

## AGENDA

### **PLANNING COMMITTEE**

**WEDNESDAY, 30 JANUARY 2019**

**1.00 PM**

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

Committee Officer: Jo Goodrum  
Tel: 01354 622285  
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- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 8)  
  
To confirm and sign the minutes from the previous meeting of 9 January, 2019.
- 3 To report additional items for consideration which the Chairman deems urgent by virtue of the special circumstances to be now specified
- 4 To receive Members declarations of any interests under the Local Code of Conduct or any interest under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 5 F/YR17/0304/F  
Land East of 88 Sutton Road, Leverington  
  
Erection of 221 dwellings, consisting of 4x3 storey 4 bed, 44x2 storey 4 bed, 103x2 storey 3 bed, 61 x 2 storey 2 bed, 4x2 storey 1 bed, 4x1 bed flat and 1 x 2 bed flat (Pages 9 - 50)
- 6 F/YR18/0646/O  
Land south of 6 Eastwood End, Wimblington

Erection of up to 3 no dwellings(outline application with all matters reserved) (Pages 51 - 68)

7 F/YR18/1095/O

The Laurels, High Road, Bunkers Hill, Wisbech St Mary

Erection of up to 3 no dwellings involving demolition of existing dwelling and outbuildings (outline application with all matters reserved) (Pages 69 - 82)

8 F/YR18/1086/LB

March Town Hall, Market Place, March

Works to a listed building comprising of replacement casements to 15no first-floor (windows 1-15) and repairs to casements to 7no ground floor windows (windows 16 - 22) on north, south and east elevations including 5no windows with secondary glazing (Pages 83 - 96)

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

## PLANNING COMMITTEE



**WEDNESDAY, 9 JANUARY 2019 - 1.00 PM**

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

**APOLOGIES:** Councillor S Court.

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

### **P55/18      PREVIOUS MINUTES**

The minutes of the meeting of 5 December were confirmed and signed.

Councillor Connor clarified that he does not sit on Doddington or Wimblington Parish Council, but attends the meetings in his capacity as a District and County Councillor.

### **P56/18      F/YR18/0902/A POUNDSTRETCHER, FENLAND WAY, CHATTERIS DISPLAY OF 1X INTERNALLY ILLUMINATED FASCIA SIGN TO SHOP FRONT AND 1X NON ILLUMINATED FASCIA SIGN TO SHOP SIDE**

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

David Rowen presented the report to members.

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

- Councillor Mrs Laws stated that members had a good view of the site from Larham Way and as the application stands now with the illuminated sign to the front of the retail premises and the non illumination sign to the side of the premises, in her opinion, the proposal is now acceptable.
- Councillor Connor agreed with the comments made by Councillor Mrs Laws.
- Councillor Benney added that the residents in Larham Way are in his Town Council ward and he has received no representations or concerns regarding the sign.

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

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

### **P57/18      F/YR18/0899/F SITE OF FORMER DRP VEHICLE SERVICES, FALLOW CORNER DROVE, MANEA ERECTION OF 2X2-STOREY, 3 BED-DWELLINGS AND 1X2-STOREY, 4-BED**

## **DWELLING**

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

David Rowen presented the report to members.

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

Mr Gowler explained that he wished to clarify a few points which were contained within the officer's report. He stated that under the NPPF, for developments in flood zone 3, the exception test is not required because the current site is 100% paved or roofed so there is no impermeable area currently in situ and the new site proposal is only for a 40% impermeable area, which is a 60% reduction of permeable area which would be beneficial.

Mr Gowler added that the current site is unsightly and is a commercial unit on the entrance to Manea and, in his opinion a development of housing would be better suited for that site. He made the point that the proposed area is currently used by a garage and a photography studio, which is offered on a short term let, and although the buildings have been improved in some areas, other parts of the buildings are not in a state of good repair.

Mr Gowler referred to the car parking that has been provided it is 2.5 metres wide, which falls in line with highways requirements, and although the site plan may be slightly misleading as it shows an overhang to the roof, the site does comply with the requisite specification of 2.5 metre wide spaces for all properties. He stated that the garden areas are mentioned in the officer's report as to being below the required one third of the property size and, in his view, this statement is incorrect as the areas per property are plot 1 - 42% private space, plot 2 - 43% private space and plot 3 is 34% of private space, which is all over the one third policy requirement.

Mr Gowler commented that the officer's report mentions that the development is unbalanced and is of a cramped appearance and stated that the reason for the housing type proposed rather than a 1.5 storey property is because it links visually between the two properties that have recently been built in the vicinity of the proposal.

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

- Councillor Hay stated that the proposal for three properties on the development is too many and is cramped and, with regard to the width of the parking spaces, she feels that they are inadequate and will lead to on street parking. For those reasons she cannot approve the application.
- Councillor Connor expressed the view that in principle he does not disagree with the development even though it is in flood zone three, but he agrees with Councillor Hay's comment that the proposal for three dwellings is too many for the site and he would encourage the applicant to submit another application for two dwellings, so that there is a better provision of amenity space and car parking.
- Councillor Mrs Laws agreed with Councillor Connor and added that the design of the proposal is over intensive and expressed the view that to have your front door coming out into a parking area is not ideal. If there were two dwellings then it may be acceptable and this would alleviate any parking on the road.
- Councillor Mrs Davis agreed with the comments raised by both Councillor Connor and Councillor Mrs Laws and added that with regard to the statement concerning the exception test not being required and, excepting that it is part of flood zone 3, if the proposal had been for two properties then, in her opinion, she feels it should be seriously considered, however, she cannot approve the application before the committee today.



- Councillor Sutton expressed the view that he is concerned that members are indicating to the agent that the committee would support a proposal for two properties and asked officers whether the officer recommendation would have been different if that was what was being determined today. David Rowen stated that without seeing a detailed scheme it is difficult to comment as to whether two homes on the site would be acceptable. He added that if a future application for a small number of houses was submitted there would still be the concern surrounding the flood risk aspect and the concern over the principle of housing on the site.
- Councillor Sutton added that it would be wrong of the committee to indicate that they would support two properties. The committee can advise officers that they are happy for two dwellings to be built on this brownfield site and the agent has already stated that permeability is going to be improved, which deals with the sequential test issue.
- Nick Harding advised members that it is the application before them today which they are considering. The agent has heard the discussions by members and he can advise his client accordingly.
- Councillor Hay stated that each planning application is considered on its own merits and the committee cannot dictate today that they would approve a two dwelling application. The committee are stating today to the applicant that they would be inclined to 'consider' an application for 2 dwellings, which does not mean it would be approved.
- Councillor Mrs Laws added that it is the agent's decision to decide whether they wish to submit another application; however, the decision is on the application before members today.
- Councillor Mrs Bligh stated each application is looked at on its own merits and, in her opinion, the proposal before the committee today is over development.

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

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

**P58/18**

**F/YR18/0294/F**

**LAND EAST OF BIGGINS FARM, FALLOW CORNER DROVE, MANEA  
ERECTION OF 2-STOREY 4-BED DWELLING WITH ATTACHED GARAGE AND  
FARM OFFICE, INCLUDING VEHICULAR ACCESS, CULVERTING OF DITCH AND  
RAISING OF SITE LEVELS**

Members were provided a set of confidential papers to consider relating to this item and the meeting was suspended to give members the appropriate time to read the confidential documents.

David Rowen presented the report to members.

Members received a presentation, in accordance with the Public Participation Procedure, from Councillor Mark Buckton in support of the application.

Councillor Buckton explained to members that he had only been made aware a couple of days ago that the confidential papers, which members had considered today, had not formed part of the agenda pack and he felt it was important that the committee had sight of the document.

Councillor Buckton stated that he has also carried out a site visit, has spoken to the applicant, considered the confidential papers and, in his opinion, there is a need for the dwelling. He referred to the report, which was commissioned by the Council, which, in his opinion, was a desk top exercise produced by somebody who did not carry out a site visit and does not address any of the need identified in the confidential set of papers provided earlier.

Councillor Buckton stated that contained within the officer's report, the location of the site is identified as elsewhere, which, in his opinion, is incorrect as it is on the opposite side of the road and it is part of Manea. He referred to the officer's report stating that the proposed dwelling would be built on land which is currently open landscape and this is incorrect as it is actually part of the farmyard and any building that is constructed will be dwarfed by the existing barns.

Councillor Buckton expressed the view that if permission is granted, the dwelling would only be visible from the road immediately outside as it cannot be seen from the road as you enter Manea as there is a large farm building and it would not be seen from Fallow Corner Drove as there are tall conifers and other farm buildings and equipment.

Councillor Buckton expressed the opinion that he does not think that the proposal would be a prominent and out of place feature making the point all of the dwellings are on the opposite side of the road along Fallow Corner Drove and at least 50% of them are larger and some of them substantially so. He feels the proposal would be totally in character with the other dwellings that have been built over recent years and in particular with the one which is immediately opposite, which is bigger than the proposal before members today.

Councillor Buckton added that he takes an objective view and if he believes that a planning application does not warrant his support he will not support it, however, in his opinion, the application being determined today is totally worthy of his support. He made the point that farming and agriculture is the life blood of Fenland and the applicant is part of a farming family and they want to be able to continue their business for future generations and as an authority we should be looking to support the farming community going forward.

Members received a presentation, in accordance with the Public Participation Procedure, from Edward Plumb, the Agricultural Consultant for the applicant.

Mr Plumb explained he was asked to provide an agricultural appraisal to accompany the planning application, which is a proposal to provide a dwelling to accommodate the family on site, which is a family business requiring a specialist arable crop rotation process for potatoes, onions and seed peas. He expressed the view that an operation of this size and rotation requires significant input and excellent crop husbandry to deliver the standard required for the processing and distribution of the produce and the onion and potato operation is complex, with the potatoes being grown largely for the chipping market packed into 25kg bags on site.

Mr Plumb stated that the business grows, processes and distributes the produce and has been in the same family for several generations, with the proposal before the committee today forming part of the generational succession plan due to the current owner retiring and unable to facilitate the 24 hours a day, 7 days a week operational needs of the farm. He expressed the view that it is necessary for the owner's sons to fulfil the role to be able to deal with emergencies that may occur on the site, however, they both live a distance away and there are no dwellings on the site.

Mr Plumb added that from the information provided from the Council's agricultural expert, they refer to an existing dwelling in the farmyard and this is incorrect as there is not one present. He added that the recently amended National Planning Policy Framework has introduced new guidance for dwellings in the countryside, which includes information regarding those persons taking majority control of a farming business and there is hardly any mention of this within the officer's report.

Mr Plumb stated that there was a previous dwelling on the farmyard, which was demolished by the previous owners, and added that temporary power cuts are a regular occurrence in the area, which can affect the machinery at the farm, which needs to be reset manually and in a timely manner in order to prevent damage to the produce. He commented that the officer has mentioned that the

application does not satisfy the requisite requirements associated to negate flood risk and there is also information from the Environment Agency objection, which has subsequently been withdrawn.

Mr Plumb stated that the officer's report mentions that the existing building could be converted under Class Q and any consent would result in a residential property on site, which would establish a residential fall back position and, although this is possible in theory, a purpose built agricultural restricted dwelling is more appropriate.

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

- Councillor Mrs Laws thanked Mr Plumb and Councillor Buckton for presenting the additional information, which has proved to be very helpful to the members.
- Councillor Connor commented that it is interesting to hear Mr Plumb state that he has visited the site and added that within Councillor Buckton's presentation it is his opinion the agricultural planning consultants acting on behalf of the Council did not visit the site, which would imply that. Nick Harding stated that the application has to be assessed on the information submitted and normally site visits are restricted to the case officer to check whether or not the area within which the proposed development is suitable for the proposed use and the agricultural consultant acting for Fenland District Council has reviewed the evidence submitted in support of the application submitted by Mr Plumb.
- Councillor Hay asked officer's to clarify whether there was a residential building connected to Biggins Farm, which had the agricultural attachment removed in 2016. Officers confirmed that this was the case. Councillor Hay asked for clarification as to where the building was. Officers confirmed that the dwelling was located further back along Fallow Corner Drove within 350 to 400 metres from the site.
- Councillor Mrs Laws asked for clarity concerning the agricultural tie which was removed and stated that she is assuming that was actioned by a member of the family and at the time it was done it did not belong to Westfields Farm business. Officers stated that they do not know the details surrounding the ownership of that property. With regard to the agricultural tie, the occupiers of that property were the parents of the current applicant who had planning permission granted for that property in the 1980's for the agricultural need in association with Biggins Farm and the agricultural occupancy restriction was imposed on that. The two residents who resided in that property have since passed away and there was no need for the agricultural tie due to the length of time that the occupiers of that property had not been in agriculture following their retirement.
- Councillor Mrs Laws commented that she has reviewed previous planning applications for dwellings in the vicinity and there are larger properties in the area compared with the application being determined today.
- Councillor Mrs Laws expressed the view that she has seen contained within the officer's report that there are carp kept on site and any form of animals on site will need round the clock attention. With regard to security, the farming industry has changed over the years and there needs to be somebody on the property to protect the crops, expensive equipment and also the land from trespassers.
- Councillor Mrs Laws expressed the view that the application required an agricultural consultant to be involved who did not visit the site and completed a desk top exercise, whereas with previous applications site visits and extensive reports were carried out. She referred to a previous application for a smaller farm which received approval for a smaller property for security reasons making the point there needs to be consistency and, in her opinion, the farming community need to be supported.
- Councillor Benney mentioned that it is the applicants themselves that know the needs and requirements in order for them to run their business successfully and effectively. He expressed the view that more should be done locally to support the agricultural industry in Fenland and contained within the report there is £175,000 of seed, sprayers and fertilizers, as well as the farming machinery to be considered and protected.
- Councillor Connor expressed the view that security is paramount and the farming community need to be supported.

- Councillor Mrs Newell added that farming is most important and she is aware that there are large properties on Fallow Corner Drove and she cannot see any reason for this application to be refused. It is a large farming concern and the amount of farming supplies that are stored on the farm would be very dangerous if the farm suffered from a burglary.
- Nick Harding stated that the application should primarily be determined on whether there is a justifiable need for a permanent presence on site and the issue for security is a minor factor and not one that features in the test that is set down in Government policy for considering agricultural dwellings.
- Councillor Mrs Davis commended Mr Plumb and Councillor Buckton for the report provided to members, which contained a great deal of valuable information, including the families intention to increase the size of the farm. She added that it is in flood zone 3, but if the family are prepared to overcome that issue by raising the property, the committee should be supporting the application.
- Councillor Mrs Laws added that, although officers have stated the issue of security should be a minor factor to be considered, it is also a farming business and it is not just the equipment and security aspect, it is the actual business and somebody needs to be present to oversee a 24 hour operation. Although she is unhappy to go against the officer's recommendation, the presentation from Edward Plumb and the report has highlighted many aspects of the farm and the fact that they have a valuable business points out that all of these are reasons to support this application.
- Councillor Mrs Laws asked officers to clarify whether the Environment Agency withdrew their objection. Officers stated that the Environment Agency does not comment on whether or not a development proposal passes or fails the sequential test and in terms of the officer recommendation for refusal that is based on this development failing the sequential test. The reason for refusal can be disregarded if the committee feels that there is a justifiable reason for there being an agricultural dwelling on the site. This is because if you decide the house needs to be on site there is nowhere at lesser flood risk available, therefore, it passes the sequential test.
- Councillor Connor added that he has noted that the applicant is happy to have an agricultural tie on the farm.

**Proposed by Councillor Benney, seconded by Councillor Mrs Laws and decided that the application be APPROVED, against the officers recommendation due to the development would fulfil an essential agricultural need and would not have an adverse visual impact on the surrounding area.**

**Members determined that officers in consultation with the Chairman and Vice-Chairman of the Planning Committee be authorised to formulate suitable and correct conditions.**

(Councillor Sutton stated that he has known the applicant for many years and stated that when he was the portfolio holder for planning he was approached by the son of the applicant who asked for some advice prior to submission of a planning application. In 2018 he attended a meeting with the applicant and officers to discuss the submission and does not think he made any reference as to whether he supported the application. The legal officer has advised that there is no reason why he should not sit on the committee however Councillor Sutton excluded himself from the determination of the application and moved to the public gallery.)

2.27 pm

Chairman

F/YR17/0304/F

**Applicant:** Mr R Peggs

**Agent :** Mr R Briscoe  
Peter Humphrey Associates Ltd

**Land East Of, 88 Sutton Road, Leverington, Cambridgeshire**

**Erection of 221 dwellings, consisting of , 4 x 3-storey 4-bed, 44 x 2-storey 4-bed, 103 x 2-storey 3-bed, 61 x 2-storey 2-bed, 4 x 2-storey 1-bed, 4 x 1 bed flat and 1 x 2-bed flat with raised level of land to 4.75m AOD (FFL), associated garages, parking and landscaping involving the demolition of existing dwelling and other buildings**

**Reason for Committee** The officer recommendation is contrary to the view of the Parish Council and the number of representations received.

## 1 EXECUTIVE SUMMARY

This is an application for full planning permission for the development of land at the rear of Sutton Road in Leverington for 221 dwellings. The site currently forms open agricultural land, and was formerly in use for horticultural purposes with extensive greenhouse coverage (since cleared).

Most of the site is located in Flood Zone 3 and is identified in the Strategic Flood Risk assessment as being within an area of danger for most in times of tidal flood (assuming that the existing defences do not exist). After Legal advice and technical discussions with both LLFA and the Environment Agency the site is considered to pass both sequential and exception tests.

The applicant proposes to raise the site levels up to 4.75m AOD from the current levels by approximately 1 metre. After further amendment the proposal achieves good standards of separation distances between existing properties and the nearest proposed dwellings. On the edges of the proposal gardens are designed to slope down to the existing ground levels. Boundary fences are increased to 2.4metre heights where overlooking concerns exist. Nevertheless, some overlooking issues especially of the rearmost garden areas may still occur. However it is not considered that this would be so unacceptable as to refuse this application and therefore accords with Policies LP2 and LP16 of the Fenland Local Plan.

The proposal is not considered to result in highway safety concerns and provides suitable mitigation in respect of this.

The proposal is, overall, not considered to be out of character with the area and represents an appropriate standard of design.

The application has been assessed as unviable. The applicant proposes 10.4% affordable housing on site, and a £500,000 education contribution, both of which are a substantial reduction in policy requirements. The NHS request a contribution for the North Brink surgery is included in addition to the £500,000 education contribution.

Other issues of Open Space provision, Biodiversity and Archaeology are considered to accord with policies. As such on balance the proposal is considered to accord with Policies LP1, LP2, LP3, LP4 ,LP5, LP13, LP15 LP16 and LP18 of the Fenland Local Plan and is therefore recommended for Approval subject to the Signing of an appropriate Section 106 Agreement.

## **2 SITE DESCRIPTION**

- 2.1 This application relates to an 8.73 hectare site of relatively flat land at the rear of properties on the western side of Sutton Road in the Parish of Leverington, but located close to the Parish boundary with Wisbech. The site also abuts mainly terraced houses on River Terrace and Horseshoe Terrace, with four more recently built semi-detached houses on the northern edge of Horseshoe Terrace and the site. There is a bungalow that abuts the existing footpath and the riverbank. More recent housing on Mountbatten Drive and Walsingham Court abuts the overgrown part on the southern boundary
- 2.2 The River Nene lies some 60m to the east of the north-east corner of the application site which is 1.65km to the north-east of Wisbech Town centre and some 700 east of Leverington. The greater part of the site is located within Flood Zone 3 with the exception of two areas located around the northern and south-eastern sections of the site which are in Flood Zone 1 an area at lowest risk of flooding. The Topographic Survey provided indicates that the site is relatively flat laying at approximately 3.5 to 3.7m AOD.
- 2.3 The site was previously used for Horticultural purposes (wide coverage of greenhouses) but is now agricultural for biomass purposes. There was a car repair business within the site accessed off Sutton Road, two large industrial sheds remain on the site at the backs of houses on Sutton Road. The greater part of the site along its northern and eastern boundaries was covered by greenhouses associated with a previous use for horticultural purposes. Aerial photography confirms that these structures were demolished sometime between 2003 and 2007 since when the land appears to have remained open and under grass.
- 2.4 The site is currently predominantly covered by reeds approximately 2 metres high. To the south the site is substantially overgrown. There is a concrete drive that accesses the site and some industrial and ancillary buildings. Sutton Road is raised slightly higher (approx. 0.5 metres plus) and housing to the east slopes slightly lower towards the application site.
- 2.5 There is a grassed public footpath that edges the north eastern part of the site and links the footpath on the riverbank to Sutton Road to the north-west. The path appears to be little used. The river defences include a high bank abutting the river with public access.

## **3 PROPOSAL**

- 3.1 The application is for 221 dwellings with raising of the land level to 4.75m ODM with associated garages, parking and landscaping involving the demolition of an existing dwelling (No 88 Sutton Road) and other buildings. The scheme includes the provision of 23 Affordable dwellings (10.4% of the total dwellings). The proposal includes areas for Sustainable Urban Drainage attenuation (SUDS). There are three TPO trees (large Horse Chestnut, Lime and Oak) on the southern

boundary together with a group of Hawthorne to be retained. These will assist in mitigating the impact of the development on the southern boundary.

3.2 The open space includes the following:

- A central area of open space including public open space and a SUDs basin with an overall area approx. 8,450m<sup>2</sup>.
- Within this, a Locally Equipped Area of Play (LEAP), indicated as a circular area of 415.5m<sup>2</sup> would be provided
- An area of green space on the south-western edge totalling approx. 5,300m<sup>2</sup>
- A southern area of public open space totalling approx. 650m<sup>2</sup>
- An area of greenspace on the eastern edge of 700 m<sup>2</sup> including a SUD feature
- A green buffer corridor on the northern edge of approx. 5,000m<sup>2</sup>

Overall, the green space totals approximately 2 hectares in area.

3.3 The application includes alterations to existing footpaths to the north-east of the site (near the river) and a link to the south to Riverside Terrace and across land owned by Fenland District Council linking to Walsingham Court and Mountbatten Drive enabling pedestrian access to Wisbech to the south.

3.4. The site is to be accessed using an existing access point from Sutton Road and would see an adoptable standard road created, enabled by the demolition of the existing dwelling, No. 88 Sutton Road, and the car repair workshop buildings to the rear. Four dwellings are proposed to be accessed via an extension and turning head to Horseshoe Terrace and will form a 'standalone' element to the development.

3.5 Aerial photography confirms that with the exception of the buildings associated with the car workshop (F/YR09/0682/F) all other buildings/structures on the site have been cleared some time ago, and therefore the description of the proposal has been amended to exclude the demolition of the greenhouses.

3.6 The applicant submitted a viability assessment which resulted in the following :

- 10% on-site Affordable Housing;
- £500,000 provided for education,
- an additional £82,018 towards enhancements of the North Brink Surgery,
- the requested highway/footpath improvements detailed by the CCC TA Team (excluding the Burcroft Road Link)

3.7 The application is accompanied by the following supporting documents

- Design and Access Statement
- Sustainability and Design Statement which includes the following measures:
  - Thermal insulation in excess of the building regulations;
  - Fabric first approach to heat retention;
  - Sustainable drainage limiting run-off to greenfield rates, an improvement on the previous greenhouse use;
  - Use of permeable paving on private drives;
  - Rainwater harvesting
  - Landscaping and bat/bird boxes to enhance biodiversity.

- Flood Risk Assessment including a sequential test.
- Surface Water Drainage Strategy which includes:
  - Rainwater harvesting using water butts for roof water run-off to reduce the total volume of water discharged
  - Private and shared driveways to be permeable paving
  - Private plot soakaways for plot drainage
  - Highway soakaways for estate road drainage
  - Private plot soakaways have been designed to accommodate storm flows up to the 1 in 100 year plus climate change (40%) event.
  - Highway soakaways have been designed to accommodate storm flows up to the 1 in 30 year event within a below ground infiltration tank with exceedance up to the 1 in 100 year plus climate change event accommodated within an above ground infiltration basin.
  - Additional storage to accommodate exceedance flows above the 1 in 100 year plus climate change event is provided within the infiltration basin areas.
- A legal opinion regarding Sequential Test and Exceptions Test
- Draft Section 106 Agreement
- Planning Statement
- Transport Assessment
- Tree Survey

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=OIMVPPHE06P00>



## 4 SITE PLANNING HISTORY

**Proposal:** Erection of 227 dwellings, consisting of 10 x 3-storey 4-bed, 40 x 2-storey 4-bed, 106 x 2-storey 3-bed, 62 x 2-storey 2-bed, 8 x 2-storey 1-bed, and a 2-bed flat with associated garages, parking and landscaping involving the demolition of existing dwelling,

Reference	Description	Decision	Date
F/YR09/0682/F	Change of use from Nursery (Sui Generis) to General Industrial (B2) and formation of a hardstanding Delamore Limited Sutton Road Leverington Wisbech Cambridg	Granted	24/02/2010
F/95/0060/F	Erection of polythene clad greenhouse Land East Of 88 Sutton Road Leverington Wisbech Cambridge	Granted	06/06/1995
F/91/0657/F	Erection of a glasshouse 88 Sutton Road Leverington Cambridgeshire PE13 5DR	Granted	16/12/1991
F/91/0198/F	Erection of a glasshouse 88 Sutton Road Leverington Cambridgeshire PE13 5DR	Granted	30/07/1991
F/0188/89/O	Residential Development 10.5 Ha. Land Between Sutton Road Horseshoe Terrace Leverington W	Withdrawn	- n/a -
F/0451/86/F	Erection of glasshouse Land between Sutton Road and Horseshoe Terrace Wisbech Land Between Sutton Road And Horseshoe Terrace Wisbech	Granted	17/07/1986
F/0746/84/F	Erection of a front entrance porch 88 Sutton Road Wisbech 88 Sutton Road Wisbech	granted	18/10/1984
F/1022/80/F	Alterations and extension to dwelling 88 Sutton Road Wisbech 88 Sutton Road Wisbech	granted	16/01/1981
F/0313/79/F	Erection of 2 horticultural glasshouses (34 000 sq. ft. each) Sutton Road Wisbech Sutton Road Wisbech	Granted	26/06/1979
F/0623/78/F	Erection of a 34 000 sq. ft. horticultural glasshouse Sutton Road Wisbech Sutton Road Wisbech	Granted	19/09/1978

## 5 CONSULTATIONS

### Environment Agency

- 5.1 The Agency has considered the applicant's Flood Risk Assessment and has no objection to the proposed development subject to conditions being attached but makes the following comments.

*Our comments in our letter dated 17 May 2017 are still relevant and we would highlight your Authority's responsibility regarding emergency planning. We note that the elevation drawings do not state the finished floor levels (FFL) but the "Site Layout Plan" 5267/(P)\_19 states the FFL will be 4.75mAOD and flood resilience to 500mm. This meets the recommendations in the approved Flood Risk Assessment.*

- 5.2 The Agency have provided further comments to clarify how they have reached the conclusions within their first response. These are as follows:

*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).*

*Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

*Flood Zones and Hazard mapping As explained within your Wisbech SFRA, the Flood Map indicates the area at risk of flooding, assuming no flood defences exist, for a flood event with a 0.5% chance of occurring in any year for flooding from the sea, or a 1% chance of occurring for fluvial (river) flooding. It also shows the extent of the Extreme Flood Outline which represents the extent of a flood event with a 0.1% chance of occurring in any year, or the highest recorded historic extent if greater. The Flood Map only indicates the extent and likelihood of flooding from rivers or the sea. The risk levels/occurrence possibilities are banded into Flood Zones.*

*In locations where there is a tidal flood risk and where raised defences exist, the Environment Agency's Tidal Hazard mapping, (as included as part of the Wisbech SFRA), considers the residual risk, i.e. the consequences if these raised defences were to fail. It is made up of breach hazard mapping and overtopping hazard mapping and shows the hazard, depth and velocity should any of these scenarios occur. The maps only consider the consequences of a breach, they do not make any assumption about the likelihood of a breach occurring. The likelihood of a breach occurring will depend on a number of different factors, including the construction and condition of the defences in the area. A breach is less likely where defences are of a good standard, but a risk of breaching remains. The overtopping hazard maps also take into account defences and are based on computer modelling of simulated overtopping of the tidal defences for specific tidal scenarios. The maps only indicate the consequences of overtopping of the defences and for the future climate change scenarios, it is assumed that defences remain at the 2006 heights.*

*Floodplain compensation, displacement of floodwater and risk to third parties As this development sits in an area which is subject to tidal flooding and benefits from the presence of raised defences it therefore serves no conveyance function, therefore any land raising does not need to be accompanied by compensatory flood storage. Similarly, if the development and surrounding areas were impacted by the consequences of a failure of the raised defences, the impact of land raising would be negligible due to the infinite volume of water passing into the development area from the sea. If there is a finite volume of water able to pass into a defended area following a failure of the defences, then a new development, by displacing some flood water will increase flood risk to existing properties.*

*Flood Warning and Evacuation Plan We strongly recommend the owners prepare a Flood Warning and Evacuation plan following discussion with Fenland DC emergency planners. The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development. It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.*

## **Lead Local Flood Authority**

- 5.3 The County Council as Lead Local Flood Authority commented as follows:

*1. Drainage Strategy Report, BHA Consulting, Ref: 2979 Version 3, Dated 22 November 2018 2. Drainage Statement, BHA Consulting, Dated 29 November 2018 (subsequently updated)*

*Based on these, the Lead Local Flood Authority (LLFA) has no objection in principle to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed using water butts to collect water runoff from dwellings. Private and shared driveways will be constructed by permeable paving and there will be plot soakaways for individual dwellings. The access road will drain to a soakaways which will be proposed for adoption by the Highway Authority.*

The LLFA request conditions be attached.

## **Anglian Water**

- 5.4 No Objection - Has stated that the sewerage system has capacity at present and has recommended an informative regarding Anglian Water's assets close or crossing the site.

## **North Level IDB**

- 5.5 Objects - having serious reservations about surface water disposal methods which despite the applicant's submission of further data the IDB does not consider the ground to be capable of infiltration thereby questioning the capability of the suds schemes which largely rely on soakaways to work. The IDB has not withdrawn its objection following further drainage data.

## **Cambridgeshire County Council (CCC) Highways**

- 5.6 Made the following comments:  
*The layout plan attached details acceptable geometry. The plan should form part of the approved plans list. In respect of the purple dotted line denoting the upgrade or implementation of a public footway: Can a condition be imposed requiring the footpaths to be metalled/constructed to an adoptable standard in accordance with details to be submitted and approved i.e. constructed in accordance with CCC Highway Construction Specification.*

*The size of the turning head proposed at the top of Horseshoe Terrace should be laid out so it is suitable for a 11.5m refuse collection vehicle to turn. No evidence has been submitted to demonstrate this. That said I am satisfied there is sufficient land to accommodate an acceptable turning head. The turning head carriageway width should be a minimum of 5.0m and a 1.8m wide footway should be included around the turning head perimeter. Further details should be submitted pre-commencement that address the points I have raised.*

*The LPA should also ensure construction traffic do not use Horseshoe Terrace to access any part of the site during the construction phase. An appropriately worded condition should be imposed that ensures the construction access is via Sutton Road only.*

*CCC Transport Planning have secured a number of highway improvement schemes. Can the LPA ensure the trigger point for the implementation of these schemes are prior to first occupation on site unless otherwise stated by the TA team. Highways have no highway objections subject to conditions.*

### **CCC Transport Assessment Team**

- 5.7 A detailed assessment has been undertaken which is available on the Council's Website. These comments may be summarised as follows:
- 5.8 The Assessment Team when considering applications give regard to the impacts of the development and whether they can be suitably mitigated. CCC has no basis to object to an application if the impacts are not 'severe'. CCC has published guidelines setting out the requirements for the transport evidence, this guidance accords with national best practice and the National Planning Policy Framework. The developer has surveyed the peak time traffic flows which are considered to be acceptable. These surveys covered the A1101 and key junctions into Wisbech. Many junctions were also assessed, including the A1101 / B1169, A1101 / Harecroft Road, A1101 / Aldi north side of Freedom Bridge, Harecroft Road with Chapel Road and Old Market and B198. CCC is satisfied with the evidence and concludes that with a comprehensive mitigation that it has no objection to the development. This mitigation package aims to reduce the vehicle impact from the development by enhancements to the walking and cycling network between the site and Wisbech town centre.
- 5.9 In reply to an objector's own traffic survey the Transport Assessment Team focuses specifically on matters relating to highway capacity. With regards to the objectors comments raised:
- *Traffic on Sutton Road: CCC has considered the proportional impact of vehicles from the development onto Sutton Road and has no basis to object. Note that CCC is not able to mitigate existing problems through planning, and most only consider the specific impacts of the new development.*
  - *Houses on opposite side of road has not been incorporated into the modelling, however traffic growth has been included on the road network which would account for similar schemes to this.*
  - *Local Surveys – these are comprehensive and have been undertaken at peak times and are agreed by CCC.*
  - *Queueing on Leverington Road / Freedom Bridge – The applicant has modelled the north side of Freedom Bridge. The results of this modelling demonstrated that the congestion at Freedom Bridge is largely resulting from the roundabout on the east side of the bridge. A future scheme to improve this roundabout is under consideration in the Wisbech Access Strategy, see further details in the link. <https://www.fenland.gov.uk/wisbechaccess>*
  - *The footway on the eastern side of the A1101 is inadequate. The applicant has agreed to provide a walking and cycling links from the development through to both River Terrace and Walsingham Court, as well as widening the footway on the eastern side of the A1101 between Peatings Lane and the B1169.*

*Therefore the TA section has no objection - subject to appropriate mitigation as follows:*

- *That pedestrian crossing improvements are made to the junction of Malvern Gardens / Peatings Lane / Horseshoe Terrace as shown in drawing 3341 –*

- 005 – SK Rev A. Details to be approved by CCC, and works to be carried out by the applicant as part of S278;
- *Provision of street lighting columns along West Parade from its junction of Peatings Lane to the existing street lighting. Details to be approved by CCC, and works to be carried out by the applicant as part of S278;*
  - *Provision of a hard surfaced 2m wide footway where needed through the pocket park linking West Parade to the A1101. The park is located to the north of Burcroft Road and is maintained by ECDC and has a surfaced footway in parts;*
  - *Widening of the path on the south side of the A1101 to 2.5m where possible to allow a wider footway shared walking and cycling, between the vehicle entrance to Peckover Primary school and the footway titled Chapel Road located 40m to the east. Details to be approved by CCC, and works to be carried out by the applicant as part of S278;*
  - *Provision of a pedestrian access point on the south side of the development site, with a hard surfaced 2m wide footway through the pocket park linking the south side of the development through to Mountbatten Drive. The park is located to the north of Mountbatten Drive and is maintained by ECDC;*
  - *Widening of the path on the west side of the A1101 to 2.0m to allow for a wider footway between the junctions of Peatings Lane and Dowgate Road. Details to be approved by CCC, and works to be carried out by the applicant as part of S278;*
  - *The sum of £5,000 for the revision to the signal settings and controllers for the signal junctions of A1101 with B1169 and Old Market / South Brink junctions;*
  - *Extension to the length of the right turning bay on the A1101 at its junction with Harecroft Road. Details to be approved by CCC, and works to be carried out by the applicant as part of S278;*
  - *Provision of a Travel Plan via planning condition.*

### **CCC Definitive Maps Officer**

5.10 The Footpath Officer does not object but expects improvements to include:

- Unbound surfacing of the footpath,
- Improved signage and suitable vegetation clearance.
- To offer to dedicate part of, if not the entire, route for a higher status, such as Bridleway status, to allow usage of the route by cyclist in keeping with wider aspirations of the development to encourage travel by non-car modes.

These details should be provided prior to commencement and undertaken prior to first occupation. In addition, given the size of this development, any improvements to the public footpath (No 145/2 which abuts the north-west edge of the development) should also extend along the entire length of the footpath to the A1101, not just the sections within the site boundary.

These improvements outside of the site should be secured by a suitable S106 obligation with a backstop financial contribution of £4,000 made to the County Council in the event that the works are not directly implemented by the developer.

## **CCC Archaeology**

5.11 The Archaeologist has no objection stating the following:

*This site has now been subject to a programme of geo-archaeological work as previously recommended. No further on-site work is required but the recommendations made in the evaluation report at section 8.2 should now be implemented in to complete the analysis of the sediments extracted in the borehole survey and thereby to fulfil the archaeological programme for this site. An archaeological condition to secure radiocarbon dating for the channel encountered and to complete the sedimentary analysis should be included as part of any consent awarded to the scheme.*

## **Emergency Planning Officer**

5.12 The Emergency Planning Officer does not object but has the following comments:

- The Environment Agency (EA) should fully consider the Strategic Flood Risk Assessment content relating to this proposed area of development which is within Flood Zone 3.
- A Flood Warning and Evacuation Plan is produced by the developers which should then be cascaded to the new homeowners/occupiers. The content of such plan is recommended to include:
  - Site layout plan
  - Detail the types of flooding the development is at risk from, the source of the potential flooding e.g. fluvial flooding, tidal flooding, surface water.
  - Warning systems in place such as EA Floodline, Met Office Warnings.
  - The frequency/probability of flooding, depth and estimated time from warning to onset of flooding.
  - Any flood mitigation measures (hard e.g. raised electrical points and soft e.g. airbrick covers) that will be put into place to mitigate the developments from flooding.
  - The developer should actively encourage owners/occupiers to sign up to the EA Floodline Warning Service and detail how this can be done.

## **Cambridgeshire Fire and Rescue**

5.13 No Objection - Recommends the provision of fire hydrants.

## **National Health Service**

5.14 No Objection - £82,018 contribution requested. The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration, or potential relocation at North Brink Practice.

## **Natural England**

5.15 Has no objection and has the following comments:

*The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the*

*natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision-making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.*

### **Peterborough City Council (PCC) Ecologist**

- 5.16 Following submission of further ecological data the PCC Ecologist has no objection subject to imposition of conditions he commented as follows:

#### *Designated Sites:*

*The proposed development is located in close proximity to the River Nene County Wildlife Site (CWS); it is therefore important that impacts to this CWS, particularly water pollution, are carefully avoided during both the construction and operational phases of the development.*

*It is therefore recommended that a Construction Environmental Management Plan (CEMP) is produced, which should include details of measures to ensure impacts to the river are avoided.*

*The CEMP should be provided by the applicant in advance of commencement of development with details to be secured via a suitably worded condition.*

*Nesting Birds: The proposal involves the removal of a number of trees and shrubs as well buildings which are likely to support nesting birds during the nesting season (1st March to 31<sup>st</sup> August). I would therefore recommend that a standard bird nesting Informative be attached should the scheme be approved.*

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

*Hedgehogs & Reptiles: Suitable habitat is present within the application site to support hedgehogs which are a UK Biodiversity Action Plan priority species and listed as a Species of Principle Importance under s41 of the NERC Act 2006, and there are also local records of hedgehogs. In addition, the rough grassland and log piles etc. have a low potential to support reptiles. It is therefore recommended that any potential nesting/ refuge areas (such as the piles of rubble/ timber bonfire sites etc. currently on site) be hand-searched by an experienced ecologist prior to site clearance. In addition it is recommended that impenetrable barriers are avoided by allowing adequate gaps to be retained under any new fencing to allow movement of hedgehogs. The above may be secured via a suitably worded condition.*

*Mammals: Evidence of fox holes/ dens was found within the site. Foxes are protected under the Wild Mammals Act 1996 from crushing, asphyxiation etc. Given that site clearance works may inadvertently cause such suffering, I would recommend that a suitably worded condition is imposed requiring that the site is checked for signs of fox activity immediately prior to any ground works starting by a suitably qualified ecologist. If animals are present (e.g. young are in the tunnel/ fox earth) then the tunnels/ earth should be adequately protected until all animals have safely left the site. If no young are found, then adult foxes may be excluded from the tunnels and prevented from returning.*

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

Other protected species present on the site have been considered and mitigation has been built in to the layout which includes a long run at the backs of houses and a tunnel under the access road. The PCC Ecologist considers this proposal to be satisfactory.

### **Cambridgeshire Constabulary**

- 5.17 No Objection - the proposed layout is considered to be acceptable in terms of crime prevention and is supportive of the scheme.

### **Environmental Health**

- 5.18 The Council's Environmental Health team have made the following comments:

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development in principle, however, due to the previous land use a comprehensive desk study including a conceptual site model is needed, to demonstrate that the site is suitable for its intended end use, and free from ground contamination, this should be provided prior to determination. It should be noted that Environmental Health have had to visit the site in the past due to waste being dumped and burnt upon the site.*

*Due to the size of the development if permission is granted a construction management plan would be required to prevent noise and dust issues for existing residents during the construction phase.*

### **FDC Housing Strategy**

- 5.19 The Housing officer refers to the policy requirement of 25% affordable ideally 70% affordable rent and 30% shared ownership.

### **CCC Section 106 requirements**

- 5.20 Has set out its requirements for contributions as follows:

- Early Years Places: £401,632.
- Primary Education: £1,020,000.
- Secondary Education: £1,418,321.
- Library: £24,008.40.



## **Section 106 Officer**

5.21 Has assessed the applicants Viability Assessment and has the following summary:

- The anticipated revenue for the scheme is £2,016m<sup>2</sup> which is based on comparable new build evidence and is a realistic expectation of value.
- The adopted Bank interest is 7% which is an acceptable assumption.
- Design & Professional Fees of 8% have been adopted, up to 10% is considered within an acceptable range.
- Build Costs are in accordance with published RICS BCIS values. The build costs have been adopted at £1,050m<sup>2</sup>. These assumptions are in accordance with figures published on BCIS TPI webpages for the types of properties proposed rebased for Fenland.
- A contingency of 2.5% is included which is reasonable for this type of proposal.
- Evidence was provided supporting the External works and infrastructure costs which were benchmarked against similar schemes within Fenland.
- The submission includes 17.5% profit of the Gross Development Value. 20% profit is considered the minimum amount that a developer would usually require for a site of this nature.

It is advised that the development is not therefore viable.

## **Wisbech Town Council**

5.22 The Town Council has made the following comments:

*‘Although this planning application does not fall within the parish of Wisbech – it falls within the parish of Leverington – Wisbech Town Council would request, because of the particular location of the site, a Section 106 Planning Obligation requiring the provision of play equipment on the play area located at Burcroft Road/West Parade, Wisbech’.*

## **Leverington Parish Council**

5.23 Objects on the following grounds:

- Prime agriculture land
- problems with drainage:
- wildlife concerns (badgers):
- schools places in local schools full
- Problems of parked cars on Horseshoe terrace restricting access,
- Over development of land
- Flooding zones:
- Entrance/Exit on to the A1101 which has accident speed problems - with the extra traffic at peak times will only increase the risk:
- The village is classed as low growth :
- Why are fire service seeking 106 money for fire hydrants?
- The extra HGV vans if this goes ahead down Peatlings Lane West Parade will damage the road surfaces
- Also with a development like this, should have 2 viewings to the parish so they can make comments on the plan on show in village hall.

## Representations

### Objections

5.24 The application has been publicised 4 times due to alterations to the plans being submitted. Letters of objections have been received from the occupiers of 30 properties, including from a Fenland District Council Director in a personal capacity, referring to the following summarised issues:

- The site is not allocated for development
- Traffic safety issues with high levels of congestion on Sutton Road at present;
- Poor access
- Inadequate footway/cycle links
- Development and loss of agricultural land
- Lack of public transport and retail services resulting in an unsustainable site.
- Density/Over development
- Design/Appearance
- Devaluing property
- Flooding and drainage problems and inadequate sewer capacity.
- No justification for building on Flood Zone 3 land when East Wisbech is on Zone 1
- Reference to an appeal decision in 2013 ref F/YR13/0848/O dismissed as being out of character,
- The strategic allocations are sequentially preferable.
- Insufficient separation distances
- Environmental Concerns
- Local services/schools and health are unable to cope with Leverington Academy being over subscribed
- Loss of view/outlook
- Noise generation and associated anti-social behaviour
- Out of character/not in keep with area
- Overlooking/loss of privacy and loss of light.
- Insufficient parking arrangements
- Loss of trees
- Visual Impact
- Wildlife Concerns
- Would set a precedent
- Insufficient time to comment.
- The disturbance to us residents whilst the building work is being done.
- Insufficient playspace for the children and public open space for such a site,
- Rather than build houses where there is bungalows could bungalows be built instead, so that the original bungalows are not overlooked.
- Inadequate water pressure and street lighting in the area.
- Additional waste and litter.
- A letter refers to the need to retain existing fencing.
- Walking/scooting/cycling access to Leverington school is made dangerous by the absence of a safe crossing between Little Dowgate and Peatlings Lane and lack of footpath on Peatlings Lane. Peatlings Lane to Little Dowgate route is one the suggested local cycling routes so the development should not go ahead unless a safe crossing is added here.

- Peckover school has more capacity and is more likely for children to go there, but there is not a safe route to access this either. Children walking to school via Horseshoe Terrace could have to walk in the road because the pavements are very narrow and often blocked by cars.
- 5.25 A detailed representation regarding schools and infrastructure states:
- *Leverington Primary only has room for one more pupil and Peckover 59. Will this development of 221 homes and the others in the area (10 homes on The Chase, 33 on west of Sutton Road and 35 in Leverington) have fewer than 60 primary age children living between them or will they have to be driven to Gorefield, adding to the cars on the road?*
  - *The dentists are stretched to capacity and therefore with more residents wishing to use these facilities I cannot see how this will be possible. Public transport is limited and there are no local shops for residents. Pathways are poor and there are no safe places to cross.*
  - *Furthermore there is additional planning for 33 houses off Sutton Road. If this also gets the go ahead then this increases the number of vehicles by an additional 66 to at least 500. Our infrastructure and amenities just cannot cope.*
- 5.26 A further letter of objection was received largely about highway implications the full details are available on the website. The County Transport Assessment Team replied in detail (see below in Consultee reply section).
- 5.27 Objections were received regarding the number of houses served off Horseshoe Terrace. However, the applicant has now submitted an amended layout reducing this to 4 and providing an improved turning head to the cul-de-sac. Concern is raised regarding the use of Horseshoe Terrace by construction vehicles.

#### Support

- 5.28 14 letters of support have been received, referring to the following:
- Working in the construction business for over 30 years I think it is a great scheme for the town, bringing much needed employment and houses. It will also deliver much needed affordable dwellings.
  - Good location for quality sustainable housing.
  - More housing is required to allow economic growth and regeneration in the area.
  - Good layout.
  - Good use of a brownfield site.
  - Meets housing needs.
  - Proposed housing mix is attractive to a variety of buyers.
- 5.29 A further consultation exercise was undertaken on 14 January in respect of the latest detailed plans showing relationships with nearby properties. Any additional representations received as a result of this will be reported to Members by way of an update report.

## **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)**

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

Paragraphs 10 & 11: Presumption in favour of sustainable development.

Paragraph 34: Development Contributions

Paragraphs 54 -57: Planning Conditions and Obligations

Paragraphs 59-72: Delivering a sufficient supply of homes

Paragraphs 73-76: Maintaining Supply and Delivery

Paragraph 77: Housing in rural areas

Paragraph 102: Promoting sustainable transport

Paragraph 108-111: Considering development proposals (Transport)

Paragraphs 122: Achieving appropriate densities

Paragraph 127: Achieving well designed places.

Paragraphs 155-165: Flood Risk

Paragraph 170: Conserving the Natural Environment

Paragraph 175: Biodiversity

### **National Planning Practice Guidance (NPPG)**

Design

Flood Risk and Coastal Change

Health and Well Being

Rural Housing.

### **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;

LP8 Wisbech

LP12: Rural areas development policy;

LP13 Supporting and managing the impact of a growing district.

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

LP15: Facilitating the creation of a more sustainable transport network in Fenland;

LP16: Delivering and protecting high quality environments across the District;

LP17: Community safety;

LP19: The natural environment.

### **SPD's**

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

Cambridgeshire Flood and Water Supplementary Planning Document  
(December 2016)

## **8 KEY ISSUES**

- **Principle of Development**
- **Character of the Area**
- **Impact on residential Amenity**
- **Flood Risk**
- **Infrastructure Contributions.**
- **Affordable Housing**

## **9 ASSESSMENT**

### **Principle of Development**

- 9.1 The application site falls within Leverington Parish, however physically the site has a closer relationship with the town of Wisbech, forming part of the physical continuation of Wisbech and being located approximately 0.75km from Leverington village itself.
- 9.2 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. Notwithstanding the site being within the Parish boundary of Leverington, in terms of sustainability the site is approximately 1.5km from Asda in Wisbech and similarly Peckover/Leverington Primary Schools. This is beyond preferable walking distances. Also Public Transport appears limited and runs through Leverington itself and appears to avoid Sutton Road. However, recent appeal decisions received have given limited weight to such concerns in the context of the 2018 NPPF, in essence giving weight to the level of nearby service provision rather than the connectivity to this. Furthermore, the site was previously covered in a number of structures and retains an element of non-conforming employment buildings within the site. It has existing housing abutting on three sides (west/south and eastern) and is clearly set amongst the urban area edge of Wisbech where growth is welcomed by LP3 and as such is considered sustainable.
- 9.3 A development of 4 dwellings on a site east of 50-52a Sutton Road was refused permission and subject to an appeal. (ref F/YR/13/0848/O). The site is immediately adjacent the current application site for 221 units and backed on to existing development at Oxburgh Close. The Inspector determined the appeal with the Local Plan Inspector's report in mind. The Inspector considered the site was in a Leverington location rather than an urban edge of Wisbech one, given that he assessed the proposal under the terms of Policy LP12 rather than just LP16. Officers consider that this was an incorrect interpretation of policy and, indeed, the location of the site and its relationship with its surroundings. Consequently, it is considered that this appeal decision should carry relatively limited weight in the consideration of the current application
- 9.4 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)).

- 9.5 Given the location of the site behind the built form of residential properties along Sutton Road and its predominant open and rural character, the impact of the development on the open countryside needs to be considered.
- 9.6 The Planning Statement accompanying the application states that the site is a brownfield site, located at the edge of the town. This information is contradicted by statements in the submitted Surface Water Drainage Report and the FRA which state that the site is in agricultural use. The NPPF encourages the re-use of previously developed or brownfield land in preference to greenfield sites to meet development needs.
- 9.7 The NPPF defines previously developed land as, *“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”* This definition excludes, amongst other things, land that is or has been occupied by agricultural or forestry buildings. The definition of agriculture in section 336(1) of the 1990 Act includes horticulture. For this reason the application site as a whole is not classified as previously developed or brownfield land, despite its history, although it is accepted that a small section of the site is in use as a car workshop (F/YR09/0682/F). Nevertheless given the history of the site, it may be unlikely for a Local Planning Authority in considering redevelopment of the site as greenhouses to oppose reinstatement should such a proposal occur. Therefore the planning history remains of some relevance.
- 9.8 Policy LP3 classifies Wisbech as a Primary Market Town where the majority of Fenland’s development is expected to occur. Policy LP4 sets an approximate target for Wisbech of 3,000 dwellings. Policy LP8 addresses urban extensions to Wisbech, and identifies broad locations for growth as well as a strategic allocation. Broad concept plans required for these allocations have been approved to the south and east of Wisbech, albeit no housing proposals have yet been significantly progressed (ie. to application).
- 9.9 The revised NPPF (July 2018) emphasises the new requirement for Local Planning Authorities to demonstrate and monitor the delivery of development. As Wisbech is intended to provide approximately 28% of Fenland’s growth, and, as yet, no units have been delivered from sites within the Local Plan it is considered that windfall sites in Wisbech are to be welcomed subject to compliance with policies.
- 9.10 This application is submitted as a full application with a draft Section 106 agreement attached. It has undergone a viability assessment and includes 23 affordable units (10.4% provision), with it is understood a Registered Social Landlord will be able to progress to provision. The delivery of affordable dwellings has been difficult to achieve in recent years in Fenland. It is unusual to apply for developments of this scale in a detailed format, with many applicants seeking to achieve the principle of permission via outline applications. It is considered that the application seeks to demonstrate a willingness to deliver the development. Given the recent emphasis of the NPPF on delivery and monitoring, it is considered that the apparent deliverability should be balanced against the principle of developing on agricultural land and any adjudged harm to the open countryside (see below).
- 9.11 The application seeks full planning permission; massing and height are therefore important considerations for the detailed design stage in respect of this site because of the flood risk issue and the requirement for raising land / finished floor

levels which will have implications for the appearance and impact of the proposed development in relation to some existing adjacent residential development. Therefore a key consideration of both visual appearance and impact on neighbouring residential amenity is considered below.

### **Character of the Area and design**

- 9.12 Policy LP12 considers the impact of development on rural areas (in villages) and Policy LP16 considers the impact of all developments on the character of the area.
- 9.13 In assessing this impact, firstly, the existing character around the site needs to be considered. To the north of the site are some commercial buildings that include a petrol station, tyre depot/garage, and a Static Caravan site. This provides a development area approximately 175 metres deep when measured from Sutton Road. There is agricultural land to the rear of the caravan park that will remain as a green edge. Proposed housing on the northern edge will face the original farm buildings which includes small areas of farmland. To the east is the public footpath and remaining agricultural land that abuts the river.
- 9.14 As the proposals are predominantly located to the rear of housing on Sutton Road the visual impact on the main passing public highway is unlikely to be extremely negative (other than the raising of land levels, considered in detail below). However, as Sutton Road itself is set at a similar level to the proposed ground levels, and as most properties are of substantial two-storey heights (apart from the last four which are bungalows), the wider impact on Sutton Road should not be significant. The properties fronting the open countryside to the north will have a significant presence, although there is to be a tree belt on the edge which in time should assist in reducing the visual impact.
- 9.15 The proposed development of what is currently green space is likely to be predominantly visible from the backs of houses abutting the site and from the public footpath that abuts part of the site linking Horseshoe Terrace to Sutton Road north of the site. The applicant has amended the layout so that houses proposed near the river are orientated to face the footpath/river. The development of a large area of agricultural fields will inevitably change the character of the area. However, the harm to receptors on publicly accessible locations is considered only moderate and not unduly significant. The development will result in a new edge to the urban area of this part of Wisbech. Given the new boundary falls well short of the commercial buildings on Sutton Road, this new urban edge is not considered by itself to represent a substantial reason on which to refuse this application.
- 9.16 The previous appeal decision to the south-west of the site identified an adverse impact on the rural character of the area. Clearly at that time the current application site would have remained as horticultural land and consequently there would have been a wider visual impact. It is considered that the current application should be treated as an extension to the built form Wisbech and that the issue which needs to be considered is the impact on the wider countryside to the north. It is considered that the development of this site would not result in wider, unacceptable harm to the countryside.
- 9.17 The proposed design of the layout which includes a central area of open space which has housing facing on all sides (with enhanced design detailing) with play facilities, footpath links and enhancements, and the amended units that now face the river and the footpath, are considered to represent good design. The scheme provides approximately 22% of green space which would accords with Appendix B

of the Fenland Local Plan. However as two areas include SUDs attenuation areas which require accommodation of large amounts of water at times of high rainfall, their final design is likely to result in inaccessible areas which may be deep in section. With the northern buffer area also being inaccessible, it is unlikely to be usable as public open space. Therefore the actual provision falls short of policy requirements and does not therefore accord with Policy LP13. Nevertheless given the unviable status of the development, the degree of under-provision considered with the sustainable purposes (i.e. SUDs, Landscape mitigation, tree-planting on the edge of the countryside and wildlife protection) it is considered that by itself this under-provision would not form a substantive reason to refuse this application.

Notwithstanding the applicant's intention to provide the LEAP via the 106 agreement, it is considered that a more robust control would be in the form of a planning condition seeking submission of the detailed design of the LEAP to include details of surfacing and play equipment within 12 months of the commencement of development, and provision of the LEAP itself within 3 years following commencement of development (after approximately 100 dwellings). The LEAP and all areas of green space will be required to be maintained by a Private Management Company. Consideration of accessibility to maintenance needs to be given to the northern landscape buffer given its narrow width and tree planting being sandwiched between the public footpath and residential boundaries.

- 9.18 The design of the units at the proposed single point of access have included some material enhancements as suggested by officers. Nevertheless as effectively a cul-de-sac development serving over 200 houses it provides limited permeability or vehicular connectivity to the highway network. As an access to such a large development the somewhat restrained character is unlikely to provide a sense of arrival.
- 9.19 Nevertheless the development results in numerous perimeter blocks resulting in defensible space and good natural surveillance which are encouraged in terms of designing out crime. The layout has included some private drives which enables contrasting materials and variety in form. Some house-types include design features of interest. However, there are runs of properties (the more compact houses) that provide a more standard approach and with adjoining parking areas of minimum widths which may lead to pressures of on-street parking. Officers requested further design enhancements on numbers of key dwellings in order to provide improved legibility (many modern estates can suffer from repetitive designs resulting in a lack of a sense of place). However, if the application is permitted, and notwithstanding the drawings submitted, a condition is attached identifying the landmark houses in question, requiring further design features be submitted and approved. The layout includes 2 pairs of semi-detached houses at the end of Horseshoe Terrace; these units will abut 4 more recently built houses. This is considered to be in keeping with this part of the street scene.
- 9.20 Overall the proposal is a modern housing estate layout with both good and not so good design features. It includes a variety of accommodation including affordable housing. There are little identifiable vernacular styles of housing nearby and therefore the impact of the development is unlikely to appear significantly out of keeping with the character of the area. The raised levels will result in some views of properties raised by a metre, however the river defences are raised providing a buffer on views in that area. Views from the south-east, south, south-west and mostly from the west will be mitigated by existing housing. Overall the proposal is not considered to result in significant harm to the character of the area and therefore complies with Policy LP16(d).



## Impact on residential Amenity

9.21 Policies LP2 and LP16(e) addresses concern of impact upon neighbouring residential amenity. The key concerns relate to the impact of the rear outlook on the privacy of existing residents that abut the site. The site abuts properties on Horseshoe Terrace, Riverside Terrace, Mountbatten Drive and Sutton Road.

Existing Houses – To Proposed Plot	Rear Garden lengths	Separation to nearest house (rear façades)
<i>Horseshoe Terrace</i> No 33 – Plot 69	12.5m	24.5m
No.s 9-12 – Plot No 56	8 metres	23.5m (Flat has single aspect, roof-lights only)
<i>River Terrace</i>  No's 13 to15 – Plot 56  No's 1 to 10 – Plots 50 to 55	Side Gable faces rear of River Terrace, no windows.  13 metres	17metres to 5metre high eaves, 3 metres from garden fence.  30 metres(see section Y)
<i>Mountbatten Drive</i> 41 and 43 – Plots 28 to 29	15 metres	23.5m but does not directly face bungalows. (See section 'V')
<i>Sutton Road</i> No 76 – Plot 11  No 82 – Plot 6 and 7  No 84 – Plot 5  No 86 – Plot 2  No 90 – Plot 183  94/96 – Plot 184  98/100 Bungalows- Plot 187	Side Gable Façade 7 metres from garden boundary  13m  11.5m  Rear façade faces side of No 86; it has 9metre long rear garden and 2.4 metre high fence. It has obscure glazed fixed windows/ roof light, therefore no overlooking.  Side hipped gable, no overlooking, approx 7 metres to garden boundary  10metre rear garden  11metre rear garden	34 metres  37.5m  35.5m  30 metres approx. rear to side separation.  35m separation (See section z)  33metre separation

102/104 Bungalows – Plots 188/189	10.5metre rear garden, 11metres to garden boundary.	35 metres separation (some conservatory extensions/sheds will be nearer.)
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- 9.22 The above table details properties that are closest to proposed dwellings. The site is to be raised to provide finished floor levels of 4.75metres AOD as required by the Environment Agency regarding flood risk. Properties on Sutton Road appear to have floor levels approximately at 4.25m AOD and rear gardens are lower still, in some cases by approximately 1 to 1.25 metres. However, proposed separation distances are substantial, particularly from the existing houses (minus any rear extensions). There are 4 bungalows in the north-western corner which will have back to back aspects with two-storey houses. After discussions with officers the plots that face the bungalows have been re-positioned between 1 and 3 metres further away by reducing the front gardens to these plots.
- 9.23 Fenland has no separation standards, however good practice generally supports separation of 20 to 21 metres on flat sites of rear to rear 2-storey to 2-storey properties (therefore accepting 10 metre rear gardens). In this layout, apart from Plot 57, a flat with no rear aspect, all properties achieve this standard. It is considered that the separations between rear facades are acceptable.
- 9.24 There is likely to be some overlooking of the furthest most (from the dwelling) areas of rear gardens due to the drop in ground levels. The applicant is proposing to provide 2.4 metre high rear fences in such circumstances. On the edges of the development gardens are designed to slope down to the existing ground levels. The worst juxtaposition is considered to be Plots 188/189 and Nos. 102/104 Sutton Road with rear gardens of only 9.5metres together with the ecological passageway totalling 11 metres to the neighbours' boundary. But ground levels in the gardens are lower with the result being that there will be some overlooking of the rear gardens in the worst cases from first floor windows. However, weight given to the impact of some overlooking of the rearmost elements of gardens, compared for example to patios alongside rear facades, is questionable, and therefore on balance whilst some overlooking will exist it is not considered the degree of harm to amenity is bad enough to warrant refusing the scheme. In most circumstances the surrounding properties have substantial rear gardens. It is therefore concluded that in this instance the likely degree of harm experienced is not a reason on which to refuse this application and therefore accords with Policies LP2 and LP16 of the Fenland Local Plan.

### **Flood Risk**

- 9.25 The site is close to the tidal River Nene with the larger part located within Flood Zone 3 of the Environment Agency Flood Zone Maps. The application has been accompanied by a Flood Risk Assessment which has been considered by the Environment Agency which has no objections. Anglian Water and the Lead Local Flood Authority have no objections either. North Level IDB has expressed "serious reservations" regarding surface water disposal methods.
- 9.26 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. 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.

- 9.27 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.
- 9.28 The site is largely within Flood Zone 3 an area considered to be at highest risk of flooding. It is also identified in the Council's Strategic Flood Risk Assessment to be an area considered to be a danger to most (the second worst level of risk). Being considered to be on the edge of Wisbech the area of search is that of Wisbech only, in line with the protocol endorsed by Full Council on 17<sup>th</sup> May 2018. The applicant's sequential test (which was District wide) therefore need only address Wisbech. The proposal is for 221 houses (a 9.4 hectare site). Therefore to fail the sequential test a site, or combination of sites, need to be identified in Wisbech that are sequentially preferable and which are 'reasonably available'. Advice regarding criteria for reasonably available sites is contained within the Flood and Water SPD adopted by Fenland December 2016. This includes the following:
- Local Plan Allocations;
  - Sites with Planning Permission;
  - Five Year Land Supply/Annual Monitoring Reports
  - Housing and Economic Land Availability
  - Local property agents listings
  - Historic Windfall rates.
- 9.29 In this instance the applicant has undertaken a sequential test that seeks to demonstrate no sequentially preferable sites are reasonably available. Of critical importance are the Strategic Allocations and Broad Locations for Growth included in the Fenland Local Plan for Wisbech. These together seek to provide over 2,000 dwellings for Wisbech. Following the submission of Legal Advice in which a view was given that the Council was misdirected in its approach, the Council sought its own advice which concluded that the Broad Locations for Growth, due to their imprecise nature, could not claim to have undergone sequential testing and do not therefore carry the weight of being a site allocation. These sites should therefore be excluded from the sequential test as being automatically sequentially preferable.
- 9.30 There are currently no sites for sale with planning permission capable of meeting 220 dwellings in Wisbech. However, there is the Wisbech East Strategic Allocation. This is precise in nature and has been progressed as a Broad concept Plan approved by Planning Committee in May 2018, and could meet the needs of 220 houses proposed by this development. However, it is the view of Officers that given that delivery of growth in Wisbech has not yet resulted in commencement of major development sites, there remains some need for windfall sites within Wisbech. As no residential planning applications within either the Broad Locations for Growth or the Strategic Allocation have yet been received, it is considered that there are no sequentially preferable sites reasonably available at this time to meet the development of 221 houses. Therefore, in this instance the sequential test is considered passed.
- 9.31 The Environment Agency has verified that it has considered the details of the Strategic Flood Risk Assessment and the status of the site as 'danger for most'.

The Agency also confirmed it is aware of the raising of the land levels and does not consider that flood displacement would necessarily be an issue. Should the flood defences fail the impact of raising the land levels would be negligible due to the volume of water likely to be involved. The only time the increase in levels would be an issue in terms of displacement would be if a finite amount of water overtopped the defences and could then be displaced. There is no evidence to suggest the likelihood of a failure of the defences, or that if this occurred the volume of water would be sufficiently finite to affect the site and its immediate locality only. It is therefore considered that the flood risk element of the exceptions test is met.

9.32 The applicant is required to provide wider benefits to the community which outweighs the flood risk. This proposal now includes sustainable measures (both the use of SUD's, and grey water recycling). The proposal contends that it provides 23 Affordable dwellings which given the recent shortfall of provision, are considered to represent a gain to the wider community of Wisbech, as well as financial contributions towards health and education provision. These elements will be discussed further elsewhere in the report.

9.33 Overall, therefore, the proposal is considered to result in wider community benefits and to pass the Exceptions Test.

9.34 In summary, the FRA concludes that the probability of the development site flooding is low, and that the existing flood defences on the River Nene frontage provides the necessary 1 in 200 year tidal event protection that complies with the NPPF, and that any over topping in the next 100 years due to climate change would be very small and contained. Mitigation by providing finished floor levels at +4.75 ODN. and 500mm. of resilience will provide additional mitigation against an extreme flood event. All surface water runoff is contained on site by means of a Sustainable Urban Drainage System (SUDs). As regards the issue of Flood Risk the Flood Authorities do not object. The Environment Agency refer to the Council's Responsibility in Emergency Planning, and the Council's emergency planning officer was consulted and his comments are reported and considered. A planning condition is attached regarding the provision of a Flood Evacuation Plan. The Local Lead Flood Authority required further detailed Surface Water drainage Strategy details to overcome previous concerns, including that of the North Level IDB. This evidence has been provided and concluded that; *'the proposed development would not increase flood risk to the Site, its occupants and the surrounding existing properties.'* The LLFA considered the Surface Water Drainage Strategy and the SUDS scheme proposed is now considered in principle to be acceptable subject to the requested conditions attached to this report.

9.35 Therefore the proposal is considered to accord with paras 100-103 of the NPPF and Policy LP14 of the Fenland Local Plan (2014), and the requirements of the Flood and Water SPD.

### **Highway Safety**

9.36 Both the County Council's Transport Assessment Team and the Development Control team have assessed the layout and the applicant's Transport Assessment, and has no objection, subject to conditions and necessary highway improvements. The TA Team accepts that the requirement for footway improvements to Burcroft Road is not essential and this is now omitted. The request for a Travel Plan, which itself will include travel packs and additional costs, whilst desirable, given the viability position are not considered essential, and are therefore omitted from the planning condition.

9.37 The TA team have also considered details in an objectors own traffic survey as detailed in the TA comments.

9.38 As the Local Highway Authority has vigorously assessed the applicant's proposals and has no objection the proposal is considered to accord with Paragraphs 34 – 37, and 39 of the NPPF and Policy LP15 of the Fenland Local Plan.

### **Affordable Housing**

9.39 The applicant's layout provides 23 affordable units which represents 10.4% provision, and should ideally be a split of 70% affordable rent and 30% shared ownership. The total falls short of the Council's 25% required by Policy LP5. However, development in Fenland has struggled to achieve on-site affordable provision in recent years. The applicant has submitted a draft Section 106 agreement which includes a number of 'opt-out' clauses should registered providers (RP's) fail to deliver, providing an off-site alternative. This is not considered to represent a robust approach to the delivery of affordable housing. Particularly given the balancing of the merits of the scheme and weight given to the provision of affordable housing both set against the loss of open agricultural land and the benefits required of the exceptions test. The applicant has therefore been requested to provide more robust evidence of delivery of affordable housing. This is considered entirely reasonable in light of the emphasis of the recent NPPF in terms of delivery.

### **Public Open Space/Footpath Provision**

9.40 The application provides on-site open space, including a LEAP, which will therefore directly meet the needs of the development. This is situated within the Parish of Leverington and will serve the development, and potentially, the residents of adjoining residential areas. Footpath links to River Terrace, Mountbatten Drive and possibly Walsingham Close (depending upon land ownership issues), as well as enhancements to Footpath No 145/2 on the edge of the site are included and will be secured by and are considered to provide adequate linkages to the existing community.

9.41 It is not therefore considered necessary, or indeed viable, for the development to provide any contributions towards off-site open space.

## **Infrastructure Contributions**

9.42 Overall, it is proposed that the development would deliver, in addition to affordable housing and public open space/footpath links, the following infrastructure contributions, to be secured through legal agreement:

- £5000 to CCC Highways for a contribution towards the revisions of the controller at the signals at the junction of the A1101 with the B1169 and Old Market/South Brinks. Provisions of highway improvements as requested by the TA Section (excluding Burcroft Rd and Travel Plans)
- An access point and a 2 metre wide hard surfaced footway linking the development to Mountbatten Drive
- Improvements (gravel surfacing) to the footpath adjacent to the site.
- Provision of on-site open space
- Provision of the LEAP prior to occupation of no more than 70 of dwellings,
- Provision of Sustainable Drainage
- £500,000 contribution for the needs of local education
- £82,018 The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration, or potential relocation at North Brink Practice;

9.43 The County Council requested a '50-50' split of the reduced infrastructure package following the viability assessments findings, as the 10.4% on site affordable housing provision equates to a proportionately greater figure than the £500,000 education contribution. However this is the applicant's proposal for contributions, and given the Local Planning Authority's significant under-provision of affordable housing a further reduction in this is not considered acceptable. In other respects the Infrastructure contributions are considered necessary, reasonable and reasonably related to the development in scale and kind, and therefore comply with the CIL Regulations.

## **Biodiversity**

9.44 The Council's Ecology advisor has recommended conditions to be added which refer to the implications of site clearance. However, site clearance works (not the reshaping of land which is considered to be an engineering operation) does not constitute development and therefore does not itself require planning permission. Therefore such planning conditions are not enforceable and therefore unreasonable and do not pass the tests provided in the NPPF and cannot be added. Other recommended ecological conditions are attached. Protected species present are considered to be appropriately safeguarded and neither PCC Ecology nor Natural England objects. Therefore the proposal is considered to accord with Policy LP19.

## **Environmental**

9.45 The Council's Environmental Health team have highlighted that there have been a number of issues around this site concerning unauthorised waste disposal matters. The development of the site would prevent these from occurring in future.

9.46 Due to the previous use of the site ground contamination modelling was requested before determination of the application. However given the proposals to raise the land level across the site it is considered that this matter may be adequately addressed through an appropriately worded condition.

## **Other Considerations**

- 9.47 Objectors refer to overloaded Health Provision. In this instance the NHS have requested enhancements to the North Brink Practice and the applicant has agreed. Therefore, the development is considered to appropriately deal with this concern.
- 9.48 Objectors highlight that the site is not allocated. It is not a broad concept allocation, Other than the Broad concepts the Local Plan chose not to allocate sites. The fact that the site isn't an allocation is therefore not by itself a reason to refuse the application. The balancing of this provision against the delivery of the Broad concepts is considered above.

## **10. CONCLUSIONS**

- 10.1 The proposal is a windfall development located outside but on the edge of Wisbech considered by the Council's Settlement Hierarchy to be a location where most growth will be accommodated. The site will result in the loss of some agricultural land, however the development is considered to represent an acceptable extension to the built form of Wisbech with no unacceptably adverse impact upon the wider countryside and would make a significant contribution towards the Districts housing stock in a location at the edge of one of the Primary Market Towns. In addition relationships with existing residential properties are considered to be acceptable, as is the risk of flooding on the site and highway safety implications arising from the development. Consequently, on balance, it is considered that the development is in accordance with national and local planning policy.

## **11. RECOMMENDATION:**

### **Grant subject to:**

- (i) **Prior completion of a Section 106 agreement with regard to:**
- **23 units for affordable housing on site;**
  - **£500,000 to Cambridgeshire County Council towards local Education enhancement;**
  - **Provision of Public Open Space and LEAP on site;**
  - **£82,018 extension, refurbishment, reconfiguration, or potential relocation at North Brink Practice (with any underspend being re-allocated towards affordable housing provision in the District);**
  - **Provision of off-site highway improvement works, including £5,000 financial contribution;**
  - **Provision of footpath improvements; and**
  - **Provision of SUDs**
- (ii) **Should the obligation referred to not be completed and the applicant is unwilling to agree to an extended period of determination after 4 months, or on the grounds that the applicant is unwilling to complete the obligation necessary the application be refused.**
- (iii) **Delegated authority be given to the Head of Planning to finalise appropriate planning conditions, although an indicative schedule is included below:**

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

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

2. Development shall not commence until a detailed surface water drainage scheme for the site, based on the agreed Drainage Strategy Report prepared by BHA Consulting (ref: 2979 Version 3) dated 22 November 2018 has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for delivery of the scheme relative to the delivery of the development. The development shall thereafter be implemented in full accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

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

Reason: To ensure the satisfactory maintenance of drainage systems that are not publically adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework

4. Prior to the first occupation of any dwellings hereby approved a Flood Warning and Evacuation Plan shall be submitted to and approved by the Local Planning Authority. The Approved scheme shall be issued to all occupants on first occupation. The content of such a plan is recommended to include:

- a. Site layout plan
- b. Detail the types of flooding the development is at risk from, the source of the potential flooding e.g. fluvial flooding, tidal flooding, surface water.
- c. Warning systems in place such as EA Floodline, Met Office Warnings.
- d. The frequency/probability of flooding, depth and estimated time from warning to onset of flooding.
- e. The developer should actively encourage owners/occupiers to sign up to the EA Floodline Warning Service and detail how this can be done.
- f. Include the Flood Warning Activation Procedures for Flood Alert, Flood Warning, Severe Flood Warning, Flood Warnings No Longer in Force. What the warnings mean and the EA recommended actions for each warning.
- g. Safe Refuge/ Safe Evacuation routes and locations.

Reason: To inform the future occupiers of Flood Warning and evacuation plans and in accordance with Policy LP14 of the Fenland Local Plan (2014).



5. Prior to the commencement of development above finished floor level a pedestrian access scheme shall be submitted to and approved by the Local Planning Authority. Such a scheme shall include provision for:
  - a. The design of public rights of way routes and their surfacing, widths, gradients, landscaping, signage and structures
  - b. Any proposals for diversion, closure or creation of public rights of way and alternative route provision.
  - c. Timetable for implementation

The development shall thereafter only be carried out in accordance with the approved details.

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

6. 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) no fencing shall be erected on or within 0.5m of the public right of way on the north-eastern edge of the application site. In addition no tree planting shall take place within 2m of this right of way.

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

7. Before development commences the applicant should submit to the Local Planning Authority for approval in writing a Specialist Method Statement for the radiocarbon dating and analysis of sediments associated with a palaeochannel at Borehole 8, as reported in Archaeological Evaluation Report: Trial Trenching and Auger Survey on Land off Sutton Road, Leverington, Cambridgeshire, Allen Archaeology Ltd and The Environmental Archaeology Consultancy 2017 report ref AAL 2017155. ECB 5190. The Specialist Method Statement should be implemented and its findings reported on to the Local Planning Authority within 18 months of the date of its approval.

Reason: In the interest of full Archaeological assessment of the site in accordance with Policy LP18 of the Fenland Local Plan 2014.

8. All dwellings hereby approved shall have a finished floor level at 4.75mAOD, as shown on Site Layout Plan 5267/(P0\_19, and flood resilience measures provided to 500mm above FFL in accordance with the Flood Risk Assessment submitted with the application.

Reason: In the interests of mitigation of flooding and in accordance with Policy LP14 of the Fenland Local Plan 2014.

9. Prior to the commencement of development above slab level a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority and provision of the fire hydrants shall thereafter be made in accordance with the scheme and timetable.

Reason: To ensure a satisfactory form of development.

10. Prior to commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local

Planning Authority. Subsequently, these works shall be carried out as approved and retained thereafter. The landscaping details to be submitted shall include:-

- a) Details of the tree belt on the northern edge of the site;
- b) Details of all tree planting indicated fronting;
- c) Tree planting on the central open space area;
- d) Details of tree planting on other areas of Public Open Space;
- e) Details of all other proposed tree planting for planting;
- f) Existing trees, hedges or other soft features to be retained;
- g) Any other planting plans, including specifications of species, sizes, planting centres number and percentage mix;
- h) Details of measures to protect and enhance existing flora, fauna and habitats within the development site;
- i) Measures to protect the trees to be retained on the southern boundary of the site for the duration of building works; and
- j) A timetable for the delivery of the scheme and measures outlined above; and
- k) A scheme for future management and maintenance of landscaping and planting within the site.

The development shall only be carried out in accordance with the agreed details.

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

11. 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.

12. Before development above slab level commences details of the treatments to the external boundaries of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented before the first occupation of the dwelling to which they relate.

Reason: To safeguard the amenities of adjoining residents in accordance with Policy LP16 of the Fenland Local Plan.

13. Prior to the commencement of the development hereby approved full details of the materials to be used for the external walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

14. Notwithstanding the drawings hereby approved, prior to commencement of Plot No's, 19, 60/61, 111/112, 113/114, 140, 196/7, 206,216 hereby referred to as Landmark properties, detailed design drawings indicating how these plots shall differ in appearance from neighbouring properties in order to increase legibility in urban design and create a 'sense of place', shall be submitted to and approved in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interest of good design, legibility of the development and the creation of a sense of place in accordance with Policy LP16 of the Fenland Local Plan and Paragraph 127 of the NPPF.

15. Plots 2, and 57 hereby approved, as shown on plan ref 5267/(P)-10 Rev L, the first floor or roof light windows in the rear elevation of which shall only be glazed with obscure glass and so maintained in perpetuity thereafter.

Reason: To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings.

16. No occupation of more than 70 dwellings shall take place before detailed design of the LEAP including details of play equipment, surface treatment and any safety fencing, and a timetable for provision on site and details of future maintenance and management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the occupation of 100 houses.

Reason: In the interests of provision of play facilities for occupiers of the development and to ensure satisfactory development in accordance with Policy LP16(g) of the Fenland Local Plan 2014.

17. Before development commences a scheme and timetable for the protection of mitigation of the impact on mammals, before, during and after construction, including relevant timetables, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: To provide biodiversity mitigation in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan 2014.

18. Before the first occupation of the development a scheme for the provision of bird nesting boxes across the site, including a timetable for delivery, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.

Reason: To provide biodiversity mitigation in line with the aims of the National Planning Policy Framework and Policy LP19 of the Fenland Local Plan 2014.

19. No development shall take place until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:
- parking, loading and unloading of vehicles of site operatives and visitors;
  - routes for construction traffic;
  - hours of operation;
  - method of prevention of mud being carried onto highway.

Reason : To prevent harm being caused to the amenity of the area in accordance with the provisions of Policies LP2 and LP16 of the Fenland Local Plan, 2014.

20. Prior to the commencement of plots 119-122 (as shown on Drawing 5267/(P)\_10 Rev L) of the development hereby approved, details of a turning head at the northern end of Horseshoe Terrace shall be submitted to and approved in writing by the Local Planning Authority. Details shall include;
- A minimum 5.0m wide carriageway.
  - 1.8m footway around the perimeter of the turning head.
  - Details of the how the existing Horseshoe Terrace turning head will be removed and footways laid out.
  - Turning head layout, geometry, kerbing, levels, drainage and methods of construction.

The occupation of the development shall not begin until the above works have been completed in accordance with the plans approved by the Local Planning Authority.

Reason: In the interests of satisfactory access and turning along Horseshoe Terrace.

21. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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 198 or a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

22. No works shall commence on site until such time as detailed plans of the Roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

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

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

24. Prior to the first occupation of any dwelling its associated car parking shall be laid out, demarcated, levelled, surfaced and drained 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.

25. Prior to occupation of development hereby permitted visibility splays of 2m x 2m shall be provided each side of the vehicular access measured from and along the back of the footway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the footway.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

27. Prior to the commencement of the development hereby approved a scheme and timetable to deal with contamination of land and/or groundwater shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme and timetable shall then be implemented on site. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

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

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

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

- (i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.
- (ii) The requirements of the Local Planning Authority for site investigations have been fully established, and
- (iii) The extent and methodology have been submitted to and approved in writing by the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

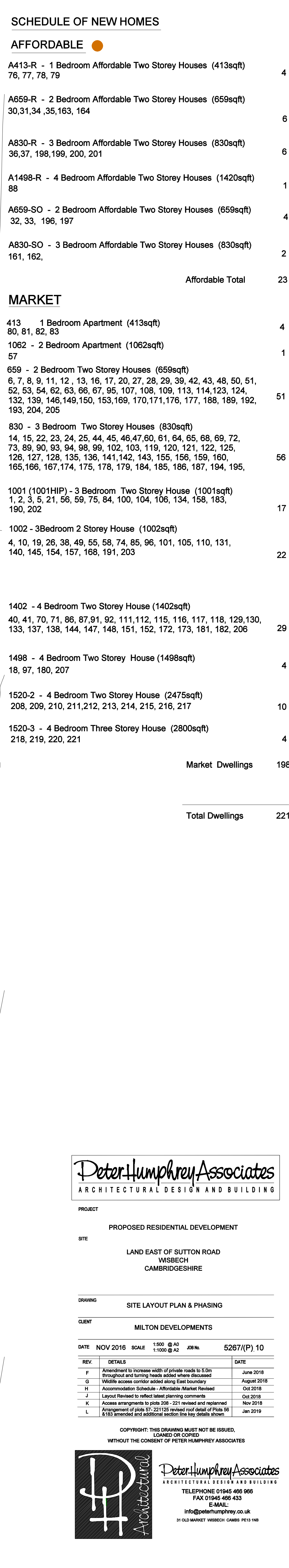
Reason: To control pollution of land or water in the interests of the environment and public safety in accordance with the National Planning Policy Framework, in particular paragraphs 178 and 179, and Policy LP16 of the Fenland Local Plan 2014.

28. The development shall only be carried out in accordance with the measures contained within the submitted Sustainability and Design Statement.

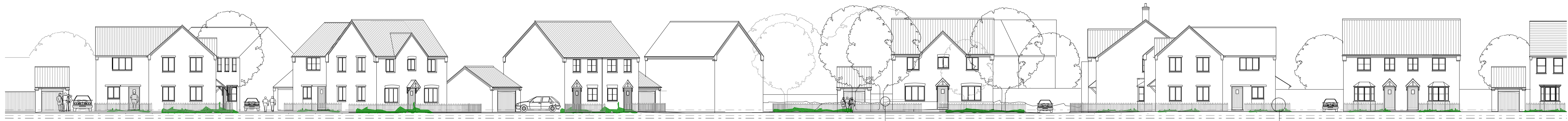
Reason: To maximise the sustainability benefits of the development to comply with the Cambridgeshire Flood and Water Supplementary Planning Document.











Central POS & LEAP

Section A - A



' Cedar ' Tegular Hydropave to Privat Drives



Hydropave Private Drive Surface and Kerb



Bow Top Safety Fencing around LEAP



Plot Frontage Bow Top fencing to POS Area



Central POS Upgraded Area



Bow Top Fencing around POS

*Peter Humphrey Associates*  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
PROPOSED RESIDENTIAL DEVELOPMENT

SITE  
LAND EAST OF SUTTON ROAD  
WISBECH  
CAMBRIDGESHIRE

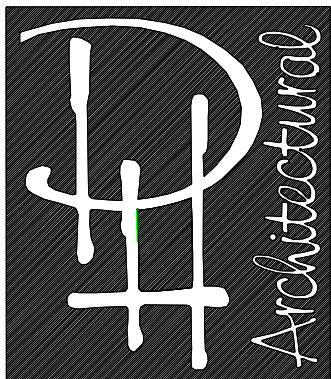
DRAWING  
CENTRAL AREA P.O.S DETAILING

CLIENT  
MILTON DEVELOPMENTS

DATE OCT2018 SCALE 1:1250/ 200 @ AD JOB No. 5267/(P) 31

REV.	DETAILS	DATE

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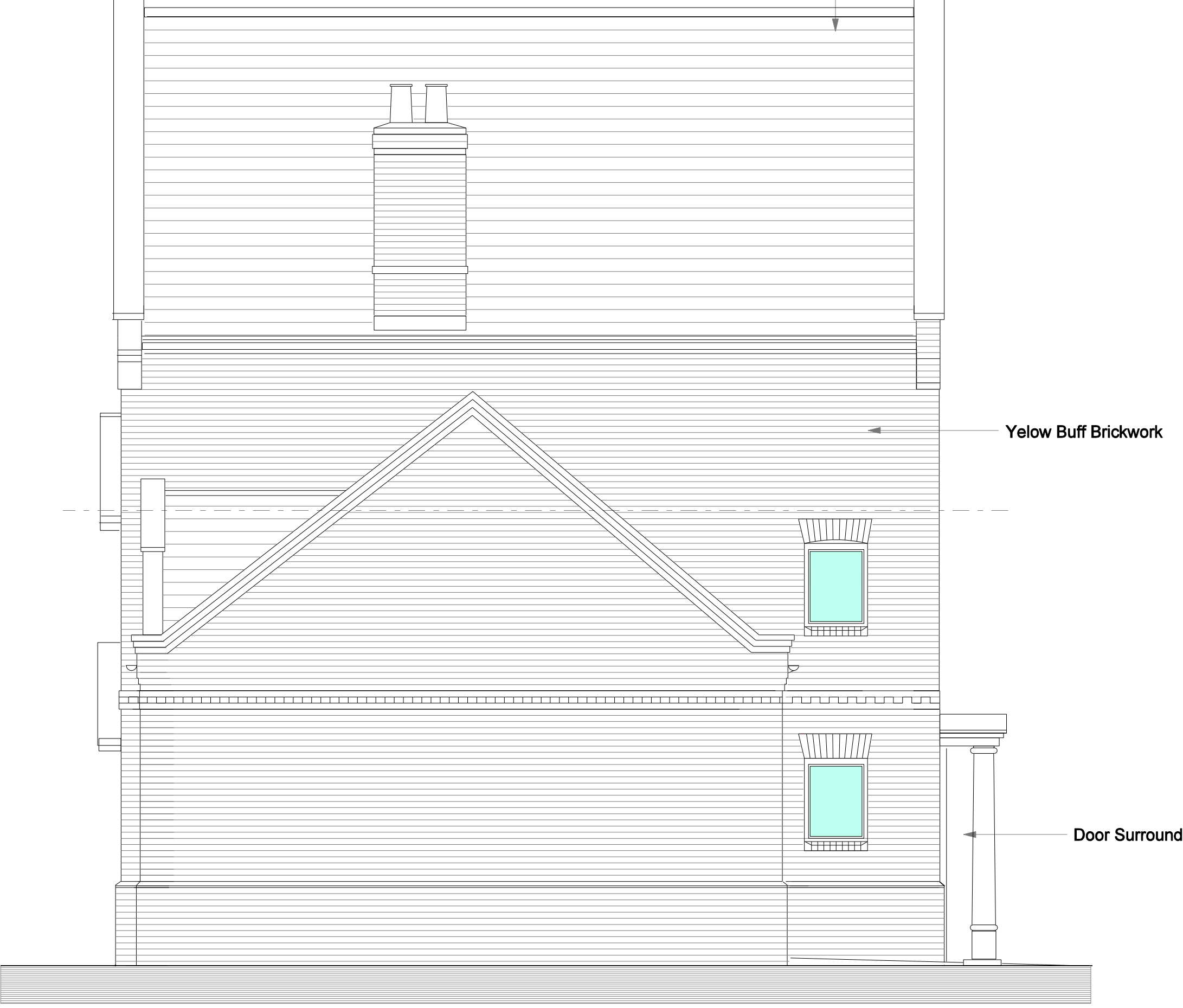


*Peter Humphrey Associates*  
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info@peterhumphrey.co.uk  
31 OLD MARKET WISBECH CAMBS PE13 1NB





Front Elevation



Side (Garage) Elevation



Rear Elevation



Side Elevation

- Schedule of Finishes
- Walls - Yellow Buff Brickwork Main Elevations  
Contrasting Brick Lintels and Feature Panel  
Dog Tooth brick detail to eaves
  - Roof - Red brown / Grey alternative Redland  
Richmond 10 interlocking Roof Tiles
  - Windows - White UPVC Double Glazed Casements
  - Front Door - Stained Hardwood with Vision Panel  
and Fanlight over.
  - Rainwater Good - Black UPVC Ogee Section

PLOT NO. HANDING  
Plots 213, 214, 215, 216, 217, & 218 as drawn  
Plots 224, 225, 226 & 227 handed

Peter Humphrey Associates  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT  
Proposed Residential Development  
SITE  
Sutton Road, Wisbech  
Cambridgeshire

DRAWING Horseshoe Terrace - House Type 1520-3		
CLIENT Milton Developments Ltd		
DATE	Nov 2016	SCALE 1:500
REV.	DETAILS	DATE
A	Elevations updated for planning	Jan 2017

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LOCATED ON PLOTS

81, 82, 83, 84, 85, 86, 87 & 88



FRONT ELEVATION

SIDE ELEVATION

REAR ELEVATION

SIDE ELEVATION

Schedule of Finishes

Walls - Yellow Buff Brickwork Main Elevations  
Contrasting Brick Lintels and Feature Panel  
Dog Tooth brick detail to eaves

Roof - Red brown / Grey alternative Redland  
Richmond 10 interlocking Roof Tiles

Windows - White UPVC Double Glazed Side Hung Casements

Front Door - Stained Hardwood with Vision Panel

Rainwater Good - Black UPVC Square Section

16/01/2017 - Amended to show whole building layout. REV A.



PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT AT:

Site

SUTTON ROAD  
WISBECH  
CAMBRIDGESHIRE

DRAWING

A413 - FLOOR PLANS & ELEVATIONS

CLIENT

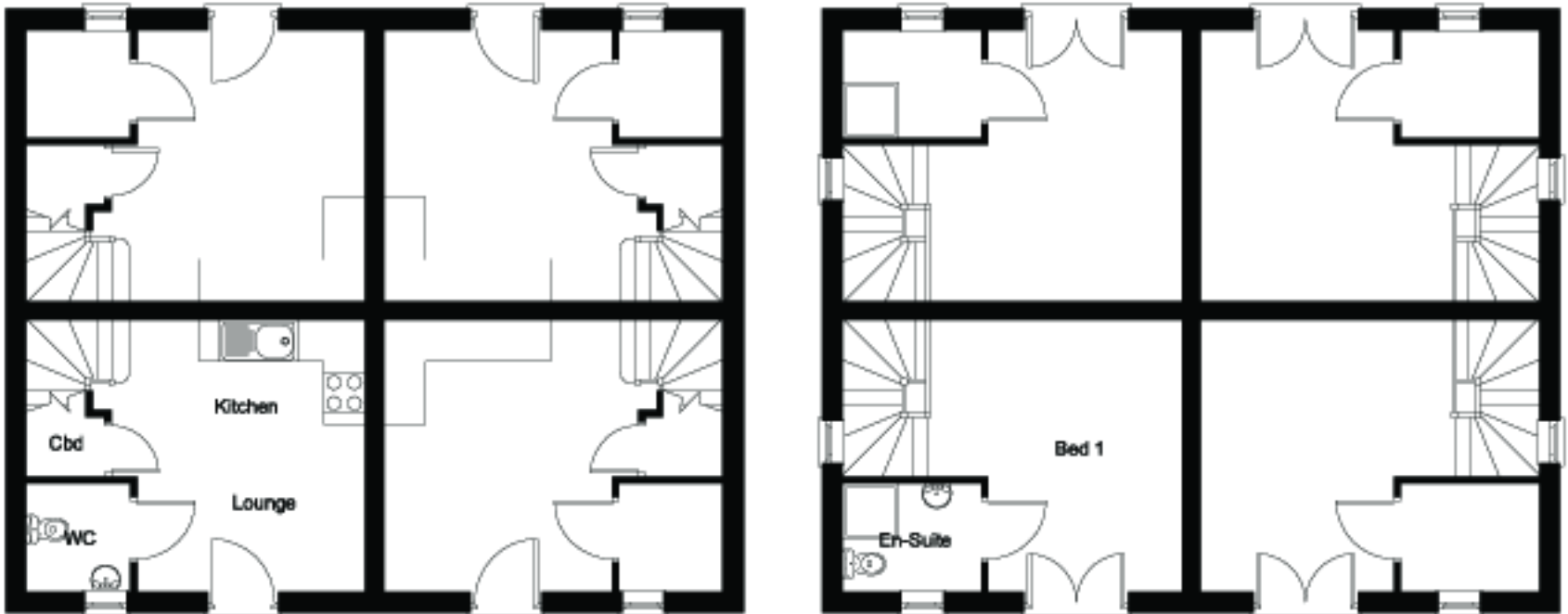
Milton Developments

DATE Jan 2017

SCALE 1:50, 1:100

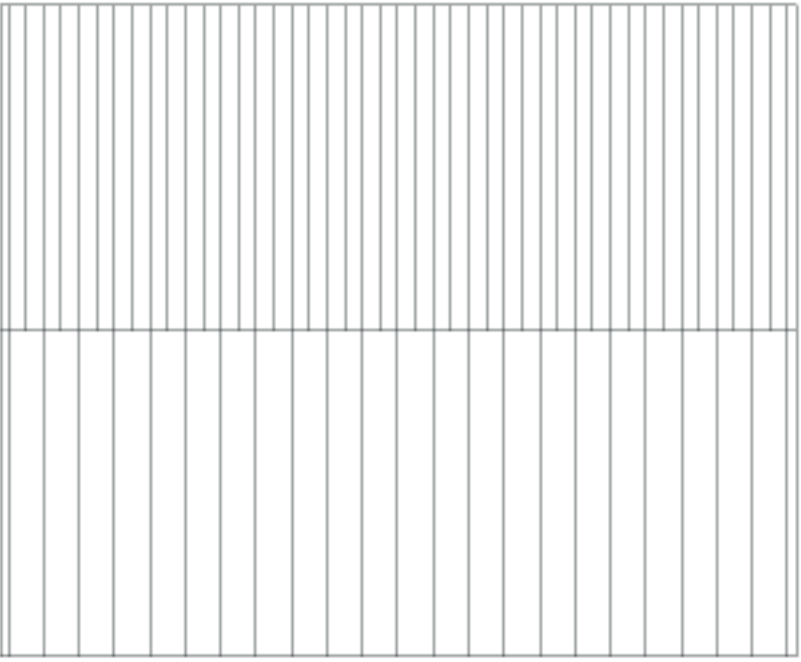
JOB No. 5267/A413

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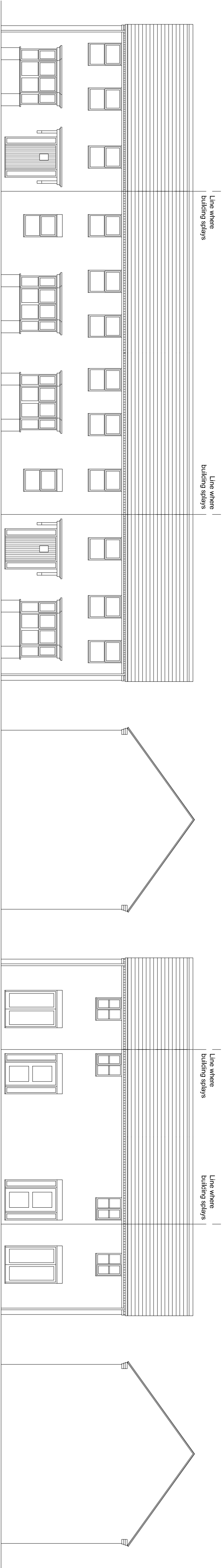
GROUND FLOOR PLAN

FIRST FLOOR PLAN



ROOF PLAN



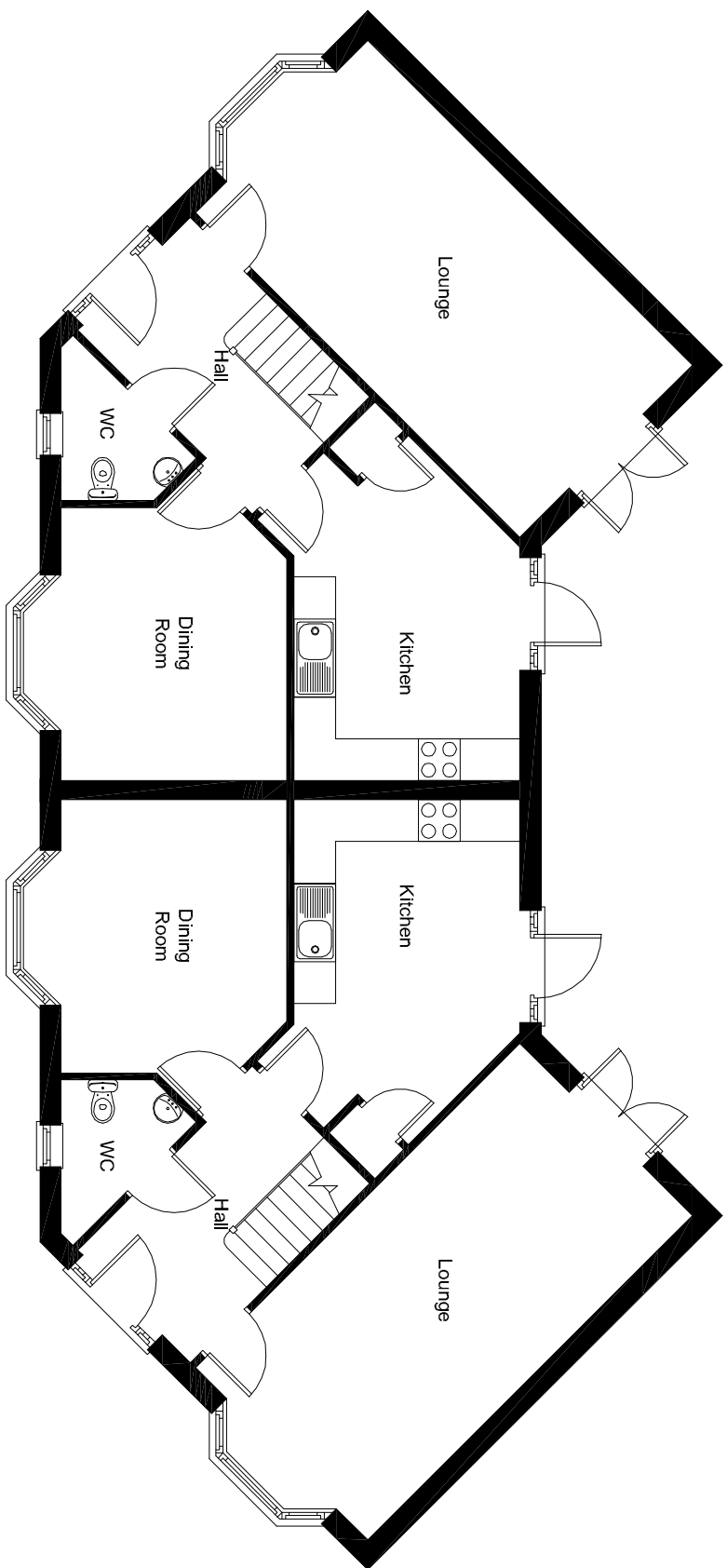


FRONT ELEVATION

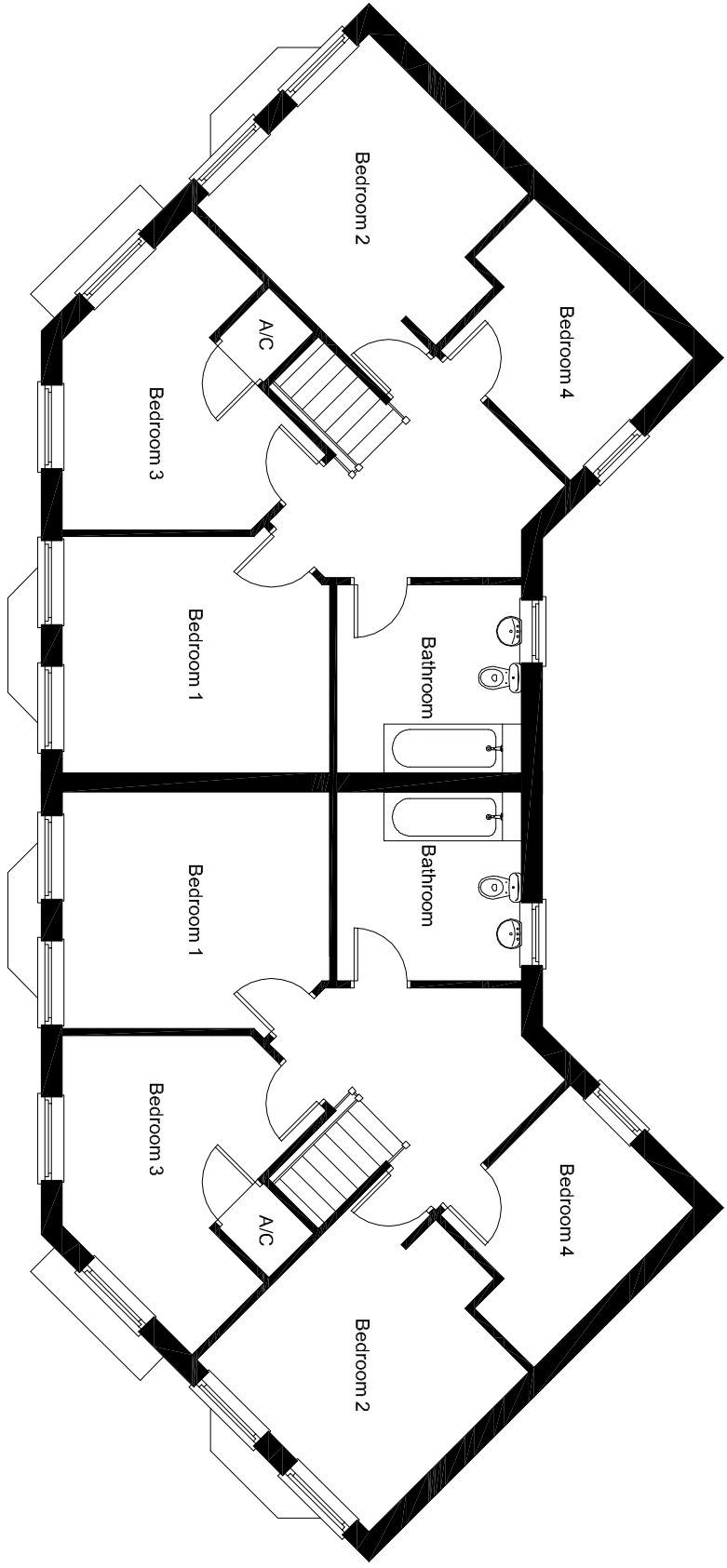
SIDE ELEVATION

REAR ELEVATION

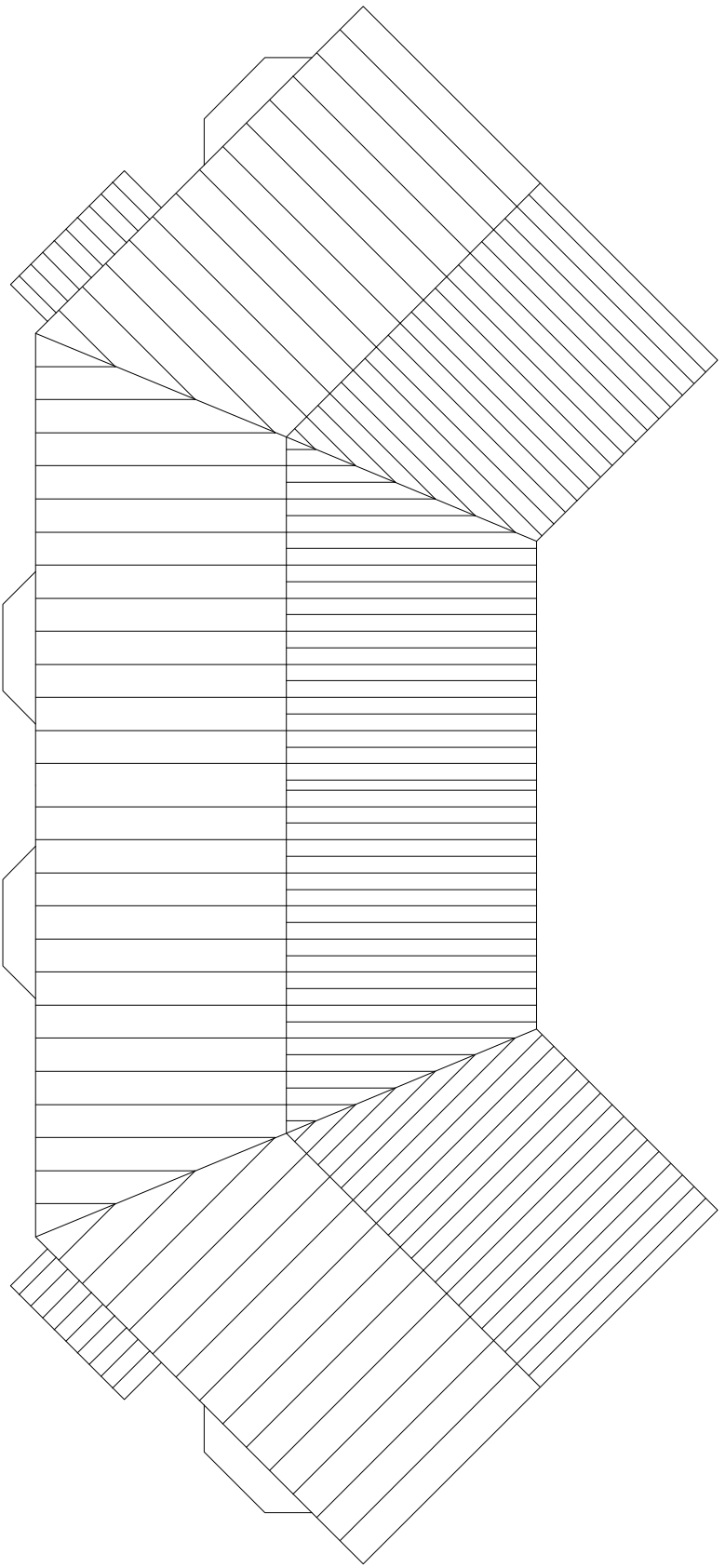
SIDE ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

17/01/2017 - Elevations changed to flattened. REV A.

**Peter Humphrey Associates**  
ARCHITECTURAL DESIGN AND BUILDING

PROJECT

PROPOSED RESIDENTIAL DEVELOPMENT AT:

Site

SUTTON ROAD  
WISBECH  
CAMBRIDGESHIRE

DRAWING  
A1402-R FLOOR PLANS & ELEVATIONS  
AS PLOTS - 102, 103

CLIENT

Milton Developments

DATE Jan 2017 SCALE 1:100 JOB No. 5267/A1402-R

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**APPLICATION NO: F/YR17/0304/F**

**SITE LOCATION: Land East Of 88 Sutton Road, Leverington,  
Cambridgeshire**

## **UPDATES**

As a correction, paragraph 9.35 on page 32 should refer to paras. 155-165 of the NPPF.

Since the officer report was drafted several additional comments have been received following re-consultation on the latest submitted plans. These are reported below:

Leverington Parish Council have expressed concerns that the raising of land levels potentially moves the issue of flooding to other land and the numbers of vehicle movements. The lack of a public consultation in Leverington is also raised.

Wisbech Town Council has no comments.

Three further letters of objection have been received from local residents reiterating previous issues but also raising health concerns, concerns over future residents' insurance position and reservations over the impact of a development of this scale on the future of the town.

One letter expressing support for the application has been received.

In addition a neutral response from a resident of Horseshoe Terrace supporting the principle of housing growth in Wisbech generally and welcoming the amendments to the development in respect of access from Horseshoe Terrace. However some concerns are also expressed regarding the pedestrian facilities in Horseshoe Terrace, as well as concerns over the drainage of the site in relation to the increase in land levels.

It is considered that these issues are already largely addressed within the Committee report.

However to address the issue of Horseshoe Terrace, it is acknowledged that this is a narrow road with limited pedestrian facilities. However it is not considered that the development of four additional houses would significantly worsen this situation and that any impact would be balanced by the improvement to the turning head.

In addition the comments raised regarding the future situation of residents in respect of insurance is not a material planning consideration. Comments received regarding existing residents health and the impact of the development are not considered to be so significant as to be able to demonstrate an impact warranting the refusal of planning permission.

In terms of the Parish Council's issue regarding the lack of a public consultation, the appeal decision at Manea in 2017 concluded that only limited weight could be given to this matter if no other planning harm was identified. As such the absence of a community consultation is not considered to constitute a reason for which the application could be refused.

**Recommendation: Grant planning permission as per the recommendation at page 35 of the agenda**

F/YR18/0646/O

**Applicant:** Mr P Jolley

**Agent :** Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd

**Land South Of 6, Eastwood End, Wimblington, Cambridgeshire**

**Erection of up to 3no dwellings (outline application with all matters reserved) and construction of footpath.**

**Reason for Committee: Recommendation contrary to Parish Council comments for a proposal of more than 2 dwellings**

---

## **1. UPDATE**

- 1.1. This application was deferred by the Planning Committee at the 12<sup>th</sup> September meeting in order to enable further examination of the feasibility and deliverability of the footpath. Since that meeting a further appeal decision has been received relating to the construction of a new dwelling along Eastwood End and this report therefore focuses solely on those two issues and their implications for the proposal. The original report to the Planning Committee and the minutes of that meeting are attached at Appendix A and B respectively.

## **2. ADDITIONAL COMMENTS**

### **Cambridgeshire Constabulary Crime Prevention**

- 2.1. *There are some community safety concerns due to the lack of street lighting in this rural setting, albeit that a footpath is an improvement to walking on the road. There have been some reports of suspicious activity in the general area and one house burglary reported. If planning approval was given I would like to see confirmation that hedges and bushes that align the new footpath would be managed and growth kept to under 1m.*

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

- 2.2. *The footpath element located behind the hedge to the east would not be adopted.*

*The footpath construction detail does not cater for earthwork batter between the edging kerb and the existing ground, where the roadside ditch falls away.*

*Footway will require piping of the ditch which could prove problematic due to the shallow depth and footway construction. Diversion of the ditch would require additional land.*

## **3. FOOTPATH PROVISION**

- 3.1. Following the consideration of the application at the previous meeting, several iterations of the design for the footpath have been considered.
- 3.2. The latest layout indicates that the footpath link will begin adjacent to the single vehicular access point into the site at its northern corner. The footpath then flanks the shared private drive running south inside the existing hedgerow (reduced to 0.9 metres height) to the southern end of the site, whereupon it turns west to adjoin the highway. It then runs west alongside the southern side of Eastwood End for a distance of approximately 100 metres before crossing to the

northern side of Eastwood End to join the existing footpath at the western junction of Eastwood End with the A141.

- 3.3. The proposed footpath terminates at the entrance to the application site at its northern edge, leaving a gap of approximately 50 metres before the footpath along the remainder of Eastwood End resumes.
- 3.4. The footpath is shown as being 1.2 metres wide for its entire length, although the sections provided indicate that there may need to be some hedgerow removal along the southern side of Eastwood End to the west of an existing access point.
- 3.5. Consultation with the Local Highways Authority has confirmed that the section of proposed footpath behind the hedge and alongside the private drive to the proposed dwellings would not be adopted and would therefore be required to be maintained privately for the public benefit.
- 3.6. Two sections through the proposed footpath are provided to indicate construction, however these sections are not located where the relationship between the footpath and hedgerow is at its closest and do not therefore illustrate the precise nature or extent of any impact on the hedgerow at this point.
- 3.7. In addition to this, the plans detailing the proposed layout and construction of the footpath show that it requires the piping of the existing roadside ditch alongside the southern stretch of Eastwood End.
- 3.8. The comments relating to crime prevention are noted also, and would necessitate the maintenance of the hedgerows adjacent to the path to a height of 1 metre or less.

#### **4. APPEAL DECISION**

- 4.1. The proposal was for the construction of a single dwelling at the eastern end of Eastwood End where it becomes Hook Road, and was refused by the Planning Committee on 28<sup>th</sup> February 2018. Two main issues were identified by the Planning Inspector, being whether or not the site was suitable for housing (with particular regard to its sustainability) and the effect of the development on the character and appearance of the area.
- 4.2. With regard to the first of these matters, the Inspector's Report concludes that Eastwood End falls within the 'Elsewhere' category identified in policy LP3 of the Fenland Local Plan (2014) where residential development is restricted. It accepts that residents would be likely to depend on the private car to reach essential services and employment, but notes that some such trips could be undertaken by sustainable means. It states that the National Planning Policy Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas.
- 4.3. In respect of the second matter, whilst this is a more site-specific consideration, the Inspector concluded that the construction of a new dwelling would compromise the sense of space and openness of the site, which was located between two existing dwellings. The impacts were considered to adversely harm the rural character and appearance of the area sufficient to dismiss the appeal.
- 4.4. The appeal is therefore of particular relevance to the consideration of the current scheme as it sets out not only the consideration of sustainability issues as they relate to the proposal but also the impact of development on the character and appearance of an area and the importance and contribution made to an area by more open and undeveloped spaces.
- 4.5. **Impact of appeal on the principle of development**
- 4.6. The most recent Inspector's decision with regard to the sustainability of Eastwood End is noted, however the scale of the current proposal is significantly in excess of the scheme that was being considered at that time and



as a result the need for a sustainable location is proportionately greater. The appeal decision reinforces that Eastwood End is in an area that would not normally be granted permission for development and although in that instance concluded that the sustainability of the location did not support refusal of the scheme, does not indicate that Eastwood End is a sustainable location nor that applications such as the current proposal should be supported.

**4.7. Impact of appeal decision on the character of the area**

4.8. Policy LP16 seeks to deliver high quality environments across Fenland District, with sub paragraph (d) requiring development to make a positive contribution to the character of an area and its setting. The application site is prominent in views travelling east along Eastwood End from the southern access point with the A141 and also its openness is a key characteristic of this part of the road and the overall character of the area. The development of the application site would result in the urbanisation of a 120m stretch of open countryside in what is currently a mix of residential and agricultural land. This length of open countryside is not considered to be small in scale relative to the scale of existing development and is an important feature within the street scene in establishing its rural character, linking the residential properties that are present to the agricultural land beyond.

4.9. The appeal was dismissed on the grounds of harm caused to the rural character and appearance of that site by the construction of a single dwelling. Whilst the two sites are different in their relationship and characteristics in this regard, the site of this application is of a size far in excess of that relating to the appeal, and is located in a more prominent position, giving a much more significant contribution to the rural character of Eastwood End and therefore its development would result in a substantially greater detrimental impact on the character of the area.

**4.10. Decision history within Eastwood End**

4.11. In support of the above information, an analysis of the decisions in respect of the construction of residential properties on Eastwood End since 2012 has been conducted and demonstrates that prior to the adoption of the current Local Plan, 6 decisions were made, on 5 different sites, with 4 of the applications being granted consent. Both refused applications were located on a single site.

4.12. Since the adoption of the Local Plan, there have been a further 10 applications on 6 sites, 8 of which have been refused. Of the two approvals, one related to the provision of a residential annexe, and the other granted permission for the construction of a single dwelling as enabling development to facilitate the refurbishment and restoration of a non-designated heritage asset.

**5. CONCLUSIONS**

5.1. The original report on the application recommended that the proposal be refused on the grounds of its unsustainable location and its impact on the character and appearance of the area. The subsequent appeal decision lends greater weight to the second of these issues and reinforces the recommendation previously given.

5.2. The route of the proposed footpath results in a contrived design and would necessitate users entering the application site and walking alongside the private

drive to the dwellings, an arrangement that is likely to discourage some pedestrians from using the path and instead walking along the roadside verge.

- 5.3. It is therefore concluded that the proposed footpath is not feasible, as it would be of a contrived design that would be likely to fail to satisfy its intended purpose and would exacerbate the detrimental impact on the character and appearance of the area caused by the proposed dwellings, whilst providing only limited benefit in terms of access to and from the services within Wimblington.

## **6. RECOMMENDATION**

- 6.1. That the application be refused for the reasons given in the original report attached at Appendix A and for the following supplementary reason for refusal.

1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 3 dwellings in Eastwood End, which is categorised as an Elsewhere location within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.
2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to Policy LP16 (d) of the Fenland Local Plan (2014) and the also conflicts with aim of Paragraph 170 of the NPPF.
3. The proposed footpath link from the application site to the A141 will require a substantial increase in the amount of hard surface provision along Eastwood End, and result in the loss of a proportion of the existing hedgerows and the installation of significant new drainage measures where the existing roadside ditches are to be infilled. This will result in the loss of the essential rural character of this section of Eastwood End, which is exacerbated by the need to reduce the height of a substantial part of the existing hedgerow where the proposed footpath passes behind it along the application site frontage, increasing the prominence of the development and the urbanisation of the area. Such impacts are contrary to the provisions of policy LP16 (d) and the aims of paragraph 170 of the National Planning Policy Framework.







---

**F/YR18/0646/O**

**Applicant: Mr P Jolley**

**Agent : Mr Liam Lunn-Towler  
Peter Humphrey Associates Ltd**

**Land South Of 6, Eastwood End, Wimblington, Cambridgeshire**

**Erection of up to 3no dwellings (outline application with all matters reserved)**

**Reason for Committee: Recommendation contrary to Parish Council comments  
for a proposal of more than 2 dwellings**

---

## **1. EXECUTIVE SUMMARY**

The proposal is for the construction of 3 dwellings, made in outline with all matters reserved.

The application site is located in Eastwood End, an Elsewhere location as identified in policy LP3 of the Fenland Local Plan and confirmed in multiple previous appeal decisions. Application references F/YR14/0488/F, F/YR13/0422/F and F/YR13/0755/F relate to residential developments along Eastwood End and were refused permission, with the latter two being upheld at appeal, whereby the Planning Inspectors concluded that Eastwood End does not amount to a sustainable community with any significant services and, other than via use of private motor vehicles, it has relatively poor access to services and facilities elsewhere.

No justification is provided for the development meeting any of the exceptions identified in policy LP3.

The development of this land will result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development.

As regards sustainable infrastructure, the site is not part of a highway network which provides good pedestrian links to facilities or services.

Overall the proposal would harm the character of the open countryside and cannot comply with Part A of Policy LP12, Therefore the proposal does not accord with either policy LP3 or LP12.

## **2. SITE DESCRIPTION**

- 2.1.** The application relates to a part of an agricultural field within the open countryside that fronts the eastern side of Eastwood End to the east of the A141 Isle of Ely Way to the east of Wimblington. Eastwood End has a mix of agricultural land and residential properties located along it. The application site sits between 4b and 6 Eastwood End, and benefits from a hedgerow along its

frontage approximately 2-2.5m high. This part of Eastwood End demonstrates a rural character.

- 2.2.** The application site is located on land designated as Flood Zone 1, the area at lowest risk of flooding.
- 2.3.** The following table indicates pedestrian walking distances to the nearest essential facilities. All are across the A141, a busy highway forming the bypass around Wimblington and Doddington. Crossing the A141 from Eastwood End and heading into Wimblington as a pedestrian the only assistance is a central pedestrian refuge to the north of the junction of Eastwood End and the A141 near to the junction with King Street.

Facility	Pedestrian distance to 6 Eastwood End
Post Office	850m
Pub (Anchor Inn)	800m
Primary School	1km
Church	1.2km
General Store	950m
Medical Centre	1.1km

### 3. PROPOSAL

- 3.1.** This application is a resubmission of 2 recent refusals for 3 dwellings on the site and is in outline form with all matters reserved. The application includes a site plan with indicative layouts for three large properties on spacious plots. This application seeks to demonstrate that with only a single access point to a shared driveway a development could retain much of the existing hedgerow and it seeks to indicate a footpath could be provided to the rear of the hedgerow and a new footpath to join up with the A141.

### 4. SITE PLANNING HISTORY

F/YR17/1095/O	Erection of up to 3no. dwellings (outline application with all matters reserved)	Refused 15/1/18
F/YR18/0442/O	Erection of up to 3 x dwellings (outline application with all matters reserved)	Refused 8/6/18

### 5. CONSULTATIONS

- 5.1. Wimblington Parish Council**  
No objections

- 5.2. Cambridgeshire County Council Highways Authority**  
Could the footway be accommodated on the southern side of Eastwood End and the pedestrian crossing installed near the junction with the A141. Have concern regarding the crossing point being located as indicated.

In relation to revised plans received detailing the alterations requested, the highways authority note that they have some concern regarding deliverability of the proposed footpath.

- 5.3. FDC Scientific Officer (Land Contamination)**  
No objection. Request condition regarding unsuspected contamination.

## 5.4. Local Residents/Interested Parties

### Objectors

Five letters have been received from 5 properties in the immediate vicinity of the application site objecting to the proposal on the following grounds:

- Overdevelopment of a rural location – detrimental impact on character and charm.
- Conflicts with core planning principles and policy provisions.
- Increased road safety risks on an already hazardous road.
- Proposed crossover sited in a hazardous position.
- Reduction of the hedgerow will have a major impact on its potential biodiversity habitat.
- Loss of views of the countryside.
- Several statements made within the design and access statement are incorrect.
- Overlooking of adjacent dwelling.
- No guarantee of the permanency of planting.

### Supporters

Seven letters of support have been received in relation to the proposal, from properties ranging between 400m from the site and 3km from the site, citing the following reasons:

- Ideal position for infill development
- New footpath will enhance the area
- Large dwellings will make Eastwood End a more desirable place to live
- Only a short walk from existing amenities.
- No real impact on traffic or noise levels.
- Work to hedges will enhance the area.
- Was advised in 2005 that an application would be supported on the land.
- Will enhance support for local businesses.
- Meets all the criteria needed to approve.
- Existing hedge is of poor quality.
- The crossing on the A141 makes Eastwood End a sustainable community with access to services without resorting to the motor vehicle.

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

Para 78: Housing should be located where it will enhance or maintain the vitality of rural communities.

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

Para 155-165: Development and Flood Risk

Para 175: Minimising impacts on biodiversity

## **7.2. National Planning Practice Guidance (NPPG)**

Determining a planning application

## **7.3. Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

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

LP19 – The Natural Environment

## **8. KEY ISSUES**

- **Principle of Development**
- **Character of the Area**
- **Impact on Amenity**
- **Highway Safety**
- **Flood Risk**
- **Ecology**

## **9. BACKGROUND**

**9.1.** Application references F/YR14/0488/F, F/YR13/0422/F and F/YR13/0755/F, F/YR16/0794/O, F/YR17/1181/F and F/YR18/0442/O are related to residential developments along Eastwood End and all were refused permission, with the 2013 and 2016 applications being dismissed at appeal, with the Planning Inspectors concluding that Eastwood End does not amount to a sustainable community with any significant services and, other than via use of private motor vehicles, it has relatively poor access to services and facilities elsewhere. This is a material planning consideration.

**9.2.** Planning application ref F/YR17/1095/O was refused for the following reasons:

**9.3.** *1. Eastwood End has been classified as not forming part of the main settlement of Wimblington due to its physical separation. Consequently the application site is within an elsewhere location in the settlement hierarchy defined in Policy LP3 of the Fenland Local Plan 2014. The principle of three dwellings in such a location would be contrary to this policy and would result in an unsustainable form of development due to poor access to services and facilities for future residents and a consequent reliance on car journeys. This would conflict with the aims and objectives of the National Planning Policy Framework and would also be contrary to Policy LP1 of the Local Plan.*

- 9.4.** *2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to the core planning principle in Paragraph 17 of the NPPF and also conflicts with Policy LP16 of the Fenland Local Plan 2014.*
- 9.5.** Planning application ref F/YR18/0442/O was refused for the following reasons:
- 9.6.** *1. Eastwood End has been classified as not forming part of the main settlement of Wimblington due to its physical separation. Consequently the application site is within an elsewhere location in the settlement hierarchy defined in Policy LP3 of the Fenland Local Plan 2014. The principle of three dwellings in such a location would be contrary to this policy and would result in an unsustainable form of development due to poor access to services and facilities for future residents and a consequent reliance on car journeys. This would conflict with the aims and objectives of the National Planning Policy Framework and would also be contrary to Policy LP1 of the Local Plan.*
- 9.7.** *2. The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to the core planning principle in Paragraph 17 of the NPPF and also conflicts with Policy LP16 (d) and LP12 Part A (c) of the Fenland Local Plan 2014.*

## **10. ASSESSMENT**

### **10.1. Principle of Development**

- 10.2.** Policy LP3 considers that Eastwood End is a remote community and as such is an Elsewhere location in terms of LP3, where development will be restricted to that which is demonstrably essential to the effective operation of local agriculture etc. This is upheld by the Planning Inspector's decision made in relation to application F/YR13/0755/F. The proposal clearly does not accord with the criteria for development in Elsewhere locations. Wimblington is a growth village where development and new service provision either within the existing urban area or as a small village extension will be appropriate albeit of a considerably more limited scale than the Market Towns. Nevertheless it is clear that previous decisions conclude that Eastwood End is a separate settlement to Wimblington and therefore the more restrictive approach for development in Elsewhere locations should be applied to this site.
- 10.3.** Policy LP3 is the Council's Spatial Strategy that reflects the sustainable credentials of settlements. As regards the above mentioned decisions and appeal decisions the isolated nature and poor access to services (other than by motor vehicles) is a key consideration. As sustainability is the 'Golden Thread' running through the NPPF developments that are poorly located are contrary to Local and National Planning Policy and guidance. The proposal to introduce a



new footpath to join the application site to the A141 is noted, however this does not overcome the main barriers to non-vehicular access to services, which remains the need to cross the A141 itself and the distance to the relevant services. Therefore it is not considered that the proposal is acceptable in principle.

#### **10.4. Character of the Area**

**10.5.** Policy LP16 seeks to deliver high quality environments across Fenland District, with sub paragraph (d) requiring development to make a positive contribution to the character of an area and its setting. The development of the application site would result in the urbanisation of a 120m stretch of open countryside in what is a mix of residential and farmland. This length of open countryside is not considered to be small in scale relative to the scale of existing development and is an important feature within the street scene in establishing its rural character, linking the residential properties that are present to the agricultural land beyond.

**10.6.** The indicative layout indicates properties with large footprints and large parking turning areas. The plan indicates reducing the hedge height to only 600mm to seek to achieve highway visibility. This is for a length approximately 90 metres in length. Such a low-level hedge will have negligible ecological or visual benefits as regards the appearance to the countryside. It appears the layout has been designed to achieve engineering standards. This results in an urban form of development with substantial hard surface/roads/parking and large footprint properties, whilst no layout or scale is being submitted it is considered that the indicative layout does not overcome concern regarding the harm to the countryside.

#### **10.7. Impact on Amenity**

**10.8.** Policy LP16(e) considers the impact upon neighbouring amenity. This application does not seek determination of siting or scale and therefore it is not possible to assess impact on the amenity of neighbours. The plots are quite spacious and therefore it appears capable of accommodating the dwellings satisfactorily. The proposal is therefore considered capable of complying with policy LP16(e).

#### **10.9. Flood Risk**

**10.10.** The site is within Flood Zone 1 an area at lowest risk of flooding. The proposal is therefore considered to pass the sequential test and accords with Policy LP14 of the Fenland Local Plan,

#### **10.11. Highway Safety**

**10.12.** The LHA does not object, however requests consideration of an alternative route for the proposed footpath. The previous application was not refused on highway safety grounds. This scheme indicates a possible single access point likely to reduce impact on vehicular movements on the highway. The proposal is therefore considered to accord with Policy LP15 of the Fenland Local Plan.

**10.13.** The revised plans relating to the location and route of the proposed footpath and pedestrian crossing are the subject of concern to the highways authority. Given the lack of support for the principle of the development however this is not

considered to be a matter that requires resolution at this stage. Should members be minded to approve the application then the precise route of the footpath and location of the pedestrian crossing would need to be resolved prior to the issuing of any decision on the application.

#### **10.14. Ecology**

- 10.15.** The applicant submitted a Biodiversity Checklist which identified no sensitivity with the site. However the Hedgerow is considered a habitat corridor on the edge of the field which has some ecological benefit. Notwithstanding visual amenity considerations however it is accepted that a replacement hedgerow could be conditionally required within the site either at the front or to the rear given the applicant's ownership of the adjacent land. Therefore in this instance it is not considered that the impact upon biodiversity is a reason on which to refuse the application.

### **11. CONCLUSIONS**

- 11.1.** This proposal conflicts with Policy LP3 the Council's Spatial Strategy as it fails to demonstrate how it falls within any of the categories set out for development within Elsewhere locations. The development is considered to have poor access to services and facilities and fails to support a strong, vibrant and healthy community with accessible local services that reflect the community's needs and support its health, social and cultural well-being, and fails to protect and enhance the natural environment. It is therefore not considered to represent sustainable development and does not comply with the aims of the NPPF. There are considered to be significant or demonstrable adverse impacts arising from the development of this site that are not overcome by the benefits of the scheme.
- 11.2.** It is also considered that the development of dwellings on this 120m length of open countryside will result in an urbanising impact on the rural street scene or this part of Eastwood End and as such is considered contrary to Policy LP16(d).

### **12. RECOMMENDATION**

#### **Refuse**

- 1 Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy for the district, identifying the scale of development that will be appropriate for each level of the hierarchy. The proposal is for the construction of 3 dwellings in Eastwood End, which is categorised as an Elsewhere location within LP3, where development is to be restricted to that falling within a specific set of categories. Policy LP12 part D supplements policy LP3 in identifying the supporting information required of proposals for new dwellings in Elsewhere locations. No evidence has been provided to indicate that the proposed development falls within any of these categories for consideration and therefore the proposal is contrary to policy LP3 and LP12 part D.
- 2 The development of three dwellings on this site would result in the loss of a significant area of agricultural land which along with the boundary hedge makes an important contribution to the character and appearance of the area. If permitted the development would result in the urbanisation of the area, adversely impacting on this character and appearance and to the detriment of

visual amenity. This fails to respect the intrinsic beauty of the countryside and is therefore contrary to Policy LP16 (d) of the Fenland Local Plan (2014) and the also conflicts with aim of Paragraph 170 of the NPPF.

**P30/18 F/YR18/0646/O**

**LAND SOUTH OF 6, EASTWOOD END, WIMBLINGTON, CAMBRIDGESHIRE  
ERECTION OF UP TO 3NO DWELLINGS (OUTLINE APPLICATION WITH ALL  
MATTERS RESERVED)**

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

Officers presented the report to members.

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

Mr Green explained he is a resident of the area and knows the proposed location well. His main concern is that if the area isn't developed on, it could be used for further industrial use but he totally understands the Officer's recommendation. There is a good opportunity to develop and use the land as per the proposal, and if the application was granted it would safeguard the area. The hedgerows could benefit from some husbandry and the Council could impose some conditions on the developer to enforce the maintenance of the hedgerow. He feels that there is a missed opportunity here and there is a great opportunity to safeguard the area especially with industrial areas encroaching and there are residential houses to the left and right hand side of the application site.

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

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

The Parish Council have no objections to this application and if there were concerns there would be objections. The site is in flood zone 1. Highways have no objections and there is a proposal for a footpath to link this site with the village and there is already a pedestrian crossing to cross the A141. The Planning Officers have appeared to focus on LP3 which is growth of the village and have separated Eastwood End from the village of Wimblington. On the previous local plan, Eastwood End was always shown as part of the village and he had asked Planning Officers when the new local plan came out whether he could be provided with a copy of what they define as villages, but there is no such plan. This site, when taken in context the whole of Eastwood End, just forms a natural infill gap and is ideal for development. Referring to 11.1 of the Officers report, it states that it fails to protect and enhance the natural environment and Mr Humphrey disagrees with this. There are numerous new houses at Eastwood End and the proposal is not a new example and it is not setting a precedent, it is helping the village. Villages have a dense concentration of houses in the middle and sporadic large houses on the fringe, and the proposal is for three large houses on the fringe to retain the form and character of the village.

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

It is the intention to retain the hedge and in his opinion there are a few anomalies within the report and therefore if members are minded to approve the application, the village can be enhanced 3 houses can be delivered in a suitable location and they

are closer to amenities rather than some other applications which have been approved.

Members asked Mr Humphrey the following questions;

□ Councillor Mrs Hay stated that she recognises that this is an outline planning application and she is concerned as one of the benefits of the application will be the footpath; however the Highways Authority has some concern over the deliverability of the proposed footpath.

She asked whether the applicant has carried out any costings for this. Mr Humphrey responded and stated that the applicant has worked out that one of the plots will fund the offsite works.

□ Councillor Mrs Hay asked whether the applicant has checked the figures and pricing with the Highways Authority. Mr Humphrey confirmed that the applicant has not checked with

Highways Authority but they are his budget costs and he is well aware of the cost implication of a footpath.

□ Councillor Mrs Newell asked for clarification with regard to access and asked whether it would be along the bridleway. Mr Humphrey confirmed that it would not be along the bridleway.

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

□ Councillor Mrs Davis stated that she cannot support the Officer's recommendation to refuse the application. Immediately opposite the proposed site is a brand new house which has recently been occupied. She stated that she also understands there are planning applications which have been submitted for houses either side of it.

□ Councillor Mrs Davis stated that she agrees with the speakers, it makes what is known as unsustainable more sustainable, it will link the area to the village and with the addition of the footpath it will make things easier. It may be a footpath on one side of the road in one part and another part of the footpath on the opposite side of the road, but that is not uncommon.

The application also has local support and there are no objections.

□ Councillor Mrs Bligh agreed with Councillor Mrs Davis. Following the site visit, the proposal is an infill development this would improve the area and she is struggling to see why it has been recommended for refusal.

□ Councillor Benney commented that he has revisited the site and the proposal is on the bypass side of the village, going away from the bypass there are 10 houses on one side and 11 on the other, in his opinion it looks like a piece on infill where 3 dwellings would fit well.

□ Councillor Sutton stated that he cannot believe that the highway authority have not objected to the application as he feels that the road is unsafe, but whatever people say about the proposal being in Wimblington; it is not in Wimblington and never has been. He stated that before the road, there was a railway line which ran through, which cut off Eastwood End from Wimblington. It has been like it for many years and it has been confirmed by Planning appeals that it doesn't fit with the plan. He stated that in his opinion this application is not policy compliant and finds it hard to believe that the Highways Authority have not objected to this on safety grounds alone.

□ Councillor Mrs Davis stated that if Councillor Sutton thinks the road is dangerous there is all the more reason to have the footpath constructed. She understands that there needs to be a balance between industrial and residential premises and the proposal before members today of 3 dwellings is going to have an impact.

- Councillor Sutton commented that members need to be mindful that a planning inspector's decision is a material decision and he is not prepared to go against a Planning Inspectors decision.
- Councillor Mrs Bligh commented that she does not understand why members would not approve this application when the other dwellings are in close proximity.
- Officers stated that the dwelling across the road from the proposed development was the result of a planning permission granted in 2002 under the old Local Plan which had different planning considerations. Now the NPPF has been introduced and the Local Plan was introduced in 2014. Therefore in terms of other recent planning decisions in relation to residential development on Eastwood End, and since the local plan was introduced in 2014, there have been approximately 16 applications for residential development of which 11 have been refused. The only ones which have been granted are ones which have had follow up to previous permissions which have been granted before the adoption of the Local Plan.
- Officers also advised members of the number of appeal decisions that have been recorded.

In 2013, 2016 and more recently in 2017, where the Inspector has recognised that Eastwood End does not form part of Wimblington and it is not part of the growth village but is part of an elsewhere location, consequently residential development would not fit in with the spatial hierarchy set out in the Local Plan.

□ Officers suggested that members may also wish to consider that the Highways Authority have commented in terms of the footpath, on Page 116 of the report, point 5.2 states that the Highway Authority express concerns as to whether the footpath can be delivered and in terms of the footpath and the benefits it may provide to the wider settlement of Eastwood End, it is only actually proposed to take the footpath to the application site and not any further.

□ Councillor Mrs Davis stated that the houses opposite was approved in 2002, however it has only just been built. Officers clarified that it was an outline planning permission granted in 2002 and final approval was in 2011.

□ Councillor Mrs Hay commented that her main concern is this application is an outline planning permission and if approval is granted they will come back regarding viability and say that they cannot afford to install the footpath. The fact that the Highways Authority has raised the concern indicates that it is not deliverable and therefore there is nothing given back to the community and that is why she will support the Officer's recommendation.

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

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

□ Officers clarified with Councillor Mrs Davis that any proposal approved might include delegated authority for Officers to add appropriate conditions.

□ Councillor Sutton stated that one of the conditions must be that if the application is approved then the footpath must be in place prior to any development and Councillor Mrs Bligh Agreed.

□ Nick Harding stated that one of the options that members could consider is to defer the application, so that the County Council and applicant can liaise with a view to establishing the issue of deliverability of the footpath. Alternatively members could give authority to the Head of Planning to approve if the path was deliverable and refuse if it were not.

□ Nick Harding stated that members can either choose to defer the application and bring it back to Committee or the application can be approved by Officers, but only if it can demonstrate that the footpath can be delivered and if it cannot be delivered then Officers can refuse the application. The Highways authority did not recommend refusal of the application and neither did it insist that there should be a condition in respect of footway provision. Nick Harding stated that he would suggest to members the application be deferred.

□ The Chairman stated that the concerns of the Head of Planning have been heard. He has suggested a deferment so that all of the concerns members have raised are investigated.

The decision to either approve or refuse the application is then delegated to Officers in consultation with the Chairman and Vice Chairman, or he asked if members want the Application to be brought back to Committee.

□ Councillor Mrs Newell asked for clarification with regard to the Highways Authority not raising any objection. The Chairman referred Councillor Mrs Newell to Page 116, Section 5.2.

□ Nick Harding stated that if the application had been submitted with no footpath proposal, Officers do not know whether the County Council would have stated that they object because a footpath is needed. The Council needs the requirement for a footpath to be set by the County Councils Highway Authority. If members are concerned about the footpath deliverability then the best option is to defer the application, and the queries can be addressed and the application can be brought back to committee.

□ Councillor Mrs Hay stated that if she could be assured that the footpath would be delivered she may have voted differently and therefore she will support a deferment and ask Highways to clarify the issue of deliverability. The Agent has already stated that one of the plots will pay for the footpath, however Highways may provide figures which will mean that one plot will not pay for the footpath.

□ Officers stated that the concerns expressed by Highways Authority in terms of deliverability are not necessarily just in terms of funding it is whether it can be physically constructed.

□ The Chairman agreed and said that the Highways Authority needs to clarify this.

□ Councillor Mrs Davis stated that the Parish Council were prepared to support the application if there was a footpath and with the retention of the hedge. In addition they would like to see only one access point and if the applicant and the Agent agreed to all of those aspects, the Parish Council would support it.

□ Councillor Mrs Laws stated that not only should the hedgerow be retained but also maintained. Officers stated that there would be a reluctance to place a condition on the application to require the maintenance of a piece of private land.

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

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

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F/YR18/1095/O

**Applicant: Mr & Mrs K Smith**

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

**The Laurels, High Road, Bunkers Hill, Wisbech**

**Erection of up to 3 no dwellings involving demolition of existing dwelling and outbuildings (outline application with all matters reserved)**

**Reason for Committee: 6 letters of support have been received which are at variance to the Officer recommendation, which is also contrary to the recommendation of the Parish Council.**

## **1 EXECUTIVE SUMMARY**

The proposal is for up to three dwellings, (Outline application with all matters reserved), within the area known as Bunkers Hill which is considered to be an 'elsewhere' location in policy LP3 of the Fenland Local Plan.

As an elsewhere location residential development is only supported where it is essential for agriculture, forestry or other countryside activities and as no such justification is given in respect of this scheme the proposal must be viewed as contrary to Policy LP3.

Furthermore consolidating development and introducing a footway is likely to result in additional urbanising impact harming the character of this part of this part of High Road, Bunkers Hill and is therefore considered contrary to Policy LP12 and LP16.

The site is also within a Flood Zone 3 location and the development is required to pass the Sequential and Exception Tests. Although it is anticipated that the agent will be seeking to provide sequential test information the application came forward without such details. That said as the site is considered to be an 'elsewhere location' the sequential test would need to demonstrate that there are no other more sequentially preferable sites within the district as a whole; it is evident that this could not be achieved and as such the scheme is rendered contrary to Policy LP14, the Cambridgeshire Flood and Water SPD and Paragraphs 158 and 160 of the NPPF.

The recommendation is therefore to refuse the application.

## **2 SITE DESCRIPTION:**

- 2.1 The site lies to the west of High Road, Bunkers Hill and south of Rat Row a single width track that serves circa 8 premises, with two of these having a frontage to High Road. It comprises the property known as The Laurels which is a small fen cottage situated to the southern section of the site adjacent to The Sycamores which is a two storey dwelling sited along the common boundary with The Laurels.

- 2.2 The site is bounded by low level hedging and the garden associated with the property is largely overgrown, there is a grass/earth verge to the Willock Lane frontage and an impressive tree to the . There is evidence of an access in the northern corner of the site. Whilst there are two large dwellings situated to the west and south-west of the application site these occupy a secondary position within the street scene and do not influence the strong linear features of the Bunkers Hill settlement.
- 2.3 Bunkers Hill is a small hamlet of dwellings situated some 1.4 km from the centre of the village of Wisbech St Mary (centre derived to be the primary school); the route to the village school is served in part by footpaths, however a 400 metre stretch within what is largely a 60 mph zone, does not benefit from a footway which reduces the accessibility of the main village on foot.
- 2.4 The site is within a flood zone 3 location.

### 3 PROPOSAL

- 3.1 This application seeks outline planning for the erection of up to three dwellings on the site of the original detached two-storey cottage; all matters are reserved for later consideration albeit an illustrative layout has been provided which details how the site could be developed
- 3.2 A footway to the front of the site, running alongside the highway known Rat Row, is shown as part of the illustrative scheme.

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

<https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=summary&keyVal=PIT571HE01K00>

### 4 SITE PLANNING HISTORY

F/96/0470/O	Erection of 3 dwellings	Refused 30/10/1996
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### 5 CONSULTATIONS

- 5.1 **Parish Council:** Recommend Approval
- 5.2 **Cambridgeshire County Council Highways Authority:** *The application is an all matters reserved application for the demolition of a single dwelling and the erection of three plots. From a policy compliant point of view a 1.8m wide footway should be secured along the site frontage up to plot 3 linking to the existing pedestrian infrastructure out on High Road. I am happy for this to be secured via a condition or a general arrangement plan can be submitted as part of this application which can be referred to in a condition. At reserve matters stage the applicant should ensure that the accesses are sealed and drained away from the public highway for the minimum length of 6m. Defer for amended plans or re-consult for condition recommendations.*
- 5.3 **Environment Agency:** *[Raise] no objection to the proposed development but [...] make comments [re] the 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 probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF [...]. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.*

*Review of Flood Risk Assessment (FRA) [EA] have no objection to the proposed development but strongly recommend the mitigation measures detailed in the submitted Flood Risk Assessment (FRA) (November 2018, GCB Swann Edwards, Geoff Beel Consultancy) and the following mitigation measures detailed within the FRA:*

- Finished floor levels are set no lower than 300mm above existing ground level.*
- Flood resilience measures will be incorporated into the proposed development as stated in the FRA*

Advice also provided to Applicant regarding Flood Resilient Measures, Flood Warning and Foul Drainage

**5.4 FDC Scientific Officer (Land Contamination):** *Note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. As the proposal involves the demolition of an existing structure the unsuspected contamination condition is applicable.*

**5.5 North Level Internal Drainage Board:** *Board has no objection in principle however formal land drainage consent will be required to form the proposed new access over the riparian roadside drain*

## **5.6 Local Residents/Interested Parties**

**Objectors:** One letter of objection has been received which may be summarised as follows:

- Density and overdevelopment: consider a single bungalow with garden would be more appropriate; three houses with limited surround space is overdevelopment. No gas in area; if oil heating used storage tanks required and there is little room behind properties
- Drainage: properties would need septic tanks and drain fields, limited space for these
- Loss of view/outlook
- Noise: parties and loud music in the limited area behind each house
- Overlooking/loss of privacy/shadowing and loss of light
- Parking arrangements: plans show 2 spaces per property - once other family members get cars where will they park - hopefully not on the roadside in Willock Lane
- Plans show trees/greenery against back fence - concerned about potential size as these grow because of root structure and blocking light
- Query electricity supply, would hope that this is underground

**Supporters:** Six letters of support have been received which may be summarised as follows:

- New houses would clean up our street, property has been run-down and overgrown for some time
- New families will get the opportunity to move into the village in order to benefit local businesses and facilities
- Properties will sustain the village so that it does not become stale and the diversity of residents is key to the success of the village going into the future
- Housing will be provided close to public transport which stops out the front of the site and the bus stop opposite
- Additional housing will secure the extension of the footpath link to village which will be safer for children to get to facilities in the village
- Will smarten up the area.

## **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**

Para 11 – Presumption in favour of sustainable development

Para 47 – Decisions should accord with the development plan

Para 102 – Promoting sustainable transport

Chapter 14 - Meeting the challenge of climate change, flooding & coastal change.

Para 170 – Conserving and enhancing the natural environment

### **7.2 National Planning Policy Guidance**

### **7.3 Fenland District Wide 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;

LP12 – Rural Area 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 Dist

### **7.4 Cambridgeshire Flood Water Supplementary Planning Document (SPD)**

## **8 KEY ISSUES**

- **Background**
- **Principle of Development**
- **Character of area and design considerations**
- **Residential amenity**
- **Flood risk and the sequential test**
- **Highways and access**
- **Natural environment**

## **9 BACKGROUND**

9.1 The design and access statement which accompanies the proposal states that there is no planning history associated with the site however it is noted that there was an earlier application in 1996 for a similar scheme which was refused on the following grounds:

- Considered contrary to policy as it would represent development in the countryside not essential for agriculture etc.
- Housing development outside a development area boundary
- Form of residential development inappropriate to the site within a small housing group in the open countryside.
- If permitted development would detract from the rural appearance and character of the area and set a precedent for similar proposals which the LPA would find increasingly difficult to resist.
- Proposed access to the site is inadequate and below the standard required by reason of inadequate width and pedestrian access.
- Manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect of the safety and free flow of traffic on the adjoining public highway.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The site is considered to be an elsewhere location as it has no direct relationship with the village of Wisbech St Mary, presenting as it does as a small hamlet detached from the main village and its services. Against this backdrop the scheme should be assessed against policy LP3 and accordingly there would be no presumption in favour of the additional units, unless they were essential for the purposes of agriculture, forestry etc.
- 10.2 It is noted that within the submission that the agent asserts that the LPA does not have a 5-year land supply; it also refers back to the past iteration of the NPPF and as such it is assumed that this is an issue with the timing of the submission of the scheme rather than a policy challenge. Nonetheless there is nothing to suggest that the scheme should not be considered against current planning policies as contained within the FLP.
- 10.3 Such considerations extend to character and form, residential amenity, site features, highways and access and flood risk; these issues aligning with Policies LP14, LP15, LP16 and LP19

### **Character of area and design considerations**

- 10.4 Although the agent has asserts that the site falls within the built form of Wisbech St Mary it is considered that Bunkers Hill is a distinct pocket of development set away from the village core.
- 10.5 It is acknowledged that there are dwellings immediately to the rear of the site; these being Walpole Hall and Stamford Bridge. The former of these dwellings appears on the 2003 GIS imagery which also shows foundations of Stamford Bridge and both these dwellings predate the current local plan.

- 10.6 Notwithstanding the presence of these large dwellings and others accessed from Rat Row it is considered that the built form along High Road is largely frontage development, linear in form, with The Laurels maintaining this character.
- 10.7 It is considered that introducing 3 dwellings at depth within the plot will detract from the character of the area and would be at variance to the street scene and that the cumulative impact of the three units would be of significant detriment to the character of the hamlet which is largely unplanned in its form and character. On this basis the scheme is felt to be contrary to Policy LP16 of the FLP and should be resisted

### **Residential amenity**

- 10.8 The comments of the neighbouring occupier are noted in terms of the impact that development of this site at the level proposed would have on residential amenity in terms of the built form and associated impacts. It is considered that a scheme could be developed without detriment to residential amenity and that the noise impacts associated with the occupation of three residential units would not be so significant as to render the scheme unacceptable in residential amenity terms.
- 10.9 The site is to the north of The Sycamores, which shares a common boundary, and is at some distance from Walnut Cottage, which is situated to the opposite side of the junction with Rat Row; as such there are no issues of overshadowing likely to arise. Furthermore the site is of sufficient dimensions to deliver appropriate levels of amenity space, subject to detailed design and as such no adverse residential amenity impacts are envisaged and compliance with policies LP2 and LP16 is achievable.

### **Flood risk and the sequential test**

- 10.10 The site is within a flood zone 3 location and the entire site is within this designation. Whilst a flood risk assessment accompanies the submission there is no corresponding sequential test or exception test included within the submission as such the scheme does not comply with Policy LP14 of the FLP.
- 10.11 The agent has been alerted to the above and it is anticipated that they will seek to address this information deficit. Notwithstanding this there is a variance of opinion as to the area of search to be adopted in evidencing compliance with the sequential test. In that the agent has indicated that the area of search should be the parish of Wisbech St Mary; however as Bunkers Hill is considered to be outside the settlement of Wisbech St Mary and an elsewhere location it is considered that the area of search should extend to the district as a whole. In this regard it is clear that there is no potential for the site to achieve compliance with the sequential test. Furthermore it is acknowledged that there are a number of extant planning permissions within Wisbech St Mary which it is considered would render it impossible to satisfy the sequential test even if a smaller 'search area' was accepted.

### **Highways and access**

- 10.12 The Local Highways team have raised no objection to the proposal subject to the scheme securing the delivery of a 1.8 metre wide footway along the site frontage up to plot 3 linking to the existing pedestrian infrastructure out on High Road. They also make recommendations with regard to access construction, noting that these requirements may be secured by condition.

- 10.13 The agent has amended the plans to reflect the highway requirements however it is clear that the delivery of such a footway will have implications for the character of the location as it will give undue prominence to what is essentially a rural road. Furthermore delivering a footway along a short section of highway which is devoid elsewhere of footways will do little to enhance connectivity other than to the intended householders.
- 10.14 The scheme has the potential to achieve compliance with Policies LP15 and LP16 with regard to highway safety and parking.

## **Natural environment**

- 10.15 There are two significant trees situated along the frontage of the site, with the Sycamore to the southern corner being the subject of TPO 07/92. The scheme makes provision for the protection of these trees through the use of protective fencing.
- 10.16 A biodiversity checklist accompanies the submission along with a general statement regarding the biodiversity considerations pertinent to the site. It is considered that, subject to a safeguarding condition regarding vegetation removal outside bird breeding season etc, the scheme has the potential to accord with policies LP16 & LP19 of the FLP.

## **11 CONCLUSIONS**

- 11.1 Bunkers Hill is a small hamlet of residential units with a strong linear emphasis addressing High Road, it is significantly detached from the main village core and as such the site is considered to be an unsustainable location that for the purposes of Policy LP3 is an elsewhere location. Against this backdrop and in the absence of any justification to the contrary the scheme does not achieve compliance with Policy LP3. In addition the consolidation of development resulting in the increase in dwellings on the site and the introduction of a footway along the site frontage would further detract from the rural characteristics of this hamlet to the detriment of the area and this is considered contrary to Policy LP16.
- 11.2 Furthermore the scheme fails to demonstrate that there are no sequentially preferable sites

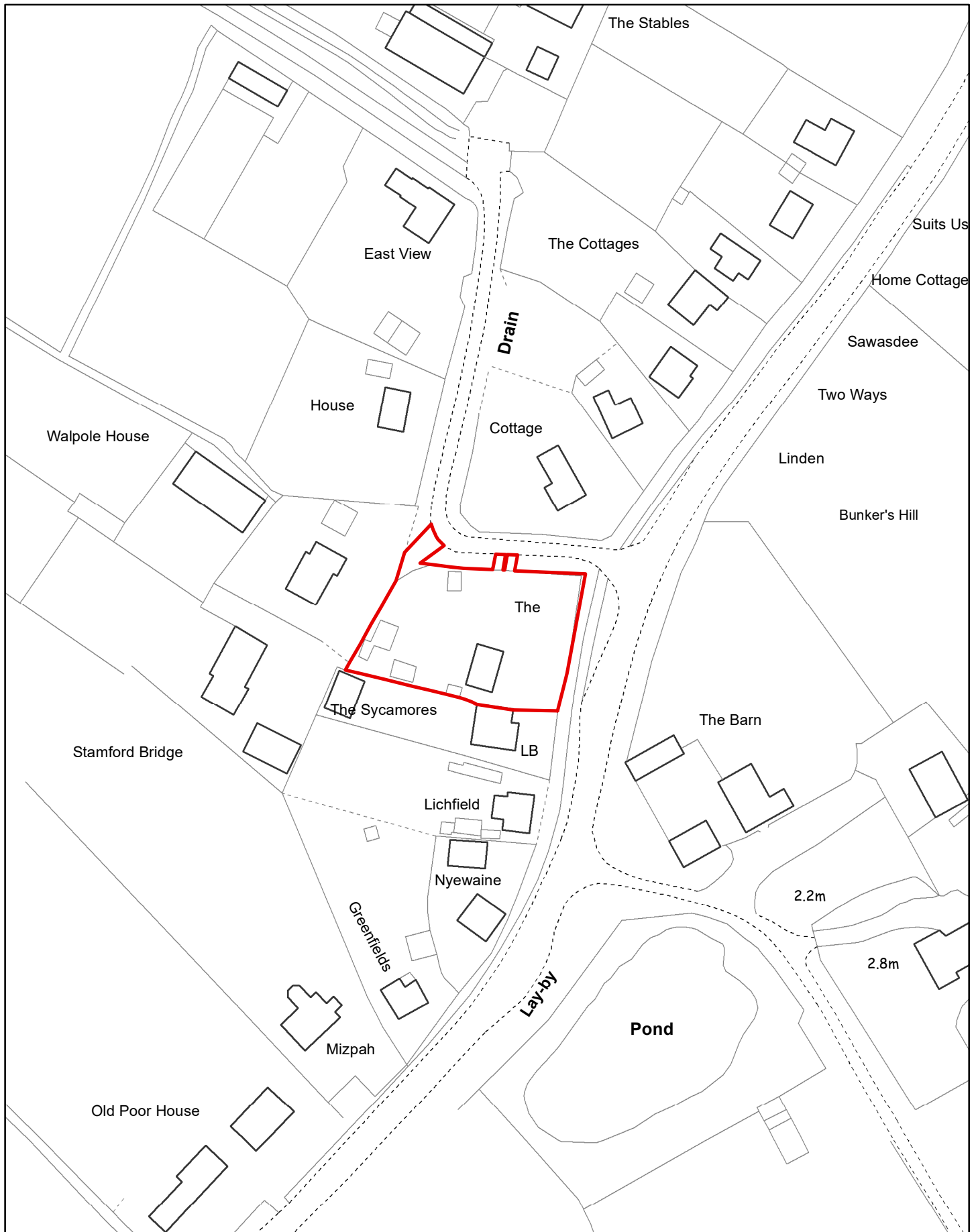
## **12 RECOMMENDATION: Refuse**

- 1 Policy LP3 of the Fenland Local Plan 2014 and National Planning Policy Framework guidance steers new development to built-up areas that offer the best access to services and facilities. This is unless it can be demonstrated that such development is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services, or that there is a justifiable reason for locating development in the proposed location. The area of Bunkers Hill is sufficiently detached from the village core of Wisbech St Mary to render this an unsustainable rural location and therefore the principle of development would not be consistent with this policy and national guidance. Whilst the national planning guidance seeks to support a prosperous rural economy this does not override the need to ensure that development is located in the most accessible and sustainable locations. The proposed development is located in an unsustainable location outside any settlement limits where development is not normally supported unless justified. No adequate justification

has been submitted to the local planning authority. The proposal is therefore contrary to Local Plan Policies LP3 and LP12 of the Fenland Local Plan 2014.

- 2 Policy LP16 (d) seeks for new proposals to not have an adverse impact on local character. The introduction of three dwellings on this site would be detrimental to the prevailing character of Bunker Hill which has a strong emphasis towards linear development addressing the main High Road. It is considered that the proposal would unacceptably consolidate the amount of built development in the locality, which would detract from the rural character and appearance of the area. The proposal is therefore contrary to policy LP16 (d) of the Fenland Local Plan 2014.
- 3 Policies LP2, LP14 and LP16 seek to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts. Policy LP14 (Part B) of the Fenland Local Plan (2014) requires development proposals in high flood risk areas to undergo a sequential test to demonstrate through evidence that the proposal cannot be delivered elsewhere in an area at lower risk of flooding. Policy LP2 seeks to deliver high quality environments, ensuring that people are not put at identified risks from development thereby avoiding adverse impacts in the interests of health and wellbeing. The site lies within Flood Zone 3 which is a high risk flood area. The applicant has failed to demonstrate that the development could not be delivered in an area of lower flood risk thereby failing LP14 (Part B). Consequently, the proposal also fails to satisfy policy LP2 of the Fenland Local Plan as it fails to deliver a high quality environment and unjustifiably puts future occupants and property at a higher risk of flooding





Created on: 07/12/2018

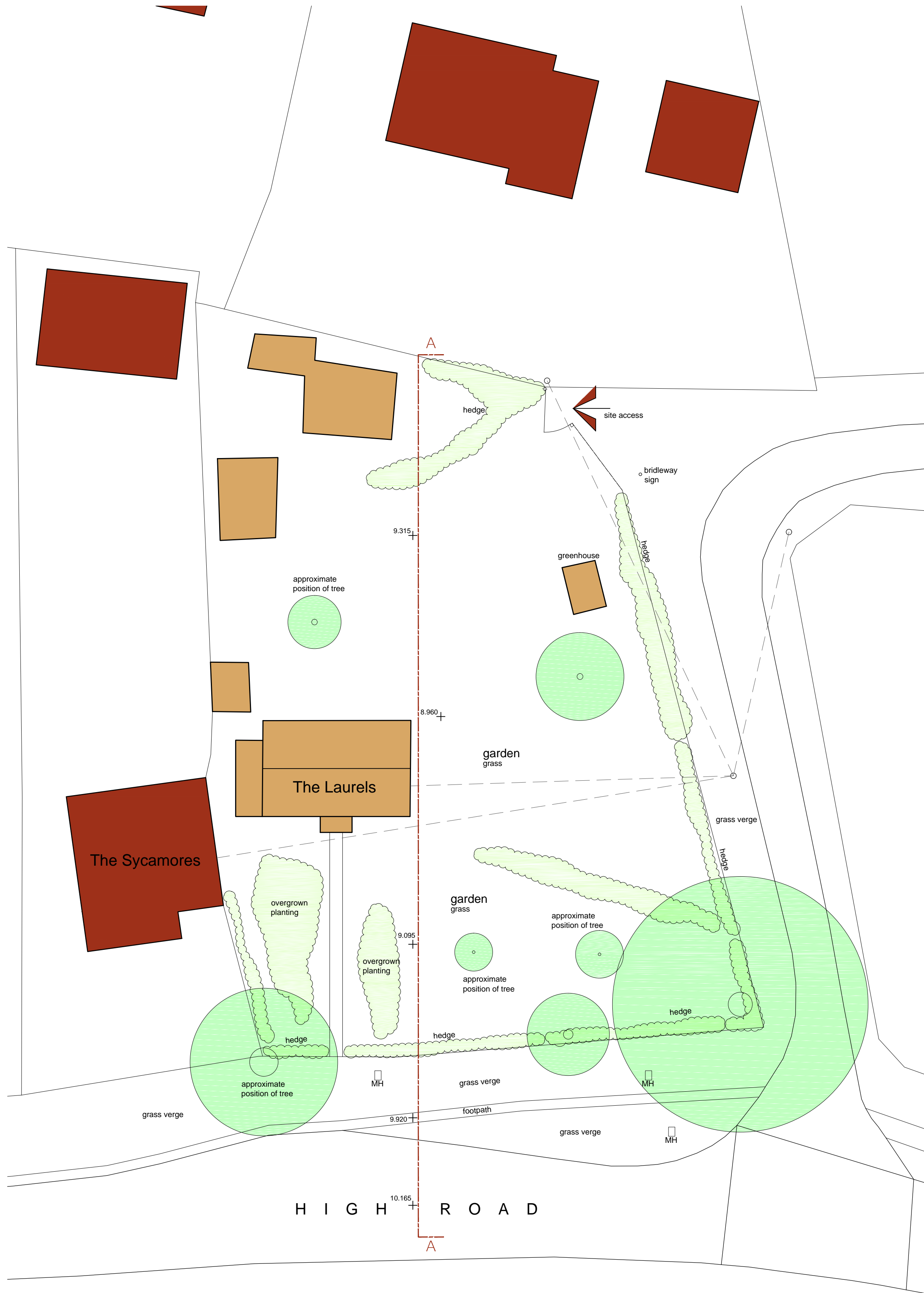
© Crown Copyright and database  
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**F/YR18/1095/O**

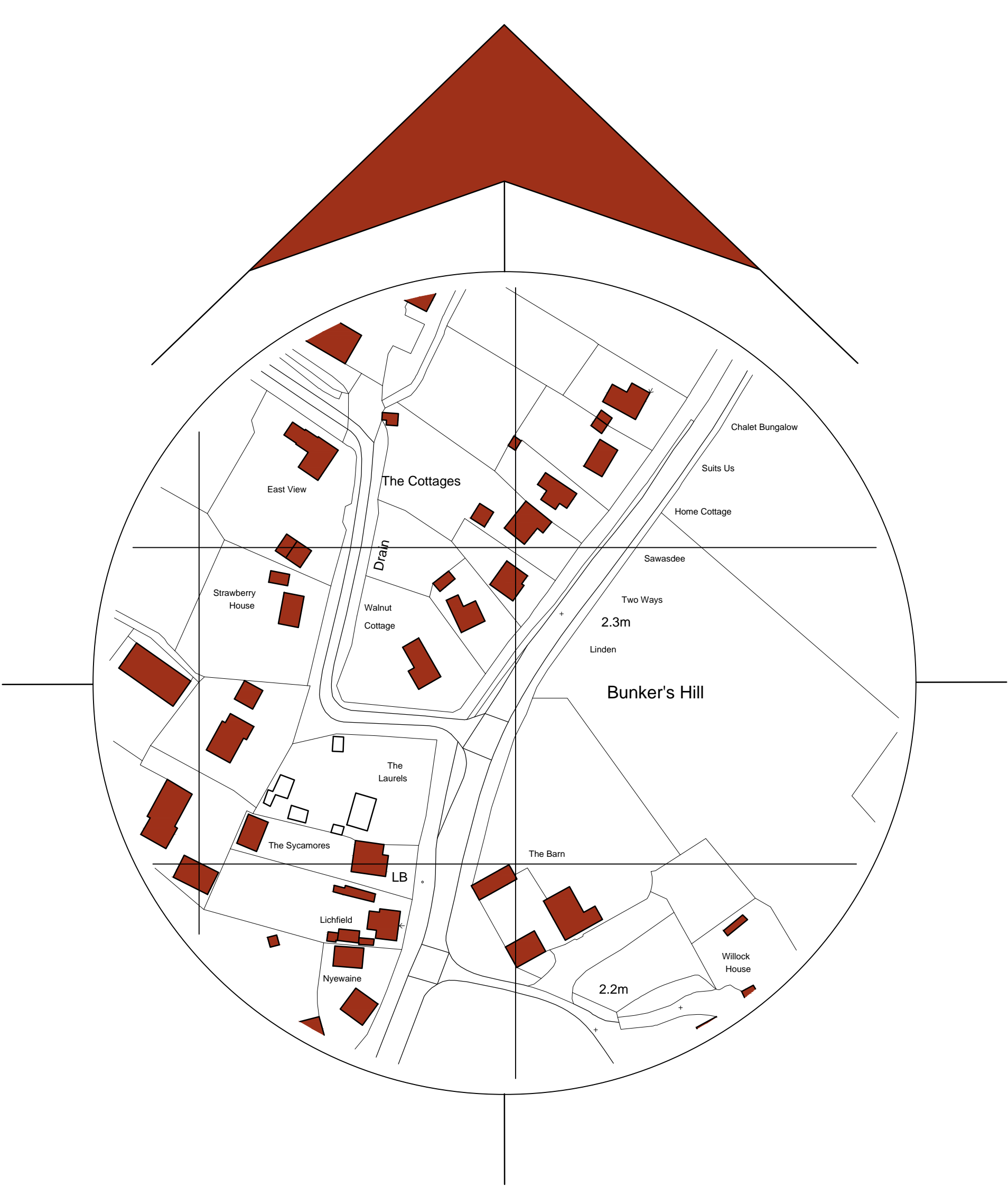
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Fenland District Council

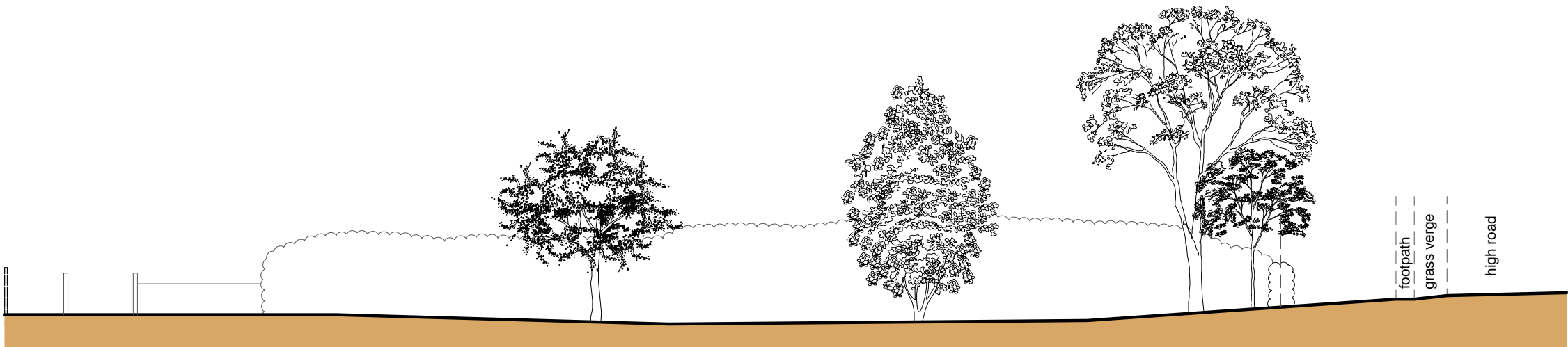


Site Plan  
Scale: 1:200



Location Plan  
Scale: 1:1250

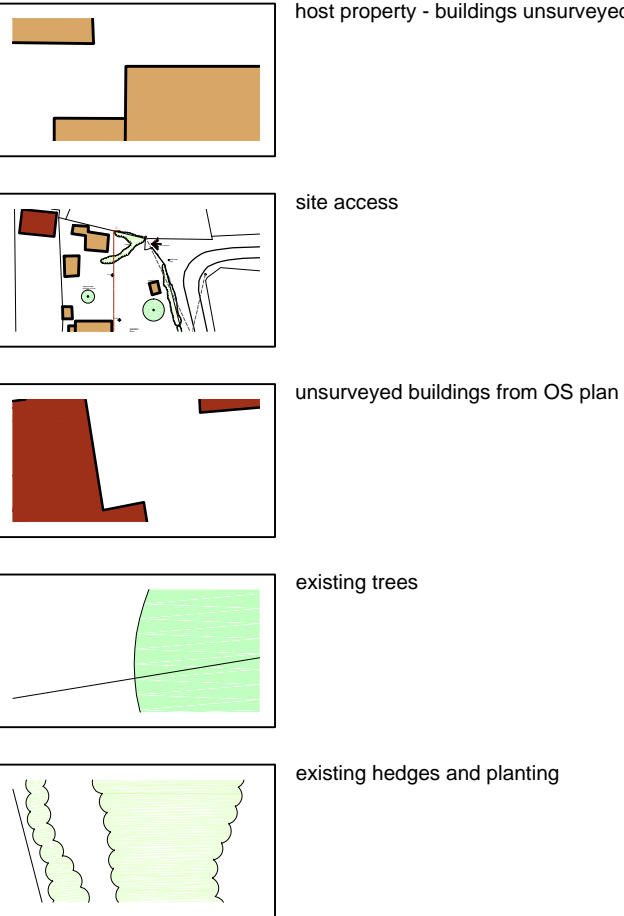
Back	Inter	Fore	Rise	Fall	Reduced Level	Comments
1.870					10.000	TBM
	1.705		0.165		10.165	1
	1.950			0.245	9.920	2
	2.775			0.825	9.095	3
	2.190			0.135	8.960	4
	2.555		0.355		9.315	5
		1.870	0.685		10.000	TBM



Site Section A-A  
Scale: 1:200

- 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



Revisions	
A	Dec 2018
Location plan scale revised	

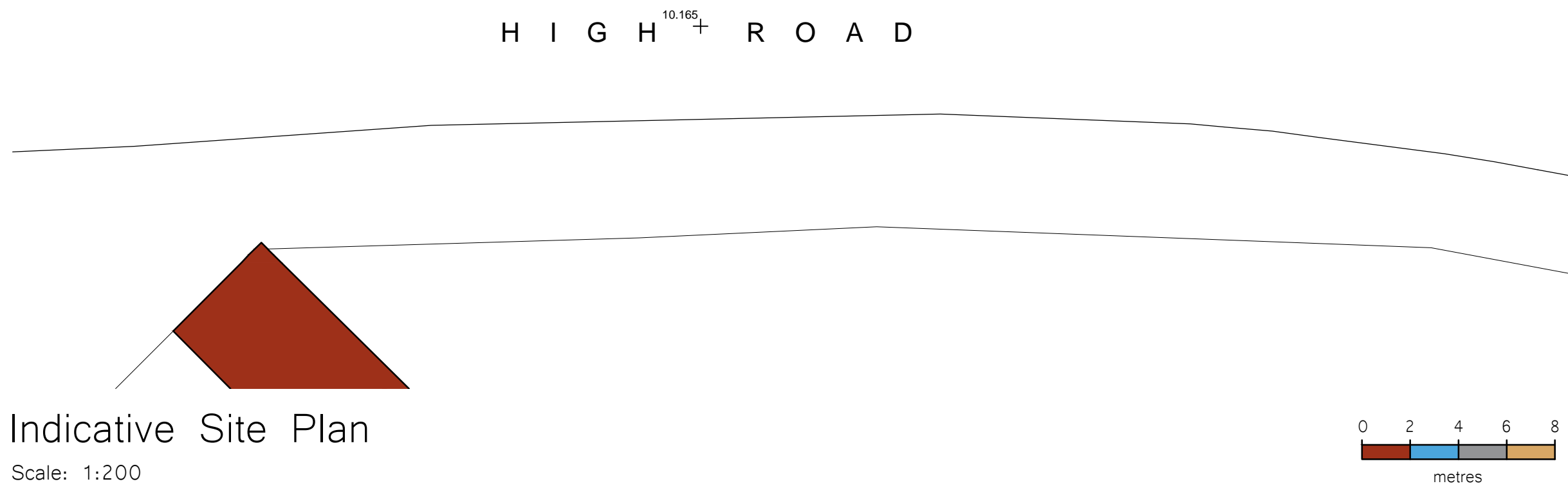
Status  
FOR COMMENT

**SWANN EDWARDS**  
ARCHITECTURE

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t 01945 450894 e info@swannedwards.co.uk w www.swannedwards.co.uk

Job Title Proposed 3No. Dwellings High Road, Bunkers Hill Wisbech St Mary, PE13 4SQ for Mr and Mrs K Smith	Date September 2018	Scale As Shown Sheet Size A1
Drawing Title Survey Drawing	Job No. SE-1078	Drawn by CR
	Dwg No. 01	Revision A





Location Plan

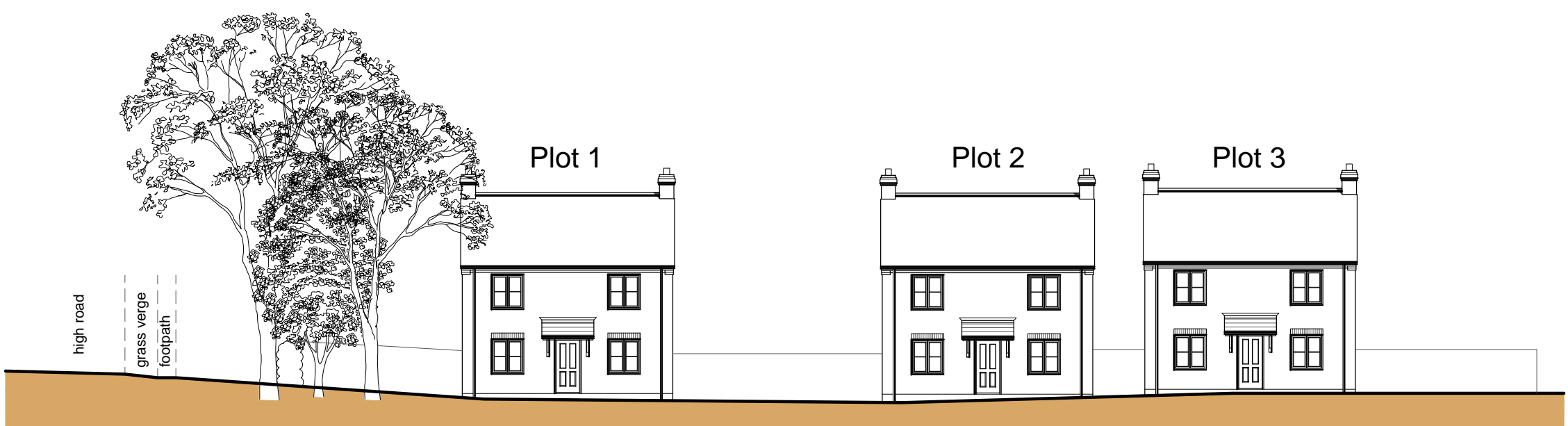
Scale: 1:1250

Method statement for protection of trees on site during construction

- Prior to the commencement of any construction work on site, protective fencing shall be erected around each tree or tree group. Protective fencing in accordance with above table and BS 5837 unless otherwise agreed in writing with the local Planning Authority. Please see protected areas marked on proposed site plan.
- No trenches or pipe runs for services and drains shall be sited within 4m of the trunk of any trees retained on the site, unless otherwise agreed in writing with the local Planning Authority.
- New hard surfaces or paths in accordance with minimum recommended distances for protective fencing.
- No burning shall take place in a position where the flames could extend to within 5m of foliage, branches or the trunk of any tree to be retained.

Method statement for nature conservation

- The existing remaining tree on site is to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.

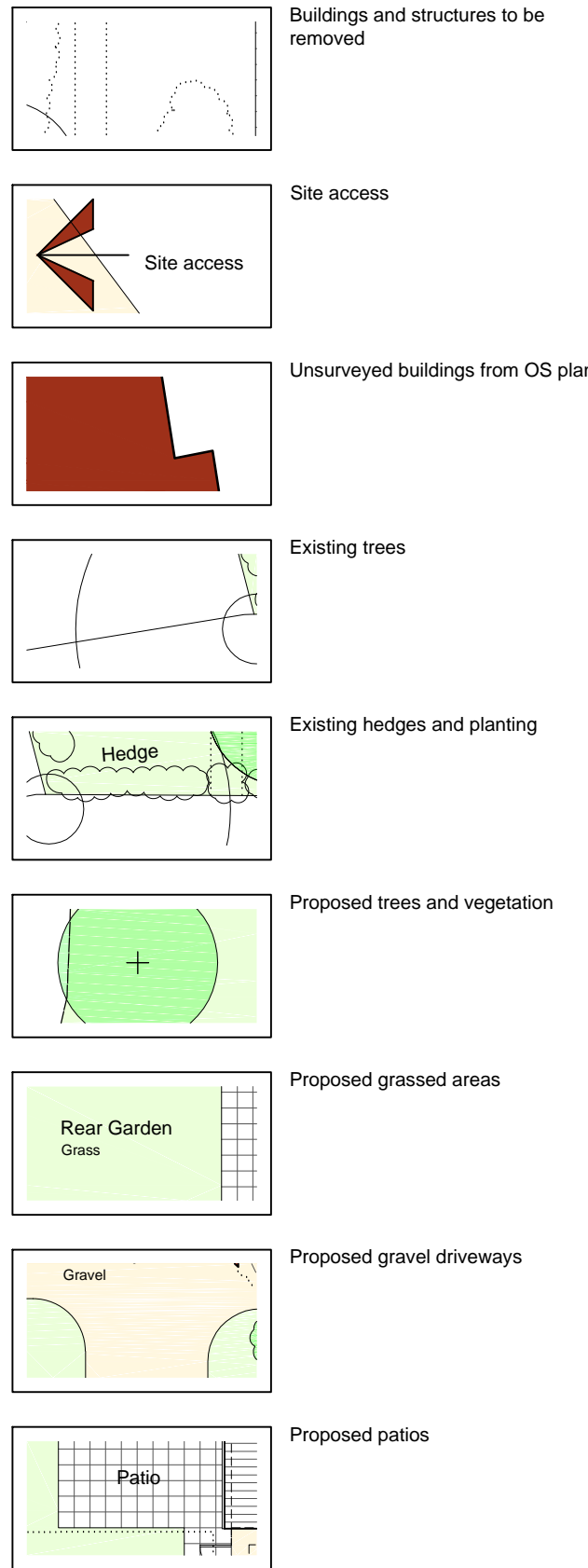


Indicative Street Scene

Scale: 1:200

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

SITE PLAN KEY



Revisions

A	Dec 2018	Tree Protection note added and location plan scale revised
B	Jan 2019	Highways footpath added

Status

FOR APPROVAL

**SWANN EDWARDS**  
ARCHITECTURE

Swann Edwards Architecture Limited, Swann Edwards Architecture, Fen Road, Guyhirn, Wisbech, Cambs. PE13 4AA  
t 01945 450634 e info@swannedwards.co.uk w www.swannedwards.co.uk

Proposed 3No. Dwellings High Road, Bunkers Hill Wisbech St Mary, PE13 4SQ for Mr and Mrs K Smith	Job Title Date September 2018	Scale As Shown Sheet Size A1
Planning Drawing Indicative Site Plan, Location Plan and Indicative Street Scene	Job No. SE-1078 Dwg No. 10	Drawn by M.N. Revision B

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**PLANNING COMMITTEE DATE: 30<sup>th</sup> January 2019**

**APPLICATION NO: F/YR18/1095/F**

**SITE LOCATION: The Laurels, High Road, Bunkers Hill, Wisbech St Mary**

#### **UPDATE**

**Comments have been received from CCC Archaeology:** *Noting that the 'site lies in an area of archaeological potential in a roadside location in the ancient hamlet of Bunkers Hill, directly adjacent to High Road which was formerly the main road from Peterborough and Thorney to Wisbech prior to the construction of the road bridge at Guyhirn in the early 20<sup>th</sup> century, and with corresponding enhanced likelihood of encountering roadside settlement evidence. [...]'.* They do not object 'to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG'.

The agents for the scheme have submitted a sequential and exceptions test document; in this they assert that Bunkers Hill is part of the settlement of Wisbech St Mary, highlighting that it is similar scenario to Eastwood End and Wimblington and the a recent appeal decision concluded that this was the case. The agent also highlights that the recent FDC guidance note highlights that the ST should relate to the settlement in which the proposal is located.

Notwithstanding this difference of opinion, and as anticipated, the information which accompanies the ST document clearly shows sites that are reasonably available, albeit the agent has discounted these - of particular interest is F/YR18/0386/O for the erection of three dwellings. The agent notes that the site is being offered for sale by informal tender and it is understood that due to the level of interest this is expected to be sold to a developer in February 2019 and as such will not be reasonably available following this'. Applying the SPD guidance it is clear that sites with planning permission, but not yet developed, fall within the definition of reasonably available - as such there are clearly reasonably available sites and the sequential test cannot be complied with.

They further note that they would be prepared to accept a condition requiring renewable energy provision within the build to satisfy the wider sustainability benefit requirements of the exception test. Such an approach has been accepted elsewhere by the LPA.

Due consideration has been given to the sequential and exception test information supplied; however this is not so convincing as to override the earlier officer recommendation - even should the search area be reduced to the settlement of Wisbech St Mary, which Officers do not consider appropriate given the location of the site and its relationship with the main settlement.

**RECOMMENDATION: Remains as refuse; as per pages 73-74 of the Agenda**

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**F/YR18/1086/LB**

**Applicant: Mr C Lemmon  
March Civic Trust**

**Agent : Morton & Hall Consulting  
Ltd**

**March Town Hall, Market Place, March, Cambridgeshire**

**Works to a Listed Building comprising of replacement casements to 15no first-floor (windows 1-15) and repairs to casements to 7no ground floor windows (windows 16-22) on north, south and east elevations including 5no windows with secondary glazing**

**Reason for Committee: It is the view of the Head of Planning that there are wider issues to consider in respect of this proposal.**

## **1 EXECUTIVE SUMMARY**

**This submission seeks Listed Building consent for the repair and replacement windows at March Town Hall, which is a Grade II Listed Building.**

**Officers have no concerns with the proposal in respect of the following elements of the scheme:**

- The replacement of 15 first floor windows with like-for-like soft wood timber windows**
- The repair of 7 ground floor windows**
- The replacement of 5 internal secondary glazing units at ground floor**

**Officers do have concerns in respect of the proposed use of double glazed at first floor level.**

**Whilst the principle of replacement windows per se within the building can be accepted proposals to include double glazing to the first floor windows are contrary to national and local planning policy and do not accord with published guidance .**

**The materials used in the fabric of a building are considered significant as they contribute to the heritage value of the building overall, and the use of non-traditional materials is to be avoided. This is from the perspective of both the building fabric and the aesthetic when viewed from inside the building.**

**It is considered that the reasons given for wanting to have double glazed units is insufficient to outweigh the impact that this would have on the qualities of the building - in terms of the building fabric as a building of this era would not have had double glazing; nor does it accord with published guidance which is informed by similar scenarios, case studies and research. There is also policy requirement to demonstrate public benefit to compensate for harm; however this has not been satisfactorily proven.**

Due regard has been given to the justification put forward by the applicants, however in the main this justification is considered subjective and anecdotal. In addition alternative measures that would be less harmful to the building to secure positive enhancements in terms of draught and noise reduction have been put to the applicants. However these have not been considered acceptable by the applicant.

This case has clear implications for planning policy with regard to the District's Heritage assets; historically double-glazing has only been countenanced when there have been aesthetic benefits, e.g visually enhancing previously inappropriate windows, to be derived from proposals and no such benefits accrue in this instance and as such there can be no alternative but to recommend refusal.

## **2 SITE DESCRIPTION**

- 2.1 March Town Hall is a landmark building on the Market Place, built in 1900 as a civic building the use of the premises has evolved over time although it retains its community use.
- 2.2 The building is located within March Conservation Area and since February 1985 it has been a Grade II listed building.

## **3 PROPOSAL**

- 3.1 This application seeks listed building consent for the replacement of 15 windows to the first floor with engineered softwood double glazed units. It is also proposed that 7 ground floor windows will be maintained and repaired as necessary by employing the method of localised cutting out of timber sections and splicing in new timber and repainting over to match the existing. Five of the ground floor windows have internal secondary glazing and it is intended to replace this. In all cases the oak sub-frame is to be retained. In addition the semi-circular heads of the windows at first floor are not affected by the works.
- 3.2 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/YR18/0369/LB	Works to a Listed Building comprising of repairs to 15 no first-floor and 7no ground floor windows on north south and east elevations	Withdrawn 06/07/2018
F/YR03/0389/LB	Internal and external alterations and extensions	Granted 18/11/2003
F/YR03/0388/F	Change of Use to multi-purpose community facilities and offices including internal and external alterations and extensions	Granted 18/11/2003
F/YR01/0739/LB	Installation of burglar alarm system	Granted



F/94/0416/LB	Erection of an external commemorative bell And stone plaque	Granted 21/10/1994
F/92/0907/LB	Internal alterations to ground-floor offices And provision of an external ramp	Granted 06/04/1993
F/0799/81	Change of use of part ground floor from Magistrates Court to offices	Deemed Consent 16/02/1982

## 5 CONSULTATIONS

- 5.1 **Town Council:** Recommend approval.
- 5.2 **Senior Archaeologist (CCC):** We have reviewed the above referenced planning application and have no objections or requirements for this development.
- 5.3 **FDC Conservation Team:** Recommend refusal – see section 10.
- 5.4 **Local Residents/Interested Parties:** None received.

## 6 STATUTORY DUTY

- 6.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## 7 POLICY FRAMEWORK

- 7.1 **National Planning Policy Framework (NPPF)**  
 Paragraph 2: Applications must be determined in accordance with the development plan unless other material considerations indicate otherwise  
 Paragraph 10 - Presumption in favour of sustainable development.  
 Paragraph 189 – need to describe the significant of affected heritage assets  
 Paragraph 192 – LPA should consider sustaining and enhancing heritage assets (HA) and putting them to viable uses, the positive contribution HA can make to sustainability communities including economic viability  
 Paragraph 193 – weight should be given to the significance of the heritage asset, the more important the asset the greater the weight  
 Paragraph 194 – any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification  
 Paragraph 195 – where a development will lead to substantial harm [...], local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm [...] is necessary to achieve substantial public benefits that outweigh that harm [...].

## **7.2 National Planning Practice Guidance (NPPG)**

## **7.3 Fenland Local Plan 2014**

LP6 – Employment, Tourism, Community Facilities and Retail

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

## **7.4 Historic England Guidance**

- Energy Efficiency and Historic Buildings (EEHB): Draught-proofing windows and doors published 29.04.2016
- Energy Efficiency and Historic Buildings: Secondary glazing for windows published 29.04.2016

## **8 KEY ISSUES**

- **Background**
- **Principle of Development**
- **Why single glazing is appropriate and double glazing is not**
- **Circumstances where double glazing may be accepted**
- **Justification given**
- **Evaluation and consequences**

## **9 BACKGROUND**

- 9.1 Records show that since 2015 the Town Council have been exploring opportunities to replace windows at the Town Hall, specifically the windows which serve the first floor multi-purpose function room. From the outset, and consistently, officers have advised that any replacement of windows should be on a like-for-like basis and that the use of double glazing could not be favourably recommended.
- 9.2 It is accepted that the windows at first floor are likely to be 1970s replacements, noting that they have modern window furniture and limited coats of paint. There is also anecdotal evidence that the windows were replaced in the 1970s. Notwithstanding this it is clear from historic photographic evidence that the windows were replaced on a like-for-like basis and remained of the same design and appearance as the original windows.
- 9.3 In June this year an application was received to repair and replace the windows, but was later withdrawn, due to discrepancies between the proposal description and the information submitted (F/YR18/0369/LB). However, Conservation Officer comments provided at the time gave a strong message that from a conservation perspective the use of double glazing could not be supported in this listed building. Advice was given regarding the use of alternative single glazing products and secondary glazing. It was anticipated that the applicant having withdrawn the application would engage further with the Conservation team to develop a proposal that could achieve support; regrettably the applicant or their representatives did not avail themselves of this opportunity and the current application was submitted without further discussion.

## **10 ASSESSMENT**

## Principle of Development

- 10.1 Policy LP18 of the FLP gives a clear message that the Council will protect, conserve and seek opportunities to enhance the historic environment; requiring all development which would affect the significance of an asset and/or its setting to determine its architectural and historic interest and provide a clear justification for the works. This stance is strengthened in paras. 194-196 which highlights that any harm to a heritage asset should require clear and convincing justification, and should only be accepted where it is necessary to achieve substantial public benefits.

## Argument against double glazing

- 10.2 A historic building's architectural and historic interest is in part derived from its period interest and the method and techniques expressed in the construction of its fabric. As such the use of double glazing arguably conflicts with a building's period interest. It is this conflict that represents 'harm' and accordingly renders the proposal non-compliant in terms of both local and national policy and at variance to recognised heritage guidance.
- 10.3 There is a general presumption that the original style windows within the building should remain as single glazed. It is clear that the windows are draughty with gaps between the joinery thus allowing cold air into the building and warm air out. Well fitted new windows would overcome a lot of the problems experienced with the current windows.
- 10.4 *Historic windows and doors make a major contribution to the significance and character of historic buildings and areas so every effort should be made to retain them rather than replace them. Windows and doors can tell us a lot about the history of a building, changing architectural taste and style, social hierarchy, building economics, craft skills and technical advances (Historic England: EEHB). The like-for-like replacements in the 1970s allow this information to still be read in the buildings fabric.*
- 10.5 *Older buildings are prone to heat loss through cracks and gaps which develop as various building elements move and distort over a long period. This is often the case for windows and doors which can be a major source of heat loss. However, less than a quarter of the heat lost through a typical traditional window escapes by conduction through the glass, the rest is by draughts (air infiltration). Since draughts make people feel colder, the occupants often turn up the heating and run it for longer. Windows and doors should be assessed for repairs before embarking on any draught-proofing measures. Traditional windows and doors can almost always be repaired, even if in very poor condition.*
- 10.6 *The replacement of existing windows with double glazed units can in many cases lead to a change in appearance, particularly the flatness of new glass and the need for thicker timber sections and glazing bars. [...] In historic buildings, there should be a strong preference for repair rather than replacement as the use of double glazing will often lead to a loss of significant historic fabric. Adding secondary glazing would often be the preferred option. (Historic England: EEHB)*

## Where double glazing may be accepted

- 10.7 The use of double glazing in a historic listed building is accepted only in exceptional circumstances, i.e. only in circumstances where the historic fabric

and appearance does not remain and the revised scheme provides aesthetic benefit. For instance, if a building has had later replacement windows of an inappropriate style and/or design and the new scheme seeks to reinstate windows matching the original style windows it may be that double glazing could be accepted as a trade-off for the overall aesthetic improvement. This is not the case in this instance where the windows match the original in both style and material and therefore there is no improvement in the aesthetic of the building.

### **Justification provided**

- 10.8 The application is accompanied with specifications for repair and the justifications for replacement and the introduction of double glazing. Whilst a repair methodology has been proposed for the ground floor windows, no such approach is being proposed towards the first floor windows, despite a lack of condition survey. The photographic survey provided shows each window, but fails to detail their overall condition.
- 10.9 A site visit by the Conservation Officer concluded on initial inspection, that a repair approach may well be applied to the first floor windows as well as the ground floor windows, where the bottom rails are rotten. The remainder of the windows appear to be largely in good condition.
- 10.10 The justification put forward for the use of double-glazing rests largely on a subjective view that the rooms may fall into disuse and decline due to the room being draughty and cold. There is no evidence that this in fact the case. It is considered that repaired and well maintained, or good quality replacement windows would go a significant way to mitigating the issues of cold and noise, without the need for double glazing. Whilst the thermal performance of a modern double glazed window is better than a single glazed units the benefit is largely determined by the thermal performance of the rest of the building i.e if the buildings performance is poor then having better windows will make little difference.
- 10.11 By way of further comment the applicant has noted that:
- (i) The appearance of double glazing would be identical
  - (ii) The thermal value of double glazing would be circa 1.2, with single glazing offering circa 5.8 and the thermal product suggested by FDC circa 3.6
  - (iii) The refurbishment of the ground floor allowed aluminium coated double-glazed windows in the most prominent front facing positions
  - (iv) Thought that all government departments were keen to see reductions in energy usage
  - (v) Why is FDC keen to see a grade II listed building go into disrepair because the building is thermally inefficient and customers can get more comfortable accommodation elsewhere.
- 10.12 It is also contended, based on anecdotal evidence, that the car parking area and town centre location both contribute to noise issues within the first floor area which interferes with functions although no noise report has been submitted to evidence this claim. Whilst there would be some merit in pursuing this argument in terms of the aims of Policy LP6 in so far as they relate to community infrastructure the case put forward would have to be evidenced and sufficiently robust to withstand external scrutiny.

### **Evaluation and consequences**

- 10.13 Published guidance based on robust case studies and evidence over time outlines that the *benefits of double glazing over other methods of window repair are often over-estimated. Much of the comfort and energy efficiency benefits of new double glazing come from the reduction of draughts that will result from well-fitted window frames with integral draught-proofing. These benefits are also available through repair and draught-proofing of the existing windows, or from fitting secondary glazing.* Historic England advises that: *Secondary glazing when carefully designed and installed allows the original windows to be retained unaltered, and where necessary repaired, whilst reducing air leakage and conducted heat losses. As a result there is no loss of historic fabric and in most cases the installation is easily reversible.* It is also noted that secondary glazing also offers benefits in terms of noise reduction over and above double glazing as the larger gap between the panes, is a better sound insulator.
- 10.14 In this instance, particularly across the 1<sup>st</sup> floor of the front (Market Place) elevation, we are dealing with windows which match exactly the windows which were within the building when it was built. They reflect the original style and traditional single glazed construction of the original windows contributing to the building's architectural and historic interest, by perpetuating the character, materials and methodology of the original building. Where windows cannot be satisfactorily repaired any replacement windows should be on a like-for-like basis including being single glazed. It should be noted that there are new single glazing products on the market which demonstrate enhanced thermal values; these products used in conjunction with secondary glazing.
- 10.15 It is considered that the justification put forward by the applicant's representative is subjective and the scheme when considered against local and national policy and mindful of clear guidance on such matters, as published by Historic England, will not result in the significant public benefit required by policy to be achieved in order for support to be given.
- 10.16 To allow the use of double glazing in this building without appropriate and robust justification would undermine the Local Planning Authority's position in respect of future proposals for similar development; this in turn has the potential to erode the historic fabric of the district leading to significant detriment to our stock of heritage assets. Whilst there is obviously sympathy for the applicant's argument in terms of securing the long-term future of the premises it is not considered that the use of double glazing is the panacea to secure a draught free first floor.
- 10.17 Responding specifically to the matters raised by the applicants at Para 10.11 above, noting that the issue of building usage (10.11(v)) is dealt with at para 10.16 above:
- (i) Identical appearance: It is acknowledged that externally there would be little or no visual alteration, provided that the joinery details necessary to achieve the installation of slim-line double glazing did not impact on the overall profile of the windows. Internally however, the double-glazing would be apparent. Notwithstanding the visual appearance of the windows, the significance of the building would be diluted by the introduction of double glazing, because it would remove an element of historic understanding in terms of construction and materials, which have been replicated by earlier like-for-like repairs, thereby maintaining that significance and understanding.
  - (ii) Thermal value: The figures quoted represent general thermal values of the individual products; rather than specifically relating to how the building will

perform overall with the various glazing options installed. In the absence of a specialist energy audit it cannot be categorically asserted that the use of double glazing would offer significant benefit over and above that which would be achieved by the introduction of better fitting windows. An energy audit would also have the potential to pick up on other areas of required maintenance which may be contributing to the thermal performance within the building.

- (iii) Previous scheme at ground floor: The previous scheme (circa 2003) represented a complete alteration rather than a like-for-like repair or replacement. The original openings had been lost with an alteration to smaller windows and blocked in walls, undertaken sometime during the 1970s. All historic fabric and arrangements of doors and windows had therefore been lost. The scheme represented a return to the original character in a design which reflected the earlier arrangement. Because all historic fabric and detailing had been lost, there was such an opportunity as has been described above, where the harm caused by the introduction of a modern material, was outweighed by the benefit of architectural and aesthetic improvement, by returning to the building to something more like its original character.
- (iv) Energy efficiency: Whilst energy efficiency may be argued to be material in the consideration of this scheme, supported as it is by Policy LP14, this must be balanced against the heritage impacts of the proposal. Furthermore in the absence of a bespoke evaluation of the likely thermal efficiency of the building it cannot reasonably be inferred that the benefits accruing outweigh the heritage impacts in thermal efficacy terms.

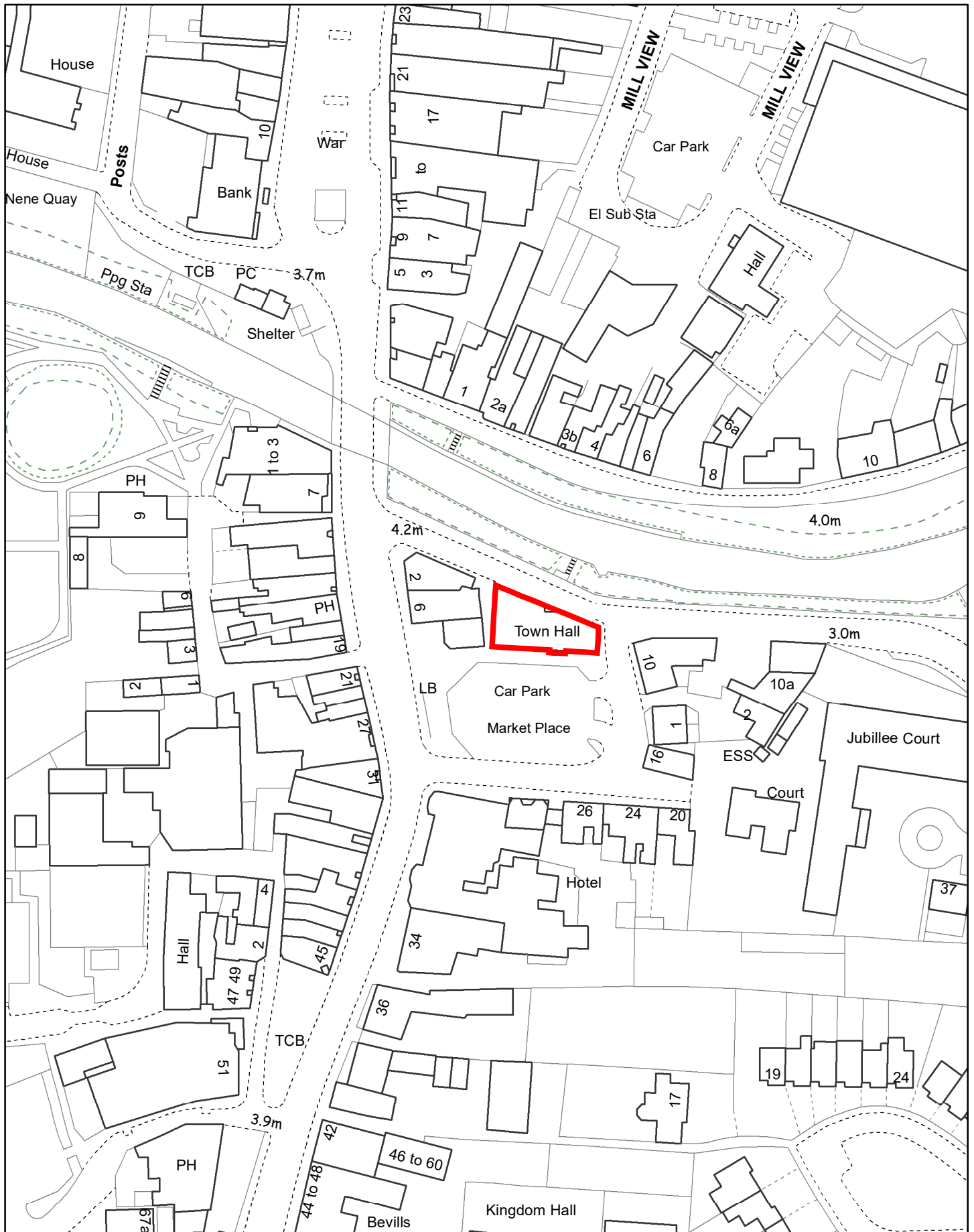
## **11 CONCLUSIONS**

- 11.1 Both national and local planning policy clearly state that unless there is substantial public benefit deriving from proposals that will ultimately result in harm to our heritage assets they should be resisted.
- 11.2 Published guidance based on robust research and case studies over time clearly demonstrates that double-glazing per se does not bring the level of benefits often anticipated. Furthermore the subjective 'benefits' anticipated from the use of non-traditional materials when balanced against the harm caused to this heritage asset has not been justified and accordingly it may not be supported.

## **12 RECOMMENDATION: Refuse**

- 1 Policy LP18, the National Planning Policy Framework (paragraphs 184-202) and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 detail the consideration to be given to applications for works that affect the character and/or setting of listed buildings and conservation areas. The proposal to introduce double glazing to the replace the windows at first floor would represent a non-traditional alteration which would have a significant impact on the heritage value of the building; this would lead to substantial harm to the character of the building. The justification given with regard to the scheme proposal is limited and anecdotal and no evidence of public benefit would arise as a result of the scheme. These factors render the proposal contrary to the provisions of policy LP18 of the Fenland Local Plan (2014), and paragraph 195 of the National Planning Policy Framework (2014).





Created on: 05/12/2018

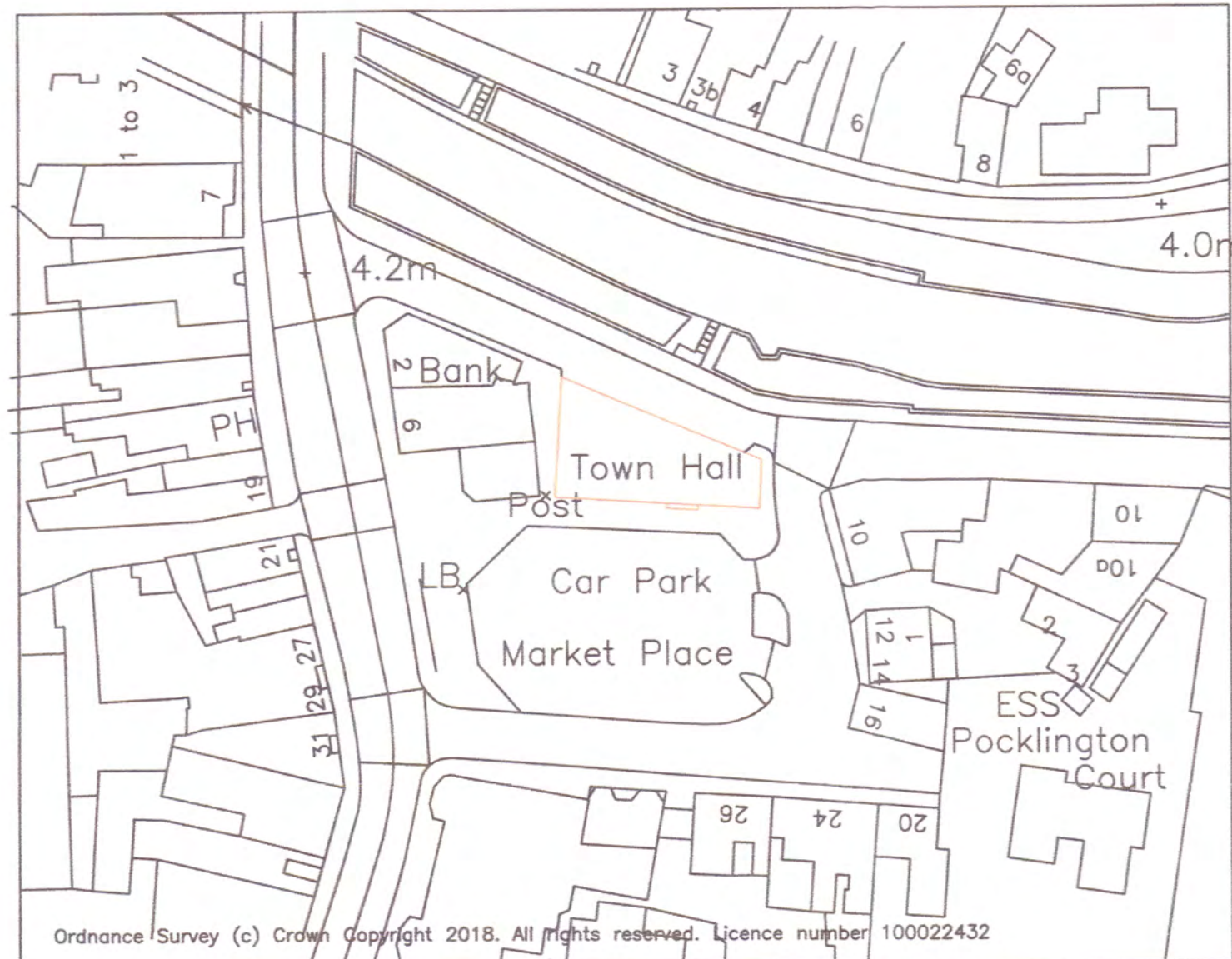
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**F/YR18/1086/LB**

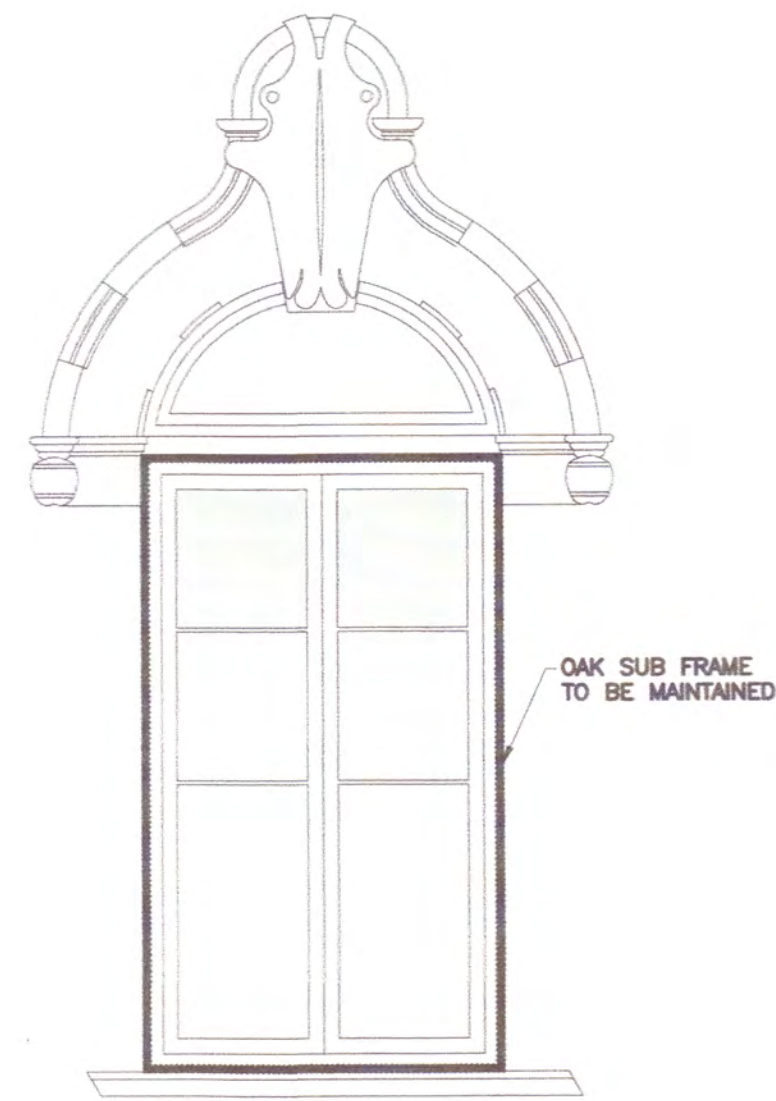
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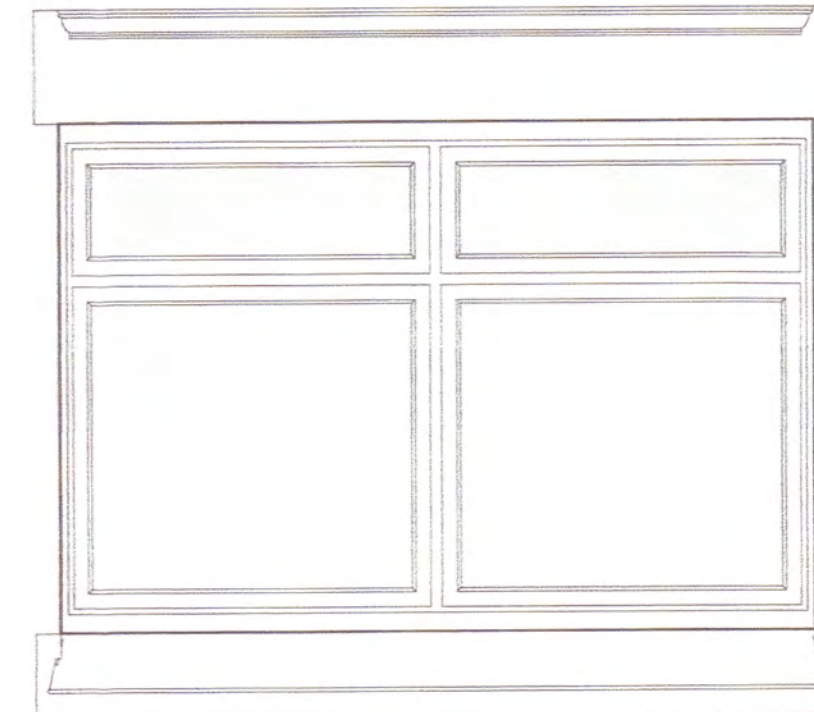




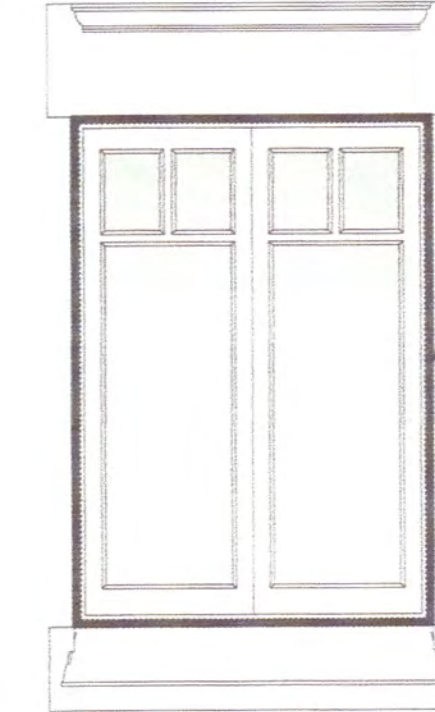
LOCATION PLAN 1:1250



WINDOW TYPE 1  
- 15 No



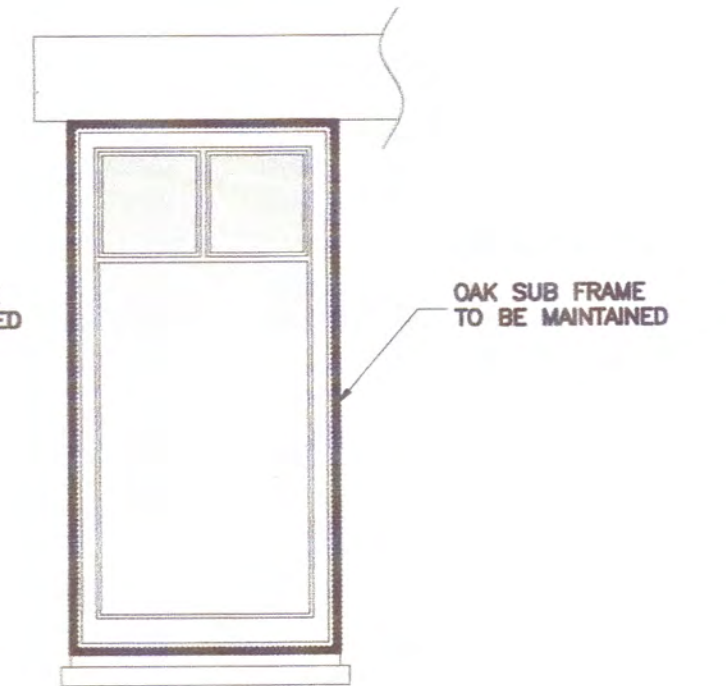
WINDOW TYPE 2  
- 1 No



WINDOW TYPE 3  
- 1 No



WINDOW TYPE 4  
- 2 No



WINDOW TYPE 5  
- 3 No



DAMAGE TO WINDOW 14



DAMAGE TO WINDOW 15  
& WINDOW STAY



DAMAGE TO WINDOW 6



DAMAGE TO WINDOW 3



DAMAGE TO WINDOW 4



DAMAGE TO WINDOW 6



DAMAGE TO WINDOW 5



DAMAGE TO WINDOW 7



DAMAGE TO WINDOW 6



TIMBER FRAME WITH  
EMBEDDED ALUMINUM

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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

REVISIONS	DATE

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Fenland District Council  
Building  
Design Awards  
winner  
Building Excellence in Fenland

CLIENT	March Civic Trust
PROJECT	March Town Hall Market Place, March PE15 9JF
TITLE	Window Damage Photos Front, Rear & Left
DRAWN	J.Scotcher
CHECKED	
DATE	August 2018
SCALE	As Shown
DATE OF ISSUE	
DRAWING NUMBER	H5948/02





EXISTING/PROPOSED FRONT ELEVATION  
(1:50)



EXISTING/PROPOSED RIGHT HAND SIDE ELEVATION  
(1:50)



EXISTING/PROPOSED REAR ELEVATION  
(1:50)

**SINGLE (SG) SINGLE  
GLAZING – INTERNAL  
SECONDARY GLAZING PANEL**

**SINGLE (R) SINGLE GLAZING  
– WINDOW TO BE REPAIRED**

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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


REVISIONS	DATE
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Fenland District Council  
LABC Building Excellence Awards  
LABC Building Excellence Awards  
winner

Building Design Awards  
Building Excellence in Fenland

CLIENT  
**March Civic Trust**

PROJECT  
**March Town Hall  
Market Place, March  
PE15 9JF**

TITLE  
**Existing Elevations  
Front, Rear & Left  
Hand Side**

DRAWN <b>J.Scotcher</b>	DATE OF ISSUE
CHECKED	
DATE <b>August 2018</b>	DRAWING NUMBER <b>H5948/01</b>
SCALE <b>As Shown</b>	



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**PLANNING COMMITTEE DATE: 30<sup>th</sup> January 2019**

**APPLICATION NO: F/YR18/1086/LB**

**SITE LOCATION: March Town Hall, Market Place, March**

**UPDATE**

Comments have been received from the March Society as follows:

'[...] agrees wholeheartedly with the Conservation Officer's comments. This would be to avoid double glazed windows and retain the original 1900 window design whilst exploring the use of Histoglass Mono as recommended in "section iv: impact" by the FDC Conservation Officer.'

**RECOMMENDATION: Remains as Refuse as per page 86 of the Agenda**

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