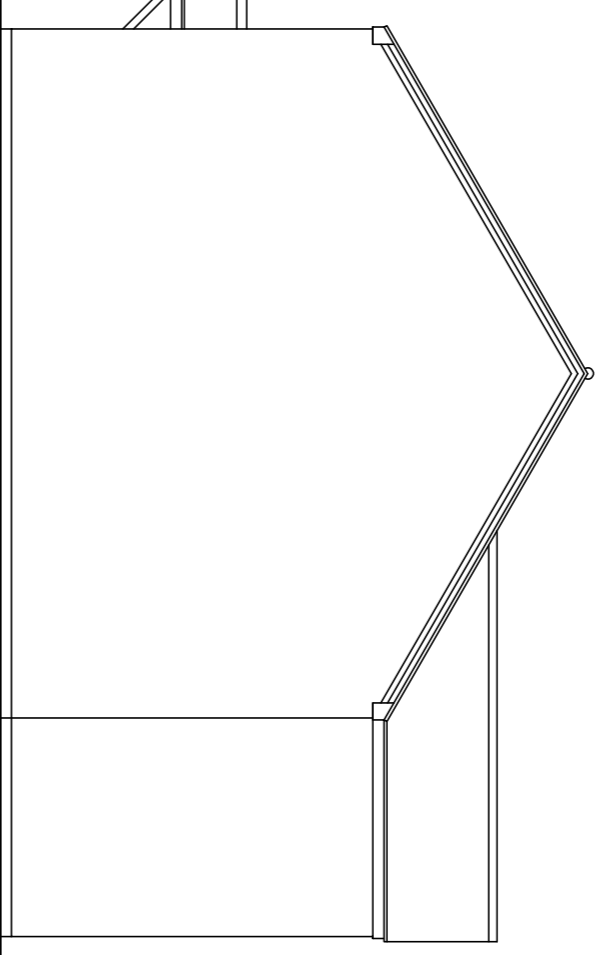
SIDE ELEVATION
SCALE 1:100
PLOT 1



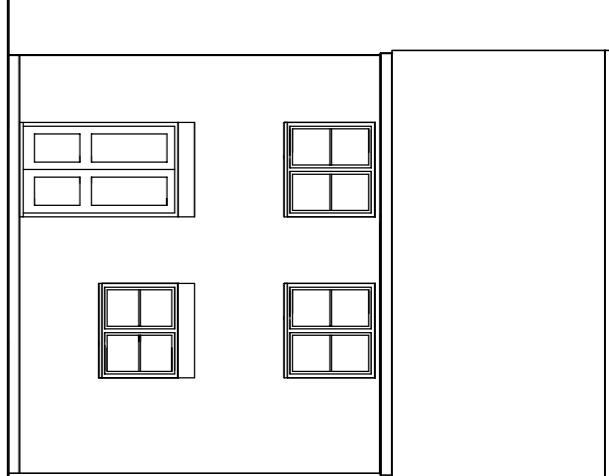
FRONT ELEVATION
SCALE 1:100



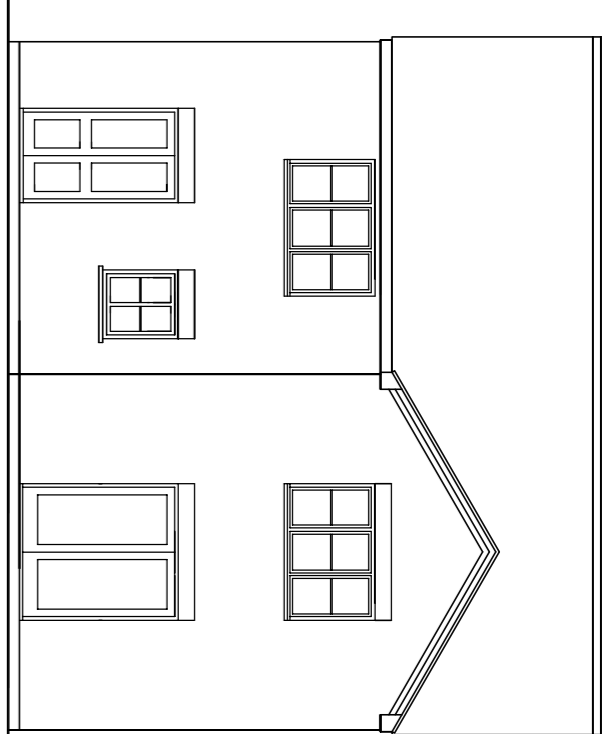
SIDE ELEVATION
SCALE 1:100
PLOT 2



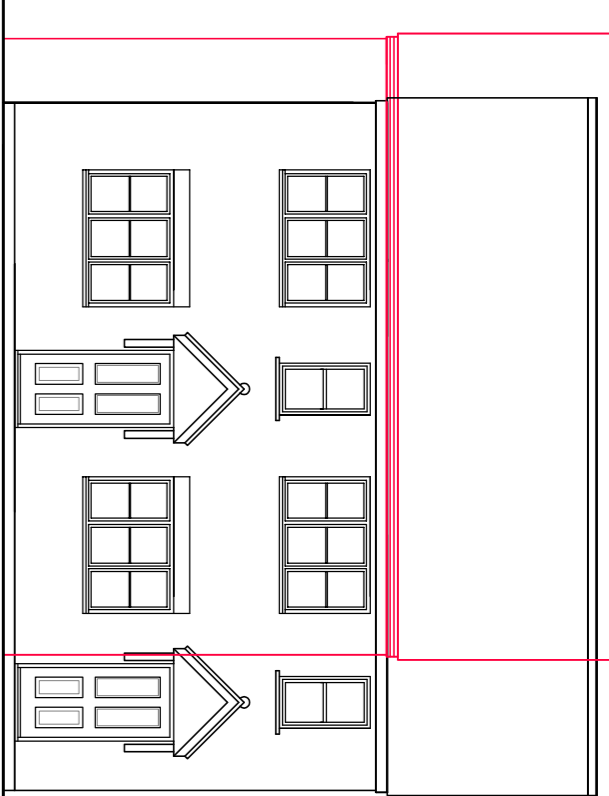
SIDE ELEVATION
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PLOT 3



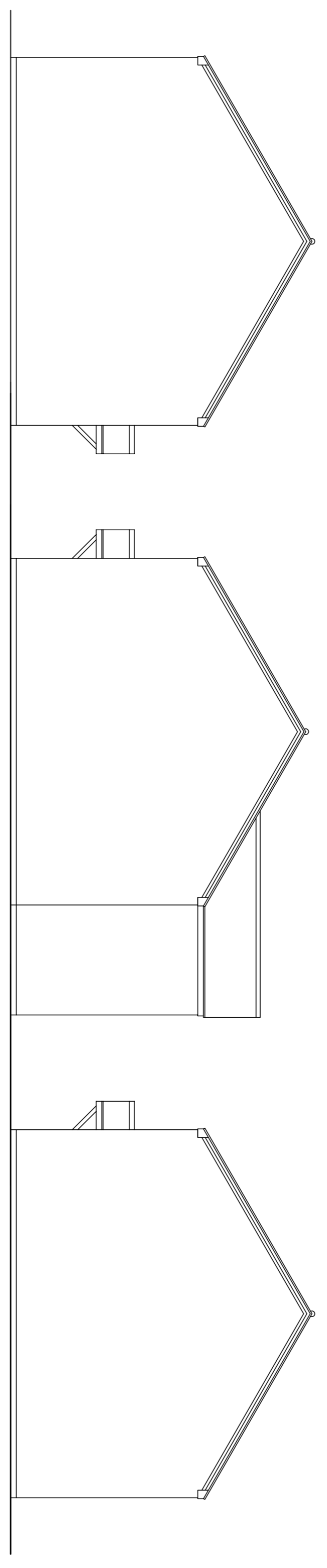
REAR ELEVATION
SCALE 1:100



FRONT ELEVATION
SCALE 1:100



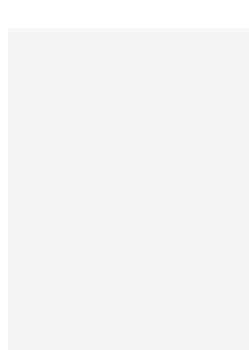



As approved

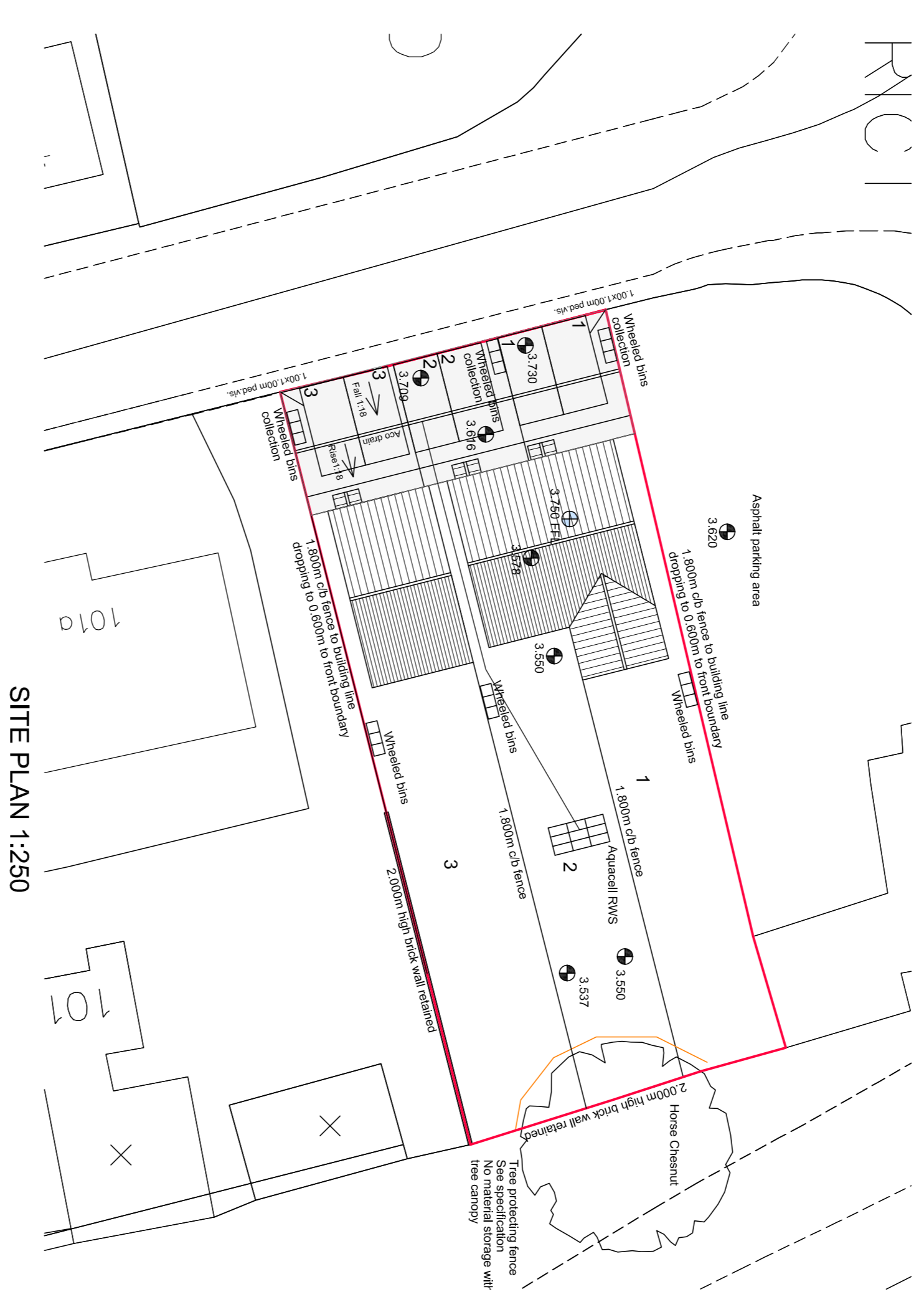


SIDE ELEVATION
SCALE 1:100
PLOT 3

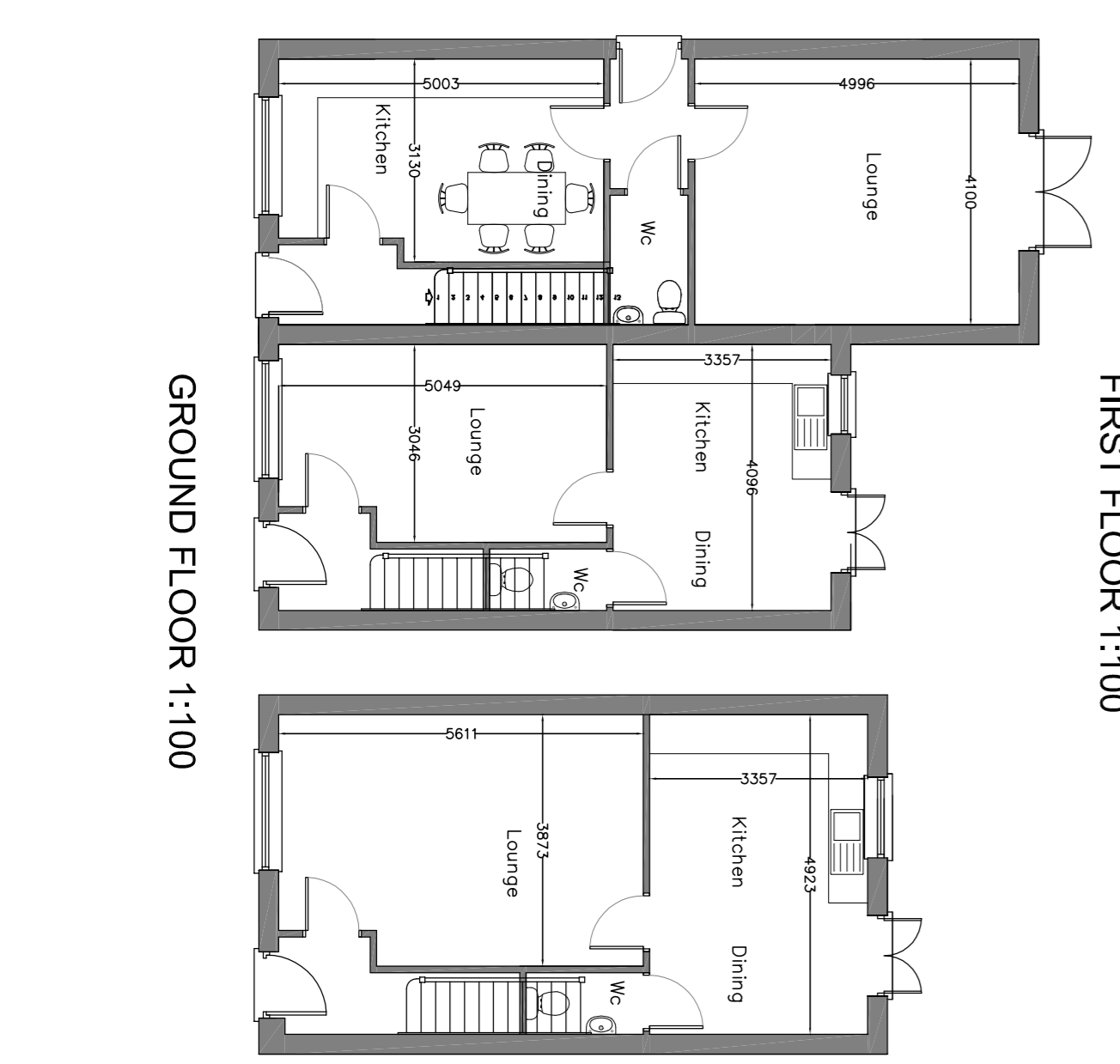
SIDE ELEVATION
SCALE 1:100
PLOT 2

SIDE ELEVATION
SCALE 1:100
PLOT 3

-  Shaded area tarmac frontage
-  3.550
-  Denotes existing Ground Level Existing ground levels to remain
-  3.750 FFL Denotes Finished Floor Level

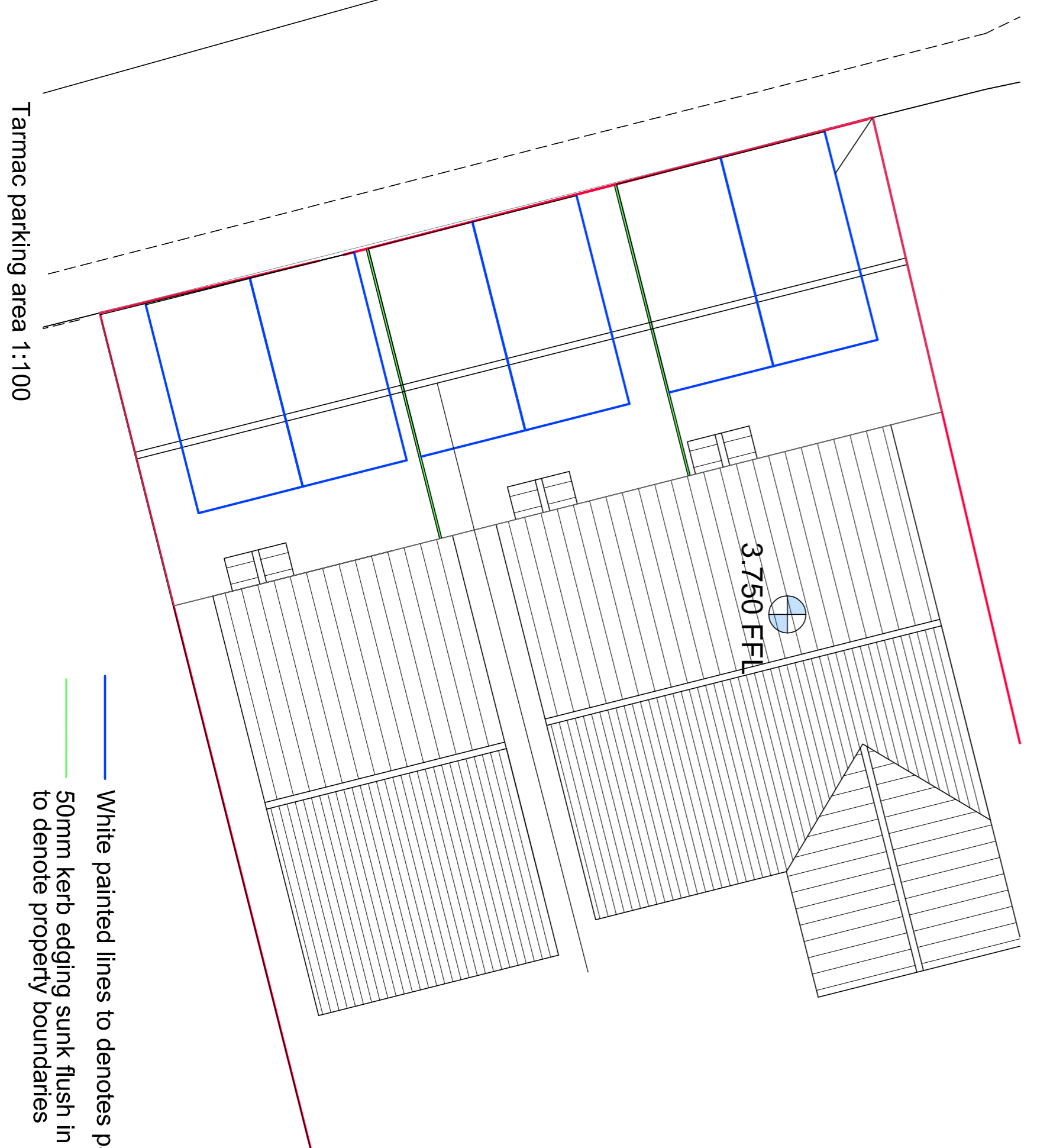


SITE PLAN 1:250






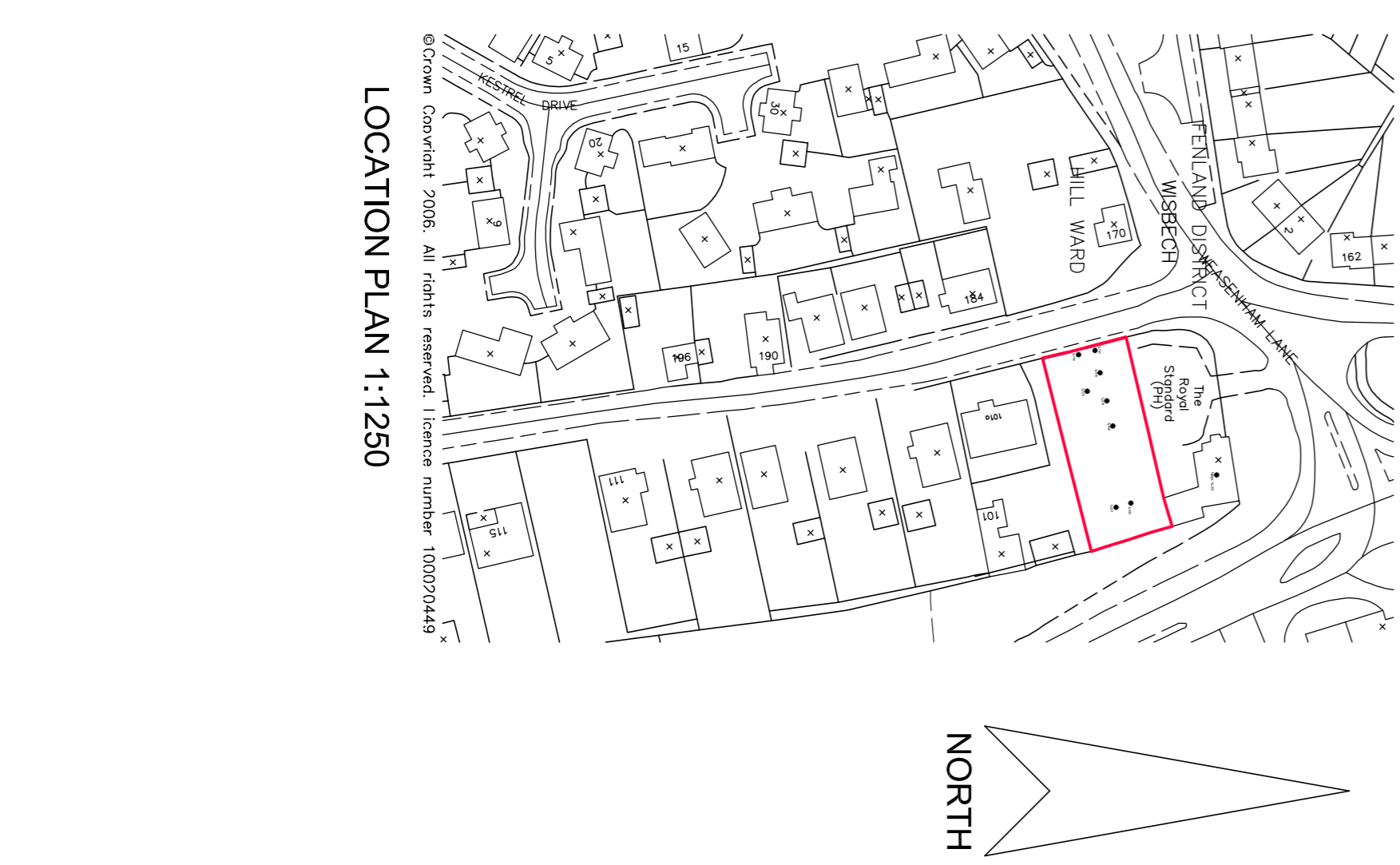
FIRST FLOOR 1:100

GROUND FLOOR 1:100



Tarmac parking area 1:100

-  White painted lines to denote parking bays
-  50mm kerb edging sunk flush in tarmac
-  to denote property boundaries



LOCATION PLAN 1:1250

Dez Humphrey Associates Ltd.
ARCHITECTURAL DESIGN AND BUILDING

PROJECT
PROPOSED DEVELOPMENT

SITE
North of 101 and 101a Elm Low Road
Wisbech
Cambs

CLIENT
J & J Properties

DATE: DEC 2018 SCALE: As Shown JOB No. **5960 PLO3C**

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F/YR19/0123/O

Applicant: Mrs C Wood

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

Land South Of 6, Fridaybridge Road, Elm,

Erection of up to 6no dwellings (outline application with matters committed in respect of access)

Reason for Committee: Eight letters of support have been received which are at variance to the Officer recommendation.

1 EXECUTIVE SUMMARY

The application is for outline planning permission for up to six dwellings, an indicative layout plan accompanies the application which seeks to commit access and shows 6 detached dwellings.

A similar scheme was refused under delegated powers in June 2018, the only difference being that two approvals in the vicinity have been identified.

The earlier refusal identified that the development of the site would not be in keeping with the core shape and form of the settlement and would result in the loss of an important area of open land which helps retain the separate identities of the settlement of Elm and Friday Bridge. The principle of development would therefore not accord with the requirements of Local Plan Policy LP3, LP12 and LP16.

In addition it was considered that the development would result in the loss of an important area of open space which would have a detrimental impact on local distinctiveness and identity as would the provision of executive type housing in a rural area.

It was considered that this would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.

This earlier evaluation remains appropriate and the approvals highlighted do not add any weight to the appropriateness of the development of this site; conversely they reinforce the importance of the two key sites highlighted by illustrating the scarcity of open areas of land to demarcate between the settlement cores of Elm and Friday Bridge.

Accordingly the recommendation must be one of refusal as the scheme continues to be contrary to Policies LP3, LP12 and LP16 and Policy DM3 of the Protecting High Quality Environments SPD.

2 SITE DESCRIPTION

- 2.1 The application site is situated to the eastern side of Fridaybridge Road, Elm. It comprises agricultural land with open countryside beyond and features some tall mature trees along its frontage. The site is circa 0.5 metres lower than road level and there is a verge running alongside the road.
- 2.2 Opposite the site is Redmoor House, a large detached dwelling with low level outbuildings to its north and other residential properties, alongside this road frontage (on the western side of Fridaybridge Road) runs a pedestrian footway.
- 2.3 The site is within a Flood Zone 1 Location

3 PROPOSAL

- 3.1 The application is for outline planning permission for up to six dwellings. An indicative layout plan accompanies the application, this shows 6 detached dwellings of varying footprints and scales with four of the dwellings shown to have individual accesses and two of the properties to have a shared access; the application highlights that it is the intention to commit access details.
- 3.2 It is noted that the illustrative layout and access details are identical to those put forward in support of the earlier refused scheme for the site.
- 3.3 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/simpleSearchResults.do?action=firstPage>

4 SITE PLANNING HISTORY

F/YR18/0364/O	Erection of up to 6no dwellings (outline application with matters committed in respect of access)	Refused 14/06/2018
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5 CONSULTATIONS

- 5.1 **Parish Council** - Not yet received, anticipated 15/03.
- 5.2 **FDC Scientific Officer (Land Contamination)** - *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. I would however request that unsuspected contamination condition is imposed in the event that planning consent is granted:*
- 5.3 **Cambridgeshire County Council Highways Authority** - *A previous application was submitted and refused for the erection of 6 dwellings under application number F/YR18/0364/O. The previous application was not refused on highways grounds. I can see no highways differences between this application and that submitted under application number F/YR18/0364/O. I therefore refer to comments made under the previous application which remain applicable to this application.*

'The application is an outline application with access only committed for the erection of 6 dwellings.

A 1.8m wide footway should come forward as part of this development on the East side of Friday bridge Road along the site frontage and linking up with the existing footway to the North of the development and a link across Friday bridge Road. I justify this as it will provide a direct link to the primary school on the East side of Fridaybridge Road.

The accesses should be sealed and drained away from the highway for the first 5m. Access geometry should be detailed on the plan.

Defer for amended plans.'

- 5.4 **Local Residents/Interested Parties:** Nine letters of representation have been received in respect of the proposal one letter objecting to the scheme; and eight letters, from 7 households, offering support for the development; these may be summarised as follows:

One letter of Objection: *'primary concerns would be relating to the proposed "access and storage area for field" running directly along our properties boundary. This area currently has no access from Fridaybridge Road and is also not used for any form of storage. Any access from Fridaybridge Road would have a direct impact on our property in regard to noise disturbance, possible misuse and unauthorised access.*

Further concerns on the proposed development would be the building of properties on open countryside and the aesthetic/devaluing impact from our property, together with:

- Loss of Agricultural land
- Design/Appearance, loss of view/outlook, overlooking/loss of privacy, proximity to property, shadowing/loss of light
- Traffic or Highways
- Trees
- Visual Impact

Eight Letters of Support (from 7 households):

- *Proposed development will help enhance the overall character of the area*
- *The proposed development and type of houses is not dissimilar to many already constructed along Fridaybridge Road*
- *I believe it will not have a negative impact on the core shape of the village*
- *Over the past 10 years this road has been slowly infilled with various sized properties and I can see no reason as to why these proposed plots should not go forward maybe enabling local children to purchase them and stay local to our Villages*
- *Scale of development appears sensible and they are far enough from the road to provide parking and turning, individual accesses are preferable to a single access*
- *Overall layout and density appears sensible*
- *Precedent for this type of development has been set, some of which are far larger and less in keeping*
- *Only a minimal amount of agricultural land would be lost*
- *Drainage should not be an issue and this area does not appear to be subject to any drainage problems*
- *Retention of trees along the frontage is beneficial to the overall outlook, reducing any visual impact*

- *Makes the suggestions regarding plot layout and field access position*

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Para. 10 - Presumption in favour of sustainable development

Para. 12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making
Chapter 4 (Paras 39 - 41) - Decision-making and Pre-application engagement and front-loading

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

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP1 - A Presumption in Favour of Residential Development

LP3 - Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 - Rural Areas Development Policy

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

LP16 - Delivering and Protecting High Quality Environments across the District

7.4 FDC Supplementary Planning Documents

Protecting High Quality Environments (July 2014)

DM3 - Making a Positive Contribution to Local Distinctiveness and Character of the Area

8 KEY ISSUES

- **Principle of Development**
- **Village Thresholds**
- **Character of the Area**
- **Residential Amenity**
- **Highway Safety**
- **Flood Risk**
- **Health and Wellbeing**
- **Other considerations**

9 BACKGROUND

- 9.1 This proposal is almost identical to an earlier refusal (issued 14th June 2018); the earlier refusal reasons were as follows:

- 1 *Development of the site would not be in keeping with the core shape and form of the settlement and would result in the loss of an important area of open land which helps retain the separate identities of the settlement of Elm and Friday Bridge. The principle of development would therefore not accord with the requirements of Local Plan Policy LP3, LP12 and LP16.*
- 2 *Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The loss of an important area of open space would have a detrimental impact on local distinctiveness and identity as would the provision of executive type housing in a rural area. This would result in an incongruous development and is therefore contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.*

9.2 The only differences between the earlier refused scheme submission and the current application are contained within the Design and Access Statement and these differences are highlighted below:

- (a) Within the 'proposal' summary it is identified that:

The site forms part of a continuous development on this side of Fridaybridge Road which has seen a number of similar developments along it on both sides of the road.

- (b) It is highlighted in the 'background' section that there have been a 'few recent approvals opposite and nearby the proposed site which are relevant to the current proposal'

The references quoted both relate to approvals which were issued prior to the refusal of the earlier scheme with F/YR15/0004/F (on the western side of Fridaybridge Road, south of No 67) having been approved by the Planning Committee on 05.03.2015 contrary to officer recommendation as Members felt that 'the development [proposed] does not harm the character of the locality'

and:

F/YR16/1027/F (directly west of the application site at No 49) having been approved on 31.01.2107, this scheme related to the subdivision of an existing curtilage to provide one dwelling which was assessed as having no adverse harm on the character of the area.

- 9.3 It is further noted that the updated D&A continues to refer to the 2012 National Planning Policy Framework and continues to assert that the District Council is unable to demonstrate a 5-year housing land supply. It is noted that the District Council has since the publication of the Five Year Housing Land Supply Report (March 2018) been able to demonstrate a 5-year housing land supply. Furthermore the NPPF was updated in July 2018 and again in February 2019; albeit the latest iteration was not available at the time this application was validated.

10 ASSESSMENT

Principle of Development

- 10.1 As the current submission offers little more justification than originally considered in June 2018 the assessment of the scheme must similarly and consistently reiterate the earlier evaluation at that time, as follows:
- 10.2 Policy LP3 sets out the settlement hierarchy for development within the District. Elm is identified as a 'Limited Growth Village' where a small amount of development and service provision will be permitted.
- 10.3 Policy LP12 allows for new development within villages providing that the site is within or adjoining the continuous built form of the settlement.
- 10.4 The application site is within an area of land which constitutes an important open gap (one of two remaining large gaps on the eastern side of Friday Bridge Road) between the southern edge of the main built form of Elm and the sporadic and linear development in typical Fen form that links it to Friday Bridge.
- 10.5 The development of the site will result in the loss of an important area of open space which defines the hard southern edge of the built form of Elm and would lead to a danger of coalescing with Friday Bridge. The thrust of Local Plan policies is to ensure that the few remaining large areas of open space between the villages are protected in order to retain their separate identities.
- 10.6 The preamble to Local Plan Policy LP12 explains that unlike the previous Local Plan, there are no longer fixed 'development area boundaries' around each of the settlements. This is intended to provide a more flexible; criteria based approach to assessing new proposals in such settlements. To this end, Local Plan Policy LP12 supports new development in villages where amongst other things, it does not harm the wide open character of the countryside, and requires proposals to be in or adjacent to the existing developed footprint of the village, of a scale and in a location that is in keeping with the core shape and form of the settlement, and will not adversely harm its character and appearance. The definition of the existing developed footprint of a village excludes gardens, paddocks, and other undeveloped land within the curtilage of buildings on the edge of the settlements where the land relates more to surrounding countryside than to the built up area of the settlement.
- 10.7 The application has been submitted in outline and the proposed layout plan for 6 large executive/suburban type housing is only indicative. Massing, height, design and layout would also be important considerations for the detailed design stage. Nonetheless, the introduction of 6 dwellings (with associated gardens and hard surfaces) onto this area of open, agricultural land beyond the settlement edge would introduce an isolated built development that would appear obtrusive and encroach into the unspoilt countryside. This change would not be in keeping with the core shape and form of the settlement and would clearly have an adverse impact on the spacious rural character of this area.
- 10.8 It is therefore concluded that the proposed development would harm the character and appearance of the surrounding area and that it would consequently conflict with the aims of Policies LP3, LP12 and LP16 of the Local Plan. In addition to the requirements of LP3 and LP12, LP16 seeks, amongst other matters, to ensure that development makes a positive contribution to distinctiveness and does not adversely impact on the settlement pattern or landscape character of the surrounding area.

- 10.9 The approvals highlighted do not add any weight to the appropriateness of the development of this site; conversely they illustrate the importance of the two key sites highlighted by virtue of the scarcity of open areas of land to demarcate between the settlement cores of Elm and Friday Bridge. Save for the quoting of two approvals, which as highlighted above were in place when the earlier application was considered, and asserting that the 'site forms part of a continuous development on this side of Fridaybridge Road' the agent has not endeavoured to provide any real justification for the scheme nor have they engaged with the LPA prior to making the submission; as such it could be argued that they have acted unreasonably and at variance to the NPPF which strongly promotes 'pre-application engagement and frontloading' (Chapter 4, paras 39 - 41)

Village Thresholds

- 10.10 Policy LP3 provides that the majority of housing growth will be in and around the market towns. Paragraph 3.3.10 of the Local Plan states this is to steer most new development to those larger places that offer the best access to services and facilities. This can help reduce the need to travel, as well as making best use of existing infrastructure.
- 10.11 Policy LP12 Part A also provides that if proposals within or on the edge of a village, in combination with other development built since April 2011 and committed to be built, increase the number of dwellings in a small village by 10% then the proposal should have demonstrable evidence of clear local community support for the scheme and if, despite a thorough pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the relevant Parish Council.
- 10.12 The threshold for Elm has been breached with the current figures, as of 20 December 2018, allowing for 73 new dwellings and the number of dwellings built or committed being at 153, as such any application requires demonstrable community support in accordance with the Policy.
- 10.13 This application has not been the subject of pre-application community consultation and therefore contravenes Policy LP12. Whilst it would normally be expected for the scheme to be accompanied by evidence of support due regard must be given to a recent appeal decision which indicates that the threshold considerations and requirement for community support should not result in an otherwise acceptable scheme being refused and against this backdrop the absence of community support does not render the scheme unacceptable in planning terms.

Character of the Area

- 10.14 Policy LP16 seeks to ensure that new development makes a positive contribution to the local distinctiveness and character of the area, enhances its local setting, responds to and improves the character of the local built environment, provides resilience to climate change, reinforces local identity and does not adversely impact, either in design or scale terms, on the street scene, settlement pattern or the landscape character of the area (part (d)).
- 10.15 The loss of an important area of open space cannot be argued to make a positive contribution to local distinctiveness and character of the area nor would it enhance local setting, improve the local built environment or reinforce local identity.

- 10.16 Although the existing neighbouring buildings limit views of the countryside to the east, the introduction of up to 6 dwellings along an approximate 100 metres gap of open countryside would have an urbanising effect in closing the gap between the existing residential development, thus preventing view and the open countryside to the rear of the site. Given the sites large and open nature, together with its prominent location along Fridaybridge Road, the site is readily visible; as such any long distance views from the countryside to the east to the site would be adversely affected and similarly views from Fridaybridge Road would be comparably afflicted.
- 10.17 In design terms, this part of Fridaybridge Road is characterized by a variety of dwelling designs and scales with little uniformity. The indicative layout shows a homogeneous layout of six executive type houses dwellings set in a linear fashion and facing the road. It is unlikely that the design and layout will contribute in a positive way to local distinctiveness and character.
- 10.18 The layout of the site itself is considered to be acceptable in terms of the spacing of the dwellings and the amount of amenity space and parking and turning areas available for the proposed dwellings. In this regard the proposal complies with part (h) of Policy LP16. In the wider context of the area however, the layout is considered to be out of keeping as it would introduce 6 dwellings in open countryside. As such, whilst the site can accommodate 6 dwellings in this location, the proposed layout is not in keeping with its surroundings and as such fails to comply with Policy LP16 part (d).

Residential Amenity

- 10.19 The proposed development would introduce 6 dwellings along Friday Bridge Road. An objection relates to impact on residential amenity. Part (e) of Policy LP16 states that new development should not adversely impact on the amenity of neighbouring users, such as through noise, light pollution, loss of privacy and loss of light.
- 10.20 There is sufficient separation distance between the proposed and existing dwellings to ensure that it is unlikely that there would be any issues with overlooking, loss of privacy or disturbance through noise and activity. However, it is acknowledged that there could be a perceived impact on the amenities dwellings through the introduction of new dwellings
- 10.21 With regard to the access to the field shown on the submitted drawings it is acknowledged that no such access exists at present and such an access which would be to a classified road would require planning permission in its own right.

Highway Safety

- 10.22 The access, highway safety and parking considerations have been assessed by the Local Highway Authority; no objections are raised to the proposed access subject to conditions being applied.
- 10.23 As such, there are no concerns in relation to highway safety and the proposal complies with the provisions of LP15 in this regard although a foot way may be required along Friday Bridge Road; however such a requirement may in itself compound the visual amenity concerns identified elsewhere in this report.

Flood Risk

10.24 Flood risk is not an issue as the site is located within Flood Zone 1.

Health and wellbeing

10.25 The proposal will introduce 6 dwellings which will be constructed to current standards and easy to warm. Each dwelling has an ample area of private amenity space and parking and turning areas. The proposal complies with Policy LP2 in this regard. There are concerns however at the impact of the proposal on the character of surrounding area, and the form of the settlement.

Other Considerations

10.26 Concerns raised by objectors in relation to loss of property values and anti-social behaviour are not material planning considerations.

10.27 The assertion that the Council is unable to demonstrate a 5-year land supply holds no weight as monitoring data has evidenced that the district does have a 5-year housing land supply. It is further noted that the recently published Housing Delivery Test data shows Fenland at 97%; above the 95% pass rate; again this is a reflection of a relatively healthy housing market. Nonetheless even if Para 11 was enacted through a shortage of housing land availability it would still be contended that the scheme would fail to constitute sustainable development, as required by para. 7 given the significant environmental harm arising from the loss of the area of land on which it is proposed to site the development.

11 CONCLUSIONS

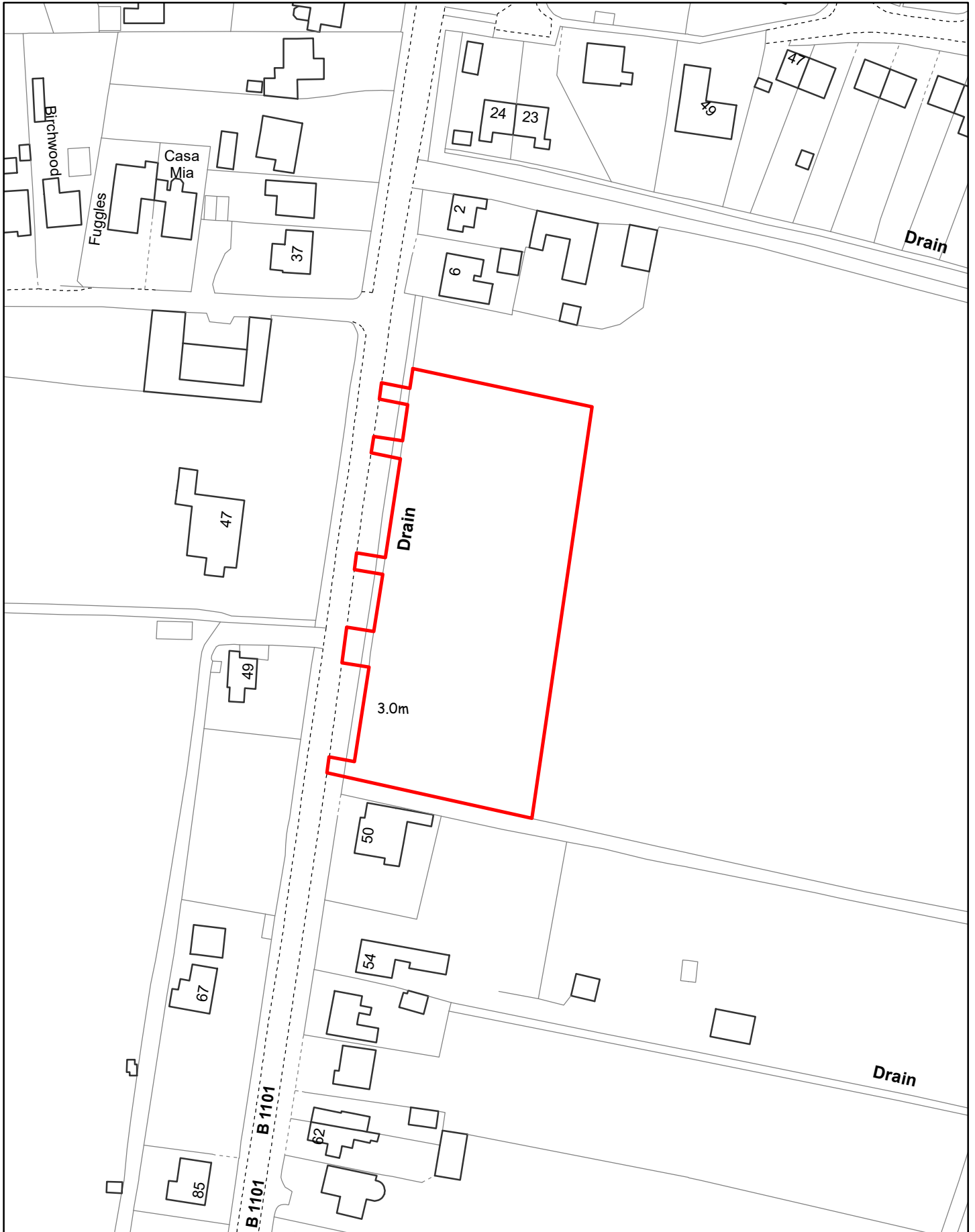
11.1 The proposal fails to comply with the provisions of Policies LP3, LP12 and LP16 in relation to the principle of residential development in this location.

12 RECOMMENDATION: REFUSE

1 Development of the site would not be in keeping with the core shape and form of the settlement and would result in the loss of an important area of open land which helps retain the separate identities of the settlement of Elm and Friday Bridge. The principle of development would therefore not accord with the requirements of Local Plan Policy LP3, LP12 and LP16.

2. Policies LP12 Part A (d) and LP16 (d) resists new development which adversely impacts on the character of the area and requires development to respond to and improve the character of the built environment. The loss of an important area of open space would have a detrimental impact on local distinctiveness and identity as would the provision of executive type housing in a rural area. This would result in an incongruous development and is therefore

contrary to Policies LP12 (d) and LP16 (d) of the Fenland Local Plan (2014) and Policy DM3 of the SPD (Protecting High Quality Environments), and the aims and objectives of the NPPF.



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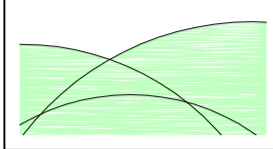
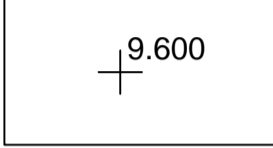
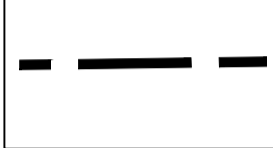
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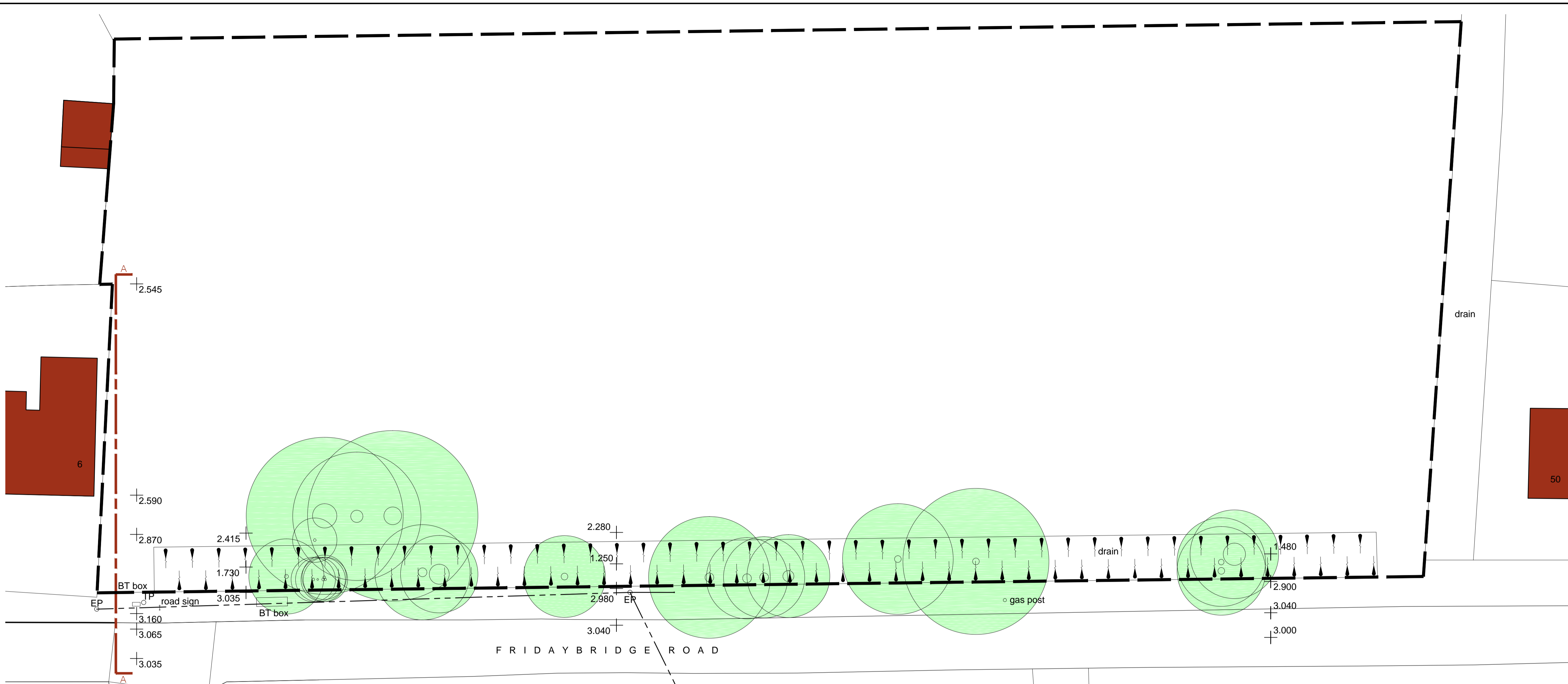
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- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in 'mm' unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the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

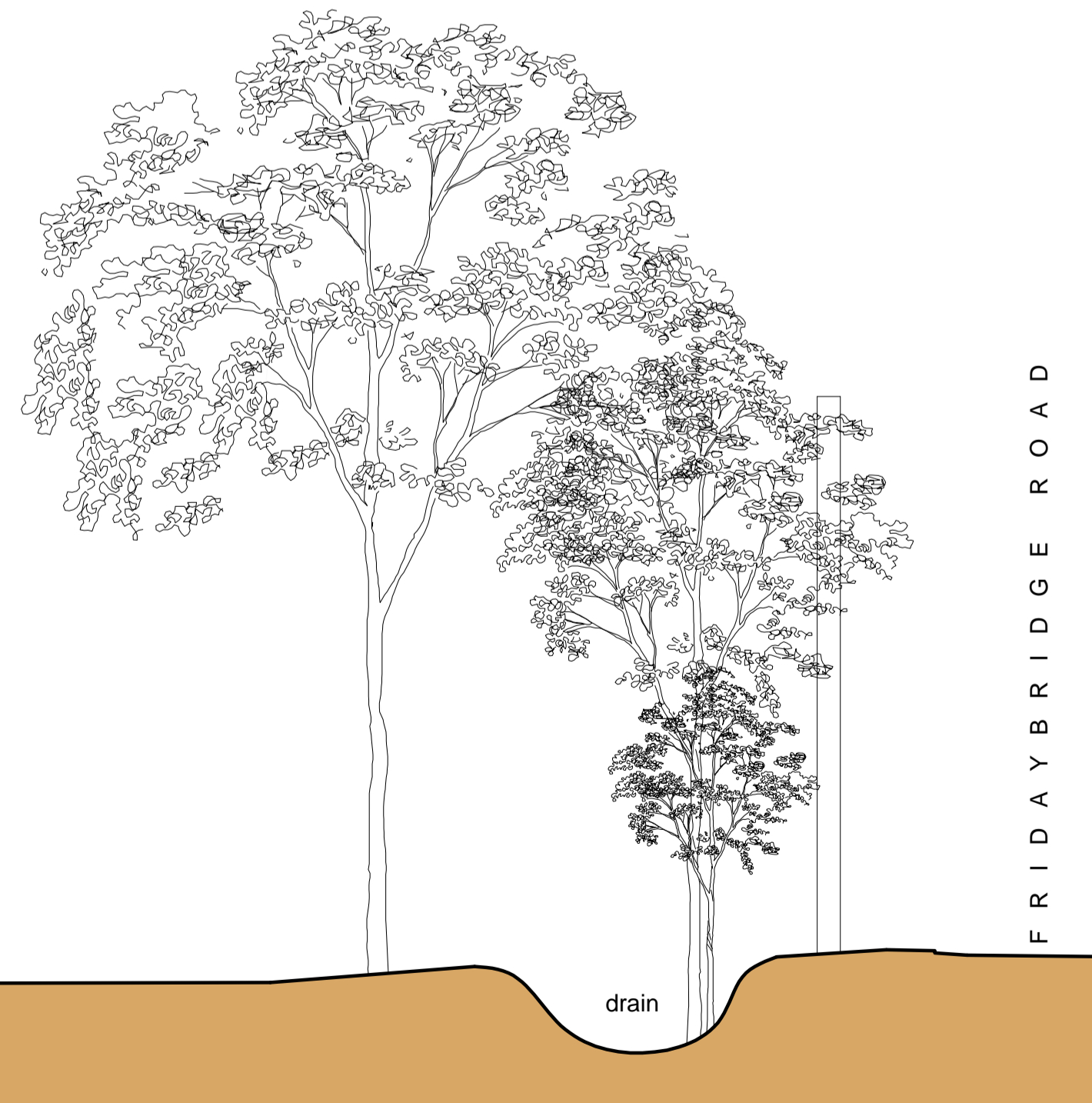
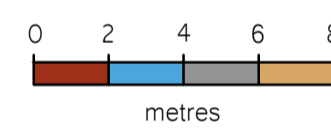
SITE PLAN KEY

-  Un-surveyed OS buildings
-  Existing trees
-  Existing site levels
-  Site boundary



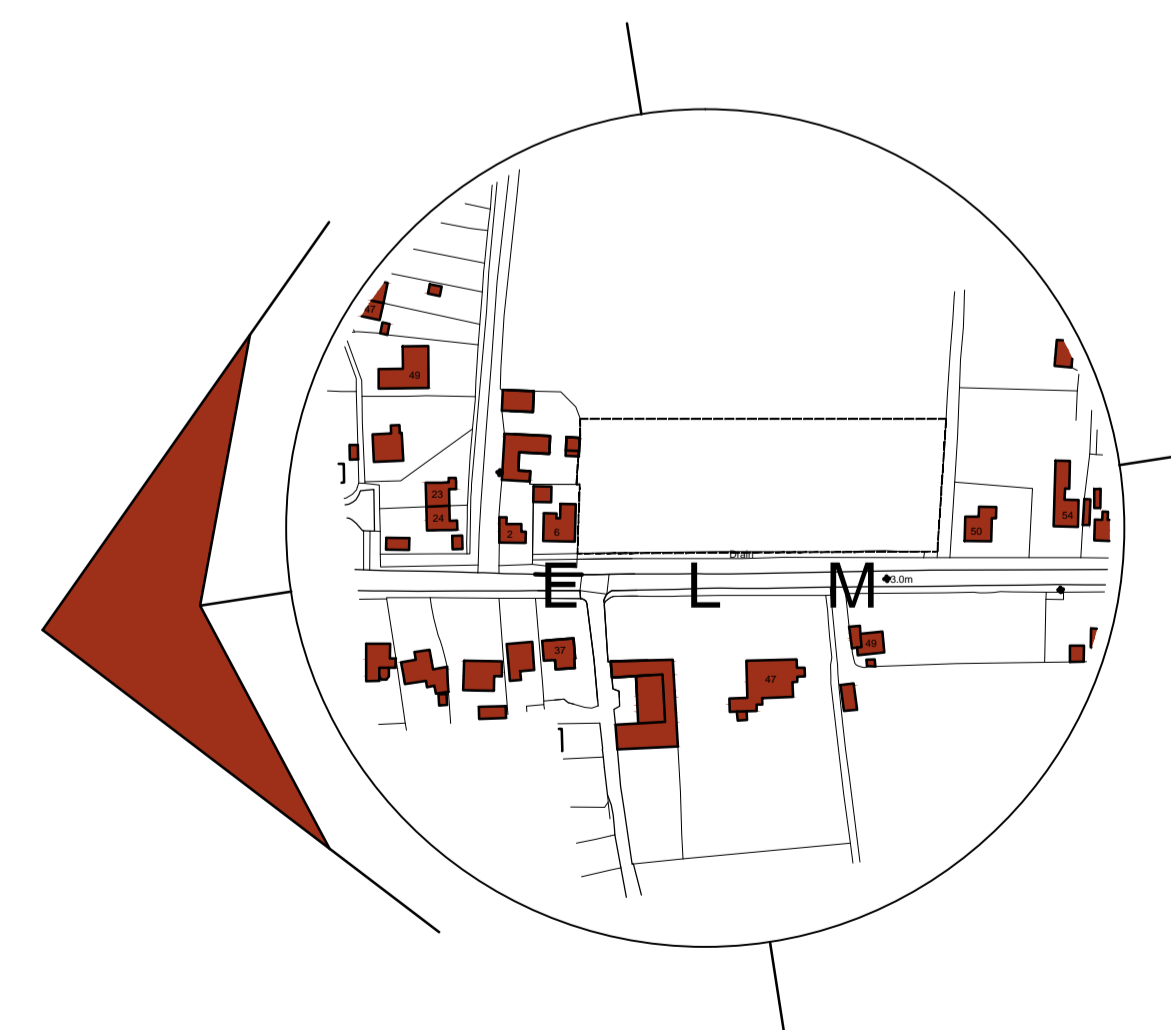
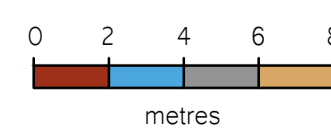
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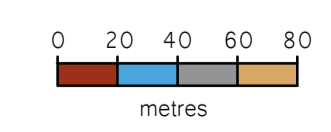
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Location Plan

Scale: 1:2500



Status

FOR APPROVAL

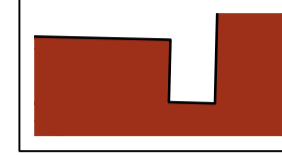
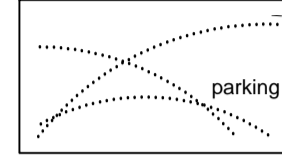
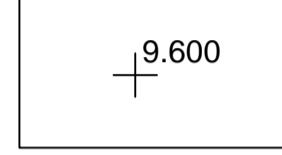
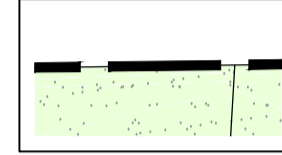
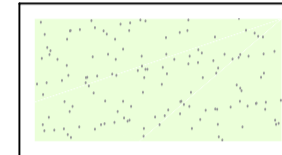
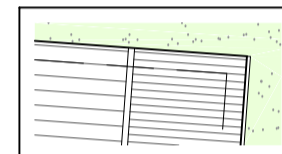
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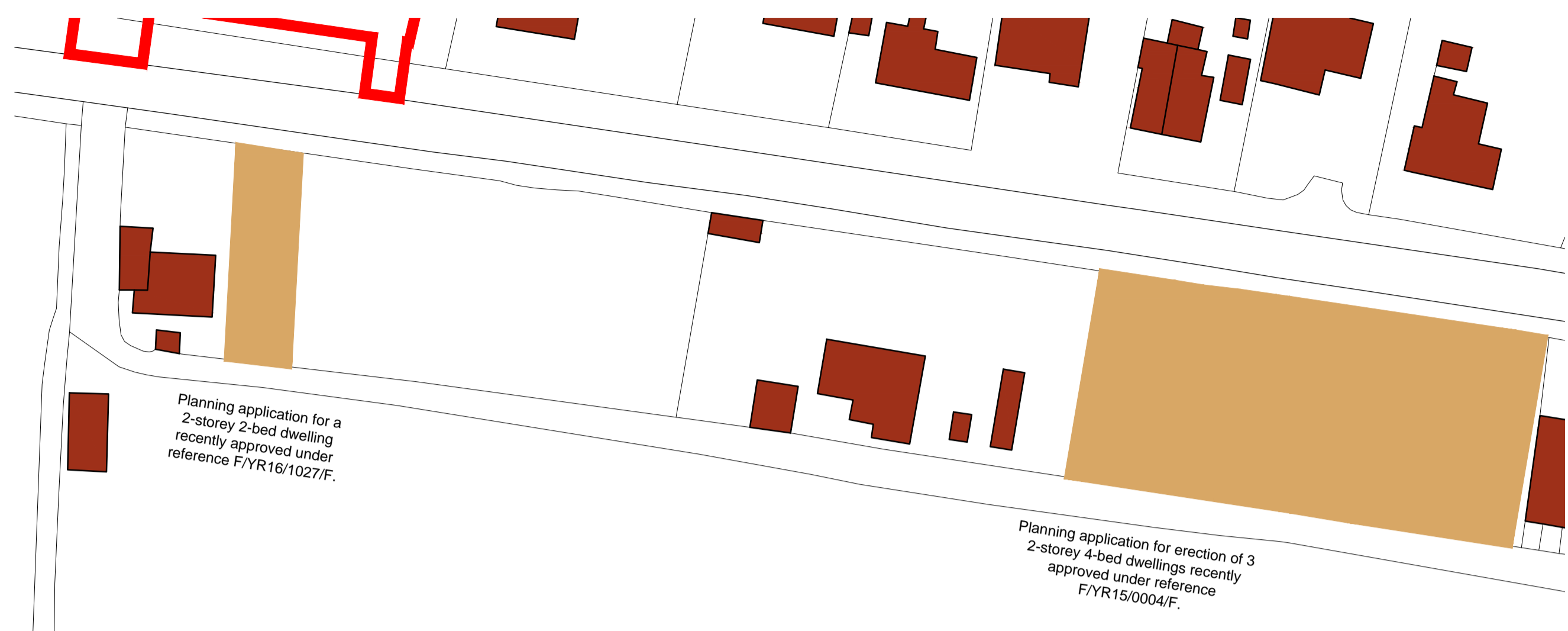
Swann Edwards Architecture Limited, Fen Road,
Guyhirn, Wisbech, Cambs. PE13 4AA
t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Dwellings Fridaybridge Road, Elm	Date April 2018	Scale As Shown Sheet Size A1
For Mrs C Wood	Drawing Title Survey Drawing	Job No. SE-965
	Dwg No. 01	Drawn by CR
		Revision

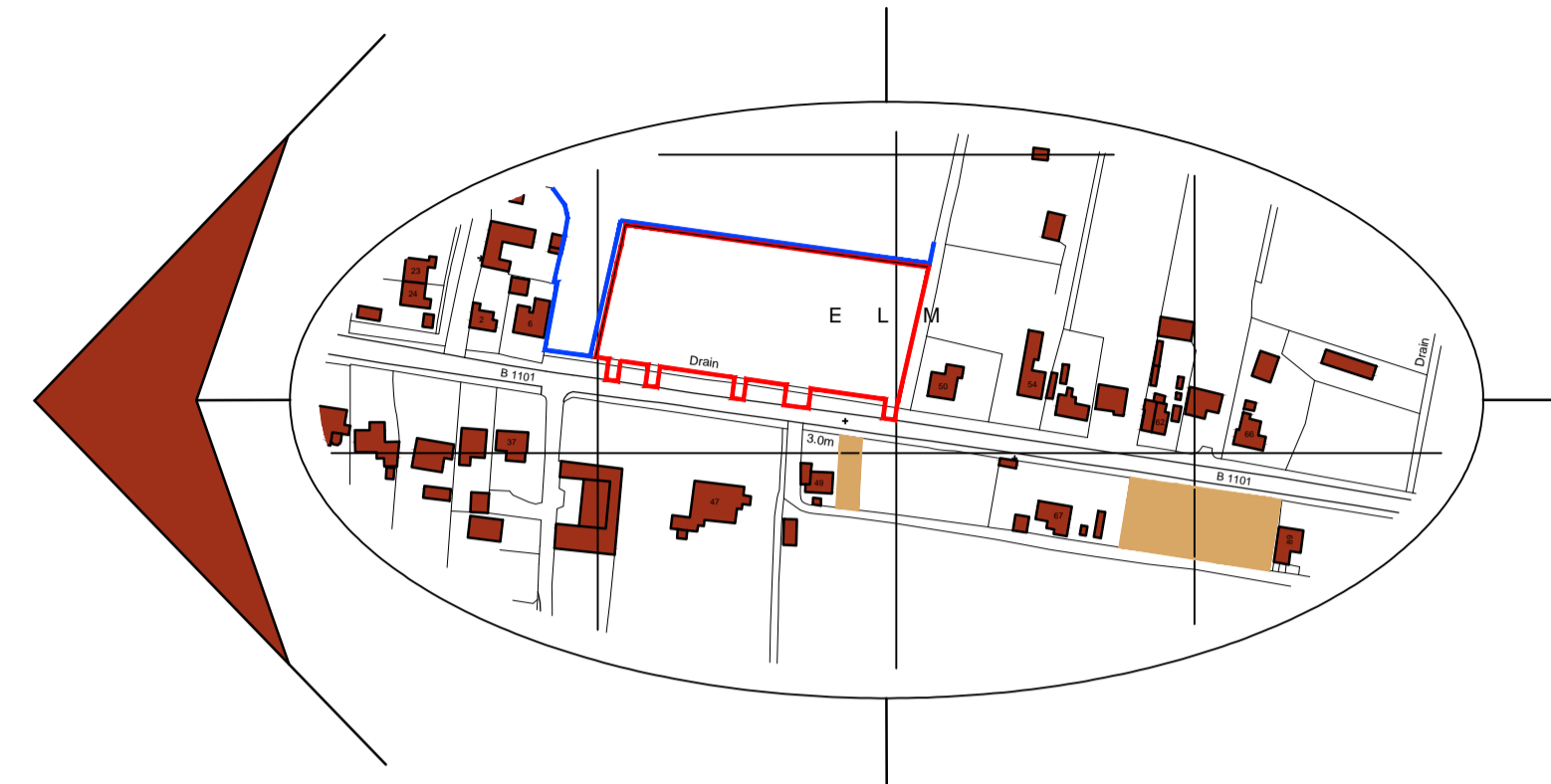
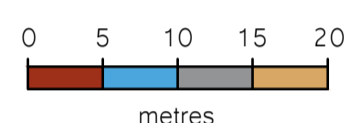
- General Notes
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SITE PLAN KEY

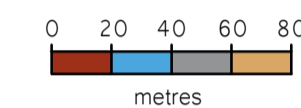
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-  Existing trees to be removed
-  Existing site levels
-  Site boundary
-  Grass
-  Proposed indicative dwelling



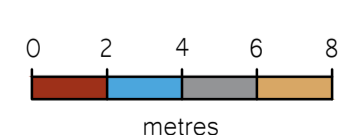
Plan of Recent Approvals Adjacent to Site
Scale: 1:500



Location Plan
Scale: 1:2500



Indicative Site Plan
Scale: 1:200



Revisions		
A	April 2018	Indicative Added
B	Jan 2019	Planning Amendments

Status
FOR APPROVAL

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t 01945 450694 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed Dwellings Fridaybridge Road, Elm	Date April 2018	Scale As Shown Sheet Size A1
For Mrs C Wood	Drawing Title Outline Planning Drawing	Job No. SE-965
	Dwg No. 02	Drawn by G.E. Revision B

50

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APPLICATION NO: F/YR19/0123/O

SITE LOCATION: Land South Of 6 Fridaybridge Road, Elm

UPDATE

- Parish Council recommendation received as follows:

'The Council resolved not to support the application due to concerns in respect of access and increased traffic.'

- A further letter of support has been received which notes that the writer has -

'no objection to the proposed planning application'

- The Agent has advised that he: *'recently attended the Parish Council meeting on behalf of my clients, I offered the a contribution towards the planned village hall proposal through a legal agreement as part of any planning approval on the site, although the parish have not supported the proposal the client is still prepared to make this offer on a successful outcome of their application.'*

Assessment:

There is no policy basis to secure a contribution to the village hall and the above updates do not influence the recommendation which remains to refuse.

RECOMMENDATION: Remains as refuse; as per pages 39 & 40 of the Agenda

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PLANNING COMMITTEE	
Date	27th March 2019
Title	TPO reference: 02/2019 – TPO within the rear garden of 2 Claygate, Whittlesey.
1. PURPOSE	
<p>The purpose of this report is to request authority from members to confirm Tree Preservation Order (TPO) 02/2019 TPO within the rear garden of 2 Claygate, Whittlesey.</p>	
2. SUMMARY	
<p>Matters relating to the issue and confirmation of unopposed TPOs are normally dealt with by delegated powers. However, when objections to the making of a TPO have been received it falls outside the scheme of delegation and as such this matter is duly referred to Committee for authority to proceed with confirming the order.</p> <p>A TPO was placed on the Silver Birch tree as the owner wished to fell it. The tree was identified as a healthy mature specimen which is considered visually prominent within the local area and of high amenity value.</p> <p>3 objections to the TPO were received which are summarised as follows:</p> <ul style="list-style-type: none"> - <i>The tree is not a native species of the Fenland area</i> - <i>The tree was never before regarded as significant</i> - <i>The TPO was imposed in haste without sufficient consideration</i> - <i>The tree is too large, overhanging our neighbour's properties at 25 and 27 Orchard Street</i> - <i>We are fearful of storm damage and associated financial liability if the tree causes damage, as well as the health and safety of neighbours</i> - <i>the owner and neighbours are pensioners and the tree causes worry and concern to those around it.</i> - <i>the tree is a nuisance with bits dropping off and clogging the gutters</i> - <i>branches occasionally fall off into our garden</i> - <i>It is growing near our roof</i> - <i>The tree is too big and a considerable amount overhangs our property</i> - <i>A branch could fall in strong winds, damaging property or injuring persons</i> - <i>would like the tree cut down or cut back by at least fifty percent.</i> 	
3. RECOMMENDATION	
<p>It is therefore recommended that members confirm the TPO in respect of the Silver Birch tree within the grounds of 2 Claygate, Whittlesey.</p>	

Forward Plan Reference No. (if applicable)	Not applicable
---	----------------

Portfolio Holder(s)	Not applicable
Report Originator	Tracey Meachen, Senior Development Officer
Contact Officer(s)	David Rowen, Development Services Manager
Background Paper(s)	TPO 02/2019

1. BACKGROUND

1.1 An application was submitted on 02 January 2019, which sought consent to fell a Silver Birch tree within the Whittlesey Conservation Area which is located to the north east corner of 2 Claygate, Whittlesey, and adjacent the boundary of numbers 25 and 27 Orchard Street. The justification given was that the Silver Birch has become overgrown and overhangs the neighbour's garden, and which has removed light from the neighbouring property.

1.2 An assessment of the tree by the Council's Arboricultural Officer noted that: *'The tree is a mature specimen with a full healthy, generally well-balanced crown. The tree is prominent and of high amenity value being visible from Claygate, Orchard Street and some visibility from Searles Court and the western end of Delph Street. Orchard Street (B1040) is a reasonably busy road and the tree is important in providing character to an area that has few other mature trees in the immediate vicinity.'*

The Arboricultural Officer also pointed out that some mitigation could be addressed by pruning the tree rather than felling.

1.3 A TPO was subsequently raised on the 14th day of February and as required by the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of the order was served on persons interested in the land affected by the Order.

1.4 In response to the making of the Order the following representations have been received:

Objection 1:

- The tree is not a native species of the Fenland area - was never before regarded as significant - TPO was imposed in haste - tree is too large, overhanging our neighbour's properties at 25 and 27 Orchard Street - fearful of storm damage and financial liability if the tree causes damage as a result, and the health and safety of neighbours - the owner and neighbours are pensioners and the tree causes worry and concern.

Objection 2:

- the tree is a nuisance with bits dropping off and clogging the gutters – branches occasionally fall off into our garden – growing near our roof – would like the tree cut down or cut back by fifty percent.

Objection 3:

- the tree is excessively too big – a considerable part of it overhangs our property – if a branch fell in strong winds it could destroy our shed, damage our house or cause injury – is a fast growing tree not native to the area and should be cut to half its size.

2. ASSESSMENT

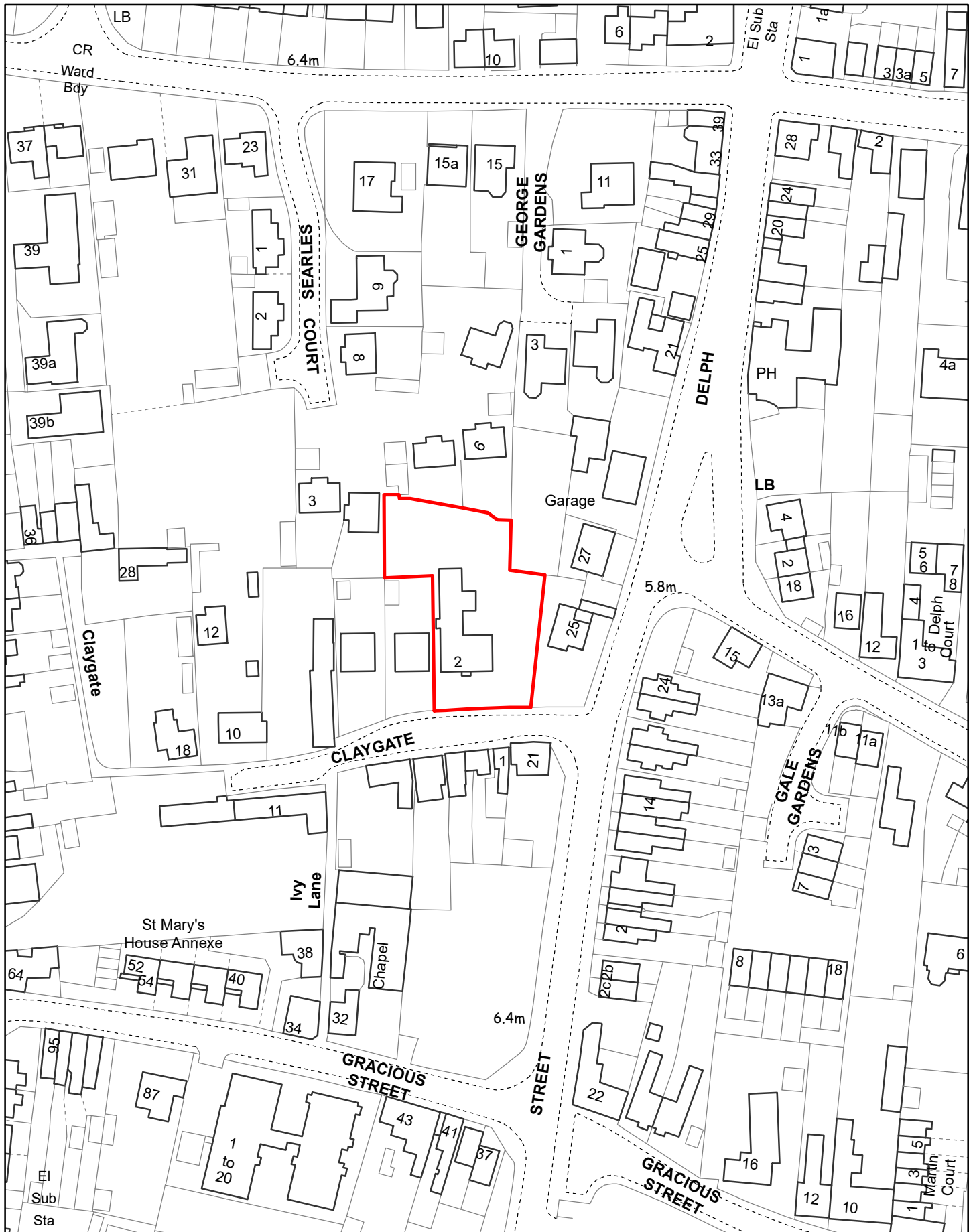
- 2.1 The above objections have been duly considered by the FDC Arboricultural Officer. As stated above, careful pruning of the tree rather than the felling of it has been recommended by the Arboricultural Officer to reduce the impact on nearby dwellings and to reduce the amount of overhanging. The TPO also ensures that when the time comes, and the Silver Birch has to be removed, it would need to be replaced, therefore protecting the visual amenity of the area. Without a TPO, the tree could be felled without this requirement.

3. CONCLUSION

- 3.1 Following receipt of the above objections to the confirmation of TPO 02/2019, the proposed Order has been reviewed. The placement of a TPO does not prevent tree works but gives the Local Planning Authority control over 'inappropriate' works.
- 3.2 Section 72 of the Town and Country Planning Listed Buildings and Conservation Areas Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of buildings or land within a Conservation Area.

4. RECOMMENDATION

- 4.1 It is therefore recommended that the TPO is confirmed in accordance with the Order TPO 02/2019 as the Silver Birch tree has been identified as being of significant amenity value to the streetscene and to the character of Whittlesey Conservation Area.



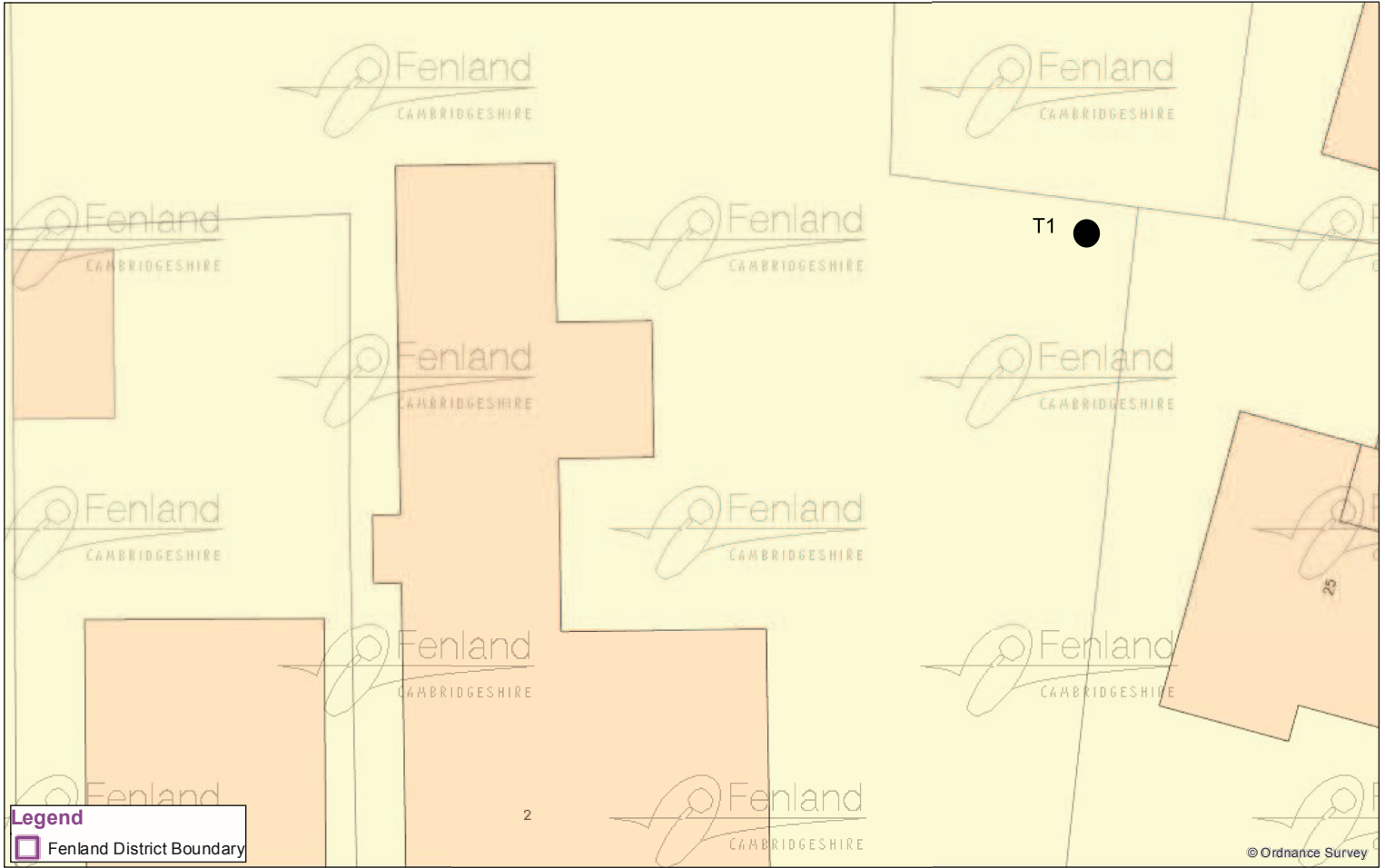
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Scale = 1:1,250





Legend
 Fenland District Boundary

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Fenland Maps T1 - Silver birch
 2 Claygate Whittlesey

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6.5 Metres
 Scale = 1:171



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