

AGENDA

PLANNING COMMITTEE

WEDNESDAY, 29 MAY 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 Appointment of Chairman for the Municipal Year F_PR
- 2 To receive apologies for absence. F_PR
- 3 Appointment of Vice Chairman for the Municipal Year F_PR
- 4 Previous Minutes F_PR

To confirm and sign the minutes from the previous meeting of 24 April 2019.
- 5 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified F_PR
- 6 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. F_PR
- 7 F/YR12/0569/O
Residential development of up to 149 dwellings; retail development ;open space; landscaping and pedestrian, cycle and vehicular access off 46 Lynn Road F_PR

To Determine the Application

- 8 F/YR18/0458/F
Site of Former Kingswood Park Residential Home, Kingswood Road, March; Erection of 24x 2 storey dwellings comprising of 12 x 2 bed and 12 x 3 bed, together with an extension to Kingswood Road to provide new vehicular and pedestrian access F_PR

To Determine the Application
- 9 F/YR18/1103/VOC
Anaerobic Digester Plant, Iretons Way, Chatteris; Variation of Conditions of Planning Permission F/YR14/0163/F F_PR

To Determine the Variation of Conditions.
- 10 F/YR19/0139/F
Rear of 50 Wood Street, Chatteris. Erection of 2no single-storey 2 bed dwellings and erection of a single-storey double garage for No 50, including removal of existing garage and alternations to access F_PR

To Determine the Application
- 11 F/YR19/0176/F
Land West of The Three Horseshoes Public House, Turves; Erection of 2x2-storey 3 bed dwellings involving demolition of single storey storeroom of public house F_PR

To Determine the Application
- 12 F/YR19/0240/F
The Broad, Willock Lane, Wisbech St Mary. Erection of a 2 storey, 4 bed dwelling and a detached 2 storey 4 bay garage/storage involving the demolition of existing dwelling and outbuildings F_PR

To Determine the Application
- 13 Items which the Chairman has under item 5 deemed urgent F_PR

Members: ,

PLANNING COMMITTEE



WEDNESDAY, 24 APRIL 2019 - 1.00 PM

PRESENT: Councillor A Miscandlon (Chairman), Councillor S Clark (Vice-Chairman), Councillor I Benney, Councillor Mrs M Davis, Councillor A Hay and Councillor P Murphy

APOLOGIES: Councillor D Connor, Councillor S Court, Councillor Mrs D Laws, Councillor Mrs F Newell and Councillor Mrs S Bligh

Officers in attendance: Jo Goodrum (Member Services & Governance Officer), Nick Harding (Head of Shared Planning), Sheila Black (Principal Planning Officer) and Chris Gordon (Legal Officer)

P73/18 PREVIOUS MINUTES

The minutes of the meeting of 27 March 2019 were confirmed and signed.

P74/18 F/YR18/1104/F LAND EAST OF 13 NORFOLK STREET, FACING ORANGE GROVE, WISBECH ERECTION OF A 3 STOREY BLOCK OF FLATS COMPRISING 2X2 BED AND 1X1 BED

The Committee had regard to its inspection of the site (as agreed in accordance with the Site Inspection: Policy and Procedure (minute p19/04)) during its deliberations.

Sheila Black presented the report to members and drew their attention to the update report which had been circulated and also advised members of a late objection which had been received from the tenant of the public house with regard to concerns over inadequate fire escapes and issues concerning deliveries to the premises.

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

1. Councillor Murphy commented that the proposal tidies up the area and enhances it and Councillor Benney concurred.

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

P75/18 F/YR19/0164/F 20 DEERFIELD ROAD, MARCH ERECTION OF 4 X 2 STOREY 1 BED DWELLINGS INVOLVING THE DEMOLITION OF EXISTING DWELLING AND OUTBUILDING

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

Sheila Black presented the report to members and drew their attention to the update report which had been circulated. As a result of the revised plans which have been submitted, there has been a requirement to change the wording for the second reason for refusal, which is on page 28 of the agenda.

The amended wording is: Policy LP15 of the Fenland Local Plan 2014 requires all development to provide a well-designed, safe and convenient access. The proposal by virtue of the access and its relation to 18 Deerfield Road to the west would result in substandard visibility splays in that direction for traffic leaving the site. The proposal would therefore be detrimental to highways safety and would be contrary to the requirements of policy LP15 in that respect.

Members received a presentation in support of the application, in accordance with the Public Participation Procedure from Mr Robert Wickham, who spoke on behalf of the Agent.

Mr Wickham commented that it is disappointing to see the application is recommended for refusal. The site is derelict and contains asbestos and the proposal for four homes is similar to those, which were built in Elm Road, which were well received in the housing market.

He stated that he has concerns within the officer's report and mentioned that In 10.9 of the report it shows the description of the site and highlights a criticism of the width of the gap with the adjoining property, which identifies a detrimental impact of light and he added that the gap is similar to size to other properties in the road.

He mentioned that at 10.10 in the officer's report it states that with regard to privacy, the scheme utilises windows on all four main elevations from a mix of rooms with the main bedroom windows being located on the side elevations and secondary 'office' windows to the front and rear. However this is incorrect, as it is the other way round and the small office window on the side of the access could be a high level window.

At 10.11 in the report, it mentions concerns over car parking at the rear of the site, however this location was recommended by Officers in an email exchange from the 26 February 2018.

Mr Wickham added that with regard to 10.12 in the officer's report, it states that the proposal is out of character with the road which predominantly has 2 storey properties; however there are 7 detached houses, 6 bungalows and 3 pairs of semi-detached dwellings, along with 6 terraced houses in the road.

Mr Wickham concluded that the issues raised could be discussed with officers and an acceptable scheme could be achieved which would also be agreeable with highways in order to achieve a small development which has market appeal.

Members had no questions for Mr Wickham.

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

1. Councillor Hay commented that in her opinion a smaller development of two homes would have been preferable rather than the proposal for four. She agreed that the street scene is now better placed with the proposed dwellings being brought in line with the existing properties; however the gardens for the front two properties will still be adjacent to the main road, which in her opinion is not satisfactory. She added that following the previous refusal the applicant should have contacted officers to discuss what solutions would have been acceptable in order to achieve an agreeable resolution.
2. Councillor Mrs Davis stated that she agrees with Councillor Hay, that the proposal is over intensification of the site and she has concerns regarding amenity space particularly for the

front two properties.

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

P76/18

F/YR19/0146/O

LAND SOUTH AND WEST OF 4-5 MILL HILL LANE, MARCH

ERECTION OF UP TO 3NO DWELLINGS (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)) during its deliberations.

Sheila Black presented the report to members and advised them that she had received a late objection relating to the level of housing in the general Mill Hill area, and that the development represents intensification of housing and that the access for the dwelling is inadequate.

Members received a presentation in support of the applicant, in accordance with the Public Participation Procedure, from Mr Matthew Hall, the Agent.

Matthew Hall stated that the proposed dwellings will be bungalows on a site which is situated in flood zone 1. He added that contained within the officers report under item 11.1 its states that the principal of the proposal is in accordance with planning policies and the proposed access would not result in unacceptable impacts on highway safety. There have been no objections from the Environment Agency, Environmental Health or Highways and March Town Council support the application.

Matthew Hall added that a neighbour who is adjacent to the development has written to the planning officers and advised them that he has no concerns over the development and fully supports it. Mr Hall stated that number 7 Mill Lane is the applicants own property.

Matthew Hall identified to members on the presentation screen the proposed development including the access point and he highlighted the recent dwellings which had been built in the vicinity, clarifying the access drive, its proximity to other dwellings and the location of the bin stores. He clarified the third garden areas of the plot and pointed out the neighbouring existing dwellings garden area along with the applicants' garden area.

Matthew Hall informed members that the site layout is indicative and there is a layby for additional parking, a block paved area and if needed a hammerhead could be incorporated for a refuse vehicle. The plot sizes are similar to those that have been approved previously. The proposal is for bungalows resulting in no overlooking, as opposed to 2 storey dwellings that were approved on the other side.

Members had no questions for Mr Hall.

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

1. Councillor Murphy asked for clarification as to where the 18 responses from the public which had been received had originated from. Sheila Black stated that they had been received from within the ward and any received from outside the ward had been discounted. Councillor Murphy asked for further clarification with regard to specific addresses of support and objection to the proposal which Mr Nick Harding ascertained and provided to members.

There were 9 letters of objection and 7 of support.

2. Councillor Murphy asked for confirmation as to how far the residents would have to move their refuse and recycling bins to the designated collection point. Sheila Black confirmed that plot 3 would have to move their bins 110 metres and plot 1 would be 75 metres.
3. Councillor Hay stated that she has concerns over the reduction in amenity space for number 7 and although it is currently the applicants address that may alter in the future and for a large property she does not feel there is enough amenity space. She questioned that if it was a fresh planning application would the land that was left be classed as adequate amenity space. Sheila Black responded and said it would be looked at to see if it would fit a third of a plot which is the requisite size and the agent has confirmed that he considers it is a third of a plot.
4. Councillor Benney stated that upon the site visit, the issue of the bin collection point stood out for him and he understood the normal drag out distance for bins is 30 metres and the closest property is almost twice that distance. The reduction in amenity space to a very nice property is also a concern.

Proposed by Councillor Benney, seconded by Councillor Hay and decided that the application be REFUSED, as per the officers recommendation.

(Councillor Mrs Davis declared a non pecuniary interest in the fact that she knows members of the applicant's family)

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

1.40 pm

Chairman

F/YR12/0569/O

Applicant: Ashley King Developments Ltd

Agent : Mr Tim Waller
Waller Planning

Land East Of 46, Old Lynn Road, Wisbech, Cambridgeshire

Residential development of up to 149 dwellings; retail development of up to 910 sq.m.; open space; landscaping; and pedestrian, cycle and vehicular access off Lynn Road.

Reason for Committee The recommendation differs from the view of the Town Council.

1 EXECUTIVE SUMMARY

This proposal is in outline form with the detail of access only for up to 149 dwellings, retail development and access was considered acceptable in principle. This was however subject to the signing of a Section 106 agreement for the provision of affordable housing, education, healthcare, highways public open space and waste recycling. For a period of over 6 months despite assurances, the applicant has provided no evidence of being able to deliver such an agreement. In the absence of such an agreement the proposal is considered contrary to Policy LP13 of the Fenland Local Plan.

2 SITE DESCRIPTION

- 2.1 The application site covers an area of approximately 5.78ha and is located in the north eastern corner of the district, to the east of Old Lynn Road (B Classified) main arterial route into Wisbech from the north-east. The site is located 1.8km from the Town Centre of Wisbech and is served by a dedicated cycleway and regular bus services (Stagecoach Norfolk No. 66 & XL).
- 2.2 Approximately two thirds of the site is open agricultural land, the remaining third, the south-west corner, is occupied by an agricultural nursery, which consists of a number of agricultural glass houses and warehouse buildings. The site is surrounded by residential properties to the south and west, with open countryside to the north and east. The site is bounded by a mature hedgerow along the west and southern border, with an established ditch along the north and eastern borders. Vehicular access is made from Old Lynn Road at two points; a field access to the north and a made up access to the nursery to south.
- 2.3 The site lies immediately to the north and outside the built up area of Wisbech, however, that part of the site occupied by the nursery and comprising glass houses and warehouse building.
- 2.4 Most of the site is within Flood Zone 3, small areas/pockets of the site along its southern boundary fall within Flood Zone 2. The site is located within the Internal

3 **PROPOSAL**

- 3.1 The planning application was originally submitted in July 2012. At that time, it proposed residential development of up to 150 dwellings, public open space, and retail development of up to 2,000m² floor space.
- 3.2 Following concerns about the impact of the retail element on the vitality and viability of the town centre, flood risk and requirement for further supporting information the proposals were subsequently revised to propose a similar amount of residential development but retail floor space has been reduced to a maximum of 910 sq m floor space. The proposed retail development would comprise a mini supermarket, of around 350 sq m, and three other smaller store of around 190 sqm. The smaller stores may now also include A3 (café or restaurant) and A5 (hot food take-away) uses, up to a maximum floor space of 561 sq m.
- 3.3 This is an outline application where all matters are reserved other than access. This means that details of the final access arrangements within the site, layout, appearance, scale and details of new landscaping are all reserved for determination at a later date. The application therefore seeks to establish the principle of new retail and residential development on the site.
- 3.4 Vehicular access to the site will be via a ghost island right turn lane priority junction with Lynn Road located at the eastern boundary. The proposed access is located approximately 108m north of the junction with Old Lynn Road and 40m south of the existing access to Wisbech Town Football club.
- 3.5 Accessibility improvements are also proposed and include:
- A new 2.5m combined footway/cycleway along the length of the site frontage, linking to on-street cycle lanes on Lynn Road and Old Lynn Road;
 - A new 2.5m combined footway/cycleway between Windmill Gardens and Wisbech Town Football Club on the western side of Lynn Road;
 - To provide new and replacement uncontrolled pedestrian crossing points and central island refuges to access Wisbech Town Football Club and the proposed footway on the west side of Lynn Road; and
 - The provision of new bus stops on Lynn Road to provide access to bus services X1 and 766. The new bus stops will be significantly reduce the walking distance to bus services, compared to the existing stops which are in excess of 400m.
- 3.6 The application is accompanied by illustrative drawings (including a masterplan and drawings of the housing and retail proposals) and the following supporting information:
- Archaeological Investigation report.
 - Design and Access Statement (Waller Planning).

- Ecological and Protected Species Survey (Scarborough Nixon).
- Flood Risk Assessment (Addendum by WSP).
- Planning Statement (Waller Planning).
- Retail Statement (Indigo Planning).
- Statement of Community Involvement.
- Transport Assessment (WSP)
- Illustrative Masterplan (Studio 11 Architecture).

3.7 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=M7M18HHE06P00>

4 **SITE PLANNING HISTORY**

F/YR12/0513/SC - Screening Opinion:- Development of 150 residential units, up to 2,000msq of retail floor space, vehicular access and public open space -

F/YR12/0197/F - Erection of a polytunnel (retrospective) – Granted 02.05.2012.

F/YR08/0071/F - Extension to existing glasshouse – Granted 21.02.2008.

F/YR03/0635/F - Erection of a glasshouse – Granted – 06.10.2003.

F/YR01/1242/F- Erection of polytunnels – Granted - 01.02.2002.

5 **CONSULTATIONS**

5.1 A re-consultation/publicity exercise was carried out in 2016 and 2018. The responses to consultations include comments received to both exercises.

5.2 **Anglian Water:** No objections.

5.3 **Borough Council of Kings Lynn and West Norfolk:** Has stated that “the proposal does not accord with the general direction of growth for Wisbech or is located within the indicative urban area as identified in the Key Diagram for Wisbech as specified in the Local Plan 2014, the Council has no comments to make.”

5.3 **Cambridgeshire County Council (Archaeology):** No objections or requirements.

5.4 **Cambridgeshire County Council (Highway Authority):** No objections subject to conditions including the provision of:

- Travel Plan.
- Footways/cycle ways.
- Pedestrian crossing and replacement central island refuge.
- New bus stops.

and financial contributions secured through a S106 agreement in relation to the following matters:

- £14,000 towards maintenance of two bus stop shelters to be installed on Lynn Road.
- £16,000 towards the maintenance of two Real Time Passenger Information (TPI)
- £15,000 towards the feasibility study of accident remedial scheme at the Freedom Bridge Roundabout.

5.5 Cambridgeshire County Council (LLFA): No objections subject to conditions and informative relating to surface water drainage and maintenance.

5.6 Cambridgeshire County Council (S106 Officer): Recommends the following contributions:

- Early Years School Provision - £171,559.76.
- Primary Need - £1,665,684.
- Secondary Need - No contribution.
- LLL(Libraries) - £15,710.76.
- Strategic Waste - £26,820.
- Monitoring Fees - £600.

5.7 Cambridgeshire County Council (Wildlife Officer): Recommends the following:

- A full water voles survey before any works that impact on the eastern boundary ditch.
- Avoidance of site clearance works during bird nesting period.
- Installation of bird and bat boxes/tiles.
- External lighting to be baffled downwards.
- Bat friendly landscape planting.
- 10m buffer along eastern boundary and 5m buffer along northern boundary.
- Design of SUDs drainage system to avoid pollution entering the existing drainage ditch.
- Landscaping scheme to incorporate a range of native wetland species.
- An updated ecological survey will be required if the application is to be delayed further.

- 5.8 **Cambridgeshire (Crime Prevention):** No comments.
- 5.9 **Environment Agency:** Has stated that the majority of the site is located in Flood Zone 3 and it is for the LPA to apply the Sequential and Exception Test. The LPA should consider whether safe access/egress would be available in the event of flooding. The EA has no objections subject to a condition requiring site ground levels to be raised by 0.5m.
- 5.10 **FDC (Housing Strategy):** Recommends the provision of 37 affordable houses subject to viability, with an affordable tenure mix of 26 affordable rented houses and 11 intermediate tenure houses.
- 5.11 **FDC (Parks and Open Spaces):** The public open space areas are close to the main road and are not acceptable, they need to be in a central position. The SUDs areas will not be allowed as contribution towards public open space. A LEAP (Local Equipped Area for Play) needs to be provided and approved by the LPA.
- 5.12 **FDC (Tree Officer):** Recommends boundary planting on the southern boundary to provide long-term screening between properties.
- 5.13 **NHS:** A developer contribution of £31,280 will be required to mitigate impact on existing healthcare provision.
- 5.14 **Natural England:** No comments.
- 5.15 **Norfolk County Council:** No comments.
- 5.16 **North Level IDB:** No comments.
- 5.17 **Water Management Alliance (Representing Broads IDB, East Suffolk IDB and Kings Lynn IDB):** Refers to standing advice that Broads Bylaws apply.
- 5.18 **Wisbech Town Council:** Supports the application but requests that the impact of the proposal on community infrastructure (such as adequacy of highways) is fully assessed. It recommends that WTC is invited to submit suggestions for spend of S106 monies towards off-site recreation provision.

Representations

- 5.19 Representations were received in 2012 but records of these no longer exist. Further publicity took place and an objection from a resident in 2016 was received. A third public consultation occurred in May 2018 with separate concerns are raised by a resident. The objections are summarised as follows:
- Access/Traffic congestion/Highway safety.
 - Loss of agricultural land.
 - Overdevelopment/number of dwellings.
 - Environmental concerns.
 - Lack of local service capacity.

- Out of character.
- Outside built up limits.
- Overlooking.
- Loss of privacy.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

Paragraph 10 - Presumption in favour of sustainable development.

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

Paragraph 54 - Use of conditions or planning obligations.

Paragraph 59 - To support the Government's objective of significantly boosting the supply of homes a sufficient amount and variety of land should be brought forward where needed and that the needs of groups with specific requirements are addressed.

Paragraph 91 – Promoting health and safe communities.

Paragraph 96 - Access to high quality open spaces, opportunities for sport and physical activity and health and well-being of communities.

Paragraph 103 - Manage growth to achieve sustainable transport.

Paragraph 124 and 127 - Creation of high quality buildings and places, good design being integral to achieving a sustainable development.

Paragraph 149 - Mitigating and adapting to climate change.

Paragraph 155 - Planning and flood risk – Directing development away from areas at highest risk of flooding.

Paragraph 170 - Decisions should contribute to and enhance the natural and local environment.

Paragraph 212 - The Framework is a material consideration which should be taken into account in dealing with applications.

7.2 National Planning Practice Guidance (NPPG)

Design;
Flood Risk and Coastal Change;
Health and Wellbeing;

7.3 Fenland Local Plan 2014

LP1: A presumption in favour of sustainable development;
LP2: Facilitating health and wellbeing of Fenland residents
LP3: Spatial strategy, the settlement hierarchy and the countryside;
LP4: Housing;
LP5: Meeting Housing Need
LP8: Wisbech;

LP14: Responding to climate change and managing the risk of flooding in Fenland;
LP15: Facilitating the creation of a more sustainable transport network in Fenland;
LP16: Delivering and protecting high quality environments across the District;
LP17: Community safety;
LP19: The natural environment.

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

SPD Cambridgeshire Flood and Water (December 2016)

8 BACKGROUND

8.1 This planning application was originally submitted in July 2012 and is an outline planning application with all matters reserved other than (point of) of access. This means that details of the final access arrangements within the site, layout, appearance, scale and landscaping are all reserved for determination at a later date. As originally submitted the application proposed residential development of up to 150 dwellings, public open space, and retail development of up to 2,000m² floor space.

8.2 Following concerns about the impact of the retail element on the vitality and viability of the town centre, flood risk and requirement for further supporting information the proposals were subsequently revised to propose a similar amount of residential development but retail floor space has been reduced to a maximum of 910m² floor space. The proposed retail development would comprise a mini supermarket, of around 350m², and three other smaller convenience shops of around 190m². The convenience shops may also include A3 (cafe or restaurants) and A5 (hot-food take-away) uses, up to a maximum of 561m².

9 Key Issues

- **Principle of Development**
- **Character and Appearance**
- **Retail Use**
- **Flood Risk**
- **Residential Amenity**
- **Highway Considerations**
- **Ecology**
- **Local Equipped Area of Play (LEAP)**
- **Archaeology**
- **Health and Wellbeing**
- **Economic Growth**
- **Statement of Community Involvement**
- **Pre-commencement conditions**
- **EIA Screening**
- **S106 Agreement**

10 ASSESSMENT

Principle of Development

10.1 The site is located to the north east and outside the main built up area of the settlement of Wisbech. Policy LP3 identifies Wisbech as one of the District's two Primary Market Towns, the other being March. The primary Market Towns are the highest tier settlement and the main focus of development within the District.

10.2 Policy LP1 sets out a presumption in favour of sustainable development. Policy LP2

requires development proposals to positively contribute to creating a healthy, safe and equitable living environment. Policy LP3 identifies Wisbech as one of the 4 Market Towns where growth should be directed. Policy LP4 sets out the housing delivery targets of the District and indicates Wisbech as the prime location of growth. Policy LP8 also identifies Wisbech as the main focus of growth. Policy LP7 considers the matter of urban extensions.

10.3 In policy terms the proposal requires to be assessed against Policy LP4 of the Local Plan. Policy LP4 Part B states that for small scale housing proposals (under 250 dwellings) on the edge of market towns Policy LP16 is applicable.

10.4 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)).

10.5 As described below, the proposal is considered to accord with Policies LP4 and LP 16 and therefore the principle of the development is considered to be acceptable.

Character and Appearance

10.6 Approximately two thirds of the site is open agricultural land, the remaining third, the south-west corner, is occupied by an agricultural nursery, which consists of a number of large agricultural glasshouses, warehouse buildings and hardstanding. The southern boundary of the site adjoins residential development. The site frontage faces onto residential development and the access and parking area for Wisbech Football Club which are located on the western side of Lynn Road. Part of the northern boundary of the site is bounded by a group of six detached dwellings set in ribbon fashion along the eastern side of Lynn Road.

10.7 These factors do not give the immediate context a spacious rural character. Given the buildings, structures and hardstanding on the site and its relationship to the built form of the north western extremity of Wisbech the site is considered to have more affinity with the existing urban edge of the northern extremity of Wisbech than adjacent open agricultural land form and countryside.

10.8 The scheme has been submitted in outline and therefore the proposed layout is only indicative. Massing and height would be important considerations for the detailed stage in respect of this site because of the flood risk issue and the requirement of raising finished floor levels which will have implications for the proposed development. Nonetheless, it is considered that providing at detailed design stage appropriate structural landscape buffering is provided on the site boundaries the proposal will not result in isolated built development that would appear obtrusive and encroach into the unspoilt countryside. The change would be in keeping with the core shape and form of this part of the settlement and would not have an undue adverse impact on the spacious rural character of the area.

10.9 It is therefore considered that the proposed development would not harm the character and appearance of the surrounding area and it would not consequently conflict with the aim of Policies LP3, LP4 and LP16 of the Local Plan. The principle of development of the site is consequently considered to be acceptable.

Retail Use

- 10.10 Local Plan Policy LP6 requires that new developments of 500 sqm or more, which are outside of the existing town centres, must undertake a retail impact assessment. The application originally sought consent for 2,000sq m of retail floorspace to be provided as a single unit. The proposal was found to have an adverse impact on the vitality and viability of the town centre. Consequently, the application was revised to provide retail floorspace in four units, one of 349sqm and three of 187sqm.
- 10.11 An assessment relating to the revised proposal for a reduced retail floorspace has been submitted and examined by consultants on behalf of the Council. The conclusions of the assessment that less than 1% of trade will be diverted from Wisbech Town Centre, and that the Sequential Test is passed as there are no alternative sites within or on the edge of the town centre which could accommodate the proposal is supported by the Council's consultants. The principle of the retail development is considered to accord with Policy LP6 and therefore acceptable.
- 10.12 The principle of the retail element is therefore considered to accord with policies LP3, and LP6 and is acceptable.

Flood Risk

- 10.13 The site is located some 1.8km to the east of the tidal River Nene. Most of the site is within Flood Zone 3 of the Environment Agency Flood Zone Maps, small areas/pockets of the site along its southern boundary fall within Flood Zone 2. The application has been accompanied by a Flood Risk Assessment which has been considered by the Environment Agency which has no objections subject to a condition requiring ground levels to be raised by 0.5m. Anglian Water and the Lead Flood Authority have no objections either. The North Level IDB has expressed no comments
- 10.14 As a matter of principle as part of the site lies in an area of high flood risk, in-line with the NPPF, NPPG, LP14 (Part B) of the FLP and the Cambridgeshire Flood and Water Supplementary Planning Document (December 2016) the application of the sequential test is required to identify whether more suitable sites in areas of lower risk are available for the development.
- 10.15 Policy provisions relating to flood risk make it clear that all development proposals should adopt a sequential approach, and that development in areas known to be at risk from flooding will only be permitted subject to, amongst other criteria, the successful completion of a sequential test, an exception test, and suitable demonstration of the development meeting an identified need.
- 10.16 The aim of the sequential test is to steer development to areas with the lowest probability of flooding first, rather than relying on existing or improvements to flood defences or other mitigation measures. In applying the sequential test to individual planning applications the Planning Practice Guidance (PPG) states that the developer should justify with evidence to the local planning authority what area of search has been used when making the application.
- 10.17 As set out in the Framework, development in areas known to be at risk of flooding should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in area with a lower probability of flooding.
- 10.18 In assessing the Sequential Test the Flood and Water SPD advises the following:

'the area of search is usually over the entire LPA area and may only be reduced in discussion with the LPA because of functional requirements and objectives of the

proposed development and because there is an identified need for that type of development. The relevant Local Plan should be the starting point.'

- 10.19 Fenland District Council proposed a draft approach to the sequential test for housing (in the report to Planning Committee in February 2018). It stated the following:

Area of Search

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

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

- 10.20 In support of the original application, site specific Flood Risk Assessment (FRA) was prepared on behalf of the applicant by Geoff Beel Consultants this evidence simply concludes that the Sequential Test and the Exceptions Test is passed and that the development is acceptable in flood risk terms.
- 10.21 Following the submission of the application the Environment Agency reclassified the site where 95% of the site area now falls within Flood Zone 3, with the remainder falling within Flood Zone 2.
- 10.22 Further to the reclassification an Addendum (dated March 2016) to the earlier FRA was submitted to demonstrate the application of the Sequential and Exception Test in support of an updated planning application.
- 10.23 Sequential Test
The Planning Statement (March 2016) accompanying the submission includes the application of the Sequential Test. Here the applicant's overarching argument in relation to flood risk is that there is a housing need for the development, the development of the site will not increase flood risk elsewhere and there are no reasonably available sites elsewhere within the settlement which could accommodate the development.
- 10.24 The Strategic Flood Risk Level 2 Assessment for Wisbech shows that a large part of the town and the areas around it where new development might take place are also within Flood Zone 3. In summary, this site forms an important component of delivering the District's housing need and there are very few locations where development may take place outside Flood Zone 2 and 3 but within the District and the edge of Wisbech. The other locations have been assessed at a similar or greater risk of flooding than the application site. For these reasons the proposal is argued to satisfy the Sequential Test.
- 10.25 Exception Test
For the Exception Test to be passed it must be demonstrated that sustainability benefits to the community outweighs flood risk and that the development will be safe for its lifetime. The submitted Planning Statement contends that the proposal will have the following community benefits:
- Provision of up to 149 dwellings in a sustainable location next to Wisbech.
 - Provision of a range of different types of housing for different needs.
 - Improve quality of life through the provision of private amenity space and public open space.

- Retail development will reduce trips and increase availability and affordability.
- Creation of local construction employment.
- Improvements to highway infrastructure.
- Safe for lifetime if ground levels are raised by 0.5m across the site, and implementation of Environment Agency warning advice during flood.

10.26 In relation to the requirement of the Exception Test that development must be safe for its lifetime supporting information has been provided by WSP/Parson Brinkerhoff as an addendum to the original FRA by Geoff Bell Consultant. This part of the FRA proposes to set ground levels at a minimum of 0.5m above the existing to lift the site out of climate change breach flood level. A revised surface water strategy has also been produced to account for the revised flood zoning and includes sustainable drainage measures.

10.27 On the above basis the Planning Statement concludes that the Exception Test is passed as the scheme provides community benefits and it is safe for its lifetime the Exception Test is claimed to be passed.

10.28 Council's Position on Flood Risk . The site is identified as being within Flood Zone 3 by the Environment Agency's Flood Maps. The NPPF, Local Plan, and SPD (flood risk) require new development to be located in areas of lower flood risk before land within Flood Zone 3 is released. The applicant's supporting information on flood risk and concludes that no alternative sites at lower risk of flooding are available.

10.29 The Level 2 Strategic Flood Risk Assessment (commissioned by FDC) shows that the site performs no worse than other locations on the edge of Wisbech including the Urban Extension Site (the exception being East Wisbech). On this basis, and the fact that there is no combination of sites that are available to provide for 149, the Sequential Test is considered to have been passed.

10.30 With regard to the Exception Test the development must be considered against a number of criteria:

- a. It must be demonstrated that the development provides wider sustainability benefits – the proposal will provide for a substantial amount of housing including affordable housing in a sustainable location well related to the existing built form of Wisbech. Considerable community benefits in the form of financial contributions towards education, open space, waste, NHS and highways will also accrue.
- b. The development should be on developable previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land – there is no single or combination of brownfield sites available that could accommodate the development.
- c. A FRA must demonstrate that the development will be safe, without increasing flood – the Environment Agency has reviewed the flood risk assessment and flood risk mitigation and raised no objection

On the basis of the above the Sequential Test and Exception Test is considered to have been passed.

Residential Amenity

10.31 The application is in outline form, and the layout is indicative. However, private amenity space in the form of one third of the plot curtilage, adequate separation distances, road layout to accommodate refuse collection vehicles and satisfactory bin storage should be achievable. Structural buffer landscaping will help assimilate the development with its surroundings, and protect residential amenities of existing dwellings adjoin the northern and southern boundaries of the site.

Highway Considerations

10.32 The Highway Authority does not object to the proposals subject to the following conditions, informatives and financial contributions:

- Conditions

- 1) Travel Plan.
- 2) 3m footway/cycleway along site frontage.
- 3) 3m footway/cycleway along west side of Lynn Road.
- 4) Pedestrian crossing and replacement Central Island.
- 5) Bus stops (including shelters, raised kerb and Real Time Passenger Info.
- 6) Layout of site including roads, footway, cycle ways, buildings, visibility splays, parking provision and surface water drainage.
- 7) Management and maintenance of streets.
- 8) Binder course.

- Informatives

- 1) Highway works.
- 2) S278.
- 3) S38.
- 4) Technical approval-estate street design.

- Contributions

- 1) £14,000 towards maintenance of two new bus shelters.
- 2) £16,000 towards maintenance of two RTPI units.
- 3) £15,000 towards the feasibility study of an accident remedial scheme at the Freedom bridge Roundabout.

Ecology

10.33 The application was originally accompanied by an Ecological Appraisal (July 2011), Bat Emergence Surveys (September 2012) and Water Vole Survey (March 2013). The bat survey did not find any bat roosts within the site, although they were found to pass along the southern site boundary. The water vole survey found that water vole burrows were present within the drain on the sites eastern boundary. The survey concluded that water voles would not be impacted providing the development was located 10m from the drain.

10.34 An updated ecological survey (Scarborough Nixon Associates Sept 2015) concluded that the buildings have low potential to accommodate bats, and no water voles were found. The report recommends that construction works should be undertaken outside the nesting bird season

Local Equipped Area of Play (LEAP)

- 10.35 The indicative layout plan shows the provision of the public open space along the frontage of the site with Lynn Road. The Parks and Public Open Spaces Section of the Council recommends that the POS areas are not acceptable close to the main road, and should be centrally located within the site and should not include Suds areas. The siting of the POS had in fact been moved at a previous request by the Council to be adjacent to the road frontage. This location has advantages in terms of making the POS available more publically accessible, and would provide a softer and greener edge to the proposal and help assimilate it better in the wider surroundings. Concerns about children straying onto the highway can be addressed through design and secure enclosures. The minimum size of the POS can and will be conditioned. The provision of an equipped LEAP will be secured through the S106.
- 10.36 In circumstances where the management and maintenance of the POS will not be through adoption, where the layout is indicative at this stage it is felt that there are no strong planning views as to its correct placement.

Archaeology

- 10.37 An archaeological investigation was undertaken in September 2011, a total of 17 test pits and 5 trenches were dug. Despite the potential for Roman and later activity on the site, the test pit and trench investigation produced no archaeological evidence.

Health and Wellbeing

- 10.38 Policy LP2 seeks to ensure that development proposals should positively contribute to creating a healthy, safe and equitable living environment by creating sufficient and the right mix of homes and in the right location, building homes which are easy to warm and are safe from flooding and avoiding adverse impacts, amongst other criteria. The development would provide new housing which would be easy to warm and safe from flooding and would not give rise to adverse impacts on the surrounding area, neighbouring dwellings and the conservation area. As such, the proposal complies with Policy LP2 in this instance.

Economic Growth

- 10.39 This proposal will result in an additional 149 dwellings for Fenland's Housing Stock in the long term as well as providing employment opportunities during the construction period. As such, the proposal will contribute to the economic growth of Fenland and complies with Policy LP6 in this instance.

Statement of Community Involvement

- 10.39 This application was submitted in 2012 when the government encouraged applicants to engage with the local community before submitting their applications. In the instance of this application the approach undertaken by the applicant involved carrying out the following initiatives around 2011 and 2012.

- Pre-application discussions with planning officers.
- Presentations to Wisbech Town Council.
- Public exhibition.

- 10.40 In total, written comments were received from 18 people, 14 people submitted comments at the exhibition and 4 people submitted comments following the exhibition. The key issues raised are outlined below:

- Site suitability.
- Amount of development.

- Impact on residential amenity.
- Highway Safety.

The comments received as part of the community involvement exercise were addressed as part of the application submission.

Pre-commencement conditions

- 10.41 From 1 October 2018 section 100ZA(5) of the Town and Country Planning Act 1990 provides that planning permission for the development of land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition (except in the circumstances set out in the Town and Country Planning (Pre-commencement Conditions) Regulations 2018).
- 10.42 The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing. Therefore, should the application be approved and the consent granted with the proposed conditions after 1st October 2018, it is considered that the requirements of section 100ZA(5) have been met.

EIA Screening

- 10.43 The application has to be screened under the 2017 Environmental Impact Assessment Regulations. Where the development is listed under either Schedule 1 or 2 to the Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a screening exercise and issue an screening opinion whether Environmental Impact Assessment is necessary. In this instance a screening opinion is necessary as the proposed development falls within Section 10(b)(i) of Schedule 2 as an urban development project exceeding 5 hectares of land. The screening exercise has concluded that an Environmental Impact Assessment is not required (a negative screening opinion).

S106 Agreement

- 10.44 Policy LP5 (Meeting Housing need) requires 25% affordable housing and Policy LP13 (Supporting and Mitigating the impact of a Growing District), requires the necessary Section 106 Agreement requires the following:

- Affordable Housing
37 affordable dwellings on site, with tenure mix of 70% affordable rented homes (26 units), and 30% intermediate tenure (11 units). Whilst this is preferable there are alternative forms of Affordable provision that meets the definition in the NPPF.
- Education
 - 1) Early Years school provision: £171,559.76. Payment trigger of 50% prior to commencement and 50% prior to the occupation of the scheme.
 - 2) Primary school provision: £1,665,684. Payment trigger of 50% prior to commencement and 50% prior to the occupation of the scheme.
 - 3) Secondary school provision: No provision.
 - 4) Lifelong Learning: £15, 710.76. 1 payment trigger of 100% prior to occupation of 50% of the scheme.
- Healthcare
NHS: £31,280
- Highways

- 1) £14,000 towards maintenance of two new bus shelters.
- 2) £16,000 towards maintenance of two RTPI units.
- 3) £15,000 towards the feasibility study of an accident remedial scheme at the Freedom bridge Roundabout.

- Public Open Space and Play Areas
 - 1) Off-site Neighbourhood Park: £22,400.
 - 2) On-site Children's play area: 0.22Ha=1/3 designated equipment, and 2/3 informal play space.
 - 3) Off-site natural greenspace: £28,000.
 - 4) Off-site Allotments: £5,600.
 - 5) Off-site Outdoor Sports: £44,800.
- S106 Monitoring £600.

10.44 The applicant had previously confirmed that the contributions would be provided as set out above. However, despite numerous contacts with the agent from October 2018 until May 2019, no evidence regarding the deliverability of the S106 agreement has been provided. Therefore unfortunately despite the applicant's original assurances it must be considered that the applicant has failed to demonstrate his ability to secure the necessary contribution. If between the time of drafting the report and presenting to committee appropriate evidence is received, (evidence that the landowners are prepared to sign an agreement) this recommendation may be revised.

11 CONCLUSIONS

11.01 The application relates to an application for the provision of housing (under 250 dwellings) on the edge of Wisbech, Policy LP16 is applicable. The context of the site is that it is not considered to be set in a spacious rural surrounding as it relates to existing buildings, structures and hardstanding associated with an agricultural nursery business which is closely related to the built up urban fringe. The change resulting from the proposed development would be in keeping with the core shape and form of this part of Wisbech and would not unduly affect the open countryside. The impact of the retail element on Wisbech has been assessed and found to be acceptable. In flood risk terms the proposal satisfies the Sequential and Exception Test. The proposal is considered to be acceptable in terms of highway safety, ecology, archaeology, and provision of public open space/play areas.

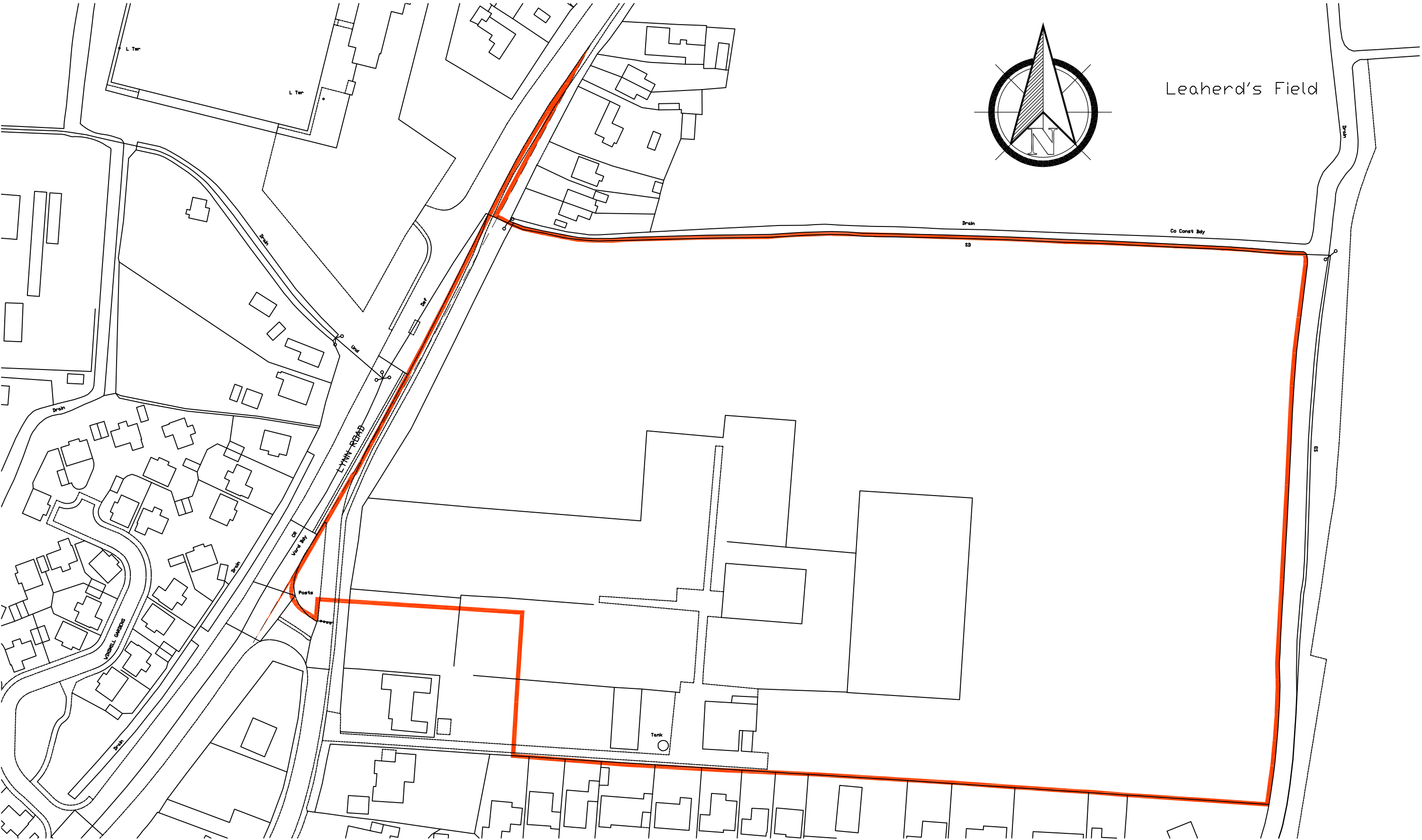
11.02 A previous view was given that the substantial community benefits outweighed any resulting harm. However as the applicant has failed to deliver or demonstrate deliverability these it is not considered that the necessary Section 106 agreement and therefore infrastructure and affordable housing, can be provided. Therefore the proposal is contrary to Policies LP5 and LP13 of the Fenland Local Plan.

12 RECOMMENDATION

Refuse

1.	Policy LP5 requires development of this scale to provide 25% affordable housing. Policy LP13 of the Fenland Local Plan requires that all new development should be supported by infrastructure. Planning permission will only be granted if there will be sufficient necessary infrastructure to support and meet all the requirements arising from the development. In this instance the infrastructure provision, including affordable housing, considered necessary in planning terms, being directly related to the development and fairly and reasonably related in scale and kind to the
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	development has been identified. No Legal Agreement to secure the necessary infrastructure provision has been provided. Therefore the proposal is considered contrary to Policies LP5 and LP13 of the Fenland Local Plan and the NPPF.



PLANNING
APPLICATION

A	07.03.2016	CLH	Application line added.
REVISION	DATE	DRAWN	DESCRIPTION

CLIENT Ashley King (Developments) Ltd

PROJECT Proposed residential development at Land off Lynn Road, Wisbech

DRAWING Location Plan

SCALE 1:1250 @ A3 **DRAWN** CLH **DATE** 17.02.2015

STUDIO 11 ARCHITECTURE LTD, THE BOATHOUSE, HARBOUR SQUARE, NENE PARADE, WISBECH, CAMBRIDGESHIRE, PE13 3BH
T: 01945 467339 E: design@studio11architecture.co.uk W: www.studio11architecture.co.uk
OFFICES: THE SPARKHOUSE, LINCOLN, LINCOLNSHIRE LN6 7TS THE BOATHOUSE, WISBECH, CAMBRIDGESHIRE PE13 3BH KEYSTONE INNOVATION CENTRE, THETFORD, NORFOLK PE24 1JD



STUDIO 11
architecture

DRAWING NO.
244.LP.01



H	07.03.2015	CLH	Plot 149 house type and garage repositioned.
G	07.03.2015	CLH	Application line added.
F	02.10.2015	CLH	SuDs pond note added.
E	23.09.2015	CLH	Swales near Lynn Road removed to allow for public open space.
D	23.09.2015	CLH	Road layout updated and LAP Play Area added.
C	28.08.2015	CLH	General amendments made to ponds and swales to match indicative surface water layout.
B	19.08.2015	CLH	General amendments made to ponds and roads. Swales added.
A	11.08.2015	CLH	2 no. parking spaces added for plot 136.
REVISION	DATE	REVISION	DESCRIPTION

CLIENT Ashley King (Developments) Ltd
PROJECT Proposed residential development at Land off Lynn Road, Wisbech
DRAWING Illustrative Site Layout

SCALE 1:500 @ A1 DRAWN CLH DATE 17.02.2015

STUDIO 11 ARCHITECTURE LTD, THE BOATHOUSE, HARBOUR SQUARE, NENE PARADE, WISBECH, CAMBRIDGESHIRE, PE13 3BH
T: 01945 467339 E: design@studio11architecture.co.uk W: www.studio11architecture.co.uk
OFFICES: THE SPARKHOUSE, LINCOLN, LINCOLNSHIRE LN6 7TS THE BOATHOUSE, WISBECH, CAMBRIDGESHIRE PE13 3BH KEYSTONE INNOVATION CENTRE, THETFORD, NORFOLK IP24 1JD

F/YR18/0458/F

**Applicant: Ms S Brind
Sanctuary Affordable Housing Limited**

**Agent : Ms S Brind
Sanctuary Affordable Housing Limited**

Site Of Former Kingswood Park Residential Home, Kingswood Road, March, Cambridgeshire

Erection of 24 x 2-storey dwellings comprising of 12 x 2-bed and 12 x 3-bed together with an extension to Kingswood Road to provide new vehicular and pedestrian access

Reason for Committee: 6 or more unresolved responses contrary to the officer recommendation.

1. EXECUTIVE SUMMARY

The proposal is for the construction of 24 affordable dwelling units on land formerly in use as a residential care home within the West March Strategic Allocation.

The site has formerly been proposed for development for affordable housing, with the most recent application for 22 units in 2013 being allowed on appeal in February 2015.

The scheme would be accessed from the existing Kingswood Road, which has adequate capacity for the increased level of vehicular traffic proposed as a result of the scheme.

The proposal includes public open space within its layout and an attenuation pond relating to the surface water drainage proposals, and sees the retention of a significant proportion of the existing trees on the site boundaries, with supplementary planting proposed to replace those trees required to be removed as part of the project.

2. SITE DESCRIPTION

- 2.1.** The application site is the former site of the Kingswood Park residential care home, which was closed in 2011 and demolished prior to the previous submission of an application for construction of new dwellings on the site in 2013.
- 2.2.** The site is largely enclosed by existing tree belts to all boundaries, of particular density along the south and western boundaries of the site adjoining the surrounding agricultural land. The centre of the application site is largely open, having been the location of the former care home.
- 2.3.** Access to the site is from the north eastern corner, and is currently gated.
- 2.4.** Open agricultural land lies to the west and south, although this land forms part of the West March Strategic Allocation, which is identified for development in the region of 2,000 houses. To the north lies existing residential development of Butt

Avenue, Birchwood Avenue and Brewin Avenue with mainly 2-storey developments adjoining the site boundary. Further residential development lies to the east off Kingswood Road and Maiden Stile Close, although this development is of much larger scale on generous plots of land.

3. PROPOSAL

- 3.1. The proposal is for the construction of 24 new dwellings on the site, along with associated infrastructure to include open space provision, access road to the dwellings and an attenuation pond to deal with surface water run-off.
- 3.2. Kingswood Road is proposed to be extended into the site along its eastern boundary and a private drive off it serving five of the proposed dwellings. A new road is then to join it towards the south eastern corner providing access to the remaining 19 proposed dwellings. An attenuation pond is to be provided in relation to the surface water drainage strategy alongside this junction to the north, with the new road leading west to a turning head at the western side of the site.
- 3.3. Public open space is proposed alongside the western boundary overlooked by 9 of the properties proposed to provide natural security for its users.
- 3.4. The applicant has indicated that the proposed dwellings are to be affordable units.
- 3.5. Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OZCQO8HE06P00>

4. SITE PLANNING HISTORY

F/YR13/0724/F	Erection of 22 dwellings: 2x 2-storey block of flats comprising of 10x 1-bed dwellings and erection of 1x single-storey 2-bed 11x 2-bed dwellings including sheds refuse store and cycle store involving demolition of existing care home (retrospective) and works to western footpath of Kingswood Road	Refused 19/12/2013 Appeal allowed 17/2/15
F/YR13/0221/F	Erection of 33 dwellings comprising of 6x 2-storey 1-bed flats 2x single-storey 1-bed 16x 2-storey 2-bed 7x 2-storey 3-bed 2x 2-storey 4-bed including sheds refuse store and cycle store involving demolition of existing care home (retrospective) and works to western side path of Kingswood Road	Withdrawn 7/2/13
F/YR01/0074/F	External alterations to existing care home to form 22 no. bay windows	Granted 13/3/01
F/91/0726/DEEME	Extensions and alterations to existing old persons home	Deemed consent 2/3/92
F/0420/81/F	Extension to old peoples home, including dining rooms, kitchenettes and hairdressers/chiroprody	Deemed consent 8/11/81

5. CONSULTATIONS

5.1. March Town Council

Recommend approval

- 5.2. **Cambridgeshire County Council Historic Environment Team (Archaeology)**
Results of archaeological programme of work received – no further work required.
- 5.3. **Cambridgeshire County Council Education, Waste, Libraries and Lifelong Learning**
Total contributions of £103,527 required to meet the infrastructure requirements of the development.
- 5.4. **Senior Planning Obligations Officer**
Accept that based on the evidence submitted the viability appraisal demonstrates that there are viability issues preventing the delivery of affordable housing and S106 contributions.
- 5.5. **Cambridgeshire County Council Lead Local Flood Authority**
No objection. Conditions requested.
- 5.6. **Cambridgeshire County Council Highways Authority**
Revised plans appear acceptable. Limited additional information requested.
- 5.7. **Cambridgeshire Police Designing out Crime**
Original scheme: Footpaths to the rear of plots 2 and 8 should be gated to allow access only to those residents. Would like to see a proposed lighting plan, although this could be required by condition.

Revised proposals: Pleased to see comments have been considered, support the amendments and request consideration of a condition requiring an external lighting plan to be approved.
- 5.8. **Peterborough City Council Wildlife Officer**
No objection subject to the imposition of conditions regarding protected species and landscaping, including a biodiversity enhancement strategy.
- 5.9. **FDC Housing Strategy**
Expect policy compliant affordable housing provision.
- 5.10. **FDC Environmental Services**
No objection in principle, should demonstrate that a refuse vehicle can access and turn on the public highway, and address provision of refuse and recycling bins along with notification of collection and storage details to owners prior to occupation.
- 5.11. **NHS England**
“Due to the low number of dwellings we do not wish to raise an objection to this development or request mitigation.”
- 5.12. **Anglian Water**
Foul sewerage network and water recycling centre have available capacity. Surface water management proposals do not appear to relate to AW operated assets.
- 5.13. **Cadent Gas Ltd Plant Protection**
No objection in principle, but there is a high pressure gas pipeline in the vicinity and Cadent gas would object to any building within 14.3 metres of it.

5.14. Health and Safety Executive

Do not advise against.

5.15. Cambridgeshire Fire & Rescue Service

Fire Authority request provision made for fire hydrants

5.16. Local Residents/Interested Parties

A total of 23 responses were received in relation to the proposal, 17 to the original plans and 6 to the revised details. The comments were received from 14 distinct sources. None of the comments received gave support to the proposal. The comments raised the following matters.

Original plans:

- Burrowmoor Road would struggle with the additional traffic.
- Conflict between traffic joining Kingswood Road from the site and the private drive, with this section of tarmac in private ownership.
- Felling of trees will cause overlooking.
- Development is out of character with the area.
- No allowance is made for improving street lighting.
- Drainage and flood risk of developing the site.
- Impact on infrastructure.
- Where will the extension of Kingswood Road lead to?
- Planning originally submitted in November 2017, why has it taken so long to notify residents.
- No archaeological survey has been undertaken.
- No site contamination report was made available following demolition of the care home.
- Please clarify what will happen to the trees.
- Increase in noise and nuisance.
- Insufficient consultation carried out.
- Violates the Human Rights Act, Protocol 1, Article 13.
- Devaluation of nearby dwellings.

Following revised plans:

- Will cause major issues with localised flooding to Butt Avenue, Brewin and Birchwood Avenues.
- Proposed sub-station immediately adjacent to neighbouring resident's fence.
- Junction of Kingswood Road and Burrowmoor Road is narrow with poor visibility.
- Violates the Human Rights Act, Protocol 1, Article 13.
- Contrary to policies LP1 and LP2 of the Fenland Local Plan (2014).
- Local Sewerage Network is at or near capacity.
- Contrary to Government Planning Policy Statement 1.
- The area requires quality provision of care for the elderly.
- Development of 22 properties on the site previously refused (NB – this refusal was overturned at appeal).
- What is the intention for the access road?
- Former care home was demolished without consent.
- New proposed access will impact on trees and the environment, including wildlife.
- Proposal must use the existing site entrance.
- New access crosses over a private section of tarmac without consent.

- Development is out of character with existing properties on Kingswood Road.
- Felling of trees will cause overlooking into neighbouring and nearby properties.
- Overdevelopment of the site.
- Insufficient infrastructure.

6. STATUTORY DUTY

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

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 57: Viability Assessments should be publicly available

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 170: Contribution to and enhancement of the natural and local environment.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP5 – Meeting Housing Need

LP7 – Urban Extensions

LP9 – March

LP12 – Rural Areas Development Policy

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

7.4. March Neighbourhood Plan 2017

Policy H1 – Large Development Sites

Policy H2 – Windfall Development

Policy H3 – Local Housing Need

8. KEY ISSUES

- **Principle of Development**
- **Design and Character**
- **Highway Safety**
- **Residential Amenity**
- **Flood Risk**

- **Heritage Impact**
- **Biodiversity Impact**
- **Development Viability, Planning Obligations and Affordable Housing**
- **Human Rights Act**

9. BACKGROUND

- 9.1. The application site is a former care home, and was first subject to an application for redevelopment of the site in 2013. This application was withdrawn, with the subsequent resubmitted application for 22 units being refused in December of that year. The applicant appealed against the refusal and the appeal was allowed in February of 2015.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located within the West March Strategic Allocation. Development within this area is identified within the Fenland Local Plan as being suitable for residential development, with the whole allocation expected to provide in the region of 2000 dwellings. The application site forms a small part of the north eastern section of this allocation. Whilst there is therefore a policy indicating the acceptability of residential development of the area, there is currently no Broad Concept Plan in place to set out how the area is envisaged to be developed as required by policy LP9 of the Fenland Local Plan, and policy LP7 of the Fenland Local Plan would therefore indicate that unless the proposal is considered to be “*very minor, inconsequential*” it would be refused.
- 10.2. This matter was also considered in 2015 when the appeal Inspector considered the previous refusal of the development of the site for 22 new properties. The appeal decision in that case acknowledges that the scheme conflicts with policy LP7 in that it cannot be reasonably defined as inconsequential, however it goes on to assess the nature of the site in relation to the wider allocation, the previous use as a care home compared to the largely undeveloped remainder, and the overall scale of the development relative to the envisaged total (1.2% of the indicated number of dwellings). The appeal decision also notes that development of this site in advance of a Broad Concept Plan should not be seen as a precedent for the release of small sites generally.
- 10.3. On that basis, it is considered that although the proposal for development of the site would be contrary to the provisions of policy LP7, it would not compromise the objectives of policy LP9 and would be in accordance with paragraph 59 of the National Planning Policy Framework (2019) in significantly boosting the supply of new homes.

Design and Character

- 10.4. The application site is a previously developed piece of land located at the end of Kingswood Road in March, which displays a widely varying character along its length. At its junction with Burrowmoor Road, Kingswood Road is dominated by two-storey dwellings in close proximity to the street, generally with narrow driveways flanking the dwellings providing the only parking. There is some variation in materials along Kingswood Road however the properties are largely of brick construction, with rendered panels used to provide visual interest. After approximately 50m, the scale of development drops and the road is dominated by single-storey dwellings, again predominantly brick construction with rendered elements and traditional detailing and limited parking to the sides of dwellings.

The road then turns west, with the traditional styled properties continuing along the north side of the road, whilst to the south east is a series of 11 modern executive dwellings, some accessed from Maiden Stile Close and some directly from Kingswood Road, with the majority of these properties located on generous plots of land and set well back from the road itself. This group of dwellings exhibits a varied approach to design but is generally of a distinctly different character to the remainder of Kingswood Road.

- 10.5. The proposed dwellings are a mix of semi-detached and 3-unit terraces, mainly of 2-storey height and with parking located between the units rather than to their fronts. The dwellings are therefore located in relatively close proximity to the street similar to the units at the northern end of Kingswood Road, although there is a much greater sense of space between dwellings proposed due to the location of the attenuation pond and the public open space to the west end of the site. Materials detailed on the application form are facing brickwork and concrete tiles, which would be appropriate to the area subject to precise specification that should be secured by condition if permission is granted.
- 10.6. The existing site is surrounded by a significant tree belt on all sides, and the proposal would result in significant removal in places. The scheme however does indicate retention of the key areas for screening purposes and the arboricultural report submitted alongside the application states that a minimum of thirty eight new heavy-standard rootballed or containerised trees of 12-14 centimetre stem girth will be planted as part of a wider landscaping plan. It would be appropriate and normal good practice to impose a landscaping condition requiring specification and planting details alongside a maintenance proposal should permission be granted.

Highway Safety

- 10.7. Several objections have been raised in relation to the proposal on the basis of concerns regarding increased traffic using the Burrowmoor Road junction, and the potential for additional on-street parking as a result of the scheme.
- 10.8. In this regard, in the first instance, the Local Highways Authority have raised no objection to the level of development proposed and the impact this would have on the Burrowmoor Road junction. Should the application be refused on this basis therefore the local planning authority would have to demonstrate that there was a clear detrimental impact on highway safety without the support of the LHA. It should also be noted that the previous appeal decision on the site in 2015, which was made under the same development plan as is currently in place and was therefore subject to the same policies, the Inspector concluded that development of 22 properties on the site would not be to the detriment of highway safety. Similarly the earlier proposal for 33 units on the site did not result in a highways objection at that time. Refusal on highway safety grounds would therefore need to demonstrate that the additional 2 units when compared to the previous allowed scheme results in unacceptable impacts, which on the basis of the lack of highways objection to a 33 unit scheme seems unlikely.
- 10.9. Each of the properties proposed within the scheme is allocated 2 spaces for car parking, with a further 2 visitors bays identified in excess of the required allocation for such a scheme. There is therefore no justification for refusing the application on the basis of an under-provision of parking on the site.

Residential Amenity

- 10.10. Concerns have been raised as part of the consultation on the application regarding the impact of the scheme on residential amenity of the neighbouring and nearby properties, including privacy impacts and the proposed electricity sub-station.
- 10.11. As noted above, the existing tree belt surrounding the site, particularly to the south east boundary, is to remain as part of the scheme, as are the trees along the central section of the north boundary of the site. With regard to the potential for overlooking of adjacent land, these two sections are the key elements protecting neighbouring properties from views out of the site, and other more open boundaries are similarly respected. It would be appropriate for any permission granted to require adequate tree protection measures to be established surrounding these trees prior to the commencement of development on the site as detailed in the arboricultural report, and the retention of these trees for an appropriate period could also be secured by condition. Plot 24, which is in close proximity to the boundary of the site, is located 14 metres from the rear elevation of 5 Butt Avenue to the north, has been reduced in scale compared to the original submission and is now proposed as a chalet style dwelling with its sole upper floor window facing at an oblique angle along the north boundary of the site to ensure a more acceptable relationship with the neighbouring dwelling.
- 10.12. The other dwellings to the north of the site along Butt Avenue range from 12-26 metres away from the shared boundary, with a further 5 metre separation to the nearest dwelling proposed within the site at the nearest point. This means a 17 metre separation between the rear elevation of the adjacent dwelling, and the side elevation of plot 12, which only has a single first floor window in this elevation serving a bathroom.
- 10.13. There is no indication that the proposed residential development would result in unacceptable amenity impacts on neighbouring land by means of increased noise etc, as the nature of the uses would be identical.
- 10.14. It is noted that concern has been raised regarding the electricity substation located at the north western corner of the site, and the proximity of this to the neighbouring land. Such buildings however do not result in emissions and any noise generated by the equipment inside is of such a low level as to be below any threshold at which a residential amenity nuisance would be experienced. Such buildings are routinely located in relatively close proximity to residential dwellings and do not justify refusal of permission.

Flood Risk

- 10.15. The site is located in flood zone 1, the zone of least flood risk as identified by the Environment agency, and is in an area where surface water flooding is deemed to be very low risk. It is noted however that areas of development nearby along Burrowmoor Road, Butt Avenue and Brewin Avenue are deemed to be at high risk of surface water flooding.
- 10.16. Consequently, detailed discussions have taken place between the applicant and the Lead Local Flood Authority following the initial objection from the LLFA. These discussions involved the submission of further documentation, including a flood risk assessment and drainage strategy, the proposed below ground drainage strategy plan and calculations relating to surface water run-off rates. These demonstrate that the surface water from the development will be managed through use of permeable paving, draining into the piped network, which

discharges to the attenuation pond on the site, and from that pond to the ditch network to the south.

10.17. On the basis of those discussions and the additional information supplied, the LLFA have removed their objection to the scheme, but have requested conditions regarding provision of a detailed surface water drainage scheme in line with the proposals and long-term maintenance arrangements of that scheme.

10.18. There is therefore no basis for refusing the application on flood risk grounds.

Heritage Impact

10.19. The application site is not located in close proximity to either the March Conservation Area nor any listed buildings, however the previous applications on the site established the need for an archaeological investigation to be undertaken prior to any development taking place on the site. In this regard, the applicant has undertaken the investigation works and has submitted the relevant report to the Historic Environment Team at Cambridgeshire County Council, who have subsequently advised that they are satisfied no further work in that regard is required.

Biodiversity Impact

10.20. The applicant has undertaken an ecological appraisal of the site supplemented by specific survey for species of interest including bats and great crested newts. This information has been assessed by the Local Planning Authority's Wildlife Officer, and they have confirmed that subject to appropriate mitigation works being undertaken, including further surveys of specific locations prior to relevant works taking place, provision of bat roosting features, external lighting design details, construction methods, avoidance of clearance works at to trees and shrubs during nesting season, bird nesting boxes and allowance within boundary treatments for hedgehogs.

10.21. Subject therefore to appropriate worded planning conditions regarding the above matters, there is no justification of refusal of the scheme on biodiversity impact grounds.

Development Viability, Planning Obligations and Affordable Housing

10.22. The applicant has submitted a viability assessment of the site with regard to the provision of affordable dwellings, both on the basis of zero affordable housing contribution and a policy compliant 25% contribution. This document has been assessed by the Planning Obligations Officer, who advises that assumptions made with regard to the Viability Assessment on matters including anticipated revenues, bank interest rates, design and professional fees and build costs are all within acceptable tolerances, and the external works costs have been assessed by a Quantity Surveyor as value for money. The conclusion of the assessment is that the development is not viable on the basis of either a policy compliant affordable housing contribution or a zero provision.

10.23. The proposed plans also incorporate an area of Public Open Space to the west side of the site. The applicant has confirmed in writing that the intention is for this area of Public Open Space to be managed by their own Estates Team and that it will not therefore be offered for adoption by the Local Authority. On that basis, subject to an appropriate programme of management and maintenance being in place and the provision of the area in a timely fashion, there is no need to consider the matter of Public Open Space further.

- 10.24. The applicant has confirmed that grant funding is in place to support the development and the provision of affordable housing on the site. The application is therefore determined on the basis of being 100% affordable housing and will require a legal agreement to secure this.

Human Rights Act

- 10.25. Comments have been received stating that the proposal contravenes protocol 1, article 13 of the Human Rights Act 1998. Given the further comment in relation to this statement provided and the fact that protocol 1 only has 3 articles, it is considered that the reference should in fact be to protocol 1, article 1, which states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

- 10.26. The representations do not set out how the proposal is considered to impact on the peaceful enjoyment of their possessions (which includes their home and land) however it is not the case that the granting of consent for a residential development would automatically result in an impact contrary to this right, and other protections still exist to govern such impacts (for example statutory nuisance legislation with regard to noise). Specific impacts on residential amenity are considered above.

11. CONCLUSIONS

- 11.1. The application site is located within the West March Strategic Allocation where development of up to 2,000 houses is identified within the Fenland Local Plan (2014). The scheme relates to the provision of affordable housing, and is appropriate to the character of its surroundings. There is no identifiable detrimental impact on highway safety or residential amenity sufficient to justify refusal of the scheme, which is in an area of low flood risk and its impacts on the environment can be made acceptable through the use of appropriate planning conditions.

12. RECOMMENDATION

Grant, subject to a Section 106 agreement securing the scheme as affordable housing.

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

The applicant has been consulted on the proposed conditions and has confirmed their agreement to them in writing.

The proposed conditions are as follows;

<p>1. 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>
<p>2. Development shall not commence until a detailed surface water drainage scheme for the site, including pump failure modelling when attenuation is full and the 1 in 100 year storm event occurs, based on the agreed Flood Risk Assessment & Drainage Strategy prepared by Peter Dann Consulting Engineers (ref: 10-6692 Rev B) dated June 2018 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details before the first dwelling on the site is occupied.</p> <p>Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.</p>
<p>3. Details for the long term management and maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.</p> <p>Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.</p>
<p>4. Prior to commencement of development/construction/any works, details of existing ground levels (in relation to an existing datum point), proposed finished floor levels and floor slab levels, and cross sections, of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in strict accordance with the levels shown on the approved drawing(s).</p> <p>Reason: To ensure that the precise height of the development can be considered in relation to adjoining dwellings to protect and safeguard the amenities of the adjoining occupiers in accordance with Policies LP2 and LP16 of the Fenland Local Plan 2014.</p>

<p>5. Prior to the occupation of the first dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority which details the construction and surfaces of the roads and footpaths. The dwellings hereby approved shall not be occupied until the roads and footpaths associated with the dwellings have been constructed and surfaced in accordance with the approved scheme.</p> <p>Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
<p>6. Prior to the occupation of the first dwelling/use hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).</p> <p>Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard, in accordance with policy LP15 of the Fenland Local Plan, adopted May 2014.</p>
<p>7. Prior to the first occupation of the development the proposed on-site parking/turning area shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part A, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).</p> <p>Reason: To ensure that adequate parking provision is made on the site at the time of occupation of the dwellings when such facilities will be required, and that it remains available for the lifetime of the development in line with the requirements of policy LP15 of the Fenland Local Plan (2014)</p>
<p>8. Prior to the occupation of the first dwelling hereby approved, full details for the proposed management and maintenance of the Public Open Space shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The Public Open Space shall be provided on the site prior to the occupation of the 12th unit on the site and shall thereafter be maintained in accordance with the approved management and maintenance details.</p> <p>Reason: To ensure provision and satisfactory management and maintenance of the public open space</p>

9. Should works or removal of hedgerows/vegetation/site clearance be carried out between 1 March and 31 August inclusive in any year, a nesting bird survey must be undertaken by an experienced ecologist 24-48 hours prior to clearance and the report submitted to the Local Planning Authority within 7 days.

Reason: To ensure compliance with Section 1 of the Wildlife and Countryside Act with respect to nesting birds and to protect features of nature conservation importance in accordance with Policy LP19 of the Fenland Local Plan 2014.

10. Prior to undertaking any surgery on, or the felling of, those trees identified in the bat survey report submitted with the application as being of high roost potential, a detailed inspection/activity surveys shall be carried out by a suitably qualified ecologist and the results submitted to the Local Planning Authority. If the presence of bats is established a mitigation scheme detailing how the works will be undertaken to minimise disturbance to bats shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in full accordance with the approved scheme.

Reason: To minimise disturbance to bats and ensure compliance with national and international legislation which protects them. In the UK all bat species and their places of rest or shelter are fully protected from damage and disturbance under the Wildlife and Countryside Act 1981 and annex IV of the EC Habitats Directive effected in the UK by the Conservation (Natural EC Habitats & c) Regulations 1994.

11. No development other than groundworks and foundations shall take place until full details of the materials to be used in the development hereby approved for the walls and roofs are submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour and reference number. The development shall then be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason: To safeguard the visual amenities of the area in accordance with Policy LP16 of the Fenland Local Plan, adopted May 2014.

12. No development shall take place above slab level until a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. Subsequently, these works shall be carried out as approved. The landscaping details to be submitted shall include:-

a) hard surfacing, other hard landscape features and materials

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

The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

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

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

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

14. Prior to the occupation of any part of the development hereby approved, bird nest boxes and a range of bat roosting features shall be installed on site. The nesting boxes and roosting features shall cater for a number of different species including House Sparrow, Starling & Swift and details regarding numbers, designs and

locations should be provided to and agreed in writing by the Local Planning Authority prior to their installation.

Reason - To safeguard biodiversity in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan, adopted May 2014.

15. Prior to the commencement of development a Construction Ecological and Environmental Management Plan (CEcEMP) in line with the recommendations of Section 7.1 R1 of the Ecological Appraisal of the site (report No. RT-MME-126772-01) and including mitigation measures for noise, dust and lighting during the construction phase shall be submitted to and approved in writing by the Local Planning Authority.. These measures shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The development shall be carried out in accordance with the details set out in the approved CEcEMP.

Reason: To ensure that the construction of the hereby approved development does not have a detrimental effect on the presence of protected species on the site in accordance with policy LP19 of the Fenland Local Plan (2014).

16. Within 6 months of the commencement of development hereby approved, a scheme for the provision of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of use/occupation of any dwellings and retained thereafter in perpetuity.

Reason: In order to ensure that the site meets the crime prevention guidelines in accordance with Policy LP17 of the Fenland Local Plan (2014) and does not have a detrimental effect on the use of the retained areas of woodland and trees by protected species, particularly bats in accordance with policy LP19 of the Fenland Local Plan (2014).

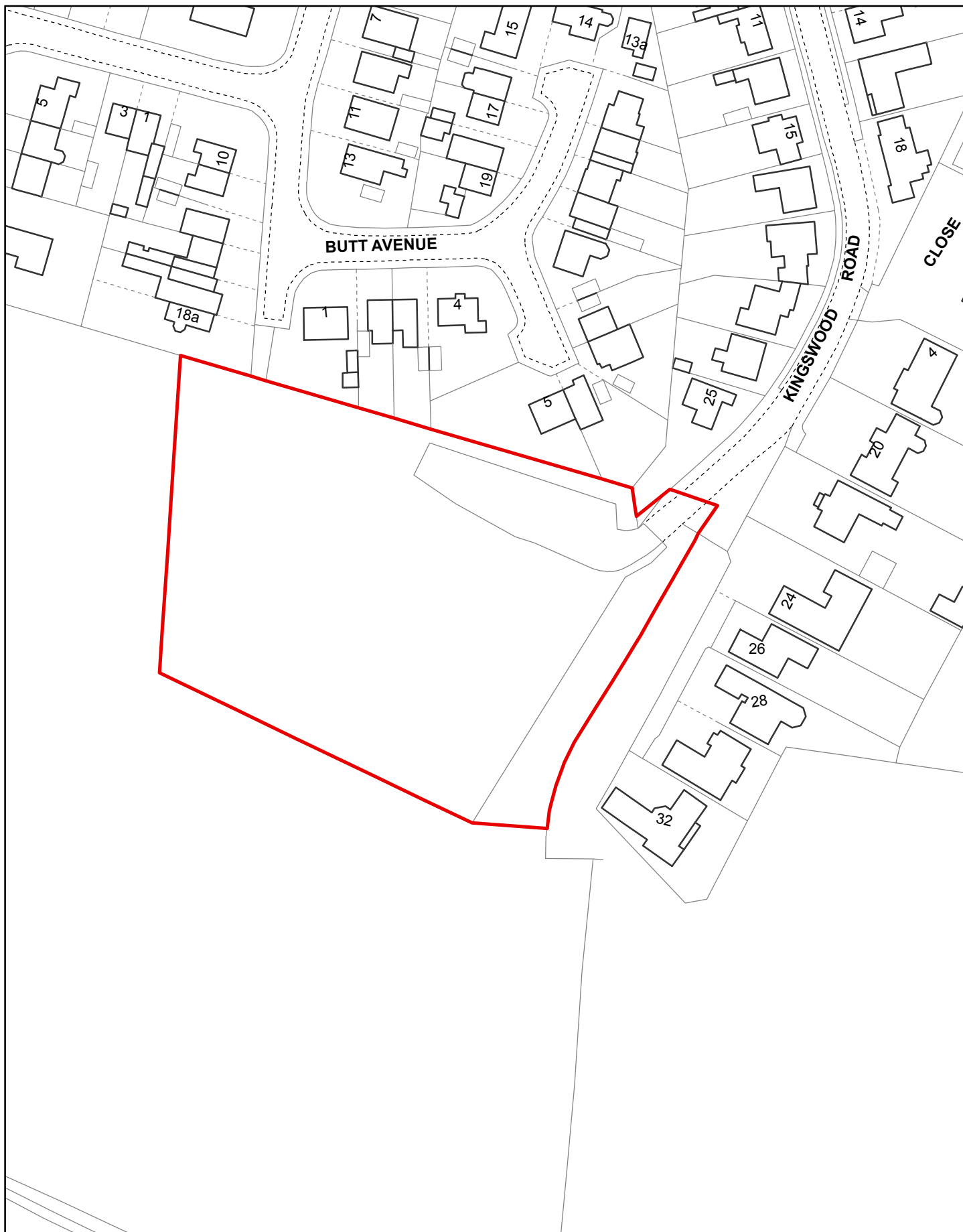
17. Prior to the commencement of any works or storage of materials on the site all trees that are to be retained shall be protected in accordance with British Standard 5837:2012. Moreover measures for protection in accordance with that standard, which shall be submitted to and agreed in writing by the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

Reason: To ensure that retained trees are adequately protected in accordance with Policies LP16 and LP19 of the Fenland Local Plan, adopted May 2014.

18. Prior to the commencement of the development hereby approved, details of the location and design of the refuse bin and recycling materials storage areas and collection points shall be submitted to and approved by the Local Planning Authority. This should include provision for the storage of three standard sized wheeled bins for each new property and details of a refuse collection point adjacent to the public highway. with a collection point no further than 25 metres from the public highway. Where the refuse collection vehicle is required to go onto any road that road shall be constructed to take a load of 26 tonnes. The refuse storage and collection facilities and vehicular access shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter.

Reason: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability as required by Policy LP16 of the Fenland Local Plan, adopted May 2014.

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



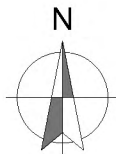
Created on: 22/05/2018

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F/YR18/0458/F

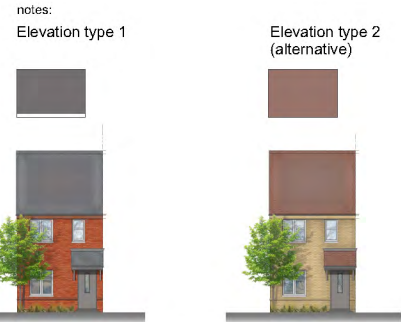
Scale = 1:1,250





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all dimensions to be checked on site and architect notified of any discrepancies prior to commencement. do not scale.



NOTE: REFER TO ARBOROCULTURAL ASSESSMENT TO IDENTIFY TREE LOCATIONS AND CATEGORIES

DESIGN IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITY PLANNING, HIGHWAYS AUTHORITY AND TREE OFFICER

PD - PRIVATE DRIVE
DK - DROPPED KERB
PERMEABLE NO DIG FOOTPATH
PERMEABLE NO DIG VEHICLE PARKING

EXISTING TREE RETAINED
EXISTING TREE REMOVED
PROPOSED TREE

K:	23 10 18	Pumping station moved	AKK
J:	10 10 18	Coordination amendments	AKK
H:	21 09 18	Drainage easements removed, plots 3 - 8, 14 revised, substation and visitor parking moved	AKK
G:	07 09 18	Drainage easements added	AKK
F:	13 08 18	Layout revised following client comments.	AKK
E:	20 07 18	Layout revised following highways comments. Housetype E (bungalow) added	AKK
D:	12 07 18	Layout revised following highways comments.	AKK
C:	03 07 18	Path revised following highways comments.	AKK
B:	04 06 18	Path added to main access, refuse stores revised, general coordination amendments	AKK
A:	11 05 18	Gable updates	AKK
rev:	date:	comment(s):	name: check:

ARCHITECTS.
URBAN DESIGNERS.
PLANNERS.
PROJECT MANAGERS.
LANDSCAPE ARCHITECTS.
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status: PLANNING RIBA Stage: 3

client: Sanctuary Group

job: Kingswood Park

title: Kingswood Park Site Plan

drawn: RE date: 30.05.2017

checked: BF scale @ a3: 1:500

job no: C1440 drg no: 1001 rev K

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
T: +44 (0)24 7652 7600 E: info@idpgroup.com
www.weareidp.com

HOUSETYPE SCHEDULE

A - 2B 3P	9
B - 2B 3P	2
C - 3B 5P	2
D - 3B 5P	10
E - 2B 3P	1
TOTAL	24

Surface Water Pumping station - refer to below ground drainage strategy plan

BLUE HATCH DENOTES LAND OWNED BY OTHER

0 5 10 20 30 40
scale 1:500 metres



1



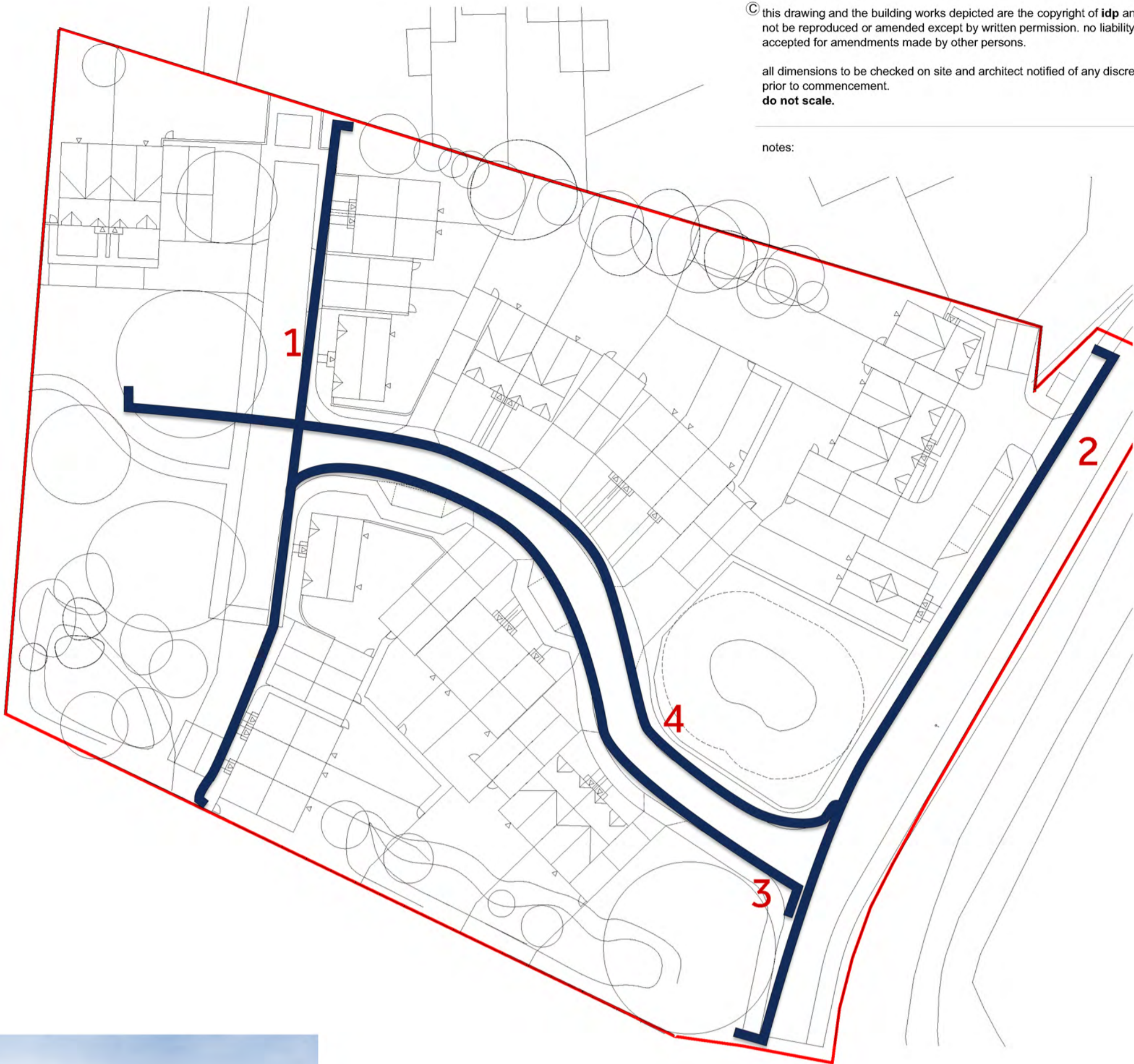
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3



4



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do not scale.

notes:

A - Updated to suit revised layout and highways comments - AKK - 11 10 18

rev: date: comment(s): name: check:



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LANDSCAPE ARCHITECTS.
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status: **PLANNING** RIBA Stage: 

client: **Sanctuary Group**

job: **Kingswood Park**

title: **Proposed Streetscenes**

drawn: **AKK** date: **04 04 2018**

checked: **SON** scale @ a1: **1:100**

job no: **C1440** drg no: **115 rev A**

IDP GROUP 27 SPON STREET COVENTRY CV1 3BA
T: +44 (0)24 7652 7600 E:info@idpgroup.com
www.weareidp.com

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F/YR18/1103/VOC

**Applicant: Mr Ripley
Pretoria Energy Company (Mepal) Ltd**

**Agent : Mr Richard Simmons
Plandescil Ltd**

Anaerobic Digester Plant, Iretons Way, Chatteris, Cambridgeshire

Variation of conditions 2, 4, 6, 10, 14, 16, 25, 26, 30, 32, 33, 40 and 43 of planning permission F/YR14/0163/F (Erection of an anaerobic digester plant with maize clamps involving the construction of a new access, and the formation of a reservoir)

Reason for Committee: This is a major application and in accordance with the Council's Scheme of Delegation if an objection is received from a Town/ Parish Council the application has to be presented to committee if the officer recommendation is contrary to the Town/Parish Council. An objection has been received from Chatteris Town Council

1 EXECUTIVE SUMMARY

This application seeks to vary some of the conditions attached to planning permission F/YR14/0163/F (Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir).

The AD plant is in full operation now and exporting gas direct to the grid. However following the construction phase it has become clear that there is some minor changes to the final layout of the site and these changes need regularising. Therefore amended plans have been received to reflect the actual layout and working of the site.

The approved feedstock for the AD plant is maize only and during the course of the last year sugar beet has been introduced as a feedstock. This application therefore also seeks to vary the maize only condition to introduce different feedstocks and the application has been accompanied by relevant odour assessment reports and management plans. This aspect of the proposal is discussed within the main body of the report.

The changes applied for seek to regularise the existing operation on the site and in issuing a new consent all the existing conditions attached to planning permission F/YR14/0163/F will be revisited accordingly. These are set out in the main body of the report.

The application is supported following consultation with the Council's Environmental Health Team and other relevant statutory consultees and amended conditions are imposed to reflect the current operation of the site and to protect the future operation of the site.

2 SITE DESCRIPTION

- 2.1 The application site is currently an operational Anaerobic Digester Plant covering an area of 13 ha and includes a surface water reservoir. The site is located adjacent to the Mepal Outdoor Centre (which is currently closed) with a range of residential properties to the west and east. There is a public byway running to the east of the site.
- 2.2 The site consists of a range of plant to aid the operation of the site with storage clamps to the south west of the site and a large surface water reservoir to the south. The site is presently partially screened by landscaping which is still maturing and over the course of several years the site should be well screened.
- 2.3 The site is located on the boundary between Fenland District Council and East Cambs District Council with the main plant located in Fenland and the surface water reservoir in East Cambs. A duplicate application has been submitted to East Cambs District Council for their consideration due to the cross boundary location and East Cambs will make their own determination in due course.

3 PROPOSAL

- 3.1 The application is to vary some of the conditions attached to the original planning consent F/YR14/0163/F. The variations have arisen following the actual on-site operation of the plant and seeks to amend variance with plant layout, parking, lighting etc. The application also seeks to amend the type of feedstock stored on the site for feeding the anaerobic digester.
- 3.2 The effect of granting a S73 permission is to effectively re-issue a planning permission and therefore any conditions and obligations that are relevant to the new permission having regard to the previous permission should be re-imposed and any new conditions or obligations imposed where appropriate to do so.
- 3.3 Condition Nos. 2, 4, 6, 10, 14, 16, 25, 26, 30, 32, 33, 40 and 43 are the relevant conditions that require varying as set out below.

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

- 4.1 F/YR15/0058/F – variation of condition 2 of planning permission F/YR14/0163/F to vary timing of the implementation of the highway works – granted 17.4.15

F/YR14/3092/COND – Discharge of conditions – part approved 20.11.18

F/YR14/0163/F – Erection of an anaerobic digester plant with maize clamps involving the construction of a new access and the formation of a reservoir – granted 11.7.14

5 CONSULTATIONS

- 5.1 **Manea Parish/Town Council**
Noted

5.2 Chatteris Town Council

Makes the following comments/objections:

1. Original conditions should be adhered to.
2. Changes to working/delivery hours could have a detrimental effect on the A142 and neighbouring properties. The extended delivery period will mean more disruption during the year.
3. Smell from sugar beet is different to maize.
4. The removal of the wheel wash facilities is totally unacceptable.
5. The noise of beepers on reversing vehicles will carry for many miles and will effect residents in Chatteris and is unacceptable on noise grounds.

5.3 Witcham Parish Council

Raises no concerns.

5.4 Mepal Parish Council

Raise no concerns

5.5 East Cambs District Council

Confirms that a separate S73 application has been submitted to East Cambs DC due to the cross-boundary issues of the development and therefore do not wish to offer any formal comments on this application.

5.6 Environmental Protection (FDC)

Makes the following comments:

Having studied the information submitted, including the Odour Impact Assessment (AQ106442R1) and Noise Impact Assessment (AC106526-1R0) produced by REC Ltd, I am satisfied with their content and that this warrants Variation of Conditions 16 and 30 (Odour) and 14 (Delivery Times).

Information provided by the applicant is also satisfactory to allow variation of conditions 25 (Lighting) 26 (Acoustic fence).

I note the comments in the Discharge of Conditions Statement from Plandescil Consulting Engineers, report ref: 18033/DOC/Rev0/RPS dated November 2018 and acknowledge those that relate to other conditions for variation not already covered in this email. I have no adverse comments to make on those from an environmental health standpoint as they do not have relevance to this service.

5.7 Natural England

Makes the following comments:

Natural England currently has no comment to make on the variation of conditions 2, 4, 6, 10, 14, 16, 25, 26, 30, 32, 33, 40 and 43 pursuant to planning permission F/YR14/0163/F.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

5.8 Wildlife Officer PCC

Has no objection to the proposal however regarding condition 25 (external lighting) advises that drg. No. 18033/2007 is revised to ensure it clearly demonstrates the LUX levels across the site which are likely to support foraging bats and may be adversely affected by such lighting. The scheme should be designed to achieve LUX levels of 2LUX or below at the site boundaries.

5.9 Environment Agency

Recommends the discharge of condition 32 as the swales have been lined as per our previous recommendation. This information was included within document statement November 2018.

Cannot recommend the discharge of condition 33 as some of the details requested have not been provided.

Raises no objection to the discharge of condition 40.

The applicant has provided a Reservoir Act Certificate detailing that the works have been subject to Panel Engineer Approval by Mott Macdonald dated 3 March 2017 and therefore make no further comments in respect of the protection of controlled waters.

5.10 Lead Local Flood Authority

Based on the submitted information the LLFA confirm that they have no objection to the variation of conditions 32 and 33. The submitted information demonstrates the increased swale capacity can hold the required amount of water on site for the critical storm event. The documents also demonstrate that suitable measures have been put in place to reduce the risk of pollutant leakage from the site.

5.11 Cambs Constabulary

Having reviewed the updated documents and correspondence they raise no objection on the grounds of community safety and vulnerability to crime.

5.12 Cambridgeshire County Council Highways Authority

The drawings submitted are in accordance with the approved plans and the works have been completed on site. No highway objection to the variation of the conditions.

5.13 Local Residents/Interested Parties

No comments received.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF)

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

Section 15: Conserving and enhancing the natural environment.

Section 16: Conserving and enhancing the historic environment.

7.2 National Planning Practice Guidance (NPPG)

7.3 Fenland Local Plan 2014

LP13: Supporting and Managing the Impact of a Growing District

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

LP16: Delivering and protecting high quality environments across the District

LP18: The Historic Environment

LP19: The Natural Environment

8 KEY ISSUES

- **Principle of Development**
- **Resultant variation to original conditions attached to F/YR14/0163/F**
- **Unilateral Undertaking**
- **Other concerns**

9 BACKGROUND

- 9.1 Planning permission was granted in 2014 for the erection of an anaerobic digester plant with associated conditions. Over the course of the following 4 years, the plant became operational and it transpired that some of the conditions require amending, some of the overall layout of the plant has changed, and more significantly the feed stock has changed. These changes have occurred due to the evolution of technology and industry best practice. These changes have resulted in the submission of this application to regularise the final building out and operation of the plant.

10 ASSESSMENT

Principle of Development

- 10.1 The principle of development was established through the original full planning consent F/YR14/0163/F and this application seeks to make minor material amendments to that permission through S73 of the Act.
- 10.2 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved details.
- 10.3 The PPG advises that where modifications are fundamental or substantial a new planning application will be required. Where less substantial changes are proposed a minor material amendment application under S73 of the Town and Country Planning Act 1990 can be submitted where there is a relevant condition that can be varied.
- 10.4 There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. As such it is for the LPA to determine whether the proposed amendments constitute minor material changes.
- 10.5 The changes proposed do not alter the scale or nature of the approved operation. The main consideration relates to feedstock and whilst this is materially different than the previously approved maize only condition, the LPA is content that a plant

of this size could encompass alternative feedstock provided the relevant odour impacts are assessed, together with the relevant highway changes. These issues are discussed below.

Resultant variation to the original planning permission F/YR14/0163/F.

- 10.6 Below is a complete list of conditions that it is intended to either re-impose, remove or alter relating to planning permission F/YR14/0163/F.

Condition 1

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

Development started on 28 July 2014.

This condition is no longer relevant.

Condition 2

No works shall commence on site until the off-site highway improvement works comprising the alterations to the A142/ Block Fen roundabout and byway No.27, Chatteris, shall be laid out and constructed in accordance with a detailed engineering scheme to be submitted to and approved in writing by Local Planning Authority and such a scheme shall include layout, levels, forms of construction and surface water drainage.

This condition was subject to a variation of application to allow the highway works to be completed prior to the exportation of gas from the site.

Since this time a formal S278 highway agreement has been achieved with Cambridgeshire County Council and the new arm off the A142 roundabout is operational and takes traffic to and from the site.

This condition is no longer relevant.

Condition 3

No works shall commence on site until a Construction Method Statement for all traffic associated with the development during the period of construction has been submitted to and approved in writing by the Local Planning Authority, and such a scheme together with proposals to control and manage traffic using the agreed route, and to ensure that no other local roads are used by construction traffic unless otherwise agreed in writing by the LPA.

This condition relates only to works during the period of construction and therefore as the AD Plant is now complete this condition is no longer required.

This condition is no longer relevant.

Condition 4

Prior to the first occupation of the development the proposed on-site parking / loading, unloading / turning / traffic flow/protected pedestrian routes/ waiting areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with a detailed scheme to be submitted to and approved in writing by the LPA, and thereafter retained for that specific use.

This condition needs re-wording to ensure the agreed on-site parking/loading, unloading/turning/traffic flow/ protected pedestrian routes and waiting areas are retained for that purpose.

The re-worded condition is as follows:

The on-site parking/loading/unloading, turning, traffic flow, protected pedestrian routes and waiting areas shall be retained on site in accordance with drawing Nos. 18033/2006 and 18033/2006.

This condition to be imposed.

Condition 5

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 in accordance with a detailed scheme to be submitted to and approved in writing by the LPA prior to the commencement of development.

This condition relates only to works during the period of construction and therefore as the AD Plant is now complete this condition is no longer required.

This condition is no longer relevant.

Condition 6

Working hours for the AD plant are limited to:

07:00 - 19:00 each day Monday - Saturday

08:00 - 13:00 Sundays and bank holidays

Unless otherwise agreed in writing with the LPA. The only activities permitted on the site outside of these hours are for access by employees and contractors for purposes of security and undertaking emergency maintenance and repairs.

The application seeks to vary this condition to cover the 24/7 nature of working of the plant. The AD process requires constant supervision, testing and general maintenance. This work is generally limited to process supervisors, maintenance engineers, and laboratory technicians. Loading of the feed hoppers can also occur outside the previously approved working hours.

It is considered that the condition is not precise or relevant due to the nature of the works undertaken by the Plant. The need for additional vehicle movements over a 24 hour period negates the need for this condition.

The applicants have updated their noise impact assessment and management plan with the noise impact assessment taking into consideration HGV movements at night. The applicant has anticipated no more than two 2-way vehicle movements an hour during the night so the assessment is based on one vehicle movement every 15 minutes. Pretoria Energy have confirmed that on most occasions the deliveries have finished by 9pm and only extend through the night over busy harvest periods. The noise impact assessment is based on the worst case scenario of one vehicle every 15 minutes. The use of the feed hoppers over a 24 hour period have also been included in the revised reports.

When consulted, the Environmental Health Team have confirmed that the updated noise impact assessment and management plan are acceptable and there is no further need for this condition.

The condition is no longer relevant.

Condition 7

Prior to commencement of development a management plan shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the construction phase - these shall include, but not be limited to, a schedule of works, plant to be used, times of use etc, and shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

Condition has already been discharged under application F/YR14/3092/COND and relates to the construction phase only.

Condition is no longer required.

Condition 8

The use of plant and machinery during the construction phase shall be limited to 07:00 - 18:00 each day Monday - Friday and 08:00 - 13:00 on Saturdays unless prior written agreement with the LPA has been given.

This condition was imposed for works during the construction phase. The construction has been completed and the condition is no longer required.

Condition is no longer required.

Condition 9

Deliveries to the site during the construction phase shall be limited to 07:00 - 18:00 each day Monday - Friday and 08:00 - 13:00 on Saturdays unless prior written agreement with the LPA has been given.

This condition was imposed for works during the construction phase. The construction has been completed and the condition is no longer required.

Condition is no longer required.

Condition 10

All mobile mechanical handling equipment operated within the site that require the use of reversing alarms shall be fitted with broadband reversing alarms or similar.

The applicant has modified the vehicles they own and operate to have broadband reversing alarms. The noise management plan AC106526-2R1 includes assessment of visiting vehicles that may not be fitted with broadband reversing alarms or similar and the Council's Environmental Health Team are satisfied that the noise management plan includes vehicle movements during unsociable hours.

Condition needs re-imposing

Condition 11

Prior to commencement of development a noise management plan shall be submitted and agreed in writing with the LPA regarding mitigation measures for the operation of the site - these shall include but not be limited to, the selection of

suitable plant items with regards to the proposed use and the nature of the site, and the housing, where possible, of plant within enclosures or buildings. The management plan shall be implemented and adhered to at all times, unless otherwise agreed in writing with the LPA.

This condition has been discharged under F/YR14/3092/COND however it is necessary to impose a re-worded condition to ensure that the agreed noise management plan is implemented and adhered to at all time.

The Noise Management Plan AC106526-2R1 hereby approved, shall be implemented and adhered to at all times during the operation of the AD Plant.

Amended condition needs re-imposing

Condition 12

All doors to the CHP (Combined Heat & Power) generators shall remain closed, except to allow ingress and egress.

Condition needs re-imposing

Condition 13

The rating level of noise emitted from the site shall not exceed the background noise level existing at the time of approval or 35dB(A), whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of any nearby residential dwelling. The noise level shall be measured and/or calculated in accordance with BS4142.

Condition needs re-imposing

Condition 14

Delivery and collection times during the operational phase shall be limited to:

07:00 - 19:00 each day Monday - Saturday

08:00 - 13:00 Sundays and bank holidays

'unless otherwise agreed to in writing by the LPA following the submission of an appropriate noise assessment'.

The applicant has experienced difficulties in complying with these times during the harvest season due to growing conditions of the particular crop, the weather at the time of harvest and the transport network to the site.

The Noise Management Plan AC106526-2R1 deals with the delivery of vehicles on a 24/7 basis and, in agreement with the Council's Environmental Health Team, it is considered that this condition can now be removed.

Condition can be removed.

Condition 15

Prior to commencement of development an odour management plan shall be submitted to and agreed in writing with the LPA regarding mitigation measures for the operation of the site - these shall include but not be limited to methods of control for each likely odour source, including the location of any storage of

digestate (eg enclosed) etc, and shall be implemented and adhered to at all times during the operation of the site, unless otherwise agreed in writing with the LPA.

This condition has been discharged in accordance with F/YR14/3092/COND however due to the new feedstock for the AD Plant a revised Odour Management Plan has been received to include the provision of other plant related feedstock for the plan.

Therefore the following new condition is needed.

The Odour Management Plan AQ106442-1 hereby approved shall be implemented and adhered to at all times during the operation of the AD Plant.

New condition needed.

Condition 16

Within 3 months of the acceptance of the first load of materials to feed the digester an Odour Validation report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding a 98th percentile hourly mean concentration of 1.5 ouE m-3 at the nearest sensitive receptor locations.

Applicant has commissioned an odour validation report. An amended condition is required as follows to ensure control of any potential odour issues from the site.

Within 3 months of the date of this permission, an Odour Validation Report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding a 98th percentile hourly mean concentration of 1.5 ouE m-3 at the nearest sensitive receptor locations.

Amended condition to be imposed.

Condition 17

Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Local Authority, unless the operator has used appropriate measures, including, but not limited to, those specified in an approved odour management plan, to prevent or where that is not practicable to minimise the odour.

The underlined portion of the odour boundary condition ensures that operators will not be in breach of that condition provided they are using appropriate measures. However, even if the operator is using all appropriate measures, if the Local Authority consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations.

Re-impose condition

Condition 18

At the reasonable request of, and following a complaint to, the LPA, the operator of the development shall measure and assess at its own expense the level of noise or odour emissions from the development in accordance with methods approved in writing by the LPA prior to assessment.

Re-impose condition

Condition 19

The feeder to the AD plant shall be sealed when not being filled.

Re-impose condition

Condition 20

Liquid digestate shall be transferred by sealed pipes from the process area and stored in the reservoir where it will be passed to an irrigation main for direct application to agricultural fields. If required any surplus liquid digestate shall be stored in a sealed container and removed by tanker via a sealed pipe connection, to ensure the process is completely enclosed.

Re-impose condition

Condition 21

The application of any liquid digestate to the adjoining land shall be carried out in accordance with good agricultural practices.

Re-impose condition

Condition 22

The silage clamps shall remain closed at all times except when being filled/emptied.

Re-impose condition

Condition 23

Solid digestate shall be removed from the site daily.

Re-impose condition

Condition 24

A filter shall be used to remove excessive solids from the surface water, prior to it entering the reservoir. This filter shall be maintained in accordance with the manufacturers instructions and shall be cleaned daily.

Re-impose condition

Condition 25

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

The condition needs re-wording as follows:

The details shown on drawing No. 18033/2007 for the provision of external lighting and CCTV shall be installed accordingly and retained thereafter for the duration of the operation of the site. The external lighting shall not exceed more than 2LUX at all site boundaries.

Amended condition needs re-imposing

Condition 26

Prior to commencement of development on site, an acoustic fence shall be erected on the northern edge of the Mepal Outdoor Centre between its boundary and the new road details of which shall be submitted to and approved in writing by the Local Planning Authority. The fence shall then be maintained and retained in perpetuity.

An acoustic fence has been erected on the site but not as shown on the original approved plans. The fence has been sited slightly further away from the vacant Mepal Outdoor Centre which still provides some protection to the Centre and the Environmental Health Team has raised no concerns over its existing position. A re-worded condition is needed as below:

The acoustic fence shown detailed on drawing No. 18033/2000 shall be retained and maintained during the operation of the AD Plant.

Amended condition needs re-imposing

Condition 27

No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;*
- (ii) An assessment of the potential risks to: human health
property (existing or proposed) including buildings, crops,
livestock, pets, woodland and service lines and pipes;
adjoining land;
groundwaters and surface waters; ecological systems;
archaeological sites and ancient monuments;*
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).*

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details before any development takes place.

This condition was discharged under F/YR14/3092/COND

The condition is no longer required.

Condition 28

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

This condition is no longer required as the development has been completed on site.

Condition no longer required.

Condition 29

Mineral shall not be removed from the site.

This condition is no longer required as the development has been completed on site.

Condition no longer required.

Condition 30

For the avoidance of doubt, nothing other than maize shall be accepted as feed stock for the digester unless a further Odour Impact Assessment has been submitted to and approved by the Local Planning Authority.

The applicant intends to use additional feedstock for the plant and is currently storing sugar beet on site for use. In the future it is intended to include rye as a feedstock also. The applicant has submitted an updated Odour Impact Assessment to cover the additional feedstock as outlined in REC Report AQ1064421R1.

For the avoidance of doubt, nothing other than crop based feedstock shall be accepted as feed stock for the digester unless a further Odour Impact Assessment has been submitted to and approved by the Local Planning Authority.

Amended condition to be imposed

Condition 31

At all times the best practicable means shall be employed to control and minimize any possible odour resulting from the storage of raw materials or the storage of liquid digestate. Measures shall be taken to suppress odour arising from the operations hereby approved. If control measures are found by the LPA to be inadequate, causal operations shall cease until additional measures are provided and demonstrated to be adequate to limit and control the cause(s) of concern.

Condition to be re-imposed

Condition 32

Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the LPA. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The scheme shall be implemented as approved.

The condition needs re-wording following agreement to the surface water disposal scheme from the EA.

The surface water disposal scheme shown on drawing No. 18033/2002 and approved, shall be retained and maintained during the operation of the AD Plant.

Amended condition to be re-imposed

Condition 33

Prior to the commencement of any development, a scheme for the provision and implementation of (i) pollution control (including full details of leachate storage

tanks), (ii) surface water and (iii) foul water drainage shall be submitted and agreed in writing with the LPA. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme.

The condition needs re-wording following agreement to the details showing details of pollution control, surface water and foul water drainage from the EA.

The details shown on drawing Nos. 18033/2002 and 18033/2003 and approved relating to pollution control, surface water and foul water shall be retained and maintained during the operation of the AD Plant.

Amended condition to be re-imposed

Condition 34

Should development not commence before November 2014, then a new Extended Phase 1 Habitat Survey must be carried out and submitted to the Local Planning Authority prior to the commencement of any development on the site.

Compliance with the condition has been achieved.

Condition no longer required

Condition 35

Site clearance works at the site shall only take place outside the bird and hare breeding season of March to September inclusive.

If this is not possible a nesting bird survey must be undertaken by an experienced ecologist 24-48 hours prior to clearance. The report must demonstrate that no nesting birds will be affected by any clearance and this report shall be submitted to and acknowledged in writing by the Local Planning Authority prior to the works being undertaken.

Compliance with the condition has been achieved.

Condition no longer required

Condition 36

A check for leverets within hare forms should be undertaken prior to works commencing. If any are found they should be clearly marked and avoided until the leverets are independent of their mothers.

Compliance with the condition has been achieved.

Condition no longer required

Condition 37

A 10 m buffer zone should be maintained from the edge of the field drain on the south western boundary of the site to avoid disturbance to water voles.

This is a compliance condition and needs imposing on any new consent.

Condition to be re-imposed

Condition 38

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including details of the precise colour finish, have been submitted to and approved in writing by the Local Planning Authority. All development shall be carried out in accordance with the approved details.

This condition has been discharged under F/YR14/3092/COND and the development has been built out in accordance with the approved details.

Condition is not required

Condition 39

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

This condition is relevant and needs re-imposing.

Condition to be re-imposed.

Condition 40

Prior to the commencement of development, precise details of the reservoir construction shall be submitted to the Local Planning Authority and agreed in writing. These details shall include: cross sections of the reservoir indicating the maximum groundwater level, and the factor of safety applied, and details of the reservoir liner, including an impermeable liner with a permeability of no greater than 10⁻⁹ m/s and details of any abstraction equipment and location.

The applicant has submitted a Reservoir Act Certificate detailing that the works was subject to Panel Engineer Approval by Mott Macdonald dated 3 March 2017.

The Environment Agency considers this condition can be discharged and is therefore not required.

Condition no longer required.

Condition 41

Unless otherwise agreed by the Local Planning Authority no more than a maximum of 190 2-way vehicle movements shall enter and leave the site in any one day (07.00 - 19.00). A daily record of all vehicles movements, including details of internal and external road movements, shall be maintained at the site and made available within one week of a written request by the Local Planning Authority.

Condition to be re-imposed

Condition 42

Prior to commencement of development, a detailed landscape management and maintenance scheme shall be submitted and approved in writing by the LPA. This shall include a maintenance programme which reflects the duration of the plants operation up to and including decommissioning. The landscape maintenance and management plan shall be strictly adhered to in accordance with the specified schedule contained therein.

The detailed landscape management and maintenance scheme has been approved under reference F/YR14/3092/COND however the development should adhere to the agreement scheme and the condition will be re-imposed as follows:

The Landscape Management and Maintenance Plan dated July 2014 and approved under reference F/YR14/3092/COND shall be strictly adhered to in accordance with the specified schedule contained therein.

Amended condition to be re-imposed.

Condition 43

Before the use hereby permitted is commenced wheel washing facilities shall be provided on the site access road in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority, and such facilities shall thereafter be maintained in perpetuity.

The approved S278 works to form a new arm off the A142 roundabout at Block Fen has been completed and access into and exit from the site is via this new road. Therefore there is no further need for a wheel washing facility due to the nature of the surfacing of the road being tarmac.

Condition no longer needed.

Unilateral Undertaking

- 10.7 Planning permission F/YR14/0163/F was approved following discussions relating to the visual impact of the site. To help assimilate the development into the landscape it was important to achieve a robust landscaping scheme that would be implemented and maintained for the life of the operations on the site.
- 10.8 A Unilateral Undertaking was submitted and approved in 2014 and covered both the implementation of the approved landscaping scheme and the on-going maintenance of the landscaping for the life of the development.
- 10.9 Part 1 of the Second Schedule has been complied with and Part 2 relates to the future maintenance of the landscaping. The Unilateral Undertaking as part of the original permission is still legally binding and this together with the recently submitted letter of undertaking will ensure that the on-going maintenance of the landscaping is achieved.

Other concerns

- 10.10 Concern has been expressed by Chatteris Town Council relating to a number of different issues as outlined above at point 5.2. The following comments are made to each point outlined:

1. Original conditions should be adhered to: as explained in Section 12 of this report, the reason for the variations to the approved scheme and conditions relates the actual working practices and constructed work of this now fully commissioned Plant. When the original application was submitted the final process design for the Plant was not complete and some variation was always inevitable.

2. Changes to working/delivery hours could have a detrimental effect on the A142 and neighbouring properties. The extended delivery period will mean more disruption during the year: The change to delivery times has been included and evidenced within the Noise Management Plan and due to the relatively small number of vehicles accessing and exiting the site at night, the Environmental Health Team consider that there should not be any significant noise issues over night. The overall number of vehicle movements to and from the site will not increase.

3. Smell from sugar beet is different to maize: An amended Odour Impact Assessment and Odour Management Plan has been submitted and approved and it is considered that there should be no significant odour issues arising from different feedstock.

4. The removal of the wheel washing facilities is totally unacceptable: the approved highway works to create a new arm off the A142 into the site has been completed and the road is completely tarmacked unlike the temporary access point using the Frimstone access which is an unmade access. Therefore there is no need to include a wheel wash facility from this made up roadway.

5. The noise of beepers on reversing vehicles will carry for many miles and will effect residents in Chatteris and is unacceptable on noise grounds: the original condition relating to the use of broadband reversing alarms will again be imposed on this application and does not raise any issues relating to noise.

11 CONCLUSIONS

- 11.1 This application has been submitted following the operational stage of the AD Plant being at variance to the originally approved scheme. It is accepted that a development of this scale has resulted in the need for such a variation and it can be seen from the submitted plans that only minor alterations on the site have taken place. This is due mainly to the siting of various plant and machinery which does not accord with the approved plans. Also parking and vehicle movements within the site have been marginally changed and these changes are reflected in the submitted plans.
- 11.2 Of more importance however are the changes to the approved feedstock which was originally maize only. Due to on-going technological advances in the production of gas from the AD process the applicant considers that alternative feedstocks will continue to make the Plant more viable and the submission seeks to demonstrate that the changes will not cause noise or odour issues to neighbouring properties.
- 11.3 Highway work to complete a new arm off the existing A142 roundabout has now been completed and therefore there will be no vehicle movements to and from the AD Plant from the temporary Frimstone access point further along the A142.

- 11.4 The agent has confirmed that *“the principle reason for the variations proposed herein, is to attempt to align the actual working practices and constructed works, with the planning permissions and associated conditions. At the time of making the original planning application the process design for the AD Plant was not complete and so some variation to the original plans was inevitable. The applicant has also found that to ensure sufficient economic robustness, a more diverse feedstock supply chain was required which was not envisaged during the initial application”*.
- 11.5 All original conditions have been revisited which has resulted in the removal, amendments or re-imposition of conditions relative to the existing operation of the AD Plant. The resultant conditions, in the future, will ultimately be dealt with by the Council’s Environmental Health Team. The application is supported.

12 RECOMMENDATION

Grant subject to:

i) suitable conditions;

ii) Unilateral Undertaking dated 9 July 2014 and the letter of undertaking received 1 May 2019

1.	<p>The on-site parking/loading/unloading, turning, traffic flow, protected pedestrian routes and waiting areas shall be retained on site in accordance with drawing Nos. 18033/2006 and 18033/2006.</p> <p>Reason: To ensure the permanent availability of the parking/manoeuvring/pedestrian routes and waiting areas in the interest of highway safety and in compliance with Policy LP15 of the Fenland Local Plan 2014.</p>
2.	<p>All mobile mechanical handling equipment operated within the site that require the use of reversing alarms shall be fitted with broadband reversing alarms or similar.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
3.	<p>The Noise Management Plan AC106526-2R1 hereby approved, shall be implemented and adhered to at all times during the operation of the AD Plant.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
4.	<p>All doors to the CHP (Combined Heat & Power) generators shall remain closed, except to allow ingress and egress.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
5.	<p>The rating level of noise emitted from the site shall not exceed the background noise level existing at the time of approval or 35dB(A), whichever is the higher. The noise levels shall be measured and/or calculated at the boundary of any nearby residential dwelling. The noise level shall be measured and/or calculated in accordance with BS4142.</p>

	Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.
6.	<p>The Odour Management Plan AQ106442-1 hereby approved shall be implemented and adhered to at all times during the operation of the AD Plant.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
7.	<p>Within 3 months of the date of this permission, an Odour Validation Report shall be submitted to the Local Planning Authority to demonstrate that the site is not exceeding a 98th percentile hourly mean concentration of 1.5 ouE m-3 at the nearest sensitive receptor locations.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
8.	<p>Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Local Authority, unless the operator has used appropriate measures, including, but not limited to, those specified in an approved odour management plan, to prevent or where that is not practicable to minimise the odour.</p> <p>The underlined portion of the odour boundary condition ensures that operators will not be in breach of that condition provided they are using appropriate measures. However, even if the operator is using all appropriate measures, if the Local Authority consider the residual odour is at such a level that it is unreasonable it will be necessary for the operator to take further measures to reduce odour pollution or risk having to reduce or cease operations.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
9.	<p>At the reasonable request of, and following a complaint to, the LPA, the operator of the development shall measure and assess at its own expense the level of noise or odour emissions from the development in accordance with methods approved in writing by the LPA prior to assessment.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
10.	<p>The feeder to the AD plant shall be sealed when not being filled.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
11.	<p>Liquid digestate shall be transferred by sealed pipes from the process area and stored in the reservoir where it will be passed to an irrigation main for direct application to agricultural fields. If required any surplus liquid digestate shall be stored in a sealed container and removed by tanker via a sealed pipe connection, to ensure the process is completely enclosed.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>

12.	<p>The application of any liquid digestate to the adjoining land shall be carried out in accordance with good agricultural practices.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
13.	<p>The silage clamps shall remain closed at all times except when being filled/emptied.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
14.	<p>Solid digestate shall be removed from the site daily.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
15.	<p>A filter shall be used to remove excessive solids from the surface water, prior to it entering the reservoir. This filter shall be maintained in accordance with the manufacturers instructions and shall be cleaned daily.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
16.	<p>The details shown on drawing No. 18033/2007 for the provision of external lighting and CCTV shall be installed accordingly and retained thereafter for the duration of the operation of the site. The external lighting shall not exceed more than 2LUX at all site boundaries.</p> <p>Reason: In order to ensure adequate safety and security on site and to comply with Policy LP17 of the Fenland Local Plan 2014.</p>
17.	<p>The acoustic fence shown detailed on drawing No. 18033/2000 shall be retained and maintained during the operation of the AD Plant.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
18.	<p>For the avoidance of doubt, nothing other than crop based feedstock shall be accepted as feed stock for the digester unless a further Odour Impact Assessment has been submitted to and approved by the Local Planning Authority.</p> <p>Reason: The application has been assessed on the basis of crop transportation and digestion only and has been considered against policies on this basis, the use of alternative products may give rise to adverse impacts which would need to be assessed in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
19.	<p>At all times the best practicable means shall be employed to control and minimize any possible odour resulting from the storage of raw materials or the storage of liquid digestate. Measures shall be taken to suppress odour arising from the operations hereby approved. If control measures are found</p>

	<p>by the LPA to be inadequate, causal operations shall cease until additional measures are provided and demonstrated to be adequate to limit and control the cause(s) of concern.</p> <p>Reason: To safeguard the residential amenity of neighbouring occupiers in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
20.	<p>The surface water disposal scheme shown on drawing No. 18033/2002 and approved, shall be retained and maintained during the operation of the AD Plant.</p> <p>Reason: To protect and prevent the pollution of controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
21.	<p>The details shown on drawing Nos. 18033/2002 and 18033/2003 and approved relating to pollution control, surface water and foul water shall be retained and maintained during the operation of the AD Plant.</p> <p>Reason: To protect and prevent the pollution of controlled waters in accordance with Policy LP14 of the Fenland Local Plan 2014.</p>
22.	<p>A 10 m buffer zone should be maintained from the edge of the field drain on the south western boundary of the site to avoid disturbance to water voles.</p> <p>Reason: To ensure compliance with the Habitats Regulations 2010 and in accordance with Policy LP19 of the Fenland Local Plan 2014.</p>
23.	<p>All hard and soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure proper implementation of the agreed landscape details in the interests of the amenity value of the development in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>
24.	<p>Unless otherwise agreed by the Local Planning Authority no more than a maximum of 190 2-way vehicle movements shall enter and leave the site in any one day (07.00 - 19.00). A daily record of all vehicles movements, including details of internal and external road movements, shall be maintained at the site and made available within one week of a written request by the Local Planning Authority.</p> <p>Reason: In the interests of amenity and to comply with Policy LP16 of the Fenland Local Plan 2014.</p>

25.	<p>The Landscape Management and Maintenance Plan dated July 2014 and approved under reference F/YR14/3092/COND shall be strictly adhered to in accordance with the specified schedule contained therein.</p> <p>Reason: To protect the visual amenity value of the landscaping and the biodiversity value of the habitat within the site in accordance with Policy LP16 of the Fenland Local Plan 2014.</p>



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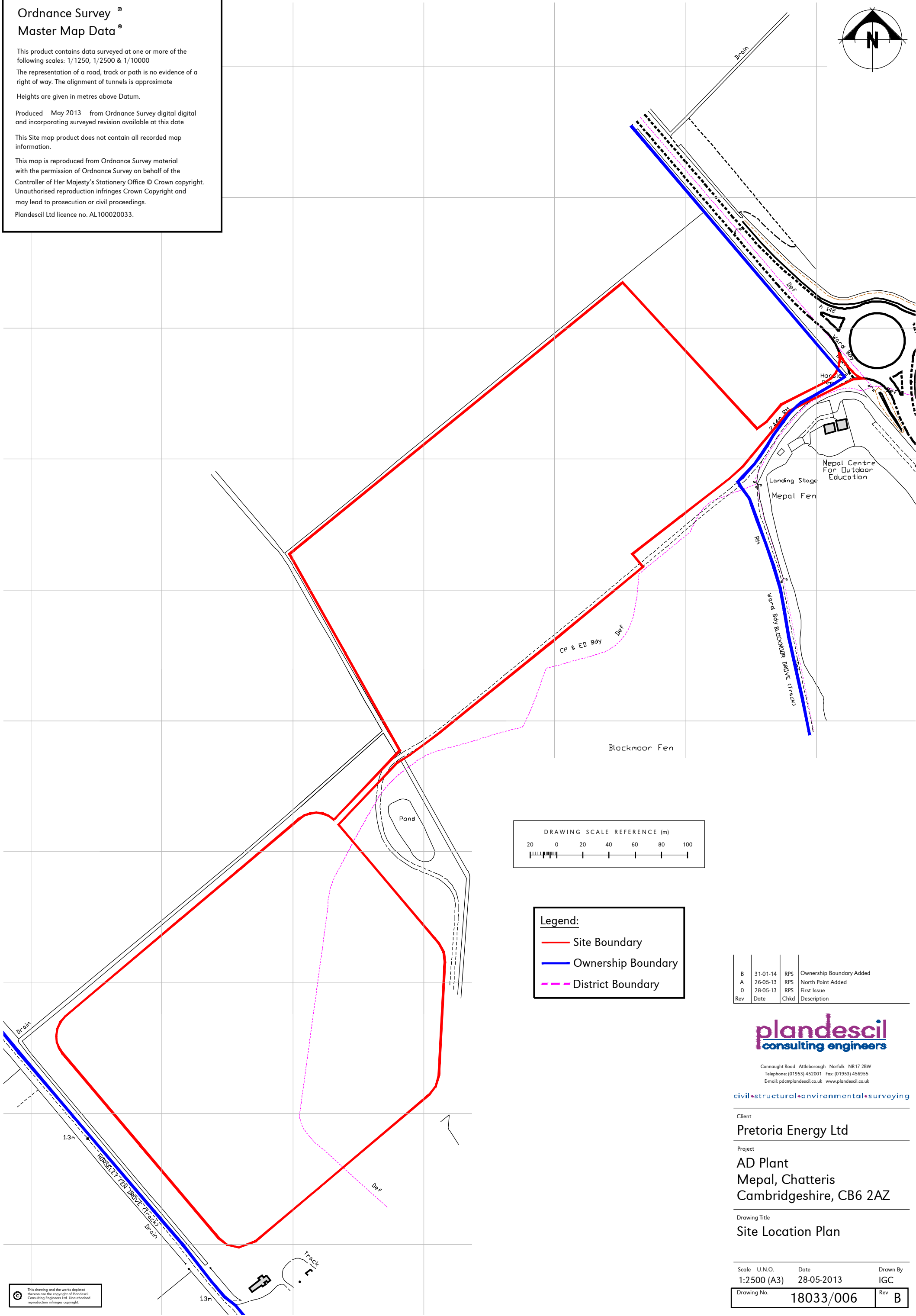
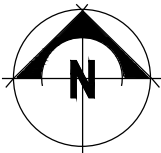
F/YR18/1103/VOC

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- Legend:
- Site Boundary
 - Ownership Boundary
 - District Boundary

B	31-01-14	RPS	Ownership Boundary Added
A	26-05-13	RPS	North Point Added
O	28-05-13	RPS	First Issue
Rev	Date	Chkd	Description

plandescil
consulting engineers

Connaught Road Attleborough Norfolk NR17 2BW
Telephone: (01953) 452001 Fax: (01953) 456955
Email: pdc@plandescil.co.uk www.plandescil.co.uk

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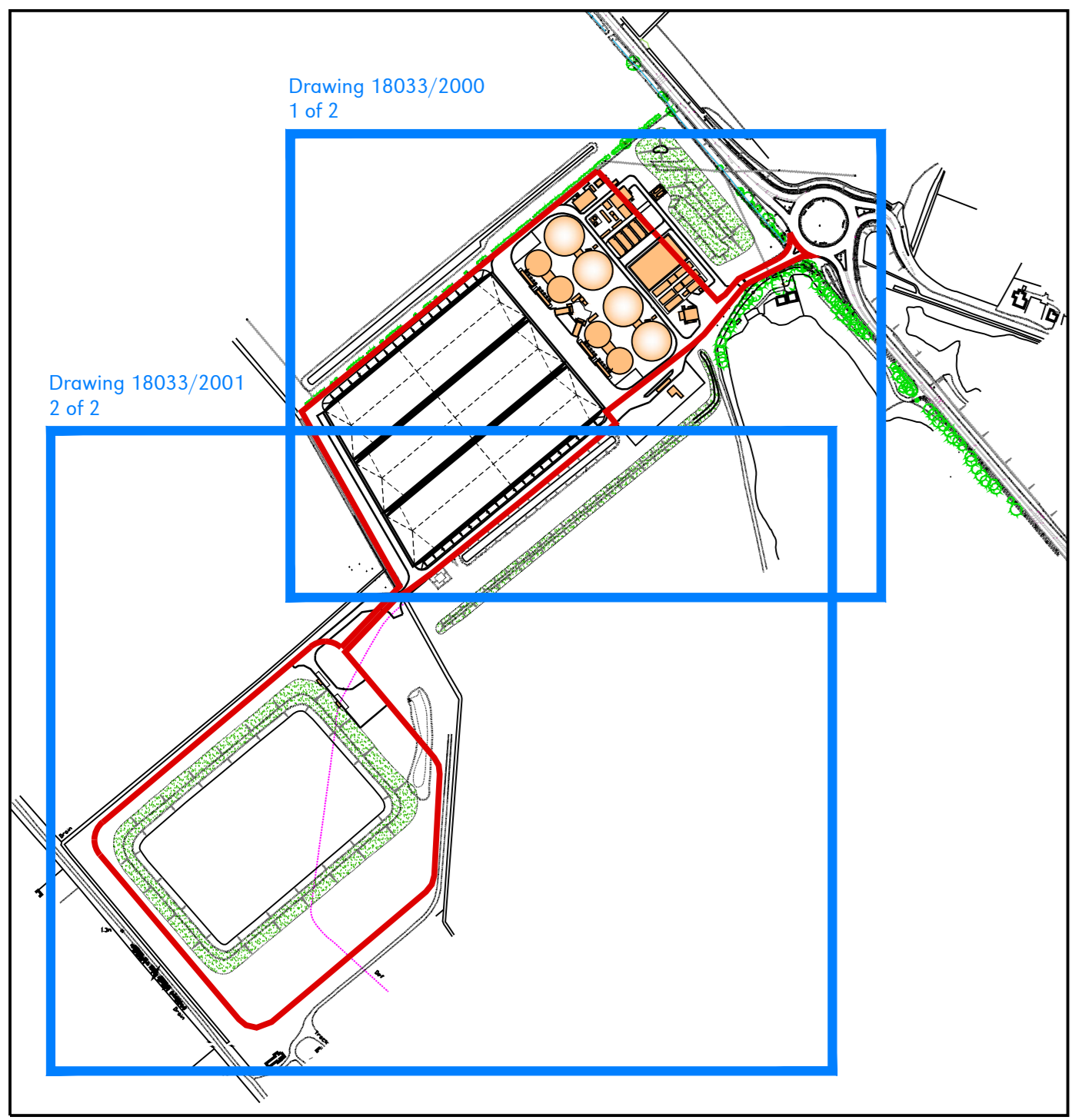
Client
Pretoria Energy Ltd

Project
**AD Plant
Mepal, Chatteris
Cambridgeshire, CB6 2AZ**

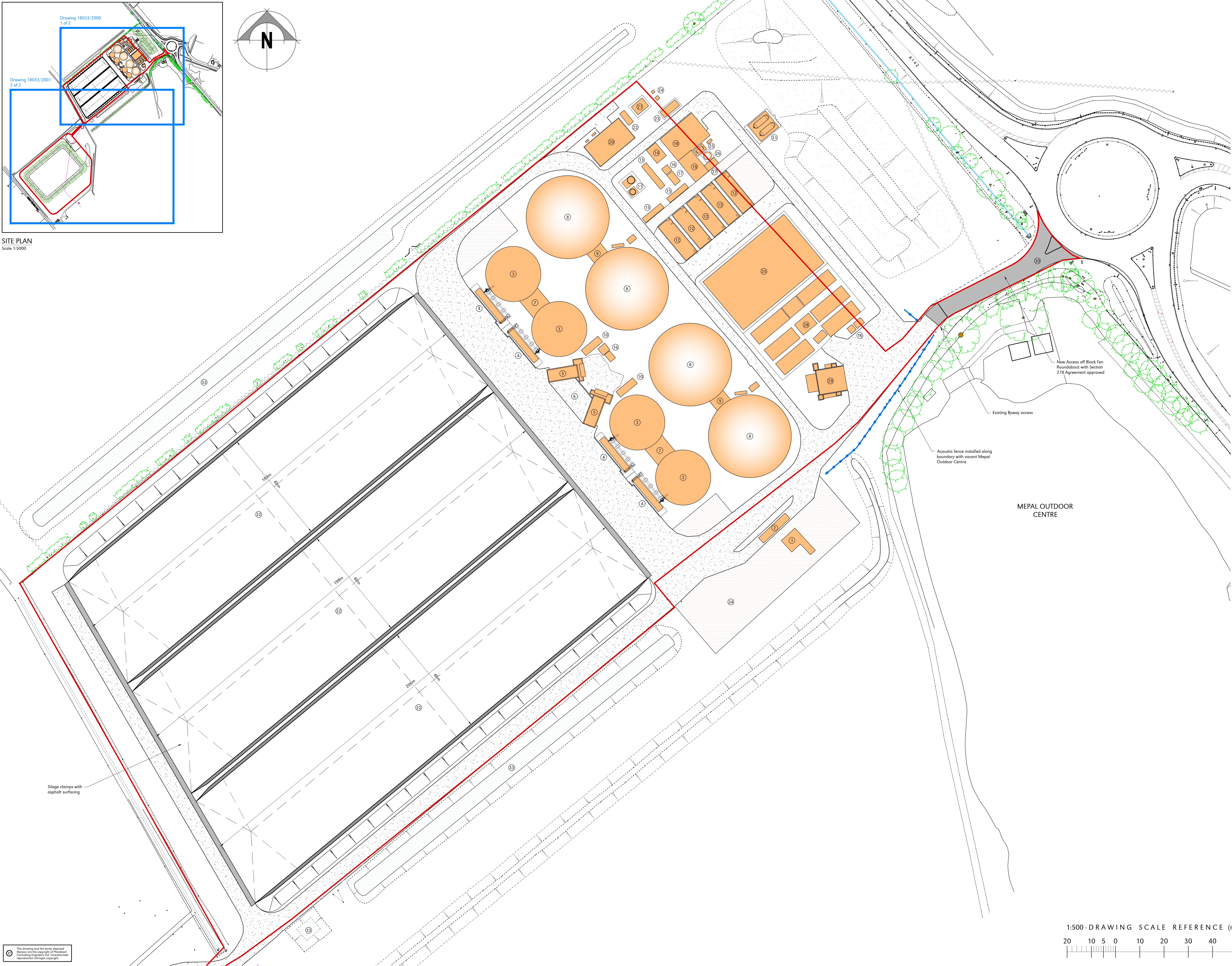
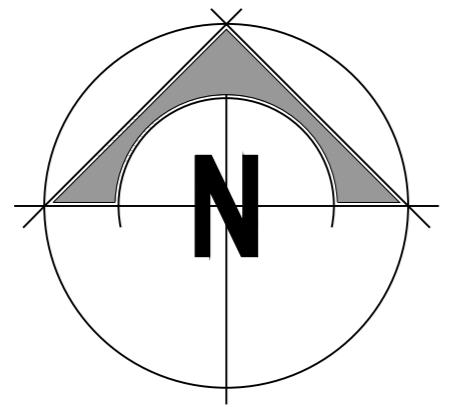
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Site Location Plan

Scale	U.N.O.	Date	Drawn By
1:2500 (A3)		28-05-2013	IGC
Drawing No.	18033/006	Rev	B

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SITE PLAN
Scale 1:5000



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 7. Equipment & Plant locations from As Built Survey dated October 2018.

- PLANT KEY
- 1 Site Office (inc. Welfare)
 - 2 Weighbridge
 - 3 Primary Digester Tank
 - 4 Feed Hopper
 - 5 Feed Hopper (Drive in)
 - 6 Feedstock Store Area
 - 7 Machine Building
 - 8 Secondary Digester & Storage Tank
 - 9 Pump Assembly Building
 - 10 E-Box (Electrical System Building)
 - 11 Flare (2No.)
 - 12 CHP
 - 13 LV Electrical Switchroom
 - 14 Primary Site Transformer
 - 15 Cooler Refrigeration Units
 - 16 Electrical Transformer
 - 17 LV Housing
 - 18 ORC Building
 - 19 Heat Management Building
 - 20 Gas Upgrade Building
 - 21 Site Electrical Switchroom
 - 22 Gas Upgrade Cooler Unit
 - 23 Elster 'Gas to Grid' Unit
 - 24 National Grid Communication Bases
 - 25 ORC Expansion Tank
 - 26 Heat Storage Tank
 - 27 E-MSR Building
 - 28 Digestate Dryer Building
 - 29 Digestate Removal Area
 - 30 Site Access off Block Fen Roundabout (Inc S278)
 - 31 LPG Storage Tanks
 - 32 Silage Clamp
 - 33 Drainage Swale
 - 34 Vehicle Parking Area (20m x 80m)
 - 35 Palletising/Storage Building (26m x 43m)

- KEY
- Building/Plant
 - Asphalt (Clamps omitted)
 - Concrete Apron/Road
 - Type 1
 - Earth bunds grass seeded
 - Acoustic Fenceline
 - Redline Planning Boundary (Fenland Ref: F/YR14/0163/F)

FOR PLANNING

Rev	Date	Chkd	First Issue Description
0	29-11-18	RPS	First Issue

plandescil
consulting engineers

Cornough Road Attleborough Norfolk NR17 2BW
Telephone: (01953) 452001 Fax: (01953) 456955
E-mail: pdc@plandescil.co.uk www.plandescil.co.uk

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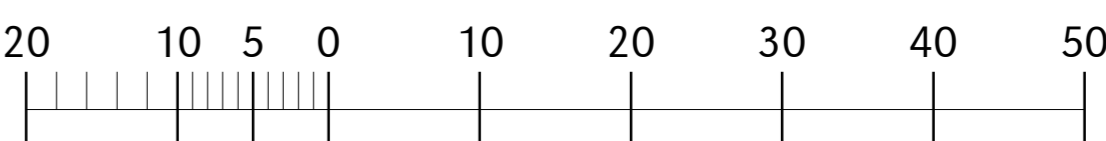
Client
Pretoria Energy Company (Mepal) Ltd

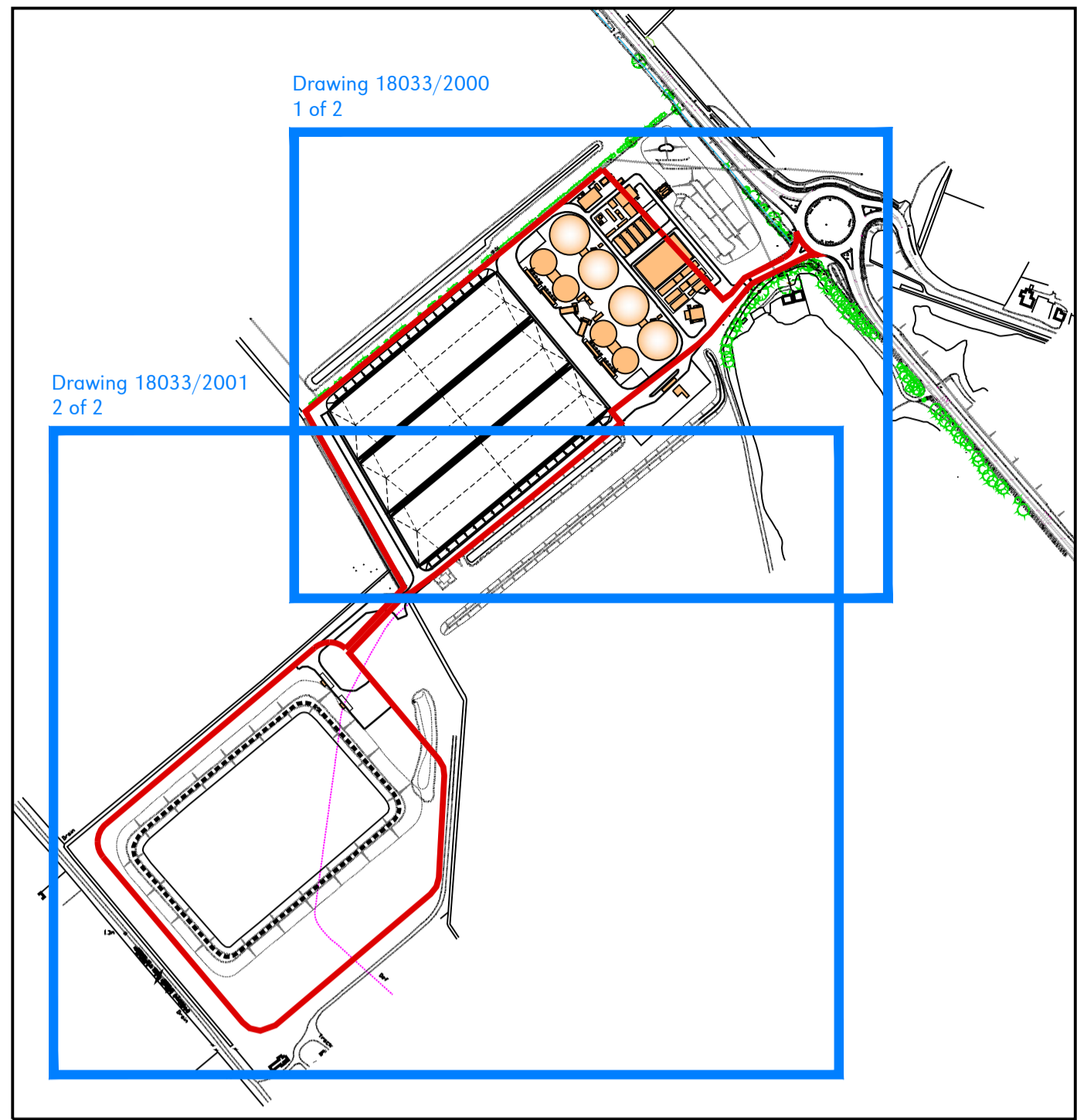
Project
A.D Plant
Land off A142,
Mepal, Cambridgeshire

Drawing Title
Site Layout Drawing
1 of 2 (Section 73)

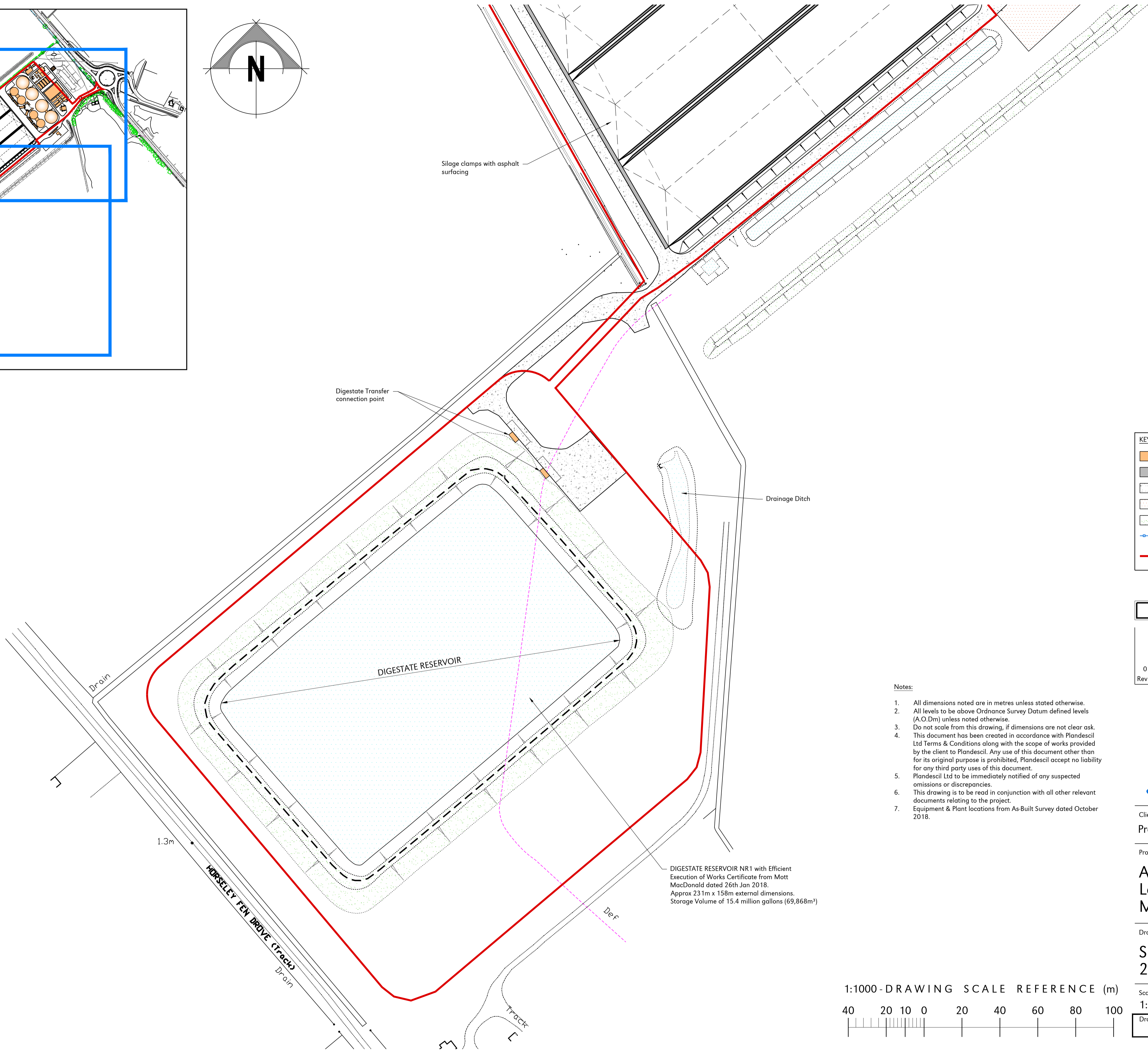
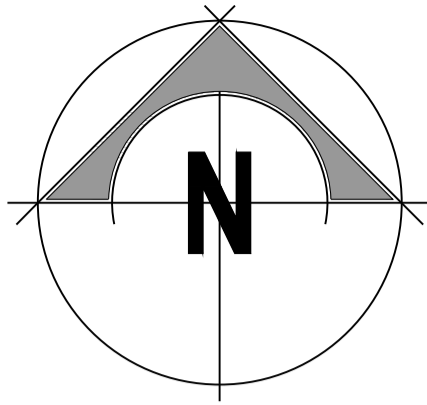
Scale	U.N.O.	Date	Drawn By
1:500 (A0)		Nov-2018	IGC
Drawing No.	Rev	18033/2000	0

1:500 - DRAWING SCALE REFERENCE (m)





SITE PLAN
Scale 1:5000



KEY	
	Building/Plant
	Asphalt (Clamps omitted)
	Concrete Apron/Road
	Type 1
	Earth bunds grass seeded
	Acoustic Fenceline
	Redline Planning Boundary (Fenland Ref: F/YR14/0163/F)

FOR PLANNING

0	29-11-18	RPS	First Issue
Rev	Date	Chkd	Description

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consulting engineers

Connaught Road Attleborough Norfolk NR17 2BW
Telephone: (01953) 452001 Fax: (01953) 456955
E-mail: pdc@plandescil.co.uk www.plandescil.co.uk

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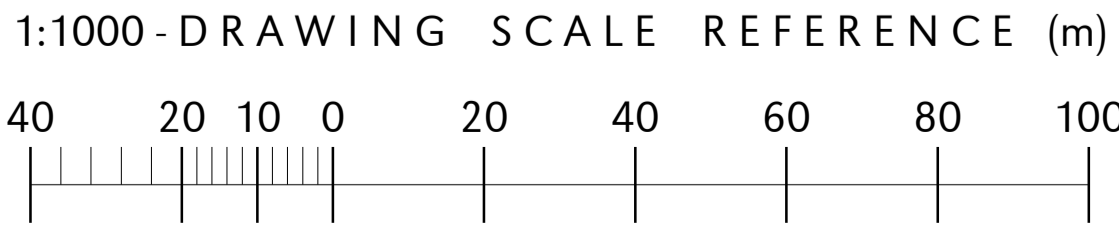
Client
Pretoria Energy Company (Mepal) Ltd

Project
A.D Plant
Land off A142,
Mepal, Cambridgeshire

Drawing Title
Site Layout Drawing
2 of 2 (Section 73)

Scale	U.N.O.	Date	Drawn By
1:1000 (A1)		Nov-2018	IGC
Drawing No.	18033/2001	Rev	0

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 - Equipment & Plant locations from As-Built Survey dated October 2018.



F/YR19/0139/F

Applicant: Ms R Pasqualino

**Agent : Mr B Samila
Headley Stokes Associates**

Rear of 50 Wood Street, Chatteris, Cambridgeshire

Erection of 2no single-storey 2-bed dwellings and erection of a single-storey double garage for No. 50 including removal of existing garage and alterations to access

Reason for Committee: 6 or more unresolved responses contrary to the officer recommendation.

1. EXECUTIVE SUMMARY

The proposal is for the construction of a pair of detached, single-storey dwellings on land at the rear of the host property on Wood Street, Chatteris.

The application site is adjacent to the conservation area, however there are extremely limited views into the site from any public vantage point.

The limited height of the proposal and the lack of potential for any future first-floor accommodation within the dwellings ensures that the scheme has an acceptable impact on the residential amenity of the surrounding properties.

The scheme uses the existing access point to the site, widening it at the entrance to allow two vehicles to pass each other safely.

The scheme is within flood zone 1, the zone of lowest flood risk and there are no other material considerations that would indicate the application should be refused.

2. SITE DESCRIPTION

- 2.1. The application site is an area of land to the rear of an existing two-storey dwelling off Wood Street. The access to the site is an existing concrete driveway between the flat-roofed garages of numbers 48 and 50, alongside which is a closeboard 1.8m high fence to the boundary with 48 Wood Street. To the rear of the site the land opens out, with a range of ancillary domestic buildings located on the site, which is largely unkempt grassland.**
- 2.2. The site boundaries to the rear are a mixture of closeboard fencing of 1.8m height and brick walling with some of the surrounding properties having limited or longer-distance views over the site.**
- 2.3. There is a single tree of any significance on the site, located in the approximate centre of the land to the rear. The application site is located on land designated as flood zone 1, and is outside, but adjacent to, the Chatteris Conservation Area.**

3. PROPOSAL

- 3.1. The proposal is for the construction of two detached, single-storey dwellings and parking/turning area for those dwellings at the rear of the existing dwelling. A new double garage is also proposed to be provided for the host dwelling in place of the existing summerhouse within its rear garden.
- 3.2. The application includes a bin collection point adjacent to the highway within the current plot of 50 Wood Street for all three dwellings.
- 3.3. Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PMM6PAHE0D800>

4. SITE PLANNING HISTORY

- 4.1. No previous planning history

5. CONSULTATIONS

- 5.1. **Chatteris Town Council**
Support
- 5.2. **Cambridgeshire County Council historic Environment Team (Archaeology)**
Programme of archaeological investigation required.
- 5.3. **FDC Scientific Officer (Land Contamination)**
No objections, request condition regarding unsuspected contamination
- 5.4. **Local Residents/Interested Parties**

6 responses have been received from local residents objecting to the proposal raising the following matters. 4 of the responses are identical letters.

- Don't want any of the trees to be touched.
- Concerned damage will occur to fencing during construction.
- Will result in greater noise impact on adjacent properties.
- Impact on public services.
- Overdevelopment of the site with associated impacts on urban grain and housing density. Lack of private amenity space and dwellings sited too close to boundaries.
- Parking provision is insufficient for the likely need.
- Access is not wide enough to allow two cars to pass, or for delivery vehicles, and will result in reversing onto the highway.
- Driveway will result in conflict between vehicles and pedestrians.
- Tracking should be provided to demonstrate the parking for the existing property is viable.
- Contrary to the policies of the Local Plan.
- Proposal makes no reference to the local vernacular and doesn't reflect the design character of the area.
- Proposal is visible from the conservation area and does not make a positive contribution to it.
- Protection and replacement of trees has not been considered.
- Loss of light to garden and habitable rooms of the adjacent dwellings.
- No details of lighting.
- No details are provided in relation to sustainable resource use features of the proposals.

- No details of drainage are provided.

6. STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

7. POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration

Para 8: 3 strands of sustainability

Para 11: Presumption in favour of sustainable development

Para 127: Well-designed development

Para 170: Contribution to and enhancement of the natural and local environment.

Para 184: Heritage assets should be conserved in a manner appropriate to their significance.

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP10 – Chatteris

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

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

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

LP19 – The Natural Environment

8. KEY ISSUES

- **Principle of Development**
- **Flood Risk & Drainage**
- **Neighbouring Amenity**
- **Highway Safety**
- **Design, Character and Visual Appearance**
- **Conservation Area Impact**

9. BACKGROUND

- 9.1. The application was the subject of a pre-application enquiry submitted in 2018, originally involving the construction of 2 bungalows and a 2-storey dwelling. Advice provided in relation to this proposal was that 3 dwellings would be

excessive for the site, and that a reduction in the number of dwellings should be considered, but that the principle of development of the site was likely to be favourably looked upon subject to the satisfactory resolution of several site-specific matters relating to trees on the site, amenity, drainage and parking provision.

- 9.2. A revised layout was provided also indicating 3 dwellings and a further response given reiterating that a reduction in the number of dwellings proposed was necessary if the development were to be considered acceptable.

10. ASSESSMENT

Principle of Development

- 10.1. The application site is located within the market town of Chatteris, one of four settlements where the Fenland Local Plan states that the majority of the district's new housing should take place.
- 10.2. The application site is a backland site, however there is no policy in the development plan that opposes development of this type as a matter of principle.
- 10.3. As the site lies within flood zone 1, the zone of lowest flood risk, there is no in principle objection to its development on flood risk grounds requiring a sequential test to be undertaken to demonstrate that the development could not be accommodated on land less susceptible to flooding.
- 10.4. The site does not lie within a conservation area or any other area of special designation, nor are there any listed buildings that would indicate the principle of development is unacceptable.

Flood Risk & Drainage

- 10.5. The application site lies within flood zone 1, which is the zone of lowest flood risk and the area to which development is directed in the first instance in relation to flood risk matters. It is also categorised as at a very low risk of flooding from surface water.
- 10.6. The application does not include detailed plans of the proposed drainage however a connection to the mains sewer is specified, with soakaways to dispose of surface water. There is no indication that such a method is unacceptable and no objections have been received from the Internal Drainage Board responsible for the area. Plans submitted alongside the application details the existing foul drainage inspection chamber locations and heights along with the existing ground levels within the site and these would suggest that the proposed method of drainage is possible. Specific details of the drainage will therefore be considered under the Building Regulations and there is no need to consider the matter further at this stage.

Neighbouring Amenity

- 10.7. Due to the backland nature of the proposals, there is the potential for the scheme to impact significantly on adjacent properties and the amenities they currently experience. These relate to impacts from the physical structure proposed to be built, and also from the proposed use of the site as residential land.
- 10.8. The submitted details show two dwellings of single-storey height, approximately 4.7 metres to the ridge with eaves heights of approximately 2.5 metres. They would be oriented with their front elevations facing west and the rear gardens on

the eastern side of the site, adjacent to the nearest residential property bordering the site, 38a Wood Street. Parking provision for the dwellings would be on the western side of the site and is denoted on the plans as being a permeable hard surface, which would limit noise generated by vehicles using the area in comparison to a loose surface such as gravel. Whilst it is accepted that the proposed use would bring vehicles into an area where they are currently not present, it is also the case that this area could be more intensively and intrusively used as part of the existing residential use, and that the presence of two new dwellings on the land would not automatically lead to an intrusive noise nuisance reducing neighbouring residential amenity by an unacceptable amount. Although the increased use of the driveway alongside the host dwelling and 48 Wood Street has the potential for negative impacts on residential amenity of the neighbouring property, given the existing use of this driveway to provide access to the rear of the site and the relatively low level of the proposed use at 2 dwellings, the proposal will not result in an unacceptable impact.

- 10.9. The dwellings are located a minimum of 6 metres from the eastern boundary of the site, with a 1.5 metre separation on the north and south boundaries and 13 metres to the west. A single kitchen access door/window is proposed to each property, on the north elevation of plot 1 and the south elevation of plot 2 facing towards the shared boundaries with the neighbouring dwellings. The adjacent dwelling at 38a Wood Street has a single window looking out over the application site on the eastern boundary, however this is at ground floor level as that property is a bungalow, and there is a separating fence of 1.5 metre height between the window and the proposed dwelling on plot 2. Given the limitation of the dwellings proposed to a single-storey a condition requiring a minimum 1.8 metre high boundary treatment to this side of the application site could be imposed to ensure there will be no unacceptable privacy impacts from the site on the surrounding dwellings.
- 10.10. With regard to the amenity of the proposed dwellings themselves, plot 2 of the scheme complies with the guidelines set out in policy LP16 of the Fenland Local Plan (2014) for one third of the plot to be dedicated to private amenity space, as does the reduced plot for the existing property. The rear garden to plot 1 forms slightly less than one third of its plot curtilage, however this is due to the allocation of a grassed area to its front increasing the overall plot size without increasing the amount of private space provision. If that additional amenity space provision is discounted then the garden of the dwelling meets the guidelines. The rear garden of plot 1 is in excess of 100 m², which given the character of the development and the relative seclusion of the site from all views except the adjacent dwelling proposed under the scheme, is sufficient to ensure that the proposed dwelling does not suffer from a lack of private amenity space and the shortfall would not be sufficient to justify refusal of the scheme.
- 10.11. Although plot 2's kitchen/diner looks out across the access drive at the side elevation of the new double garage for 50 Wood Street, its main living area aspect is to the rear and although the limited separation between that kitchen window and the garage is limited, it does provide supervision of the parking area for the property and would give an enhanced feeling of security within the dwelling.

Highway Safety

- 10.12. Several of the objections received in relation to the application have raised a range of matters relating to highway safety arising from the proposal, including insufficient parking provision, narrowness of the access drive, conflict between

vehicles and pedestrian traffic at the entrance of the site and the potential for vehicles to need to reverse out onto Wood Street.

- 10.13. The first consideration in this respect is that the driveway is an existing feature of the site, and therefore is already in use, with an established relationship between vehicular and pedestrian traffic. The proposal does increase the intensity of this use to three dwellings, but also widens the access at the entrance to the site to allow vehicles to pass each other. In that regard therefore, there is no demonstrable detrimental impact. Parking provision within the site is made on the basis of 2 places per dwelling, which is in line with the required standard. It would be preferable for the indicated space to be made wider, and there is ample land within the site to allow this, however the Local Planning Authority does not have defined parking space sizes and the spaces indicated are in line with conventional norms. It is highly unlikely that the arrangement indicated will result in vehicles reversing out onto the Wood Street carriageway, however most of the dwellings on the street have parking provision that requires such a manoeuvre to be undertaken and therefore this is not considered to represent a danger to highway safety, in fact given the turning space available to all the units as a result of the proposal it is likely that fewer cars will need to reverse onto Wood Street than is currently the case.

Design, Character and Visual Appearance

- 10.14. Wood Street is a relatively modern development of dwellings accessed directly from the road, with a more traditional style and combination of semi-detached dwellings to the south side, and more recent development along the north side. The traditional style of dwellings extends along the eastern boundary of the site along Wood Street and to the west along London Road, whilst immediately to the north of the site is a modern development of two-storey dwelling accessed via a private drive off London Road. There is a significant history of backland type development in the immediate vicinity of the proposal therefore, with a range of property sizes, types and styles resulting in a mixed character of development that would not be harmed by the proposals.
- 10.15. The proposed dwellings as noted earlier are single-storey properties, orientated within the site so as to have a ridge running north/south. Each dwelling benefits from a projecting gable to its front elevation accommodating the kitchen/dining room area, with the heights of these gables set down from the main ridge by approximately 0.8 metres. The dwellings are otherwise unremarkable in appearance and although they are not replicating the generally two-storey nature of development in the area, the backland nature of the site and the lack of public visibility of the proposal is such that this does not justify their refusal.
- 10.16. The property is proposed to be constructed from yellow facing brick and a brown concrete tiled roof. There is a wide variety of materials in use within the area including yellow, red and grey facing bricks, and render – used both for fully rendered properties and part-rendered. Roof materials tend to be either natural slate on older more historic properties, or concrete tiles as proposed. On this basis whilst the specific brick and tile to be used are not identified within the application details the general materials are appropriate and a suitable specification could be agreed. Notwithstanding this matter however, the separation of the site from the majority of public views is such that the scheme will not have a significant impact on the public views of the area, and it is not considered necessary to impose a condition requiring materials specifications to be agreed.

Conservation Area Impact

10.17. The proposed dwellings are located adjacent to the Chatteris Conservation Area, however public views of the buildings will be extremely limited due to the secluded nature of the site and their single-storey nature set amongst mainly two-storey dwellings. The scheme is a low-level development in comparison to its surroundings, including the 2.5m wall along the west boundary.

10.18. The impact of the proposal on the Conservation is considered to be minimal on these grounds and the scheme does not conflict with the relevant policies of the development plan.

11. CONCLUSIONS

11.1. The proposal is in accordance with the relevant policies of the development plan and there are no material considerations that justify its refusal contrary to those policies.

12. RECOMMENDATION

Grant planning permission

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

There are no pre-commencement conditions proposed and therefore it is considered that the requirements of section 100ZA(5) have been met.

The proposed conditions are as follows;

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

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

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

Reason: To control pollution of land and controlled waters in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 178 and 179, and Policy LP16 of the Fenland Local Plan 2014.

3. Prior to the first occupation of the development the proposed on-site parking/turning area and access widening and driveway improvements including those alterations for 50 Wood Street shall be laid out in accordance with the approved plans, surfaced in a bound material and drained within the site. The parking/turning area, access driveway, surfacing and drainage shall thereafter be retained as such in perpetuity (notwithstanding the provisions of Schedule 2, Part A, Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any instrument revoking or re-enacting that Order).

Reason: In order to ensure that adequate vehicular and pedestrian access is provided in the interests of highway safety in accordance with Policy LP15 and to ensure an acceptable impact on neighbouring amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.

4. No demolition/development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme and timetable of archaeological work and recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The approved programme shall then be implemented in accordance with the approved timetable prior to any other works taking place on site.

Reason: To secure the provision of the investigation and recording of archaeological remains threatened by the development and the reporting and dissemination of the results in accordance with Policy LP18 of the Fenland Local Plan.

5. 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), planning permission shall be required for the following developments or alterations:

- a. the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas, or raised decks (as detailed in Schedule 2, Part 1, Classes A and E);
- b. the erection of house extensions including conservatories, garages, car ports or porches (as detailed in Schedule 2, Part 1, Classes A and D);
- c. alterations including the installation of additional windows or doors, including dormer windows or roof windows (as detailed in Schedule 2, Part 1, Classes A and B);
- d. alterations to the roof of the dwellinghouse (as detailed in Schedule 2, Part 1, Class C);
- e. the erection of any walls, fences or other means of enclosure to all boundaries of the site (as detailed in Schedule 2, Part 2, Class A).

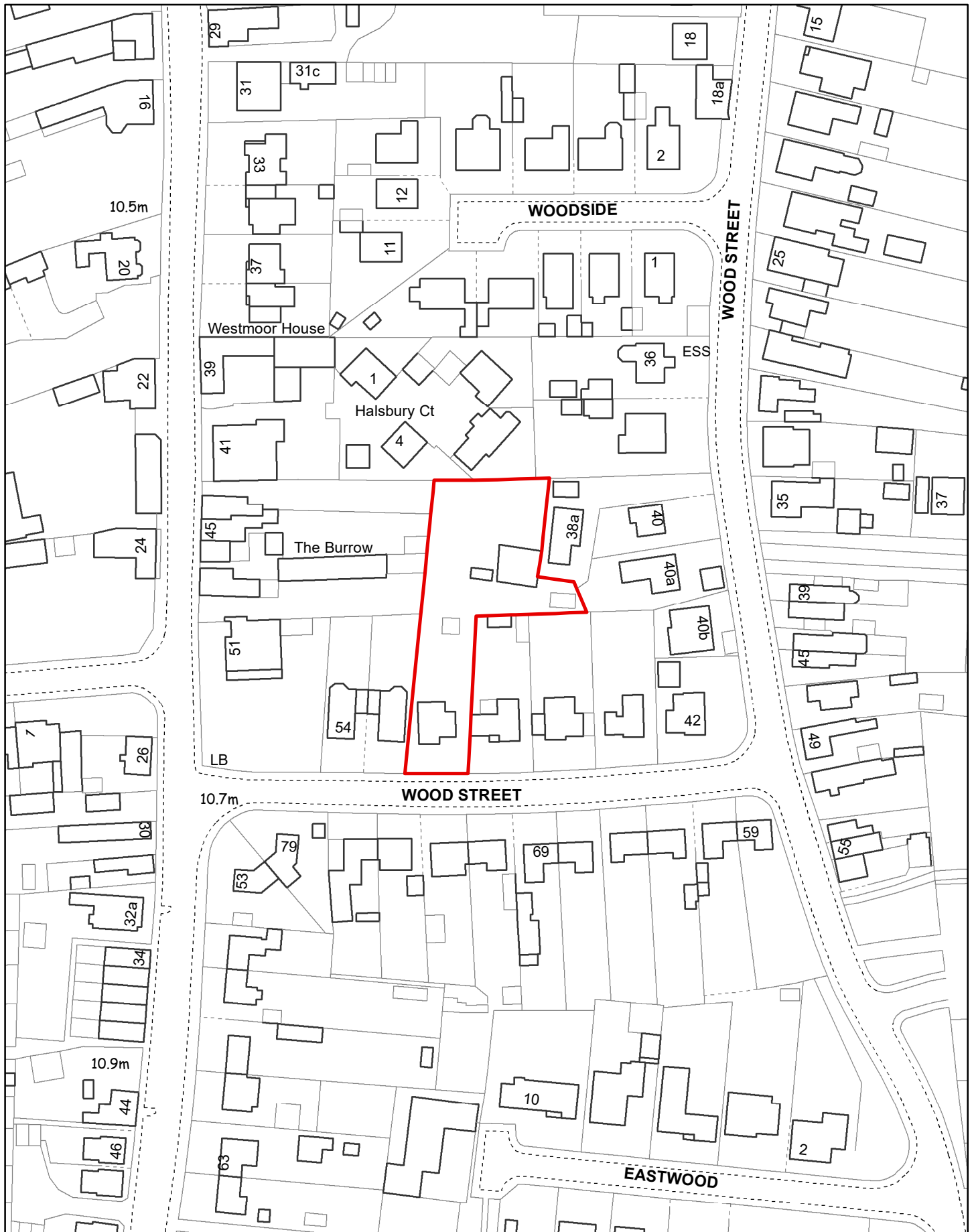
Reason: To prevent overlooking of and unacceptable impact on neighbouring properties, in the interest of the protection of residential amenity in accordance with Policy LP16 of the Fenland Local Plan 2014.

6. Details of the height, design and materials of all new screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority before commencement of the relevant parts of the work. The approved scheme shall be implemented concurrently with the erection of the dwelling(s) fully in accordance with the agreed details prior to occupation and thereafter retained in perpetuity.

Reason: To ensure that the appearance of the development is satisfactory and that it contributes to the visual character and amenity of the area, and to ensure that the private areas of the development and its neighbours are afforded an acceptable measure of privacy in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.

7. The refuse storage and collection facilities detailed on the hereby approved plans shall be provided prior to the first occupation of the units to which they relate and shall be retained thereafter in perpetuity.

Reason: To meet the District Council requirements for recycling, to prevent the unsightly storage of refuse containers and in the interests of amenity and sustainability as required by Policy LP16 of the Fenland Local Plan, adopted May 2014.



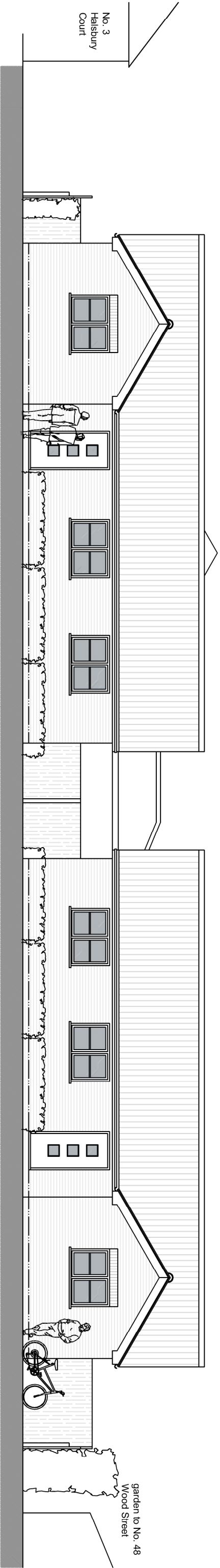
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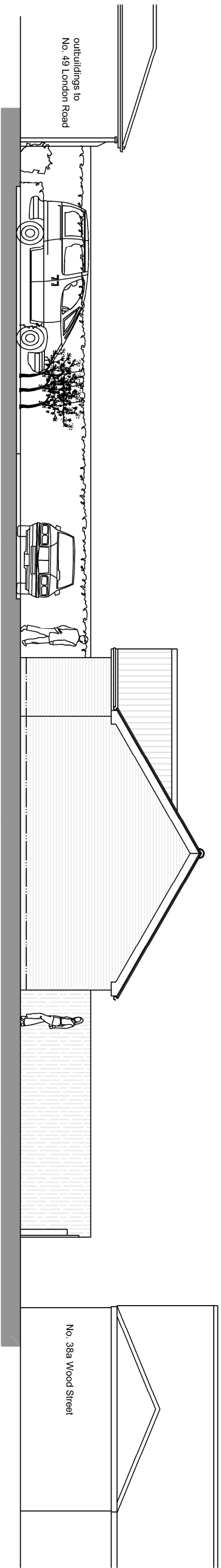
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SITE ELEVATION "S1"



SITE ELEVATION "S2"

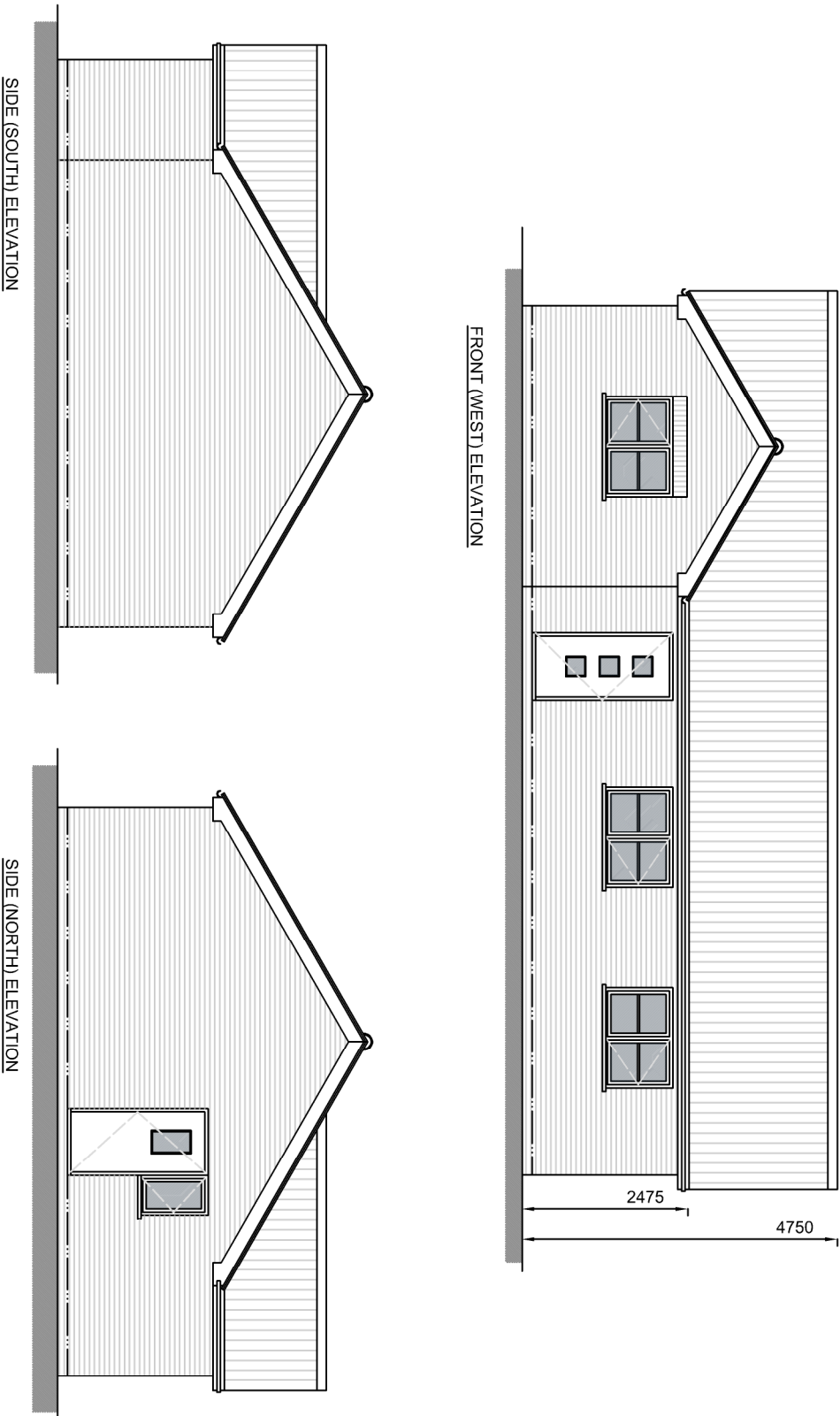


HEADLEY STOKES ASSOCIATES
 Chartered Architects and Project Managers
 Ferrar House, 70 High Street, Huntington, Cambs, PE29 3JL
 Telephone (01480) 456507

RESIDENTIAL DEVELOPMENT AT 50 WOOD STREET, CHATTERIS

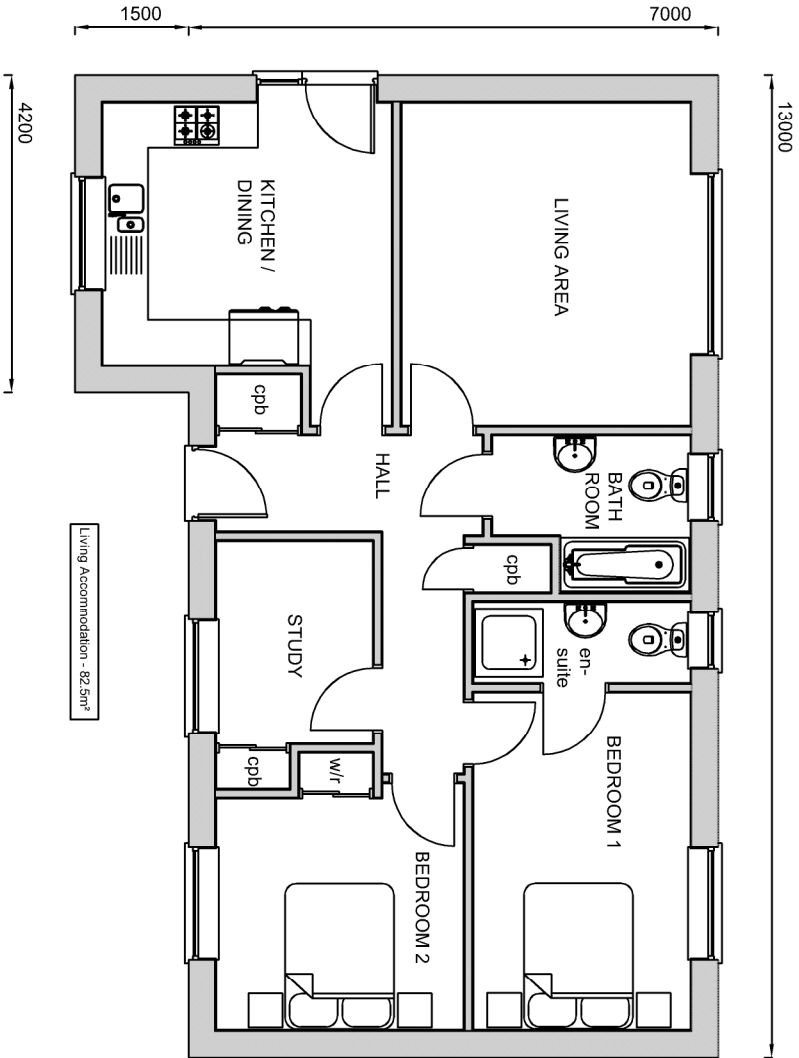
STREET ELEVATIONS AS PROPOSED

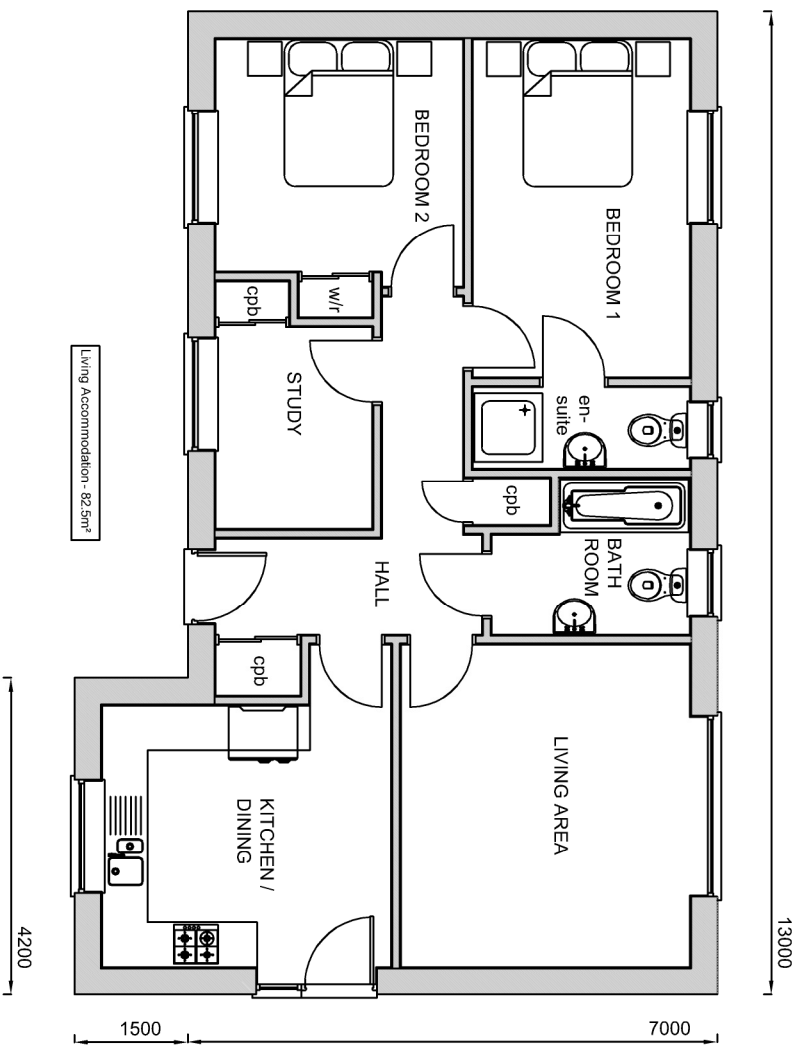
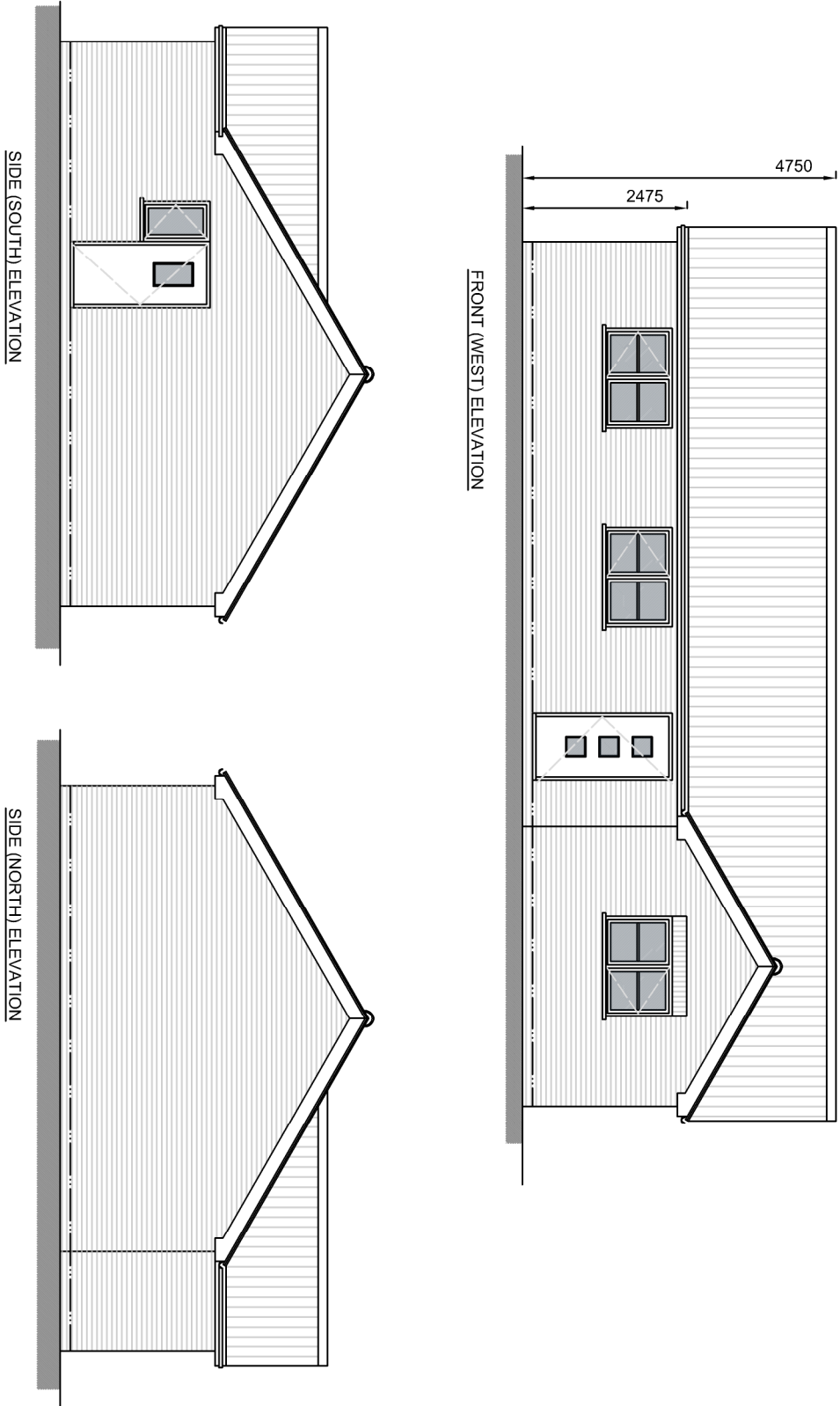
Date: Jan '19 Size: A3 Scale: 1:100
 1774 / 4 / 06



MATERIALS

- Roof:**
- Brown concrete pan tiles
- Walls:**
- yellow facing brickwork
- Windows and Doors:**
- white upvc double glazed units
- Rainwater Goods:**
- black upvc half-round gutters and matching downpipes





MATERIALS

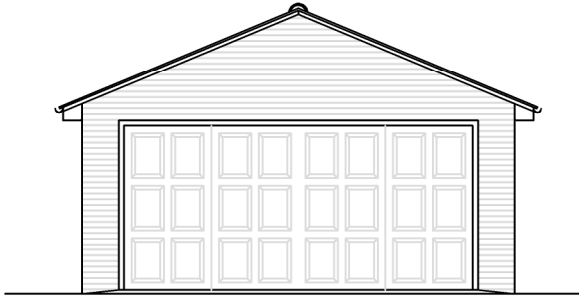
- Roof:
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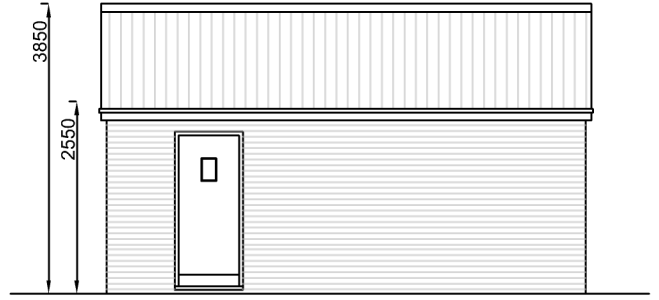
HEADLEY STOKES ASSOCIATES
 Chartered Architects and Project Managers
 Ferrar House, 70 High Street, Huntington, Cambs, PE29 3PL
 Telephone (01480) 456507

PLOT 2 DETAILS
 RESIDENTIAL DEVELOPMENT AT 50 WOOD STREET, CHATTERIS

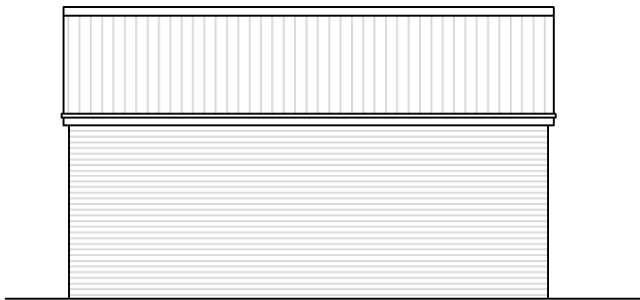
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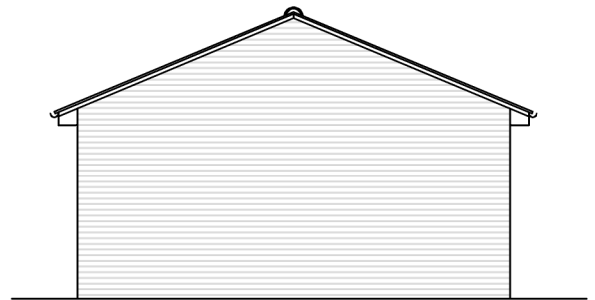
FRONT (SOUTH) ELEVATION



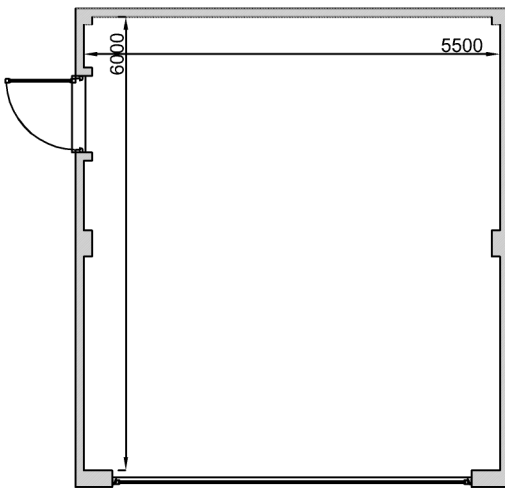
SIDE (WEST) ELEVATION



SIDE (EAST) ELEVATION



REAR (NORTH) ELEVATION



PLAN

MATERIALS

- Roof:
- Brown concrete pan tiles
- Walls:
- yellow facing brickwork
- Windows and Doors:
- white upvc double glazed units
- Rainwater Goods:
- black upvc half-round gutters
and matching downpipes



HEADLEY STOKES ASSOCIATES
 Chartered Architects and Project Managers
 Ferner House, 70 High Street, Nottingham, Central, NG2 3BL
 Telephone: (01480) 486507

RESIDENTIAL DEVELOPMENT AT 50 WOOD STREET, CHATTERIS

GARAGE DETAILS

Date: Jan '19 Size: A4 Scale: 1:100

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F/YR19/0176/F

Applicant: Mr Fletcher

**Agent : Mr Matthew Halmshaw
Morton & Hall Consulting Ltd**

**Land West Of The Three Horseshoes Public House, 344 March Road, Turves,
Cambridgeshire**

**Erection of 2 x 2-storey 3-bed dwellings involving demolition of single storey
storeroom of public house**

**Reason for Committee: The number of letters of support for the proposal which is
at odds with the recommendation**

1 EXECUTIVE SUMMARY

A very similar proposal was refused under delegated powers in November 2018. This application has received ten very similar letters of support and the scheme of delegation now requires the application to come before Members for determination.

The reasons for refusal remain the same as before, despite the amended design of the proposed dwellings. The design, scale and siting of the proposed dwellings and the resulting density is considered to be out of character with the area. This would result in a cramped development which would not make a positive contribution to the area. This would be contrary to Policy LP16.

For the reasons set out in the report, it is not considered that the proposal accords with the requirements of Policy LP3 (Settlement Hierarchy) in that it is not residential infilling.

Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of future occupiers or neighbouring users. The proposed dwellings by way of their siting, design and proximity to the rear elevation of the pub and boundary treatment would result in a poor level of amenity afforded to both existing and future occupiers. Furthermore, due to the proximity of the dwellings to the rear of the pub, its waste collection/ pub kitchen and flue, and adjacent parking area to the south, the proposed dwellings would not create an environment which would facilitate the level of health and wellbeing required by new development, with regard to potential noise and disturbance, as set out in LP2 and LP16.

A sequentially preferable developable site within Flood Zone 3 was removed from the market in November 2018 and has recently received a revised permission for 3 x pairs of semidetached dwellings (F/YR18/1133/F). This in itself does not render the site as being unavailable. However, the development has been implemented and work has started on site. As such there are no sequentially preferable sites. Notwithstanding this, the development has not passed the Exception Test and is contrary to the adopted SPD on Flooding and Water, Policy LP14 of the Fenland Local Plan 2014 and Paragraphs 155-165 of the NPPF.

The application is therefore recommended for refusal.

2 SITE DESCRIPTION

- 2.1 The site is to the rear of the Three Horseshoes Public House, currently used as a garden/ seating area associated with the pub. There is a large car park to the north of the pub which is a substantial building finished in white render. The site is surrounded on two sides by mature hedging with open countryside/ sporadic development to the west and north.
- 2.2 A 1.8m high close boarded fence marks the southern boundary with the adjacent development of 6 x semi- detached houses. 6 parking spaces are located immediately adjacent (south) of this southern boundary. The eastern boundary with the pub building is defined in part by a 1.8m high close boarded fence, otherwise it is open and provides pedestrian access to the pub and car park.
- 2.3 At present the site does not benefit from a vehicular access. The site is within Flood Zone 3 as is the whole settlement of Turves.

3 PROPOSAL

- 3.1 The proposal is a full application for a pair of 3-bed semi-detached, two storey dwelling houses on the garden area, facing east towards the rear of the pub. A similar application was refused in November 2018 (F/YR18/0879/F). The applicant has attempted to address the four reasons for the previous refusal.
- 3.2 With regard to refusal reason 2, the applicant has reduced the roof pitch height from 9.4m to 7.2m to prevent views of the new dwellings being visible within the street scene above the pub roof. The width has also been reduced slightly from 11m to 10.6m and similarly, the depth has been reduced from 5.4m to 5m. A new 1.8m high fence is proposed adjacent to the pub car park to prevent access through to the site from here.
- 3.3 Two parking spaces will be provided to each plot as before. They will have a width of 2.4m which is less than recommended (2.9m) for a space obstructed on two sides. In order to achieve vehicular access, a side extension to the pub will be demolished to facilitate an access road to serve both dwellings along the southern boundary. A bin collection point will be provided adjacent to the pub close to the new access point. The first 10m will be proposed for adoption.
- 3.4 The rear garden to Plot 1 has been extended to 11m maximum through the relocation of one of the parking spaces. Plot 2 will be similar. The gardens wrap around the side of the dwelling. A separation distance of 6.8m is proposed between the front elevations and the eastern boundary fence which screens the rear of the pub, the large kitchen with flue and outside bin storage area.
- 3.5 A gravelled driveway will provide access across the front of the properties to Plot 2 (to the north of Plot 1).
- 3.6 No materials are proposed at present.
- 3.7 Full plans and associated documents for this application can be found at:
<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=PNJ5DRHE03000>

4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR18/0879/F	Erection of 2 x 2-storey 3-bed dwellings involving demolition of single storey storeroom of public house Land West Of The Three Horseshoes Public House 344 March	Refused	27/11/2018
F/YR07/0507/F	Change of use of garden to car park Land West Of The Three Horseshoes Public House 344 March	Granted	13/07/2007
F/YR06/0771/F	Installation of 2 french doors and balcony to first-floor living accommodation The Three Horseshoes Public House 344 March Road Turves	Granted	16/08/2006
F/YR02/0714/F	Formation of access into existing car park Three Horseshoes PH, March Road, Turves, Whittlesey, March,	Approved	01/08/2002
F/YR01/1012/F	Change of use of land from beer garden to car park The Three Horseshoes Public House 344 March Road Turve	Approved	13/03/2002
F/91/0182/F	Addition of dormer to roof and installation of an external steel fire escape at the rear of the public house Three Horseshoes PH March Road Turves Whittlesey March	Approved	05/07/1991
F/1480/89/F	Erection of two-storey extension to rear of, Public House, to form a function room and, 12 bedrooms and installation of a septic tank The Three Horseshoes PH March Road Turves Whittlesey	Approved	24/05/1990
F/0884/87/F	Extension to kitchen and bar area The Three Horseshoes 344 March Road Turves Peterborough	Granted	12/10/1987
F/0119/78/F	Extension and alterations to Public House	Granted	19/04/1978
TP/1010	Replacement of fuel store Land adjoining the March-Whittlesey Road Coates	Granted	07/04/1949

5 CONSULTATIONS

5.1 Whittlesey Town Council- recommends approval

5.2 FDC Environmental Health

Environmental Health have no objections to the application and consider that based upon the submitted information, it is not considered that air quality impacts will arise as a result of the proposed scheme. I have looked at the licensing register and considered the proximity of the proposed development to the existing Public House, in particular activities licensed and nothing obvious to suggest noise to be an issue post development.

However, please attach the following contamination condition as a precaution as I am unable to ascertain any previous contaminative use, I recommend the unsuspected contamination condition in view of the proposed demolition works.

UNSUSPECTED CONTAMINATION

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

5.3 Environment Agency

We have no objection to the proposed development but wish to make the following comments. National Planning Policy Framework Flood Risk Sequential Test In

accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that our response to the submitted detail should not be taken to mean that we consider the proposal to have passed the Sequential Test.

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

5.4 CCC Highways

No objection. Whilst I note that the applicant is proposing to seal and drain the access 5m wide for the first 10m I still need to see that this will be drained away from the highway. I am happy to deal with this via a condition though.

The vehicle to vehicle visibility splays are achievable within the public highway.

I therefore have no highways objections subject to the following conditions:

1) The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To prevent surface water discharging to the highway.

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

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

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

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

5.5 Natural England

No objection

5.6 Local Residents

Ten identically typed letters of support have been received from residents of Turves. These express support but do not elaborate on any reason for this support.

6 STATUTORY DUTY

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

7 POLICY FRAMEWORK

7.1 National Planning Policy Framework (NPPF) National Planning Practice Guidance (NPPG)

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

Para 10. - Presumption in favour of sustainable development

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

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

7.2 Fenland Local Plan 2014

LP2 Health and Well Being

LP3 Spatial Strategy, the Settlement Hierarchy

LP14 Responding to Climate Change

LP16 High Quality Environments

7.3 Supplementary Planning Documents/Guidance: Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- **Principle of Development**
- **Character and Amenity**
- **Flood Risk**
- **Highways**

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 identifies the village of Turves to be a Small Village where development will be considered on its merits but will normally be limited in scale to residential infilling. The proposal site is located behind the pub on garden land used in association with the pub. The site also falls outside the former development area boundary. Access to the proposal site will be created via the demolition of part of the pub. For these reasons, the proposal is considered to be backland development rather than residential infilling. Whilst this may not be a reason on its own to refuse the application, the impact of the surrounding development on the proposal is also important and will be considered in more detail below.

- 9.2 The applicant makes reference to the adjacent site where development has been permitted (incrementally) for 6 x semi-detached dwellings. These are set out in a cul de sac and were approved prior to the adoption of the Fenland Local Plan in 2014 (F/YR/06/1314/F, 11/0714/F and F/YR13/0246/F). Whilst it is not considered that the planning history on this adjacent site adds any weight to the acceptance of the principle of development on the proposal site since the adoption of the Local Plan in 2014, the potential impact of this adjacent development on the amenity of the proposed dwellings is a material consideration in the determination of the application.

Character and Amenity

- 9.3 Policy LP16 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The demolition of the side extension to the pub to facilitate the new access to the proposal site would not be

detrimental to the street scene and the highways officer does not object to the new access. Despite the height and dimensions of the proposed dwellings being amended since the refusal last year (the development is now unlikely to be seen above the pub roof), the revised appearance has a “squat” design. The width and depth is disproportionate to the height of the proposed dwellings. This alongside the resulting density is considered to be out of character with the area. This would result in a cramped development which would not make a positive contribution to the area, contrary to LP16.

- 9.4 Policy LP2 and LP16 seek to ensure that development does not adversely affect the amenity of future occupiers or neighbouring users. The proposed dwellings will overlook the rear elevation of the pub, the flat roof and its residential accommodation. The applicant states that the flat roof is not used.
- 9.5 Similarly, the outlook from the proposed dwellings would be blighted by the rear elevation of the pub which would be between 10m and 16m from the front windows at first floor level. The applicant proposes to extend the existing 1.8m high close boarded fencing to the rear boundary of the pub. The ground floor living room windows would look out onto this fencing 6.8m away. Beyond the fence is the waste collection area to the pub/ pub kitchen and flue.
- 9.6 It is therefore considered that the proximity of the pub to the proposed dwellings will not create an environment which will facilitate the level of health and wellbeing required by new development as set out in LP2 and LP16. This is further exacerbated by the presence of 8 parking spaces associated with the neighbouring development which are located immediately adjacent to the southern boundary fence of the proposal site. For all the above reasons the proposal is not considered to comply with LP2 and LP16 of the Fenland Local Plan 2014.

Flood Risk

- 9.7 The site is located in Flood Zone 3, an area at highest risk of flooding. The applicant has submitted a FRA which includes an argument that the development passes the sequential test. A supplementary document was also submitted later on. In this instance the scale of the proposal is in keeping with that appropriate for a small village and therefore it is accepted that an area of search is appropriate to the settlement of Turves where the entire area of Turves is within Flood Zone 3. The Flood and Water SPD states that all reasonably available sites, with planning permission for the same or similar developments should be considered.
- 9.8 With the previous refusal, the Council was aware that a site in Turves for 3 dwellings was being marketed as individual plots on Whittlesey Rd (13/0608/RM). These are similarly located in Flood Zone 3 and were sequentially preferable.
- 9.9 These plots have since been withdrawn from the market and a new permission issued for 3 x pairs of semidetached dwellings (F/YR18/1133/F). However, this in itself does not render the site as being unavailable, and it would still be considered to be a sequentially preferable site, unless work has started on site and the permission implemented. Following a site visit, it is agreed that this is the case and that the site is no longer available.
- 9.10 As the site is sequentially acceptable, the development is also required to pass the Exceptions Test. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. The general

provision of housing by itself would not normally be considered as a wider sustainability benefit to the community which would outweigh flood risk.

- 9.11 Examples of wider sustainability benefit include the regeneration of an area, or the provision of new community facilities such as green infrastructure, woodland community centres, cycle ways/footways or other infrastructure which allow the community to function in a sustainable way. With smaller schemes such as this one, the LPA has previously considered the inclusion of climate change mitigation and/or renewable energy themes as acceptable solutions to passing the Exceptions Test.
- 9.12 However, no such details have been included by the applicant. Therefore the proposal is contrary to the adopted Flood and Water SPD and conflicts with policy LP14 of the Fenland Local Plan and Paragraphs 100-104 in the NPPF.

Highways

- 9.13 In order to achieve vehicular access to the proposed dwellings, a side extension to the pub will be demolished along the southern boundary. A bin collection point will be provided adjacent to the pub close to the new access point. The first 10m will be proposed for adoption.
- 9.14 The loss of this single storey extension does not raise any issues as it adds little to the character of the street scene or existing building. The highways officer has no objection as appropriate visibility splays are achievable. Subject to the suggested planning conditions, the proposal is acceptable from a highways perspective.

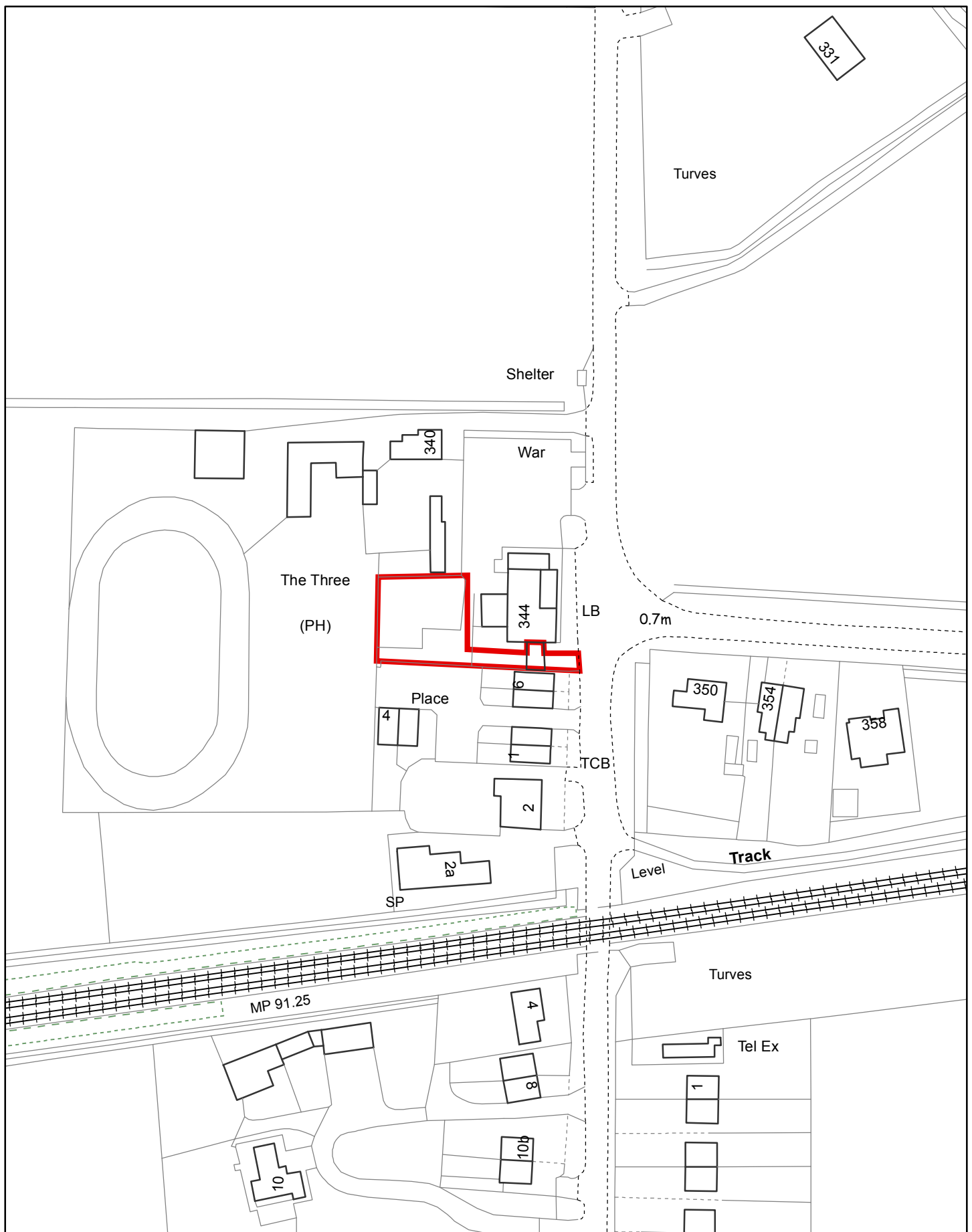
10 CONCLUSION

- 10.1 For the reasons set out in the report, it is not considered the proposal accords with the requirements of Policy LP3, in that it is not considered to be residential infilling.
- 10.2 The design, scale and siting of the proposed dwellings and the resulting density is considered to be out of character with the area. This would result in a cramped development which would not make a positive contribution to the area. This would be contrary to Policy LP16.
- 10.3 Policies LP2 and LP16 seek to ensure that development does not adversely affect the amenity of future occupiers or neighbouring users. The proposed dwellings by way of their siting, design and proximity to the rear elevation of the pub and boundary treatment would result in a poor level of amenity afforded to both existing and future occupiers. Furthermore, due to the proximity of the dwellings to the rear of the pub, its waste collection area/ pub kitchen and flue, and adjacent parking area to the south, the proposed dwellings will not create an environment which would facilitate the level of health and wellbeing required by new development, with regard to potential noise and disturbance, as set out in LP2 and LP16.
- 10.4 Finally the application has not passed the Exception Test and is contrary to the adopted SPD on Flooding and Water, Policy LP14 of the Fenland Local Plan 2014 and Paragraphs 155-165 of the NPPF. The application is therefore recommended for refusal.

11 RECOMMENDATION

Is to refuse the application for the following reasons:

1. The proposal is within a small village as defined by Policy LP3 of the Fenland Local Plan 2014 where development may be permitted on its merits but normally limited in scale to residential infilling. The proposal is not considered to represent residential infilling and is therefore contrary to Policy LP3 of the Fenland Local Plan 2014.
2. Policy LP16 of the Fenland Local Plan 2014 seeks to ensure that development makes a positive contribution to the local distinctiveness and character of the area. The design, scale and siting of the proposed dwellings and the resulting density is considered to be out of character with the area. This would result in a cramped development which would not make a positive contribution to the area. This would be contrary to Policy LP16 of the Fenland Local Plan 2014.
3. Policies LP2 and LP16 of the Fenland Local Plan 2014 seek to ensure that development does not adversely affect the amenity of future occupiers or neighbouring users. The proposed dwellings by virtue of their siting, design and proximity to the rear elevation of the pub and boundary treatment would result in a poor level of amenity afforded to both existing and future occupiers. Furthermore, due to the proximity of the dwellings to the rear of the pub, its waste collection area/ pub kitchen and flue, and the adjacent parking court to the south, the proposed dwellings would fail to create an environment which would facilitate the level of health and wellbeing required by new development as set out in policies LP2 and LP16 of the Fenland Local Plan 2014, with regard to potential noise and disturbance.
4. The NPPF seeks to steer developments to areas of lowest risk of flooding and requires developments such as this application to pass an Exception Test, should the Sequential Test be passed. The application is considered to fail the Exception Test as it has not been demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and is therefore contrary to the Cambridgeshire Flood and Water SPD 2016, Policy LP14 of the Fenland Local Plan 2014 and Paragraphs 155-165 of the NPPF.



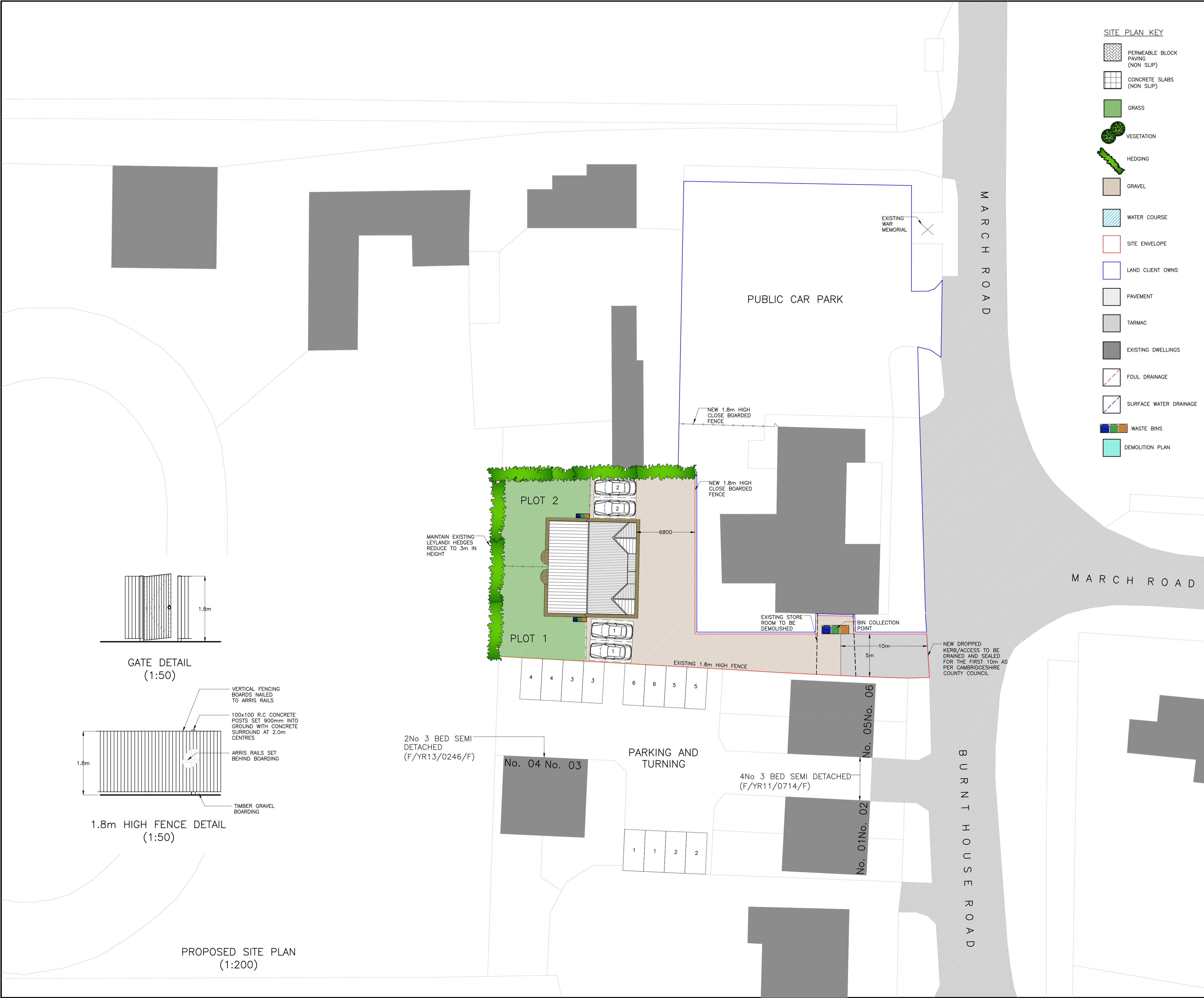
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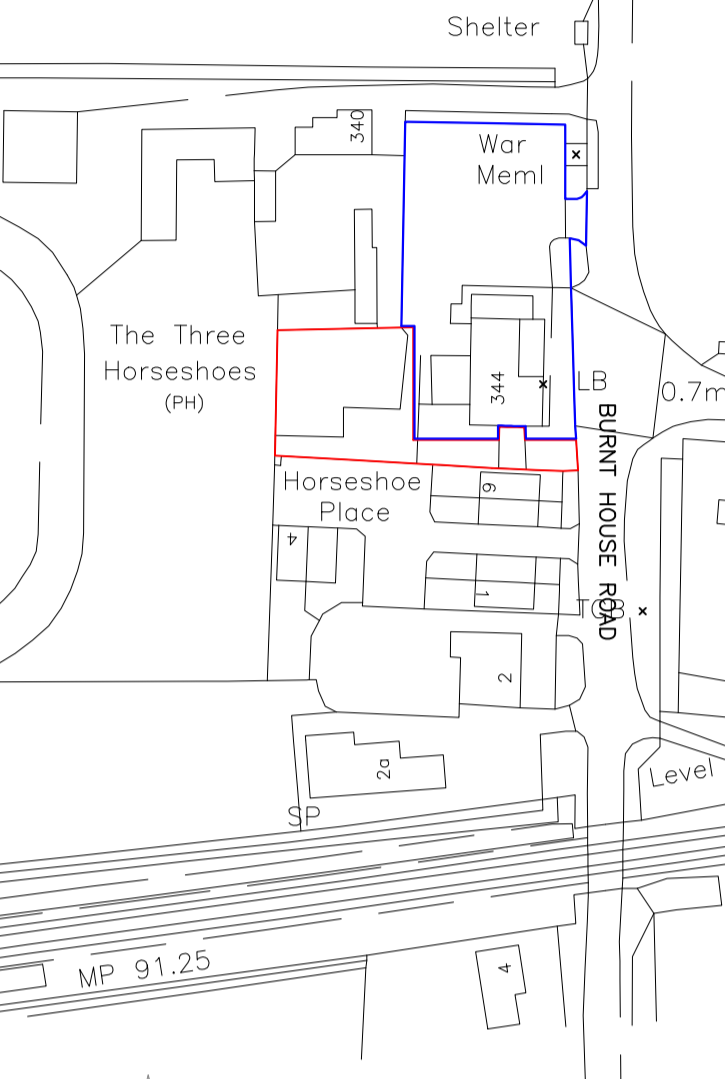




SITE PLAN KEY

- PERMEABLE BLOCK PAVING (NON SLIP)
- CONCRETE SLABS (NON SLIP)
- GRASS
- VEGETATION
- HEDGING
- GRAVEL
- WATER COURSE
- SITE ENVELOPE
- LAND CLIENT OWNS
- PAVEMENT
- TARMAC
- EXISTING DWELLINGS
- FOUL DRAINAGE
- SURFACE WATER DRAINAGE
- WASTE BINS
- DEMOLITION PLAN

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Where materials, products and workmanship are not fully specified they are to be of the standard appropriate to the works and suitable for the purpose stated in or reasonably to be inferred from the drawings and specification. All work to be in accordance with good building practice and BS 8000 to the extent that the recommendations define the quality of the finished work. Materials, products and workmanship to comply with all British Standards and EOTA standards with, where appropriate, BS or EC marks.
All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer
All finishes, insulation and damp-proofing to architect's details



LOCATION PLAN
(1:1250)
LICENSE NO: 100022432

D	PLANNERS COMMENTS	MAR 2019
C	PLANNERS COMMENTS	JAN 2019
B	PLANNERS COMMENTS	SEPT 18
A	PLANNERS COMMENTS	SEPT 18
REVISIONS		DATE

MORTON & HALL
CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue,
March,
Cambridgeshire,
PE15 8AJ

Tel: 01354 655454
Fax: 01354 660467
E-mail: info@mortonandhall.co.uk
Website: www.mortonconsultingengineers.co.uk

LABC Building Excellence Awards
winner

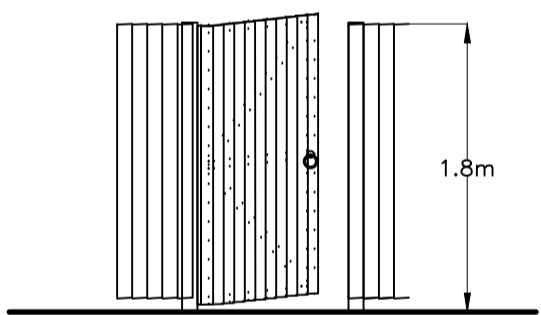
Fenland District Council
Building Design Awards
winner

CLIENT
Mr Fletcher

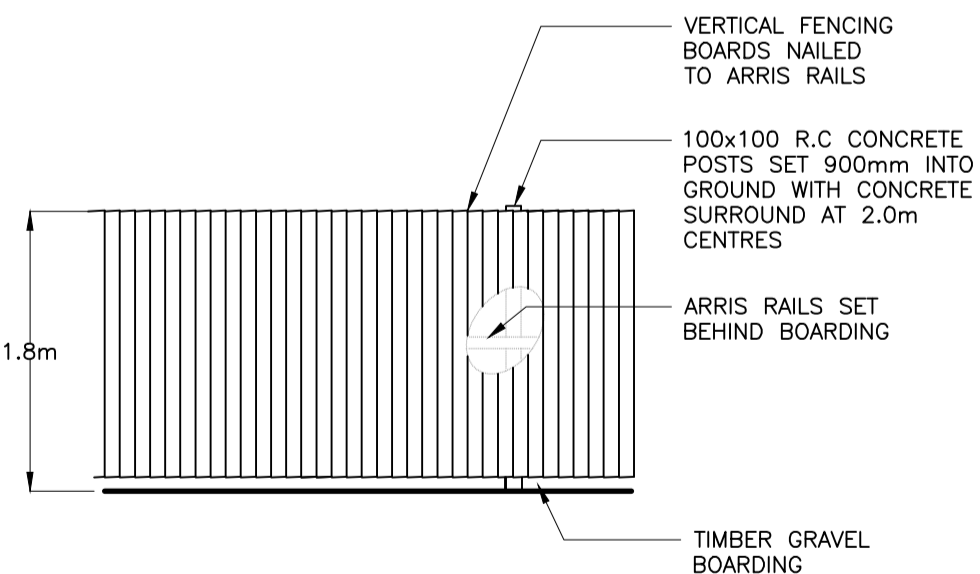
PROJECT
Plots to Land West of
Three Horse Shoes
Public House
Cambs, PE7 2DN

TITLE
Proposed Site Plan

DRAWN M. Halmshaw	DATE OF ISSUE
CHECKED	
DATE August 2018	DRAWING NUMBER H5999/00 _D
SCALE As Shown	

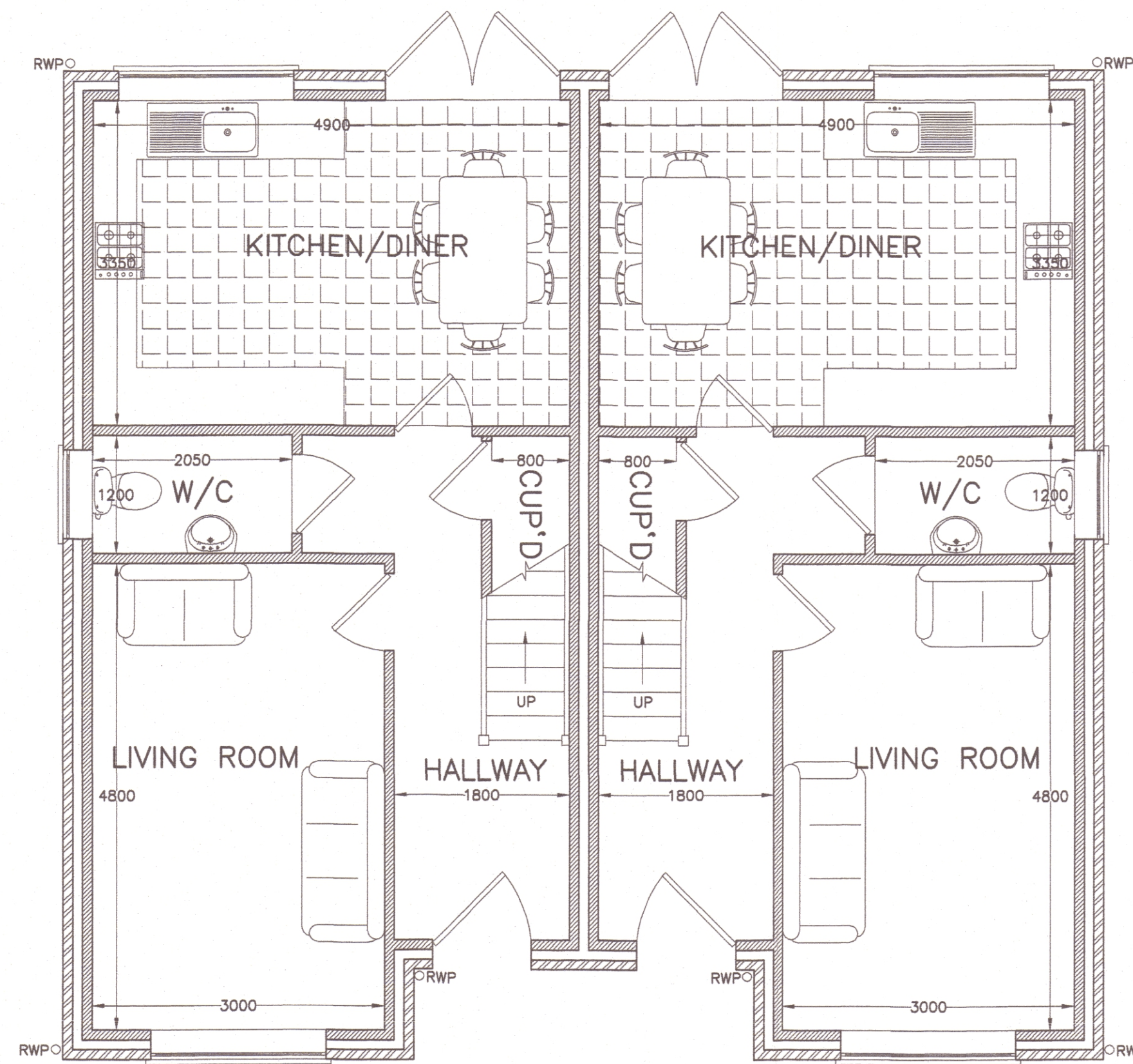


GATE DETAIL
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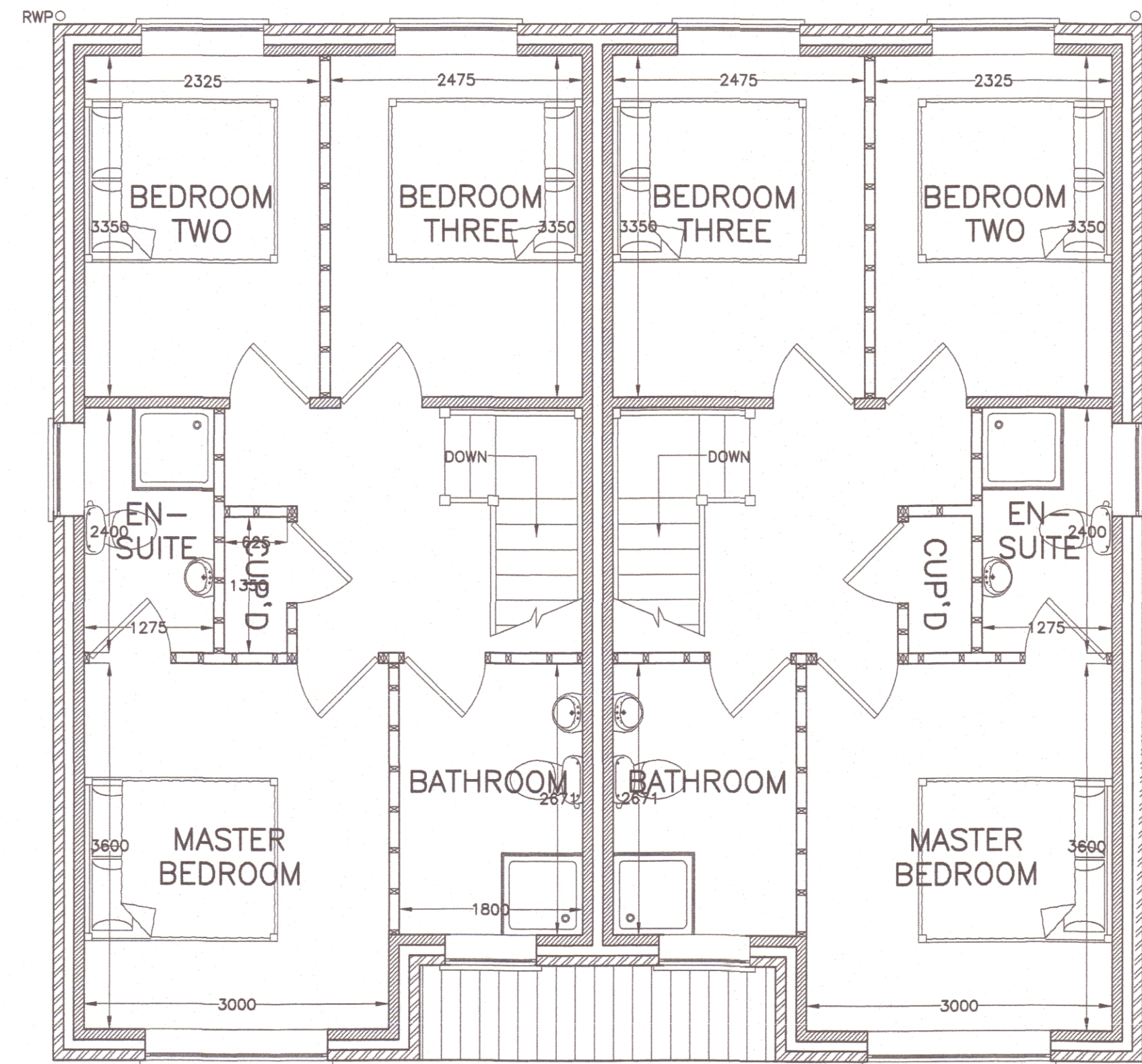


1.8m HIGH FENCE DETAIL
(1:50)

PROPOSED SITE PLAN
(1:200)



PROPOSED GROUND FLOOR PLAN
(1:50)



PROPOSED FIRST FLOOR PLAN
(1:50)



PROPOSED FRONT ELEVATION
(1:50)



PROPOSED RHS ELEVATION
(1:100)



PROPOSED REAR ELEVATION
(1:100)



PROPOSED LHS ELEVATION
(1:100)

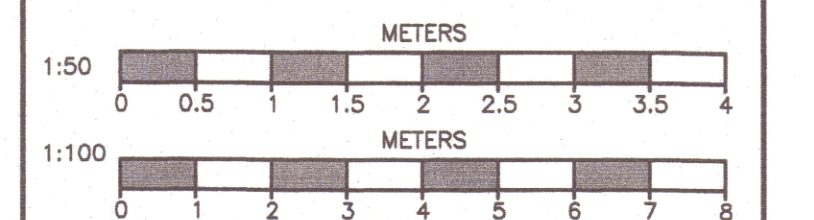
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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.
The contractor is to arrange inspections of the works by the BCO (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

All finishes, insulation and damp-proofing to architect's details

PLAN KEY

- PROPOSED 100mm BRICKWORK
- PROPOSED 100mm BLOCKWORK
- PROPOSED 100mm STUDWORK
- PROPOSED 100mm INSULATION
- PROPOSED VELUX WINDOW



A	PLANNERS COMMENTS	JAN 2019
	REVISIONS	DATE

MORTON & HALL
CONSULTING LIMITED
CONSULTING STRUCTURAL ENGINEERS

1 Gordon Avenue,
March,
Cambridgeshire,
PE15 8AJ

Tel: 01354 655454
Fax: 01354 650457
E-mail: info@mortonandhall.co.uk
Website: www.mortonandhall.co.uk

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Fenland District Council
Building Design Awards
Building Excellence in Fenland

CLIENT	Mr Fletcher
PROJECT	Three Horse Shoes Public House Turves, Cambs PE7 2DN
TITLE	Proposed Floor Plans And Elevations PLOTS ONE AND TWO
DRAWN	M. Halmshaw
CHECKED	
DATE	August 2018
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5999/01_A

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F/YR19/0240/F

Applicant: Mr & Mrs Goat

**Agent : Mr C Rudd
Swann Edwards Architecture Limited**

The Broad, Willock Lane, Wisbech St Mary, Wisbech

Erection of a 2-storey 4-bed dwelling and a detached 2-storey 4-bay garage/storage involving the demolition of existing dwelling and outbuildings

Reason for Committee: 6 letters of support have been received in respect of this submission which at odds with the Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1 There is an extant consent for a replacement dwelling on this site which was found on balance compliant with Policy LP12 (c) which sets out the criteria for a replacement dwelling in the countryside, all of which must be met if the principle of development is to be deemed acceptable.
- 1.2 This revised scheme proposes a significantly larger dwelling which in terms of its design and scale, it being circa 382% larger than the original dwelling, is at odds with Policy LP12 thereby undermining the policy framework;
- 1.3 Furthermore it will result in a dwelling and associated garaging which by virtue of its prominent and isolated position will appear more strident in the street scene; thereby having a significant adverse impact on the character of the location which will result in the rural characteristics of the area being eroded.
- 1.4 Accordingly the scheme is considered at odds with Policies LP12 and LP16 and undermines the aims of Policy LP12 Part C.
- 1.5 Whilst the scheme has attracted some local support, and has enhanced sustainability credentials by way of resource use these factors are not so convincing as to override the lack of policy compliance and harm attributable to the character of the location that would arise should the proposal be favourably recommended.

2 SITE DESCRIPTION

- 2.1 The Broad is approximately 1.5km south of Wisbech St. Mary on Willock Lane. The lane has an open rural character with a few isolated dwellings and agricultural buildings. The Broad is a small cottage with a lean-to shed to the side and an outbuilding and a couple of sheds to the rear. There is an existing access. The site is within Flood Zone 3
- 2.2 There is substantial landscaping around the building demarcating a tightly drawn curtilage surrounded by agricultural paddock in use for grazing and arable fields.

- 2.3 Two caravans are sited to the rear of the property and are served by an access drive which runs to the north-east of the property.

3 PROPOSAL

- 3.1 This application seeks full planning permission for a replacement dwelling and garage, including the demolition of the existing cottage and outbuildings.
- 3.2 The proposed development comprises a detached house with a footprint of 192 square metres an eaves height of 4.5 metres and a ridge height of 8.5 metres. Overall the property will have a floor space of circa 342 square metres.
- 3.3 To serve the dwelling it is proposed to construct a 4-bay garage, this will have a footprint of 104 metres, an eaves height of 2.9 metres and a ridge height of 6.2 metres. The garage will have a first floor which is annotated as being for 'storage', this element benefits from dormer windows and roof lights in both roof planes'.
- 3.4 A small plant room is also proposed immediately to the rear of the garage; this will have a footprint of 4 metres x .7 metres, an eaves height of 2 metres and a ridge height of 3.5 metres.
- 3.5 The scheme also proposes rainwater harvesting and a solar array to serve the property, with regard to the solar array an indicative position of the panels is shown together with numbers.
- 3.6 Two caravans are also on the site and the agent has advised that *these are to be used for living accommodation of the client and their adult children during the course of construction as they are self-building the dwelling*. It has also been indicated that the applicant is '*happy to accept a condition on any approval that removes the caravans within a period after construction is completed*'.
- 3.7 The site layout plans also show an extensive site curtilage, this having previously been accepted by virtue of the earlier consent. It is clear from the plans and aerial photographs held by the Council that indicate the site extending wider and deeper, encompassing agricultural land, than the original curtilage of 'The Broad'

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/YR18/0730/F	Erection of a 2-storey 4-bed dwelling and a detached 4-bay garage involving the demolition of existing dwelling and outbuildings	Withdrawn 28/09/2018
F/YR17/0820/F	Erection of a 2-storey 4-bed dwelling and a detached double garage involving demolition of existing dwelling and outbuilding	Granted 30/10/2017
F/YR17/0403/F	Erection of a 2-storey 4-bed dwelling and a detached double garage involving demolition of existing dwelling and outbuilding	Refused 30/06/2017

5 CONSULTATIONS

5.1 **Parish Council:** *'Recommend Approval'*

5.2 **North Level Internal Drainage Board:** *'Have no comment to make with regard to this application.'*

5.3 **Environment Agency:** **Not yet received**

5.4 **Cambridgeshire County Council Highways Authority:** *'This is an application for the erection of a 2-storey 4-bed dwelling and a detached 2-storey 4-bay garage/storage involving the demolition of existing dwelling and outbuildings. Geometric details of the highway access crossover should be detailed. The access crossover should be sealed and drained in accordance with details to be agreed by LHA. Similar notation to be applied to the plans.'*

5.5 **FDC Scientific Officer (Land Contamination):** *'Have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. However given that the development involves the demolition of an existing building, the unsuspected contamination condition should be imposed.'*

5.6 **Local Residents/Interested Parties:** 6 letters of support have been received from residents of Bunkers Hill, Willock Lane, Galls Drove and North Brink, Wisebch

It should be noted that 4 of the submitted letters are identical templates with address details appended in ink and make the following points:

'Support proposal as the current dwelling is uninhabitable and the site overgrown and unruly. The planning application to demolish the property and erect a 2-storey, 4-bed dwelling will provide for a family home which is much better suited to modern, energy saving living required nowadays.'
2 further letters again highlight that

- *The current dwelling is uninhabitable and the site overgrown lending itself to vandalism*
- *This will provide a family home, with grown up siblings, which is better suited to modern living, particularly with regard to energy saving*
- *Proposal is consistent with other replacement dwellings that have been approved and the site can certainly take the dwelling and garage block*

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

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

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
Para. 39 - Preapplication
Para. 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

National Planning Practice Guidance (NPPG)

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
LP15 - Facilitating the creation of a more sustainable transport network in Fenland
LP16 - Delivering and Protecting High Quality Environments across the District

8 KEY ISSUES

- **Principle of Development**
- **Policy LP12 Part C**
- **Impact on Rural Character**
- **Neighbour Amenity**
- **Highways**
- **Flood Risk**
- **Other matters**

9 BACKGROUND

- 9.1 There is an extant consent for a replacement dwelling on this site; the dwelling as approved comprises a two storey four bed dwelling with a ridge height of approximately 7.6 m and a double garage to the rear with a ridge height of approximately 5.3 m. The maximum floor space within the dwelling as approved was 231 square metres; with the floor space of the original dwelling being 78 square metres.
- 9.2 This consent followed on from an earlier refusal for a replacement dwelling which was resisted as it was considered to be too large when viewed against planning policy. The dwelling which was refused had a ridge height of 8.175 metres (more than double the height of the original dwelling. In addition it proposed a footprint of 106 square metres, atop of which would be first floor accommodation, thereby over doubling the floor space of the original dwelling. In addition the proposed garage was also 30% larger in terms of footprint than an outbuilding on the site which was to be replaced, albeit it was commensurate with the total floor space of all the sheds and outbuildings on site).

In refusing this scheme the LPA noted that:

The proposal does not meet the requirements of Policy LP12 Part C (d) and (e) of the Fenland Local Plan (2014), as the design would have an urbanising effect on the rural setting of the site and the surrounding area, and the proposed size and

scale of the new dwelling is not similar to the original dwelling and therefore would not be in keeping with the established rural character of the area.

- 9.3 For ease of reference the following summary table has been produced to give an overview of the earlier consents relating to the site

	Dwelling Ridge height	Dwelling Eaves height	Dwelling Max width	Dwelling Max depth	Dwelling footprint	Dwelling Total floor space	Garaging/ outbuilding floor space
Existing dwelling	4m	2.6m	12.8m	8.65m	78 sq.m	78 sq.m.	45 sq.m.
F/YR17/0403/F (Refused)	8.175m	5.6 m	12.72m	10.4m	115 sq.m	209.62 sq. m	42.5 sq.m.
F/YR17/0820/F (Granted)	7.582m	4m	12.78m	10.2m	109 sq.m	231 sq.m.	49 sq.m
F/YR18/0730/F (Withdrawn)	8.5m	4.5m	14.2 m (excl. chimneys)	18.4m	190 sq.m	335 sq.m	169 sq.m
F/YR19/0240/F Current proposal	8.5 m	4.5m	14.2m (excl. chimneys)	12.3m	150 sq.m	298 sq.m	169 sq.m

10 ASSESSMENT

Principle of Development

- 10.1 The principle of a replacement dwelling on site has been firmly established by virtue of the extant planning permission F/YR17/0820/F. There has been no change on site that would indicate the scheme no longer complies with Policy LP12 Part C in so far as required by (a) to (c) of this policy. However, it remains necessary to assess policy compliance in terms of (d) - (f).
- 10.2 Similarly matters of flood risk, the sequential test and highway considerations have also been previously considered and the principle of delivering a replacement dwelling on this site accepted.
- 10.3 Against the above backdrop it is necessary to consider the design and scale of the proposed dwelling and ascertain whether this revised proposal still achieves compliance with Policy LP12 and LP16.
- 10.4 An increase over that permitted under Policy LP12 has already been accepted by virtue of the earlier grant of consent; which allowed a resultant dwelling of over double the size of the original and incorporated the delivery of a first floor which could be justified as betterment in light of flood risk considerations, whilst not strictly in accordance with policy.
- 10.5 The scheme currently under consideration would see a dwelling, excluding garage, that would almost quadruple the floor space of the original home with a floor space of 382% of the original dwelling as opposed to the 296% increase already accepted. Furthermore the detached garage structure now proposed exceeds the footprint of the original dwelling by 22%. When the first floor of the garage is factored in this element alone represents a 260% increase of the original dwelling; and 375% of the floor space of the original outbuildings (including sheds) on the site.

- 10.6 It was the Officer's opinion that the earlier, supported, design was appropriate to its rural setting and could be favourably recommended, this being a more modest cottage style dwelling with an overall height of 7.582 metres. The current proposal sees a more substantial dwelling, albeit retaining the cottage features, with a much larger footprint and an increased height of 8.5 metres to the ridge. In addition the garage will further reinforce the built form being sited prominently to the front of the plot and having a ridge height of 6.3 metres.
- 10.7 Whilst it is accepted that the plot is substantial, by virtue of the earlier grant of consent - noting that the original curtilage historically appeared much more tightly drawn around 'The Broad', it is clear that the proposed dwelling which will sit in a prominent and isolated position will appear more strident in the street scene and will lose the rural characteristics that were preserved through the original scheme proposals. This view was conveyed to the agent immediately prior to the earlier scheme proposals, submitted under F/YR18/0720/F, having been withdrawn;
- 10.8 The resubmitted scheme comes forward without further discussion; with the only amendment being the deletion of the full height glazed family room from the rear of the dwelling. Again the design and access statement which accompanies this submission notes that:

The site already benefits from an Approval under reference F/YR17/0820/F to provide the same level of accommodation that is being sought under this application.

The dwelling has a larger footprint than the original approved drawings to accommodate the increased level of insulation in the wall cavities as well as the need to provide a spacious living space for the occupants and visitors.

- 10.9 It is also noted that the design and access statement continues to make reference to the family room detail which has been deleted from this scheme.

Impact on Rural Character

- 10.10 The height of the existing dwelling is approximately 4m. The proposed dwelling would increase this to 8.5 m and will almost double the footprint, even excluding the first floor. A previous application for a two storey dwelling was refused on the grounds that it would have an urbanising effect on the area; and a similar view is held in respect of the current scheme proposals; as such the scheme does not accord with Policy LP12 Part C (d) and (e). The dwelling proposed is deemed to have a significant adverse impact on the character of the location which is clearly at odds with Policies LP12 and LP16 and undermines the aims of Policy LP12 Part C.

Neighbour Amenity

- 10.11 There would be no impact on neighbour amenity given the significant distances to neighbouring dwellings.

Highways

- 10.12 The Local Highway Authority have raised no objection to the scheme on highways safety grounds although they have requested that geometric details of the highway access crossover should be provided; this crossover should be

sealed and drained in accordance with details to be agreed and amended plans in this regard have been requested from the agent.

- 10.13 The proposal utilises an existing access and subject to the additional details being submitted there are no highways objections to the scheme; it is clear that the site can easily accommodate parking and turning commensurate with the scale of the dwelling.
- 10.14 Based on the above evaluation it is considered that the scheme complies with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.

Flood risk

- 10.15 No comments have been received from the Environment Agency with regard to the current scheme; albeit no objection was raised to the earlier withdrawn proposal subject to a condition being imposed relating to the adherence with the recommendations of the submitted FRA. Given that this scheme is almost identical to the earlier withdrawn proposal it is concluded that there are no flood risk implications relating to this proposal.
- 10.16 With regard to the temporary stationing of the caravans again this is considered acceptable in the context of the build.
- 10.17 There are no matters arising which would render this scheme unacceptable in flood risk terms and the scheme complies with Policy LP14 of the FLP (2014)

Other matters

- 10.18 The design and access statement outlines that the scheme will incorporate a number of energy saving/renewable technologies with the dwelling being constructed utilising '*Passivhaus principles with U-values that will greatly exceed the Building Regulations*'. Whilst such features are welcomed and accord with Policy LP14 (Part A - resource use) they are not sufficient in themselves to overcome the more fundamental in principle issues with the scheme.
- 10.19 Similarly local support has been garnered for the scheme proposals whilst this has been considered it is not so convincing, especially when acknowledging that there is an existing approval for the site which enables redevelopment of the site, as to render this non-policy compliant scheme acceptable.

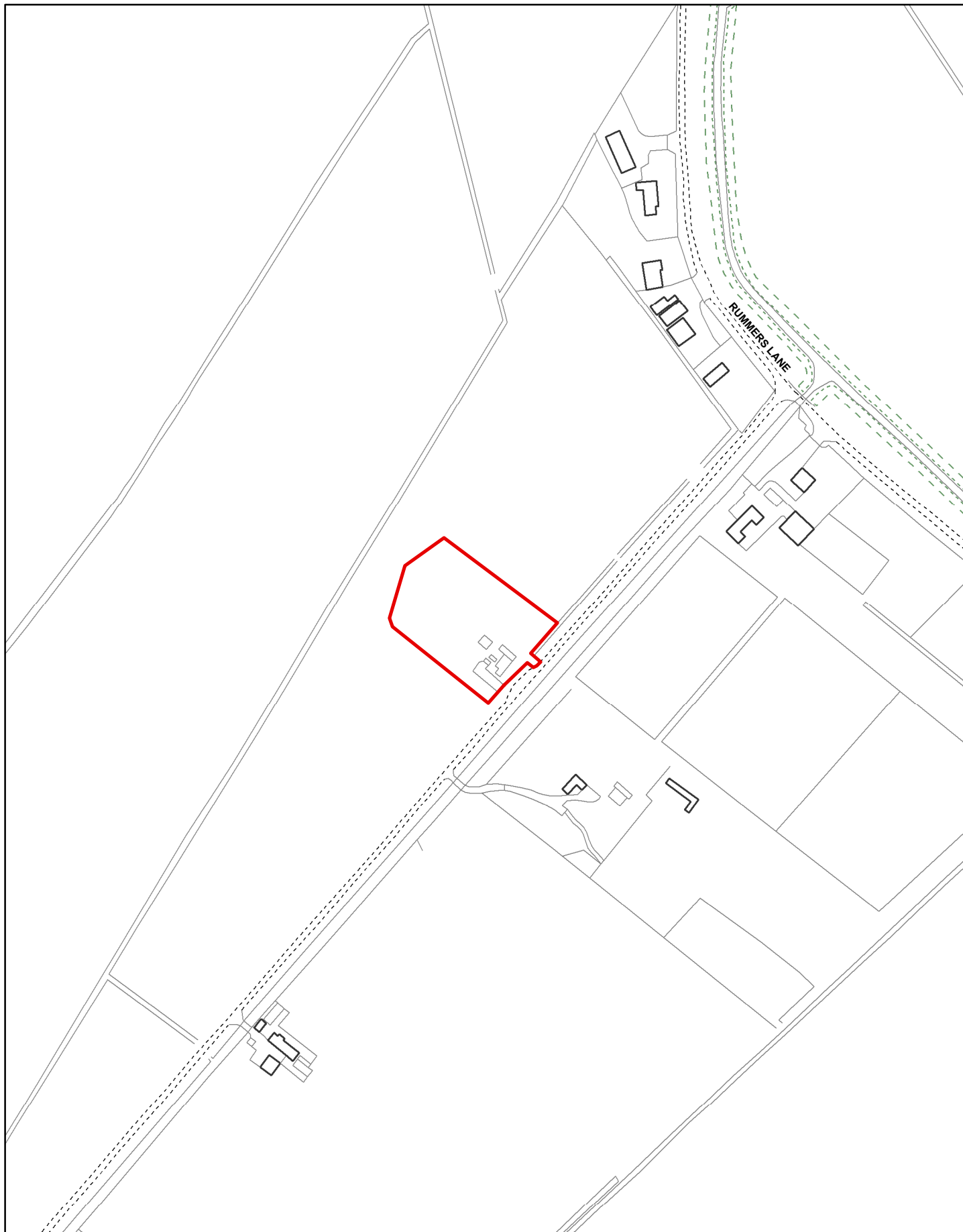
11 CONCLUSIONS

- 11.1 This proposal does not comply with Policy LP12 part C in respect of size and scale; the resultant dwelling would be at odds with the rural character of the location and as such contrary to LP12 and LP16. Accordingly the scheme must attract a refusal recommendation.

12. RECOMMENDATION: Refuse

1	Policy LP12 Part C sets out the criteria for a replacement dwelling in the countryside, all of which must be met if the principle of development is to be deemed acceptable. This replacement dwelling scheme also falls to be considered its overall impact on the character of the area and its
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	<p>appropriateness in terms of response to its setting in accordance with the wider aims of LP12 and LP16.</p> <p>The proposed dwelling does not comply with the specific criteria relating to the size and scale of the replacement unit being as it is circa 382% larger than the original dwelling. This is at odds with Policy LP12 and undermines the policy framework; furthermore it will result in a dwelling and associated garaging which by virtue of its prominent and isolated position will appear more strident in the street scene. This is considered to have a significant adverse impact on the character of the location and will result in the rural characteristics of the area being eroded. Accordingly the scheme is considered at odds with Policies LP12 and LP16 and undermines the aims of Policy LP12 Part C.</p>
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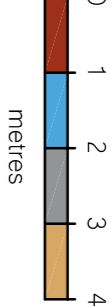
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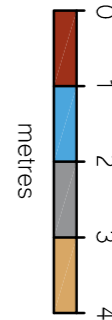
3. The contractor, sub-contractors and suppliers must add dimensions on site prior to the commencement of any work.
 4. This drawing is to be read in conjunction with all relevant specifications, standards and specifications.
 5. Any discrepancies are to be brought to the attention of the design team.
- The architectural drawings include three main views of a building:

 - Front Elevation (SE):** A two-story building with a gabled roof. The left side has a large window and a door. The right side has a smaller window and a door. The roof is labeled 'roof'. The walls are labeled 'brick cladding' and 'render'. A scale bar indicates 0 to 4 metres.
 - Side Elevation (NE):** A side view of the building showing a gabled roof. The left side has a large window and a door. The right side has a smaller window and a door. The roof is labeled 'roof'. The walls are labeled 'brick cladding' and 'render'. A scale bar indicates 0 to 4 metres.
 - Site Plan:** A plan view of the building and its surroundings. The building is shown with its footprint and internal layout. The surrounding area is labeled 'agricultural field'. A 'grass verge' and 'drain' are also indicated. The street name 'WILLOCK LANE' is shown at the top.

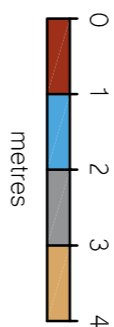
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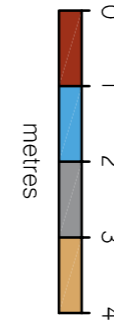
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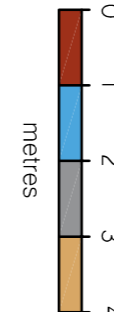
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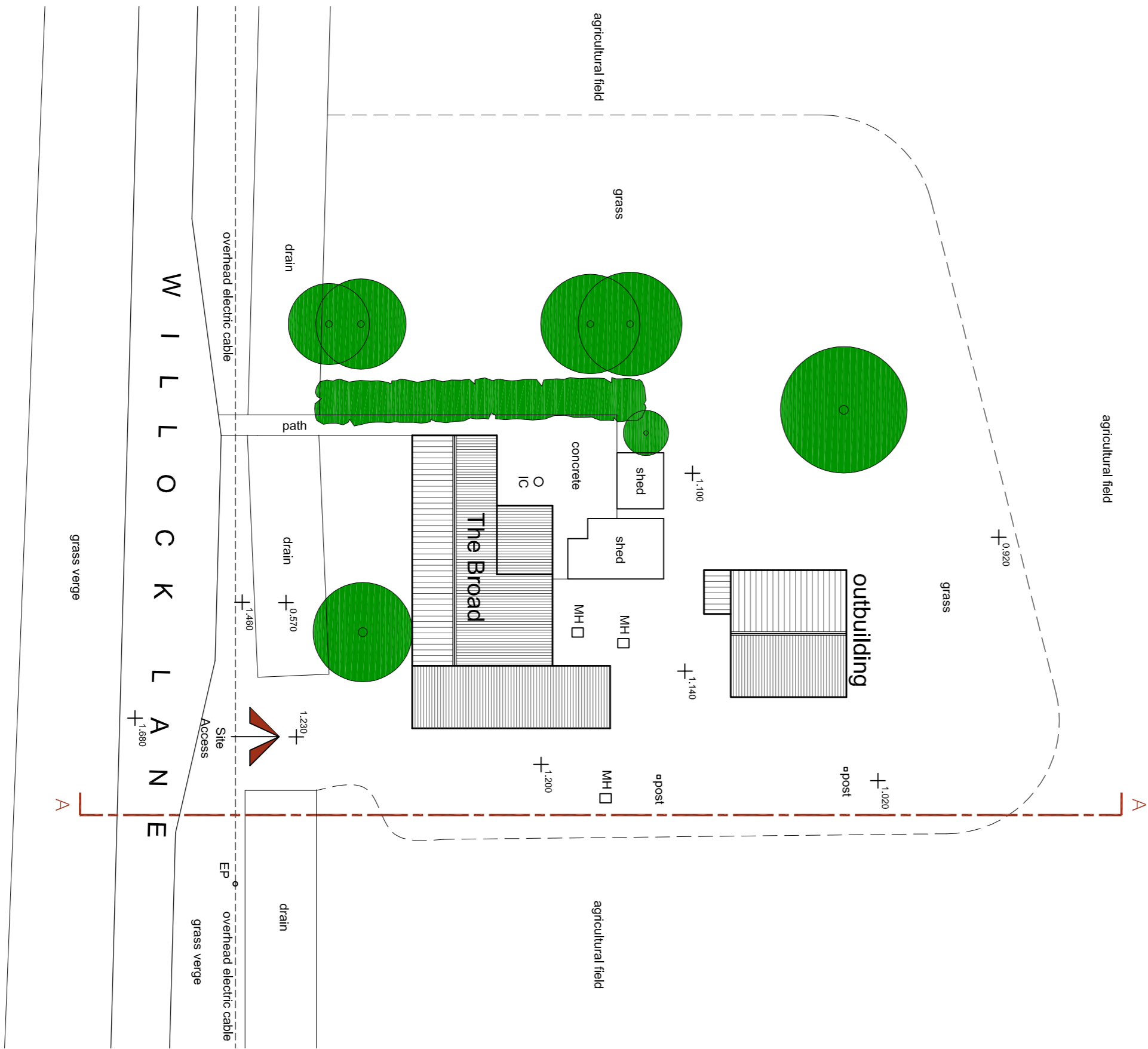
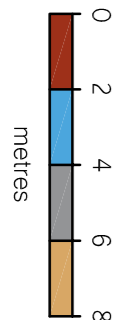
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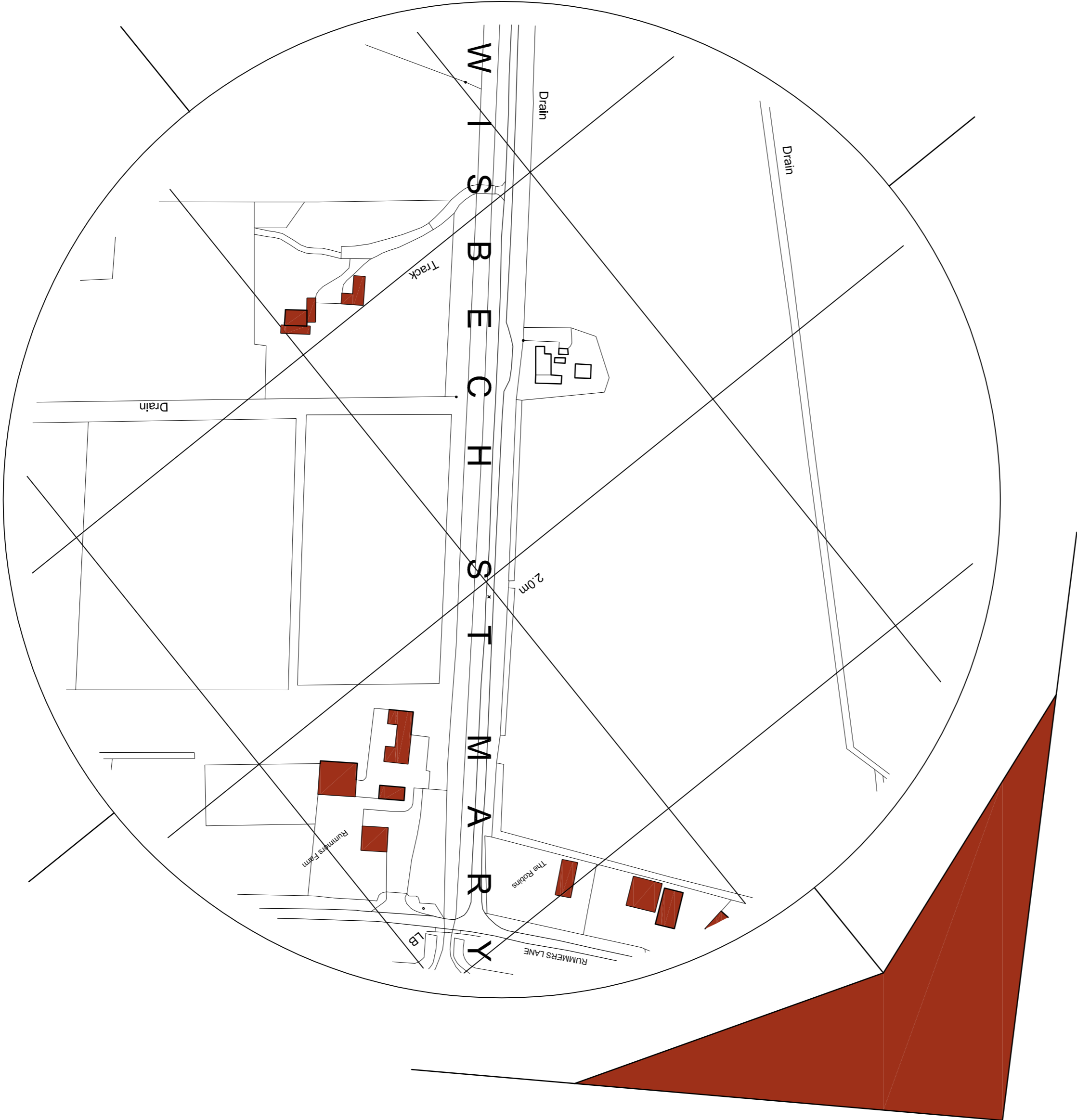
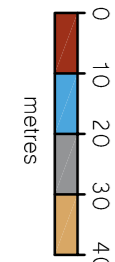
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Scale: 1:200



Scale: 1:1250



	Indicates existing buildings surveyed
	Indicates existing trees and planting surveyed
	Indicates existing site access
	Indicates site levels to ordinance datum



SWANN EDWARDS

A R C H I T E C T U R E

Swann Edwards Architecture Limited, Swann Edwards Architecture,
 1 0 1945 450394 e info@swannedwards.co.uk w www.swannedwards.co.uk

Replacement Dwelling
 The Broad, Wilcock Lane,
 Wilsnet St Mary,
 for: Francis Hardy Charity

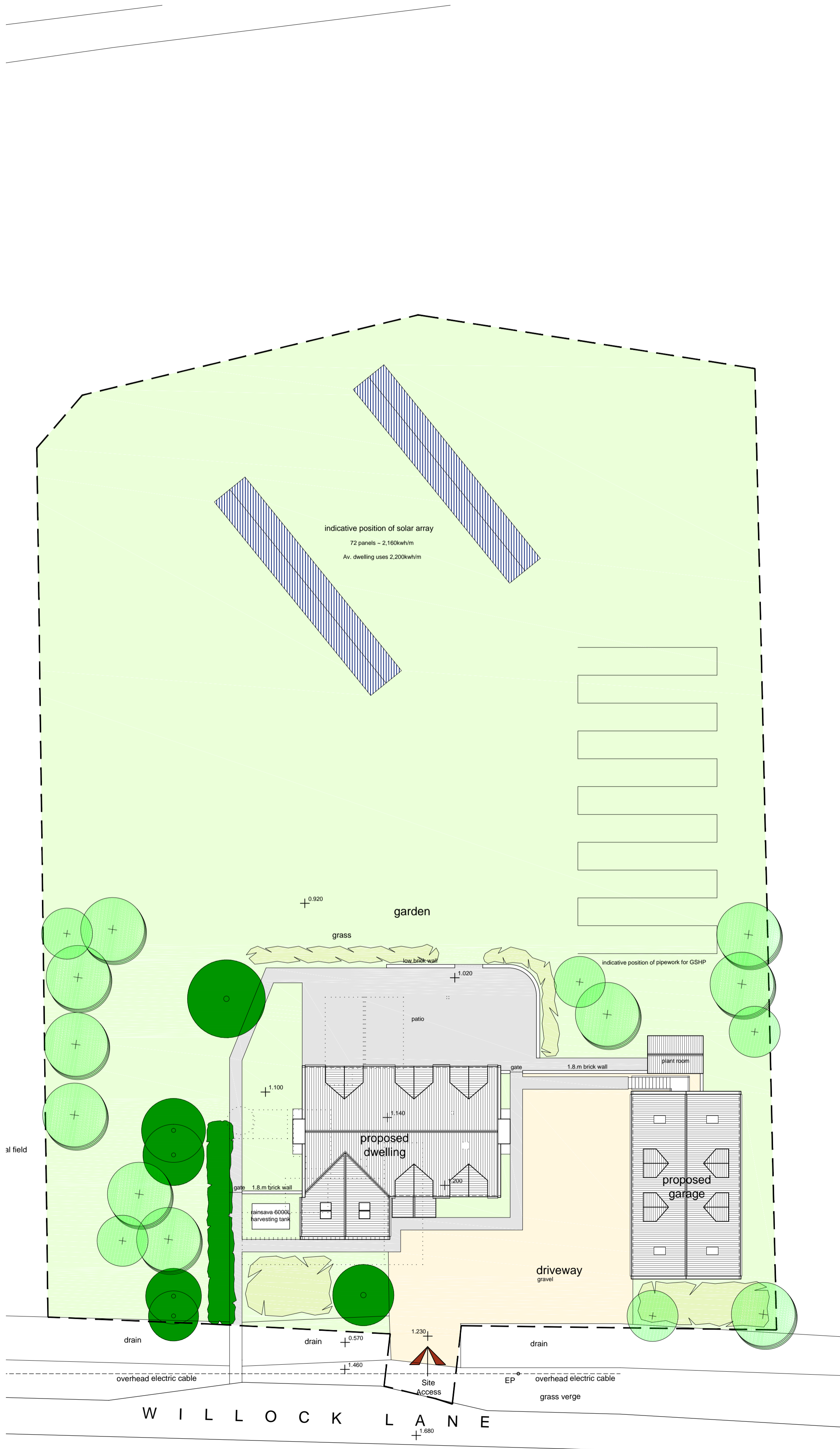
Joe Tate
 Joe Tate

Drawn By
 Surety Drawing

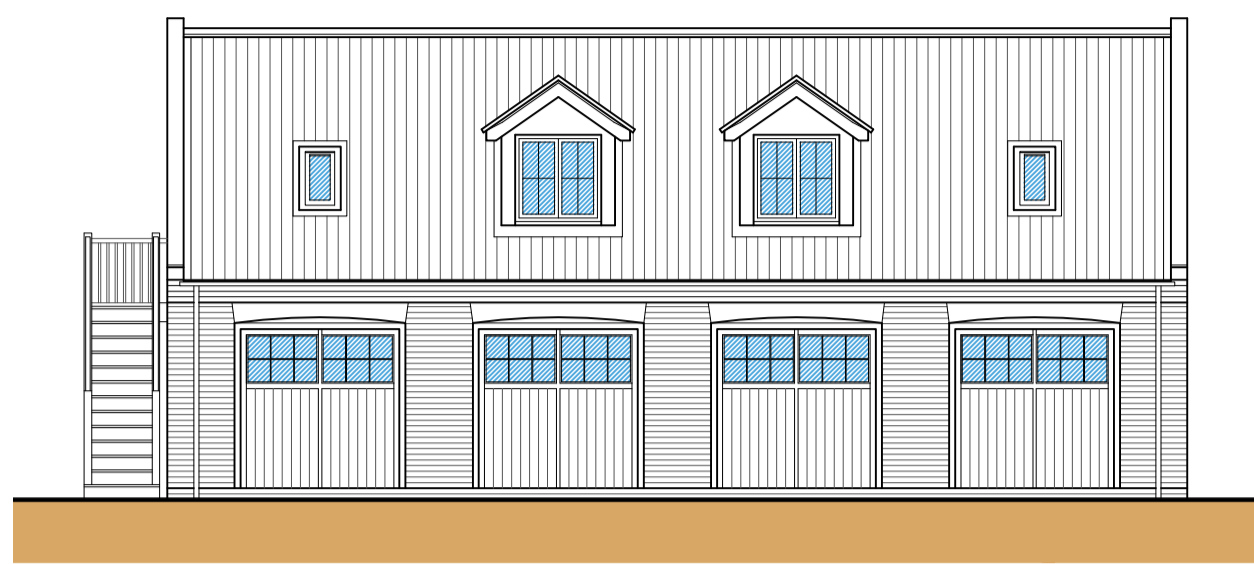
Date	March 2017
Scale	As Shown Sheet Size A1

Drawn No.	SE-749
Drawn By	She

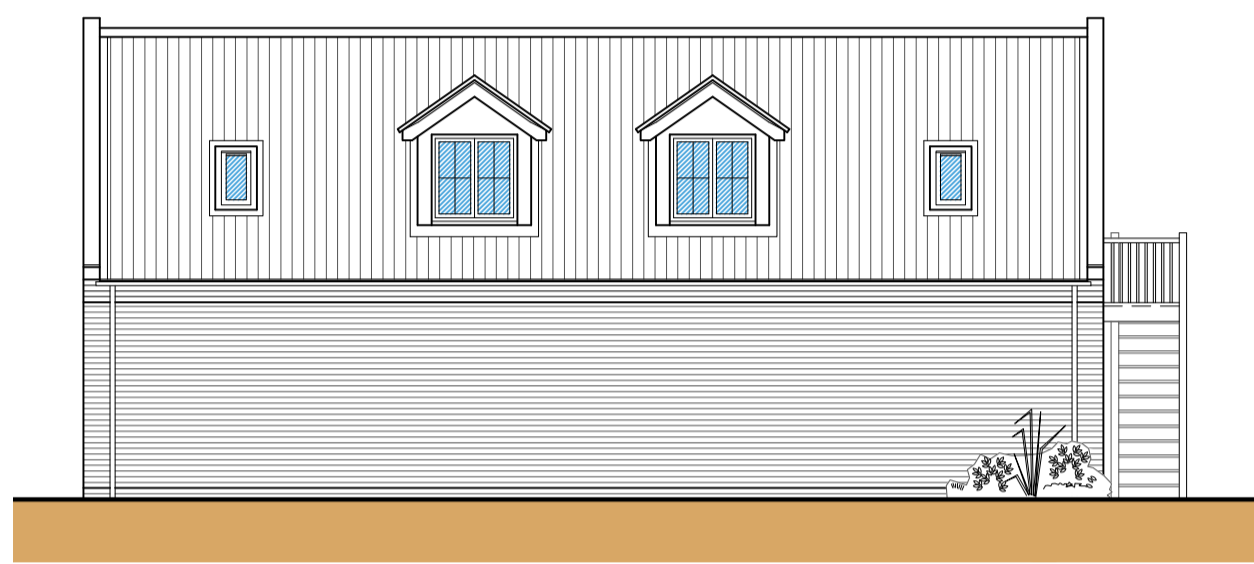
Drawn No.	01
Revision	



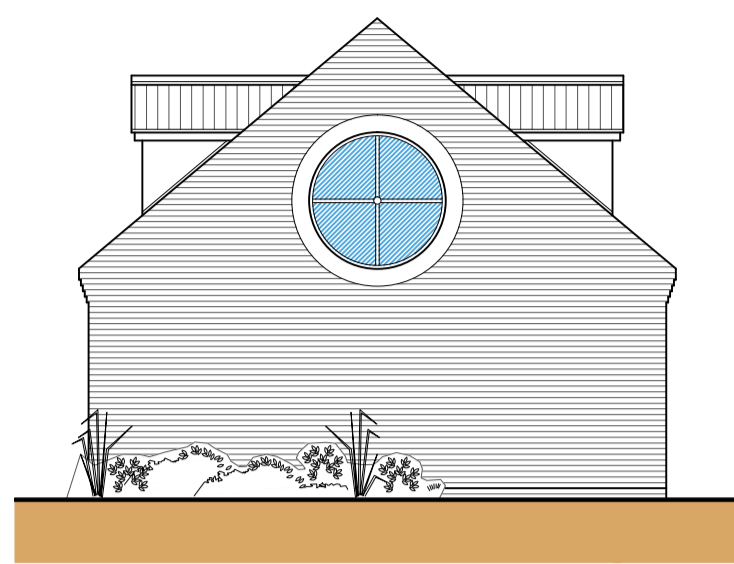
Site Plan
Scale: 1:200



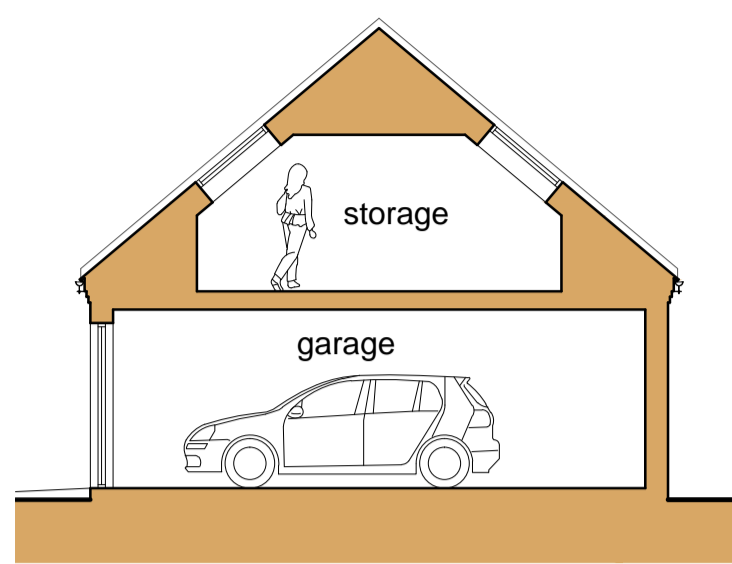
Front Elevation (SW)
Garage - Scale: 1:100



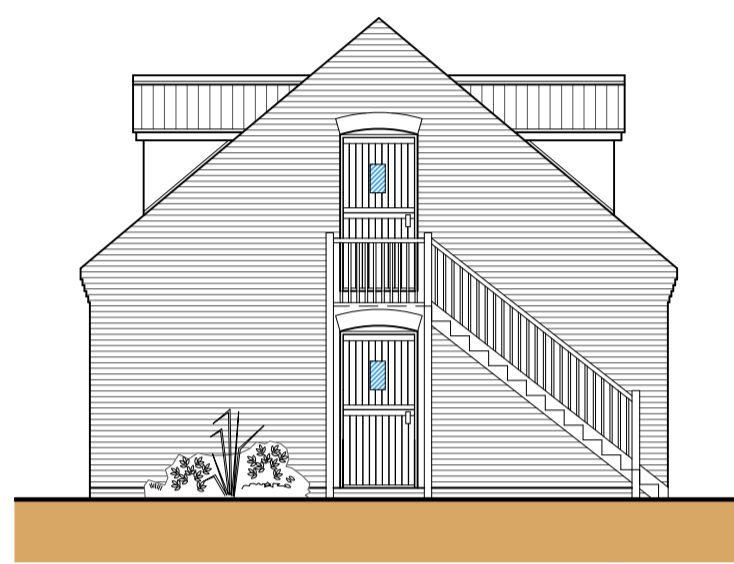
Rear Elevation (NE)
Garage - Scale: 1:100



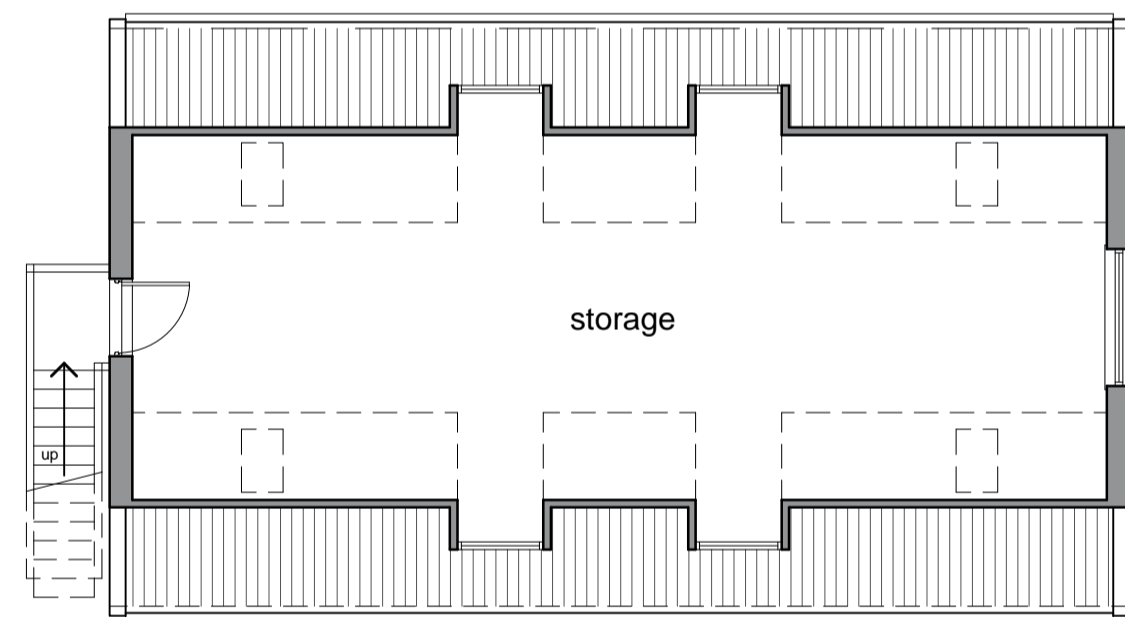
Side Elevation (SE)
Garage - Scale: 1:100



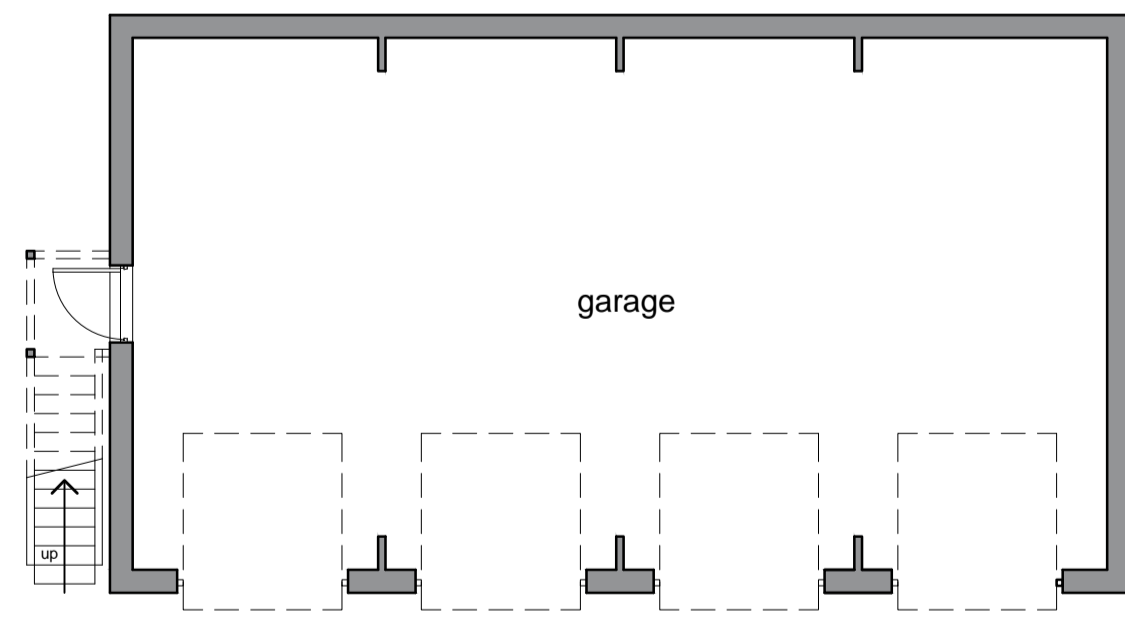
Typical Section
Garage - Scale: 1:100



Side Elevation (NW)
Garage - Scale: 1:100



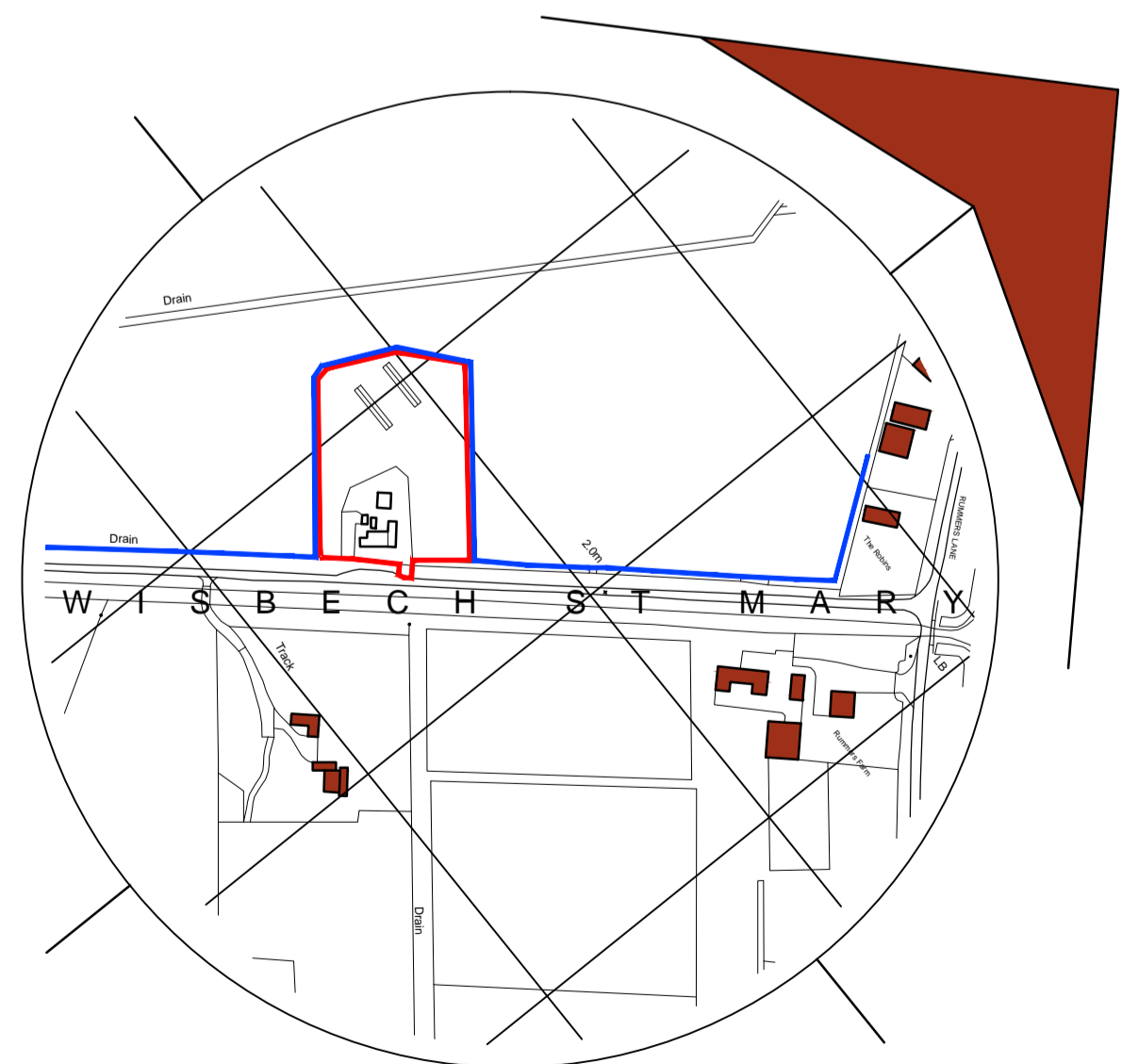
First Floor Plan
Garage - Scale: 1:100



Ground Floor Plan
Garage - Scale: 1:100



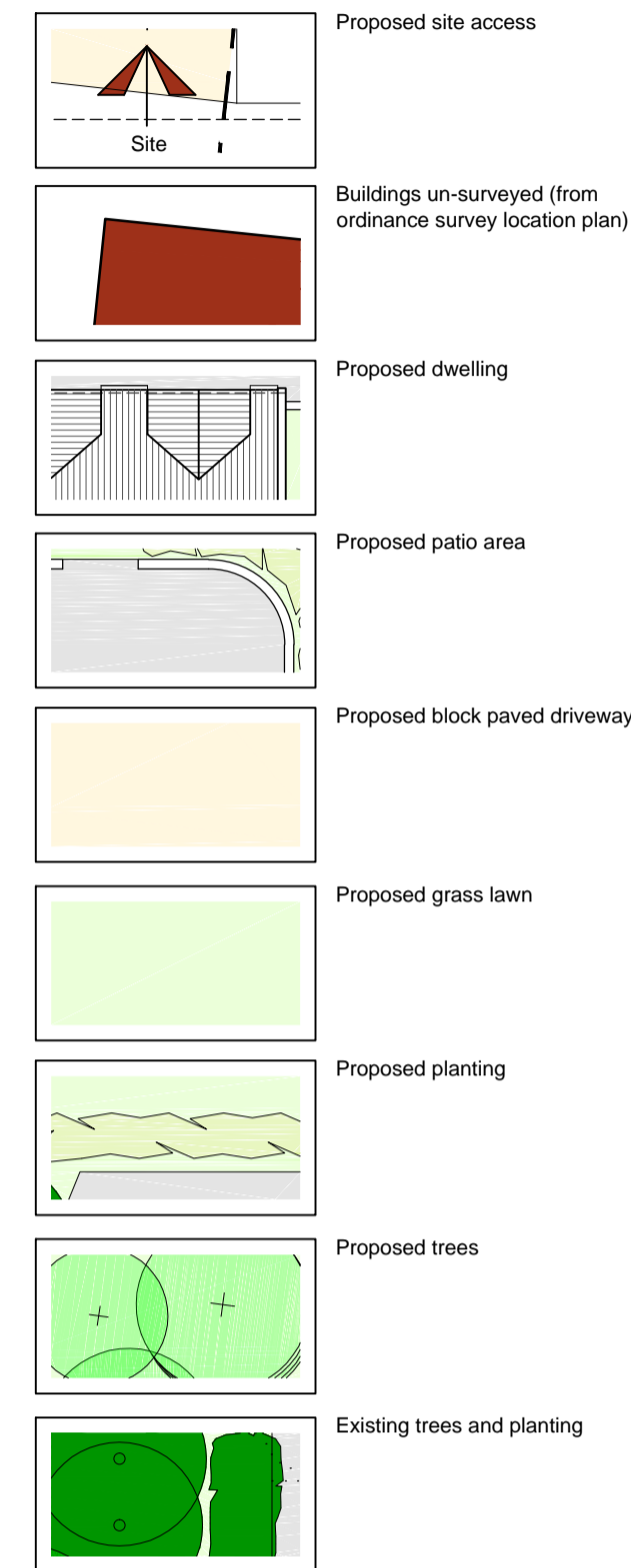
Plant Room Elevations
Scale: 1:100



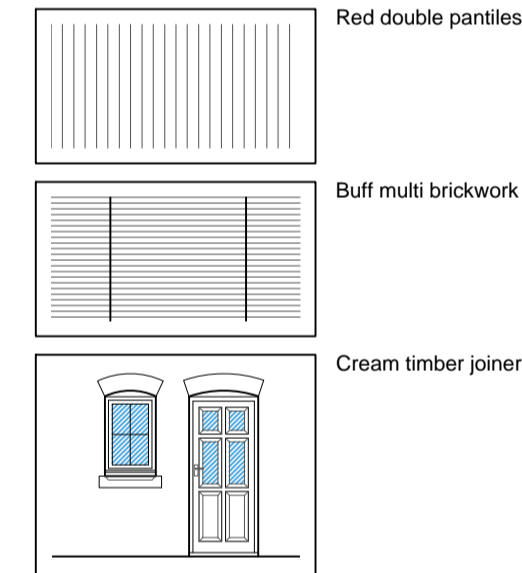
Location Plan
Scale: 1:2500

- 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



ELEVATION KEY



Revisions		
F	March 2019	Planner Comments Amendments

Status
FOR APPROVAL

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

Job Title	Date	Scale
Replacement Dwelling	May 2018	As Shown
The Broad, Willock Lane, Wisbech St Mary for: Mr & Mrs Goat		Sheet Size A1
Drawing Title	Job No.	Drawn by
Planning Drawing	SE-961	CR
Site Plan, Location Plan		Revision
Garage Plans and Elevations	Dwg No. 11	F



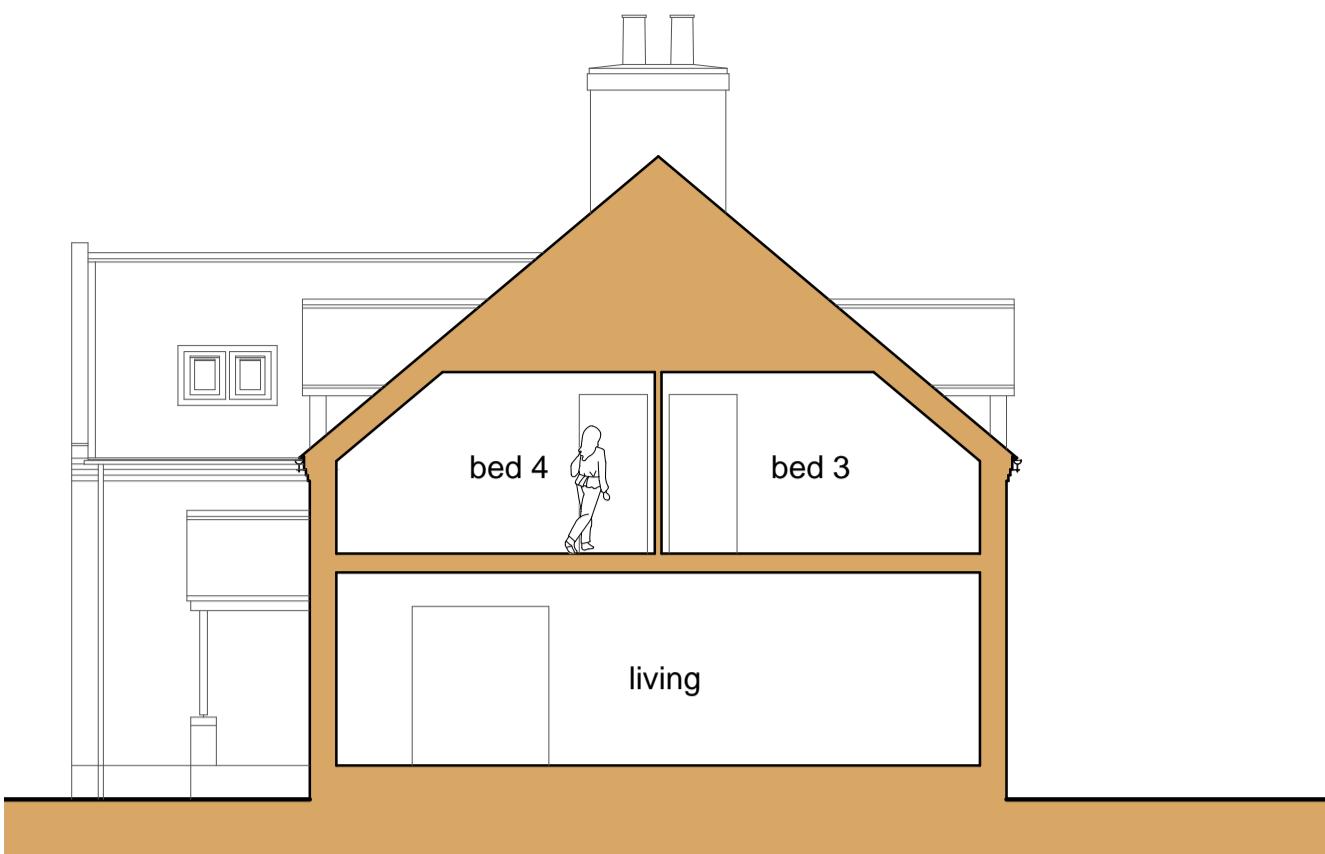
Front Elevation (SE)

Scale: 1:100



Side Elevation (NE)

Scale: 1:100



Section A-A

Scale: 1:100



Rear Elevation (NW)

Scale: 1:100



Side Elevation (SW)

Scale: 1:100

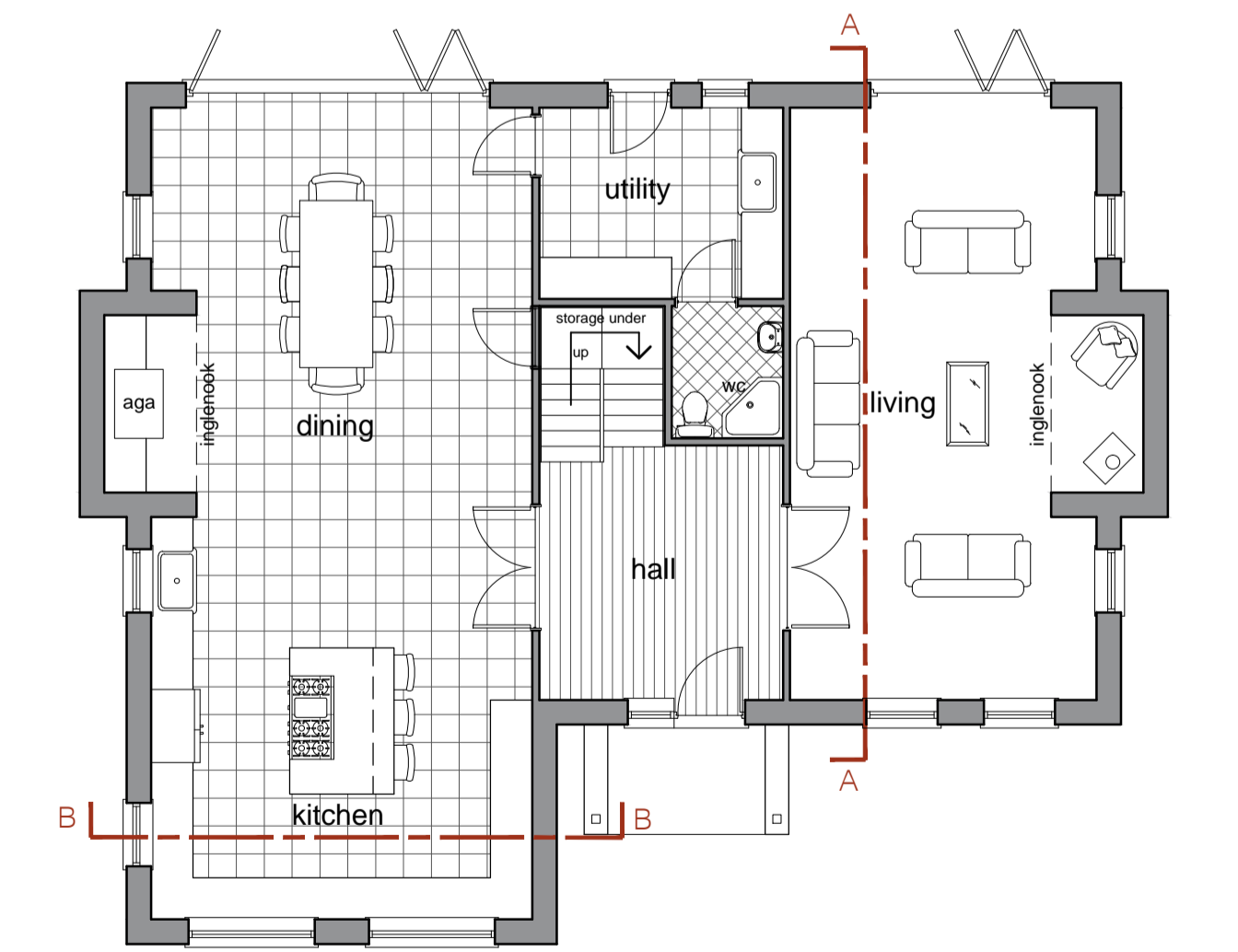
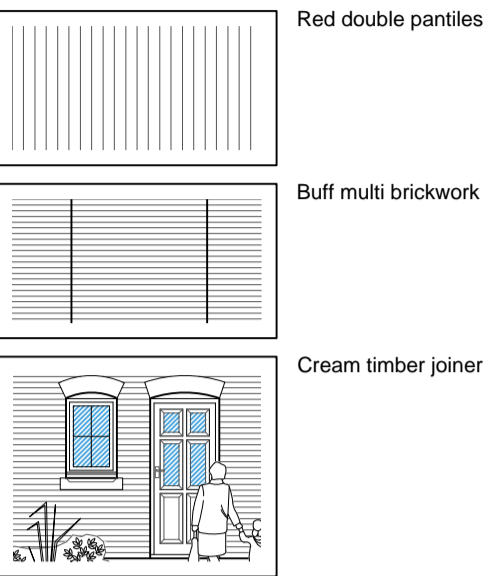


Section B-B

Scale: 1:100

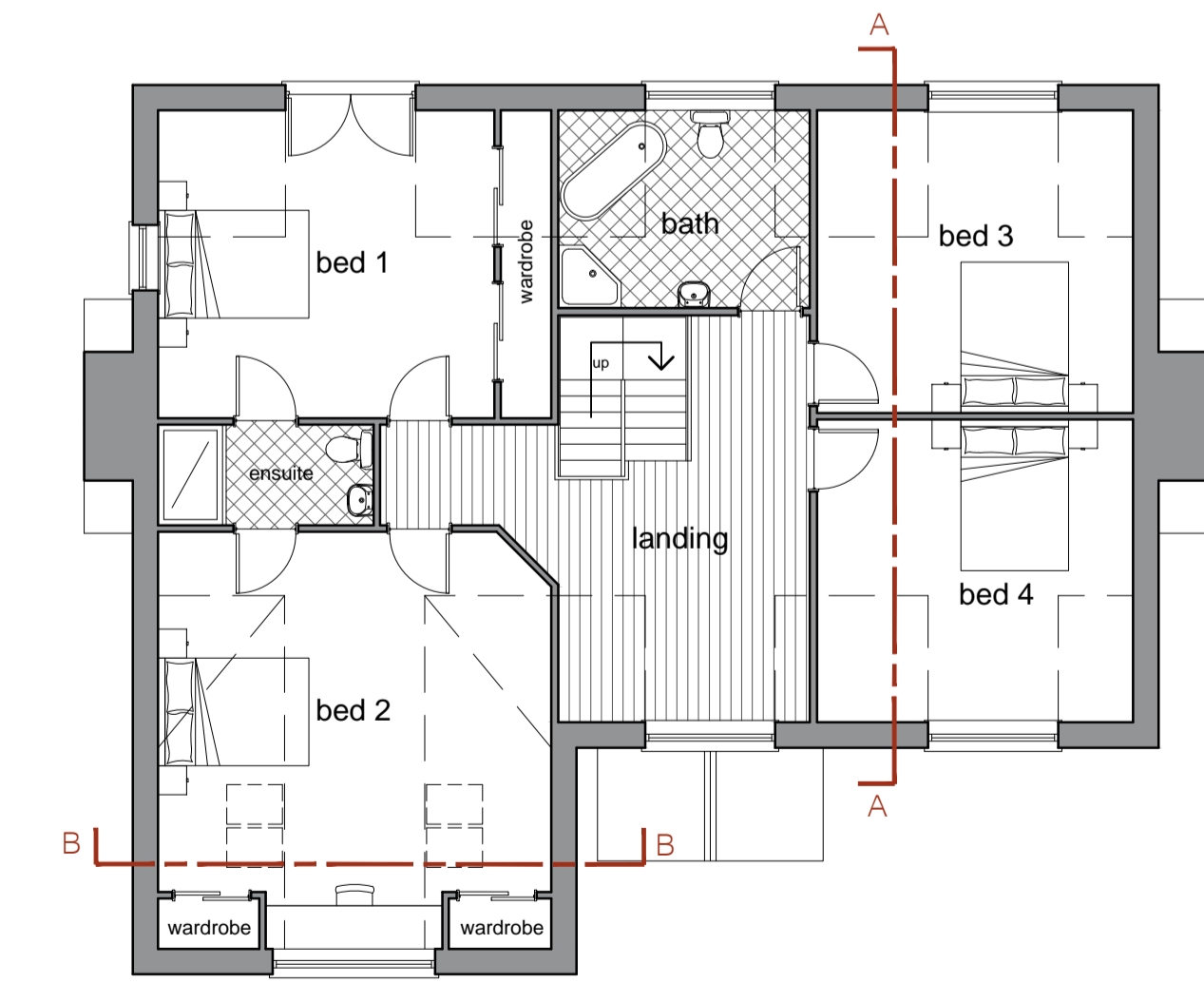
- General Notes
1. This drawing shall not be scaled, figured dimensions only to be used.
 2. All dimensions are shown in "mm" unless otherwise stated.
 3. The contractor, sub-contractors and suppliers must verify all dimensions on site prior to the commencement of any work.
 4. This drawing is to be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

ELEVATION KEY



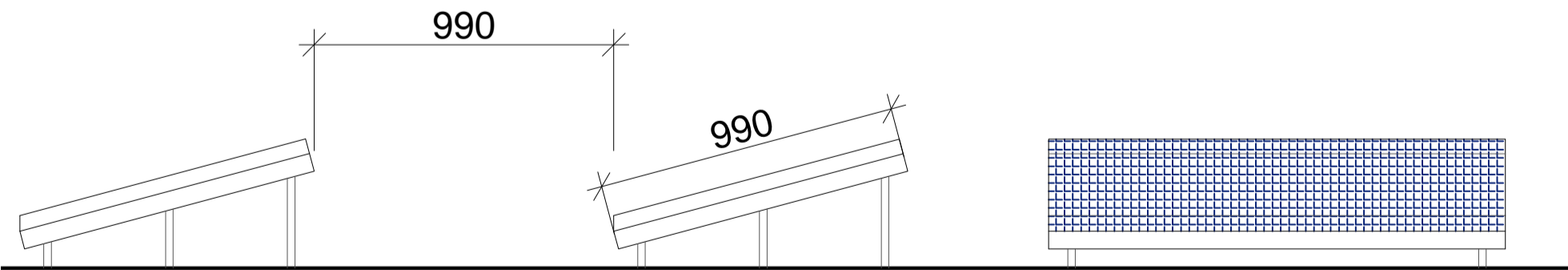
Ground Floor Plan

Scale: 1:100



First Floor Plan

Scale: 1:100



Typical Solar Array Detail

Scale: 1:20

Revisions			Planner Comments Amendments
E	March 2019		

Status
FOR APPROVAL

SWANN EDWARDS
ARCHITECTURE

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

Job Title		Date	Scale
Replacement Dwelling The Broad, Willock Lane, Wisbech St Mary for: Mr & Mrs Goat		May 2018	As Shown Sheet Size A1
Drawing Title		Job No.	Drawn by
Planning Drawing Dwelling Plans and Elevations		SE-961	CR
		Dwg No.	Revision
		10	D